











# **STATE OF DELAWARE**



## **Journal of the House of Representatives**

**141<sup>st</sup> General Assembly**

**Convened  
Tuesday, January 9, 2001  
Dover, Delaware**

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**2001-2002**



STAFF MEMBERS  
141st GENERAL ASSEMBLY

JoAnn M. Hedrick – Chief Clerk  
Helen Alford - Secretary  
Jean Ardis - Secretary  
John Brady – Majority Attorney  
Carol Breslin – Financial Officer  
Rodney Brittingham - Legislative Assistant  
William Bullock - Sergeant-at-Arms  
Nelson Camper – Recorder  
Danielle Catarelli – Secretary  
Nancy Charron - Secretary  
Deirdre Comer – Secretary  
Josephine Conaty – Page  
Bette Crystal – Secretary to the Speaker  
Andrew DalNogare – Legislative Assistant  
Melanie Day - Minority Attorney  
Margaret Moore Dean - Assistant to the Speaker  
Sue Dick - Page  
Mary Ann Dill – Legal Secretary  
Janice Donovan - Legal Secretary  
Inga Emerson – Journal Clerk  
Janice Fischbach – Secretary  
Paula Fontello – Majority Attorney  
Joe Fulgham – Communications Officer  
Bernice Gladney - Page  
Joyce Grymes – Receptionist  
John Hammerer - Page  
Rylene Harper - Secretary  
Nancy Hickman - Secretary  
Helen Hicks – Receptionist  
Barbara Holton – Minority Head Page  
Margaret Hood – Head Sergeant-At-Arms  
Elinor Hughes - Leadership Secretary  
Ruth Joyce – Majority Head Page  
Joyce Keeler - Secretary  
Dee King – Page  
Patricia Lamb- Secretary  
Florence Legates – Bill Clerk  
Joyce Liss – Secretary  
Carole Lloyd – Receptionist  
Tony Maczynski – Legislative Assistant  
Stephanie Mantegna –Legislative Assistant  
Joan Marvel – Leadership Secretary  
John Matluský – Director of Communications

MEMBERS OF THE HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

**NEW CASTLE COUNTY**

District

- 1 Dennis P. Williams, 3414 N. Madison Street, Wilmington
- 2 Hazel D. Plant, 523 Eastlawn Avenue, Wilmington (elected 1/22/01)
- 3 Arthur L. Scott, 513 Taylor Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18<sup>th</sup> Street, Wilmington
- 5 Helene M. Keeley, 2119 Gilles Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Road, Wilmington
- 7 Wayne A. Smith, 3 Richards Drive, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Wilmington
- 9 Richard C. Cathcart, 226 Milford Drive, Middletown
- 10 Robert J. Valihura, Jr., 718 Kilburn Road, Wilmington
- 11 Gregory F. Lavelle, 500 Whitby Drive, Wilmington
- 12 Deborah D. Hudson, 1022 Oriente Avenue, Wilmington
- 13 John F. VanSant, 311 Troy Avenue, Wilmington
- 14 Richard A. DiLiberto, Jr., 311 Winterthur Lane, Newark
- 15 Bruce C. Reynolds, 10 Heather Loft Court, Bear
- 16 William I. Houghton, 9 Varmar Drive, New Castle
- 17 Michael P. Mulrooney, 32 Saratoga Drive, New Castle
- 18 Terry R. Spence, 26 Freeport Road, New Castle
- 19 Robert F. Gilligan, 2628 Sherwood Drive, Wilmington
- 20 Roger P. Roy, 3 Citation Court, Wilmington
- 21 Pamela S. Maier, 12 Chadd Road, Newark
- 22 Joseph E. Miro, 5 Firechase Circle, Newark
- 23 Timothy U. Boulden, 65 Hidden Valley Drive, Newark
- 24 William A. Oberle, Jr., 2 Danver's Way, Newark
- 25 Stephanie A. Ulbrich, 1018 Summit View Drive, Newark
- 26 John J. Viola, 9 Orangeburg Court, Newark
- 27 Vincent A. Lofink, 103 Veronica Lane, Bear

**KENT COUNTY**

- 28 Bruce C. Ennis, 522 Smyrna-Clayton Boulevard, Smyrna
- 29 Pamela J. Thornburg, 176 Cardinal Hills Parkway, Dover
- 30 George Robert Quillen, 3109 Hunting Quarter Road, Harrington
- 31 Nancy H. Wagner, 283 Troon Road, Dover
- 32 Donna D. Stone, 1155 Woodsedge Road, Dover
- 33 G. Wallace Caulk, Jr., Buffalo Run Farm, 4657 Barratt's Chapel Road, Frederica
- 34 Gerald A. Buckworth, 127 North Old Mill Road, Dover

**SUSSEX COUNTY**

- 35 J. Benjamin Ewing, 6735 Federalsburg Road, Bridgeville
- 36 V. George Carey, RD #1, Box 161, Milford
- 37 John R. Schroeder, 47 Edgewater Drive, Lewes
- 38 Shirley A. Price, RD 2, Box 120, Millville
- 39 Tina Fallon, 10464 Gravelly Creek Lane, Seaford
- 40 Clifford G. Lee, 705 South Central Avenue, Laurel
- 41 Charles P. West, RD #3, Box 241, Millsboro

Michele McCoy – Minority Legislative Assistant  
     Betsy McIntyre - Secretary  
     Betty McWilliams - Secretary  
     Dolores Michels – Secretary  
     Margaret Millman – Page  
 Rosalie Millman – Bill Stamping Clerk  
     Phillip Moore – Sergeant-At-Arms  
     Maria Ottinger - Secretary  
     Pamela Price – Director of Research  
 Richard Puffer - Minority Deputy Chief of Staff  
     Deborah Puzzo – House-Senate Liaison  
     Mary-Frances Rasa - Legal Secretary  
     Lori Rigby – Legislative Assistant  
     Debra Rivard – Legal Secretary  
     Battle Robinson – Majority Attorney  
     Barbara Rossiter – Head Bill Prep  
     Nancy Ruberto – Secretary  
 Ayesha Sammender – Applications Support Specialist  
     Penny Saroukos - Secretary  
     Frances Schmidt – Page  
 Suzanne Sheffield – Minority Legal Secretary  
     Brian Shirey – Minority Attorney  
     Charles Short – Sergeant-At-Arms  
     Ron Smith – Senior Majority Attorney  
     Donna Snell – Bill Prep Clerk  
     Nathaniel Speaks – Page  
 Martha Sturtevant – Legislative Assistant  
     Beverly Sweet - Secretary  
     Edith Sylvester - Page  
     Patrick Vanderslice - Majority Attorney  
     Douglas VanSant - Reading Clerk  
     Helen Webb – Bill Prep Clerk  
 Mary Margaret Williams – Minority Chief of Staff  
     Joan Wutka - Legislative Assistant  
     Janice Yerkes – Secretary  
     Ellen Younghans – Bill Prep Clerk

# STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

**AGRICULTURE:** Representative G. Wallace Caulk, Jr. - Chair; Representative V. George Carey - Vice-chair; Representative G. Robert Quillen; Representative Pamela J. Thornburg; Representative Shirley A. Price; Representative John R. Schroeder; Representative Charles P. West.

**APPROPRIATIONS:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative G. Robert Quillen (Alternate); Representative David D. Brady; Representative William I. Houghton.

**BUSINESS/CORPORATIONS/COMMERCE:** Representative Joseph E. Miro - Chair; Representative Deborah D. Hudson - Vice-chair; Representative Tina Fallon; Representative Gregory F. Lavelle; Representative Pamela S. Maier; Representative Donna D. Stone; Representative Stephanie A. Ulbrich; Representative Nancy H. Wagner; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Michael P. Mulrooney; Representative Arthur L. Scott.

**CAPITAL INFRASTRUCTURE:** Representative Roger P. Roy - Chair; Representative V. George Carey; Representative Vincent A. Lofink; Representative William A. Oberle, Jr.; Representative Richard C. Cathcart (Alternate); Representative Joseph E. Miro (Alternate); Representative Donna D. Stone (Alternate); Representative Nancy H. Wagner (Alternate); Representative John R. Schroeder; Representative Dennis P. Williams; Representative Helene M. Keeley (Alternate).

**CORRECTIONS:** Representative Clifford G. Lee - Chair; Representative Nancy H. Wagner - Vice-chair; Representative Gerald A. Buckworth; Representative J. Benjamin Ewing, Jr.; Representative Pamela J. Thornburg; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Dennis P. Williams.

**DESEGREGATION:** Representative Gregory F. Lavelle - Chair; Representative William A. Oberle, Jr. - Vice-chair; Representative Vincent A. Lofink; Representative Roger P. Roy; Representative Wayne A. Smith; Representative Terry R. Spence; Representative David D. Brady; Representative John F. VanSant.

**ECONOMIC DEVELOPMENT, BANKING & INSURANCE:** Representative Donna D. Stone - Chair; Representative David H. Ennis - Vice-chair; Representative Deborah D. Hudson; Representative V. George Carey; Representative Tina Fallon; Representative Joseph E. Miro; Representative Robert J. Valihura, Jr.; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Michael P. Mulrooney; Representative Arthur L. Scott.

**EDUCATION:** Representative Bruce C. Reynolds - Chair; Representative Stephanie A. Ulbrich - Vice-chair; Representative Timothy U. Boulden; Representative Pamela S. Maier; Representative Joseph E. Miro; Representative William A. Oberle, Jr.; Representative Nancy H. Wagner (Alternate); Representative Michael P. Mulrooney; Representative John R. Schroeder; Representative John J. Viola; Representative Charles P. West

**ETHICS:** Representative Wayne A. Smith - Chair; Representative Terry R. Spence; Representative Clifford G. Lee; Representative Robert F. Gilligan; Representative John F. VanSant.

**GAMING AND PARI-MUTUELS:** Representative William A. Oberle, Jr. - Chair; Representative Nancy H. Wagner - Vice-chair; Representative Gerald A. Buckworth; Representative Deborah D. Hudson; Representative Bruce C. Ennis; Representative Robert F. Gilligan; Representative Hazel D. Plant; Representative Arthur L. Scott

**HEALTH & HUMAN DEVELOPMENT:** Representative Pamela S. Maier - Chair; Representative Joseph E. Miro - Vice-chair; Representative William A. Oberle, Jr.;

Representative Stephanie A. Ulbrich; Representative Shirley A. Price; Representative Arthur L. Scott; Representative John J. Viola.

**HOUSE ADMINISTRATION:** Representative Wayne A. Smith – Chair; Representative Terry R. Spence; Representative Clifford G. Lee; Representative Robert F. Gilligan; Representative John F. VanSant.

**HOUSING & COMMUNITY AFFAIRS:** Representative Robert J. Valihura, Jr. - Chair; Representative Donna D. Stone – Vice-chair; Representative Deborah D. Hudson; Representative David H. Ennis; Representative Tina Fallon; Representative Gregory F. Lavelle; Representative David D. Brady; Representative Helene M. Keeley; Representative Michael P. Mulrooney; Representative Arthur L. Scott.

**JOINT FINANCE:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative David D. Brady; Representative William I. Houghton; Representative Stephanie A. Ulbrich (Alternate).

**JUDICIARY:** Representative Nancy H. Wagner - Chair; Representative Pamela J. Thornburg – Vice-chair; Representative Gerald A. Buckworth; Representative J. Benjamin Ewing, Jr.; Representative Clifford G. Lee; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Dennis P. Williams.

**LABOR:** Representative Vincent A. Lofink - Chair; Representative Bruce C. Reynolds – Vice-chair; Representative William A. Oberle, Jr.; Representative Pamela J. Thornburg; Representative Michael P. Mulrooney; Representative Hazel D. Plant; Representative Arthur L. Scott; Representative John J. Viola.

**LAND USE AND INFRASTRUCTURE:** Representative Richard C. Cathcart – Chair; Representative Joseph E. Miro – Vice-chair; Representative Timothy U. Boulden; Representative Gregory F. Lavelle; Representative Vincent A. Lofink; Representative Robert J. Valihura, Jr.; Representative Bruce C. Ennis; Representative Shirley A. Price; Representative John J. Viola;

**LEGISLATIVE COUNCIL:** Representative Terry R. Spence – Chair; Representative Wayne A. Smith; Representative Clifford G. Lee; Representative Robert F. Gilligan; Representative John F. VanSant.

**NATURAL RESOURCES & ENVIROMENTAL MANAGEMENT:** Representative G. Robert Quillen – Chair; Representative V. George Carey – Vice-chair; Representative G. Wallace Caulk, Jr.; Representative Pamela J. Thornburg; Representative Michael P. Mulrooney; Representative Shirley A. Price; Representative Charles P. West.

**POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY/ JOINT SUNSET:** Representative Stephanie A. Ulbrich – Chair; Representative Deborah D. Hudson – Vice-chair; Representative Robert J. Valihura, Jr.; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley.

**PUBLIC SAFETY:** Representative J. Benjamin Ewing, Jr. – Chair; Representative Gerald A. Buckworth – Vice-chair; Representative Clifford G. Lee; Representative Pamela J. Thornburg; Representative Nancy H. Wagner; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Dennis P. Williams.

**REVENUE & FINANCE:** Representative Deborah D. Hudson – Chair; Representative Robert J. Valihura, Jr. – Vice-chair; Representative David H. Ennis; Representative Tina Fallon; Representative Gregory F. Lavelle; Representative Donna D. Stone; Representative David D.

Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Michael P. Mulrooney.

**RULES:** Representative William A. Oberle, Jr. – Chair; Representative Wayne A. Smith; Representative Terry R. Spence; Representative Nancy H. Wagner; Representative Robert F. Gilligan; Representative John F. VanSant.

**SUBSTANCE ABUSE:** Representative Stephanie A. Ulbrich - Chair; Representative Pamela S. Maier - Vice-chair; Representative Joseph E. Miro; Representative William A. Oberle, Jr.; Representative Shirley A. Price; Representative Arthur L. Scott; Representative John J. Viola.

**TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION:** Representative Roger P. Roy – Chair; Representative Deborah D. Hudson – Vice-chair; Representative David H. Ennis; Representative G. Robert Quillen; Representative Robert F. Gilligan; Representative John F. VanSant.

**TOURISM:** Representative Tina Fallon – Chair; Representative Pamela J. Thornburg - Vice-chair; Representative Gerald A. Buckworth; Representative Joseph G. DiPinto; Representative Deborah D. Hudson; Representative Clifford G. Lee; Representative Donna D. Stone; Representative Nancy H. Wagner; Representative David D. Brady; Representative Shirley A. Price; Representative John R. Schroeder.

**TRANSPORTATION:** Representative Timothy U. Boulden – Chair; Representative Richard C. Cathcart - Vice-chair; Representative Gregory F. Lavelle; Representative Vincent A. Lofink; Representative Robert J. Valihura, Jr.; Representative Bruce C. Ennis; Representative Arthur L. Scott; Representative John J. Viola.

**VETERANS' AFFAIRS:** Representative Richard C. Cathcart – Chair; Representative Deborah D. Hudson - Vice-chair; Representative V. George Carey; Representative J. Benjamin Ewing, Jr.; Representative William A. Oberle, Jr.; Representative Donna D. Stone; Representative Pamela J. Thornburg; Representative Stephanie A. Ulbrich; Representative David D. Brady; Representative Bruce C. Ennis; Representative Robert F. Gilligan; Representative Hazel D. Plant; Representative Shirley A. Price; Representative Michael P. Mulrooney; Representative John J. Viola.

**WATER QUALITY:** Representative Richard C. Cathcart - Chair; Representative Stephanie A. Ulbrich - Vice-chair; Representative V. George Carey; Representative Pamela J. Thornburg; Representative Bruce C. Ennis; Representative Michael P. Mulrooney; Representative Shirley A. Price.

## TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

### **I. RULES OF ORDER**

#### **RULE 1 – CONVENING OF HOUSE**

The House of Representatives shall meet every Tuesday, Wednesday and Thursday at 2:00 P.M., unless otherwise ordered. The Speaker or his designee shall take the chair at that time and shall call the House to order. At the beginning of each legislative day, the Speaker or his designee shall cause the names of the members to be called in alphabetical order. If a quorum is present, he shall proceed with the opening prayer, the pledge to the flag, and the business of the day.



## **RULE 2 - ORDER OF BUSINESS**

(a) After the convening of the House, the order of business shall include the following:

(1) The minutes of the previous day shall be made public and posted by the Chief Clerk prior to the next legislative day. With the consent of a majority of members, the reading of the minutes for the previous day may be omitted.

(2) Presentation of petitions, memorials, tributes, memoriams, citations or communications.

(3) Reports from standing and special committees.

(4) Introduction and first reading of bills and resolutions.

(5) Consideration of agenda.

(6) Consent calendar, or consent agenda, when available.

(7) Announcement of committee meetings.

(8) Announcement of agenda for next legislative day.

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

## **RULE 3 - MESSAGES**

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

## **II. DUTIES OF THE SPEAKER**

### **RULE 4 - ORDER AND DECORUM**

(a) The Speaker shall preside and have general direction over the House Chamber, and shall preserve order and decorum. In debate, the Speaker shall confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker, or when the Speaker grants open debate between members.

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

### **RULE 5 - QUESTIONS OF ORDER; APPEAL**

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

### **RULE 6 - TEMPORARY PRESIDING OFFICER**

(a) The Speaker may appoint a member to serve as the Presiding Officer to perform the duties of Speaker; but such appointment shall not extend beyond an adjournment or recess except when the Speaker takes a leave of absence, in which case the Senior Member of the majority party of the House shall act as the Speaker pro tempore during such leave. The Presiding Officer shall not have authority to reassign any measure to a committee unless specifically required to do so by Rule 20, the Speaker has taken a leave of absence or pursuant to the direction of the Speaker.

(b) When neither the elected Speaker nor the appointed Presiding Officer nor the Speaker pro tempore is present, the House shall be called to order and presided over by the Senior Member of the majority party. The Senior Member shall serve in the interim as the Presiding Officer. The Senior Member is the member who has served in the House the longest current consecutive period of time. In the event more than one member has served the same length of time, the member originally sworn first shall be the Senior Member. If two or more members were sworn in at the same time, then of those two or more members the member whose name would appear first in alphabetical order shall be the Senior Member.

## **RULE 7 - SIGNING OF BILLS, RESOLUTIONS, AND OTHER DOCUMENTS**

The Speaker shall sign all bills and resolutions passed by the House. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the presiding officer or Speaker pro tempore shall have authority to sign such documents.

## **RULE 8 - APPOINTMENT OF COMMITTEES**

(a) The Speaker shall appoint all committees and subcommittees.

(b) Where illness, stated conflict of interest, or other sufficient cause shall compel the absence or non-participation of any committee member, the Speaker, in his discretion, may fill such vacancy from the same political party as the absent or non-participating member, during said absence or period of non-participation.

## **RULE 9 - ASSIGNMENT OF BILLS AND RESOLUTIONS TO COMMITTEE**

The Speaker shall determine the principal objective of a bill or resolution and, subject to the provisions of Rule 20, assign the same to the appropriate committee. All prefiled measures shall be pre-assigned to committees by the Speaker and each member notified in writing of assignments, unless the measure is introduced from the floor, in which case the Speaker shall at that time announce the committee to which the measure is assigned.

## **RULE 10 - SETTING THE AGENDA**

The Speaker sets the Agenda and may place an item on the Agenda only if the item is on the Ready List and has been requested to be placed on the Agenda by the prime House sponsor or floor manager. The Ready List shall consist of all items that have been reported out of committee or have been laid on the table.

## **RULE 11 - SUBPOENA ISSUANCE**

The Speaker may sign a subpoena if requested by a majority vote of a standing committee, a special committee, a joint committee, a task force, or any similar entity if the committee, task force or entity was created by the House of Representatives or an action of the General Assembly. No subpoena shall be issued unless it is first signed by the Speaker. Upon the majority vote of all members elected to the House a subpoena shall be signed and issued by the Speaker, presiding officer or Speaker pro tempore

## **III. RIGHTS AND DUTIES OF MEMBERS.**

## **RULE 12- ATTENDANCE OF MEMBERS**

No member shall knowingly absent himself or herself from any session of the House without notifying the Speaker that he or she is unable to attend. A member who is absent without notifying the Speaker may be considered in contempt, and may be subject to the censure of the House.

Each member shall answer each roll call from his or her assigned seat in the chamber.

## **RULE 13- QUORUM**

Twenty-one members of the House shall constitute a quorum. The House shall not convene without a quorum. In the absence of a quorum, the Sergeant-at-Arms shall notify those members who are absent from the Chamber, but not from Legislative Hall, that their presence is required. Upon receiving the notification, the absentee members shall report to the House Chamber. After a proper interval for such notifications, the Speaker shall order a roll call of the House to ascertain if a quorum is present.

## **RULE 14 - ADDRESSING THE HOUSE**

When a member wishes to speak, such member shall rise but shall not proceed to speak until recognized by the Speaker. Upon acknowledgment by the Speaker, the member may be

seated until called upon. If two or more members seek recognition at the same time, the Speaker shall determine who shall speak first.

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

#### **RULE 15 - DECORUM OF MEMBERS ON FLOOR OF HOUSE**

Each member shall conduct himself or herself in a dignified manner at all times.

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

A member shall not be interrupted when speaking except for the following reasons:

a call to order by the Speaker.

a point of order by a member.

a motion by a member to move the previous question, to adjourn, or to recess.

A member shall not make derogatory personal comments about or to other members.

No member shall use a cellular phone in the House Chamber while the House is in session.

#### **RULE 16 - RULES OF LEGISLATIVE CONDUCT**

A member of the House shall be subject to discipline by the House for the violation of any of the following Rules of Legislative Conduct, which shall be deemed to constitute "disorderly behavior" within the meaning of Article II, Section 9 of the Delaware Constitution. The Rules of Legislative Conduct are as follows:

Restrictions relating to "personal or private interests" within the meaning of Article II, Section 20 of the Delaware Constitution and Chapter 10, Title 29 of the Delaware Code are as follows:

A member who has a personal or private interest in any measure or bill pending before the House shall disclose the fact and shall not participate in the debate nor vote thereon; provided however, that (i) upon the request of any other member of the House, a member who has such a personal or private interest may nevertheless respond to questions concerning any such measure or bill, or (ii) a member who has a personal or private interest may add factual matter to the debate which he believes will correct wrong or false information. A personal or private interest in a measure or bill is an interest which tends to impair a member's independence of judgment in the performance of his or her legislative duties with respect to that measure or bill.

A member has an interest which tends to impair his or her independence of judgment in the performance of his or her legislative duties with regard to any bill or measure when, (i) the enactment or defeat of the measure or bill would result in a financial benefit or detriment to accrue to the member or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons, (ii) the member or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure or bill to a greater extent than like enterprises or other interests in the same enterprise, or (iii) a person required to register as a legislative agent pursuant to Chapter 16, Title 29 of the Delaware Code is a close relative of the legislator and that person acts to promote, advocate, influence or oppose the measure or bill.

If the member is present, the disclosure required under paragraph (A) shall be made in open session, (i) prior to the vote on the measure or the bill by any committee of which the member is a member, and (ii) prior to the vote on the measure or bill in the House. Disclosure may be made by written statement submitted to the Chairperson of a committee or the Speaker of the House, and read in open session in the committee or the House as the case may be. If the

member is absent when a measure or bill is voted on which would have required disclosure required under paragraph (A), then the member shall make the required disclosure as soon as possible upon returning to the committee or House.

For the purposes of this Rule:

A "close relative" means a person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.

A "private enterprise" means any activity, whether conducted for profit or not for profit, and includes the ownership of real or personal property; provided that "private enterprise" does not include any activity of the State of Delaware, any political subdivision or any agency, authority or instrumentality thereof.

A person has a "financial interest" in a private enterprise if he or she, (i) has a legal or equitable ownership interest in the enterprise with a fair market value in excess of \$5,000, (ii) is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee, or independent contractor, or (iii) is a creditor of an insolvent private enterprise in an amount in excess of \$5,000.

A "person" means an individual, partnership, corporation, trust, joint venture and any other association of individuals or entities.

A member shall not receive unlawful gratuities in violation of Section 1206, Title 11 of the Delaware Code.

A member shall not receive a bribe in violation of Section 1203, Title 11 of the Delaware Code.

A member shall not profiteer in violation of Section 1212, Title 11 of the Delaware Code.

A member shall not engage in conduct constituting official misconduct in violation of Section 1211, Title 11 of the Delaware Code.

A member shall not fail to comply with the campaign finance disclosure requirements set forth in Chapter 80, Title 15 of the Delaware Code.

A member shall not fail to comply with the financial disclosure requirements of Chapter 8, Title 29 of the Delaware Code.

A member shall not appear for, represent, or assist another in respect to a matter before the General Assembly or one of its committees for compensation other than that provided by law.

A member shall not release, without authorization of the Ethics Committee, any confidential matter pertaining to proceedings of the Ethics Committee.

A member shall not knowingly file a false statement with the Ethics Committee or the House in connection with any proceeding involving a Rule of Legislative Conduct.

A member shall not engage in conduct which the House determines (i) brings the House into disrepute or (ii) reflects adversely on the member's fitness to hold legislative office.

A member shall be subject to sanction for any disorderly behavior occurring subsequent to being elected to the House.

A complaint alleging a violation of a Rule of Legislative Conduct shall be filed in writing by a member with the Ethics Committee for investigation and recommendation to the House as to disposition. A complaint must be accompanied by a written statement signed by any person, sworn under oath, setting forth the facts supporting the complaints. No such complaint shall be considered by the House prior to its consideration and recommendation by the Ethics Committee.

If the Ethics Committee recommends some disciplinary action with respect to a complaint, it shall present a resolution to the House requesting that the House conduct a proceeding to consider the matter. If the Ethics Committee votes to dismiss a complaint, and there are no votes against dismissal in the Committee, the House shall take no action with respect thereto. If the Ethics Committee votes to dismiss a complaint, but there are dissenting votes in the Committee, the House may consider the matter upon the motion of any member of the House, approved by a majority vote of the House. In any proceeding before the House involving an alleged violation of a Rule of Legislative Conduct, the accused member shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses, and offer evidence and to cross-examine any witnesses. A transcript of any such proceeding shall be made and retained; and rules of procedure for ethics violations as may be adopted by the House shall apply.

If the House finds by a majority vote that a member has violated a Rule of Legislative Conduct, it may impose such disciplinary action as it deems appropriate; provided that no member may be suspended or expelled without the vote of two-thirds of the members of the House concurring therein.

#### **IV. BILLS, RESOLUTIONS AND OTHER MEASURES**

##### **RULE 17 - RESOLUTIONS AND OTHER MEASURES; DEFINITIONS**

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

**Simple Resolutions:** A Simple Resolution is an expression of a majority of members on a specific subject, and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

**Concurrent Resolutions:** A Concurrent Resolution is used to accomplish the same purpose in relation to the entire General Assembly that the Simple Resolution achieves for either the House or Senate singly. It must be passed by both the House and Senate to become effective. A Concurrent Resolution adopted by the General Assembly does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.

**Joint Resolutions:** A Joint Resolution is the most formal type of resolution, and is addressed to matters which are not internal affairs of either the House individually, nor the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and approved by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures; and has the force of law while in effect for a wide variety of limited purposes. A Joint Resolution is effective only for the General Assembly in which it was passed and approved. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the General Assembly and Governor combined.

Each member of the House may issue tributes and memoriams at any time during his or her term of office. Tributes and memoriams shall be sequentially numbered by the Chief Clerk and made a part of the House Journal. Each tribute or memorial shall be signed by the prime sponsor, the Speaker and the Chief Clerk. The Speaker, or his designee, shall cause to be read into the permanent record of the House such tributes and memoriams as have been filed with the Chief Clerk. Tributes and memoriams shall not require a vote; however, at the time such items are officially read into the record, any member may comment on the tribute or memoriams. Tributes and memoriams issued when the House stands in recess or adjournment shall be

administratively managed by the Chief Clerk, who shall cause such items to be made a part of the official proceedings of the House.

A measure, as used in these Rules, means a bill, resolution, amendment, motion, or other questions before the House.

A measure, as used in these Rules, means a bill, resolution, amendment, motion, or other questions before the House.

#### **RULE 18 - PREPARATION AND CUSTODY**

Each bill and resolution shall be introduced with as many backed copies as are deemed necessary by the Speaker. The original of the bill or resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairperson of the committee to which it has been assigned. A "duplicate" backed copy may go (on request) to the following: the Speaker, the Sponsor, and the Division of Research. Upon introduction of a bill or resolution a copy shall be delivered to every member. Copies shall also be delivered to the Division of Research.

No bill or joint resolution shall be introduced into the House unless it be "prefaced" by a brief statement of its purpose which shall be known as the title; and the bill or resolution shall also contain the text of such bill or resolution in full. Each bill or resolution shall have an appropriate enacting or resolving clause. If a bill by its terms requires an extraordinary majority for enactment, such vote requirement shall be announced by the Speaker prior to roll call, and such vote requirement shall be plainly indicated on the bill. At the end of each bill or joint resolution introduced, the author shall include a brief synopsis of the intent of the bill or joint resolution. In the lower left hand corner of page one shall be the initials of the unit preparing the bill or resolution, the initials of the drafter, and the initials of the typist; and, if prepared by automatic equipment, the identification number.

If a bill or resolution provides for the appointment or selection of members to a committee, task force or similar entity, there shall be a brief synopsis of the need for the creation of the task force or similar entity. A copy of such bill or resolution shall be delivered to each person who is to make an appointment or selection; and delivered to any person designated in the bill or resolution to be a member of the committee, task force or similar entity. Such bill or resolution shall contain the criteria for the selection of the chairperson and members of the task force or similar entity.

#### **RULE 19 - INTRODUCTION OF BILLS AND RESOLUTIONS; FILING WITH CLERK**

Each bill or resolution shall be numbered in order as introduced, beginning with HB 1 for House Bills, HR 1 for House Resolutions, HCR 1 for House Concurrent Resolutions and HJR 1 for House Joint Resolutions; and the original backer shall contain the signatures of all the sponsors of the original bill.

Every bill or resolution shall be introduced by:

Filing it with the Clerk of the House not less than one hour prior to the opening of the session by one of the two following procedures:

the sponsor's written direction to the Chief Clerk;

verbal approval from the sponsor to the Chief Clerk (original bill must be signed by the sponsor before start of session);

Introduction from the floor while the House is in session if permitted by the Speaker.

At the beginning of the day's session following the filing of a bill or resolution with the Clerk, the Clerk shall read the bill or resolution into the record. A bill or resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a docket kept for that purpose.

Introduction of a bill or resolution shall be considered the first reading, of that bill or resolution, unless otherwise ordered by the House. The bill or resolution shall be read by title only, or by reference to the profile list, and then be assigned by the Speaker to its appropriate committee.

Resolutions of condolence, congratulations or other non-controversial subject matters may be considered as part of the Consent Calendar without being assigned to a committee, unless any member objects. A suspension of the Rules is required in order to consider any other type of resolution without referring it to a committee.

The prime sponsor or sponsors of a bill or resolution shall be the member or members who have responsibility for the drafting and introduction of a bill or resolution. The prime sponsor(s) of a bill or resolution is that House member listed first to the right of the word "sponsor" on the upper right side of the first page of a bill or resolution, and the names of each member after the first which are joined by the word "and" or the symbol "&". The floor manager of a House bill or House resolution shall be that member whose name is listed first to the right of the word "sponsor" in the upper right side on the first page of a bill or resolution. A joint sponsor is any member of the House or Senate whose name is printed on the measure after the name of all prime sponsors. A co-sponsor is a member of the House or Senate whose name is not otherwise shown on the measure, but who signs the backer of the measure.

The chairperson of the House standing committee to which a Senate bill or resolution has been assigned shall also be the floor manager of that measure, unless he or she declines to serve, or defers to a House sponsor. If the committee chairperson declines to serve as floor manager, the Speaker shall designate a House member to be the floor manager of that measure.

In order to withdraw his or her sponsorship of a bill or resolution, a sponsor shall submit to the Chief Clerk a written notice for this purpose. The written notice shall then be attached to the original of the bill or resolution.

#### **RULE 20 - ASSIGNMENT TO APPROPRIATIONS COMMITTEE**

Each bill or joint resolution, whether emanating from the House or the Senate, containing an appropriation or which may involve any net financial loss or obligation on the part of the State, including transportation trust funds, if any, of \$50,000 or more in any one of the next three fiscal years (which has been previously referred by the Speaker under the Rules to any committee of the House other than the Committee on Appropriations) shall, after the same has been reported back to the House, be referred to the Committee on Appropriations.

#### **RULE 21 - FISCAL NOTES**

No bill or resolution either authorizing expenditures, or increasing or affecting the transportation trust fund, or reducing revenues as described in Chapter 19, Title 29 of the Delaware Code shall be placed before the House for consideration unless accompanied by a fiscal note.

All legislation proposing new fees or increases in existing fees charged by any state agency shall include therewith an explanation of:

- the expected total amount of funds to be generated by the proposed fee or fee increase;
- the purpose of the proposed new fee or fee increase;

- a general identification of the persons, business entities or organizations affected by the legislation;

- the impact of the proposed new fees or fee increases on these affected persons, business entities or organizations;

- the intended use by the agency of the revenues generated by the new fees or fee

increases.

The Office of the Controller General shall conduct such review or audit of the information offered by the state agency pursuant to (b)(1) as is deemed necessary to evaluate the information required therein, and shall issue a written report of its findings. The written report of the Office of the Controller General's findings shall be attached to the legislation, by the sponsor of the legislation, prior to the legislation's initial committee consideration in the house of origin.

The House may waive the requirements of this section as to any specific legislation pending before the House by a vote of the majority of all members elected to the House.

#### **RULE 22 - FINAL READINGS AND CONSIDERATION BY HOUSE**

When brought before the House for consideration, each bill and joint resolution shall be given its final reading by title, unless the Speaker directs a reading in full.

Each bill or joint resolution in order to pass the House shall be read on two different days of the session unless a majority of the members elected to the House determine otherwise, or unless the bill or joint resolution is on a Consent Agenda or Calendar, and voted on by a single vote. No bill or joint resolution shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the prime sponsor without his or her written consent.

#### **RULE 23 - AMENDMENTS**

An amendment to a measure shall be introduced by prefiling the amendment if the amendment changes the nature and intent of the bill or resolution; or may be introduced when the measure is being discussed on the floor, if the amendment makes only technical corrections and does not change the nature and intent of the bill or resolution.

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

When an amendment to a bill would change its fiscal impact by increasing expenditures or reducing revenues by \$50,000 or more, a new fiscal note shall accompany the amendment.

If a bill becomes significantly changed by amendment, the Speaker may reassign the amended bill to committee. The title of a bill or resolution shall not be amended.

All prefiled amendments shall be acted upon in numerical order before final action on the main bill or resolution, when the prime sponsor of the amendment is present.

An amendment previously attached to a bill in either house may be stricken from the bill by:

An amendment which directs that a specific House or Senate amendment be stricken; or

An amendment which reverses the directions given by the amendment being stricken.

An amendment to an amendment shall only be considered prior to the adoption of the amendment it is amending. However, an amendment once passed may be removed by a subsequent amendment.

#### **RULE 24 - SUBSTITUTE BILLS**

A substitute bill may be introduced by a prime sponsor of the bill for which it is a substitute and shall be assigned to committee and follow the same procedure as other bills.

Once introduced, the substitute bill shall render null and void the bill for which it is a substitute.

The title of a substitute bill must be identical to the title of the bill for which it is substituted.

#### **RULE 25- PETITION OF BILL OR RESOLUTION OUT OF COMMITTEE**

Every bill or resolution which has been in committee for a period of more than 12 legislative days, except those assigned to the Appropriations Committee pursuant to Rule 20,



shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

#### **RULE 26 - VOTING**

Except as provided for in Rule 46 or Rule 47, each bill or joint resolution which comes before the House for final action shall be acted upon by a separate roll call vote.

The names of the members of the House shall be called alphabetically, except for the Speaker who shall vote last; and each member shall, without debate or comments, answer "yes", or "no", or "not voting", from his or her respective seat.

No member shall be permitted to change his or her vote after the roll call has been announced by the Chief Clerk.

A roll call may not be laid on the table.

#### **RULE 27 - STRIKING A BILL OR RESOLUTION**

Only a prime sponsor of a bill or resolution or a member authorized by a prime sponsor in writing can strike said bill or resolution.

A bill or resolution may not be stricken once it has been voted upon. Upon the expulsion, death or resignation of any member from the House, any bill not yet acted upon by the House which has that member as the only sponsor shall be stricken.

### **V. COMMITTEES**

#### **RULE 28 - STANDING COMMITTEES**

The standing committees and subcommittees of the House shall include members of both political parties and shall be appointed by the Speaker. The Speaker shall designate a chairperson, and may designate a vice-chairperson who shall act as the chairperson of the committee in the chairperson's absence, for each committee and subcommittee he appoints. The Chief Clerk shall keep a list of current standing committees and members appointed thereto.

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

##### **Standing Committees:**

|                                          |                                                              |
|------------------------------------------|--------------------------------------------------------------|
| Agriculture                              | Housing & Community Affairs                                  |
| Appropriations                           | Judiciary                                                    |
| Business/Corporations/Commerce           | Labor                                                        |
| Capital Infrastructure                   | Land Use and Infrastructure                                  |
| Clearinghouse                            | Natural Resources & Environmental Management                 |
| Corrections                              | Public Safety                                                |
| Economic Development Banking & Insurance | Revenue & Finance                                            |
| Education                                | Substance Abuse                                              |
| Ethics                                   | Sunset Committee/Policy Analysis & Government Accountability |
| Health & Human Development               | Tourism                                                      |
| House Administration                     | Transportation                                               |
| House Rules                              |                                                              |

There shall also be a House Administration Committee which membership shall be the Speaker, Majority Leader, Majority Whip, Minority Leader and Minority Whip. The Majority Leader shall be the chairperson of the House Administration Committee.

## **RULE 29 - APPOINTMENT OF SPECIAL COMMITTEES**

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

## **RULE 30 - ETHICS COMMITTEE**

The Ethics Committee shall be a standing committee consisting of five members, three appointed by the Speaker and two appointed by the Minority Leader, at the beginning of each General Assembly.

The powers and duties of the Ethics Committee shall be as follows:

to recommend to the House, from time to time, such rules of conduct for members of the House as it shall deem appropriate;

to issue written advisory opinions upon the request of any member as to the applicability of any Rule of Legislative Conduct to any particular fact situation;

to investigate any alleged violation by a member of any Rule of Legislative Conduct and, after notice and hearing, to recommend to the House by resolution such disciplinary action as the committee may deem appropriate;

to report to the appropriate federal or State authorities any substantial evidence of a violation by any member of any law involving a Rule of Legislative Conduct which may come to its attention in connection with any proceeding whether advisory or investigative;

to maintain a file of its proceedings and advisory opinions with a view toward achieving consistency of opinions and recommendations. Upon the request of a legislator involved in an advisory opinion, to publish that advisory opinion;

to follow such rules of procedure for ethics violations as may be adopted by the House, and to establish such other procedural rules as shall not be inconsistent with the rules prescribed by the House;

to act only upon a majority vote of its members; and

such other duties and responsibilities as may be assigned by the House from time to time.

All proceedings before the Ethics Committee in connection with an advisory opinion shall be confidential subject to the following: (i) the member involved may waive the privilege of confidentiality, (ii) the proceedings shall no longer be confidential and may be made public in any subsequent disciplinary proceeding if the member acts in disregard of an advisory opinion, and (iii) the Ethics Committee shall maintain records of its proceedings and advisory opinions which shall be available for reference by the Committee, subsequent Committees and their staff.

The Committee may undertake an investigation of an alleged violation by a member of any Rule of Legislative Conduct only upon a written complaint submitted by a member of the House. The complaint must be accompanied by a written statement signed by any person, sworn under oath, setting forth the facts supporting the complaint. In any such investigation or proceeding, the accused member shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained. In any such proceeding the rules of procedure for ethics violations as may be adopted by the House shall apply.

A member of the Committee shall be ineligible to participate, as a member of the Committee, in any Committee proceeding relating to his or her legislative conduct. In any such case, the person appointing that member (either the Speaker or the Minority Leader) shall designate a member of the House to act as a member of the Committee in any Committee proceeding relating to the legislative conduct of such ineligible member. A member of the

Committee who has been found by the House to have violated a Rule of Legislative Conduct shall be ineligible to serve again as a member of the Committee.

A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a member of the House upon submission in writing and under oath of an affidavit of disqualification stating that he or she cannot render an impartial and unbiased decision in the case in which he or she seeks to disqualify himself or herself. If the Committee approves and accepts such affidavit of disqualification, the chairperson shall so notify the person appointing that member (either the Speaker or the Minority Leader) and request that person to designate a member of the House to act as a member of the Committee in any Committee proceeding relating to such investigation.

Any member who acts in good faith reliance upon any written advisory opinion of the Ethics Committee rendered to that member shall not be subject to any discipline by the House with respect to the matters covered by the advisory opinion; provided there was a full disclosure to the Ethics Committee of all facts necessary for the opinion.

The Committee may function without regard to recess periods or adjournment.

#### **RULE 31 - JOINT COMMITTEES**

The House of Representatives and the Senate by mutual agreement may establish a joint committee or committees. The House members of any Joint Committee shall be appointed by the Speaker, unless otherwise provided by statute.

#### **RULE 32 - QUORUM ON COMMITTEES**

Four members or a majority, whichever is less, of the members of any committee, subcommittee or special committee shall constitute a quorum.

#### **RULE 33 - COMMITTEE MEETINGS**

During the legislative sessions, each standing committee of the House shall be assigned a regular meeting time by the Speaker. This assignment shall not preclude the option of a committee chairperson to cancel a regular or special meeting or call additional meetings when necessary, provided that such special or additional meetings are not scheduled during regular meeting times of standing committees. No committee meetings shall be held while the House is in session without the consent of the Speaker.

All committee meetings shall be chaired by the chairperson, or in his or her absence by the vice-chairperson, if any, if the committee does not have an appointed vice-chairperson, then, the chairperson shall designate a member of the committee to chair the committee in his or her absence.

So far as may be applicable, the rules of the House shall be observed in the conduct of committee meetings.

All committee meetings will be open to the public except that the committee chairperson may call an executive session at which no final action may be taken. An executive session may be called for those purposes which are listed at 29 Del. C. § 10004 and for the purpose of requesting the issuance of a subpoena pursuant to Rule 35(e). This subsection may be waived by a majority vote of the committee.

#### **RULE 34 - DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES**

Each bill, resolution or other legislative matter assigned to a standing committee shall pass through a prescribed deliberative process before being brought to the floor of the House, unless it is sooner petitioned out of committee. Such deliberative process shall include regularly scheduled, pre-announced meetings whereby the committee or subcommittee, after notice to the

sponsor, makes time available for each formal sponsor to explain the legislation and answer possible questions, considers an analysis of the proposed legislation and receives testimony from the general public.

On the last legislative day of each week, each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting; and any other announcements from the committee including the times, places and dates of future meetings.

Minutes shall be recorded for each formal standing committee meeting, and the results of any committee votes shall be included. If a measure is tabled, reasons for such action shall also be included. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such dissent and the reasons therefor.

#### **RULE 35 - PASSAGE OF MEASURES OUT OF COMMITTEE**

Bills and resolutions shall be reported out of committee by a majority of the committee or subcommittee by signing the backer. A bill or resolution may be tabled in any committee or subcommittee by a majority vote of the full committee or subcommittee.

All bills and resolutions shall be acted upon by the appropriate committee within twelve legislative days after being assigned to that committee. All bills and resolutions not acted upon by the appropriate committee within twelve legislative days after being assigned to that committee can be petitioned out of committee pursuant to Rule 25.

The Chairperson shall return the bill or resolution to the Chief Clerk within two legislative days after a bill or resolution has been voted out of committee.

If a bill is unacceptable to the committee, a substitute bill may be introduced or the committee chairperson, on behalf of the committee, may offer one or more amendments which shall take precedence in floor action over any other amendment(s). If the committee amendment(s) fails, the bill may be reassigned to the committee by the Speaker.

Upon a majority vote of the full committee, a subpoena may be requested by the committee and presented to the Speaker for consideration pursuant to Rule 11.

#### **RULE 36 - COMMITTEE REPORTS**

Each bill and resolution reported out of committee may at the discretion of a majority of the full committee or the committee chairperson have a printed or typewritten report which includes a summary of the committee's discussion of the legislation. A copy of this report shall be placed in each member's agenda book when the legislation appears on the agenda.

#### **RULE 37 - COMMITTEE RECOMMENDATIONS TO APPROPRIATIONS COMMITTEE**

The committee chairperson on behalf of the committee shall make budgetary recommendations to the Appropriations Committee.

#### **RULE 38 - COMMITTEE OF THE WHOLE**

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

### **VI. MOTIONS**

#### **RULE 39 - DEBATE AND VOTE ON MOTIONS**

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

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

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

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

#### **RULE 40 - PRECEDENCE OF MOTIONS**

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

- to adjourn sine die. This motion is not debatable.

- to adjourn. This motion is not debatable and cannot be amended nor reconsidered.

- to recess. This motion is not debatable. This motion is passed by a majority of those members present.

- question of privilege.

- all incidental motions.

- to table.

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

- to limit debate.

- postpone to a day certain.

- to commit to committee.

- to amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.

- to reconsider.

- to take from the table

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

#### **RULE 41 - MOTION FOR RECONSIDERATION**

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

When a bill, resolution, report, amendment, order or message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or to the Governor, the motion to reconsider shall be accompanied by a motion in

writing, attested to by the Speaker, to request the Senate or the Governor to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

#### **RULE 42 - MOTION TO TAKE FROM THE TABLE**

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

In the case of a House measure, only one of the prime sponsors of the measure or a member authorized in writing by all the prime sponsors.

In the case of a measure without a House prime sponsor, only the floor manager of a measure or a member authorized in writing by the floor manager.

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

#### **RULE 43 - SUSPENSION OF RULES**

The suspension of any Rule requires the concurrence of at least a majority of the members elected to the House. This motion is debatable but does not permit discussion of the main question. It cannot be reconsidered, laid on the table, nor postponed indefinitely, and while it is pending no motion may be made except to adjourn. A separate suspension of the Rules is necessary for each measure.

### **VII. CALENDAR AND AGENDA**

#### **RULE 44 - HOUSE CALENDAR**

The Clerk of the House shall keep a House Calendar on which shall be placed the number and title of all bills and resolutions, the name of the prime sponsor, and the current status of each bill or resolution. Said bills and resolutions shall be kept on the Calendar and final action recorded.

#### **RULE 45 - AGENDA**

The Speaker shall place items on the agenda pursuant to Rule 10 of these rules.

In lifting bills from the table, the motion to lift is the agenda item.

Any House bill amended by the Senate shall either be placed on the Agenda or assigned to committee, at the discretion of the Speaker.

Measures brought to the top of the Agenda for the day shall be permitted only to be:

deferred to day certain two times only; or

deferred to the end of agenda one time only; or

laid on the table. A measure which has been on the table for six legislative days

shall be returned to the Ready List; or

brought to a vote.

#### **RULE 46 - CONSENT AGENDA**

Any member of the House may propose any bill or joint resolution for inclusion on a Consent Agenda for final reading. The proposal shall be made in writing to the office of the Chief Clerk on any day. If any bill or joint resolution on a particular Consent Agenda has a super majority vote requirement then such Consent Agenda will require the highest such vote requirement.

A bill or joint resolution shall be removed from a Consent Agenda if any member objects to it being included thereon. In addition, a bill or joint resolution may not be included on a Consent Agenda if at the time of reading a Consent Agenda an unattached amendment to it has been proposed.

All bills and joint resolutions on a Consent Agenda shall be read and voted upon as a single group.

**RULE 47 - CONSENT CALENDAR**

Any member of the House may propose any resolution for inclusion on a Consent Calendar for final reading. The proposal shall be made in writing in the office of the Chief Clerk on any day.

A resolution shall be removed from a Consent Calendar if any member objects to its being included thereon. In addition, resolutions may not be included on a Consent Calendar if at the time of reading a Consent Calendar an unattached amendment to it is proposed.

All resolutions on a Consent Calendar shall be read and voted upon as a single group.

**RULE 48 - ANNOUNCEMENT OF AGENDA; DELIVERY OF BILLS AND RESOLUTIONS**

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

Prior to the beginning of each legislative day, the Chief Clerk shall provide to each member a printed copy by number, sponsor and/or title, of the bills, resolutions or other measures that are being placed on the Agenda for that legislative day.

All enacted bills, concurrent resolutions, or joint resolutions originating in the House, or Senate bills or resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding legislative days.

**VIII. MISCELLANEOUS**

**RULE 49 - OFFICES, PARKING SPACES AND SEATS**

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

**RULE 50 - AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE**

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the latest edition of Mason's Manual of Legislative Procedure, shall govern the House.

**RULE 51 - CHIEF CLERK AND ASSISTANT CHIEF CLERK**

The House shall elect a Chief Clerk and an Assistant Chief Clerk who, in the absence of the Chief Clerk, shall perform the Chief Clerk's duties.

The Assistant Chief Clerk shall be compensated at a per diem rate to be determined by the Speaker while serving as Chief Clerk.

**RULE 52 - SUPERVISION OF LEGISLATIVE STAFF**

The legislative staff shall report to such supervisory staff as may be determined by the Speaker. The financial officer of the House shall maintain on file job descriptions for all positions within the legislative staff.

**RULE 53 - REGISTRATION OF NEWS MEDIA**

Members of the news media shall be registered by the Division of Research.

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

On approval of the Speaker, radio and television stations shall be permitted to air and record sessions of the House.

Any use or reproduction of House tapes will require permission of the Speaker and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service.

#### **RULE 54 - REGISTRATION OF LOBBYISTS**

Lobbyists shall be registered by the State Public Integrity Commission pursuant to Chapter 58, Title 29 of the Delaware Code. No lobbyist shall be granted privilege of the floor unless so registered.

#### **RULE 55 - PRIVILEGE OF FLOOR**

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

#### **RULE 56 - EXPEDITED PROCEDURES**

The Speaker may designate the procedure by which certain items are to be expedited. Such rules as would interfere with the introduction of and/or action on such items shall automatically be deemed suspended unless one or more members object to an item being determined by expedited procedures.

#### **RULE 57 - PERSONS ON THE FLOOR OF THE HOUSE**

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

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

No one shall be allowed to smoke in the House Chamber.

No one shall use a cellular phone in the House Chamber, including the balcony area, while the House is in session.

#### **RULE 58 - NON-MEMBER INVITED SPEAKERS OR GUESTS**

A non-member speaker or guest shall be allowed to address the House of Representatives provided they are noted on the agenda together with the name of the Representative sponsoring said speaker or guest and the time allotted for their remarks.

A speaker noted per subsection (a) of this rule shall be granted a time limit of one minute, three minutes or five minutes by the Speaker of the House.

On the day of the scheduled address, the sponsoring member shall be recognized and shall move that the invited speaker or guest be granted privilege to address the House and shall state the allotted time granted by the Speaker of the House.

The Speaker of the House may grant an unlimited amount of time for the Governor to address the House as deemed necessary by the Speaker or the members of the House.

This rule is only applicable to appearances by non-members giving remarks unrelated to agenda items and shall not be construed so as to limit the speaking time of witnesses to legislation.



## **RULE 59 - REPEAL OR AMENDMENT OF RULES**

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

## **RULE 60 - RULES TO BE PRINTED**

These Rules shall be printed by the Division of Research, upon adoption, in a pocket-sized edition which shall also contain the following materials:

- a list of the Officers of the House;
- the membership of the Standing Committees of the House;
- the Constitutional vote requirements for passage of legislation; and
- requirements set forth elsewhere directly relating to House action such as the fiscal note requirement.

## **RULE 61 - STATE MAIL AND POSTAGE**

No House member or staff member shall use state mail services and/or state-paid for postage for his or her own personal use.

## **RULES OF PROCEDURE, ETHICS VIOLATIONS.**

### **RULE 1 - SCOPE AND AUTHORITY.**

These rules govern the procedures to be followed by the Ethics Committee and by the House in proceedings involving allegations of violations of the Rules of Legislative Conduct. So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Ethics Committee which may prescribe additional rules not inconsistent therewith.

### **PROCEEDINGS BEFORE THE ETHICS COMMITTEE.**

### **RULE 2 - MEETINGS AND QUORUM.**

The Committee shall meet at the call of the Chairman. Notice of a Committee meeting shall be given pursuant to the Rules of the House of Representatives.

A quorum of the Committee consists of a majority of the members of the Committee.

### **RULE 3 - COMMITTEE RECORDS.**

The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in the Chairman's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a member of the House of Representatives of any Rule of Legislative Conduct shall be disclosed to the public before the transmittal, under Rule 8 of these rules, to such member of a statement of alleged violation in connection with such violation. After the service of such a statement on the member:

the statement and any other paper filed pursuant to Rule 8 respecting such violation shall be made available for public inspection at reasonable hours; and

any other paper filed with the Committee respecting such violation shall be made available as authorized by the Committee, except that no paper shall be made available if its disclosure would violate any law or regulation.

### **RULE 4 - SPECIAL PROCEDURES.**

The Committee may adopt, by Resolution, any special procedures deemed necessary to a particular matter before the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

### **RULE 5 - CHANGES IN COMMITTEE RULES.**

The rules of the Committee other than these rules may be modified, amended or repealed by a vote of a majority of the Committee.

#### **COMMITTEE INVESTIGATIVE AUTHORITY.**

#### **RULE 6 - COMPLAINTS.**

A complaint may be submitted to the Committee pursuant to Subsection (c) of this rule and shall be in writing and under oath, setting forth in simple, concise and direct statements the following:

- the name and address of the party filing the complaint (hereinafter referred to as the 'complainant');

- the name of the member of the House of Representatives alleged to be in violation of a Rule of Legislative Conduct (hereinafter referred to as the 'respondent');

- a statement of each violation, identifying the Rule of Legislative Conduct alleged to have been violated, divided into counts with each violation representing a separate count; and

- the facts alleged to give rise to the violation. The facts supporting the complaint may be sworn to by any person. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

A complaint may be filed only by a member of the House of Representatives (including a member of the Committee) and shall be transmitted directly to the Committee.

#### **RULE 7 - PROCESSING COMPLAINTS.**

The Staff of the Committee shall examine each complaint submitted to the Committee for compliance with the Rules of the House of Representatives and any other applicable Committee rules.

If the staff determines that a complaint does not comply with House and Committee rules, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules and a copy of such rules. A complainant may resubmit a complaint.

If the staff determines that a complaint is in compliance with House and Committee rules, the complaint shall be filed with the Committee and a copy shall be transmitted to each member of the Committee.

The Chairman shall place the complaint on the Committee agenda for consideration, and shall schedule a Committee meeting as soon as practical thereafter.

The Committee shall consider the complaint and determine if the complaint should be dismissed because it fails to allege facts which constitute a violation of a Rule of Legislative Conduct or if the complaint merits further inquiry.

The decision under subparagraph (A) of this paragraph shall be transmitted in writing to the complainant and respondent.

If the Committee determines that the complaint fails to allege facts which constitute a violation of a Rule of Legislative Conduct, the Committee shall deliver to the House a report of the action taken and a brief statement of the reasons therefor.

If there are no dissenting votes to the determination in paragraph (b)(1) of this rule the complaint shall be considered dismissed, and neither the Committee nor the House shall take any further action with respect thereto.

If there are any dissenting votes to the determination in paragraph (b)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any

further action with respect thereto provided that the Committee's determination shall be considered reversed and the investigation shall be pursued by the Committee upon the written petition of any member of the House filed with the Speaker and approved by the majority vote of the elected members of the House.

**RULE 8 - PRELIMINARY INQUIRY AND STATEMENT OF ALLEGED VIOLATION.**

If the Committee determines under Rule 7 that the allegation of a violation in a complaint filed with the Committee merits further inquiry, or if the Committee's determination in that regard is reversed by the House, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

In the preliminary inquiry:

the respondent shall have an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held; the staff may interview witnesses and examine documents and other evidentiary matter;

the Committee may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by a member of the Committee or by any person authorized by a member of the Committee or any person authorized by law to administer oaths;

the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents and other things as it deems necessary to the conduct of the inquiry; and any probative evidence may be used.

Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry; and may include in the report a recommendation for action by the Committee respecting the alleged violations which was the subject of the inquiry.

If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry respecting an alleged violation that there is reason to believe that the violation occurred, the Committee shall direct the staff to transmit to the respondent a statement of alleged violation. A statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, and include a reference to the provision of the Rule of Legislative Conduct alleged to have been violated.

If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry that there is no reason to believe that the violation occurred, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefore.

If there are no dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

If there are any dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by the majority vote of the members of the House.

If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the complaint. In such case,

the dissenting members shall direct the Committee staff to transmit to the House and to the respondent, a statement of alleged violation as described in Subsection (b) which shall be the basis of the House's consideration of the matter.

**RULE 9 - ANSWERS AND MOTIONS AND COMMITTEE ACTION.**

If a statement of alleged violation is transmitted under Rule 8(b), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

An admission or denial of, under oath, each count set forth in the statement plus any supportive evidence and any other relevant information which the respondent may desire to submit.

An objection to any count in the statement on the grounds that it fails to state a fact which constitutes a violation of a Rule of Legislative Conduct.

An objection to the jurisdiction of the Committee to consider the allegations contained in the statement.

A motion for a bill of particulars.

An objection to the participation of any member of the Committee in the consideration of the allegations contained in the statement on the grounds that such member cannot render an impartial or unbiased decision. The Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer. Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in paragraphs (1) through (5) of this subsection will be considered by the Committee and the Committee will not consider any answer or motion in such paragraphs which is submitted under this rule after the expiration of such 20 calendar days.

Within 10 calendar days after the receipt of any motion under Subsection (a) of this rule, the Committee shall consider such motion. Notice of the decision of the Committee respecting such motion shall be furnished the respondent. When the Committee has acted on all motions submitted under paragraphs (2), (3) and (4) of Subsection (a) of this rule, the respondent shall, in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last Committee action, an answer to each count in the statement not dismissed by the Committee.

Failure to submit, within the applicable time period, an answer to a count of a statement which has not been dismissed by the Committee, shall constitute an admission to the violation alleged in the count.

The Chairman, in his discretion, may extend or shorten any time limitations imposed by this rule if he determines that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special circumstances.

As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the Committee shall act, by the vote of a majority of the members of the Committee, to:

hold a disciplinary hearing on the violation charged in the statement;  
defer action on the statement, but only if there is a grand jury or judicial proceeding pending; or  
dismiss the statement.

The respondent shall be notified in writing of action taken under paragraph (1) of this Subsection.

If the Committee votes to dismiss the statement, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefor.

If there are no dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

If there are any dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by a majority vote of the members of the House. If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the statement. The statement shall be the basis of the House's consideration of the matter and the dissenting members shall cause a copy of the statement to be delivered to the House and served upon the respondent.

#### **RULE 10 - DISCIPLINARY HEARINGS BEFORE THE COMMITTEE.**

A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the Committee to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the count in the statement have been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents and any other things as it deems necessary. Depositions, interrogatories and sworn statements taken under Committee direction may be accepted into the Committee record.

Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

The order of phase one of a disciplinary hearing shall be as follows:

The Chairman shall open the hearing by stating the Committee's authority to conduct the hearing, the purpose of the hearing and its scope

Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible, (i) witnesses and other evidence offered by the Committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member. The Committee members may then question the witnesses. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross examined by Committee counsel or authorized staff member. Committee members may then question the witness. Redirect and recross may be permitted in the Chairman's discretion.

Testimony of all witnesses shall be taken under oath. The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

The second phase of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for the respondent as to the sanction the Committee shall recommend to the House with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the Committee.

#### **RULE 11 - COMMITTEE RECOMMENDATIONS.**

As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the statement and with respect to each count as originally drawn or as amended shall vote either to find that the count has been proved or to dismiss the count. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved.

If the Committee votes that a count has been proved, the Committee may, upon completion of the second phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a recommendation be made to the House for appropriate action respecting the violation charged in such count.

With respect to any violation with which a member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendations to the House one or more of the following sanctions:

Suspension or expulsion from the House.

Censure.

Reprimand.

Fine.

Any other sanction determined by the Committee to be appropriate.

The Committee report accompanying a recommendation to the House adopted by the Committee under paragraph (a)(2) respecting a violation charged in a count shall contain a statement of the evidence which supported the finding as to that count and a statement of the Committee's reasons for the recommendation as well as a statement of the Committee's reasons for finding that any count was not proved. The Committee shall cause a copy of the Committee's report and the Statement of Alleged Violation to be served upon the respondent. The statement shall be the basis of the House's consideration of the matter.

If the Committee votes to dismiss all counts of a statement and there are no dissenting votes, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

If there are any dissenting votes to the determination in paragraph (d)(1) of this subsection, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by a majority vote of all members of the House. If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss. The statement shall be the basis of the House's consideration of the matter and the dissenting members of the Committee shall cause a copy of the statement to be delivered to the House and served upon the respondent.

#### **RULE 12 - DISCLOSURE OF EVIDENCE.**

Upon the request of a respondent, the Committee may permit the respondent to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

#### **RULE 13 - EXCULPATORY INFORMATION.**

If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a member of the House of any law, rule, regulation or other standard of conduct, it shall forthwith make such information available to such member.

#### **RULE 14 - ADMISSIBILITY OF EVIDENCE.**

Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

The Chairman or other member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

#### **RULE 15 - WITNESSES.**

A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee.

#### **PROCEEDINGS BEFORE THE HOUSE**

#### **RULE 16 - RECORDS OF HOUSE PROCEEDINGS.**

All papers filed in the House with respect to a proceeding involving an allegation of a violation of a Rule of Legislative Conduct shall be made available for public inspection at reasonable hours except that no paper shall be made available if its disclosure would violate any law or regulation.

#### **RULE 17 - SPECIAL PROCEDURES.**

The House may adopt by Resolution any special procedures deemed necessary to a particular matter before the House. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

**RULE 18 - CONSIDERATION OF COMPLAINTS BY THE HOUSE.**

If a Statement of Alleged Violation is served upon a respondent pursuant to rules 8(c)(3), 9 (f)(3), 11(c) or 11(d)(2), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

An admission or denial of, under oath, each count set forth in the Statement plus any supportive evidence and any other relevant information which the respondent may desire to submit.

An objection to any count in the Statement on the grounds that it fails to state a fact which constitutes a violation of a Rule of Legislative Conduct.

An objection to the jurisdiction of the House to consider the allegations contained in the Statement.

A motion for a bill of particulars.

An objection to the participation of any member of the House in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial or unbiased decision. The member of the House against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer. Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading of motion not described in paragraphs (1) through (5) will be considered by the House and the House will not consider any answer or motion in such paragraphs which is submitted under this rule after the expiration of such 20 calendar days.

As soon as practical after the receipt of any motion under Subsection (a) of this rule, the House shall consider such motion. Notice of the decision of the House respecting such motion shall be furnished the respondent. When the House has acted on all motions submitted under paragraphs (2), (3) and (4) of Subsection (a) of this rule, the respondent shall in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last House action, an answer to each count in the statement not dismissed by the House.

Failure to submit, within the applicable time period, an answer to a count of a statement which has not been dismissed by the House shall constitute an admission to the violation alleged in the count.

The Speaker, in his discretion, may extend or shorten any time limitations imposed by this rule if he determines that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special circumstances.

As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the House shall act, by the vote of the majority of the members, to:

- hold a disciplinary hearing on the violation charged in the statement;
- defer action on the statement but only if there is a grand jury or judicial proceeding pending; or
- dismiss the statement or any counts thereof.

The respondent shall be notified in writing of action taken under paragraph (1) of this Subsection.

**RULE 19. DISCIPLINARY HEARINGS.**



A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the House to receive evidence respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the statement have been proved. The second phase shall be for the purpose of determining what disciplinary action to take with respect to any count found to have been proved.

At a disciplinary hearing the House may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents and any other things as it deems necessary. Depositions, interrogatories and sworn statements taken under House direction may be accepted into the House record

Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the House shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the House may expand or contract the scope in light of evidence received.

The order of phase one of a disciplinary hearing shall be as follows:

The Speaker shall open the hearing by stating the House's authority to conduct the hearing, the purpose of the hearing and its scope.

Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible, (i) witnesses and other evidence offered by the committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

Witnesses at a hearing shall be examined first by the committee counsel or authorized staff member. Members of the committee may then question the witnesses. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Speaker's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel and then may be cross-examined by committee counsel or authorized staff member. Committee members may then question the witness. Redirect and recross may be permitted in the Speaker's discretion.

Testimony of all witnesses shall be taken under oath. The oath shall be administered by the committee member designated by the Speaker to administer oaths.

At a disciplinary hearing the burden of proof rests on the committee with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the committee and counsel for the respondent as to the sanction the House should impose with respect to any count of the Statement which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the House.

The House by Resolution may establish rules by which members of the House other than members of the Ethics Committee may participate in a disciplinary proceeding before the House.

#### **RULE 20. FINDINGS; SANCTIONS.**

As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement, the House shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the House vote for a

motion that the count has been proved. A count which is not proved shall be considered as dismissed by the House.

If the House votes that a count has been proved, the House may upon completion of the second phase of the disciplinary hearing, by a majority vote consider and vote on a motion that any of the following sanctions be imposed respecting the violation charged in such count;

Suspension or expulsion from the House.

Censure.

Reprimand.

Fine.

Any other sanction determined by the committee to be appropriate.

A member of the House may not be suspended or expelled from the House unless by a vote concurred in by two-thirds of the members.

#### **RULE 21. DISCLOSURE OF EVIDENCE.**

Upon the request of a respondent, the committee may permit the respondent to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which the committee intends to use as evidence against the respondent in a disciplinary hearing before the House and which are material to the preparation of the defense of the respondent.

#### **RULE 22. EXCULPATORY INFORMATION.**

If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a member of the House of any law, rule, regulation, or other standard of conduct, it shall forthwith make such information available to such member.

#### **RULE 23. ADMISSIBILITY OF EVIDENCE.**

Any evidence that is relevant and probative shall be admissible in any hearing before the House, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

The Speaker or other member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the House. The Speaker or other member presiding may limit the presentation of repetitious evidence.

#### **RULE 24. WITNESSES.**

A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Speaker, to prepare for the hearing and to employ counsel should he so desire.

Except as otherwise specifically authorized by the Speaker, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument before the House. After a witness has testified, his counsel may submit to the Speaker in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Speaker's discretion.

The respondent may apply to the Speaker for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a

concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

Each witness appearing before the House shall be furnished a printed copy of the rules of the House.



**1st LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**January 9, 2001**

Representative-Elect Oberle called the House to order at 2:10 p.m.

Representative-Elect Smith moved that Representative-Elect Oberle be made Temporary Speaker until a permanent Speaker of the House is elected. The motion was seconded by Representative-Elect Lee and adopted by voice vote.

Representative-Elect Smith moved that Mrs. JoAnn Hedrick be made Temporary Chief Clerk until a permanent Chief Clerk is elected. The motion was seconded by Representative-Elect Lee and adopted by voice vote.

A prayer was offered by Reverend Brooks Reynolds, father of Representative-Elect Bruce C. Reynolds.

Zachary and Trevor Boulden led those present in a pledge of allegiance to the American Flag. Zachary Boulden sang a song.

The Reading Clerk read the following communication into the record:

State of Delaware  
Executive Department  
Dover

**PROCLAMATION**

**WHEREAS**, a vacancy exists in the House of Representatives of the 141st General Assembly of the State of Delaware by reason of the untimely death of Al O. Plant of the 2nd Representative District of New Castle County, State of Delaware, on December 4, 2000; and

**WHEREAS**, such vacancy occurred and exists while the General Assembly is not in session; and

**WHEREAS**, pursuant to Title 15, Section 7103 of the Delaware Code, the Governor must issue an order convening the General Assembly in order for a special election to be held in such cases;

**NOW, THEREFORE, I, THOMAS R. CARPER**, Governor of the State of Delaware, in accordance with the Constitution and laws of the State of Delaware, do hereby proclaim an extraordinary session of the General Assembly on January 9, 2001.

**IN WITNESS WHEREOF, I THOMAS R. CARPER,**

Governor of the State of Delaware, have set my Hand and caused the Great Seal of said State to be affixed at Wilmington this 20th day of December in the year of our Lord Two Thousand.

Thomas R. Carper  
Governor

Attest:  
Edward J. Freel  
Secretary of State

Mr. Temporary Speaker announced that the House is convened in Extraordinary Session and Regular Session.

The Temporary Chief Clerk called the names of the members-elect of the House of Representatives of the 141st General Assembly.

Representative District No. 1 - Representative-Elect Dennis P. Williams  
Representative District No. 2 - Representative-Elect Al O. Plant, Sr. - Deceased  
Representative District No. 3 - Representative-Elect Arthur L. Scott  
Representative District No. 4 - Representative-Elect Joseph G. DiPinto  
Representative District No. 5 - Representative-Elect Helene M. Keeley  
Representative District No. 6 - Representative-Elect David H. Ennis  
Representative District No. 7 - Representative-Elect Wayne A. Smith  
Representative District No. 8 - Representative-Elect David D. Brady  
Representative District No. 9 - Representative-Elect Richard C. Cathcart  
Representative District No. 10 - Representative-Elect Robert J. Valihura, Jr.

Representative District No. 11 - Representative-Elect Gregory F. Lavelle  
 Representative District No. 12 - Representative-Elect Deborah Hudson Capano  
 Representative District No. 13 - Representative-Elect John F. VanSant  
 Representative District No. 14 - Representative-Elect Richard A. DiLiberto, Jr.  
 Representative District No. 15 - Representative-Elect Bruce C. Reynolds  
 Representative District No. 16 - Representative-Elect William I. Houghton  
 Representative District No. 17 - Representative-Elect Michael P. Mulrooney  
 Representative District No. 18 - Representative-Elect Terry R. Spence  
 Representative District No. 19 - Representative-Elect Robert F. Gilligan  
 Representative District No. 20 - Representative-Elect Roger Roy  
 Representative District No. 21 - Representative-Elect Pamela S. Maier  
 Representative District No. 22 - Representative-Elect Joseph E. Miro  
 Representative District No. 23 - Representative-Elect Timothy U. Boulden  
 Representative District No. 24 - Representative-Elect William A. Oberle, Jr.  
 Representative District No. 25 - Representative-Elect Stephanie A. Ulbrich  
 Representative District No. 26 - Representative-Elect John J. Viola  
 Representative District No. 27 - Representative-Elect Vincent A. Lofink  
 Representative District No. 28 - Representative-Elect Bruce C. Ennis  
 Representative District No. 29 - Representative-Elect Pamela J. Thornburg  
 Representative District No. 30 - Representative-Elect George Robert Quillen  
 Representative District No. 31 - Representative-Elect Nancy H. Wagner  
 Representative District No. 32 - Representative-Elect Donna D. Stone  
 Representative District No. 33 - Representative-Elect G. Wallace Caulk, Jr.  
 Representative District No. 34 - Representative-Elect Gerald A. Buckworth  
 Representative District No. 35 - Representative-Elect J. Benjamin Ewing, Jr.  
 Representative District No. 36 - Representative-Elect V. George Carey  
 Representative District No. 37 - Representative-Elect John R. Schroeder  
 Representative District No. 38 - Representative-Elect Shirley A. Price  
 Representative District No. 39 - Representative-Elect Tina Fallon  
 Representative District No. 40 - Representative-Elect Clifford G. Lee  
 Representative District No. 41 - Representative-Elect Charles P. West

Representative-Elect Smith moved that the Certificates of Election be received and that a committee be appointed to examine the Certificates. The motion was seconded by Representative-Elect Lee and adopted by voice vote.

Mr. Temporary Speaker appointed Representative-Elect Stephanie A. Ulbrich and Representative-Elect Shirley A. Price to examine the Certificates of Election of the Members-Elect.

Miss Lori Christiansen, Controller General's office, sang a song.

Mr. Temporary Speaker & Representative-Elect Smith made comments.

Leah Rusinko, Lindsay Cook & Johanna Salfrank from Wilmington Christian School presented a national award-winning play, "Caesar Rodney's Ride".

Mr. Temporary Speaker made comments.

Representatives-Elect Maier & Capano introduced the tour choir from Tatnall School, directed by Mr. Wilson Somers. They sang two songs.

Representative-Elect Ulbrich reported that the Certificates of Election had been examined and were found to be in order.

Mr. Temporary Speaker requested that the Temporary Chief Clerk read one of the Certificates of Election as follows:

The State of Delaware  
New Castle County, ss.

Be It Remembered, That at the General Election held on Tuesday, the Seventh day in November, in the year of our Lord Two Thousand for New Castle County, according to the Constitution and Laws of the State of Delaware,

William A. Oberle, Jr.  
was duly elected

Representative - 24th District

which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we Henry duPont Ridgely and Richard R. Cooch constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November, A.D. 2000.

Henry duPont Ridgely, President Judge

Richard R. Cooch, Resident Judge

Representative-Elect Smith moved that the reading of one Certificate of Election constitute the reading of all.

The motion was seconded by Representative-Elect Lee and adopted by voice vote.

The Reading Clerk read the following communication into the record:

**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER**

**WRIT OF ELECTION**

**TO: THE DEPARTMENT OF ELECTIONS, NEW CASTLE COUNTY  
CARVEL STATE OFFICE BUILDING  
820 NORTH FRENCH STREET  
WILMINGTON, DELAWARE 19801**

**GREETINGS:**

**WHEREAS**, a vacancy exists in the House of Representatives of the 141st General Assembly of the State of Delaware by reason of the untimely death of Al O. Plant of the 2nd Representative District of New Castle County, State of Delaware, on December 4, 2000; and

**WHEREAS**, such a vacancy has occurred and exists while the General Assembly is not in session;

**NOW, THEREFORE, I, THOMAS R. CARPER**, Governor of the State of Delaware, in accordance with the Constitution and the laws of the State of Delaware in such cases made and provided, do hereby issue this Writ of Election and declare that you shall cause a special election to be held in said 2nd Representative District of New Castle County, State of Delaware, by the qualified electors thereof on a day to be assigned by you, such day not to be more than forty or less than thirty days next after receipt of this Writ, exclusive of that day, for the purpose of filling the aforesaid vacancy, the person thereupon chosen to hold office for the residue of the term of the said, Al O. Plant.

**IN WITNESS WHEREOF, I, THOMAS R. CARPER**, Governor of the State of Delaware, have hereunto set my hand and seal this 20th day of December in the year Two Thousand.

Jeanne T. DeLacy

NOTARY

Thomas R. Carper

GOVERNOR

STATE OF DELAWARE

The House observed a moment of silence in memory of Representative Al O. Plant, Sr. at the request of Mr. Temporary Speaker.

Mr. Temporary Speaker, Representatives-Elect Smith, Gilligan, Williams & Mr. Temporary Speaker made comments.

The Majority Leader moved to adjourn the extraordinary session at 1:08 p.m. The House continued in Regular Session.

Representative-Elect Smith moved that Judge Wayne Hanby administer the oath of office to Representative-Elect William A. Oberle, Jr.

Representative -Elect Oberle invited Representatives-Elect G. Robert Quillen & Roger Roy to join him on the podium as co-senior members of the House.

Judge Hanby administered the oath of Representative to Representatives-Elect Oberle, Quillen & Roy as follows:

I, do proudly swear to carry out the responsibilities of the office of Representative to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear always to place the public interests above any special or private interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and my State, so help me God.

William A. Oberle, Jr.

State Representative

Sworn and subscribed before me on this 9th day of January A.D. 2001

Wayne Hanby

Justice of the Peace

Mr. Temporary Speaker made an announcement.

Representative-Elect Smith moved that Judge Hanby administer the oath of Representative to Representatives-Elect Pamela J. Thornburg & Gregory F. Lavelle, the newest Members-Elect of the House. The oath was administered as above.

Representative-Elect Smith moved that Judge Hanby administer the oath of Representative to the remaining Representatives-Elect. The motion was seconded by Representative-Elect Lee and adopted by voice vote. The oath was administered as above.

Judge Hanby made comments.

Mr. Temporary Speaker made comments and an announcement.

Representative Smith made comments.

Representative Smith moved that the Temporary Chief Clerk call the roll of the Members of the House of Representatives of the 141st General Assembly. The motion was seconded by Representative Lee and adopted by voice vote.

The roll call was taken and revealed:

Members Present: 38

Members Absent: Representatives Caulk & Lofink - 2.

Vacancy: 1.

The Chief Clerk read the following communications into the record:

January 9, 2001

TO: House Speaker Terry R. Spence

FROM: Representative G. Wallace Caulk

SUBJECT: Absence from Session

Please be advised that I am unable to attend session on January 9, 10 & 11, 2001 for personal reasons.

January 9, 2001

Honorable Terry Spence

Speaker of the House



House of Representatives  
Legislative Hall  
Dover, DE 19903  
RE: Absence from Session  
Dear Speaker Spence:

I will be unable to attend our first day of session, January 9, 2001, due to personal business. I look forward to seeing you tomorrow, during our regular session.  
Thank you for your understanding in this matter.

Sincerely,  
Vincent A. Lofink  
State Representative  
27th District

Representative Smith moved that the roll as just called be adopted as the interim roll of the House of Representatives of the 141st General Assembly. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith moved that the House operate temporarily under the rules of the 140th General Assembly. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **HR 1**, jointly sponsored by Representative Lee, before the House for consideration.

**HR 1 - IN REFERENCE TO THE ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.**

BE IT RESOLVED by the House of Representatives of the 141st General Assembly of the State of Delaware that Terry R. Spence be made and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 141st General Assembly of the State of Delaware.

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

Representative Smith moved that Justice Randy J. Holland administer the oath of Speaker of the House to Representative Spence. The motion was seconded by Representative Lee and adopted by voice vote.

Justice Holland made comments.

Justice Holland administered the oath of Speaker of the House to Representative Spence as follows:

I, Terry R. Spence, do proudly swear to carry out the responsibilities of the office of Speaker of the House to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear always to place the public interests above any special or private interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitution of my Country and my State, so help me God.

Terry R. Spence  
Speaker of the House  
Sworn and subscribed before me this 9th day of January, A.D. 2001  
Randy J. Holland  
Justice, Delaware Supreme Court

Mr. Speaker Spence made comments.

Representative Roger Roy announced that the Majority Caucus has met and elected Representative Wayne A. Smith, Seventh Representative District as Majority Leader and Representative Clifford G. Lee, Fortieth Representative District as Majority Whip.

Representative Charles P. West announced that the Minority Caucus has met and elected Representative Robert F. Gilligan, Nineteenth Representative District as Minority Leader and Representative John F. VanSant, Thirteenth Representative District as Minority Whip.

Representative Smith introduced and brought **HR 2**, jointly sponsored by Representative Lee, before the House for consideration.

**HR 2 - IN REFERENCE TO ELECTION OF OFFICERS.**

BE IT RESOLVED by the House of Representatives of the 141st General Assembly of the State of Delaware that JoAnn M. Hedrick is elected to serve as Chief Clerk of the House of Representatives.

**HR 2** was adopted by voice vote.

Representative Smith made an announcement.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **HJR 1**.

The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **HJR 1**, jointly sponsored by Representative Lee, before the House for consideration.

**HJR 1 - IN REFERENCE TO OFFICERS.**

BE IT RESOLVED by the House of Representatives and the Senate of the 141st General Assembly of the State of Delaware, with the approval of the Governor, that Florence Legates is elected to serve as Bill Clerk at the pleasure of the House of Representatives.

The roll call on **HJR 1** was taken and revealed:

YES: 38

ABSENT: Representatives Caulk & Lofink - 2.

VACANCY: 1.

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

Representative Smith moved that a committee of two members be appointed to notify the Governor that the House is organized and ready for business. The motion was seconded by Representative Lee.

Mr. Speaker Spence appointed Representative V. George Carey and Representative Helene M. Keeley to notify the Governor that the House is organized and ready for business.

Representative Smith moved that a committee of two members be appointed to notify the Senate that the House is organized and ready for business. The motion was seconded by Representative Lee.

Mr. Speaker Spence appointed Representatives Deborah D. Hudson and Bruce C. Ennis to notify the Senate that the House is organized and ready for business. Mr. Speaker Spence announced that the Senate is in recess.

Mr. Speaker Spence granted privilege of the floor to Senators Nancy W. Cook & Catherine A. Cloutier who announced that the Senate is organized and ready for business.

Mr. Speaker Spence made comments.

The Members of the House introduced family members and friends for the record.

Representative Carey announced that he and Representative Keeley have notified the Governor that the House is organized and ready for business.

The following pre-session prefiled legislation was introduced:

January 3, 2001

**HB 3 - STONE & SENATOR MCDOWELL; REPRESENTATIVES HUDSON & DIPINTO & SENATOR COOK - HOUSE ADMINISTRATION - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax Credits.**

**HB 4 - EWING & REPRESENTATIVES BUCKWORTH; THORNBURG - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to DNA Analysis and Data Bank.**

**HB 5 - WAGNER & REPRESENTATIVE SPENCE & SENATORS BLEVINS & MCDOWELL; REPRESENTATIVES BUCKWORTH, DIPINTO, D. ENNIS, EWING, HUDSON, LEE, LOFINK, MIRO, QUILLEN, ROY, STONE, B. ENNIS, DILIBERTO, PRICE, WEST; SENATORS AMICK, COOK - HOUSE ADMINISTRATION - An Act to Amend Title 14 of the Delaware Code Relating to Administrative Provisions.**

**HB 6 - WAGNER & REPRESENTATIVE SPENCE & SENATOR MCBRIDE; REPRESENTATIVES SMITH, BUCKWORTH, CAREY, CATHCART, CAULK, D. ENNIS, FALLON, HUDSON, LEE, LOFINK, MAIER, OBERLE, QUILLEN, REYNOLDS, STONE, ULBRICH, VALIHURA, GILLIGAN, VANSANT, B. ENNIS, HOUGHTON, KEELEY, PRICE, SCHROEDER, SCOTT, VIOLA, WILLIAMS; SENATORS CLOUTIER, CONNOR - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the Establishment of the Efficient and Effective Acquisition and Use of Modern Information Telecommunication Technology Act.**

**HB 7 - WAGNER & SENATOR SOKOLA - HOUSE ADMINISTRATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Utilization of Professional Educators in Critical Curricular Areas.**

**HB 8 - DILIBERTO & SENATOR BLEVINS; REPRESENTATIVES MIRO, VIOLA - HOUSE ADMINISTRATION - An Act Concurring in a Proposed Amendment to Article V, § 2 of the Delaware Constitution of 1897, as Amended, Relating to References to People with Mental Illness and Paupers. (2/3 bill)**

**HB 9 - PRICE; REPRESENTATIVES KEELEY, MIRO, SCHROEDER; VIOLA; SENATORS BUNTING, SOKOLA - HOUSE ADMINISTRATION - An Act Directing the Department of Education to Develop, Implement, and Enhance Programs for Students with Limited English Proficiency.**

**HB 10 - DILIBERTO & REPRESENTATIVE WAGNER; SENATORS ADAMS, WINSLOW - HOUSE ADMINISTRATION - An Act Concurring in a Proposed Amendment of Article IV of the Constitution of the State of Delaware by the Addition of a New Section 39 Creating the Judicial Office of Senior Judge. (2/3 bill)**

**HB 11 - MULROONEY; REPRESENTATIVES B. ENNIS, SPENCE, VIOLA; SENATORS CONNOR, MCDOWELL, SORENSON - HOUSE ADMINISTRATION - An Act to Amend Title 7 of the Delaware Code Relating to Recycling.**

**HB 12 - PRICE & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend Chapter 64, Volume 63, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware" to Extend the Corporate Limits of the Town of Ocean View. (2/3 bill)**

A closing prayer was offered by Reverend Thomas Protack, Our Lady of Fatima, New Castle, DE.

The Majority Leader moved to recess to the call of the Chair at 4:05 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:05 p.m. on January 10, 2001.

Mr. Speaker Spence had administered the oath of office of Representative to Representative-Elect Vincent A. Lofink in the Speaker's Office prior to the call to order.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SJR 1** and requests the concurrence of the House.

Ms. JoAnn M. Hedrick

Chief Clerk of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

December 12, 2000

Dear Mrs. Hedrick:

Thank you very much for sending the award to us in W.L. "Bill" Gore's name as the honored recipient of the Delaware Quality Award presented by the Delaware Quality Consortium.

As the co-founder of W.L. Gore & Associates, Inc. it indeed makes me very happy to have this beautiful award for our history files.

May I extend to you and the members of the House of Representatives greetings for the holiday season and the New Year.

Sincerely,  
Genevieve W. Gore

Representative Lofink requested that he be marked present for the current legislative day.  
The Reading Clerk read the following communication into the record:

December 13, 2000

The Honorable Terry R. Spence  
House of Representatives  
State of Delaware  
Legislative Hall  
Dover, DE 19901

St. Elizabeth Elementary School is very honored to have received such an extraordinary Tribute from the entire House of Representatives of the State of Delaware. The fact that each member of the House of Representatives signed the commendation makes it very special indeed. We will proudly display the Tribute in our school foyer during the Catholic School's Week, which is Jan. 29th through Feb. 2nd.

The day that the Tribute was delivered to St. Elizabeth Elementary was the same date that news arrived that a distinguished member of your House passed on. Representative Al O. Plant will be greatly missed in the House Chamber and in the State of Delaware. He did so much good for so many people and that is what we will remember him for. St. E's offers the House of Representatives our condolences on the loss of such an influential and compassionate individual.

We would greatly appreciate it if you would share our letter with the entire House and wish them a joyous and peaceful Christmas Season from all the "little people" of St. Elizabeth's.

Sincerely,

P. Patricia Peterson  
GS Development Director

Sister Gerald Falkowski, O.S.B.  
Principal

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.

**2nd LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**  
**January 10, 2001**

The Chief Clerk called the roll:

Members Present: 36.

Members Absent: Representatives Boulden, Brady, Caulk & Miro -4.

Vacancy: 1.

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

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

The minutes of the previous day were approved as posted.

The following prefiled legislation was introduced:

**HB 2 - OBERLE & SENATOR SOKOLA - EDUCATION - An Act to Amend Title 10 of the Delaware Code Relating to Executions as Regards the Delaware Qualified Tuition Savings Program.**

**HB 13 - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES MAIER, PRICE; SENATORS SOKOLA, AMICK, SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Adoptions and Termination of Parental Rights.**

**HB 14 - BUCKWORTH & SENATOR MCBRIDE; REPRESENTATIVES MAIER, DILIBERTO; SENATOR BONINI - EDUCATION - An Act to Amend Title 29 of the Delaware Code Relating to Leave for State Employees.**

**HB 15 - BUCKWORTH & SENATOR VAUGHN - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.**

**HB 16 - PRICE; REPRESENTATIVES BRADY, BUCKWORTH, DILIBERTO, KEELEY, MAIER, QUILLEN, VALIHURA - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Theft and Related Offenses. (2/3 bill)**

**HB 17** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES SMITH, LEE, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, MAIER, MIRO, QUILLEN, STONE, ULBRICH, VALIHURA, VAN SANT, BRADY, B. ENNIS, SCHROEDER, VIOLA; SENATORS BLEVINS, AMICK, BONINI, CLOUTIER, CONNOR, SIMPSON, SORENSON, STILL, WINSLOW - EDUCATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Substitute Teachers.

**HB 18** - OBERLE - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Campaign Signs.

**HB 19** - OBERLE; REPRESENTATIVES CATHCART, D. ENNIS, FALLON, LOFINK, REYNOLDS, ROY; SENATORS HENRY, SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Occupant Protection System Safety Act.

**HB 20** - OBERLE; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, CATHCART, DIPINTO, HUDSON, LOFINK, MIRO, STONE, ULBRICH, VALIHURA, WAGNER, DILIBERTO, HOUGHTON, KEELEY, MULROONEY, PRICE, VIOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driving Under the Influence. (2/3 bill)

**HB 21** - OBERLE; REPRESENTATIVES SPENCE, SMITH, BOULDEN, BUCKWORTH, CAREY, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LEE, LOFINK, MAIER, QUILLEN, REYNOLDS, STONE, WAGNER, VANSANT, HOUGHTON, PRICE, SCHROEDER, WEST - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Medical Practices Act.

**HB 22** - OBERLE & REPRESENTATIVE WILLIAMS & REPRESENTATIVE SPENCE & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, EWING, HUDSON, MAIER, MIRO, QUILLEN, WAGNER, GILLIGAN, PRICE, BRADY, DILIBERTO, SCHROEDER, SCOTT, VALIHURA, KEELEY, STONE, ULBRICH, LOFINK, B. ENNIS; SENATORS BLEVINS, BUNTING, CLOUTIER, CONNOR, WINSLOW - EDUCATION - An Act to Amend Title 14, Delaware Code Establishing the Al O. Plant, Sr. Memorial Scholarship Fund.

**HB 23** - OBERLE & SENATOR BONINI - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article XV of the Delaware Constitution Relating to Certain Required Resignations. (2/3 bill)

Representative Gilligan requested and was granted personal privilege of the floor to make an announcement.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #1

DATE: January 10, 2001

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>                                                      |
|---------------|----------------|-------------|-------------|-------------------------------------------------------------------------|
| H141-1        | Gilligan       | 11/10/2000  | T           | Honorable Roger Roy/Bond<br>Committee/Brandywine Springs School         |
| H141-2        | Gilligan       | 11/10/2000  | T           | Honorable Patricia Blevins/Bond<br>Committee/Brandywine Springs School  |
| H141-3        | Gilligan       | 11/10/2000  | T           | William Cooke, Jr./Leadership/Brandywine<br>Springs School              |
| H141-4        | Gilligan       | 11/10/2000  | T           | William Manning/Dedication/Board<br>President/Brandywine Springs School |
| H141-5        | Gilligan       | 11/10/2000  | T           | Charles Cavanaugh/Board Member/<br>Dedication/Brandywine Springs School |
| H141-6        | Gilligan       | 11/10/2000  | T           | Richard Moretti/Red Clay District/Purchase<br>Brandywine Springs School |
| H141-7        | Gilligan       | 11/10/2000  | T           | Dr. Robert Andrzejewski/Red Clay                                        |

|         |                                             |            |   |                                                                                             |
|---------|---------------------------------------------|------------|---|---------------------------------------------------------------------------------------------|
| H141-8  | cosponsor: Rep. Roy<br>Gilligan             | 11/10/2000 | T | Superintendent/Leadership<br>Diane Dunmon/Red Clay/Dedication/<br>Brandywine Springs School |
| H141-9  | cosponsor: Rep. Miro<br>Gilligan            | 11/10/2000 | T | Andrea Lanciault/Assistant Principal/<br>Dedication/Brandywine Springs School               |
| H141-10 | cosponsor: Rep. Maier<br>Gilligan           | 11/14/2000 | T | Dr. Orlando George/5 Years/President/Del Tech                                               |
| H141-11 | cosponsor: Rep. Williams<br>Boulden         | 11/11/2000 | T | Rev. Zenko Okimura/Sharing Japanese Culture                                                 |
| H141-12 | Price                                       | 11/10/2000 | T | Joe Deloach/South Bethany/Police Chief of Year                                              |
| H141-13 | Wagner                                      | 11/11/2000 | T | Elizabeth Jelich & Vladan Vasiljevic/Marriage                                               |
| H141-14 | Spence                                      | 11/16/2000 | T | W. L. Gore/Delaware Quality Award Recipient                                                 |
| H141-15 | Smith                                       | 11/16/2000 | T | Honorable Charles Welch, III/New Career in<br>Judicial Branch                               |
| H141-16 | cosponsors: All Representatives<br>Gilligan | 11/10/2000 | T | Honorable David Sokola/Leadership/Brandywine<br>Springs School                              |
| H141-17 | cosponsor: Rep. Miro<br>Quillen             | 11/19/2000 | T | R. Donald Hannum/Eagle Scout                                                                |
| H141-18 | Quillen                                     | 11/18/2000 | T | Heather Crouse/16th Birthday                                                                |
| H141-19 | Quillen                                     | 11/19/2000 | T | Ernest Myers/Loyal Order of Moose Day/Felton                                                |
| H141-20 | Cathcart                                    | 11/12/2000 | T | Joseph M. Shaffner, Jr./Eagle Scout                                                         |
| H141-21 | Wagner                                      | 11/8/2000  | M | Marjorie Pippin List                                                                        |

cosponsors: On behalf of all Representatives

#### HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: January 10, 2001

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                                                                           |
|---------|-----------------------------------|------------|------|---------------------------------------------------------------------------------------|
| H141-22 | Capano                            | 1/1/2001   | T    | Lori Van Sickle/First PGA of America Designated<br>Certified Master Club Professional |
| H141-23 | Fallon                            | 11/17/2000 | T    | Paul Viehman/Retirement/Blades Police Department                                      |
| H141-24 | Oberle                            | 11/28/2000 | T    | Christopher David Terranova/Eagle Scout                                               |
| H141-25 | Thornburg                         | 11/25/2000 | T    | Donna & David Snell/40th Wedding Anniversary                                          |
| H141-26 | cosponsor: Rep. Quillen<br>Wagner | 11/11/2000 | T    | Lydia Maples/104th Birthday                                                           |
| H141-27 | Stone                             | 11/16/2000 | T    | Coach Michael Drass/Wesley College Wolverines<br>/NCAA Playoffs                       |
| H141-28 | Ewing                             | 11/6/2000  | M    | Lieutenant Forrest Evans                                                              |
| H141-29 | Spence                            | 12/14/2000 | T    | Dr. Norman Borlaug/Honors/Exemplary Life                                              |
| H141-30 | Lofink                            | 11/14/2000 | M    | Thomas R. Zappacosta, Jr.                                                             |
| H141-31 | Fallon                            | 12/13/2000 | T    | Toby Thomas Laurion/Eagle Scout                                                       |
| H141-32 | Fallon                            | 12/13/2000 | T    | Paul Hibbs Heder/Eagle Scout                                                          |
| H141-33 | B. Ennis                          | 11/13/2000 | M    | C. Preston Poore, Sr.                                                                 |
| H141-34 | Fallon                            | 12/29/2000 | T    | Captain Charles Pugh/Retirement/Seaford Police                                        |
| H141-35 | DiLiberto                         | 11/20/2000 | M    | Ralph Godwin                                                                          |
| H141-36 | Scott                             | 11/10/2000 | T    | William Wells/Outstanding Community Service                                           |
| H141-37 | Scott                             | 11/10/2000 | T    | Patrick Burke/Outstanding Community Service                                           |
| H141-38 | Scott                             | 11/10/2000 | T    | Thomas Looney/Outstanding Community Service                                           |

|         |        |            |   |                                                                                |
|---------|--------|------------|---|--------------------------------------------------------------------------------|
| H141-39 | Scott  | 11/10/2000 | T | George Taylor/Community Service                                                |
| H141-40 | Scott  | 11/10/2000 | T | Joseph Leary/Outstanding Community Service                                     |
| H141-41 | Scott  | 11/10/2000 | T | Donald Cramer/Community Service                                                |
| H141-42 | Scott  | 11/10/2000 | T | Brian Ritchie/Outstanding Community Service                                    |
| H141-43 | Maier  | 12/7/2000  | T | Christie Aiken/Miss Delaware Teen USA                                          |
| H141-44 | Maier  | 12/7/2000  | T | Donald Bergner/Induction/Delaware Special<br>Olympics Hall of Fame             |
| H141-45 | Spence | 11/30/2000 | T | St. Elizabeth's Elementary School<br>/Appreciation/Hospitality                 |
| H141-46 | Capano | 11/29/2000 | T | Lieutenant General Arthur<br>Episcopo/Investiture/Civilian Aide/Army Secretary |

#### HOUSE TRIBUTE ANNOUNCEMENT # 3

DATE: January 10, 2001

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                                                                  |
|---------|----------|------------|------|------------------------------------------------------------------------------|
| H141-47 | Capano   | 11/21/2000 | M    | Dale Murray Hiller                                                           |
| H141-48 | Price    | 1/6/2001   | T    | Bob Orem/80th Birthday                                                       |
| H141-49 | D. Ennis | 11/27/2000 | M    | Malcolm Lewis MacKenzie                                                      |
| H141-50 | D. Ennis | 12/4/2000  | T    | Patrik Holmberg/Destination Kalmar/Visit                                     |
| H141-51 | D. Ennis | 12/4/2000  | T    | Sven-Olaf Karlsson/Southeast Sweden<br>Chamber of Commerce/Visit to Delaware |
| H141-52 | D. Ennis | 12/4/2000  | T    | Jonathan Ramsden/City of Kalmar/Visit                                        |
| H141-53 | D. Ennis | 12/4/2000  | T    | Nils Nilsson/University of Kalmar/Visit                                      |
| H141-54 | D. Ennis | 12/4/2000  | T    | Hans Duned/Baltic Business Center/Visit                                      |
| H141-55 | DiPinto  | 12/6/2000  | T    | Sam Vane/5 Years/Opportunity Center                                          |
| H141-56 | D. Ennis | 12/6/2000  | T    | Ricky Sarbora/25 Years/Opportunity Center                                    |
| H141-57 | Price    | 12/6/2000  | T    | George Simpson/15 Years/Opportunity Center                                   |
| H141-58 | Spence   | 12/6/2000  | T    | Lydia Garrett/15 Years/Opportunity Center                                    |
| H141-59 | D. Ennis | 12/6/2000  | T    | Sheila Cuff/20 Years/Opportunity Center                                      |
| H141-60 | Gilligan | 12/6/2000  | T    | Lisa Johnson/20 Years/Opportunity Center                                     |
| H141-61 | Scott    | 12/6/2000  | T    | John Watson/10 Years/Opportunity Center                                      |
| H141-62 | Gilligan | 12/6/2000  | T    | Sheila Lucas/5 Years/Opportunity Center                                      |
| H141-63 | Keeley   | 12/6/2000  | T    | Margaret Briscoe/10 Years/Opportunity Center                                 |
| H141-64 | D. Ennis | 12/6/2000  | T    | Viola Visich/5 Years/Opportunity Center                                      |
| H141-65 | Price    | 12/6/2000  | T    | Larry Collins/25 Years/Opportunity Center                                    |
| H141-66 | Spence   | 12/6/2000  | T    | Leo Mitchell/15 Years/Opportunity Center                                     |
| H141-67 | Reynolds | 12/6/2000  | T    | Ted Patten/5 Years/Opportunity Center                                        |
| H141-68 | Brady    | 12/6/2000  | T    | Martha McDowell/40 Years/Opportunity Center                                  |
| H141-69 | Scott    | 12/6/2000  | T    | Richard Springer/35 Years/Opportunity Center                                 |
| H141-70 | Price    | 12/6/2000  | T    | Bob Buckman/15 Years/Opportunity Center                                      |
| H141-71 | Keeley   | 12/6/2000  | T    | William Garvin/5 Years/Opportunity Center                                    |
| H141-72 | Spence   | 12/6/2000  | T    | Joy Ann Young/5 Years/Opportunity Center                                     |
| H141-73 | Keeley   | 12/6/2000  | T    | Esperanza Collazo/15 Years/Opportunity Center                                |

#### HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: January 10, 2001

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                                                                       |
|---------|-----------------------------------------|------------|------|-----------------------------------------------------------------------------------|
| H141-74 | Williams                                | 12/6/2000  | T    | Ruthie Greene/10 Years/Opportunity Center                                         |
| H141-75 | Buckworth                               | 12/1/2000  | T    | Norma Lee Cool/Retirement/40 Years/School Bus Contractor/Caesar Rodney Schools    |
| H141-76 | Buckworth                               | 12/1/2000  | T    | Tom Harmon, Sr./Retirement/37 Years/School Bus Contractor/Caesar Rodney Schools   |
| H141-77 | Buckworth                               | 12/1/2000  | T    | Bill & Alice Earley/Retirement/33 Years/School Bus Contractors/Caesar Rodney      |
| H141-78 | Stone                                   | 12/1/2000  | M    | The Reverend William H. Sturgeon, Sr.                                             |
| H141-79 | Stone                                   | 11/16/2000 | T    | Frank Fantini/E. W. Buchanan Award Recipient                                      |
| H141-80 | Stone                                   | 11/16/2000 | T    | Mary Skelton/Air Force Air Mobility Command Distinguished Citizen Award Recipient |
| H141-81 | Buckworth                               | 12/3/2000  | M    | Eugene E. Abbott                                                                  |
|         | cosponsors: All Representatives         |            |      |                                                                                   |
| H141-82 | Capano                                  | 12/10/2000 | T    | Dawn Thompson/Retirement/30 Years/Delaware Court System                           |
| H141-83 | Buckworth                               | 12/3/2000  | M    | Lieutenant Colonel William E. Blagg, Jr.                                          |
| H141-84 | Buckworth                               | 12/8/2000  | T    | Deanna Botteon/National FFA Band Participant                                      |
| H141-85 | Quillen                                 | 1/6/2001   | T    | Scott Robert Bloodsworth/Eagle Scout                                              |
| H141-86 | Carey                                   | 1/1/2001   | T    | George & Mary Papen/65th Wedding Anniversary                                      |
|         | cosponsors: Reps. Buckworth & Thornburg |            |      |                                                                                   |
| H141-87 | Ewing                                   | 12/9/2000  | M    | James H. Scott                                                                    |
| H141-88 | Spence                                  | 12/10/2000 | M    | Mae Townsend Phillips                                                             |
| H141-89 | Wagner                                  | 1/6/2001   | T    | Beatrice J. Townsend/94th Birthday                                                |
| H141-90 | Wagner                                  | 11/25/2000 | T    | Edna Nuckols/91st Birthday                                                        |
| H141-91 | Wagner                                  | 12/27/2000 | T    | Lillian Moore/91st Birthday                                                       |
| H141-92 | B. Ennis                                | 12/24/2000 | T    | Maggie Ann Montgomery/85th Birthday                                               |
| H141-93 | Quillen                                 | 12/24/2000 | T    | Walter & June LeKites/50th Wedding Anniversary                                    |
| H141-94 | Stone                                   | 1/27/2001  | T    | Douglas L. Testerman/Retirement/from State Service                                |
|         | cosponsor: Rep. Quillen                 |            |      |                                                                                   |
| H141-95 | Capano                                  | 12/13/2000 | M    | Sally Elaine Sorouri                                                              |

T- Tribute

M - Memoriam

Representative Scott requested that he be marked present.

Mr. Acting Speaker reassigned **HB 3** to the Revenue & Finance Committee.

Mr. Acting Speaker reassigned **HB 4** to the Corrections Committee.

Mr. Acting Speaker reassigned **HB 5** to the Education Committee.

Mr. Acting Speaker reassigned **HB 6** to the Telecommunications & Electric Utility Deregulation Committee.

Mr. Acting Speaker reassigned **HB 7** to the Education Committee.

Mr. Acting Speaker reassigned **HB 8** to the Health & Human Development Committee.

Mr. Acting Speaker reassigned **HB 9** to the Education Committee.

Mr. Acting Speaker reassigned **HB 10** to the Judiciary Committee.

Mr. Acting Speaker reassigned **HB 11** to the Natural Resources & Environmental Management Committee.



Representative Smith requested and was granted personal privilege of the floor to make an announcement regarding **HB 430** from the 140th General Assembly.

Mr. Acting Speaker, Representatives Smith, Schroeder & Smith made comments.

Representative DiLiberto requested and was granted personal privilege of the floor to make an announcement.

Representatives Spence, Smith & Hudson made comments.

Representatives DiPinto & Maier requested that they be marked present.

Representative Smith requested and was granted personal privilege of the floor for Pam Price, Director of Research and Constituent Relations for the House Majority, who introduced the 2001 Legislative Fellows.

Representatives Smith & D. Ennis made comments.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **SJR 1**. The motion was properly seconded and adopted by voice vote.

Representative Smith introduced and brought **SJR 1**, sponsored by Senator Sharp & Senator Adams & Senator Marshall, before the House for consideration.

#### **SJR 1 - IN REFERENCE TO ELECTION OF OFFICERS**

The roll call on **SJR 1** was taken and revealed:

YES: 34.

ABSENT: Representatives Boulden, Brady, Caulk, Ewing, Miro & Reynolds - 6.

VACANT: 1

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

Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 2:30 p.m.

Mr. Speaker Spence called the House to order at 2:05 p.m. on January 11, 2001.

Representative Brady requested that he 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.

### **3rd LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**January 11, 2001**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Caulk & Keeley - 2.

Vacancy - 1.

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

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

The following prefiled legislation was introduced:

**HB 24** - EWING - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article III, §2 of the Delaware Constitution of 1897, as Amended, Relating to Elections of Governor and Lieutenant Governor. (2/3 bill)

**HB 25** - MAIER & SENATOR BLEVINS; REPRESENTATIVES HUDSON, KEELEY, STONE, ULBRICH; SENATORS CLOUTIER, HENRY, SIMPSON, SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 14 and Title 16 of the Delaware Code Relating to the Delaware Health Care Commission, the Delaware Institute for Dental Education and Research and the Practice of Dentistry in Delaware.

**HB 26** - LEE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Plates.

**HJR 2** - LEE & SENATOR VAUGHN - CORRECTIONS - Directing the Sentencing Accountability Commission to Conduct an In-Depth Examination of Sentencing Practices.

The House observed a moment of silence in memory of Eglantine Roy. Representative Roy's mother, at the request of Speaker Spence.

Representative B. Ennis requested that he be marked present.

The minutes of the previous legislative day were approved as posted.  
Representative Houghton requested that he be marked present.  
The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 1** and requests the concurrence of the House;  
**HJR 1** and is returning same to the House.

Memorandum

TO: The Honorable Terry R. Spence, Speaker of the House  
FROM: Representative Helene M. Keeley  
CC: JoAnn M. Hedrick, Chief Clerk of the House  
DATE: January 11, 2001  
RE: Session Day Absence Due to Illness

I regretfully wish to inform you that I will be unable to attend legislative session today due to illness.  
Thank you for your consideration of this matter.

January 11, 2001

The Honorable Terry Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19903

Dear Speaker Spence:

This is to let you know that I will be unable to attend today's session due to a death in my family.  
Thank you for your understanding.

Sincerely,  
Roger P. Roy  
State Representative  
20th District

Representative DiLiberto requested that he be marked present.

Representative Smith introduced and brought **SCR 1**, jointly sponsored by Senators Sharp & Adams & Representative Spence, before the House for consideration.

**SCR 1 - PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF ANNOUNCING THE VOTE FOR GOVERNOR AND LT. GOVERNOR OF THE STATE OF DELAWARE.**

Representative Smith made comments.

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

Representative D. Ennis requested that he be marked present.

Mr. Speaker Spence & Representative DiPinto made announcements.

Representative Miro requested that he be marked present.

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

**JOINT SESSION - SENATE CHAMBER**

The Sergeant-at-Arms announced the arrival of the House Members.

The Members of the House of Representatives were admitted and welcomed by the President pro Tempore. At the invitation of the President pro Tempore, Mr. Speaker Spence joined him on the podium.

The Secretary of the Senate read the following communication into the record:

Mr. President, the House wishes to inform the Senate that it has passed **SCR 1**.

Pursuant to **SCR 1**, at 2:31 p.m. Senator Adams moved that the Senate and the House convene in Joint Session.  
There was no objection.

Senator Adams moved that the President pro Tempore preside over the Joint Session. There was no objection.

Senator Adams moved that the Secretary of the Senate and the Chief Clerk of the House act as secretaries to the Joint Session. There was no objection.

Senator Sharp announced:

"Under the provisions of Article III of the State Constitution, the election results of the Governor and Lieutenant Governor must be opened and published in the presence of the Members of both the House and the Senate in Joint Session."

The President pro Tempore instructed the Senate Reading Clerk to read the Certificates of Election from all three counties for Governor.

The State of Delaware  
New Castle County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for New Castle County, according to the Constitution and the Laws of the State of Delaware, 127,112 votes were given for Democrat Ruth Ann Minner for Governor; 81,311 votes were given for Republican John M. Burris for Governor; 2,462 votes were given for Independent Floyd E. McDowell, Sr. for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we Henry duPont Ridgely and Richard R. Cooch constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

Henry duPont Ridgely, President Judge  
Richard R. Cooch, Resident Judge  
The State of Delaware  
Kent County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for Kent County, according to the Constitution and the Laws of the State of Delaware, 27,164 votes were given for Democrat Ruth Ann Minner for Governor; 20,073 votes were given for Republican John M. Burris for Governor; 356 votes were given for Independent Floyd E. McDowell, Sr. for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we James T. Vaughn, Jr. and William L. Witham, Jr. constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

James T. Vaughn, Jr., Resident Judge  
William L. Witham, Jr., Judge  
The State of Delaware  
Sussex County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for Sussex County, according to the Constitution and the Laws of the State of Delaware, 37,419 votes were given for Democrat Ruth Ann Minner for Governor; 27,219 votes were given for Republican John M. Burris for Governor; 453 votes were given for Independent Floyd E. McDowell, Sr. for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we T. Henley Graves and E. Scott Bradley constituting the Superior Court for Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

T. Henley Graves, Resident Associate Judge

E. Scott Bradley, Associate Judge

The President pro Tempore instructed the Senate Reading Clerk to read the Certificates of Election from all three Counties for Lieutenant Governor.

The State of Delaware

New Castle County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for New Castle County, according to the Constitution and the Laws of the State of Delaware, 130,193 votes were given for Democrat John C. Carney, Jr. for Lieutenant Governor; 73,837 votes were given for Republican Dennis Rochford for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we Henry duPont Ridgely and Richard R. Cooch constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

Henry duPont Ridgely, President Judge

Richard R. Cooch, Resident Judge

The State of Delaware

Kent County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for Kent County, according to the Constitution and the Laws of the State of Delaware, 26,478 votes were given for Democrat John C. Carney, Jr. for Lieutenant Governor; 19,457 votes were given for Republican Dennis Rochford for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we James T. Vaughn, Jr. and William L. Witham, Jr. constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

James T. Vaughn, Jr., Resident Judge

William L. Witham, Jr., Judge

The State of Delaware

Sussex County, ss.

Be it Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord Two Thousand for Sussex County, according to the Constitution and the Laws of the State of Delaware, 36,677 votes were given for Democrat John C. Carney, Jr. for Lieutenant Governor; 26,649 votes were given for Republican Dennis Rochford for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we T. Henley Graves and E. Scott Bradley constituting the Superior Court for Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have

hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9<sup>th</sup> day of November, A.D., 2000.

T. Henley Graves, Resident Associate Judge  
E. Scott Bradley, Associate Judge

The President pro Tempore introduced the Lieutenant Governor-Elect.

Senator Adams moved that the election results for the Governor and Lieutenant Governor as just officially announced be reflected in the Senate and the House records for publication and that the results of the election and the winners as announced constitute compliance with the provisions of Article III of the Delaware Constitution. There was no objection.

Senator Adams moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective journals to see if they agreed. There was no objection.

The Secretary of the Senate informed the Joint Session that he and the Chief Clerk of the House had compared their Journals and found that they agreed.

At 2:43 p.m., Senator Adams moved that the Joint session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection.

Mr. Speaker Spence called the House to order at 2:21 p.m. on January 16, 2001.

Mr. Speaker Spence administered the oath of office of Representative to Representative-Elect G. Wallace Caulk, Jr. in the Speaker's Office before the call to order.

Representatives Cathcart & Boulden requested that they be marked present for the current legislative day.

Representative Lee deferred to Representative VanSant.

Representative VanSant introduced **HB 50**, jointly sponsored by Representative Gilligan & Senators Sharp, Adams, Marshall & Vaughn.

**HB 50 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2002; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.**

Mr. Speaker Spence assigned **HB 50** to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:23 p.m., thereby ending the current legislative day. The House reconvened at 2:25 p.m.

**4th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**  
**January 16, 2001**

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Ulbrich & Williams - 2.

Vacant: 1

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

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

Mr. Speaker Spence introduced a guest.

Representative Roy requested and was granted personal privilege of the floor to make comments and an announcement.

Representative Roy requested and was granted privilege of the floor for C. J. Chen, Ambassador of Taiwan, Republic of China, who addressed the House.

Representative Smith requested and was granted personal privilege of the floor to make comments.

Mr. Speaker Spence made comments.

Representatives D. Ennis & Stone requested and were granted personal privilege of the floor to make comments.

Representative DiPinto requested and was granted personal privilege of the floor to introduce guests and to make comments.

Representative Carey requested that he be marked present.

Mr. Speaker Spence introduced a guest.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 5 w/SA 1** & **SB 9 w/SA 1** and requests the concurrence of the House.

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Stephanie A. Ulbrich  
DATE: January 16, 2001  
RE: Absence from Session

Please be advised that I will be unable to attend session on January 16, 2001 due to a personal matter and will be returning on Wednesday, January 17, 2001. Thank you.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker, House of Representatives  
FROM: Michael R. Mulrooney  
Representative, 17th District  
DATE: January 16, 2001  
RE: Absence from Session

I will be absent from session on Thursday, January 18, 2001, due to a death in the family. Thank you for your anticipated cooperation.

Representatives Miro & Reynolds requested that they be marked present.

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

Representative Maier made an announcement.

Representatives Stone, Price & Reynolds requested and were granted personal privilege of the floor to introduce guests.

Representatives Lee, Roy & Mr. Speaker Spence made announcements.

The Majority Leader moved to recess to the call of the Chair at 2:46 p.m.

Mr. Speaker Spence called the House to order at 2:00 p.m. on January 17, 2001.

Representatives Houghton, Scott & Gilligan requested that they be marked present for the current legislative day.

Representative Smith requested and was granted personal privilege of the floor to make an announcement.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.

#### **5th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**January 17, 2001**

The Chief Clerk called the roll.

Members Present: 39.

Member Absent: Representative Boulden - 1.

Vacant: 1.

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

The 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 1** - DIPINTO & REPRESENTATIVE HUDSON & SENATORS ADAMS & MCDOWELL & SHARP & SORENSON; REPRESENTATIVES BRADY, CAREY, B. ENNIS, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, KEELEY, LAVELLE, LEE, MIRO, PRICE, SCHROEDER, SCOTT, SPENCE, ULBRICH, VALIHURA, WILLIAMS, THORNBURG, VIOLA, WAGNER; SENATORS AMICK, BLEVINS, BUNTING, CLOUTIER, CONNOR, HENRY, MCBRIDE, STILL, WINSLOW - REVENUE & FINANCE - An Act to Amend Title 5 and Title 30 of the Delaware Code Relating to Taxes; and Providing for a Historic Preservation Tax Credit Act.

**HB 42** - LEE & SENATOR VENABLES - HOUSE ADMINISTRATION - An Act to Amend Chapter 288, Volume 64, Laws of Delaware, the Charter of the Town of Laurel, as Amended, to Eliminate One At-large Town Council Seat, to Provide the Mayor with the Right to Vote, and to Preside at Council Meetings, and to Mandate the Election of a President of Council to Preside Over Council Meetings in the Absence or Disability of the Mayor. (2/3 bill)

**SB 5 w/SA 1** - MARSHALL & SENATOR SHARP & REPRESENTATIVES SPENCE & MAIER; SENATORS BLEVINS, CONNOR, HENRY, MCDOWELL; REPRESENTATIVES LOFINK, SCOTT, WAGNER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Department of Health and Social Services, Home Health Agencies and Home Caregivers. (F/N)

**SB 9 w/SA 1** - BUNTING & REPRESENTATIVE PRICE - HOUSE ADMINISTRATION - An Act to Reincorporate the Town of Selbyville. (2/3 bill)

Representative Gilligan requested and was granted personal privilege of the floor to make comments and to introduce guests.

Representative Smith deferred to Representative Thornburg. Representative Thornburg requested and was granted personal privilege of the floor to introduce guests and to make an announcement.

Representative Hudson requested and was granted personal privilege of the floor to make comments.

Representatives D. Ennis & Schroeder requested that they be marked present.

Mr. Speaker Spence introduced a guest. Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 2:10 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 2:10 p.m.: Representatives Brady, Maier, Reynolds & Ulbrich.

Mr. Acting Speaker Buckworth called the House to order at 2:45 p.m. on January 18, 2001.

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

PUBLIC SAFETY: **HB 26** - 2F, 3M.

HEALTH & HUMAN DEVELOPMENT: **HB 25** - 4M; **HB 8** - 4M.

HOUSE ADMINISTRATION: **HB 12** - 4M; **HB 42** - 1F, 3M; **SB 9 w/SA 1** - 4M.

CORRECTIONS: **HJR 2** - 1F, 5M.

JUDICIARY: **HB 10** - 3F, 2M; **HB 16** - 5M.

REVENUE & FINANCE: **HB 1** - 8F; **HB 3** - 5F, 1U.

EDUCATION: **HB 5** - 6M; **HB 9** - 8M; **HB 17** - 6M.

The Majority Leader moved to adjourn at 2:46 p.m., thereby ending the current legislative day. The House reconvened at 2:48 p.m.

**6th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION  
January 18, 2001**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Hudson & Mulrooney - 2.

Vacant: 1.

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

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

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

The following prefiled legislation was introduced:

**HB 27 - PRICE & REPRESENTATIVE OBERLE - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Workers Compensation.**

**HB 28 - SCOTT - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Powers and Duties of the Department of Education.**

**HB 29 - SCOTT - SUBSTANCE ABUSE - An Act to Amend Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act and Prescriptions.**

**HB 30 - MAIER; SENATORS BLEVINS, CLOUTIER, HENRY, WINSLOW; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CATHCART, DIPINTO, HUDSON, KEELEY, LOFINK, SMITH, SPENCE, STONE, ULBRICH, VIOLA, WAGNER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16, 24, and 29 of the Delaware Code Relating to Community-based Attendant Services.**

**HB 31 - QUILLEN; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, D. ENNIS - PUBLIC SAFETY - An Act to Amend Title 21, Chapter 28 of the Delaware Code Relating to Habitual Offenders.**

**HB 32 - CATHCART & SENATOR VAUGHN; REPRESENTATIVES BRADY, KEELEY, OBERLE, SCOTT, SPENCE, WAGNER; SENATORS BLEVINS, DELUCA, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Minimum Limits of Automobile Liability Insurance and the Minimum Amounts Required by Delaware's Financial Responsibility Law.**

**HB 33 - MIRO; REPRESENTATIVES CAREY, EWING, REYNOLDS - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the Merit System.**

**HB 34 - MIRO; REPRESENTATIVES BUCKWORTH, CAREY, EWING, QUILLEN, VALIHURA, GILLIGAN, BRADY, PRICE, SCHROEDER; SENATOR CONNOR - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Employee Salaries, Work Conditions.**

**HB 35 - MIRO & SENATOR BLEVINS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Statute of Limitations for Criminal Offenses.**

**HB 36 - WAGNER & SENATOR BLEVINS; REPRESENTATIVES SPENCE, LEE, BUCKWORTH, CAREY, DIPINTO, D. ENNIS, LAVELLE, LOFINK, MAIER, QUILLEN, ROY, STONE, THORNBURG, ULBRICH, VALIHURA - EDUCATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Adoption Leave for Teachers and State Employees.**

**HB 37 - OBERLE; REPRESENTATIVE SPENCE & REPRESENTATIVE VIOLA; REPRESENTATIVES CAREY, EWING, LOFINK, MAIER, THORNBURG, ULBRICH, BRADY, GILLIGAN, DILIBERTO, MULROONEY, PRICE; SENATORS AMICK, COOK, DELUCA - REVENUE & FINANCE - An Act to Amend Title 30, Delaware Code, Pertaining to the Personal Income Tax to Provide for a Credit for Dues and Assessments Paid to Homeowners Associations.**

**HB 38 - OBERLE; REPRESENTATIVES EWING, LOFINK, BRADY, PRICE - EDUCATION - An Act to Amend Title 14, of the Delaware Code Relating to Employee Absences or Leave.**

**HB 39 - PRICE & SENATOR SHARP & SENATOR SIMPSON; REPRESENTATIVES BRADY, KEELEY, DILIBERTO, B. ENNIS, HOUGHTON, MULROONEY, SCHROEDER, VIOLA, WILLIAMS, WEST, VANSANT, MAIER; SENATORS HENRY, SOKOLA, SORENSON, CLOUTIER, STILL, CONNOR - LAND USE AND INFRASTRUCTURECOMMITTEE - An Act to Amend Title 29 of the Delaware Code Relating to the Inland Bays Watershed.**

**HB 40 - OBERLE & SENATOR SOKOLA; REPRESENTATIVES LEE, STONE, GILLIGAN, BRADY, HOUGHTON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.**



**HB 41 - OBERLE - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 29 of the Delaware Code Relating to the Powers of the Secretary of the Department of Natural Resources and Environmental Control.**

**HB 43 - DILIBERTO & SENATOR BLEVINS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Titles 15, 21 and 25 of the Delaware Code Relating to References to People with Mental Illness.**

**HB 44 - DILIBERTO; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, HUDSON, KEELEY, LAVELLE, LOFINK, MAIER, MULROONEY, PRICE, SCHROEDER, SCOTT, SPENCE, STONE, THORNBURG, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS BLEVINS, BUNTING, SOKOLA, VENABLES - HOUSE ADMINISTRATION - An Act Concurring in a Proposed Amendment of Article III, § 10 of the Delaware Constitution of 1897, as Amended, Relating to a Residency Requirement for the Secretary of State. (2/3 bill)**

**HB 45 - WEST; REPRESENTATIVES EWING, KEELEY, VIOLA - CAPITAL INFRASTRUCTURE - An Act to Amend Title 29 of the Delaware Code Relating to School Construction Capital Improvements.**

**HB 46 - WEST; REPRESENTATIVES DILIBERTO, EWING, KEELEY, VIOLA; SENATORS BUNTING, VENABLES - APPROPRIATIONS - An Act to Grant Military Service Bonus to Veterans Having Entered Active Military Duty from Delaware and Having Participated in Hostilities in either Granada, Panama or the Persian Gulf.**

**HB 47 - WEST; REPRESENTATIVES EWING, KEELEY; SENATOR BUNTING - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jury Service.**

**HB 48 - WEST; REPRESENTATIVES EWING, KEELEY, VIOLA; SENATOR VENABLES - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Fees Charged by the Secretary of State.**

**HB 49 - DILIBERTO - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Juries.**

**HA 1 to HB 3 - STONE - Placed with the Bill.**

**SB 4 w/SA 1 - ADAMS & REPRESENTATIVES BUCKWORTH & EWING - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Anatomical Gifts and Studies.**

Representatives Scott, West & Gilligan 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 4 w/SA 1** and requests the concurrence of the House.

MEMORANDUM

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

FROM: Representative Deborah D. Hudson

DATE: January 18, 2001

RE: Absence from Session

Please be advised that I will be unable to attend session on Thursday, January 18, 2001 due to a personal matter and will be returning on Tuesday, January 23, 2001. Thank you.

Mr. Acting Speaker assigned **HB 1, HB 3, HB 5, HB 9, HB 10 & HJR 2** to the Appropriations Committee. Representative D. Ennis requested that he be marked present.

Representative Smith deferred to Representative Reynolds. Representative Reynolds introduced guests and made an announcement.

The Chief Clerk read the following committee report into the record:  
**APPROPRIATIONS: HB 1 - 5F.**  
Representative Boulden requested that he be marked present.

Representative Boulden requested and was granted personal privilege of the floor to introduce guests and to make comments.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds moved to suspend the rules which interfere with introduction of and action on **HCR 2**. There was no objection.

Representative Reynolds introduced and brought **HCR 2**, jointly sponsored by Senator Sokola, before the House for consideration.

**HCR 2 - DECLARING MARCH 2, 2001 AS READ ACROSS AMERICA DAY IN DELAWARE.**

WHEREAS, Read Across America, a national celebration of Dr. Seuss' birthday on March 2nd, promotes reading and adult involvement in the education of our students; and

WHEREAS,           **You're never too old,  
Too wacky, too wild  
To pick up a book  
And read to a child; and**

WHEREAS, Delaware's educators stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to be productive citizens; and

WHEREAS,           **It's never too cold,  
Too wet or too hot  
To pick up a book  
And share what you've got; and**

WHEREAS, the Delaware General Assembly has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS,           **There are children around you,  
Children in need,  
Of someone who'll hug  
Someone who'll read.**

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141st General Assembly of the State of Delaware, the Senate concurring therein, that

**In churches and chambers  
Let's gather around  
Let's pick up a book  
Let's pass it around.**

BE IT FURTHER RESOLVED that this General Assembly enthusiastically endorses Read Across America and recommits its members to engage in and support programs and activities to make Delaware's children the best readers they can be.

**So join us March 2nd.  
Wear your hat on that day,  
And pledge to make this...  
Our "Read to Kids" Day.**

**HCR 2** was adopted by voice vote and was sent to the Senate for concurrence.

Representatives Price & Miro requested that they be marked present.

The Majority Leader moved to recess for caucus at 3:10 p.m.

The House reconvened at 4:05 p.m.

Representative Smith brought **SB 9 w/SA 1**, sponsored by Senator Bunting & Representative Price, before the House for consideration.

**SB 9 - AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE.** (2/3 bill).

Representative Smith made comments.

The roll call on **SB 9 w/SA 1** was taken and revealed:

YES: 33.

ABSENT: Representatives D. Ennis, Gilligan, Hudson, Lofink, Maier, Mulrooney & West - 7.

VACANT: 1

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 9 w/SA 1** was returned to the Senate.

Representatives Spence, Quillen, Oberle & Caulk requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with action on **HB 1**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative DiPinto brought **HB 1**, jointly sponsored by Representative Hudson & Senator Adams & Senator McDowell & Senator Sharp & Senator Sorenson & Representatives Brady, Carey, B. Ennis, D. Ennis, Fallon, Gilligan, Houghton, Keeley, Lavelle, Lee, Miro, Price, Schroeder, Scott, Spence, Ulbrich, Valihura & Williams & Senators Amick, Blevins, Bunting, Cloutier, Connor, Henry, McBride, Still & Winslow & cosponsored by Representatives Thornburg, Viola & Wagner, before the House for consideration.

**HB 1 - AN ACT TO AMEND TITLE 5 AND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXES; AND PROVIDING FOR A HISTORIC PRESERVATION TAX CREDIT ACT.** (F/N)

Representatives DiPinto & Ewing made comments.

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

YES: 38.

ABSENT: Representatives Hudson & Mulrooney - 2.

VACANT: 1

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

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 42**, jointly sponsored by Senator Venables, before the House for consideration.

**HB 42 - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED. TO ELIMINATE ONE AT-LARGE TOWN COUNCIL SEAT, TO PROVIDE THE MAYOR WITH THE RIGHT TO VOTE, AND TO PRESIDE AT COUNCIL MEETINGS, AND TO MANDATE THE ELECTION OF A PRESIDENT OF COUNCIL TO PRESIDE OVER COUNCIL MEETINGS IN THE ABSENCE OR DISABILITY OF THE MAYOR.** (2/3 bill)

Representative Lee made comments.

Mr. Speaker Spence resumed the Chair.

The roll call on **HB 42** was taken and revealed:

YES: 38.

ABSENT: Representatives Hudson & Mulrooney - 2.

VACANT: 1

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 42** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 25**, jointly sponsored by Senator Blevins & Representatives Hudson, Keeley, Stone & Ulbrich & Senators Cloutier, Henry, Simpson & Sorenson, before the House for consideration.

**HB 25** - AN ACT TO AMEND TITLE 14 AND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE HEALTH CARE COMMISSION, THE DELAWARE INSTITUTE FOR DENTAL EDUCATION AND RESEARCH AND THE PRACTICE OF DENTISTRY IN DELAWARE.

Representative Maier made comments.

The roll call on **HB 25** was taken and revealed:

YES: 38.

ABSENT: Representatives Hudson & Mulrooney - 2.

VACANT: 1

Therefore, having received a constitutional majority, **HB 25** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 17**, jointly sponsored by Senator Sokola & Representatives Smith, Lee, Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Maier, Miro, Quillen, Stone, Ulbrich, Valihura, VanSant, Brady, B. Ennis, Schroeder & Viola & Senator Blevins & cosponsored by Senators Amick, Bonini, Cloutier, Connor, Simpson, Sorenson, Still & Winslow, before the House for consideration.

**HB 17** - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO SUBSTITUTE TEACHERS.

Representatives Wagner, Buckworth & Fallon made comments.

The roll call on **HB 17** was taken and revealed:

YES: 38.

ABSENT: Representatives Hudson & Mulrooney - 2.

VACANT: 1

Therefore, having received a constitutional majority, **HB 17** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Price.

Representative Price brought **HB 12**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 12** - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE" TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF OCEAN VIEW. (2/3 bill)

Representative Price made comments.

The roll call on **HB 12** was taken and revealed:

YES: 38.

ABSENT: Representatives Hudson & Mulrooney - 2.

VACANT: 1

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 12** was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 8**, jointly sponsored by Senator Blevins & cosponsored by Representatives Miro & Viola, before the House for consideration.

**HB 8** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE V, § 2 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO REFERENCES TO PEOPLE WITH MENTAL ILLNESS AND PAUPERS. (2/3 bill)

Representative DiLiberto made comments.

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

YES: 37.

ABSENT: Representatives Hudson, Mulrooney & West - 3.

VACANT: 1

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 8** was sent to the Senate for concurrence.

Mr. Speaker Spence reassigned **HB 39** to the Land Use and Infrastructure Committee.

Representative Boulden made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:40 p.m.

Mr. Speaker Spence called the House to order at 2:20 p.m. on January 23, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 12 & SCR 2** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Jerry Buckworth, do hereby request that my name be removed as co-sponsor of **SB 6**.

Date: January 18, 2001

Signed: Gerald A. Buckworth, Representative

Representative Hudson requested that she be marked present for the current legislative day.

Representative Smith made an announcement.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **HJR 3**.

The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **HJR 3**, jointly sponsored by Senator Sharp & Representative Gilligan & Senator Cloutier, before the House for consideration.

**HJR 3 - DIRECTING THE DELAWARE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO WORK WITH THE NATIONAL PARK SERVICE TO IDENTIFY AND MARK OUT THE EXACT ROUTE THROUGH DELAWARE TAKEN BY GENERALS WASHINGTON'S AND ROCHAMBEAU'S TROOPS.**

Representative Smith moved to place **HJR 3** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

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.

#### **7th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**January 23, 2001**

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 51 - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES MAIER, PRICE; SENATORS SOKOLA, AMICK, SORENSON, CONNOR - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Adoptions and Termination of Parental Rights.**

**HB 52 - OBERLE & SENATOR SOKOLA; REPRESENTATIVES BRADY, BUCKWORTH, EWING, FALLON, PRICE, SMITH, STONE, VALIHURA - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Executions as Regards the Delaware Qualified Tuition Savings Program.**

**HB 53 - OBERLE; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, CATHCART, DIPINTO, HUDSON, LOFINK, MIRO, STONE, ULBRICH, VALIHURA, WAGNER, DILIBERTO, HOUGHTON, KEELEY, MULROONEY, PRICE, VIOLA; SENATOR SIMPSON - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driving Under the Influence. (2/3 bill)**

**HB 54 - MIRO & SENATOR SOKOLA & REPRESENTATIVE SMITH & SENATOR STILL; REPRESENTATIVES LAVELLE, MAIER, VALIHURA, WEST; SENATOR WINSLOW - HOUSE**

ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the State Code of Conduct and Elected and Appointed School Board Members.

**HB 55** - WAGNER & SENATOR BUNTING; REPRESENTATIVES LEE, CAREY, CATHCART, EWING, B. ENNIS, PRICE - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Duties of an Officer Having a Child in Custody.

**SB 12** - VENABLES; SENATOR SIMPSON; REPRESENTATIVE EWING; SENATOR BUNTING; REPRESENTATIVES QUILLEN, PRICE - PUBLIC SAFETY - An Act to Amend Title 11, Delaware Code, Relating to License to Carry Concealed Weapons.

Representative Buckworth requested that he be marked present.

Representative Smith moved that the Chief Clerk read the Certificate of Election. There was no objection.

The Chief Clerk read the Certificate of Election as follows:

The State of Delaware

New Castle County, ss.

Be It Remembered, That at the Special Election held on Saturday, the Twentieth day in January, in the year of our Lord Two Thousand and One for New Castle County, according to the Constitution and Laws of the State of Delaware,

Hazel D. Plant

was duly elected

Representative - 2nd District

which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we, Henry duPont Ridgely and Richard R. Cooch constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 22nd day of January, A.D., 2001.

Henry duPont Ridgely, President Judge

Richard R. Cooch, Resident Judge

Mr. Speaker Spence asked that Representatives Robert F. Gilligan and William A. Oberle, Jr. escort Representative-Elect Hazel D. Plant to the podium and that Judge Alex J. Smalls administer the oath of office to Representative-Elect Plant.

I, Hazel D. Plant, do proudly swear to carry out the responsibilities of the office of Representative to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear always to place the public interests above any special or private interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and my State, so help me God.

Hazel D. Plant

State Representative

Sworn and subscribed before me this 23rd day of January, A.D., 2001

Alex J. Smalls

Chief Judge, Court of Common Pleas

Representatives Robert F. Gilligan and William A. Oberle, Jr. escorted Representative Plant back to her seat.

Representative Smith moved that the Chief Clerk call the roll of the House of Representatives of the 141st General Assembly to include Representative Plant.

The roll call was taken and revealed:

Members Present: 41.

Representative Smith moved that the roll as just called by the Chief Clerk be adopted as the permanent roll of the House of Representatives of the 141st General Assembly. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Plant introduced guests.

Representatives Williams, Scott, Wagner & Fallon made comments.

Representative Fallon introduced a guest.

Representative Ulbrich made comments.

Mr. Speaker Spence made an announcement.

Representatives Plant & Gilligan made comments.

Mr. Speaker Spence and Members of House Leadership presented a gift to Representative Plant.

Representative Gilligan made an announcement.

Representative Miro requested that he be marked present.

Representative Caulk requested and was granted privilege of the floor to present a House Tribute to Roland Neeman, Fireman of the Year, Felton Fire Company. Mr. Neeman made comments.

Representative Hudson requested and was granted personal privilege of the floor to make an announcement.

Representative Ewing & Mr. Speaker Spence made announcements.

Representative Smith introduced and brought **SCR 2**, jointly sponsored by Senators Sharp, Adams, Marshall, Amick & Sorenson & Representatives Spence, Lee, Gilligan & VanSant, before the House for consideration.

**SCR 2 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF RECEIVING THE ANNUAL STATE OF THE STATE ADDRESS BY THE HONORABLE RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE.**

**SCR 2** was adopted by voice vote and was returned to the Senate.

Representative Gilligan made an announcement.

The Majority Leader moved to recess for caucus at 3:02 p.m.

The House reconvened at 4:40 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg introduced **HB 58**, jointly sponsored by Senator Sokola & Representatives Caulk, B. Ennis & Wagner & Senator Still.

**HB 58 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSE.**

Mr. Acting Speaker assigned **HB 58** to the Public Safety Committee.

Representative Smith moved to suspend the rules which interfere with action on **HJR 3**. The motion was properly seconded and adopted by voice vote.

Representative Buckworth requested that **HB 13** be stricken.

Representative Smith moved to lift **HJR 3** from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Smith brought **HJR 3**, jointly sponsored by Senator Sharp Representative Gilligan & Senator Cloutier, before the House for consideration.

**HJR 3 - DIRECTING THE DELAWARE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO WORK WITH THE NATIONAL PARK SERVICE TO IDENTIFY AND MARK OUT THE EXACT ROUTE THROUGH DELAWARE TAKEN BY GENERALS WASHINGTON'S AND ROCHAMBEAU'S TROOPS.**

Representative Smith made comments.

The roll call on **HJR 3** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & D. Ennis - 2.

Therefore, having received a constitutional majority, **HJR 3** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Price.

Representative Price brought **HB 16**, jointly sponsored by Representatives Brady, Buckworth, DiLiberto, Keeley, Maier, Quillen & Valihura, before the House for consideration.

**HB 16 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THEFT AND RELATED OFFENSES. (2/3 bill)**

Representative Price made comments.

The roll call on **HB 16** was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, D. Ennis & Smith - 3.

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

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

Representative Lee brought **HB 26** before the House for consideration.

**HB 26 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PLATES.**

Representative Lee made comments.

The roll call on **HB 26** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Miro - 2.

Therefore, having received a constitutional majority, **HB 26** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Buckworth.

Representative Buckworth moved to suspend the rules which interfere with action on **SB 4 w/SA 1**. The motion was seconded by Representative Ewing and adopted by voice vote.

Representative Buckworth brought **SB 4 w/SA 1**, jointly sponsored by Senator Adams & Senators McBride & Still & Representative Ewing, before the House for consideration.

**SB 4 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS AND STUDIES.**

Representative Buckworth made comments.

Representative Buckworth requested and was granted privilege of the floor for Jan Weinstock, representing the Gift of Life Donor Program. Representative Price, Mr. Acting Speaker & Representative Buckworth made comments.

The roll call on **SB 4 w/SA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Keeley & Miro - 3.

Therefore, having received a constitutional majority, **SB 4 w/SA 1** was returned to the Senate.

Representative Ewing requested and was granted personal privilege of the floor to introduce Senator Thurman Adams, Jr.

Representative Wagner made comments.

Representative Wagner introduced **HB 57**, jointly sponsored by Representative Viola & Senator Bunting & Representatives Lee, B. Ennis & Price & cosponsored by Representatives Thornburg & Miro & Senator Connor.

**HB 57 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATED TO THE DEPARTMENT OF EDUCATION.**

Mr. Acting Speaker assigned **HB 57** to the Education Committee.

Representative Hudson 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 5:08 p.m.



Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:07 p.m. on January 24, 2001.

Representative Smith deferred to Representative Ulbrich. Representative Ulbrich requested and was granted privilege of the floor to present a House Tribute to J. Richard Armitage, Jr.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis introduced **HCR 3**, jointly sponsored by Representatives Stone, Spence, Wagner, VanSant & Schroeder & Senators Bunting, Simpson, Sorenson & Winslow.

**HCR 3** - ESTABLISHING A JOINT COMMITTEE ON FINANCIAL LITERACY TO REVIEW AND IMPROVE THE PERSONAL MONEY MANAGEMENT SKILLS OF DELAWARE HIGH SCHOOL STUDENTS.

Representative D. Ennis made comments.

Representative Stone made an announcement.

Mr. Speaker Spence assigned **HCR 3** to the Economic Development, Banking & Insurance Committee.

Mr. Speaker Spence, Representatives Fallon, D. Ennis & Wagner made comments.

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.

### **8th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**January 24, 2001**

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 59** - DILIBERTO; REPRESENTATIVES BRADY, BUCKWORTH, B. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LOFINK, OBERLE, PRICE, VALIHURA, VAN SANT, VIOLA, WEST, WILLIAMS; SENATOR HENRY - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 61** - PRICE & SENATOR BUNTING & REPRESENTATIVE LEE; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LAVELLE, LOFINK, MULROONEY, ROY, SCHROEDER, SCOTT, SPENCE, THORNBURG, VALIHURA, VAN SANT, VIOLA, WAGNER, WEST; SENATORS BLEVINS, DELUCA, HENRY, MARSHALL, MCBRIDE, VAUGHN, CONNOR, CLOUTIER - PUBLIC SAFETY - An Act to Amend Title 16 of the Delaware Code Regarding Exemptions from Civil Liability.

**HB 62** - OBERLE & REPRESENTATIVES MULROONEY, VIOLA & SENATOR DELUCA - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Appeals from the Industrial Accident Board to the Superior Court.

**HB 63** - WAGNER & REPRESENTATIVE STONE & SENATOR VENABLES; REPRESENTATIVES SPENCE, LEE, BOULDEN, BUCKWORTH, CAREY, CATHCART, EWING, FALLON, LAVELLE, LOFINK, MIRO, VALIHURA, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, SCOTT, VIOLA, WILLIAMS; SENATOR BUNTING - LABOR - An Act to Amend Title 29 of the Delaware Code Regarding Disability Insurance for State Employees.

**HA 1 to HB 23** - OBERLE - Placed with the Bill.

**HA 2 to HB 3** - STONE - Placed with the Bill.

**SB 15** - SHARP & REPRESENTATIVE SPENCE; SENATORS MARSHALL, ADAMS, BLEVINS, BUNTING, DELUCA, HENRY, SOKOLA, VAUGHN, VENABLES, BONINI, CLOUTIER, SIMPSON, SORENSON, STILL, WINSLOW; REPRESENTATIVES D. ENNIS, HUDSON, LEE, MAIER, OBERLE, SMITH,

THORNBURG, VALIHURA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Licensure and Certification of Trade and Industrial Teachers.

Mr. Speaker Spence & Representative Fallon introduced guests.

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

Mr. Speaker Spence reassigned **HB 32** to the Economic Development, Banking & Insurance Committee.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #5

DATE: January 24, 2001

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                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|------|---------------------------------------------------------------------|
| H141-96                                                                                                                                                                                                                      | D. Ennis  | 12/13/2000 | T    | The Honorable George W. Bush/Historic Victory                       |
| cosponsors: Reps. Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Oberle, Thornburg, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Valihura & Wagner |           |            |      |                                                                     |
| H141-97                                                                                                                                                                                                                      | Brady     | 12/29/2000 | T    | Evelyn E. Tryon/85th Birthday                                       |
| H141-98                                                                                                                                                                                                                      | Gilligan  | 11/25/2000 | T    | Lawrence & Sadie Okoniewski/50th Anniversary                        |
| H141-99                                                                                                                                                                                                                      | Gilligan  | 11/25/2000 | T    | Marshall & Nancy Ferguson/50th Anniversary                          |
| H141-100                                                                                                                                                                                                                     | Wagner    | 12/19/2000 | T    | Lawrence Windley/Assistant Secretary of State/Success in Future     |
| H141-101                                                                                                                                                                                                                     | Maier     | 12/7/2000  | T    | James Woodward/Commended Student/National Merit Scholarship Program |
| H141-102                                                                                                                                                                                                                     | Schroeder | 11/18/2000 | T    | Agnes & Charles Williams/50th Anniversary                           |
| H141-103                                                                                                                                                                                                                     | Brady     | 12/1/2000  | T    | Elizabeth & Donald LeCates/55th Anniversary                         |
| H141-104                                                                                                                                                                                                                     | Price     | 11/18/2000 | T    | Fran & John Ounan/50th Wedding Anniversary                          |
| H141-105                                                                                                                                                                                                                     | Houghton  | 11/23/2000 | T    | Theresa & Henry Deptula/50th Wedding Anniversary                    |
| H141-106                                                                                                                                                                                                                     | Spence    | 12/20/2000 | T    | Dr. Alfred Awani/Black Engineer of the Year Award                   |
| H141-107                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Chris Benson/All-State Soccer First Team                            |
| H141-108                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Brandon Shaw/All-State Soccer First Team                            |
| H141-109                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Kashante Codner/All-State Girls Cross Country                       |
| H141-110                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Matt Gordineer/All-State Boys Cross Country                         |
| H141-111                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Terrell Young/All-State Football First Team                         |
| H141-112                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Steve Franklin/All-State Football First Team                        |
| H141-113                                                                                                                                                                                                                     | Buckworth | 12/19/2000 | T    | Michele Rigby/All-State Field Hockey First Team                     |
| H141-114                                                                                                                                                                                                                     | Williams  | 12/6/2000  | M    | Howard Morse Collins, Jr.                                           |
| H141-115                                                                                                                                                                                                                     | Spence    | 1/4/2001   | T    | Bayard Swift/Retirement/50 Years/Artesian Water                     |

#### HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: January 24, 2001

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                                      |
|---------------------------------|---------|------------|------|--------------------------------------------------|
| H141-116                        | Miro    | 12/30/2000 | M    | Alberta R. Camoirano                             |
| cosponsors: All Representatives |         |            |      |                                                  |
| H141-117                        | Quillen | 1/17/2001  | T    | Della Watkinson/Retirement/30 Years/Kent County  |
| H141-118                        | Spence  | 1/12/2001  | T    | Thilde Jensen/100th Birthday                     |
| H141-119                        | Capano  | 12/23/2000 | T    | Angelo Cocciolone/Hicks Anderson Award Recipient |

|          |           |            |   |                                                                                       |
|----------|-----------|------------|---|---------------------------------------------------------------------------------------|
| H141-120 | Gilligan  | 1/14/2001  | T | Ann Hedrick/85th Birthday                                                             |
| H141-121 | Stone     | 12/31/2000 | T | Harry Thomas/30 Years/The Nuts Restaurant                                             |
| H141-122 | Wagner    | 1/6/2001   | T | Amy Dawson & James Mault/Marriage                                                     |
| H141-123 | B. Ennis  | 1/8/2001   | T | Mildred Patterson/100th Birthday                                                      |
| H141-124 | Wagner    | 1/13/2001  | T | Gertrude Purnell/89th Birthday                                                        |
| H141-125 | Wagner    | 1/20/2001  | T | Joseph Moore/93rd Birthday                                                            |
| H141-126 | Wagner    | 1/13/2001  | T | Margaret George/93rd Birthday                                                         |
| H141-127 | Wagner    | 1/13/2001  | T | Maude Dickerson/90th Birthday                                                         |
| H141-128 | B. Ennis  | 12/30/2000 | M | Margaret Louise Wilkinson                                                             |
| H141-129 | Miro      | 1/9/2001   | T | Adam Mease/Eagle Scout                                                                |
| H141-130 | Schroeder | 1/9/2001   | T | Andrew Vaughn/Eagle Scout                                                             |
| H141-131 | Schroeder | 1/9/2001   | T | Stephen Miller/Eagle Scout                                                            |
| H141-132 | Hudson    | 12/23/2000 | M | Andrew Plummer                                                                        |
| H141-133 | DiPinto   | 1/9/2001   | T | Michael Christopher Designs/25th Anniversary                                          |
| H141-134 | DiPinto   | 1/9/2001   | T | Horty & Horty, P.A./30th Anniversary                                                  |
| H141-135 | Spence    | 1/4/2001   | M | Amy Dill Dean                                                                         |
| H141-136 | DiLiberto | 1/7/2001   | M | Joseph Angotti                                                                        |
| H141-137 | Quillen   | 1/12/2001  | T | Mark Rash/Employee of the Year/DELDOT                                                 |
| H141-138 | Mulrooney | 1/11/2001  | T | William Blest/Appointment/State Command Chief<br>Master Sergeant/Air National Guard   |
| H141-139 | Mulrooney | 1/11/2001  | T | Donald Goldstein/Appointment/Wing Command<br>Chief Master Sergeant/Air National Guard |
| H141-140 | Cathcart  | 1/13/2001  | T | Dwain Haines/EMT of the Year/Townsend<br>Volunteer Fire Company                       |
| H141-141 | Cathcart  | 1/13/2001  | T | Raymond Barcus/Fireman of the Year/Townsend<br>Volunteer Fire Company                 |

#### HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: January 24, 2001

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>                                         |
|---------------|----------------------------------|-------------------------|-------------|------------------------------------------------------------|
| H141-142      | Schroeder                        | 12/5/2000               | T           | Twain Gonzales/Kent County Service Provider of<br>the Year |
| H141-143      | Buckworth                        | 1/6/2001<br>Anniversary | T           | Thomas & Catherine Dantonio/50th Wedding                   |
| H141-144      | Ewing                            | 1/6/2001                | M           | Alfred Palmer Corey                                        |
| H141-145      | Lavelle                          | 4/29/2001               | T           | Ian Failing/Eagle Scout                                    |
| H141-146      | Ulbrich                          | 12/18/2000              | T           | Christopher Reed/Eagle Scout                               |
|               | cosponsors: Reps. Maier & Oberle |                         |             |                                                            |
| H141-147      | Spence                           | 3/8/2001                | T           | American Red Cross/Delaware/96 Years                       |
| H141-148      | Lavelle                          | 1/24/2001               | T           | Mary Lou Dishop/Delaware School Nurse of the Year          |
| H141-149      | Lavelle                          | 12/23/2000              | T           | Carolyn Newsom/National Board Certification                |
| H141-150      | Capano                           | 12/23/2000              | T           | Diana Sisk/National Board Certification                    |
| H141-151      | Capano                           | 12/23/2000              | T           | Michelle Mash/National Board Certification                 |
| H141-152      | Capano                           | 12/23/2000              | T           | Elle Beck Hudson/National Board Certification              |
| H141-153      | D. Ennis                         | 1/5/2001                | M           | Reverend Joseph LaForge                                    |

|          |           |            |   |                                                        |
|----------|-----------|------------|---|--------------------------------------------------------|
| H141-154 | Hudson    | 1/14/2001  | M | William F. Farquhr                                     |
| H141-155 | DiPinto   | 1/6/2001   | T | Mr. & Mrs. Stephen Sharp/50th Anniversary              |
| H141-156 | Brady     | 2/8/2001   | T | Charles Lewis Eshleman/100th Birthday                  |
| H141-157 | Brady     | 12/23/2000 | T | Vernalee & Virgil Frey/50th Wedding Anniversary        |
| H141-158 | Fallon    | 1/29/2001  | T | Arek William Smith/Eagle Scout                         |
| H141-159 | Wagner    | 12/23/2000 | T | Kamillah Lott & William Lewis, Sr./Marriage            |
| H141-160 | DiPinto   | 1/23/2001  | T | Priscilla Rakestraw/The Caring Bowl Award              |
| H141-161 | DiPinto   | 1/23/2001  | T | Bill Hannigan/The Caring Bowl Award                    |
| H141-162 | DiPinto   | 1/23/2001  | T | Linda & Robert Harra/The Caring Bowl Award             |
| H141-163 | DiPinto   | 1/23/2001  | T | Roz & Jack Gallagher/The Caring Bowl Award             |
| H141-164 | DiPinto   | 12/31/2000 | T | Mr. & Mrs. Gilbert Smith, Jr./40th Wedding Anniversary |
| H141-165 | Wagner    | 1/18/2001  | M | Mary Louise Selich                                     |
| H141-166 | Price     | 1/18/2001  | M | William G. Sinnamon                                    |
| H141-167 | Schroeder | 1/20/2001  | M | Doris Holloway Moore                                   |

T- Tribute

M - Memoriam

Representative Wagner requested that **HB 36** be stricken.

Representative Oberle requested and was granted privilege of the floor for himself and Nancy Hebner to present a House Tribute to Stacy L. Newman, recipient of the Charles L. Hebner Memorial Scholarship.

Representative Oberle introduced guests.

Representatives Smith, D. Ennis, Ewing, Mr. Speaker Spence, Representatives Oberle & Buckworth made comments.

Representative Cathcart requested that he be marked present.

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

RT 4 Box 120  
Frankford, De 19945  
January 9, 2001

The Honorable Charles P. West

R.D. 3 Box 241

Millsboro, DE 19966

Dear Representative West:

As you know the gas prices are very high now. Gas is like medication, in that it is a necessity in life. A customer buys it because he/she must have it. What other choices does a person have? The high price of gas hits the elderly with fixed incomes, and the middle class hardest. Sometimes they do not have enough money to pay for food because of high gas prices. Some needy people ask for help from the state, but do not get help all of the time. There are church groups that offer help, but not enough. Therefore, people are cold, sick and hungry. Can you do anything to help these people? Something has to change for the better. We have to make life better for future generations.

Thank you for taking time in your busy schedule to read this letter. Hope to hear from you soon.

Sincerely yours,  
James R. Farren

Representative West made comments.

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought **HCR 1**, sponsored on behalf of All Representatives & jointly sponsored by Senator Sokola on behalf of All Senators, before the House for consideration.

Representative Reynolds requested and was granted privilege of the floor for the 2001 Teachers of the Year who introduced themselves for the record.

**HCR 1** - COMMENDING JULIA N. HARPER FOR BEING SELECTED DELAWARE'S STATE TEACHER OF THE YEAR FOR 2001 AND COMMENDING EACH SCHOOL DISTRICT'S TEACHER OF THE YEAR.

**HCR 1** was adopted by voice vote and was sent to the Senate for concurrence.  
The Teacher of the Year, Julia N. Harper, addressed the House.  
Representative Brady requested that he be marked present.  
Mr. Speaker Spence introduced a guest.  
Representative Maier requested that she be marked present.  
Representative Stone requested and was granted privilege of the floor to present a House Tribute to Representative Nancy H. Wagner.

Mr. Speaker Spence reassigned **HB 54** to the Education Committee.  
Representative Smith made comments.  
Mr. Speaker Spence made an announcement.  
Representative Wagner introduced **HA 1 to HB 7**, jointly sponsored by Senator Sokola. Representative Wagner made comments. **HA 1** was placed with the bill.

The Majority Leader moved to recess to the call of the Chair at 3:04 p.m.  
Mr. Speaker Spence called the House to order at 1:47 p.m. on January 25, 2001.  
The Reading Clerk read the following communications into the record:  
January 24, 2001

The Honorable Terry Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19903  
Dear Speaker Spence:

Due to personal business, I will not be able to attend our session tomorrow, January 25, 2001.  
Thank you.

Sincerely,  
Vincent A. Lofink  
State Representative  
27th District

January 24, 2001

TO: House Speaker Terry R. Spence  
FROM: Representative William A. Oberle, Jr.  
SUBJECT: Absence from Session

Please be advised that I will be absent from session tomorrow, January 25, 2001.  
The Chief Clerk read the following committee reports into the record:  
EDUCATION: **HB 34** - 6M.  
LABOR: **HB 15** - 4M; **HB 27** - 5M.  
HOUSE ADMINISTRATION: **HB 44** - 5M; **HB 48** - 5M.  
JUDICIARY: **HB 35** - 7M; **HB 49** - 1F, 6M.  
REVENUE & FINANCE: **HB 40** - 6F.  
APPROPRIATIONS: **HB 9** - 4F; **HB 10** - 5F.  
PUBLIC SAFETY: **HB 19** - 6M; **HB 31** - 5M; **HB 53** - 6M; **SB 12** - 5M, 1U.  
ECONOMIC DEVELOPMENT, BANKING & INSURANCE: **HCR 3** - 6F.

HEALTH & HUMAN DEVELOPMENT: **HB 30** - 4M; **HB 43** - 4M; **SB 5 w/SA 1** - 4M.

Representative Boulden requested that he be marked present for the current legislative day.

The Majority Leader moved to adjourn at 1:50 p.m., thereby ending the current legislative day. The House reconvened at 1:51 p.m.

**9th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION  
January 25, 2001**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Lofink, Maier & Oberle - 3.

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

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

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

The following prefiled legislation was introduced:

**HB 56** - MAIER & REPRESENTATIVE OBERLE & REPRESENTATIVE ULBRICH & SENATOR SOKOLA & SENATOR BLEVINS; REPRESENTATIVES SPENCE, SMITH, BOULDEN, LOFINK, ROY, VALIHURA, VIOLA, WEST; SENATORS BONINI, CLOUTIER, CONNOR, SORENSON, STILL - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Terms of School Board Members.

**HB 64** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, CAULK, EWING, QUILLEN, STONE, THORNBURG, WAGNER - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to County Governments Generally.

**HB 65** - VALIHURA & SENATOR MCBRIDE - HOUSE ADMINISTRATION - An Act Proposing the Amendment of Article II of the Constitution of the State of Delaware of 1897, as Amended, Relating to the Legislative Authority of the General Assembly and Providing for the Exercise of Legislative Power by the People of Delaware Through Initiatives and Referenda. (2/3 bill)

**HB 66** - BOULDEN; REPRESENTATIVES CAREY, CATHCART, CAULK, D. ENNIS, EWING, FALLON, HUDSON, LOFINK, MAIER, QUILLEN, STONE, VALIHURA, WAGNER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code to Provide for Criminal Background Checks and Drug Testing of Those Who Provide Home Health Care Services.

**HB 67** - B. ENNIS & REPRESENTATIVE LEE & SENATOR SIMPSON & SENATOR VAUGHN; REPRESENTATIVES BRADY, CAREY, CAULK, DILIBERTO, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, SCHROEDER, SPENCE, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS CONNOR, BUNTING - PUBLIC SAFETY - An Act to Amend Title 16 of the Delaware Code Relating to Fire Police.

**HB 68** - MAIER & REPRESENTATIVE WAGNER & SENATOR SORENSON; REPRESENTATIVES SPENCE, D. ENNIS, EWING, FALLON, HUDSON, MIRO, WILLIAMS; SENATORS CONNOR, VENABLES - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Titles 11, 13 and 16 of the Delaware Code Relating to Abandoned Newborn Infants.

**HB 69** - WAGNER & REPRESENTATIVE STONE & SENATOR BLEVINS; REPRESENTATIVES SPENCE, CAREY, D. ENNIS, EWING, LOFINK, QUILLEN, HOUGHTON, PRICE, SCHROEDER, VALIHURA, VIOLA, WEST - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Adoption.

**HA 1 to HB 22** - OBERLE - Placed with the Bill.

**HA 1 to HB 27** - PRICE - Placed with the Bill.

**HA 1 to HB 47** - WEST - Placed with the Bill.

**SB 10** - BUNTING & REPRESENTATIVE PRICE - HOUSE ADMINISTRATION - An Act to Amend Chapter 64, Volume 63, Laws of Delaware as Amended, Entitled "An Act to Reincorporate the Town of Ocean View In Sussex County, Delaware." (2/3 bill)

**SB 16 - BLEVINS & REPRESENTATIVE ROY; SENATORS COOK, MCBRIDE, VENABLES, BONINI, CONNOR; REPRESENTATIVES CAREY, LOFINK, OBERLE, SCHROEDER, WILLIAMS, CATHCART, MIRO, STONE, WAGNER, KEELEY - CAPITAL INFRASTRUCTURE - An Act Amending the Fiscal Year 2000 Bond and Capital Improvements Act and the Fiscal Year 2001 Bond and Capital Improvements Act and Relating to Public Education School Construction. (3/4 bill)**

**SB 22 - MCDOWELL & REPRESENTATIVE OBERLE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Motor Carrier Safety.**

**SB 24 - COOK & REPRESENTATIVE OBERLE; SENATORS SHARP, ADAMS, MARSHALL, AMICK, SORENSON, BLEVINS, BUNTING, DELUCA, HENRY, MCBRIDE, MCDOWELL, SOKOLA, VAUGHN, VENABLES, BONINI, CLOUTIER, CONNOR, SIMPSON, STILL, & WINSLOW; REPRESENTATIVES B. ENNIS, PRICE, SPENCE, SMITH, LEE, GILLIGAN, VANSANT, BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, QUILLEN, REYNOLDS, ROY, STONE, THORNBURG, ULBRICH, VALIHURA, WAGNER, DILIBERTO, HOUGHTON, KEELEY, MULROONEY, SCOTT, VIOLA, WEST, WILLIAMS - EDUCATION - An Act to Amend Titles 14 and 29 of the Delaware Code Relating to School Taxes.**

**SJR 2 - SHARP; REPRESENTATIVE SPENCE, ON BEHALF of ALL SENATORS & ALL REPRESENTATIVES - HEALTH & HUMAN DEVELOPMENT - Establishing the Delaware Advisory Council on Cancer Incidence and Mortality.**

Representatives Smith & Gilligan made comments.

The Majority Leader moved to recess for the Joint Session and caucus at 1:55 p.m.

#### **JOINT SESSION - SENATE CHAMBER**

The Sergeant-at-Arms announced the arrival of the House Members for the Joint Session.

The Members of the House of Representatives were admitted, welcomed by the Lieutenant Governor and seated. At the invitation of the Lieutenant Governor, Representative Spence and Senator Sharp joined him on the podium.

The Sergeant-at-Arms announced the arrival of the members of the Judiciary who were admitted, welcomed by the Lieutenant Governor and seated.

The Sergeant-at-Arms announced the arrival of the Statewide elected officials who were admitted, welcomed by the Lieutenant Governor and seated.

The Sergeant-at-Arms announced the arrival of the members of the Governor's cabinet and the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College. They were admitted, welcomed by the Lieutenant Governor and seated.

At 2:05 p.m. Senator Adams moved that the Senate and the House meet in Joint Session for the purpose of hearing an address from the Honorable Ruth Ann Minner, Governor of the State of Delaware. There was no objection.

Senator Adams moved that the Lieutenant Governor, as President of the Senate, preside over the Joint Session. There was no objection.

Senator Adams moved that the Secretary of the Senate and the Chief Clerk of the House act as Secretaries to the Joint Session. There was no objection.

Senator Adams moved that the President appoint a committee of four to escort the Governor to the Joint Session. There was no objection and the President appointed Senator Robert L. Venables, Sr. (Spokesperson), Senator Liane M. Sorenson & Representative Robert F. Gilligan and Representative Donna D. Stone.

The President declared a recess to await the arrival of the Governor and the escort committee.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Minner.

Senator Venables introduced the Governor to the Joint Session.

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

Lieutenant Governor Carney, Senate pro Tem Sharp, Mr. Speaker Spence, Members of the 141st General Assembly, other elected officials, members of the Judiciary, members of my Cabinet, distinguished guests, to my family, to my fellow Delawareans, thank you for the opportunity to address you today on the state of our great state.

To the Members of the General Assembly, let me express my sincerest appreciation for the kindness and consideration that you have shown me in my first weeks, also to my staff and to my Cabinet. I am most grateful. And I am more confident than ever that I will have the best relationship with the General Assembly that any Governor has ever had, and for that I am grateful as well. Thank you very much.

In return, I'm going to make you a promise. As a legislator and a Lieutenant Governor, I've sat through many of the speeches and I know what it's like to sit through these speeches. So I promise you this State of the State, like a good pizza, will be delivered in 25 minutes.

So let me begin: We have benefited from the longest economic expansion in recent history.

Delaware, like other states, has seen extraordinary revenue surpluses over the last four years. These surpluses have allowed us to cut taxes, pay down our debt, expand and improve our education, our welfare reform, make capital investments of over \$1 billion preserving our state's farmland and historic sites and open spaces, improving our water, wiring our schools - all while keeping the balance sheet well and solidly in the black.

But our revenue picture has changed, changed significantly in the last year. The rate of growth in state revenues has slowed due to the sizeable tax cuts and the slowing economy. Our auto plants face competitive pressure. A landmark Delaware company is up for sale. And the cost of environmental compliance is making it tough for Delaware's agriculture to prosper.

And on the expenditure side, the picture is changing as well. Medicaid has run large deficits over the last eighteen months. In part, this deficit is a result of the expansion of the health care for Delaware's children. But, more generally, the Medicaid deficit may result from the slowing economy, rising costs of health care, trends that may continue - and escalate - over the next several years.

I was here during our last recession, just as many of you were and we know we have to heed these early warning signs and make hard choices if we're going to keep our economy strong. I begin my administration with more limited resources than the last one did. Two months ago, it was projected that we would end the current fiscal year with a \$35 million deficit. Thanks to the hard work in our state agencies and by Budget Director Pete Ross and his deputy Bert Scoglietti, I am happy to report to you today that we are back on course and will end this year in the black. And for the future, the state has sufficient revenue and borrowing authority to meet the most pressing needs. But gone are the days of the \$200 million or the \$400 million surpluses we've had.

Commitments to fund schools, school construction for the referenda that have already passed will consume most of the available revenue. And if this year's pending referenda pass, we are looking at another \$452 million bill - a necessary but a high cost we must address before we even talk about any other school building. In this year, and in coming years as well, we will have to make tough choices. Choices between competing and equally deserving priorities. I am prepared to do that.

I have already announced two of my priorities for the year. First, working with Senator Blevins and Representative Maier, we have started the Patient's Bill of Rights. This will ensure that Delawareans, especially our seniors, get the health care they need, the health care they deserve, that they have paid for and - in some cases - are not getting. I ask you to work with me to achieve this goal.

I have announced, with the help of Senator McBride, an Environmental Right-To-Know measure, providing for more timely notification to residents in the event of an environmental incident. Again, I ask you to work with me to provide better protection and more information to our citizens.

Today, I want to focus on two additional areas that Delawareans have asked me and you as elected officials to address. And they are education and growth.

Education is certainly the most pressing issue we face in our state, and for good reason. Every facet of our state and our society depends on preparing today's children for the challenges of tomorrow, in work and in life.



Over the past several years, we've built the framework for improvement of our schools - established standards, developed tests to measure those standards, supported our teachers and implemented accountability. I believe we are beginning to see the fruits of those labors and we must remain committed and on the path that we started. But we are far from where we want to be. And so the work is just beginning.

There are many possible solutions for improving our schools. Most of them are worthy and would work - if only we had the resources to do them all. But as I have said before, this is the time for tough choices.

I believe, as do many experts, that reading is the most crucial aspect of education. Without a proper foundation in reading, it's not possible for a student to master math or science or history or literature. And so every child who leaves the early grades without good reading skills is a child who will struggle through their remaining days - and in life.

That's why I will focus on the one reform that I believe will make the most difference in the educational lives of our children. And that's my promise to put reading specialists in every elementary school, a reading specialist who can spend time with students in their early grades and help smooth the path for them for their years to come.

As I was preparing this address this week, I read a letter to the editor and it mirrored my feelings on education. The letter was titled, "Help children learn before they fall back academically," and it was written by Mary Beth Evans, a schoolteacher at our own Drew Pyle Elementary School. Her message is a simple one. And I quote, "Preventing children from falling behind has to be simpler and less expensive than treating the problems later." End quote. Think about it. I am glad that Mary Beth could join us today as my special guest to help me stress the need for reading specialists in our elementary schools. Please join me in welcoming Mary Beth Evans.

It has been estimated that putting a reading specialist in every elementary school will cost \$5 million. But I pledge to make it my number one priority, and I ask that the Members of the General Assembly work with me to ensure our children's educational future.

The other area that cries out for attention from state government is growth.

Delaware is growing faster than any northeastern state. Each new resident costs Delaware taxpayers almost \$10,000 in new infrastructure and services - including roads and water and sewer, schools, libraries, emergency services.

If that growth is poorly planned - leapfrogging over development areas into unincorporated and rural parts of our state - the cost of the growth goes even higher. Already, 72 percent of our Delawareans live outside town and city limits. Zoning is a local matter. But because government in Delaware is so centralized at the state level, every taxpayer bears the cost of land-use decisions that ignore all the efforts to plan growth.

The state, with an eye on the bigger picture, must play a role in encouraging growth in areas that we've agreed and are ready to accept growth.

We need to pursue a strategy that will keep sprawl in check, reduce traffic congestion, strengthen our towns and cities, protect our huge investment in roads and schools and other infrastructure. I propose to call it "Livable Delaware."

But "Livable Delaware" is not anti-growth. It offers carrots, not sticks, to channel development to growth zones that already have been designed and designated by the state, the county and the local communities for growth. Elements of such a strategy already are in place. Open space and farmland preservation. Redevelopment of brownfield sites. Preservation of our major highway corridors to promote safer travel and minimize the need to build new roads. Tax credits for historic preservation. Coordination and cooperation among state agencies, the county and the community on projects like AstraZeneca.

I plan to unveil my full "Livable Delaware" strategy in the coming months.

The Minner-Carney Administration is not only the first administration of the new millennium. It also represents the first Delaware administration to exist entirely during the Internet era. For the first time in Delaware's history, from the first day this Governor took office, the Internet is a regular fixture in the lives of a large number of Delaware citizens.

In fact, this State of the State is being broadcast live on the Internet, so to those who are joining me on the web, I say welcome. And I especially welcome the classes at the Milford Middle School, who I know are watching in their school computer lab.

Today, thousands of Delawareans have incorporated the Internet into their daily lives. We had four million hits on the state internet website last month. Four million hits. The time is right for the State to fully incorporate the Internet into the way it conducts its business daily providing services for our citizens. And the goal should be to harness the technology, making it easier to interact with government - easier on people and easier on resources like paper or fuel.

Last year, the State of Delaware conducted an e-Government assessment, comparing the numbers and types of services, comparing the Internet with other states. We found that Delaware was behind most states in what we do.

And as a result, state agencies have already completed projects, the polling place locator provided by the State Election Commissioner and the onsite job applications to our State Personnel Office.

Today, we are in the middle of several more projects.

First, a complete overhaul of the State's web site. On our new home page, we will organize services and information in a way that makes the user's experience easier, more efficient, more enjoyable. Web users will see a new website up and operational by spring.

Second, a new state-of-the-art web presence for the Division of Motor Vehicles. The "next generation" website will utilize the latest technologies to meet the needs of our DMV customers in a way that no other state is doing it today.

And finally, we will establish a statewide set of technical and policy standards that will be a consistent framework for our state agencies as they move services and information onto the Internet.

And I want to stop a minute and thank State Treasurer, Jack Markell, for his leadership. Thank you, Jack, for the leadership that you've provided. We look forward to moving Delaware government even further onto the web.

But let me speak for just a few minutes about some challenges I have inherited.

Between 1994 and 1997, vehicle miles traveled on Delaware highways increased by more than 12 percent - about three times faster than our population growth. During that same period, the number of Delaware-registered vehicles grew by 10 percent.

All that traffic generates ground-level ozone, which irritates the lungs and the eyes and can temporarily decrease lung capacity by as much as 20 percent. Delaware is falling short of meeting its federal ozone emission target. We have until July 24 to demonstrate to the federal Environmental Protection Agency that we can meet the target by 2005.

Therefore we must study our options and decide the best course. About 85 percent of our shortfall could be met by lowering the speed limit on SR-1 and I- 495 during the summer, if that's the way we choose to go. We can also look at our vehicle inspection process and changes in our land-use policies. But this is an issue we must face between now and summer.

Last October, Delaware's federal highway construction funds were reduced by \$2.1 million because we have not passed a tougher open-container, repeat-offender DUI law in Delaware.

If we don't act, we will continue to lose that amount of federal highway funds every year until October 2003, when the sanctions will grow and we will lose \$4.2 million a year. Likewise, we face the loss of up to \$16 million in federal aid beginning in 2003 unless we lower the legal blood-alcohol limit from .10 to .08. These funds can be restored if we enact these highway safety standards. We may even qualify for additional money as well.

In the coming months, we should consider this on its merits. But understand the consequences and our bottom line as well as the public safety.

One more issue: For some time now, state government has been designing and implementing an integrated payroll and human resource system called PHRST. Phase one of the project, the human resource system, was completed successfully and has been operating for nearly two years. But the payroll system, as many of you know, has been delayed and delayed, and the cost of the project is now over \$30 million.

To evaluate the current status of PHRST and determine the best option for moving forward, I have asked that an independent assessment be made of the project. I hope to have a report back soon, and to be able to make a recommendation on the future course by the time the General Assembly returns in March.

There are many other challenges, many goals that I have for the coming year.

I will focus on Delaware's children - working to improve our foster care system and making child safety first priority for our children's agencies. I charge my Secretary of Transportation with boosting morale at DelDOT and the public's confidence in their employees. I will ensure that we continue to make progress towards a clean and safe environment. I pledge to make state government a better partner, a better business partner especially fostering growth for small businesses - minority businesses and women-owned businesses.

I recognize farming as a valuable part of our state's economy our culture, and I will work hard to keep it viable.

These are my priorities for the year. I will add to them over the coming weeks as I unveil my legislative agenda and prepare my own budget recommendations for the General Assembly's consideration.

I have been Governor now for 22 days. It has been a fast start, but I am pleased by and proud of what we have been able to accomplish already. As we forge into the next year and the next chapter of Delaware's history, I look forward to working with you to resolve all of our state's challenges.

At the end of the presidential election in 1984, one columnist wrote this: "We love the blather and the boast, the charges and the countercharges of campaigning. Governing is a tougher deal." Well.

Governing will indeed be a tougher deal in Delaware over the next several years. But I have prepared for a long time for your service as your Governor. I did not come here just to make easy decisions. And I came to help face the hard ones. And I look forward to working with each one of you to continue our financial stability and our wonderful quality of life.

Thank you.

Lieutenant Governor Carney thanked the Governor and asked the escort committee to reassemble to escort the Governor back to her executive office.

Senator Adams moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals to see if they agree.

The Secretary of the Senate informed the Joint Session that he and the Chief Clerk of the House had compared their Journals and found that they agreed.

Senator Adams moved that the Joint Session be adjourned and the two Houses separate to reconvene in their respective Chambers. There was no objection. The Joint Session was declared adjourned at 2:42 p.m.

The House reconvened at 5:03 p.m.

Representative Smith requested and was granted privilege of the floor to present a House Tribute to Ann Visalli, Senior Legislative Analyst, Controller General's Office. Representatives Gilligan, Wagner, Fallon & DiPinto requested and were granted personal privilege of the floor to make comments.

Representatives Roy & Buckworth & Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth introduced and brought **SCR 3**, jointly sponsored by Senators Cook, Sokola & Bonini on behalf of all Senators & Representatives Reynolds & Gilligan on behalf of all Representatives, before the House for consideration.

**SCR 3 - OFFERING A FOND FAREWELL AND THANK YOU TO DR. JAMES L. SPARTZ ON HIS RETIREMENT AS PRESIDENT OF THE STATE BOARD OF EDUCATION.**

Representatives Buckworth, Gilligan, Fallon, DiPinto & Wagner made comments.

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

Representative Smith deferred to Representative Carey. Representative Carey requested and was granted privilege of the floor to present a House Tribute to Joan VanGorder, House Staff Member. Representative Lee made comments.

Mr. Speaker Spence made an announcement.

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

JUDICIARY: **HB 52** - 7M.

The Reading Clerk read the following communications into the record:

MEMORANDUM

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

FROM: Representative Pamela S. Maier

RE: Absence from Session

DATE: January 25, 2001

Please be advised that I will be unable to attend session on Thursday, January 25, 2001 due to illness in the family.

Thank you for your consideration in this matter.

The Senate wishes to inform the House that it has passed **SB 15, SB 16, SB 24, SB 22, SB 10, SCR 3 & SJR 2** and requests the concurrence of the House: **HCR 1, HCR 2, HB 25, HB 1 w/SA 1, HB 12, HB 42 & HJR 3** and is returning same to the House.

Representative Spence introduced a guest.

Representative Smith brought **HB 1 w/SA 1**, sponsored by Representatives DiPinto & Hudson & Senators Adams & McDowell & Sharp & Sorenson & Representatives Brady, Carey, B. Ennis, D. Ennis, Fallon, Gilligan, Houghton, Keeley, Lavelle, Lee, Miro, Price, Schroeder, Scott, Spence, Ulbrich, Valihura & Williams & Senators Amick, Blevins, Bunting, Cloutier, Connor, Henry, McBride, Still, Winslow, Cook, Marshall, Simpson, Sokola & Venables & cosponsored by Representatives Thornburg, Viola & Wagner, before the House for concurrence on **SA 1**.

**HB 1 - AN ACT TO AMEND TITLE 5 AND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXES; AND PROVIDING FOR A HISTORIC PRESERVATION TAX CREDIT ACT. (F/N)**

Representative Smith made comments.

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

YES: 38

ABSENT: Representatives Lofink, Maier & Oberle - 3.

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

Representatives Caulk & Reynolds requested that they be marked present during the roll call.

Representative Smith deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with action on **SB 16**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Roy brought **SB 16**, jointly sponsored by Senator Blevins & Representatives Carey, Lofink, Oberle, Schroeder, Williams, Cathcart, Miro, Stone, Wagner & Keeley & Senators Cook, McBride, Venables, Bonini & Connor, before the House for consideration.

**SB 16 - AN ACT AMENDING THE FISCAL YEAR 2000 BOND AND CAPITAL IMPROVEMENTS ACT AND THE FISCAL YEAR 2001 BOND AND CAPITAL IMPROVEMENTS ACT AND RELATING TO PUBLIC EDUCATION SCHOOL CONSTRUCTION. (3/4 bill)**

Representatives Roy & Gilligan made comments.

The roll call on **SB 16** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Maier & Oberle - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **SB 16** was returned to the Senate.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 35**, jointly sponsored by Senator Blevins, before the House for consideration.  
**HB 35 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATUTE OF LIMITATIONS FOR CRIMINAL OFFENSES.**

Representative Miro introduced and brought **HA 1 to HB 35** 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 35 w/HA 1** was taken and revealed:

YES: 33.

NO: Representatives Carey, Caulk, Fallon & Quillen - 4.

ABSENT: Representatives D. Ennis, Lofink, Maier & Oberle - 4.

Therefore, having received a constitutional majority, **HB 35 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone. Representative Stone requested and was granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 12**, jointly sponsored by Senators Venables & Simpson & Representative Quillen & cosponsored by Representatives Ewing & Price & Senator Bunting, before the House for consideration.

**SB 12 - AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO LICENSE TO CARRY CONCEALED WEAPONS.**

Representative Ewing made comments.

The roll call on **SB 12** was taken and revealed:

YES: 37.

NO: Representative Williams - 1.

ABSENT: Representatives Lofink, Maier & Oberle - 3.

Therefore, having received a constitutional majority, **SB 12** was returned to the Senate.

Representative Smith deferred to Representative Price.

Representative Price brought **HB 9**, jointly sponsored by Representatives Keeley, Miro & Schroeder & Senators Bunting & Sokola & cosponsored by Representative Viola, before the House for consideration.

**HB 9 - AN ACT DIRECTING THE DEPARTMENT OF EDUCATION TO DEVELOP, IMPLEMENT, AND ENHANCE PROGRAMS FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY. (F/N)**

Representative Price made comments.

The roll call on **HB 9** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Maier & Oberle - 3.

Therefore, having received a constitutional majority, **HB 9** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **SB 5 w/SA 1**, jointly sponsored by Senators Marshall & Sharp & Representatives Wagner, Spence & Maier & Senators Blevins, Connor, Henry & McDowell & Representatives Lofink & Scott, before the House for consideration.

**SB 5 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, HOME HEALTH AGENCIES AND HOME CAREGIVERS. (F/N)**

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Spence moved to suspend the rules which interfere with action on **SB 5 w/SA 1**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence made an announcement. Representatives Ulbrich, Miro, Ewing, B. Ennis & DiPinto made comments.

Representative DiPinto requested and was granted privilege of the floor for Senator Robert I. Marshall.  
Representatives DiPinto & Ewing made comments.

The roll call on **SB 5 w/SA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Maier & Oberle - 3.

Therefore, having received a constitutional majority, **SB 5 w/SA 1** was returned to the Senate.

Mr. Acting Speaker assigned **HB 34 & HB 40** to the Appropriations Committee.

Representative Spence introduced and brought **HR 3**, jointly sponsored by Representatives Ulbrich, Cathcart & Price, before the House for consideration.

Representative Spence made an announcement.

**HR 3 - ESTABLISHING THE DRINKING WATER TASK FORCE TO REVIEW THE QUALITY OF DELAWARE'S WATER AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY TO IMPROVE DELAWARE'S DRINKING WATER.**

Representatives Spence, Ewing, Gilligan & Spence made comments.

**HR 3** was adopted by voice vote.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 10**, jointly sponsored by Representative Wagner & Senators Adams & Winslow, before the House for consideration.

**HB 10 - AN ACT CONCURRING IN A PROPOSED AMENDMENT OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE BY THE ADDITION OF A NEW SECTION 39 CREATING THE JUDICIAL OFFICE OF SENIOR JUDGE. (F/N) (2/3 bill)**

Representative DiLiberto made comments.

Mr. Speaker Spence resumed the Chair.

Representative Wagner made a comment.

The roll call on **HB 10** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Maier & Oberle - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 10** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson. Representative Hudson made a comment.

Representative Hudson introduced **HB 85**, jointly sponsored by Senator Adams & Representatives Spence, Smith, Lee, Boulden, Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Fallon, Lavelle, Maier, Miro, Quillen, Stone, Ulbrich, Valihura, Wagner & Houghton & Senators Bunting, Amick, Cloutier, Connor, Sorenson & Winslow.

**HB 85 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO §§22 AND 23, ARTICLE III, AND ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE APPOINTMENT BY THE COURT OF CHANCERY OF A REGISTER IN CHANCERY AND THE POWERS AND DUTIES OF THE REGISTER IN CHANCERY. (2/3 bill)**

Mr. Speaker Spence assigned **HB 85** to the Judiciary Committee.

Mr. Speaker Spence made an announcement regarding **HR 3**.

Representative Gilligan requested and was granted personal privilege of the floor to make comments regarding the Compensation Commission Report. Representatives Smith & Fallon also made comments on the same subject.

Representative Smith moved to suspend the rules which interfere with action on **SB 24**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **SB 24**, jointly sponsored by Senator Cook & Representative Oberle & all Senators & Representatives B. Ennis, Price, Spence, Lee, Gilligan, VanSant, Boulden, Brady, Buckworth, Carey, Cathcart, Caulk DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Quillen, Reynolds, Roy,

Stone, Thornburg, Ulbrich, Valihura, Wagner, DiLiberto, Houghton, Keeley, Mulrooney, Scott, Viola, West & Williams, before the House for consideration.

**SB 24 - AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO SCHOOL TAXES.**

Representatives Smith, B. Ennis & Gilligan made comments. Michael Strine, Executive Assistant, Department of Finance, made comments.

The roll call on **SB 24** was taken and revealed:

YES: 37.

ABSENT: Representatives Lofink, Maier, Oberle & Williams - 4.

Therefore, having received a constitutional majority, **SB 24** was returned to the Senate.

Representative Valihura made comments regarding the Compensation Commission Report.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with action on **HB 55**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Wagner brought **HB 55**, jointly sponsored by Senator Bunting & Representatives Lee, Carey, Cathcart, Ewing, B. Ennis & Price, before the House for consideration.

**HB 55 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO DUTIES OF AN OFFICER HAVING A CHILD IN CUSTODY.**

Representative Wagner made comments.

The roll call on **HB 55** was taken and revealed:

YES: 36.

ABSENT: Representatives Lofink, Maier, Oberle, Viola & Williams - 5.

Therefore, having received a constitutional majority, **HB 55** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with action on **HB 7**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Wagner brought **HB 7**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 7 - AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE UTILIZATION OF PROFESSIONAL EDUCATORS IN CRITICAL CURRICULAR AREAS.**

Representative Wagner brought **HA 1 to HB 7**, jointly sponsored by Senator Sokola, before the House for consideration. **HA 1** was adopted by voice vote. Representative Wagner made comments.

The roll call on **HB 7 w/HA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Lofink, Maier, Oberle, Viola & Williams - 5.

Therefore, having received a constitutional majority, **HB 7 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested that action on **HCR 3** be Deferred to a Day Certain, Thursday, March 22, 2001.

The Majority Leader moved to recess to the call of the Chair at 6:44 p.m.

Mr. Speaker Spence called the House to order at 2:05 p.m. on March 13, 2001.

The following prefiled legislation II was introduced:

**HB 70 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, D. ENNIS, HOUGHTON, KEELEY, PRICE, QUILLEN, SCOTT, VANSANT, VIOLA, WEST - LAND USE AND INFRASTRUCTURE -An Act to Amend Title 22 of the Delaware Code Relating to the Preparation of Transcripts and the Awarding of Costs on Appeals from the Board of Adjustment to the Superior Court.**

**HB 71** - ROY; REPRESENTATIVE VANSANT; SENATORS COOK, WINSLOW - ECONOMIC DEVELOPMENT; BANKING & INSURANCE - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles.

**HB 72** - VAN SANT & SENATOR BLEVINS; REPRESENTATIVES CAREY, B. ENNIS, EWING, HOUGHTON, HUDSON, KEELEY, MULROONEY, PLANT, WEST, WILLIAMS - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 9 of the Delaware Code Relating to the Board of Adjustment.

**HB 73** - WAGNER; REPRESENTATIVES SPENCE, LEE, D. ENNIS, EWING, FALLON, VANSANT, DILIBERTO; SENATORS SOKOLA, VAUGHN, STILL -PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Delaware Police Training Program.

**HB 74** - VALIHURA; REPRESENTATIVES BOULDEN, BRADY, CAREY, CATHCART, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LAVELLE, LOFINK, MIRO, SCHROEDER, SCOTT, THORNBURG, ULBRICH, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS AMICK, BLEVINS, CLOUTIER, CONNOR, HENRY, SIMPSON, SORENSON, WINSLOW - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax Returns.

**HB 75** - KEELEY & SENATOR MCDOWELL; REPRESENTATIVES BRADY, CATHCART, DIPINTO, B. ENNIS, HOUGHTON, LAVELLE, OBERLE, PRICE, REYNOLDS, SCOTT, SMITH, SPENCE, THORNBURG, ULBRICH, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS COOK, DELUCA, HENRY, BONINI, SIMPSON, VAUGHN, WINSLOW - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices.

**HB 76** - 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, as Amended, with Regard to Phasing Out the Discount Currently Provided to Property Owners Who Pay the Taxes Assessed Against their Real Property on or Before September 30th of Each Year. (2/3 bill)

**HB 77** - QUILLEN; REPRESENTATIVE THORNBURG - CORRECTIONS - An Act to Amend Title 29 of the Delaware Code Relating to the Correctional Officer Assistance Fund.

**HB 78** - DIPINTO & SENATOR MCDOWELL; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CATHCART, D. ENNIS, FALLON, HUDSON, LAVELLE, QUILLEN, THORNBURG, WAGNER, B. ENNIS, HOUGHTON, PRICE, WEST; SENATORS CLOUTIER, CONNOR, STILL - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

**HB 79** - WAGNER; SENATOR HENRY; REPRESENTATIVES CATHCART, DIPINTO, EWING, FALLON, HUDSON, MAIER, MIRO, QUILLEN, STONE, VALIHURA, BRADY, HOUGHTON, KEELEY, PRICE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relative to Motor Vehicle Fines Payable by Mail.

**HB 80** - SCOTT; REPRESENTATIVES B. ENNIS, FALLON, PRICE, WEST, WILLIAMS - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 26 of the Delaware Code Relating to Electric Suppliers.

**HB 81** - This number is reserved.

**HB 82** - SCOTT; REPRESENTATIVES KEELEY, WILLIAMS; SENATOR AMICK - JUDICIARY - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Crimes Committed Within Municipalities. (2/3 bill)

**HB 83** - SCOTT; REPRESENTATIVES B. ENNIS, KEELEY, PRICE, VIOLA, WEST; SENATOR BUNTING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

**HB 84** - BOULDEN & SENATOR BLEVINS; REPRESENTATIVES SPENCE, SMITH, LEE, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, PRICE, QUILLEN, REYNOLDS, ROY, STONE, THORNBURG, ULBRICH, VALIHURA, WAGNER, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, KEELEY, MULROONEY, PLANT, SCHROEDER, SCOTT, VANSANT, VIOLA, WEST, WILLIAMS; SENATORS AMICK, BONINI,



CONNOR, SIMPSON, SORENSON, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code Relating to the Division of Service for Aging and Adults with Physical Disabilities; and Providing for a Money Management Program.

**HB 86** - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, DIPINTO - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HB 87** - WAGNER; REPRESENTATIVES LEE, BUCKWORTH, D. ENNIS, MAIER, QUILLEN, ULBRICH, WEST; SENATOR HENRY - JUDICIARY - An Act to Amend Section 2702 of Title 11 of the Delaware Code Relating to Justice of the Peace Courts Jurisdiction.

**HB 88** - ROY - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9, Delaware Code Relating to New Castle County.

**HB 89** - WAGNER & SENATOR HENRY; REPRESENTATIVES QUILLEN, ULBRICH - LABOR - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

**HB 90** - WAGNER; REPRESENTATIVES LEE, BUCKWORTH, CAREY, CATHCART, EWING, MAIER, QUILLEN, ROY, ULBRICH, VALIHURA, PRICE, SCHROEDER; SENATOR BUNTING - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Gross Receipts Tax.

**HB 91** - CAULK & REPRESENTATIVE WEST; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, HUDSON, KEELEY, LEE, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCOTT, SMITH, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VAN SANT, VIOLA, WAGNER, WILLIAMS; SENATORS BUNTING, CONNOR, COOK, HENRY, SIMPSON, STILL, VENABLES, WINSLOW - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Evaluation Assessment of Property.

**HB 92** - WAGNER; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, DILIBERTO, D. ENNIS, EWING, QUILLEN, ULBRICH; SENATOR HENRY - TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION - An Act to Amend Title 11 of the Delaware Code Regarding Specific Offenses.

**HB 93** - KEELEY & REPRESENTATIVE OBERLE & SENATOR HENRY; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, B. ENNIS, HOUGHTON, MAIER, MULROONEY, PRICE, SCOTT, SMITH, VIOLA, WAGNER, WEST, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Transfer of Medical Records.

**HB 94** - KEELEY & SENATOR HENRY; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, HUDSON, LOFINK, MAIER, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS COOK, SOKOLA, VENABLES - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the Procurement of Material and Nonprofessional Services by Bona Fide Nonprofit Organizations.

**HB 95** - WAGNER; REPRESENTATIVES SPENCE, MAIER, STONE; REPRESENTATIVES BUCKWORTH, CAREY, QUILLEN, REYNOLDS, ULBRICH; SENATOR HENRY - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Prosecution of Criminal and Traffic Cases in the Justice of the Peace Court of the State of Delaware.

**HB 99** - OBERLE & REPRESENTATIVE DIPINTO & REPRESENTATIVES WILLIAMS, KEELEY; SENATORS BUNTING, HENRY, SOKOLA - LABOR - An Act to Amend Titles 6, 9, 18, 19, 25 and 29 of the Delaware Code Relating to Discrimination Employment, Public Works Contracting, Housing, Equal Accommodations, and the Insurance Business.

**HA 1 to HB 40** - HUDSON - Placed with the Bill.

**HR 4** - D. ENNIS & REPRESENTATIVE B. ENNIS; REPRESENTATIVES WAGNER, STONE, LEE, SPENCE, BUCKWORTH, ULBRICH, LOFINK, ROY, REYNOLDS, DIPINTO, BRADY, HOUGHTON,

GILLIGAN, KEELEY, VANSANT, WEST, WILLIAMS - LABOR - Urging a Review and Full Assessment of Certain Personnel and Employee Relations Issues.

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.

**10th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 13, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Williams -1.

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

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

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

The following out of session prefiled legislation was introduced:

February 21, 2001

**HB 96 - CATHCART - LAND USE AND INFRASTRUCTURE - An Act to Amend title 9 of the Delaware Code Relating to Counties.**

**HB 97 - MIRO; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, EWING, QUILLEN, VALIHURA, WAGNER, BRADY, PRICE; SENATORS COOK, CONNOR, SORENSON, WINSLOW - REVENUE & FINANCE - An Act to Amend Title 30, Delaware Code, Relating to Creating a Personal Income Tax Credit for Long-term Care Insurance.**

**HB 98 - WAGNER & SENATOR VENABLES; REPRESENTATIVES BOULDEN, CAREY, CATHCART, DIPINTO, B. ENNIS, HUDSON, QUILLEN, STONE, VALIHURA, BRADY, DILIBERTO, KEELEY, PRICE, SCHROEDER; SENATORS WINSLOW, SOKOLA, BUNTING - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Salaries of Justices of the Peace, Prohibited Activities and Employment.**

**HB 100 - KEELEY & REPRESENTATIVE OBERLE & REPRESENTATIVE MAIER & SENATOR HENRY & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, MIRO, MULROONEY, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SCOTT, SPENCE, STONE, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS BUNTING, CONNOR, DELUCA, MARSHALL, MCDOWELL, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.**

**HB 101 - KEELEY & SENATOR BLEVINS & SENATOR HENRY; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, HUDSON, LAVELLE, MIRO, MULROONEY, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SCOTT, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS ADAMS, AMICK, BLEVINS, BUNTING, CLOUTIER, CONNOR, COOK, DELUCA, MARSHALL, MCBRIDE, MCDOWELL, SHARP, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW - JUDICIARY - An Act to Amend -Title 10 of the Delaware Code Relating to References to Non-marital Children.**

**HB 102 - SPENCE & SENATOR SHARP - PUBLIC SAFETY - An Act to Amend Titles 11 and 29 of the Delaware Code Relating to Capitol Police.**

**HA 1 to HB 54 - MIRO - Placed with the Bill.**

**HA 1 to HR 4 - D. ENNIS - Placed with the Bill.**

Representatives Price and Keeley requested that they be marked present.

Representative Smith introduced **HB 103**.

Representative Smith made comments.

**HB 103 - AN ACT TO AMEND TITLE 1 OF THE DELAWARE CODE RELATING TO CERTAIN LEGAL HOLIDAYS.**

Mr. Speaker Spence assigned **HB 103** to the House Administration Committee.  
Mr. Speaker Spence reassigned **HB 91** to the Agriculture Committee.  
Representatives Caulk & D. Ennis requested that they be marked present.  
Representatives Fallon & Quillen requested and were granted personal privilege of the floor to make comments.  
Representative Gilligan requested that he be marked present and requested and was granted personal privilege of the floor to make comments.  
Representatives West, Ulbrich & Maier requested that they be marked present.  
The Reading Clerk read the following communications into the record:  
March 9, 2001

The Hon. Terry R. Spence  
Speaker of the House  
Legislative Hall  
Dover, DE 19903  
Dear Mr. Speaker Spence:

I hereby request that my name be removed as a co-sponsor of House Bill No. 99.  
Sincerely yours,  
George H. Bunting, Jr.  
State Senator -20th District

**MEMORANDUM**

TO: Terry R. Spence  
Speaker of the House  
FROM: Dennis P. Williams  
Representative, 1st District  
DATE: March 13, 2001  
RE: Absence from Session

I will be absent from session on Tuesday, March 13, 2001, due to personal business. Thank you for your consideration.  
C: The Honorable Robert F. Gilligan  
JoAnn Hedrick, Chief Clerk

January 18, 2001

**LEGISLATIVE ADVISORY #1**  
Governor Ruth Ann Minner signed the following legislation on the date indicated: 1/18/01 - **HJR 1 & SJR 1.**  
February 1, 2001

**LEGISLATIVE ADVISORY #2**  
Governor Ruth Ann Minner signed the following legislation on the date indicated: 1/31/01 - **SB 4 aab SA 1, SB 9 aab SA 1, HB 12, HB 25 & HB 42.**  
February 6, 2001

**LEGISLATIVE ADVISORY #3**  
Governor Ruth Ann Minner signed the following legislation on the date indicated: 2/2/01 - **HB 1 aab SA 1.**  
February 16, 2001

**LEGISLATIVE ADVISORY #4**  
Governor Ruth Ann Minner signed the following legislation on the date indicated:  
2/7/01 - **SB 12.**  
February 27, 2001

#### LEGISLATIVE ADVISORY #5

Governor Ruth Ann Minner signed the following legislation on the date indicated: 2/16/01 - **SB 16 & SB 24**.

February 28, 2001

#### LEGISLATIVE ADVISORY #6

Governor Ruth Ann Minner signed the following legislation on the date indicated 2/25/01 - **SB 5 aab SA 1**.

The Majority Leader moved to recess for caucus at 2:16 p.m.

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

Representative Smith deferred to Representative Price.

Representative Price brought **HB 27**, jointly sponsored by Representative Oberle, before the House for consideration.

**HB 27** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS COMPENSATION.

Representative Price brought **HA 1 to HB 27** before the House for consideration.

Representative Price made a comment. **HA 1** was adopted by voice vote.

Representatives Boulden, Oberle, Miro & Brady requested that they be marked present.

Representative Price introduced and brought **HA 2 to HB 27** before the House for consideration. Representative Price made a comment. **HA 2** was adopted by voice vote.

Representative Cathcart requested that he be marked present.

Representative Price made comments.

The roll call on **HB 27 w/HA 1 & 2** was taken and revealed:

YES: 40.

ABSENT: Representative Williams - 1.

Therefore, having received a constitutional majority, **HB 27 w/HA 1 & 2** was sent to the Senate for concurrence.

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

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 53**, jointly sponsored by Representatives Spence, Boulden, Buckworth, Carey, Cathcart, DiPinto, Hudson, Lofink, Miro, Stone, Ulbrich, Valihura, Wagner, DiLiberto, Houghton, Keeley, Mulrooney, Price & Viola & cosponsored by Senator Simpson, before the House for consideration.

**HB 53** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE. (2/3 bill) (F/N)

Representative Oberle made comments and introduced guests.

Representative Ewing made comments.

The roll call on **HB 53** was taken and revealed:

YES: 40.

ABSENT: Representative Williams - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 53** was sent to the Senate for concurrence.

Representative Boulden requested and was granted personal privilege of the floor to make comments.

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

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 31**, jointly sponsored by Representatives Spence, Buckworth, Carey & D. Ennis, before the House for consideration.

**HB 31 - AN ACT TO AMEND TITLE 21, CHAPTER 28 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS.**

Representative Quillen made a comment.

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

Mr. Speaker Spence resumed the Chair.

Representatives Schroeder & Lavelle made comments.

The roll call on **HB 31** was taken and revealed:

YES: 14.

NO: Representatives Boulden, DiLiberto, Gilligan, Houghton, Hudson, Keeley, Lavelle, Maier, Miro,

Mulrooney, Oberle, Plant, Price, Schroeder, Smith, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola & West - 22.

NOT VOTING: Representatives Roy & Scott - 2.

ABSENT: Representatives Cathcart, DiPinto & Williams - 3.

Therefore, not having received a constitutional majority, **HB 31** was declared defeated.

Representative Smith requested and was granted personal privilege of the floor to make an announcement.

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis requested and was granted personal privilege of the floor to make comments regarding the graduated driver's license enacted in 1999. Mr. Speaker Spence made comments.

Mr. Speaker Spence reassigned **HB 100** to the Health & Human Development Committee.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 44**, jointly sponsored by Representatives Brady, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Hudson, Keeley, Lavelle, Lofink, Maier, Mulrooney, Price, Schroeder, Scott, Spence, Stone, Thornburg, VanSant, Viola, Wagner, West & Williams & Senators Blevins, Bunting, Sokola & Venables, before the House for consideration.

**HB 44 - AN ACT CONCURRING IN A PROPOSED AMENDMENT OF ARTICLE III, § 10 OF THE DELAWARE CONSTITUTION OF 1897. AS AMENDED, RELATING TO A RESIDENCY REQUIREMENT FOR THE SECRETARY OF STATE. (2/3 bill)**

Representative DiLiberto made comments.

The roll call on **HB 44** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Price & Williams - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 44** was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 49** before the House for consideration.

**HB 49 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURIES.**

Representative DiLiberto made comments.

The roll call on **HB 49** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Price & Williams - 3.

Therefore, having received a constitutional majority, **HB 49** was sent to the Senate for concurrence.

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

HOUSE ADMINISTRATION: **HB 76** - 3F; **SB 10** - 3F.

The Reading Clerk read the following communications into the record:

Memorandum

TO: The Honorable Terry R. Spence, Speaker of the House  
FROM: Representative Helene M. Keeley

DATE: March 13, 2001  
RE: Session Absences Due to Personal Business

I regretfully wish to inform you that I will be unable to attend legislative session on Wednesday, March 14th and Thursday, March 15th due to personal business.

Thank you for your consideration of this matter.

MEMORANDUM

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Wayne A. Smith  
House Majority Leader  
DATE: March 13, 2001  
RE: Absence from Session

I will be unable to attend session on Wednesday, March 14, 2001 due to a previous commitment.

Thank you for your attention to this matter.

The Majority Leader moved to recess to the call of the Chair at 5:00 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:05 p.m. on March 14, 2001.

The Majority Whip moved to adjourn at 2:06 p.m., thereby ending the current legislative day. The House reconvened at 2:07 p.m.

**11th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 14, 2001**

The Chief Clerk read the roll.

Members Present: 37.

Members Absent: Representatives Boulden, DiPinto, Keeley & Mulrooney - 4.

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

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

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

The following prefiled legislation was introduced:

**HB 60** - PRICE & REPRESENTATIVE VIOLA & SENATOR BUNTING; REPRESENTATIVES BOULDEN, BRADY, CATHCART, B. ENNIS, EWING, FALLON, KEELEY, MAIER, SPENCE, VAN SANT, WEST; SENATORS MARSHALL, SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Eligibility to Receive a State High School Diploma.

**HB 104** - VIOLA; SENATOR CONNOR - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 8 of the Delaware Code Relating to the Corporate Franchise Tax.

**HB 105** - GILLIGAN - HOUSE ADMINISTRATION - An Act to Amend Title 29, Chapter 8 of the Delaware Code Relating to Composition and Reapportionment of the General Assembly. (2/3 bill)

**HB 106** - BUCKWORTH & SENATOR MCBRIDE; REPRESENTATIVES MAIER, ULBRICH, DILIBERTO; SENATORS BONINI, ADAMS - LABOR - An Act to Amend Titles 14 and 29 of the Delaware Code Relating to Leave for State Employees, Teachers and School Employees.

The Reading Clerk read the following communications into the record:

**MEMORANDUM**

Date: March 14, 2001  
TO: The Honorable Terry R. Spence--Speaker of the House  
JoAnn Hedrick--Chief Clerk of the House  
FROM: Rep. Bruce C. Ennis

I will be absent from session on March 15, March 20, and March 21 because I will be in Ireland. Thank you.

# HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 14, 2001

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                                                                          |
|----------|-------------------------------------------------------|-----------|------|--------------------------------------------------------------------------------------|
| H141-168 | Brady                                                 | 1/26/2001 | T    | Fannie Cheseroni/90th Birthday                                                       |
| H141-169 | Buckworth                                             | 1/15/2001 | T    | Lucas Mayfield/Martin Luther King, Jr. Achievement Award Recipient                   |
| H141-170 | cosponsor: Rep. Stone<br>Buckworth                    | 1/15/2001 | T    | Christopher Miller/Martin Luther King, Jr. Achievement Award Recipient               |
| H141-171 | Wagner                                                | 1/15/2001 | T    | James Fletcher/Martin Luther King, Jr. Achievement Award Recipient                   |
| H141-172 | cosponsor: Rep. Stone<br>Wagner                       | 1/15/2001 | T    | Michael Brown/Martin Luther King, Jr. Achievement Award Recipient                    |
| H141-173 | cosponsor: Rep. Stone<br>Buckworth                    | 1/15/2001 | T    | Reverend Dr. Richard Avant/Martin Luther King, Jr. Community Service Award Recipient |
| H141-174 | cosponsors: Reps. Stone & Wagner<br>Wagner            | 1/15/2001 | T    | Gloria Houston/Martin Luther King, Jr. Community Service Award Recipient             |
| H141-175 | cosponsor: Rep. Stone<br>Thornburg                    | 1/15/2001 | T    | Dorothy George/Martin Luther King, Jr. Community Service Award Recipient             |
| H141-176 | cosponsors: Reps. Wagner & Stone<br>Fallon            | 2/3/2001  | T    | Lenny Moore/Spreading Christian Testimony                                            |
| H141-177 | Fallon                                                | 1/27/2001 | T    | Mike Neill/Olympic Gold Medal/Baseball                                               |
| H141-178 | Caulk                                                 | 1/23/2001 | T    | Roland Neeman/Fireman of the Year/Felton Fire Company                                |
| H141-179 | B. Ennis                                              | 2/9/2001  | T    | Lucinda Warwick Short/100th Birthday                                                 |
| H141-180 | Wagner                                                | 2/4/2001  | T    | Eva Scotton/87th Birthday                                                            |
| H141-181 | Carey                                                 | 1/25/2001 | T    | Howard Wilkins/85th Birthday                                                         |
| H141-182 | Thornburg                                             | 1/23/2001 | T    | Bill Krupka/Helping at Marydel Adult Center                                          |
| H141-183 | Fallon                                                | 2/3/2001  | T    | Jimmy Hoppa/Spreading Christian Word                                                 |
| H141-184 | Ulbrich                                               | 1/23/2001 | T    | Rick Armitage, Jr./50th Birthday                                                     |
| H141-185 | Fallon                                                | 2/3/2001  | T    | Maggie Johnson/"Power of the Crown"                                                  |
| H141-186 | Oberle                                                | 1/24/2001 | T    | Melissa Santosa/Chuck Hebner Memorial Scholarship Recipient                          |
| H141-187 | cosponsor: Rep. DiPinto<br>Oberle                     | 1/24/2001 | T    | Stacy Newman/Chuck Hebner Memorial Scholarship Recipient                             |
| H141-188 | cosponsor: Rep. Quillen<br>Carey                      | 1/25/2001 | T    | Joan VanGorder/Retirement/House Staff                                                |
|          | cosponsors: Reps. Lee, Stone, Maier & All Republicans |           |      |                                                                                      |

# HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: March 14, 2001

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                                                              |
|----------|----------------------------------|-----------|------|--------------------------------------------------------------------------|
| H141-189 | Wagner                           | 2/1/2001  | T    | Major J. Robert Mays, Jr./Retirement/20 Years/Dover Police               |
| H141-190 | cosponsor: Rep. Stone<br>Ulbrich | 1/24/2001 | T    | Butch Simpson/Fourth Consecutive State Championship/Newark High Football |
|          | cosponsor: Rep. Reynolds         |           |      |                                                                          |

|          |                                 |           |   |                                                                      |
|----------|---------------------------------|-----------|---|----------------------------------------------------------------------|
| H141-191 | Hudson                          | 1/26/2001 | T | Hindu Temple Association/Ribbon Cutting/Hockessin                    |
| H141-192 | Stone                           | 1/23/2001 | T | Honorable Nancy Wagner/Distinguished                                 |
|          | cosponsors: All Representatives |           |   | Legislative Service Award Recipient                                  |
| H141-193 | Oberle                          | 1/24/2001 | T | Honorable Wayne Hanby/Swearing-In Ceremony                           |
| H141-194 | Smith                           | 1/25/2001 | T | Ann Visalli/Excellence in Service/General Assembly                   |
| H141-195 | Wagner                          | 1/25/2001 | T | John Brady/Election/Register in Chancery/Sussex                      |
| H141-196 | Smith                           | 2/8/2001  | T | Loretta Weisberg/School Nurse of the Year/Brandywine School District |
| H141-197 | Carey                           | 1/25/2001 | T | Joshua & William Levis/Heroic Response/Tragic Accident Scene         |
| H141-198 | Price                           | 2/18/2001 | T | Linda Mitchell/Dedicated Service/Ocean View Presbyterian Church      |
| H141-199 | Schroeder                       | 1/25/2001 | T | Ransford Pepper/50 Years/Lewes Fire Department                       |
| H141-200 | Mulrooney                       | 1/25/2001 | T | Kristin Bergner/Scholarship/Essay/Frederick Douglass                 |
| H141-201 | Price                           | 1/25/2001 | T | Erin Harker/Scholarship/Essay/Frederick Douglass                     |
| H141-202 | Schroeder                       | 1/25/2001 | T | Shawn Sukumar/Scholarship/Essay/Frederick Douglass                   |
| H141-203 | Viola                           | 1/25/2001 | T | Rubyna Malchand/Scholarship/Essay/Frederick Douglass                 |
| H141-204 | Gilligan                        | 1/25/2001 | T | Kevin McVey/Scholarship/Essay/Frederick Douglass                     |
| H141-205 | Scott                           | 1/25/2001 | T | Kinira Grinnell/Scholarship/Essay/Frederick Douglass                 |
| H141-206 | Williams                        | 1/25/2001 | T | Jonah Platt/Scholarship/Essay/Frederick Douglass                     |
| H141-207 | D. Ennis                        | 1/30/2001 | T | Marie Rapposelli/Retirement/28 Years/DelTech                         |
|          | cosponsor: Rep. Gilligan        |           |   |                                                                      |
| H141-208 | Wagner                          | 1/23/2001 | M | Louise Capriotti Kennett                                             |
| H141-209 | D. Ennis                        | 1/31/2001 | T | Edward Freel/Service/Secretary of State                              |

#### HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: March 14, 2001

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                                                                |
|----------|-------------------------------------|-----------|------|----------------------------------------------------------------------------|
| H141-210 | Maier                               | 2/6/2001  | T    | Gregg Sylvester, M.D./Dedicated Service/Secretary/Health & Social Services |
| H141-211 | DiPinto                             | 2/1/2001  | T    | Natalie George/Trooper of the Month/December                               |
|          | cosponsor: Rep. VanSant             |           |      |                                                                            |
| H141-212 | Boulden                             | 2/1/2001  | T    | Andrea Wolfe & Michael Boulden/Marriage                                    |
| H141-213 | Boulden                             | 2/1/2001  | T    | Catherine & Fred Dingle/A Better Newark Award Recipients                   |
| H141-214 | Boulden                             | 2/1/2001  | T    | Alexander Michael Olin/Baptism                                             |
| H141-215 | DiPinto                             | 1/20/2001 | M    | Pano Anthos                                                                |
| H141-216 | Buckworth                           | 1/31/2001 | T    | Susan Evans/ICPrize Recipient/School Librarians                            |
| H141-217 | Wagner                              | 2/1/2001  | M    | Mildred B. Nelson                                                          |
|          | cosponsors: Reps. Stone & Thornburg |           |      |                                                                            |
| H141-218 | DiPinto                             | 3/8/2001  | T    | David Swayze/Lammot duPont, Jr. Memorial Award Recipient                   |
| H141-219 | Spence                              | 1/31/2001 | T    | University of Delaware Cheerleaders/First Place/Cheerleading Association   |



|          |                           |            |   |                                               |
|----------|---------------------------|------------|---|-----------------------------------------------|
| H141-220 | Wagner                    | 2/21/2001  | T | Jim & Betty McWilliams/50th Anniversary       |
| H141-221 | Hudson                    | 2/23/2001  | T | Thomas Ralston/30 Years/State of Delaware     |
|          | cosponsor: Rep. Roy       |            |   |                                               |
| H141-222 | Hudson                    | 12/19/2000 | T | Lauren McCrery/National Junior Olympic        |
|          | cosponsor: Rep. Lavelle   |            |   | Squash Champion                               |
| H141-223 | Ewing                     | 2/6/2001   | T | Grace & Henry Folsom/64th Wedding Anniversary |
|          | cosponsor: Rep. Buckworth |            |   |                                               |
| H141-224 | D. Ennis                  | 2/9/2001   | T | Dr. Harald Eifert/Expanding Fraunhofer Center |
| H141-225 | Wagner                    | 2/3/2001   | M | Richard A. Latourette                         |
| H141-226 | Wagner                    | 2/22/2001  | T | Raymond Harbeson, Jr./Engineer of the Year    |
| H141-227 | VanSant                   | 2/10/2001  | T | Victor Levering/75 Year Member/Five Points    |
|          | cosponsor: Rep. Houghton  |            |   | Fire Company                                  |
| H141-228 | VanSant                   | 2/10/2001  | T | Robert Sutton/Member of the Year/Five Points  |
|          | cosponsor: Rep. Houghton  |            |   | Fire Company                                  |
| H141-229 | VanSant                   | 2/10/2001  | T | Francis Williams/Member of the Year/Five      |
|          | cosponsor: Rep. Houghton  |            |   | Points Fire Company                           |

#### HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: March 14, 2001

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                                               |
|----------|--------------------------|-----------|------|-----------------------------------------------------------|
| H141-230 | Scott                    | 2/7/2001  | T    | William Wells/Outstanding Community Service               |
| H141-231 | B. Ennis                 | 2/6/2001  | T    | Mona Ann & James Sipple/40th Wedding Anniversary          |
| H141-232 | Quillen                  | 2/6/2001  | T    | Amanda Ward/Scholarship Frederick Douglass Winner/Essay/  |
| H141-233 | Wagner                   | 2/5/2001  | T    | Rebekah Rakes/Second Place Legislative Scholarship Winner |
| H141-234 | Lofink                   | 2/8/2001  | T    | Kevin Oberheim/Finalist/Legislative Essay Scholarship     |
| H141-235 | Quillen                  | 2/7/2001  | T    | Lee Cromwell/Senate Youth Scholarship Fellow Finalist     |
| H141-236 | Caulk                    | 3/11/2001 | T    | Ryan Barry Maloney/Eagle Scout                            |
| H141-237 | Wagner                   | 2/20/2001 | T    | Loraine Godshall/89th Birthday                            |
| H141-238 | Fallon                   | 2/13/2001 | T    | Bertie Frances Meluney/90th Birthday                      |
| H141-239 | Scott                    | 2/8/2001  | T    | Addictions Coalition of Delaware, Inc.                    |
| H141-240 | Maier                    | 2/4/2001  | T    | Justin McCall Ray Chapin/Eagle Scout                      |
| H141-241 | Wagner                   | 2/10/2001 | T    | Melissa Clayville & Matthew Wilchinski/Marriage           |
| H141-242 | Stone                    | 2/12/2001 | T    | Dr. Elaine Wright/Teaching Award/United Methodist Church  |
|          | cosponsor: Rep. Wagner   |           |      |                                                           |
| H141-243 | Wagner                   | 2/10/2001 | M    | Tommy Gray                                                |
| H141-244 | Wagner                   | 1/28/2001 | T    | Young Ran Park & Shawn O'Connor/Marriage                  |
| H141-245 | DiLiberto                | 2/10/2001 | M    | Ernest Dudelheim                                          |
| H141-246 | DiLiberto                | 2/12/2001 | T    | James White/Delaware Diamond Award Recipient              |
| H141-247 | D. Ennis                 | 2/16/2001 | T    | Gladys Ennis/95th Birthday                                |
|          | cosponsor: Rep. B. Ennis |           |      |                                                           |

|          |                                 |           |   |                                              |
|----------|---------------------------------|-----------|---|----------------------------------------------|
| H141-248 | Ewing                           | 2/17/2001 | T | Ronald Vincent/17 Terms/President/Farmington |
|          | cosponsor: Rep. Quillen         |           |   | Volunteer Fire Company                       |
| H141-249 | Ewing                           | 2/17/2001 | T | Allen Arthur/10 Years/President/Farmington   |
|          | cosponsor: Quillen              |           |   | Volunteer Fire Company                       |
| H141-250 | Spence                          | 2/17/2001 | T | Margaret Moore & Lee Dean/Marriage           |
|          | cosponsors: All Representatives |           |   |                                              |
| H141-251 | Stone                           | 2/11/2001 | M | Mae Simon                                    |
|          | cosponsor: Rep. Wagner          |           |   |                                              |

T - Tribute

M - Memoriam

Representatives Maier, Plant & Gilligan requested that they be marked present.

The Majority Whip moved to recess to the call of the Chair at 2:15 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 2:15 p.m.: Representatives Brady, Cathcart, D. Ennis, Gilligan, Lofink, Miro & Spence.

Mr. Acting Speaker Quillen called the House to order at 2:06 p.m. on March 15, 2001.

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

PUBLIC SAFETY: **HB 58** - 6M; **HB 67** - 7M; **HB 73** - 7M; **HB 79** - 7M; **HB 102** - 6M; **SB 22** - 8M.

JUDICIARY: **HB 69** - 7M; **HB 86** - 7M; **HB 87** - 7M; **HB 95** - 7M; **HB 98** - 7M; **HB 101** - 7M.

HEALTH & HUMAN DEVELOPMENT: **HB 84** - 4M; **SJR 2** - 4M.

LAND USE AND INFRASTRUCTURE: **HB 72** - 6M, 1U.

LABOR: **HB 62** - 5M; **HB 63** - 5M; **HB 75** - 5M; **HR 4** - 5M.

HOUSING & COMMUNITY AFFAIRS: **HB 88** - 3F, 3M.

REVENUE & FINANCE: **HB 74** - 6F, 1M; **HB 90** - 7M; **HB 59** - 7M.

Representatives Schroeder & Smith requested that they 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 **SB 30** and requests the concurrence of the House.

#### MEMORANDUM

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

FROM: Representative Joseph G. DiPinto

DATE: March 14, 2001

RE: Absence from Session

Please be advised that it is necessary for me to be absent from session today due to personal business.  
Thank you.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House

FROM: Representative Roger Roy

RE: Absence from Session

DATE: March 14, 2001

Please be advised that I will absent from session on Thursday, March 15, 2001. Thank you.  
Memorandum

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

FROM: Representative Michael P. Mulrooney

DATE: March 14, 2001

RE: Session Absence Due to Personal Business

I regretfully wish to inform you that I will be unable to attend legislative session on Wednesday, March 14 due to personal business.

Thank you for your consideration of this matter.

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.

**12th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**  
**March 15, 2001**

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.

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

The following prefiled legislation was introduced:

**HB 108** - MIRO & SENATORS STILL, SOKOLA; REPRESENTATIVES BRADY, BUCKWORTH, CAULK, EWING, KEELEY, PLANT, REYNOLDS, SPENCE, ULBRICH, VALIHURA, WEST, WILLIAMS - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employee's Pension Plan; and Providing a Credited Service Option for Teachers Formerly Employed in the "Jobs for Delaware Graduates" Program.

**HB 109** - SCHROEDER & SENATOR SIMPSON - HOUSE ADMINISTRATION - An Act to Amend an Act, Being Chapter 196, Volume 22, Laws of Delaware, as Amended, Entitled: "An Act to Authorize the Commissioners of Lewes to Appoint a Board of Public Works for the Town of Lewes, Which Shall Establish, Control and Regulate a Utility System Comprised of an Electric Light Plant, Water Works and a Sewer System for Said Town; Prescribing the Powers and Duties of Said Board of Public Works and Providing for the Election of Their Successors", to Establish Procedures for the Annual Election. (2/3 bill)

**SB 30** - DELUCA & REPRESENTATIVE ULBRICH; SENATORS BUNTING, SOKOLA, SIMPSON, STILL; REPRESENTATIVES HUDSON, VALIHURA, KEELEY & PRICE - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 29 of the Delaware Code Relating to Boiler Safety.

Representatives Buckworth & West requested that they be marked present.

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

The House reconvened at 4:20 p.m. with Representative Buckworth as Acting Speaker.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 76**, jointly sponsored by Senator Venables, before the House for consideration.

**HB 76** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO PHASING OUT THE DISCOUNT CURRENTLY PROVIDED TO PROPERTY OWNERS WHO PAY THE TAXES ASSESSED AGAINST THEIR REAL PROPERTY ON OR BEFORE SEPTEMBER 30TH OF EACH YEAR. (2/3 bill)

Representative Lee made comments.

The roll call on **HB 76** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 76** was sent to the Senate for concurrence.

Representatives Brady, Caulk, Fallon, Oberle, Plant, Reynolds, Scott, Spence, Stone, Ulbrich, D. Ennis, Cathcart & Miro requested that they be marked present during the roll call.

Representative Smith brought **SB 10**, sponsored by Senator Bunting & Representative Price, before the House for consideration.

**SB 10** - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE." (2/3 bill)

Representative Smith made comments.

Mr. Speaker Spence resumed the Chair.

The roll call on **SB 10** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 10** was returned to the Senate.

Representative Smith deferred to Representative Oberle. Representative Oberle requested that **HB 52** be stricken.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on **HB 107**. The motion was properly seconded and adopted by voice vote.

Representative Oberle introduced and brought **HB 107**, jointly sponsored by Senator Sokola & Representatives Smith, Buckworth, Ewing, Fallon, Stone, Valihura, Brady & Price, before the House for consideration.

**HB 107** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO EXECUTIONS AS REGARDS THE DELAWARE COLLEGE INVESTMENT PLAN.

Representatives Oberle & D. Ennis made comments.

The roll call on **HB 107** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority, **HB 107** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative DiLiberto. Representative DiLiberto requested that action on **HB 43** be Deferred to a Day Certain, Thursday, April, 5, 2001.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 67**, jointly sponsored by Representative B. Ennis & Senators Simpson & Vaughn & Representatives Brady, Carey, Caulk, DiLiberto, D. Ennis, Gilligan, Houghton, Keeley, Mulrooney, Oberle, Plant, Price, Quillen, Schroeder, Spence, VanSant, Viola, Wagner, West & Williams & cosponsored by Senators Connor & Bunting, before the House for consideration.

**HB 67** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE POLICE.

Representatives Lee & Gilligan made comments.

The roll call on **HB 67** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority, **HB 67** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 79**, jointly sponsored by Senator Henry & Representatives Cathcart, DiPinto, Ewing, Fallon, Hudson, Maier, Miro, Quillen, Stone, Valihura, Brady, Houghton, Keeley & Price, before the House for consideration.

**HB 79** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATIVE TO MOTOR VEHICLE FINES PAYABLE BY MAIL.

Representatives Wagner, Gilligan, Schroeder, West, Ewing, Oberle & DiPinto made comments.

Representative Wagner moved to place **HB 79** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 98**, jointly sponsored by Senator Venables & Representatives Boulden, Carey, Cathcart, DiPinto, D. Ennis, Hudson, Quillen, Stone, Valihura, Brady, DiLiberto, Keeley, Price & Schroeder & cosponsored by Representative B. Ennis & Senator Winslow, before the House for consideration.

**HB 98** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SALARIES OF JUSTICES OF THE PEACE, PROHIBITED ACTIVITIES AND EMPLOYMENT.

The roll call on **HB 98** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority, **HB 98** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 87**, jointly sponsored by Senator Henry & Representatives Buckworth, D. Ennis, Lee, Maier, Quillen, Ulbrich & West, before the House for consideration.

**HB 87** - AN ACT TO AMEND SECTION 2702 OF TITLE 11 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURTS JURISDICTION.

Representative Wagner made a comment.

The roll call on **HB 87** was taken and revealed:

YES: 35.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney, Quillen & Roy - 6.

Therefore, having received a constitutional majority, **HB 87** was sent to the Senate for concurrence.

Mr. Speaker Spence assigned **HB 59, HB 73, HB 84, HB 90, HB 95 & HB 102** to the Appropriations Committee.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 69**, jointly sponsored by Representative Stone & Senator Blevins & Representatives Spence, Carey, D. Ennis, Ewing, Lofink, Quillen, Houghton, Price, Schroeder, Valihura, Viola & West, before the House for consideration.

**HB 69** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION. (F/N)

Representative Wagner made comments.

The roll call on **HB 69** was taken and revealed:

YES: 35.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney, Quillen & Roy - 6.

Therefore, having received a constitutional majority, **HB 69** was sent to the Senate for concurrence.

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

LABOR: **HB 89** - 5M.

Representative Smith deferred to Representative Maier.

Representative Maier moved to suspend the rules which interfere with action on **SJR 2**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Maier brought **SJR 2**, sponsored by Senator Sharp on behalf of All Senators & Representative Spence on behalf of All Representatives, before the House for consideration.

**SJR 2** - ESTABLISHING THE DELAWARE ADVISORY COUNCIL ON CANCER INCIDENCE AND MORTALITY.

Representative Maier made a comment.

The roll call on **SJR 2** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, B. Ennis, Keeley, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority, **SJR 2** 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 **SB 67** and requests the concurrence of the House.

MEMORANDUM

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Timothy Boulden  
DT: March 14, 2001  
RE: Absence from session  
Due to a previous business commitment, I will be unable to attend session on Thursday, March 15, 2002.

Thank you for your attention to this matter.

The Majority Leader moved to recess to the call of the Chair at 5:16 p.m.

Mr. Speaker Spence called the House to order at 2:30 p.m. on March 20, 2001.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Michael P. Mulrooney  
Representative 17th District  
DATE: March 15, 2001  
RE: Absence from Session

I will be absent from session on Thursday, March 15, 2001, due to personal business. Thank you for your consideration.

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

The Majority Leader moved to adjourn at 2:32 p.m., thereby ending the current legislative day. The House reconvened at 2:33 p.m.

**13th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 20, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative B. Ennis - 1.

A prayer was offered by Representative Timothy U. Boulden, Twenty-Third Representative District.

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

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

The following prefiled legislation was introduced:

**HB 110 - GILLIGAN & SENATOR SHARP & REPRESENTATIVE HUDSON & REPRESENTATIVE OBERLE - GAMING & PARIMUTUELS - An Act to Amend Title 3, Chapter 101 of the Delaware Code Relating to Thoroughbred Racing.**

**HB 111 - OBERLE & SENATOR SOKOLA; REPRESENTATIVE EWING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating Antique Automobiles or Motor Vehicles Registered Antique and Inspection.**

**HB 112 - WAGNER & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, EWING, LAVELLE, REYNOLDS, ULBRICH, HOUGHTON, DILIBERTO, B. ENNIS, WEST - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.**

**HB 113 - OBERLE & REPRESENTATIVES SPENCE & LOFINK; SENATORS SHARP & WINSLOW - SUBSTANCE ABUSE - An Act to Amend Title 16 of the Delaware Code Relating to Controlled Substances.**

**SB 67** - ADAMS; SENATORS AMICK, BLEVINS, BONINI, BUNTING, CLOUTIER, CONNOR, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SHARP, SIMPSON, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, HUDSON, KEELEY, LAVELLE, LEE, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST - HOUSE ADMINISTRATION - An Act to Amend Chapter 1, Title 23 of the Delaware Code Relating to Pilotage Rates and Pilot Licenses.

Representative Roy requested and was granted personal privilege of the floor to introduce a guest. Representative Gilligan requested that he be marked present and requested and was granted personal privilege of the floor to make comments. Representative D. Ennis requested that he be marked present and requested and was granted personal privilege of the floor to make comments. Representative Boulden made a comment. Representative Miro requested that he be marked present. Representative Schroeder requested and was granted personal privilege of the floor to introduce guests. Representative Hudson requested that she be marked present.

Representative Scott requested that **HB 28 & HB 82** be stricken.

Mr. Speaker Spence granted privilege of the floor to Dr. Susanna Lee, President, Jobs for Delaware Graduates, and two students, Christopher Cannon, State Treasurer of Delaware Career Association and Victoria Roland, State Secretary of Delaware Career Association. Representative Wagner made comments.

Representative Cathcart requested that he be marked present.

Representative Fallon made comments.

The Majority Leader moved to recess for caucus at 2:52 p.m.

The House reconvened at 4:36 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis brought **HR 4**, jointly sponsored by Representatives B. Ennis, Wagner, Stone, Lee, Spence, Buckworth, Ulbrich, Lofink, Roy, Reynolds, DiPinto, Brady, Houghton, Gilligan, VanSant, West & Williams & cosponsored by Representative Keeley, before the House for consideration.

**HR 4** - URGING A REVIEW AND FULL ASSESSMENT OF CERTAIN PERSONNEL AND EMPLOYEE RELATIONS ISSUES.

Representative D. Ennis brought **HA 1 to HR 4** before the House for consideration. Representative D. Ennis made a comment. **HA 1** was adopted by voice vote. Representative D. Ennis made comments.

**HR 4 w/HA 1** was adopted by voice vote.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 22**, sponsored by Senator McDowell & Representative Oberle, before the House for consideration.

**SB 22** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER SAFETY.

Representative Ewing introduced and brought **HA 1 to SB 22** before the House for consideration.

Representative Ewing made comments. **HA 1** was adopted by voice vote. Representative Ewing made a comment.

The roll call on **SB 22 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & B. Ennis - 2.

Therefore, having received a constitutional majority, **SB 22 w/HA 1** was returned to the Senate for concurrence on **HA 1**.

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

Representative Miro requested and was granted personal privilege of the floor to present a House Tribute to Gladys G. Duarte, Miss Hispanic Delaware, who addressed the House.

Mr. Speaker Spence resumed the Chair.

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Wagner made an announcement.

Representative Lee deferred to Representative Oberle.

Representative Oberle brought **HB 19**, jointly sponsored by Representatives Cathcart, D. Ennis, Fallon, Lofink, Reynolds & Roy & Senators Henry & Sokola, before the House for consideration.

**HB 19 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT.**

Representative Oberle made comments. Representative Oberle introduced and brought **HA 1 to HB 19** before the House for consideration. Representatives Oberle, Gilligan & Oberle made comments. **HA 1** was adopted by voice vote. Representative Oberle made comments.

The roll call on **HB 19 w/HA 1** was taken and revealed:

YES: 27.

NO: Representatives Brady, Carey, Fallon, Houghton, Lee, Plant, Quillen, Smith, Thornburg & West - 10.

NOT VOTING: Representative Scott - 1.

ABSENT: Representatives Caulk, B. Ennis & Ewing - 3.

Therefore, having received a constitutional majority, **HB 19 w/HA 1** was sent to the Senate for concurrence.

Mr. Speaker Spence made comments regarding **HB 19**.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 62**, jointly sponsored by Representative Mulrooney & Senator DeLuca, before the House for consideration & cosponsored by Representative Viola.

**HB 62 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO APPEALS FROM THE INDUSTRIAL ACCIDENT BOARD TO THE SUPERIOR COURT.**

Representative Oberle made comments.

The roll call on **HB 62** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & B. Ennis - 2.

Therefore, having received a constitutional majority, **HB 62** was sent to the Senate for concurrence.

Representative DiLiberto rose on a point of order regarding the vote requirement for **HB 19**. Mr. Speaker Spence concurred.

Representative Smith deferred to Representative VanSant.

Representative VanSant brought **HB 72**, jointly sponsored by Senator Blevins & Representatives Carey, B. Ennis, Ewing, Houghton, Hudson, Keeley, Mulrooney, Plant, West & Williams, before the House for consideration.

**HB 72 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE BOARD OF ADJUSTMENT.**

Representative VanSant made comments.

The roll call on **HB 72** was taken and revealed:

YES: 38.

NO: Representative Lavelle - 1.

ABSENT: Representative Caulk & B. Ennis - 2.

Therefore, having received a constitutional majority, **HB 72** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen introduced **HB 122**, jointly sponsored by Representative Spence & Senators Simpson & McDowell & Representatives Ewing, Fallon & West & cosponsored by Representative Lavelle.



**HB - 122** AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO SPECIFIC OFFENSES.

Representative Quillen made comments.

Mr. Speaker Spence assigned **HB 122** to the Judiciary Committee.

Representative Smith introduced **HS 1 to HB 85**, sponsored by Representative Hudson & Senator Adams & Representatives Spence, Smith, Lee, Boulden, Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Fallon, Lavelle, Maier, Miro, Quillen, Stone, Ulbrich, Valihura & Wagner & Senators Bunting, Amick, Cloutier, Connor, Sorenson & Winslow.

**HB 85** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO §§22 AND 23, ARTICLE III, AND ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE APPOINTMENT BY THE COURT OF CHANCERY OF A REGISTER IN CHANCERY AND THE POWERS AND DUTIES OF THE REGISTER IN CHANCERY. (2/3 bill)

Mr. Speaker Spence assigned **HS 1 to HB 85** to the Judiciary Committee.

Representative Smith deferred to Representative Maier.

Representative Maier introduced **HB 120**, jointly sponsored by Representative Wagner & Senators Sorenson & Blevins & Representatives Spence, D. Ennis, Ewing, Fallon, Hudson, Miro, Ulbrich & Williams & Senators Cloutier, Connor & Venables & cosponsored by Representatives Keeley, Plant, Price, Stone & Thornburg.

**HB 120** - AN ACT TO AMEND TITLES 11, 13, AND 16 OF THE DELAWARE CODE RELATING TO SAFE ARMS FOR BABIES.

Mr. Speaker Spence assigned **HB 120** to the Health & Human Development Committee.

Representative Maier made comments.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg brought **HB 58**, jointly sponsored by Senator Sokola & Representatives Caulk, B. Ennis & Wagner & Senator Still, before the House for consideration.

**HB 58** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSE.

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

Representative Thornburg moved to suspend the rules which interfere with introduction of and action on **HA 1 to HB 58**. The motion was seconded by Representative Ewing and adopted by voice vote. Representative Thornburg introduced and brought **HA 1 to HB 58** before the House for consideration. Representative Cathcart rose on a point of order. Mr. Speaker Spence did not concur. Representatives Thornburg & Carey made comments. **HA 1** was adopted by voice vote. Representatives Schroeder, Thornburg, Price, DiLiberto, Smith, Wagner, Price, Viola, Thornburg & Smith made comments.

Representative Smith moved to place **HB 58 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:56 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:04 p.m. on March 21, 2001.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 31** and requests the concurrence of the House.

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

**14th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 21, 2001**

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Boulden, Caulk & B. Ennis - 3.

A prayer was offered by Father Oscar H. Friendt, Chaplain, Delaware State Police.  
Mr. Acting Speaker led those present in a pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 114** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES D. ENNIS, CAREY, CAULK, DIPINTO, EWING, MAIER, MIRO, QUILLEN, VALIHURA, PRICE, WEST - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Educator Licensure.

**HB 115** - VALIHURA & SENATOR VENABLES; REPRESENTATIVES BUCKWORTH, D. ENNIS, SMITH, ULBRICH; SENATOR WINSLOW - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Elections.

**HB 116** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, MAIER, MIRO, QUILLEN, REYNOLDS, DILIBERTO, HOUGHTON, PLANT, SCHROEDER, SCOTT - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Pay for Substitute Teachers.

**HB 117** - SPENCE & SENATOR MARSHALL; REPRESENTATIVES DIPINTO, EWING, OBERLE, KEELEY, PRICE, SCHROEDER, SCOTT, VANSANT, WILLIAMS, FALLON, CAREY, BUCKWORTH, LEE, THORNBURG, WEST, VIOLA; SENATORS MCDOWELL, BUNTING, COOK, HENRY, CONNOR, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

**HB 118** - WAGNER & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, HUDSON, MAIER, QUILLEN, REYNOLDS, VALIHURA, HOUGHTON, MULROONEY, PRICE, SCHROEDER, SCOTT, VIOLA, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 29 of the Delaware Code Relating to State Procurement.

**HB 119** - SMITH & SENATOR WINSLOW; REPRESENTATIVES DIPINTO, D. ENNIS, LAVELLE & VALIHURA; SENATOR CLOUTIER - HOUSE ADMINISTRATION - An Act to Amend Title 9 of the Delaware Code Relating to New Castle County Council.

**HB 121** - SPENCE - SUBSTANCE ABUSE - An Act to Amend Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act.

**HB 123** - BOULDEN & REPRESENTATIVE SCHROEDER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Notice of Waiver for Maximum Student-Instructor Ratio Requirements.

**HB 124** - SMITH & SENATOR SOKOLA; REPRESENTATIVES DIPINTO, MAIER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.

**HB 125** - SMITH & SENATOR SOKOLA; REPRESENTATIVES CAREY, DIPINTO, EWING, HUDSON, MAIER, QUILLEN & ULBRICH - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter School Financing.

**HB 126** - WAGNER & SENATOR HENRY; REPRESENTATIVES CATHCART, DIPINTO - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Payment of Fines and Costs.

**HA 1 to HB 57** - WAGNER - Placed with the Bill

**HA 1 to HB 63** - WAGNER - Placed with the Bill

**HCR 4** - HUDSON, ON BEHALF OF ALL REPRESENTATIVES - HOUSE ADMINISTRATION - Urging the Delaware Congressional Delegation to Support House Resolution No. 527 to Exempt State and Local Political Organizations from Duplicative Federal Notification and Reporting Requirements Mandated by Public Law 106-230.

**SB 31** - BUNTING & REPRESENTATIVE SCHROEDER - HOUSE ADMINISTRATION - An Act to Amend an Act Being Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Henlopen Acres" to Provide that Newly Elected Commissioners May Begin Action at the Organization Meeting and that Commissioners Are No Longer Heads of Departments, to Clearly Authorize the Election Board to be the Sole and

Final Judge as to the Conduct of the Election, the Legality of Votes Offered and the Election Results, and to Provide for Absentee Balloting in Municipal Elections. (2/3 bill)

Representative Smith deferred to Representative Spence. Representative Spence requested and was granted privilege of the floor to present House Tributes to Morton R. Kimmel and Robert J. Lennon, representing the Blue-Gold All-Star Basketball Classic. Representative Hudson requested that she be marked present and made an announcement. Representative DiLiberto requested and was granted personal privilege of the floor to make comments. Representative Spence made comments. The players, cheerleaders and coaches announced their names for the record.

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

Representative Smith introduced guests.

Representatives Houghton, Miro, Plant & Lofink requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Lee. Representative Lee made an announcement.

Mr. Speaker Spence reassigned **SB 67** to the Public Safety Committee.

Representative Smith introduced and brought **HR 5** before the House for consideration.

**HR 5 - HONORING THOMAS E. COLGAN FOR HIS LIFETIME CONTRIBUTION TO THE SOCIAL, CULTURAL, ENVIRONMENTAL AND RECREATIONAL FABRIC OF DELAWARE.**

Representative Smith made comments and requested and was granted privilege of the floor for Thomas E.

Colgan. Representative Smith introduced guests. Representative Smith deferred to Representative Keeley.

Representative Keeley & Mr. Speaker Spence made comments.

**HR 5** was adopted by voice vote.

Representatives Gilligan & Wagner requested that they be marked present.

The Majority Leader moved to recess to the call of the Chair at 2:42 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 2:42 p.m.: Representatives Cathcart, D. Ennis & Reynolds.

Mr. Speaker Spence called the House to order at 2:15 p.m. on March 22, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 25** and requests the concurrence of the House.

Memorandum

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

FROM: Representative Robert F. Gilligan

DATE: March 22, 2001

RE: Session Absence due to Personal Business

I regretfully wish to inform you that I will be unable to attend legislative session on Thursday, March 22nd, due to personal business.

Thank you for your consideration of this matter.

March 21, 2001

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Speaker Spence:

I will be unable to attend Legislative Session on Thursday, March 22, 2001, due to an out-of-town prior commitment.

Thank you.

Sincerely,

Arthur L. Scott

State Representative

3rd District

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

PUBLIC SAFETY: **HB 61** - 6M; **SB 67** - 6M.

HEALTH & HUMAN DEVELOPMENT: **HB 120** - 4M.

CORRECTIONS: **HB 77** - 6M.

JUDICIARY: **HB 78** - 6M.

EDUCATION: **HB 54** - 7M; **HB 57** - 7M; **HB 60** - 5F, 1M; **SB 15** - 1F, 6M.

LABOR: **HB 99** - 4F, 1M.

HOUSING & COMMUNITY AFFAIRS: **HB 64** - 6M.

TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION: **HB 6** - 4M.

HOUSE ADMINISTRATION: **HB 94** - 4M; **HB 103** - 4F.

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

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.

**15th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 22, 2001**

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Gilligan & Scott - 2.

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

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

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

The following prefiled legislation was introduced:

**HB 127** - BOULDEN - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Prescription Drugs.

**HB 129** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, HUDSON, QUILLEN, REYNOLDS, STONE, BRADY - EDUCATION - Amend Title 14 of the Delaware Code Relating to State Appropriations.

**HB 130** - STONE & SENATOR ADAMS; REPRESENTATIVES CAREY, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, HUDSON, KEELEY & VALIHURA; SENATORS SOKOLA & SORENSON - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 and Title 29 of the Delaware Code Relating to Banks and Other Financial Institutions.

**HA 1 to HB 99** - OBERLE - Placed with the Bill.

**SB 25** - SHARP; REPRESENTATIVE SPENCE; SENATORS ADAMS, VAUGHN, AMICK, SORENSON; REPRESENTATIVES SMITH, LEE, GILLIGAN, VANSANT - HOUSE ADMINISTRATION - An Act to Amend Chapter 101, Title 29, Delaware Code Relating to Adoption of Regulations.

Representatives Plant, Roy & Stone requested that they be marked present.

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis deferred to Representative Wagner. Representative Wagner introduced members of the Academy of Finance at Dover High School. The students announced their names for the record. Representative Wagner & Mr. Speaker Spence made comments. Representative D. Ennis requested and was granted personal privilege of the floor to make comments. Representatives Fallon & Wagner made comments.

Representative D. Ennis brought **HCR 3**, jointly sponsored by Representatives Stone, Spence, Wagner, VanSant & Schroeder & Senators Bunting, Simpson, Sorenson & Winslow, before the House for consideration.

**HCR 3** - ESTABLISHING A JOINT COMMITTEE ON FINANCIAL LITERACY TO REVIEW AND IMPROVE THE PERSONAL MONEY MANAGEMENT SKILLS OF DELAWARE HIGH SCHOOL STUDENTS.

Representative D. Ennis made comments. Representative D. Ennis requested and was granted privilege of the floor for Congresswoman Susan Molinari, representing Main Street USA. Representatives D. Ennis & Keeley made comments.

**HCR 3** was adopted by voice vote and was sent to the Senate for concurrence.

Representative D. Ennis introduced guests. Mr. Speaker Spence made comments. Representatives Cathcart & Ulbrich requested that they be marked present.

Representative DiLiberto requested that action on **HB 43** be Deferred to a Day Certain, Wednesday, April, 4, 2001.

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

Mr. Speaker Spence assigned **HB 63** to the Appropriations Committee.

Representative West requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:42 p.m.

The House reconvened at 4:04 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 67** & **HB 44** and is returning same to the House.

#### MEMORANDUM

To: Joanne P. Hedrick  
Chief Clerk of the House  
From: Bernard J. Brady  
Secretary of the Senate  
Date: 3/22/01

While **HB 67** was before the Senate for consideration, Senator Dorinda A. Connor requested to be added as a co-sponsor.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Simpson, do hereby request that my name be removed as co-sponsor of **HB 101**.

Date: March 13, 2001 Signed: F. Gary Simpson

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Bonini, do hereby request that my name be removed as co-sponsor of **HB 101**.

Date: March 13, 2001 Signed: Colin J. R. Bonini

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry R. Spence, do hereby request that my name be removed as co-sponsor of **SB 38**.

Date: March 14, 2001 Signed: Terry R. Spence

Representatives Miro & Caulk requested that they be marked present.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 67**, jointly sponsored by Senator Adams & All Senators & Representatives

Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, Gilligan, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Price, Quillen, Reynolds, Roy, Schroeder, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola, Wagner & West, before the House for consideration.

**SB 67 - AN ACT TO AMEND CHAPTER 1, TITLE 23 OF THE DELAWARE CODE RELATING TO PILOTAGE RATES AND PILOT LICENSES.**

Representative Ewing made comments.

The roll call on **SB 67** was taken and revealed:

YES: 38.

ABSENT: Representatives Gilligan, Hudson & Scott - 3.

Therefore, having received a constitutional majority, **SB 67** was returned to the Senate.

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

Representative Smith introduced and brought **HR 7**, jointly sponsored by Representatives Oberle, Lofink, Miro & Ulbrich, before the House for consideration.

Representative Smith made comments.

**HR 7** - REQUESTING CERTAIN STATE AGENCIES TO ESTABLISH A WEB SITE FOR NOTIFYING PARENTS WHEN SCHOOLS WILL BE CLOSED, DELAYED IN OPENING, OR RELEASED EARLY DUE TO INCLEMENT WEATHER.

**HR 7** was adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 88** before the House for consideration.

**HB 88** - AN ACT TO AMEND TITLE 9, DELAWARE CODE RELATING TO NEW CASTLE COUNTY.

Representative Roy introduced and brought **HA 1 to HB 88** before the House for consideration. Representative Roy made a comment. **HA 1** was adopted by voice vote. Representative Roy made comments.

The roll call on **HB 88 w/HA 1** was taken and revealed:

YES: 34.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives D. Ennis, Gilligan, Hudson, Scott, Smith & Spence - 6.

Therefore, having received a constitutional majority, **HB 88 w/HA 1** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 86**, jointly sponsored by Senator Henry & Representatives Spence & DiPinto, before the House for consideration.

**HB 86** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. (F/N)

Representative Wagner made a comment.

The roll call on **HB 86** was taken and revealed:

YES: 38.

ABSENT: Representatives Gilligan, Hudson & Scott - 3.

Therefore, having received a constitutional majority, **HB 86** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 89**, jointly sponsored by Senator Henry & Representatives Quillen & Ulbrich, before the House for consideration.

**HB 89** - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. (F/N)

Representative Wagner moved to place **HB 89** on the Speaker's Table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 54**, jointly sponsored by Senator Sokola & Representative Smith & Senator Still & cosponsored by Representatives Lavelle, Valihura, West & Maier & Senator Winslow, before the House for consideration.

**HB 54** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE CODE OF CONDUCT AND ELECTED AND APPOINTED SCHOOL BOARD MEMBERS.

Representative Miro brought **HA 1 to HB 54** before the House for consideration. Representative Miro made a comment. **HA 1** was adopted by voice vote. Representatives Miro & Cathcart made comments. Representative Wagner announced that she will not be commenting or voting on **HB 54 w/HA 1** because of a possible conflict of interest. Representatives Quillen & Miro made comments.

The roll call on **HB 54 w/HA 1** was taken and revealed:

YES: 37.

NOT VOTING: Representative Wagner - 1.

ABSENT: Representatives Gilligan, Hudson & Scott - 3.

Therefore, having received a constitutional majority, **HB 54 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made comments regarding **HB 54**.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 57**, jointly sponsored by Representative Viola & Senator Bunting &

Representatives Lee, B. Ennis & Price & cosponsored by Senator Connor & Representatives Thornburg & Miro, before the House for consideration.

**HB 57 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATED TO THE DEPARTMENT OF EDUCATION.**

Representative Wagner brought **HA 1 to HB 57** before the House for consideration. Representative Wagner made comments. **HA 1** was adopted by voice vote. Representatives Wagner & DiPinto made comments.

The roll call on **HB 57 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Gilligan, Hudson, Scott & Spence - 4.

Therefore, having received a constitutional majority, **HB 57 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro introduced **HB 128**, jointly sponsored by Representatives Lee, Buckworth, Carey, Cathcart, D. Ennis, Ewing, Hudson, Lavelle, Maier, Quillen, Reynolds, Stone, Ulbrich, Wagner, Brady, Houghton, Keeley, Mulrooney, Price, Viola & Williams & Senators Bunting, DeLuca, Henry, Cloutier, Connor, Sokola, Still & Winslow.

**HB 128 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.**

Mr. Acting Speaker assigned **HB 128** to the Education Committee.

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

JUDICIARY: **HB 112 - 5M.**

The Majority Leader moved to recess to the call of the Chair at 4:44 p.m.

Mr. Speaker Spence resumed the Chair.

The House reconvened at 2:05 p.m. on March 27, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 68, SB 77, SB 78, SB 80 w/SA 1, SCR 4 & SCR 6** and requests the concurrence of the House; **HCR 3** and is returning same to the House.

March 9, 2001

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, DE 19903

Dear Mr. Speaker Spence:

I hereby request that my name be removed as a co-sponsor of **House Bill 99**.

Sincerely yours,

George H. Bunting, Jr.

State Senator - 20th District

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.

**16th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**March 27, 2001**

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 131** - WAGNER & SENATOR MARSHALL - LABOR - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Adoption Leave for Teachers and State Employees.

**HB 132** - EWING & REPRESENTATIVE SPENCE & REPRESENTATIVE OBERLE; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, FALLON, HUDSON, LEE, LOFINK, MAIER, QUILLEN, REYNOLDS, ROY, ULBRICH, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, SCOTT; SENATORS COOK, BONINI, BUNTING - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HA 1 to HB 97** - MIRO - Placed with the Bill.

**HA 2 to HB 99** - OBERLE - Placed with the Bill.

**HA 3 to HB 99** - ULBRICH - Placed with the Bill.

**HA 1 to HB 106** - BUCKWORTH - Placed with the Bill.

**SB 68** - BLEVINS & REPRESENTATIVE MAIER; REPRESENTATIVES PRICE, STONE, WAGNER - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Administration of Medications on School Field Trips.

**SB 77** - ADAMS & REPRESENTATIVE STONE; SENATORS SOKOLA & SORENSON; REPRESENTATIVES CAREY, D. ENNIS, FALLON, HUDSON, VALIHURA, GILLIGAN & HOUGHTON - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to the Corporation Law for State Banks. (2/3 bill)

**SB 78** - MARSHALL; SENATORS MCDOWELL & HENRY - HOUSE ADMINISTRATION - An Act to Amend Title 14 of the Delaware Code Relating to the Neighborhood Schools Act.

**SB 80 w/SA 1** - ADAMS & REPRESENTATIVE DIPINTO; SENATORS VAUGHN, SIMPSON, & STILL; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, HUDSON, MAIER, QUILLEN, SPENCE, STONE, ULBRICH, B. ENNIS, GILLIGAN & PRICE - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 6 of the Delaware Code Relating to Motor Vehicle Franchising Practices.

Representatives Cathcart & Smith requested and were granted personal privilege of the floor to introduce guests.

Representatives B. Ennis & Plant requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:11 p.m.

The House reconvened at 4:00 p.m.

Representative Miro requested that he be marked present.

Representative Miro introduced twenty-nine Delaware Nationally Certified Teachers and made comments.

Representatives Buckworth, Brady & Ulbrich requested that they be marked present.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **HR 9**. The motion was properly seconded and adopted by voice vote.

Representative Miro introduced and brought **HR 9** before the House for consideration.

**HR 9** - HONORING THE TWENTY-NINE DELAWARE TEACHERS WHO SUCCESSFULLY EARNED NATIONAL BOARD CERTIFICATION IN 2000.



The teachers announced their names and schools for the record. Representative Miro introduced guests. Mr. Speaker Spence granted privilege of the floor to two of the teachers who thanked the House for its support. Representatives Fallon, Wagner, Mr. Speaker Spence, Representatives Reynolds, Boulden & Miro made comments.

**HR 9** was adopted by voice vote.

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

Mr. Speaker Spence assigned **HB 103** to the Appropriations Committee.

The Reading Clerk read the following communications into the record:

TO: JoAnn Hedrick  
Chief Clerk of the House  
FROM: Bernard J. Brady  
Secretary of the Senate  
SUBJECT: **House Bill 99**

Attached please find a copy of Senator George H. Bunting's request to be added as a cosponsor to **HB**

**99.** Thank you.

March 26, 2001

TO: Bernard J. Brady  
Secretary of the Senate  
FROM: Senator George H. Bunting, Jr.  
SUBJECT: **House Bill 99**

Please make the necessary arrangements to have my name added as a co-sponsor of **House Bill 99**. Thank you.

March 26, 2001

TO: JoAnn Hedrick  
Chief Clerk of the House  
FROM: Bernard J. Brady  
Secretary of the Senate  
SUBJECT: **House Bill 99**

Attached please find a copy of Senator David P. Sokola's request to be added as a cosponsor to **HB 99**.

Thank you.

TO: Bernard J. Brady, Secretary of the Senate  
FROM: Senator David P. Sokola  
DATE: Tuesday, March 27, 2001  
SUBJECT: Co-sponsorship of legislation

I am writing to request that you add me as a co-sponsor of **House Bill 99**. If you have any questions, please feel free to contact me at any time.

Representative Smith deferred to Representative Oberle. Representative Oberle made an announcement.

Representative Oberle moved to suspend the rules which interfere with reconsideration of **HB 19 w/HA 1**. The motion was seconded by Representative Lee and adopted by voice vote.

**HB 19 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT.**

Representative Oberle moved to rescind the roll call on **HB 19 w/HA 1**. The motion was properly seconded and adopted by voice vote.

Representative Oberle made comments.

The roll call on **HB 19 w/HA 1** was taken and revealed:

YES: 30.

NO: Representatives Brady, Carey, Caulk, B. Ennis, Ewing, Houghton, Lee, Quillen, Smith, Thornburg & West

- 11.

Therefore, having received a constitutional majority, **HB 19 w/HA 1** was sent to the Senate for concurrence. Representatives Gilligan, Schroeder & Stone requested that they be marked present during the roll call. Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 99**, jointly sponsored by Representative DiPinto & Representative Williams & Senators Henry & Bunting & co-sponsored by Representative Keeley & Senator Sokola, before the House for consideration.

**HB 99** - AN ACT TO AMEND TITLES 6, 9, 18, 19, 25 AND 29 OF THE DELAWARE CODE RELATING TO DISCRIMINATION EMPLOYMENT, PUBLIC WORKS CONTRACTING, HOUSING, EQUAL ACCOMMODATIONS, AND THE INSURANCE BUSINESS.

Representative Oberle brought **HA 1 to HB 99** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote. Representative Oberle brought **HA 2 to HB 99** before the House for consideration. Representative Oberle made a comment. **HA 2** was adopted by voice vote. Representative Oberle made comment. Representative Oberle deferred to Representative Ulbrich. Representative Ulbrich brought **HA 3 to HB 99** the House for consideration. Representative Ulbrich made comments. **HA 3** was adopted by voice vote. Representative Oberle moved to suspend the rules which interfere with introduction of and action on **HA 5 to HB 99**. The motion was seconded by Representative Ulbrich and adopted by voice vote. Representative Oberle introduced and brought **HA 5 to HB 99** before the House for consideration. Representative Oberle made comments. **HA 5** was adopted by voice vote.

Representative Oberle made comments and presented letters to be made a part of the record.

March 22, 2001

Rep. William A. Oberle  
2 Danver's Way  
Newark, DE 19702  
Dear Rep. Oberle:

On behalf of the over 6,000 members of AFSCME, we support House Bill 99.

In this day and age it is almost incomprehensible to me that discrimination against the citizens of our state based solely on their sexuality exists - but make no mistake it does. And, to stand idly by and hope that the problem will go away is as troublesome to me as the act of discrimination itself. We in organized labor in this state have a long and proud history of fighting for social justice and striving to insure that all of our citizens are treated fairly and equitably. House Bill 99 in content and in effect truly meets that test.

As you deliberate here today, I ask that you personally consider what it would be like to be deprived of your most basic needs in life - the ability to earn a living - shelter - solely based on your sexuality. It is a frightening prospect and sadly a reality for far too many people in our state. It is time to stand up and be counted on the side of fairness and right. I ask that you do so by reporting this bill out Committee and supporting it when it reaches the floor the House for a vote.

Sincerely,  
Michael A. Begatto  
Executive Director

March 21, 2001

Representative William A. Oberle, Jr.  
State Representative of the 24th District  
2 Danver's Way  
Newark, DE 19702  
Dear Representative Oberle,

On behalf of the Delaware State AFL-CIO and its 20,000 members and families, we are here today to voice our support of House Bill 99.

This piece of legislation will help promote equal opportunity for all Delawareans by prohibiting employment discrimination based on sexual orientation. Since there is no Federal law that prohibits employment discrimination on the basis of sexual orientation, it is currently legal to fire working men and women in 39 states because of their sexual orientation. As a result, working people are now being denied employment on the basis of something that has no relationship to their ability to perform their work.

We in organized labor, in the State of Delaware, have a long and proud history of standing for those who do not have a voice. We continually stand and fight for social justice, to ensure that all people are treated fairly and equally.

The Delaware State AFL-CIO strongly believes that discrimination of any form is simply wrong and unjust; therefore we respectfully request your strong support of House Bill 99.

Sincerely,

Nello M. Paoli, Jr.  
Executive Director

March 20, 2001

The Honorable William A. Oberle, Jr.  
House of Representatives  
P.O. Box 1401  
Dover, DE 19903

**RE: House Bill 99**

Dear Representative Oberle:

We write on behalf of the Delaware State Bar Association and its Executive Committee in support of House Bill 99, legislation that would make discrimination based upon sexual orientation unlawful.

This legislation is an appropriate extension of Delaware's legal heritage based upon equal protection of law for all citizens as articulated in anti-discrimination laws and policy directives already on the books - all of which make clear that any discrimination based upon classification, including the classification of sexual orientation, is wholly unacceptable.

The Bar Association does not take a position with regard to House Bill 99 on moral or religious grounds and submits that there is no reason for it or the members of the General Assembly to do so. The Bar Association, however, while it has not had an opportunity to conduct a technical review of the bill, does support in principle passage of the legislation. As stated by President John F. Kennedy, "...the rights of every man are diminished when the rights of one man are threatened."

House Bill 99 extends to all Delawareans the protection of law from the very real threats of discrimination. The Delaware State Bar Association respectfully urges all members of the General Assembly to support the legislation.

Dennis L. Schrader  
President

Respectfully,  
William D. Johnston  
President-Elect

March 26, 2001

Representative William A. Oberle, Jr.  
2 Danver's Way  
Newark, DE 19702

**Re: House Bill 99**

Dear Representative Oberle:

As President of the Delaware Trial Lawyers Association, I would like to convey to you our organization's support of House Bill 99, which seeks to prohibit discrimination against persons on the basis of sexual orientation in housing, employment, public works contracting, public accommodations and insurance. As I am sure you know, our organization, in part, stands for the protection of individual rights, whether innate or manmade and the preservation of

those rights and the personal liberties of the citizens of the State of Delaware. This Bill certainly advances that mission.

On a personal level, I want to commend you for your personal courage in tackling such an important, yet difficult, issue.

Best regards,  
GARY S. NITSCHKE

March 22, 2001

Letter to the Editor

I support House Bill 99. I support it because of my belief in the American democratic experience. Basic human rights are a blessing. Our founders understood that this nation would prosper and grow as we learned to extend these rights to every citizen. I hope that our elected leaders will honor this tradition and adopt House Bill 99 as they meet in Dover. Public debate over House Bill 99 has provoked conflicting responses among faithful people in Delaware. I regret that the tone of this conversation has sometimes seemed overbearing and harsh.

Faith is a gift. It is given to support, encourage, and inspire us all. I cannot support anyone who would use that gift to manipulate, coerce, or condemn others.

Faithfully,

The Rt. Rev. Wayne P. Wright  
Bishop of Delaware

March 27, 2001

Representative William Oberle, Jr.

2 Danvers Way  
Newark, DE 19702

Dear Representative Oberle:

DSEA has a profound, unshakable commitment to our students and their well being. Our members share the goal that schools be safe and that all students be treated with respect. We have a long-standing policy of non-discrimination against gay and lesbian students and school staff. We are proud of our advocacy on behalf of all our students and members, regardless of their sexual orientation.

Our members are concerned about bullying and harassment of students who are different. Students who have been bullied suffer from a loss of self-esteem, and often their schoolwork is affected. In the most extreme cases, this harassment can lead to acts of violence against oneself or others. Delaware has been spared from the major acts of violence in other parts of the country, but we want to provide safe schools for every student to avoid those tragedies. HB 99 guarantees freedom from discrimination to the citizens of our futures, a right that is extremely important to me as a high school teacher and as the President of 10,000 education employees who serve thousands of Delaware's children. When I stand in front of a classroom of adolescents, I encourage them to pursue their dreams without fear of failure. As a teacher of writing, I have read the anguished stories of young people who don't know whether the world will accept them because they are different. I will not caution some students that their futures can be compromised because of their sexual orientation.

HB 99 corrects an issue of basic fairness and tolerance. However, HB 99 does not protect an employee of any sexual orientation who might make sexual advances toward students or otherwise inappropriately influence students about sexual choices. Those situations are clearly covered by Delaware law, and such employees would be subject to termination under the criminal code. The Association certainly does not sanction criminal activity of any kind directed against the children whom we are hired to protect and serve. **HB 99** does not endanger our students or their families; in fact, it protects their individual safety and respects their individual choices.

Thank you for having the courage to sponsor this legislation that protects the rights of Delaware's citizens.

Sincerely,

Mary Ann Pry

### SPIRITUAL LEADER STATEMENT

Love for and respect of one's fellow human being is perhaps the most prominent and universal core value of the many spiritual and religious traditions that have ever existed. While sometimes differing markedly in many other ways, spiritual and religious persons and groups can at least agree with this tenet: "We have a deep and abiding obligation to love and respect others." Indeed, not treating others respectfully or as we would want to be treated is seen by the various faith traditions as moral failure.

As leaders representing a wide variety of spiritual expression in the State of Delaware, we strongly support the full civil rights of lesbian, gay and bisexual persons and see such support as being very consistent with our shared belief.

Signed,

#### **EPISCOPAL**

The Vy. Rev Peggy Patterson  
The Rev. Dr. Keith Hudson  
The Rev. Anne B. Bonnyman  
The Rev. Sarah Brockmann  
The Rev. Douglas Culton  
The Rev. Edward E. Godden  
The Rev. Mark Harris  
The Rev. Lois T. Keen  
The Rev. Thomas A. Kerr, Jr.  
The Rev. Jim Lewis  
The Rev. Sylvia Vasquez  
The Rev. David Ware  
The Rev. Paula Lawrence Wehmiller  
The Rev. D. Roderick Welles, Jr.

#### **EARTH-CENTERED**

James E. Dickinson  
Ivo Dominguez, Jr.  
Faith Queman  
Yvette J. Rudnitzky  
Michael G. Smith  
James C. Welch

#### **UNITARIAN UNIVERSALIST**

The Rev. Dr. Richard Speck  
The Rev. Gregory N. Chute  
The Rev. Keith W. Goheen  
The Rev. Dale E. Lantz  
The Rev. Paula A. Maiorano  
The Rev. Harvey Manchester, Jr.

#### **UNITED METHODIST**

The Rev. Dr. James C. Faltot  
The Rev. Dr. William M. Fitzhugh  
The Rev. Richard C. Stazesky  
The Rev. Laura Lee C. Wilson

#### **PRESBYTERIAN**

The Rev. John W. Dean  
The Rev. Elizabeth I. Doty  
The Rev. Jennifer P. Warren

#### **JEWISH**

Rabbi Moshe V. Goldblum  
Rabbi Dan Satlow

#### **LUTHERAN**

The Rev. Dr. John F. Steinbruck

#### **METROPOLITAN COMMUNITY CHURCH**

The Rev. Thomas Bohache

#### **ROMAN CATHOLIC**

The Rev. James E. Richardson, CADC

#### **UNITED CHURCH OF CHRIST**

The Rev. Dr. Peter A. Wells

Representative Ewing requested and was granted privilege of the floor for Michael C. Jacobs, representing Delaware Life PAC. Representative Oberle made comments. Representative Oberle requested and was granted privilege of the floor for Reverend John W. Dean, Interim Pastor, First and Central Presbyterian Church in Wilmington. Representatives Smith & Oberle made comments. Representative Oberle requested and was granted privilege of the floor for Ms. Drewryn Fennell, member of the Delaware bar practicing primarily in labor and employment law. Representatives Oberle, Smith, Williams, Smith & Oberle made comments.

Mr. Speaker Spence declared a recess for caucus at 5:05 p.m.

The House reconvened at 5:20 p.m.

Representatives Oberle & Gilligan made comments.

The roll call on **HB 99 w/HA 1, 2, 3 & 5** was taken and revealed:

YES: 21.

NO: Representatives Boulden, Buckworth, Carey, Caulk, B. Ennis, D. Ennis, Ewing, Fallon, Lavelle, Lee, Lofink, Miro, Reynolds, Roy, Smith, Stone, Thornburg, Valihura, West & Spence - 20.

Therefore, having received a constitutional majority, **HB 99 w/HA 1, 2, 3 & 5** was sent to the Senate for concurrence.

Representative Fallon requested and was granted privilege of the floor to present a House Tribute to Rosalie Millman, House Bill Stamping Clerk.

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

Mr. Speaker Spence called the House to order at 2:05 p.m. on March 28, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 28** and requests the concurrence of the House.

#### MEMORANDUM

TO: Representative Terry R. Spence, Speaker

FROM: Representative J. Benjamin Ewing

DATE: March 13, 2001

Subject: Absent from Session

I will be having a knee replacement on April 3, 2001. I will be unable to attend session from April 3 through April 12, 2001.

Thank you.

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.

#### **17th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION March 28, 2001**

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Lavelle & Lofink - 2.

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

The honor guard of the Girls Scouts of the Chesapeake Bay Council presented the colors.

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

The following prefiled legislation was introduced:

**HB 133 - WAGNER & SENATOR MCBRIDE; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, MAIER, MIRO, QUILLEN, REYNOLDS, STONE, ULBRICH, BRADY, B. ENNIS, HOUGHTON, PRICE, SCHROEDER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Presentence Officers and Investigations.**

**HB 134 - WAGNER & REPRESENTATIVE HUDSON & REPRESENTATIVE KEELEY & SENATOR HENRY & SENATOR BONINI & SENATOR WINSLOW; REPRESENTATIVES QUILLEN, VANSANT; SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Hearings in Uncontested Divorces.**

**HB 135 - WAGNER & REPRESENTATIVE BOULDEN; REPRESENTATIVES SPENCE, LEE, BUCKWORTH, CATHCART, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, STONE, ULBRICH, VALIHURA, GILLIGAN, VANSANT, BRADY, B. ENNIS, DILIBERTO, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE,**

SCHROEDER, SCOTT, VIOLA, WEST, WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Wage Payment and Collection Definition of Terms.

**HB 136** - SMITH & REPRESENTATIVE WAGNER & SENATOR VENABLES - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Excuse or Exclusion from Jury Service.

**HA 1 to HB 4** - EWING & REPRESENTATIVES SPENCE, LEE, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, HUDSON, QUILLEN, ULBRICH, VANSANT, B. ENNIS, PRICE - Placed with the Bill.

**HA 1 to HB 61** - PRICE - Placed with the Bill.

**HA 1 to HB 110** - GILLIGAN - Placed with the Bill.

**SB 28** - VAUGHN & SENATOR WINSLOW; REPRESENTATIVES CAULK & B. ENNIS - AGRICULTURE - An Act to Amend Title 9 of the Delaware Code Relating to Counties and the Valuation, Assessment and Taxation of Property.

Representative Smith made an announcement.

Representative Smith deferred to Representative Fallon.

Representatives Oberle & Scott requested that they be marked present.

Representative Scott requested that **HB 80** be stricken.

Representative D. Ennis requested that he be marked present.

Representative Fallon introduced a guest.

Representative Fallon introduced and brought **HCR 6**, jointly sponsored by Representatives Hudson, Keeley, Maier, Price, Stone, Ulbrich, Wagner, Brady, Buckworth, DiPinto, D. Ennis, Houghton & Quillen & Senators Blevins, Cloutier, Cook, Henry, Sorenson, McBride, Vaughn & Winslow, before the House for consideration.

**HCR 6** - DECLARING MARCH 28, 2001 AS GIRL SCOUT LEGISLATIVE DAY.

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct, and patriotism; and

WHEREAS, through Girl Scouting girls grow strong, gain self-confidence and skills for success, and learn their duty to the world around them; and

WHEREAS, Girl Scouting takes an active role in increasing the interest and skill levels of today's youth in science and technology to fulfill our country's economic needs; and

WHEREAS, more than 50 Cadette and Senior Girl Scouts from throughout Delaware are observing our state government in action by attending sessions, meeting legislators, and touring our Legislative Hall.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware, the Senate concurring therein, that March 28, 2001 shall be Girl Scout Legislative Day in the State of Delaware and all Delawareans are urged to support the Girl Scouts of the Chesapeake Bay Council in the First State

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

Mr. Speaker Spence made comments. Representative B. Ennis requested that he be marked present.

Representative Maier made comments. Representative DiPinto requested that he be marked present.

Representative Wagner requested that **HB 131** be stricken.

Representative Hudson requested that she be marked present.

Representative Smith brought the following prefiled **Consent Calendar #1** before the House for consideration.

**HR 6** - ROY - Honoring Melissa Appleby as the Recipient of the First Annual New Castle County Chamber of Commerce William V. Roth, Jr. Leadership Award.

**HR 8** - SMITH - Commemorating the 300th Anniversary of the Proviso to the Framework of Government of 1701 Which Led to the Formation of an Independent Delaware General Assembly.

**SCR 4** - AMICK - Requesting the Division of Parks and Recreation to Allow All Master Gardeners Free Access to All State Parks.

**SCR 6 - SORENSON & REPRESENTATIVE HUDSON** - Mourning the Passing of Pamela Cunningham Copeland, and Noting Her Life Achievements.

Representative Oberle requested that **SCR 4** be removed from **Consent Calendar #1**.

Mr. Speaker Spence assigned **SCR 4** to the House Administration Committee.

**Consent Calendar #1** was adopted by voice vote and **HR 6 & HR 8** were declared passed and **SCR 6** was returned to the Senate.

Representative Smith requested and was granted personal privilege of the floor to make comments regarding **HR 8**.

Representative D. Ennis made comments.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #12

DATE: March 28, 2001

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                                                               |
|----------|------------------------------------------|------------|------|---------------------------------------------------------------------------|
| H141-252 | Buckworth                                | 2/17/2001  | T    | Leon Pravitz/Life Member/Camden-Wyoming Fire Company                      |
| H141-253 | Buckworth                                | 2/17/2001  | T    | Mike Daugherty/Camden-Wyoming Fire Company/Dedicated Third Person Award   |
| H141-254 | Buckworth                                | 2/17/2001  | T    | Andrew Smart/Camden-Wyoming Fire Company/Dedicated EMT Award              |
| H141-255 | Buckworth                                | 2/17/2001  | T    | Ken Campbell/Camden-Wyoming Fire Company/Dedicated Ambulance Driver Award |
| H141-256 | Stone<br>cosponsor: Rep. Buckworth       | 2/15/2001  | T    | Jeffrey Townsend, Sr./Time Magazine Quality Dealer Award                  |
| H141-257 | Maier                                    | 2/27/2001  | T    | Betsey Wood/Retirement/12+ Years/DelTech                                  |
| H141-258 | Cathcart                                 | 2/28/2001  | T    | The Candlelight Vigil/10th Anniversary/Gulf War                           |
| H141-259 | Stone<br>cosponsor: Rep. Wagner          | 2/19/2001  | M    | Clara Louise Webb Champlin                                                |
| H141-260 | West                                     | 2/17/2001  | T    | Cornelia & Albert Clark/58th Wedding Anniversary                          |
| H141-261 | Price                                    | 1/27/2001  | T    | Alice & John Kelley/50th Wedding Anniversary                              |
| H141-262 | Schroeder                                | 1/21/2001  | T    | Adelaide & Donato D'Agostino/50th Anniversary                             |
| H141-263 | Schroeder                                | 1/27/2001  | T    | Elizabeth & George Law/50th Wedding Anniversary                           |
| H141-264 | Williams                                 | 1/20/2001  | T    | Shirley & Joseph Ackerman/50th Anniversary                                |
| H141-265 | Scott                                    | 2/2/2001   | T    | Chris & William Yarnall/50th Wedding Anniversary                          |
| H141-266 | VanSant                                  | 2/3/2001   | T    | Irene & Evor Olson/50th Wedding Anniversary                               |
| H141-267 | VanSant                                  | 2/10/2001  | T    | Marilyn & Francis Williams/50th Anniversary                               |
| H141-268 | Houghton                                 | 12/14/2000 | T    | Dorothy & William Jones, Jr./50th Anniversary                             |
| H141-269 | Brady                                    | 2/3/2001   | T    | Barbara & William O'Connor/50th Anniversary                               |
| H141-270 | Scott                                    | 2/13/2001  | M    | John H. Laws                                                              |
| H141-271 | West                                     | 3/15/2001  | T    | Sussex Central Ruritan Club/25th Anniversary                              |
| H141-272 | Wagner                                   | 2/16/2001  | M    | Dr. Abdul Ghaffoor Qaissaanee                                             |
| H141-273 | Lee<br>cosponsors: Reps. Carey & DiPinto | 3/7/2001   | T    | Claire DeMatteis/Honored/International Women's Day Celebration            |

#### HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: March 28, 2001



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                                                            |
|----------|-----------|-----------|------|------------------------------------------------------------------------|
| H141-274 | Lee       | 3/7/2001  | T    | Marlene Elliott/Honored/International Women's Day Celebration          |
| H141-275 | Schroeder | 3/7/2001  | T    | Pat Campbell-White/Honored/International Women's Day Celebration       |
| H141-276 | Price     | 2/21/2001 | T    | Bethany-Fenwick Chamber of Commerce/25th Anniversary                   |
| H141-277 | Wagner    | 2/8/2001  | T    | Virginia Burchard/100th Birthday                                       |
| H141-278 | Maier     | 3/15/2001 | T    | Eleanor Cain/Retirement/27 Years                                       |
| H141-279 | Smith     | 3/20/2001 | T    | Gladys Duarte/Miss Hispanic Delaware                                   |
| H141-280 | Stone     | 3/24/2001 | T    | Edward Goate/Citizen of the Year/Elks Lodge #1903                      |
| H141-281 | Quillen   | 5/5/2001  | T    | Donald Derrickson/35 Years/Harrington High Alumni                      |
| H141-282 | Cathcart  | 3/10/2001 | T    | Port Penn Volunteer Fire Company/50th Anniversary                      |
| H141-283 | Cathcart  | 3/10/2001 | T    | Dale Bendler/President's Award/Port Penn Volunteer Fire Company        |
| H141-284 | Cathcart  | 3/10/2001 | T    | John Newman/Fireman of the Year/Port Penn Volunteer Fire Company       |
| H141-285 | Scott     | 2/26/2001 | T    | Tina Bemby/Service/Sarcoidosis Resource Center                         |
| H141-286 | Price     | 2/25/2001 | T    | Boy Scout Troop #281/25th Anniversary                                  |
| H141-287 | Price     | 3/3/2001  | T    | Gus Gentile/Service/38th Representative District                       |
| H141-288 | VanSant   | 3/10/2001 | T    | Linda Kellems/Member of the Year/Ladies Auxiliary/Elsmere Fire Company |
| H141-289 | VanSant   | 3/10/2001 | T    | Robin Gray/Member of the Year/Elsmere Fire Company                     |
| H141-290 | Buckworth | 3/2/2001  | T    | Erin Courtney/First Team/Girls All-State Swimming                      |
| H141-291 | Buckworth | 3/2/2001  | T    | Kristina MacLeish/First Team/All-State Swimming                        |
| H141-292 | Ewing     | 3/24/2001 | T    | Marianna & Charles Baker/50th Anniversary                              |
| H141-293 | Spence    | 3/30/2001 | T    | Jeff Quirico/Retirement/30 Years/University of Delaware                |
| H141-294 | Ewing     | 3/15/2001 | T    | Ray Smith/American Legion National Commander/Visit to Seaford Post     |
|          |           |           |      | HOUSE TRIBUTE ANNOUNCEMENT #14                                         |

DATE: March 28, 2001

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                                  |
|----------|-----------|-----------|------|----------------------------------------------|
| H141-295 | Maier     | 3/12/2001 | T    | Thomas Eichler/Appreciation/State Service    |
| H141-296 | Buckworth | 3/7/2001  | T    | Caesar Rodney High Wrestling/State Champions |
| H141-297 | Gilligan  | 3/5/2001  | M    | Edward Passmore                              |
| H141-298 | B. Ennis  | 4/10/2001 | T    | Oscar David/85th Birthday                    |

|          |                                  |           |   |                                                                  |
|----------|----------------------------------|-----------|---|------------------------------------------------------------------|
| H141-299 | VanSant                          | 3/13/2001 | T | Richard Moore/65th Birthday                                      |
| H141-300 | Ewing                            | 3/31/2001 | T | Mary Bradley/90th Birthday                                       |
| H141-301 | Carey                            | 3/10/2001 | M | Gloria T. Short                                                  |
| H141-302 | Spence                           | 3/8/2001  | M | Charles P. Smith                                                 |
| H141-303 | Quillen                          | 3/18/2001 | T | Elizabeth Hrupsa/90th Birthday                                   |
| H141-304 | Stone                            | 3/31/2001 | T | Caroline Nichols & James Courtney, Jr./Marriage                  |
| H141-305 | Wagner                           | 3/19/2001 | T | Denis McGlynn/Distinguished Citizen/Boy Scouts                   |
| H141-306 | DiPinto                          | 3/14/2001 | T | Ray Harrington/EDiS Company/New Horizon Award                    |
| H141-307 | B. Ennis                         | 3/23/2001 | T | Chief Keith Faulkner/Dover Police/Retirement                     |
|          | cosponsors: Reps. Stone & Wagner |           |   |                                                                  |
| H141-308 | Scott                            | 2/24/2001 | M | Cinque Maurice Bowden                                            |
| H141-309 | Scott                            | 2/28/2001 | T | Robert Jackson, Jr./Promotion/Major/United States Air Force      |
| H141-310 | Carey                            | 3/13/2001 | M | Linwood Joseph Rogers                                            |
| H141-311 | Quillen                          | 4/22/2001 | T | Louis & A. Jeannette Welch/50th Anniversary                      |
| H141-312 | Gilligan                         | 4/19/2001 | T | Absalom Jones Senior Center/25th Anniversary                     |
| H141-313 | Ulbrich                          | 3/15/2001 | T | Ray Adams/Leadership/Executive Director/Bear-Glasgow YMCA        |
| H141-314 | Valihura                         | 3/21/2001 | T | Honorable Myrna Bair/Induction/Hall of Fame of Delaware Women    |
| H141-315 | Hudson                           | 3/21/2001 | T | Anna Dearmond/Induction/Hall of Fame of Delaware Women           |
| H141-316 | Buckworth                        | 3/21/2001 | T | Marian Harris/Induction/Hall of Fame of Delaware Women           |
| H141-317 | Price                            | 3/21/2001 | T | Lucile Leone/Posthumous Induction/Hall of Fame of Delaware Women |
|          | cosponsor: Rep. Quillen          |           |   |                                                                  |

T - Tribute

M - Memoriam

The Majority Leader moved to recess to the call of the Chair at 2:20 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 2:20 p.m.: Representatives Boulden, Brady, Cathcart, Miro, Reynolds & Viola.

Mr. Speaker Spence called the House to order at 2:13 p.m. on March 29, 2001.

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

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

AGRICULTURE: **HB 91** - 5M.

HOUSE ADMINISTRATION: **HB 109** - 3M; **HCR 4** - 1F, 2M; **SB 31** - 3M.

PUBLIC SAFETY: **HB 111** - 7M; **HB 117** - 7M.

JUDICIARY: **HB 122** - 5M, 1U; **HB 126** - 7M.

EDUCATION: **HB 116** - 9M; **HB 123** - 9M; **HB 124** - 7M.

HEALTH & HUMAN DEVELOPMENT: **HB 100** - 6M.

SUBSTANCE ABUSE: **HB 113** - 5M.

ECONOMIC DEVELOPMENT; BANKING & INSURANCE: **HB 130** - 10M; **SB 77** - 3F, 5M.

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

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 - 141st GENERAL ASSEMBLY - FIRST SESSION**  
**March 29, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 1.

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

The Speaker led those present in a 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 137 - SCHROEDER; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, D. ENNIS, EWING, HOUGHTON, KEELEY, LOFINK, MAIER, MIRO, PLANT, PRICE, REYNOLDS, VANSANT, VIOLA; SENATORS BUNTING, SIMPSON, VENABLES - AGRICULTURE - An Act to Amend Title 3, Chapter 80 of the Delaware Code to Prohibit Killing of Animals Under False Pretenses. (2/3 bill)**

**HB 138 - VALIHURA & SENATOR CONNOR; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, B. ENNIS, EWING, HOUGHTON, MAIER, PRICE, ROY, VIOLA, WAGNER, WEST; SENATORS SIMPSON, SOKOLA, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Liens of Residential Community Organizations.**

**HB 139 - QUILLEN - AGRICULTURE - An Act to Amend Title 9 of the Delaware Code Relating to Mobile Homes.**

**HB 140 - QUILLEN - AGRICULTURE - An Act to Amend Title 9 of the Delaware Code Relating to Appropriations.**

**HB 141 - OBERLE & SENATOR SOKOLA; REPRESENTATIVES SPENCE, SMITH, LEE, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LOFINK, MAIER, MIRO, REYNOLDS, STONE, ULBRICH, VALIHURA, WAGNER, VANSANT, BRADY, DILIBERTO, HOUGHTON, PLANT, PRICE, SCHROEDER, SCOTT, VIOLA, WEST, WILLIAMS; SENATORS BONINI, CLOUTIER, CONNOR, WINSLOW, MCDOWELL - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Education Programs for Gifted and Talented Students.**

**HA 1 to HB 74 - VALIHURA - Placed with the Bill.**

**HA 1 to HB 77 - SPENCE & REPRESENTATIVE QUILLEN - Placed with the Bill.**

**HA 1 to HB 84 - BOULDEN - Placed with the Bill.**

**HA 1 to HB 108 - MIRO - Placed with the Bill.**

**HA 1 to HB 122 - QUILLEN - Placed with the Bill.**

**HCR 5 - HUDSON; ON BEHALF OF ALL REPRESENTATIVES - HOUSE ADMINISTRATION - Urging the Delaware Congressional Delegation to Support House Bill No. 527 and Senate Bill No. 527 to Exempt State and Local Political Organizations from Duplicative Federal Notification and Reporting Requirements Mandated by Public Law 106-230.**

**HCR 7 - SMITH & SENATOR SOKOLA; REPRESENTATIVE ROY - TRANSPORTATION - To Establish a Study Committee to Investigate the Feasibility of Converting Old Railroad Right of Ways Into Pedestrian/Bicycle Paths.**

**SJR 4 - HENRY & REPRESENTATIVE SPENCE; REPRESENTATIVE SCOTT; SENATORS MARSHALL, MCDOWELL, SOKOLA, BONINI, CLOUTIER, SORENSON, STILL & CONNOR; REPRESENTATIVES HUDSON, LAVELLE, MAIER, STONE, WAGNER, KEELEY, PLANT & WILLIAMS - SUBSTANCE ABUSE - Establishing 2001 As "The Year of Treatment" and Appointing a Task Force to Study and Make Recommendations Concerning the Availability of Quality Treatment Programs for Substance Abuse Addiction in Delaware.**

**SCR 5 - STILL & SENATOR BLEVINS & SENATOR COOK; SENATORS AMICK, BUNTING, CLOUTIER, CONNOR, MCBRIDE, SIMPSON, SOKOLA, SORENSON, VAUGHN, WINSLOW;**

REPRESENTATIVES BUCKWORTH, D. ENNIS, GILLIGAN, KEELEY, MAIER, STONE, WAGNER - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - Establishing a Task Force with the Responsibility of Reviewing the Current Pre-authorization Forms and Procedures Used by Insurance Companies and Recommending to the General Assembly Uniform Pre-authorization Forms and Procedures.

Representative Ewing made comments.

Representative Keeley requested that she be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 5 & SJR 4** and requests the concurrence of the House; **HB 76 & HCR 6** and is returning same to the House.

March 29, 2001

M E M O R A N D U M

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative G. Wallace Caulk  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, March 29, 2001, due to a family illness.

Mr. Speaker Spence assigned **HB 91, HB 100, HB 113 & HB 116** to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:21 p.m.

The House reconvened at 3:38 p.m. with Representative Quillen as Acting Speaker.

Mr. Acting Speaker assigned **HB 30** to the Appropriations Committee.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **SB 30 - 4M.**

The Majority Leader moved to recess at 3:40 p.m.

The House reconvened at 3:54 p.m.

Representative Smith deferred to Representative Price.

Representative Price brought **HB 61**, jointly sponsored by Senator Bunting & Representative Lee & Representatives Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Keeley, Lavelle, Lofink, Mulrooney, Roy, Schroeder, Scott, Spence, Thornburg, Valihura, VanSant, Viola, Wagner, West & Senators Blevins, DeLuca, Henry, Marshall, McBride & Vaughn & cosponsored by Senators Cloutier & Connor, before the House for consideration.

**HB 61 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING EXEMPTIONS FROM CIVIL LIABILITY.**

Representative Price brought **HA 1 to HB 61** before the House for consideration. Representative Price made comments. **HA 1** was adopted by voice vote. Representative Price made comments.

The roll call on **HB 61 w/HA 1** was taken and revealed:

YES: 35.

NO: Representatives Plant & Williams - 2.

ABSENT: Representatives Caulk, Maier, Scott & Ulbrich - 4.

Therefore, having received a constitutional majority, **HB 61 w/HA 1** was sent to the Senate for concurrence.

Representatives Brady, Cathcart, DiPinto, Plant, Reynolds, Williams & Miro requested that they be marked present during the roll call.

Representative Oberle made comments regarding **HB 61**.

Mr. Speaker Spence resumed the Chair. Mr. Speaker Spence introduced a guest. Representatives Miro & Boulden made comments. Representative Ulbrich requested that she be marked present.

Representative Smith deferred to Representative Quillen. Representative Quillen requested and was granted privilege of the floor to present a House Tribute to Mary Ann Dill, House Head Legal Secretary. Representative D.

Ennis made a comment. Representative DiPinto requested and was granted personal privilege of the floor to make a comment.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 74**, jointly sponsored by Representatives Boulden, Brady, Carey, Cathcart, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lavelle, Lofink, Miro, Schroeder, Scott, Thornburg, Ulbrich, VanSant, Viola, Wagner, West & Williams & Senators Amick, Blevins, Cloutier, Connor, Henry, Simpson, Sorenson & Winslow, before the House for consideration.

**HB 74 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX RETURNS.**

Representative Valihura brought **HA 1 to HB 74** before the House for consideration. Representative Valihura made comments. **HA 1** was adopted by voice vote. Representatives Valihura & Smith made comments.

The roll call on **HB 74 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 74 w/HA 1** was sent to the Senate for concurrence.

Representative Valihura requested and was granted personal privilege of the floor to introduce Special Olympics medal winners and their coaches to make comments and to introduce Ann Grunert, Executive Director, Delaware Special Olympics. Mr. Speaker Spence made comments. Mr. Speaker Spence granted privilege of the floor to Ann Grunert. Representative Stone introduced Karen Valihura, President, Delaware Special Olympics. Representatives Schroeder, Reynolds, D. Ennis & Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg moved to lift **HB 58 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Thornburg brought **HB 58**, jointly sponsored by Senator Sokola & Representatives Caulk, B. Ennis & Wagner & Senator Still, before the House for consideration.

**HB 58 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSE.**

Representative Thornburg introduced and brought **HA 2 to HB 58** before the House for consideration. Representative Thornburg made comments. **HA 2** was adopted by voice vote. Representative Thornburg made comments.

The roll call on **HB 58 w/HA 1 & 2** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 58 w/HA 1 & 2** was sent to the Senate for concurrence.

Representatives Smith, Thornburg & Lavelle made comments.

Mr. Speaker Spence introduced guests.

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

Representative Smith deferred to Representative Price.

Representative Price brought **HB 60**, jointly sponsored by Representative Viola & Senator Bunting & Representatives Boulden, Brady, Cathcart, B. Ennis, Ewing, Fallon, Keeley, Maier, Spence, VanSant & West & Senators Marshall & Sokola, before the House for consideration.

**HB 60 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ELIGIBILITY TO RECEIVE A STATE HIGH SCHOOL DIPLOMA.**

Representatives Price, Smith & Price made comments.

The roll call on **HB 60** was taken and revealed:

YES: 39.

NO: Representative Smith - 1.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 60** was sent to the Senate for concurrence.

Mr. Speaker Spence & Representative West made comments.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 64**, jointly sponsored by Senator Vaughn & Representatives Buckworth, Caulk, Ewing, Quillen, Stone, Thornburg & Wagner, before the House for consideration.

**HB 64 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY GOVERNMENTS GENERALLY.**

Representative B. Ennis made a comment.

The roll call on **HB 64** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & Roy - 2.

Therefore, having received a constitutional majority, **HB 64** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 77**, cosponsored by Representative Thornburg, before the House for consideration.

**HB 77 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE CORRECTIONAL OFFICER ASSISTANCE FUND. (F/N)**

Representative Quillen brought **HA 1 to HB 77**, jointly sponsored by Representative Spence, before the House for consideration. Representative Quillen made comments. **HA 1** was adopted by voice vote. Representatives Gilligan, Quillen, Lee, Schroeder, DiPinto, Reynolds, Wagner & Quillen made comments.

The roll call on **HB 77 w/HA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Fallon & Roy - 3.

Therefore, having received a constitutional majority, **HB 77 w/HA 1** was sent to the Senate for concurrence.

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

Mr. Speaker Spence introduced a guest.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 94**, jointly sponsored by Senator Henry & Representatives Boulden, Brady, Buckworth, Carey, Cathcart, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Hudson, Lofink, Maier, Mulrooney, Oberle, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, Viola, Wagner, West & Williams & Senators Cook, Sokola & Venables & cosponsored by Representative Plant, before the House for consideration.

**HB 94 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIAL AND NONPROFESSIONAL SERVICES BY BONA FIDE NONPROFIT ORGANIZATIONS.**

Representative Keeley introduced and brought **HA 1 to HB 94** before the House for consideration.

Representative Keeley made a comment. **HA 1** was adopted by voice vote. Representative Keeley made comments.

The roll call on **HB 94 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, Fallon, Hudson & Roy - 4.

Therefore, having received a constitutional majority, **HB 94 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 101**, jointly sponsored by Senator Blevins & Senator Henry & Representatives Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Miro, Mulrooney, Plant, Price, Quillen, Reynolds, Roy, Schroeder, Scott, Spence, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola, Wagner, West & Williams & Senators Adams, Amick, Blevins, Bunting, Cloutier, Connor, Cook, DeLuca, Marshall, McBride, McDowell, Sharp, Sokola, Sorenson, Still, Vaughn, Venables & Winslow, before the House for consideration.

**HB 101 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO REFERENCES TO NON-MARITAL CHILDREN.**

Representatives Keeley, Smith, Reynolds, Wagner, DiLiberto, Williams, DiPinto, Keeley, & Scott made comments.

The roll call on **HB 101** was taken and revealed:

YES: 35.

NO: Representative Smith - 1.

ABSENT: Representatives Caulk, Fallon, Hudson, Lofink & Roy - 5.

Therefore, having received a constitutional majority, **HB 101** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 112**, jointly sponsored by Senator Henry & Representatives Buckworth, Carey, Caulk, Ewing, Lavelle, Reynolds, Ulbrich, Houghton, DiLiberto, B. Ennis & West, before the House for consideration.

**HB 112 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.**

Representative Wagner introduced and brought **HA 1** to **HB 112** before the House for consideration.

Representative Wagner made a comment. **HA 1** was adopted by voice vote. Representatives Wagner, DiPinto & Schroeder made comments. Representative Schroeder requested and was granted privilege of the floor for Steven Wood, Deputy Attorney General. Representatives Schroeder & Wagner made comments.

The roll call on **HB 112 w/HA 1** was taken and revealed:

YES: 29.

NO: Representative Williams - 1.

NOT VOTING: Representative Keeley & Scott - 2.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Hudson, Lofink, Plant, Roy, Viola & West - 9.

Therefore, having received a constitutional majority, **HB 112 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought **SB 15**, sponsored by Senator Sharp & Representative Spence & Representatives D. Ennis, Hudson, Lee, Maier, Oberle, Smith, Thornburg & Valihura & Senators Marshall, Adams, Blevins, Bunting, DeLuca, Henry, Sokola, Vaughn, Venables, Bonini, Cloutier, Simpson, Sorenson, Still & Winslow, before the House for consideration.

**SB 15 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LICENSURE AND CERTIFICATION OF TRADE AND INDUSTRIAL TEACHERS.**

Representatives Reynolds, Wagner, Smith, Maier, Mr. Speaker Spence & Representative Reynolds made comments.

The roll call on **SB 15** was taken and revealed:

YES: 33.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Hudson, Lofink, Plant, Roy & Viola - 8.

Therefore, having received a constitutional majority, **SB 15** was returned to the Senate.

Representative Smith brought **HB 124**, jointly sponsored by Senator Sokola & Representatives DiPinto & Maier, before the House for consideration.

**HB 124 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.**

Representative Smith introduced and brought **HA 1** to **HB 124** before the House for consideration. Representative Smith made comments. **HA 1** was adopted by voice vote. Representatives Smith & Reynolds made comments.

The roll call on **HB 124 w/HA 1** was taken and revealed:

YES: 31.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Hudson, Lofink, Plant, Roy, Scott, Viola & Williams - 10. Therefore, having received a constitutional majority, **HB 124 w/HA 1** was sent to the Senate for concurrence. Representative Buckworth requested and was granted personal privilege of the floor to make an announcement. The Majority Leader moved to recess to the call of the Chair at 6:02 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on April 3, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 9** and is returning same to the House.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Wayne Smith, do hereby request that my name be removed as co-sponsor of **HB 101**.

Date: March 29, 2001

Signed: Wayne A. Smith

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.

**19th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**April 3, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ewing - 1.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

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

The following prefiled legislation was introduced:

**HB 142 - B. ENNIS; REPRESENTATIVES BUCKWORTH, CAULK, EWING, HOUGHTON, QUILLEN, STONE, THORNBURG, WAGNER; SENATOR VAUGHN - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to the Government of Kent County.**

**HB 143 - WILLIAMS & REPRESENTATIVE KEELEY; REPRESENTATIVES BRADY, CAREY, CAULK, DILIBERTO, B. ENNIS, EWING, FALLON, HOUGHTON, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, STONE, ULBRICH, VANSANT, VIOLA, WAGNER, WEST; SENATOR HENRY - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Protection of Witnesses.**

**HB 144 - ROY - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4 of the Delaware Code Related to Licenses and Taxes.**

**HB 145 - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, QUILLEN, ULBRICH, B. ENNIS, KEELEY, PRICE, WEST; SENATOR BUNTING - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.**

**HB 147 - STONE & SENATOR HENRY; REPRESENTATIVES BOULDEN, BUCKWORTH, DIPINTO, D. ENNIS, EWING, FALLON, KEELEY, LEE, PRICE & WEST; SENATORS AMICK, BONINI, CLOUTIER, CONNOR, SIMPSON, SOKOLA, SORENSON, STILL & WINSLOW - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Definition of Scooter and to Rules of the Road. (2/3 bill)**

**HB 148 - SPENCE & REPRESENTATIVE OBERLE & REPRESENTATIVE EWING; REPRESENTATIVES LEE, BUCKWORTH, CATHCART, D. ENNIS, HUDSON, LOFINK, ROY, THORNBURG, GILLIGAN, VAN**



SANT, BRADY, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, VIOLA, WEST, WILLIAMS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Taxes.

**HB 150** - MAIER & REPRESENTATIVE MIRO & REPRESENTATIVE OBERLE & SENATOR SOKOLA; REPRESENTATIVES LAVELLE, ULBRICH, BOULDEN, VALIHURA, KEELEY, VIOLA; SENATORS BLEVINS, CLOUTIER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Certain Local School Boards.

**HA 1 to HB 120** - WAGNER - Placed with the Bill.

**HJR 4** - WAGNER & SENATOR HENRY; REPRESENTATIVES LEE, BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, MAIER, QUILLEN, STONE, VALIHURA, DILIBERTO, HOUGHTON, KEELEY - JUDICIARY - Commending the Family Court of the State of Delaware for Promulgating the Family Court Performance Standards and Measures, and for Continuing Efforts to Improve the Performance of the Court.

Representatives Price & Viola requested that they be marked present.

Representative Buckworth made an announcement.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I. Representative Gerald A. Buckworth, do hereby request that my name be removed as a co-sponsor of **SB 66**.

Date: April 3, 2001                      Signed: Representative Gerald A. Buckworth

Representative B. Ennis requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:16 p.m.

The House reconvened at 4:29 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 130**, jointly sponsored by Senator Adams & Representatives Carey, D. Ennis, Fallon. Gilligan, Houghton, Hudson, Keeley & Valihura & Senators Sokola & Sorenson, before the House for consideration.

**HB 130** - AN ACT TO AMEND TITLE 5 AND TITLE 29 OF THE DELAWARE CODE RELATING TO BA AND OTHER FINANCIAL INSTITUTIONS.

Representative Stone made comments.

The roll call on **HB 130** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, **HB 130** was sent to the Senate for concurrence.

Representatives Hudson, Miro, Scott, Spence, Ulbrich, West, Brady, DiPinto, Boulden, Lofink, D. Ennis,

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

Representative Smith deferred to Representative Stone.

Representative Stone brought **SB 77**, jointly sponsored by Senator Adams & Senators Sokola & Sorenson & Representatives Carey, D. Ennis, Fallon, Hudson, Valihura, Gilligan & Houghton, before the House for consideration.

**SB 77** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO THE CORPORATION LAW FOR STATE BANKS. (2/3 bill)

Representatives Stone & Miro made comments. Representative Stone requested and was granted privilege of the floor for Robert A. Glen, State Bank Commissioner. Representatives Miro, B. Ennis, West, Caulk, Stone, Scott, Fallon & Schroeder made comments.

The roll call on **SB 77** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 77** was returned to the Senate.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 111**, jointly sponsored by Senator Sokola & cosponsored by Representative Ewing, before the House for consideration.

**HB 111** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION.

Representative Oberle made a comment.

Representative Oberle moved to place **HB 111** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

The House observed a moment of silence in memory of Representative Richard Davis' father at the request of Mr. Speaker Spence.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:07 p.m.

Mr. Speaker Spence called the House to order at 2:06 p.m. on April 4, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 76** and requests the concurrence of the House; **HB 88 w/HA 1 & HB 54 w/HA 1** 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.

#### **20th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**April 4, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ewing - 1.

A prayer was offered by Representative Helene M. Keeley, Fifth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 149** - WAGNER & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, CAULK, D. ENNIS, EWING, LAVELLE, MAIER, QUILLEN, REYNOLDS, B. ENNIS, HOUGHTON - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.

**HB 151** - MAIER & SENATOR BLEVINS; REPRESENTATIVES D. ENNIS, EWING, HUDSON, LEE, VALIHURA; SENATORS BONINI, CLOUTIER, HENRY, SOKOLA, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Increasing Penalties for Violations of Lead-based Paint Hazard Regulations. (2/3 bill)

**HB 152** - MAIER & SENATOR BLEVINS; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, HUDSON, KEELEY, LEE, MIRO, MULROONEY, PLANT, PRICE, QUILLEN, SCHROEDER, SPENCE, STONE, THORNBURG, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS CLOUTIER, CONNOR, HENRY, SIMPSON, SOKOLA, SORENSON, STILL, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Titles 10, 11, 14, 16, 24, 29, and 31 of the Delaware Code Relating to the Name of the Division of Alcoholism, Drug Abuse, and Mental Health.

**HB 153** - CATHCART; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, HUDSON, KEELEY, LEE,

LOFINK, MAIER, MIRO, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS BONINI, CLOUTIER, CONNOR, SIMPSON, SOKOLA, SORENSON - AGRICULTURE - An Act to Amend Title 9 of the Delaware Code Relating to County Agricultural Land Preservation.

**HB 154** - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES SCHROEDER, MAIER, PRICE; SENATORS AMICK, SOKOLA, SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapters 9 and 11 of Title 13 of the Delaware Code Relating to Termination of Parental Rights and Adoption.

**HB 155** - LEE & REPRESENTATIVES B. ENNIS, THORNBURG - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Law-enforcement Officers' Bill of Rights.

**HB 156** - ROY - HOUSE ADMINISTRATION - An Act to Amend Title 9 of the Delaware Code Relating to New Castle County Council Redistricting.

**HB 157** - ROY & SOKOLA; REPRESENTATIVES SPENCE, ULBRICH; SENATORS DELUCA, MCBRIDE, VAUGHN, AMICK, SORENSON - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

**HA 1 to HB 123** - SCHROEDER - Placed with the Bill.

**SB 76** - SIMPSON & REPRESENTATIVE QUILLEN & SENATOR MCBRIDE; SENATORS BONINI, STILL; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, EWING, HOUGHTON, HUDSON, MIRO, PRICE, REYNOLDS, THORNBURG, WEST; SENATOR BUNTING - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Commercial Fishing.

Representative DiLiberto requested that he be marked present. Representative Gilligan requested and was granted personal privilege of the floor to introduce a guest. Representatives Thornburg & Buckworth requested and were granted personal privilege of the floor to make announcements. Representatives Caulk & DiPinto requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:14 p.m.

The House reconvened at 3:50 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communications into the record

March 27, 2001

#### LEGISLATIVE ADVISORY #7

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/27/01 - **SB 10**.

April 3, 2001

#### LEGISLATIVE ADVISORY #8

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/28/01 - **HB 67**; 3/29/01 - **SB 67**; 3/30/01 - **SJR 2**; 3/31/01 - **SB 22 aab HA 1 & HB 76**.

The following amendment to the Delaware Constitution does not require the signature of Governor Minner: **HB**

**44.**

Representative Roy requested that he be marked present.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder requested that he be marked present.

Representative Schroeder brought **HB 109**, jointly sponsored by Senator Simpson, before the House for consideration.

**HB 109** - AN ACT TO AMEND AN ACT, BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE A UTILITY SYSTEM COMPRISED OF AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD OF

PUBLIC WORKS AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS", TO ESTABLISH PROCEDURES FOR THE ANNUAL ELECTION. (2/3 bill)

Mr. Acting Speaker Oberle made an announcement.

The roll call on **HB 109** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 109** was sent to the Senate for concurrence.

Representatives Brady, Hudson, Lofink, Reynolds, Scott, Stone, Ulbrich, Valihura, Viola, Wagner, Miro & Cathcart requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 43**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 43** - AN ACT TO AMEND TITLES 15, 21 AND 25 OF THE DELAWARE CODE RELATING TO REFERENCES TO PEOPLE WITH MENTAL ILLNESS.

Representative DiLiberto introduced and brought **HA 1** to **HB 43** before the House for consideration.

Representative DiLiberto made a comment. **HA 1** was adopted by voice vote. Representatives DiLiberto & D. Ennis made comments. Representative DiLiberto requested and was granted privilege of the floor for Melanie Day, House Attorney. Representative D. Ennis made a comment.

The roll call on **HB 43 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Plant - 2.

Therefore, having received a constitutional majority, **HB 43 w/HA 1** was sent to the Senate for concurrence.

Mr. Acting Speaker Oberle made comments.

Representative Smith brought **SB 31**, sponsored by Senator Bunting & Representative Schroeder, before the House for consideration.

**SB 31** - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PROVIDE THAT NEWLY ELECTED COMMISSIONERS MAY BEGIN ACTION AT THE ORGANIZATION MEETING AND THAT COMMISSIONERS ARE NO LONGER HEADS OF DEPARTMENTS, TO CLEARLY AUTHORIZE THE ELECTION BOARD TO BE THE SOLE AND FINAL JUDGE AS TO THE CONDUCT OF THE ELECTION, THE LEGALITY OF VOTES OFFERED AND THE ELECTION RESULTS, AND TO PROVIDE FOR ABSENTEE BALLOTING IN MUNICIPAL ELECTIONS. (2/3 bill)

Representative Smith made comments.

The roll call on **SB 31** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 31** was returned to the Senate.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 75**, jointly sponsored by Senator McDowell & Representatives Brady, Cathcart, DiPinto, B. Ennis, Houghton, Lavelle, Oberle, Price, Reynolds, Scott, Smith, Spence, Thornburg, Ulbrich, VanSant, Viola, Wagner, West & Williams & Senators Cook, DeLuca, Henry, Simpson, Vaughn & Winslow & cosponsored by Senator Bonini, before the House for consideration.

**HB 75** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

Representative Keeley made comments.

The roll call on **HB 75** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Plant & Smith - 3.

Therefore, having received a constitutional majority, **HB 75** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Spence.

Representative Spence brought **HB 117**, jointly sponsored by Senator Marshall & Representatives DiPinto, Ewing, Oberle, Keeley, Price, Schroeder, Scott, VanSant & Williams & Senators McDowell, Bunting, Cook, Henry, Connor, Still & Winslow & cosponsored by Representatives Fallon, Carey, Buckworth, Lee, Thornburg, West & Viola, before the House for consideration.

**HB 117 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. (3/5 bill)**

Representative Spence made comments.

The roll call on **HB 117** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Plant - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 117** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Boulden.

Representative Boulden brought **HB 123**, jointly sponsored by Representative Schroeder, before the House for consideration.

**HB 123 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO NOTICE OF WAIVER FOR MAXIMUM STUDENT-INSTRUCTOR RATIO REQUIREMENTS.**

Representative Schroeder brought **HA 1 to HB 123** before the House for consideration. Representative Schroeder made a comment. **HA 1** was adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representatives Boulden, Wagner, Schroeder, Boulden, Wagner, Schroeder, Boulden, Wagner & Schroeder made comments.

The roll call on **HB 123 w/HA 1** was taken and revealed:

YES: 37.

NO: Representative Brady - 1.

ABSENT: Representatives Ewing, Plant & Roy - 3.

Therefore, having received a constitutional majority, **HB 123 w/HA 1** was sent to the Senate for concurrence.

Representative Boulden requested that **HB 66 & HB 127** be stricken.

Representative Maier requested that **HB 56** be stricken.

Representative Maier made an announcement.

The Majority Whip moved to recess to the call of the Chair at 4:30 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:05 p.m. on April 5, 2001.

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.

**21st LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION  
April 5, 2001**

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Boulden, Ewing, Miro, Plant, Quillen - 5.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

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

The following prefiled legislation was introduced:

**HB 158** - VIOLA & SENATOR DELUCA; REPRESENTATIVES BRADY, DILIBERTO, KEELEY, MAIER, MULROONEY, PRICE, SCHROEDER, SPENCE, VANSANT, WEST, SCOTT, THORNBURG & SENATORS CONNOR, MARSHALL, MCDOWELL, SOKOLA, SORENSON, VENABLES - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation

**HB 159** - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, QUILLEN, ULBRICH, B. ENNIS, KEELEY, PRICE, WEST - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.

**HB 160** - ULBRICH & REPRESENTATIVE WAGNER & SENATOR SOKOLA; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAULK, EWING, HUDSON, MAIER, MIRO, OBERLE, REYNOLDS, VALIHURA, GILLIGAN, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY; SENATOR SIMPSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Student Performance, Teacher Evaluation, and Parent Accountability.

**HB 161** - ULBRICH & REPRESENTATIVE MIRO & REPRESENTATIVE REYNOLDS & SENATORS SOKOLA, CONNOR; REPRESENTATIVES SPENCE, SMITH, LEE, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LOFINK, OBERLE, QUILLEN, ROY, STONE, WAGNER, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, PLANT, PRICE, SCHROEDER - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

**HB 162** - CAREY & REPRESENTATIVE CAULK & SENATOR VAUGHN & SENATOR BUNTING & SENATOR ADAMS & SENATOR SIMPSON; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CATHCART, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HUDSON, KEELEY, LAVELLE, LEE, LOFINK, MAIER, MIRO, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VIOLA, WEST; SENATORS BONINI, CLOUTIER, CONNOR, COOK, MCBRIDE, MCDOWELL, SORENSON, VENABLES, WINSLOW - TRANSPORTATION - An Act to Amend Title 30 of the Delaware Code Relating to Motor Fuel Taxes.

**HB 163** - ROY & SENATOR MCBRIDE - TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION - An Act to Amend Title 11, Delaware Code Relating to Theft and Related Offenses and Civil Actions. (2/3 bill)

**HB 164** - REYNOLDS & REPRESENTATIVE LEE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

**HB 165** - VALIHURA; REPRESENTATIVES EWING, STONE; SENATORS BONINI, HENRY, SIMPSON, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to License Suspensions for Nonpayment of Judgments.

**HB 166** - VALIHURA; REPRESENTATIVES CAULK, D. ENNIS, HOUGHTON, REYNOLDS; SENATORS AMICK, BONINI, SIMPSON, STILL - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HA 1 to HB 15** - BUCKWORTH - Placed with the Bill.

**SB 94** - ADAMS & REPRESENTATIVE VALIHURA - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Titles 5 and 12 of the Delaware Code Relating to Trusts and Limited Purpose Trust Companies.

Representative Smith deferred to Representative Thornburg. Representative Thornburg introduced guests. Mr. Acting Speaker introduced guests and made an announcement. Representative Smith introduced guests.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: April 5, 2001

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                                                      |
|----------|-------------------------------|-----------|------|------------------------------------------------------------------|
| HI41-318 | Boulden                       | 3/29/2001 | T    | Paul Trahan/President/Newark Country Club                        |
| HI41-319 | Boulden                       | 3/29/2001 | T    | Mary Williams/Board Member/Newark Country Club                   |
| HI41-320 | Boulden                       | 3/29/2001 | T    | Allen Smith/Board Member/Newark Country Club                     |
| HI41-321 | Boulden                       | 3/29/2001 | T    | Charles Smith/Board Member/Newark Country Club                   |
| HI41-322 | Boulden                       | 3/29/2001 | T    | Dick Prettyman/Board Member/Newark Country Club                  |
| HI41-323 | Boulden                       | 3/29/2001 | T    | Elbert Chance/Board Member/Newark Country Club                   |
| HI41-324 | Brady                         | 3/1/2001  | T    | Goldie & George Catherman/50th Anniversary                       |
| HI41-325 | Spence                        | 3/5/2001  | M    | Louise Conaty Wachter-Hoffman                                    |
| HI41-326 | Ewing                         | 3/12/2001 | M    | William M. Tull                                                  |
| HI41-327 | Hudson                        | 3/24/2001 | T    | J. Milton & Nadine Hudson/50th Anniversary                       |
| HI41-328 | Houghton                      | 2/17/2001 | T    | Robert & Esther Donofrio/50th Anniversary                        |
| HI41-329 | Brady                         | 1/27/2001 | T    | Chester & Janet Roberts/50th Wedding Anniversary                 |
| HI41-330 | Cathcart                      | 3/13/2001 | M    | Arthur Laurence Field, Jr.                                       |
| HI41-331 | Wagner                        | 3/15/2001 | M    | John J. Fritz, Jr.                                               |
| HI41-332 | Spence                        | 3/21/2001 | T    | Morton Kimmel/Blue Gold All-Star Basketball Classic              |
| HI41-333 | Spence                        | 3/21/2001 | T    | Robert Lennon/Blue Gold All-Star Basketball Classic              |
| HI41-334 | Wagner                        | 3/21/2001 | T    | Pauline Polk/100th Birthday                                      |
| HI41-335 | Carey                         | 3/31/2001 | T    | Vail Johnson/50 Year Member/Carlisle Fire Company                |
| HI41-336 | Cathcart                      | 3/25/2001 | T    | National Medal of Honor Recipients Day                           |
| HI41-337 | Cathcart                      | 3/25/2001 | T    | Charles Fisher/Eagle Scout Project                               |
| HI41-338 | Roy                           | 3/29/2001 | T    | Police Athletic League/Grand Opening/Hockessin Center            |
| HI41-339 | cosponsor: Rep. Hudson<br>Roy | 3/19/2001 | T    | Melissa Appleby/William V. Roth, Jr. Citizenship Award Recipient |
| HI41-340 | Reynolds                      | 3/21/2001 | T    | William Penn Boys Basketball Team/State Champions                |
| HI41-341 | Reynolds                      | 3/21/2001 | T    | William Penn Track Team/State Indoor Champions                   |
| HI41-342 | Gilligan                      | 3/21/2001 | T    | Michelle Albanese/Girls Basketball Player of Year                |

#### HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: April 5, 2001

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                                                         |
|----------|----------------------------------|-----------|------|---------------------------------------------------------------------|
| HI41-343 | Williams                         | 3/6/2001  | M    | Susan McDaniel                                                      |
| HI41-344 | Wagner                           | 3/19/2001 | M    | Nancy C. Perry                                                      |
| HI41-345 | Thornburg                        | 3/5/2001  | T    | Gloria Cherry & Johnny Ferrell, Jr./Marriage                        |
|          | cosponsors: Reps. Stone & Wagner |           |      |                                                                     |
| HI41-346 | Boulden                          | 3/26/2001 | T    | Joseph Shekiri, III/Eagle Scout                                     |
| HI41-347 | Buckworth                        | 3/21/2001 | M    | Joan R. Courtney                                                    |
| HI41-348 | Buckworth                        | 4/12/2001 | T    | H. Bernard Lynch/Retirement/46 Years/First National Bank of Wyoming |
| HI41-349 | Buckworth                        | 3/27/2001 | T    | Charles Curry/Rebuilding Clock/Church Steeple                       |
| HI41-350 | Maier                            | 5/7/2001  | T    | Honorable Thomas Sharp/Audubon Conservation                         |

|          |                        |           |   | Award Recipient                                                           |
|----------|------------------------|-----------|---|---------------------------------------------------------------------------|
| H141-351 | Carey                  | 4/10/2001 | T | Playtex Apparel, Inc./KSI Business Partnership Award                      |
| H141-352 | Carey                  | 4/10/2001 | T | Penn Fibre Plastics, Inc./KSI Sub-contract Award                          |
| H141-353 | Carey                  | 4/10/2001 | T | Baltimore Aircoil Company/KSI Sub-contract Award                          |
| H141-354 | Carey                  | 4/10/2001 | T | Delaware Federal Credit Union/KSI Sub-contract Award                      |
| H141-355 | Carey                  | 4/10/2001 | T | Reichhold, Inc./KSI Sub-contract Award                                    |
| H141-356 | Carey                  | 4/10/2001 | T | Division of Family Services/KSI Cartridge Service Award                   |
| H141-357 | Carey                  | 4/10/2001 | T | Discover Bank/KSI Cartridge Service Award                                 |
| H141-358 | Carey                  | 4/10/2001 | T | Proctor & Gamble/KSI Industrial Work Crew Award                           |
| H141-359 | Carey                  | 4/10/2001 | T | United States Cold Storage, Inc./KSI Custodial<br>Work Crew Program Award |
| H141-360 | Carey                  | 4/10/2001 | T | Wendover #3/KSI Supported-Competitive<br>Employment Program Award         |
| H141-361 | Brady                  | 4/29/2001 | T | William D. Parks/Eagle Scout                                              |
| H141-362 | Lavelle                | 4/29/2001 | T | A. Eric Anderson/Eagle Scout                                              |
| H141-363 | D. Ennis               | 3/30/2001 | T | Mrs. E. Mabel Merritt/100th Birthday                                      |
|          | cosponsor: Rep. Keeley |           |   |                                                                           |
| H141-364 | Spence                 | 4/21/2001 | T | M. Davis & Sons, Inc./May/Electrical Safety Month                         |
| H141-365 | Spence                 | 4/21/2001 | T | Honorable Charles P. West/80th Birthday                                   |
| H141-366 | DiPinto                | 3/29/2001 | T | Sojourner's Place/10th Anniversary                                        |
| H141-367 | Roy                    | 3/24/2001 | T | Julia Marie Rizzo/Birth                                                   |

T- Tribute

M - Memoriam

Mr. Acting Speaker introduced a guest.

Mr. Acting Speaker assigned **HB 120** to the Appropriations Committee.

Mr. Acting Speaker 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 94** & **SCR 7** and requests the concurrence of the House; **HB 17** and is returning same to the House.

April 4, 2001

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Speaker Spence:

I will be unable to attend Legislative Session on Thursday, April 5, 2001, due to personal business.

Thank you.

Sincerely,

Hazel D. Plant

State Representative

2nd District

MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative Joseph G. DiPinto



DATE: April 4, 2001  
RE: Absence from Session

Please be advised that I will be absent from session on Thursday, April 5, 2001, as I will be out of town on legislative business.

Thank you.

#### Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Joseph E. Miro  
DATE: April 4, 2001  
RE: Absence from Session

Please excuse my absence from session tomorrow, April 5, 2001, as I will be out of town on business.

If you require additional information, please let me know.

The Majority Leader moved to recess 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, B. Ennis, D. Ennis, Reynolds & Scott.

Mr. Acting Speaker Oberle called the House to order at 2:04 p.m. on April 10, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 75, SCR 10, SCR 8 & SB 97** and requests the concurrence of the House.

Representatives Lavelle, Roy, Carey, DiPinto, Hudson, DiLiberto, Scott, Brady, Wagner, Spence & Stone requested that they be marked present for the current Legislative Day.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 93** - 1F, 2M.

AGRICULTURE: **HB 137** - 5M; **HB 140** - 4M.

HEALTH & HUMAN DEVELOPMENT: **HB 152** - 4M; **HB 154** - 4M.

LABOR: **HB 106** - 6M; **HB 108** - 6M.

HOUSE ADMINISTRATION: **HCR 5** - 1F, 2M.

EDUCATION: **HB 141** - 6M.

LAND USE AND INFRASTRUCTURE: **HB 70** - 1F, 4M.

Mr. Speaker Spence resumed the Chair.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day. The House reconvened at 2:09 p.m.

### **22nd LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**April 10, 2001**

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Ewing & Maier - 2.

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

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

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

The following prefiled legislation was introduced:

**HB 167** - BOULDEN & REPRESENTATIVE OBERLE; REPRESENTATIVES BUCKWORTH, DIPINTO, HUDSON, VALIHURA, DILIBERTO, B. ENNIS, SCHROEDER, VANSANT - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to School-based Decision-making.

**HB 168** - HUDSON & REPRESENTATIVE SCHROEDER - JUDICIARY - An Act to Amend Titles 9, 10, and 29 of the Delaware Code Relating to the Register in Chancery Office.

**HB 169** - FALLON & SENATOR VENABLES - HOUSE ADMINISTRATION - An Act to Amend Chapter 42, Volume 53, Laws of Delaware, as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford Relating to Electric Current". (2/3 bill)

**HB 170** - HUDSON & SENATOR BLEVINS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HB 171** - FALLON & SENATOR BLEVINS; REPRESENTATIVES SPENCE, CAREY, QUILLEN, STONE, THORNBURG, VALIHURA, GILLIGAN, KEELEY - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Related to Health Insurance.

**HB 172** - VALIHURA; SENATOR SIMPSON - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Primary Elections.

**HB 173** - SCOTT & REPRESENTATIVE HUDSON & SENATOR BLEVINS; REPRESENTATIVES B. ENNIS, KEELEY, PLANT, WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Labor; and Establishing a Victims of Domestic Violence Employment Leave Act.

**HB 174** - LEE & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Crimes of Possession of a Deadly Weapon During the Commission of a Felony and Possession of a Firearm During the Commission of a Felony.

**HB 175** - LEE & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Offensive Touching. (2/3 bill)

**HB 176** - HOUGHTON; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HUDSON, KEELEY, LEE, LOFINK, MULROONEY, OBERLE, PRICE, QUILLEN, ROY, SCHROEDER, SMITH, SPENCE, THORNBURG, VANSANT, VIOLA, WAGNER, WEST; SENATORS ADAMS, AMICK, BLEVINS, BUNTING, COOK, DELUCA, MARSHALL, SOKOLA, VAUGHN, VENABLES, WINSLOW - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Bounty Hunters and Bail Enforcement Agents. (3/5 bill)

**HB 177** - GILLIGAN & REPRESENTATIVE VIOLA & SENATOR BUNTING; REPRESENTATIVES BUCKWORTH, CAULK, B. ENNIS, HOUGHTON, KEELEY, LEE, MULROONEY, PRICE, SCHROEDER, ULBRICH, WEST; SENATOR SOKOLA - CORRECTIONS - An Act to Amend Title 13 of the Delaware Code Relating to Child Support.

**HA 1 to HB 102** - LEE - Placed with the Bill.

**SB 75** - SIMPSON & REPRESENTATIVE QUILLEN; SENATORS BONINI, HENRY, STILL; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, HUDSON, LEE, MIRO, REYNOLDS, SMITH, THORNBURG, VALIHURA, WAGNER, WEST, WILLIAMS - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Commercial Shellfishing.

**SB 97** - BLEVINS & SENATORS SHARP & SORENSON; REPRESENTATIVE HUDSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to the Domestic Violence Coordinating Council.

Mr. Speaker Spence reassigned **HB 162** to the Agriculture Committee.

Mr. Speaker Spence assigned **HB 106** & **HB 141** to the Appropriations Committee.

Representative Oberle requested and was granted personal privilege of the floor to make comments.

Representative Gilligan requested and was granted personal privilege of the floor to make a comment. Mr. Speaker Spence made comments and introduced a guest. Representative B. Ennis requested that he be marked present.

Representative B. Ennis requested and was granted personal privilege of the floor to make comments.

The Reading Clerk read the following communication into the record:

April 10, 2001

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Pamela S. Maier  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, April 10, 2001, due to illness.

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

HOUSE ADMINISTRATION: **HB 169** - 3M.

Representative Keeley requested that she be marked present.

The Majority Leader moved to recess for caucus at 2:16 p.m.

The House reconvened at 3:35 p.m. with Representative Buckworth as Acting Speaker.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HCR 5**, sponsored on behalf of All Representatives, before the House for consideration.

**HCR 5** - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT HOUSE BILL NO. 527 AND SENATE BILL NO. 527 TO EXEMPT STATE AND LOCAL POLITICAL ORGANIZATIONS FROM DUPLICATIVE FEDERAL NOTIFICATION AND REPORTING REQUIREMENTS MANDATED BY PUBLIC LAW 106-230.

Representative Hudson made comments.

**HCR 5** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on **HB 169**. The motion was seconded by Representative Lavelle and adopted by voice vote.

Representative Smith brought **HB 169**, sponsored by Representative Fallon and Senator Venables, before the House for consideration.

**HB 169** – AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD RELATING TO ELECTRIC CURRENT. (2/3 bill)

Representative Smith made comments.

The roll call on **HB 169** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Maier & Quillen - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 169** was sent to the Senate for concurrence.

Representatives Boulden, Plant, Reynolds, Schroeder, Ulbrich, Valihura, Viola, Williams, DiPinto, Cathcart & Miro requested that they be marked present during the roll call.

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representatives Roy & Gilligan made comments. Representatives Oberle & Reynolds requested and were granted personal privilege of the floor to introduce guests and make comments.

Mr. Speaker Spence resumed the Chair. Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **HB 152**, sponsored by Senator Blevins & Representatives Brady, Buckworth, Carey, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Hudson, Keeley, Lee, Miro, Mulrooney, Plant, Price, Quillen, Schroeder, Spence, Stone, Thornburg, VanSant, Viola, Wagner, West & Williams & Senators Cloutier, Connor, Henry, Simpson, Sokola, Sorenson, Still & Winslow, before the House for consideration.

**HB 152** - AN ACT TO AMEND TITLES 10, 11, 14, 16, 24, 29, AND 31 OF THE DELAWARE CODE RELATING TO THE NAME OF THE DIVISION OF ALCOHOLISM, DRUG ABUSE, AND MENTAL HEALTH.

Representative Ulbrich made a comment.

The roll call on **HB 152** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Maier & Quillen - 3.

Therefore, having received a constitutional majority, **HB 152** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced **HB 200**, jointly sponsored by Senator Vaughn & Representatives Carey, D. Ennis, Lavelle, Lee, Maier, Plant, Roy & Valihura & Senators Adams, Bunting & Venables.

**HB 200** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO A TOBACCO PRODUCT TAX. (3/5 bill)

Mr. Speaker Spence assigned **HB 200** to the Agriculture Committee.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 70**, jointly sponsored by Senator Vaughn & Representatives Brady, D. Ennis, Houghton, Keeley, Price, Quillen, Scott, VanSant, Viola & West. before the House for consideration.

**HB 70** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE PREPARATION OF TRANSCRIPTS AND THE AWARDING OF COSTS ON APPEALS FROM THE BOARD OF ADJUSTMENT TO THE SUPERIOR COURT.

Representatives B. Ennis, Lavelle & Ulbrich made comments.

The roll call on **HB 70** was taken and revealed:

YES: 38.

NO: Representative Lavelle - 1.

ABSENT: Representatives Ewing & Maier - 2.

Therefore, having received a constitutional majority, **HB 70** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 140** before the House for consideration.

**HB 140** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO APPROPRIATIONS.

Representative Quillen made a comment.

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

YES: 39.

ABSENT: Representatives Ewing & Maier - 2.

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

Representative Smith requested that **HCR 7** be stricken.

Representative Quillen made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:01 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on April 11, 2001.

Representative Carey 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 104** and requests the concurrence of the House;  
**HB 60** & **HB 130** and is returning same to the House.

Mr. Acting Speaker reassigned **HB 148** 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.

**23rd LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**April 11, 2001**

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Boulden, Ewing, Plant & Schroeder - 4.

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

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

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

The following prefiled legislation was introduced:

**HB 178** - VALIHURA & SENATOR CLOUTIER - TRANSPORTATION - An Act to Amend Title 17 of the Delaware Code Relating to the General Powers and Duties of the Delaware Department of Transportation.

**HB 179** - PRICE & REPRESENTATIVE ULBRICH & REPRESENTATIVE VIOLA; REPRESENTATIVES CAULK, B. ENNIS, D. ENNIS, HOUGHTON, MAIER, WEST - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Accountability Administrators.

**HB 180** - LEE & REPRESENTATIVE B. ENNIS & SENATOR VAUGHN - PUBLIC SAFETY - An Act to Amend Title 29 of the Delaware Code Relating to the Department of Public Safety.

**HB 181** - CATHCART & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CAULK, DIPINTO, EWING, FALLON, HOUGHTON, HUDSON, LAVELLE, LEE, PRICE, QUILLEN, REYNOLDS, SPENCE, ULBRICH, VANSANT, VIOLA; SENATORS VENABLES, CONNOR - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Child Support Payments.

**HB 182** - LEE & REPRESENTATIVE SPENCE & REPRESENTATIVE B. ENNIS & REPRESENTATIVE VIOLA & SENATOR BUNTING; REPRESENTATIVES CAREY, CAULK, D. ENNIS, EWING, FALLON, LOFINK, MIRO, OBERLE, STONE, THORNBURG, VALIHURA, WAGNER, VANSANT, BRADY, DILIBERTO, HOUGHTON, PRICE, WEST, WILLIAMS; SENATORS AMICK, CLOUTIER, BONINI, CONNOR, SORENSON, WINSLOW - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HA 1 to HB 39** - PRICE - Placed with the Bill

**SB 104** - BUNTING; REPRESENTATIVE WEST - HOUSE ADMINISTRATION - An Act to Amend An Act Being Chapter 138, Volume 68, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Dagsboro" To Increase the Amount of Funds that the Town May Borrow on Its Full Faith and Credit. (2/3 bill)

Representatives Ulbrich & Caulk requested that they be marked present. Representative Ulbrich made an announcement.

Representative Smith introduced and brought the following prefiled **Consent Calendar #2** before the House for consideration.

**HCR 8** - BUCKWORTH; SENATOR MCBRIDE - Declaring April Organ and Tissue Donor Awareness Month.

**HCR 9** - B. ENNIS; REPRESENTATIVES BRADY, D. ENNIS, HOUGHTON, PRICE & SPENCE; SENATOR VAUGHN - Proclaiming the Month of May 2001 as "Motorcycle Awareness Month" and Requesting the Governor to Issue a Proclamation Declaring Same.

**HCR 10** - SMITH; SENATOR SOKOLA; REPRESENTATIVE ROY - To Establish a Study Committee to Investigate the Feasibility of Converting Old Railroad Right of Ways Into Pedestrian/Bicycle Paths.

**SCR 7** - MCBRIDE; REPRESENTATIVE REYNOLDS - Congratulating Margaret Saeui on Being Selected the National VFW Outstanding Health Care Provider of the Year.

**SCR 8** - CONNOR; REPRESENTATIVE SPENCE ON BEHALF OF ALL SENATORS & ALL REPRESENTATIVES - Proclaiming the Week of April 22 through April 28, 2001, as Administrative Professionals Week.

**SCR 10** - SORENSON; REPRESENTATIVE THORNBURG; SENATORS ADAMS, BONINI, CLOUTIER, CONNOR, HENRY & SOKOLA ON BEHALF OF ALL SENATORS; REPRESENTATIVES BUCKWORTH,

CATHCART, D. ENNIS, FALLON, LAVELLE, MAIER, QUILLEN, STONE, VALIHURA, WAGNER & WEST  
ON BEHALF OF ALL REPRESENTATIVES - Commending the 2000 Eagle Scouts for Having Attained the Highest  
Rank One Can Earn in the Boy Scouts of America.

**Consent Calendar #2** was adopted by voice vote and **SCR 7, SCR 8 & SCR 10** were returned to the Senate &  
**HCR 8, HCR 9 & HCR 10** were sent to the Senate for concurrence.

Representative Mulrooney requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 2:18 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 2:18 p.m.: Representatives Brady, Cathcart, DiPinto, D. Ennis, Lavelle,  
Lofink, Miro, Oberle & Reynolds.

Mr. Acting Speaker Oberle called the House to order at 2:08 p.m. on April 12, 2001.

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

JUDICIARY: **HB 134** - 1F, 5M; **HS 1 to HB 85** - 7M; **HB 132** - 7M; **HB 164** - 6M; **HB 159** - 5M; **HB 133** -  
6M; **HB 143** - 2F, 4M; **HJR 4** - 1F, 5M.

PUBLIC SAFETY: **HB 155** - 5F, 2M.

LABOR: **HB 158** - 1F, 4M; **HB 161** - 5M.

AGRICULTURE: **SB 28** - 6M; **HB 153** - 5M; **HB 162** - 5M.

HEALTH & HUMAN DEVELOPMENT: **HB 151** - 5M.

CORRECTIONS: **HB 4** - 7M.

HOUSE ADMINISTRATION: **HB 115** - 4M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **SB 75** - 5M; **SB 76** - 5M.

ECONOMIC DEVELOPMENT; BANKING & INSURANCE: **HB 32** - 8M, 3U; **SB 94** - 10M; **SCR 5** - 8M.

LAND USE AND INFRASTRUCTURE: **HB 39** - 4M, 3U.

BUSINESS/CORPORATIONS/COMMERCE: **HB 157** - 1F, 8M, 1U.

REVENUE & FINANCE: **HB 166** - 2F, 5M.

ECONOMIC DEVELOPMENT; BANKING & INSURANCE: **HB 171** - 7F.

The Reading Clerk read the following communications into the record:

April 11, 2001

#### LEGISLATIVE ADVISORY #9

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/31/01 - **HB 9**;  
4/10/01 - **HB 17, HB 54 aab HA 1, SB 15, SB 31 & SB 77**.

The Senate wishes to inform the House that it has passed **SB 105 w/SA 1 & SCR 11** and requests the  
concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A Buckworth, do hereby request that my name be removed as co-sponsor of **HB 200**.

Date: April 11, 2001

Signed: Representative Gerald A. Buckworth

April 11, 2001

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Speaker Spence:

Owing to a family obligation, I will not be in attendance at session on Thursday, April 12, 2001. Please excuse  
my absence. I remain,

Sincerely yours,

Wayne A. Smith  
House Majority Leader  
7th District Representative

Representatives Schroeder, Brady, Plant, DiPinto, Boulden & Wagner requested that they be marked present for the current Legislative Day.

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

**24th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**  
**April 12, 2001**

The Chief Clerk called the roll.

Members Present: 35.

Members Absent: Representatives Buckworth, D. Ennis, Ewing, Lavelle, Miro & Smith - 6.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

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

The following prefilled legislation was introduced:

**HB 183 - BUCKWORTH - APPROPRIATIONS** - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

**HB 184 - SPENCE & REPRESENTATIVE EWING & REPRESENTATIVE OBERLE & REPRESENTATIVE WAGNER & SENATOR SHARP; REPRESENTATIVES CAULK, FALLON, QUILLEN, REYNOLDS, STONE, VALIHURA, GILLIGAN, VANSANT, HOUGHTON, KEELEY, PLANT, PRICE, SCOTT, VIOLA, WEST - PUBLIC SAFETY** - An Act to Amend Title 14 of the Delaware Code Relating to Postsecondary Education Benefits for Law Enforcement Officers.

**HB 185 - SPENCE & REPRESENTATIVE EWING & REPRESENTATIVE OBERLE & SENATOR SHARP; REPRESENTATIVES SMITH, LEE, BUCKWORTH, CAREY, CAULK, D. ENNIS, HUDSON, LOFINK, QUILLEN, ROY, WAGNER, GILLIGAN, BRADY, DILIBERTO, KEELEY, MULROONEY, PLANT, PRICE, WILLIAMS - SUBSTANCE ABUSE** - An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to Officers or Agents of the Office of Narcotics and Dangerous Drugs.

**HB 186 - WILLIAMS; REPRESENTATIVES BUCKWORTH, CAULK, B. ENNIS, D. ENNIS, HOUGHTON, KEELEY, MULROONEY, SCHROEDER, SCOTT, SMITH, ULBRICH, VANSANT, VIOLA, WEST; SENATOR MCDOWELL - JUDICIARY** - An Act to Amend Title 10 of the Delaware Code Relating to the Powers and Duties of Constables.

**HB 187 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, OBERLE, PRICE, QUILLEN, SCHROEDER, SPENCE, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS - REVENUE & FINANCE** - An Act to Amend Title 20 of the Delaware Code Relating to the Delaware National Guard.

**HA 1 to HB 91 - WEST** - Placed with the Bill

**HA 1 to HB 144 - ROY** - Placed with the Bill.

**HA 1 to HB 154 - BUCKWORTH** - Placed with the Bill.

**SB 105 w/SA 1 - DELUCA & REPRESENTATIVE SPENCE; SENATORS ADAMS, AMICK, BLEVINS, BONINI, BUNTING, CLOUTIER, CONNOR, COOK, HENRY, MCDOWELL, SIMPSON, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW; REPRESENTATIVES BOULDEN, BRADY, CAREY, DILIBERTO, B. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, HUDSON, KEELEY, LAVELLE, MAIER, MULROONEY, PRICE, ROY, SCHROEDER, ULBRICH, VALIHURA, VIOLA, WAGNER, WILLIAMS - LAND USE AND INFRASTRUCTURE** - An Act to Amend Title 29 of the Delaware Code Relating to Planning Coordination.

**HA 1 to SJR 4 - KEELEY** - Placed with the Bill.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Gregory F. Lavelle  
DATE: April 12, 2001  
RE: Absence from Session

Due to illness in my family, I will not be attending Session today. Please excuse my absence.  
If you require additional information, please let me know.

April 12, 2001

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Gerald A. Buckworth  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, April 12, 2001, due to illness.

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Dave Ennis  
DATE: April 12, 2001  
RE: Absence from Session

Please excuse my absence from session today, April 12, 2001, as I have a business conflict.  
If you require additional information, please let me know.

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

Representatives Wagner & Spence made comments. Representative Ulbrich made an announcement. Representative Gilligan requested and was granted personal privilege of the floor to introduce a guest. Representative Williams requested that he be marked present.

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

The House reconvened at 3:39 p.m. with Representative Quillen as Acting Speaker.

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

Representative Carey introduced guests. Representative Lee deferred to Representative Maier. Representative Maier requested and was granted personal privilege of the floor to introduce guests.

Representative Lee deferred to Representative Maier.

Representative Maier moved to suspend the rules which interfere with introduction of and action on **HJR 5**.

The motion was properly seconded and adopted by voice vote.

Representative Maier introduced guests.

Representative Maier introduced and brought **HJR 5**, jointly sponsored by Senator Blevins, on behalf of All

Representatives & All Senators, before the House for consideration.

**HJR 5 - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE.**

Representative Maier introduced a guest.

The roll call on **HJR 5** was taken and revealed:

YES: 35.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Lavelle, Miro & Smith - 6.

Therefore, having received a constitutional majority, **HJR 5** was sent to the Senate for concurrence.

Representatives Cathcart, Maier, Reynolds, Schroeder & Lofink requested that they be marked present during the roll call.

Representative Spence requested that **HB 121** be stricken.



Representative Oberle requested and was granted personal privilege of the floor to make comments. Representatives Gilligan, Reynolds & Lofink made comments. Representative Cathcart requested and was granted personal privilege of the floor to introduce guests. Representative Stone made comments.

Representative Lee deferred to Representative Reynolds.  
Representative Reynolds brought **SCR 11**, sponsored by Senator Sokola, on behalf of All Senators & All Representatives, before the House for consideration.

**SCR 11** - RECOGNIZING DELAWARE TECHNICAL & COMMUNITY COLLEGE IN CELEBRATING NATIONAL COMMUNITY COLLEGE MONTH.

Representative Reynolds made comments.  
**SCR 11** was adopted by voice vote and was returned to the Senate.  
Representative Lee deferred to Representative Ulbrich.

Representative Ulbrich brought **SB 30**, jointly sponsored by Senators DeLuca, Bunting, Sokola, Simpson & Still & Representatives Hudson, Valihura, Keeley & Price, before the House for consideration.  
**SB 30** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BOILER SAFETY.  
Representative Ulbrich made comments.

Mr. Speaker Spence resumed the Chair.  
The roll call on **SB 30** was taken and revealed:  
YES: 35.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Lavelle, Miro & Smith - 6.  
Therefore, having received a constitutional majority, **SB 30** was returned to the Senate.  
Mr. Speaker Spence introduced a guest.

Representative Lee deferred to Representative Quillen.  
Representative Quillen brought **SB 75**, jointly sponsored by Senators Simpson, Bonini, Henry & Still & Representatives Buckworth, Carey, Caulk, DiPinto, D. Ennis, Hudson, Lee, Miro, Reynolds, Smith, Thornburg, Valihura, Wagner, West & Williams, before the House for consideration.

**SB 75** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL SHELLFISHING.

Representative Quillen made comments.  
The roll call on **SB 75** was taken and revealed:  
YES: 35.  
ABSENT: Representatives Buckworth, D. Ennis, Ewing, Lavelle, Miro & Smith - 6.  
Therefore, having received a constitutional majority, **SB 75** was returned to the Senate.  
Representative Lee deferred to Representative Quillen.

Representative Quillen brought **SB 76**, jointly sponsored by Senators Simpson & McBride & Senators Bonini & Still & Representatives Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Houghton, Hudson, Miro, Price, Reynolds, Thornburg & West & cosponsored by Senator Bunting, before the House for consideration.

**SB 76** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FISHING.

Representatives Quillen & Wagner made comments.  
The roll call on **SB 76** was taken and revealed:  
YES: 33.  
ABSENT: Representatives Buckworth, Cathcart, D. Ennis, Ewing, Fallon, Lavelle, Miro & Smith - 8.  
Therefore, having received a constitutional majority, **SB 76** was returned to the Senate.  
Representative Lee deferred to Representative Quillen.

Representative Quillen brought **HB 122**, jointly sponsored by Representative Spence & Senators Simpson & McDowell & Representatives Ewing, Fallon & West & cosponsored by Representative Lavelle, before the House for consideration.

**HB 122 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO SPECIFIC OFFENSES.**

Representative Quillen made comments.

Representative Quillen brought **HA 1 to HB 122** before the House for consideration. Representative Quillen made a comment. **HA 1** was adopted by voice vote. Representatives Quillen, Williams, Price, Maier, Caulk, West, Scott, VanSant, Viola & Quillen made comments.

Representative Quillen moved to place **HB 122 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Fallon and adopted by voice vote.

Representative Lee deferred to Representative Wagner.

Representative Wagner requested that action on **HB 120** be Deferred to a Day Certain, Tuesday, May 1, 2001.

Representative Lee deferred to Representative Schroeder.

Representative Schroeder introduced **HB 192**, jointly sponsored by Senators McBride & Sharp & Representatives Carey, DiPinto, B. Ennis, Fallon, Keeley, Plant, Price, Quillen, VanSant & Viola & Senators Blevins, Bunting, DeLuca, Henry, Sokola, Venables, Amick, Bonini, Cloutier, Connor, Sorenson, Still & Winslow & cosponsored by Senator Simpson.

**HB - 192 AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX.**

Mr. Speaker Spence assigned **HB 192** to the Natural Resources & Environmental Management Committee.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HJR 4**, jointly sponsored by Senator Henry & Representatives Lee, Buckworth, Carey, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Maier, Quillen, Stone, Valihura, DiLiberto, Houghton & Keeley, before the House for consideration.

**HJR 4 - COMMENDING THE FAMILY COURT OF THE STATE OF DELAWARE FOR PROMULGATING THE FAMILY COURT PERFORMANCE STANDARDS AND MEASURES, AND FOR CONTINUING EFFORTS TO IMPROVE THE PERFORMANCE OF THE COURT.**

Representative Wagner made comments.

The roll call on **HJR 4** was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Fallon, Lavelle, Miro, Reynolds & Smith - 8.

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

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 134**, jointly sponsored by Representatives Hudson & Keeley & Senators Henry, Bonini & Winslow & Representatives Quillen & VanSant & Senator Vaughn, before the House for consideration.

**HB 134 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO HEARINGS IN UNCONTESTED DIVORCES.**

Representative Wagner made a comment.

The roll call on **HB 134** was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Fallon, Lavelle, Miro, Reynolds & Smith - 8.

Therefore, having received a constitutional majority, **HB 134** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Wagner.

Representative Wagner introduced **HJR 6**, jointly sponsored by Representative D. Ennis & Senators McDowell & Cook & Representatives Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Fallon, Gilligan, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Price, Quillen, Reynolds, Roy, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola, West & Williams & Senators Simpson, Sorenson & Still & cosponsored by Senator Winslow.

**HJR 6 - ESTABLISHING THE WILMINGTON-DOVER RAIL SERVICE TASK FORCE TO RESEARCH THE FEASIBILITY OF PROVIDING RAIL TRANSPORTATION BETWEEN DOVER AND WILMINGTON FOR THE BENEFIT OF DELAWARE RESIDENTS.**

Representative Wagner made comments.

Mr. Speaker Spence assigned **HJR 6** to the Transportation Committee.

Representative Lee deferred to Representative Cathcart.

Mr. Speaker Spence introduced a guest.

Representative Cathcart introduced **HB 195**, jointly sponsored by Senator Blevins & Representatives Spence, Boulden, Carey, Caulk, Fallon, Hudson, Maier, Quillen, Roy, Ulbrich, Mulrooney, Price, Viola & West & Senators McBride, Amick, Bonini, Cloutier, Connor, Simpson & Still.

**HB 195 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMBINED SEWER OVERFLOWS.**

Mr. Speaker Spence assigned **HB 195** to the Land Use and Infrastructure Committee.

Mr. Speaker Spence declared a recess for caucus at 4:38 p.m.

The House reconvened at 4:55 p.m.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 159**, jointly sponsored by Senator Henry & Representatives Spence, Buckworth, Carey, D. Ennis, Ewing, Fallon, Quillen, Ulbrich, B. Ennis, Keeley, Price & West, before the House for consideration.

**HB 159 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN THE FAMILY COURT OF THE STATE OF DELAWARE.**

Representative Wagner introduced and brought **HA 1 to HB 159**, jointly sponsored by Representative DiLiberto, 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 159 w/HA 1** was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Fallon, Lavelle, Miro, Reynolds & Smith - 8.

Therefore, having received a constitutional majority, **HB 159 w/HA 1** was sent to the Senate for concurrence.

Mr. Speaker Spence introduced a guest.

Representative Lee deferred to Representative Ulbrich. Representative Ulbrich made announcements. Mr. Speaker Spence made comments.

Mr. Speaker Spence assigned **HB 4, HS 1 to HB 85, HB 132, HB 161 & HB 162** to the Appropriations Committee.

Mr. Speaker Spence reassigned **HB 200** to the Revenue and Finance Committee.

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

HOUSING & COMMUNITY AFFAIRS: **HB 138** - 2F, 4M; **HB 142** - 6M.

Mr. Speaker Spence made an announcement.

Representative Hudson moved to suspend the rules which interfere with action on **SB 97**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Hudson brought **SB 97**, jointly sponsored by Senators Blevins, Sharp & Sorenson, before the House for consideration.

**SB 97 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DOMESTIC VIOLENCE COORDINATING COUNCIL.**

Representative Hudson made a comment.

The roll call on **SB 97** was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, D. Ennis, Ewing, Fallon, Lavelle, Miro, Reynolds & Smith - 8.

Therefore, having received a constitutional majority, **SB 97** was returned to the Senate.

The Majority Whip moved to recess to the call of the Chair at 5:11 p.m.

Mr. Speaker Spence called the House to order at 2:05 p.m. on May 1, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 109, HCR 5, HCR 8 & HCR 9** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Bruce C. Ennis, do hereby request that my name be removed as a co-sponsor of **House Bill No. 200**.

Date: April 10, 2001

Signed: Bruce C. Ennis

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.

#### **25th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - First Session**

**May 1, 2001**

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Cathcart - 1.

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

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

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

The following out of session prefiled legislation was introduced:

April 24, 2001

**HB 188 - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, HUDSON, MAIER, QUILLEN, REYNOLDS, STONE, ULBRICH, DILIBERTO, B. ENNIS, VANSANT - JUDICIARY - An Act to Amend Volume 66, Delaware Laws, Chapter 185, Relating to the Offices of the Prothonotaries of the Superior Court.**

**HB 189 - SPENCE & SENATOR MCBRIDE; REPRESENTATIVES SMITH, BRADY, BUCKWORTH, CATHCART, D. ENNIS, LOFINK, ROY, STONE, GILLIGAN, B. ENNIS, WEST; SENATORS VAUGHN, CONNOR, SORENSON - PUBLIC SAFETY - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Pensions.**

**HB 190 - PRICE & REPRESENTATIVE B. ENNIS & REPRESENTATIVE LEE & REPRESENTATIVE VIOLA & SENATOR COOK; REPRESENTATIVES BUCKWORTH, CAREY, EWING, QUILLEN, THORNBURG, VALIHURA, VANSANT, WEST, WILLIAMS; SENATORS ADAMS, AMICK, BLEVINS, BONINI, BUNTING, CLOUTIER, CONNOR, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SIMPSON, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 29 of the Delaware Code Relating to the Volunteer Fire Service Revolving Loan Fund Program.**

**HB 191** - B. ENNIS & REPRESENTATIVE MAIER & SENATORS VAUGHN, MCDOWELL - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Emergency Medical Services.

**HB 193** - WAGNER & SENATOR HENRY & REPRESENTATIVE KEELEY & REPRESENTATIVE SCOTT; REPRESENTATIVES SPENCE, LEE, CAREY, CAULK, DIPINTO, FALLON, MAIER, OBERLE, QUILLEN, STONE, ULBRICH, VALIHURA, BRADY, B. ENNIS, HOUGHTON, MULROONEY, PLANT, PRICE, VIOLA, WEST, WILLIAMS - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Divorce and Annulment.

**HB 194** - VALIHURA & SENATOR VAUGHN - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Interception by Law Enforcement Officers of Certain Communications.

**HB 196** - SPENCE & SENATOR SHARP - REVENUE & FINANCE - An Act to Amend Title 30, Delaware Code Relating to Taxable Gross Receipts.

**HB 197** - CAULK & SENATOR VAUGHN; REPRESENTATIVES LEE, BUCKWORTH, CAREY, LAVELLE, MAIER, ROY, VALIHURA, PLANT; SENATORS ADAMS, BUNTING, VENABLES - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to a Special Tax on Cigarettes. (3/5 bill)

**HB 198** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVE BUCKWORTH - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 11 of the Delaware Code Relating to the Rights and Responsibilities of Parents and Others Entrusted with the Care or Supervision of a Child.

**HB 199** - WAGNER & REPRESENTATIVE LEE & SENATOR VAUGHN; REPRESENTATIVES SPENCE, CAREY, CATHCART, DIPINTO, HUDSON, LOFINK, QUILLEN, STONE, THORNBURG, ULBRICH, VALIHURA, BRADY, DILIBERTO, B. ENNIS, PRICE, VIOLA, WILLIAMS - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to Sentencing and the Uniform Law for Out-of-State Parolee's Supervision.

**HB 201** - BOULDEN - EDUCATION - An Act to Amend Part I, Title 14 of the Delaware Code to Provide for Student Choice to Participate in Animal Experiments.

**HB 202** - BOULDEN; REPRESENTATIVES CAREY, DIPINTO, B. ENNIS, FALLON, HUDSON, MAIER, THORNBURG, ULBRICH, VALIHURA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.

**HB 203** - WAGNER & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, DIPINTO, D. ENNIS, EWING, HUDSON, LOFINK, MAIER, MIRO, QUILLEN, REYNOLDS, STONE, ULBRICH, BRADY, HOUGHTON, KEELEY, PRICE, VIOLA, WEST, WILLIAMS - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.

**HB 204** - STONE & SENATOR COOK; REPRESENTATIVES BOULDEN, BRADY, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, FALLON, GILLIGAN, HOUGHTON, HUDSON, KEELEY, LEE, LOFINK, MAIER, MULROONEY, OBERLE, PLANT, PRICE, REYNOLDS, SCHROEDER, SCOTT, SPENCE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS CLOUTIER, CONNOR, HENRY, MCDOWELL, SIMPSON, SOKOLA, SORENSON, WINSLOW - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Insurance Coverage for Reconstructive Surgery Following Mastectomies.

**HB 205** - STONE & SENATOR COOK; REPRESENTATIVES CAREY, FALLON; SENATORS CLOUTIER, CONNOR, MCDOWELL, SIMPSON, SORENSON, WINSLOW - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18, Chapter 5, Delaware Code Relating to Conformance with the Provisions of Title V of the Gramm Leach Bliley Act of 1999.

**HA 2 to HB 39** - PRICE - Placed with the Bill.

**HA 3 to HB 39** - PRICE - Placed with the Bill.

**HA 1 to HB 142** - B. ENNIS - Placed with the Bill.

**HA 1 to HB 143** - WILLIAMS - Placed with the Bill.

**HA 1 to HB 151** - MAIER - Placed with the Bill.

**HR 10** - FALLON - TOURISM - Requesting that the Office of the Controller General Conduct a Fiscal Analysis to Determine the Cost of Creating and Operating the Delaware Department of Tourism.

**HCR 11** - MAIER & SENATOR HENRY - HEALTH & HUMAN DEVELOPMENT - Relating to the Establishment of the 211 Task Force to Make Recommendations on the Implementation of a 211 Initiative in Delaware Starting in Fiscal Year 2002.

**SB 58** - BUNTING - AGRICULTURE - An Act to Amend Title 3 of the Delaware Code Relating to Licensing of Dealers in Agricultural Products.

**SB 106 w/SA 1** - SOKOLA & REPRESENTATIVE OBERLE; SENATORS ADAMS, BLEVINS, BUNTING, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SHARP, VAUGHN, VENABLES, AMICK, CLOUTIER, CONNOR, SIMPSON, SORENSON, STILL, WINSLOW; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, DIPINTO, HUDSON, MAIER, MIRO, SPENCE, STONE, SCHROEDER, ULBRICH, WAGNER, B. ENNIS, GILLIGAN, PRICE, WEST - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Student Accountability and Student Assessment.

**HA 1 to SCR 5** - ROY - Placed with the Bill.

The following prefiled legislation was introduced:

**HB 207** - CAREY - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Chapter 5, Title 24 of the Delaware Code Relating to the Board of Podiatry.

Representatives Oberle, DiLiberto, Maier, Williams & Plant requested that they be marked present.

Representative Smith requested and was granted privilege of the floor for Chief Justice E. Norman Veasey.

#### THE STATE OF THE DELAWARE JUDICIARY

#### FIRST SESSION OF THE 141<sup>ST</sup> GENERAL ASSEMBLY

May 1, 2001

#### PROBLEM-SOLVING IN JUDICIAL MANAGEMENT

Mr. Speaker Spence, Lt. Governor Carney, members of the House of Representatives, members of the Senate, members of the Judiciary, public officials and citizens of Delaware. I have the honor and the statutory responsibility to report to you on the State of the Delaware Judiciary, which is excellent. We are building on our successes and working on our challenges.

I want to begin by expressing my thanks for the outstanding cooperation and support of the General Assembly and the Governor over the nine years that I have had the honor to serve as Chief Justice. This collegial interdependence among the three branches in Delaware is essential to the continuing progress of our State, and I do not for one minute take it for granted.

#### ***Overview of the System and the Courts***

You all have copies of our Annual Report containing the details of our operations. I will not repeat the material you have seen there. But I do want to update you on a few ongoing matters that relate to problem-solving in the court system as a whole and in the individual courts.

#### ***Systemwide***

As to the court system as a whole, our problem-solving efforts are focused primarily on the following:

1. speedy trials;
2. building on our progress in technology;
3. achieving effective integrated case management systems;
4. relieving the problems of the unfairness and cost to the taxpayers of the excessive and prolonged incarceration of pre-trial detainees;
5. upgrading salaries of state employees;
6. finishing and equipping court facilities in all three counties; and
7. developing innovative techniques of judicial management.

I will address these items more comprehensively in a few moments. But it is important at this point to note that progress is being made in these areas because the courts are working uniformly together through our Council of Court Administrators and Dennis Jones, our new State Court Administrator, to produce systemwide solutions.

The three branches of government have worked very effectively together in many areas, but I would like particularly to note the progress on building and improving court facilities, particularly the New Castle County Courthouse. As we build and improve new courthouse facilities in all three counties, we must be ever mindful that these facilities are for the benefit of the public, not for the convenience or comfort of judges, staff and lawyers.

In this connection, it is important that we allocate significant resources, including an adequate proportion of the space in these facilities, to provide working centers to assist the ever-increasing number of self-represented litigants. For example, in the Family Court alone there are now over 70% of the litigants who are self-represented. Serving these litigants who cannot afford a lawyer or who do not want one requires us constantly to rethink how we do business. So, for example, we need to find a way to reallocate a modest amount of space in the New Castle County Courthouse to service this increasing demand.

Related to our mission of public service is the need to provide top-notch security in our buildings. By Administrative Directive No. 119, dated December 1, 1999, I appointed an outstanding committee, co-chaired by Judge Bill Carpenter and the Secretary of Public Safety, to examine how we can best provide state-of-the-art security in our courthouses. Just yesterday the Committee provided to me its report, which is being released to the public. One of the key recommendations of the report is that the Judicial Branch should be authorized to move to a more professional service analogous to the United States Marshal service. This should be done in cooperation with the Department of Public Safety, including the creation of a separate division of Capitol Police dedicated to court security.

Public trust and confidence in the court system is essential and requires vigilance by courts in many areas. But we must always make it a priority that our courthouses be both safe and user-friendly. To that end we will concentrate on helping the public to navigate our courthouses to avoid confusion and the proverbial "run around". Our goal is to make a court experience as positive, efficient, professional and friendly as possible under the circumstances for victims, litigants, media, witnesses, jurors, spectators, and our national and local corporate citizens.

#### Supreme Court

In the Supreme Court, we have been able to manage our growing and increasingly complex caseload, maintaining our nationally-respected record for decisions that are promptly rendered and jurisprudentially sound. In addition, we have improved our website and our court visitation programs, which a number of you have taken advantage of. Also, we have opened further the window on our processes with our virtual docket system that provides public access electronically to briefs and other filings. Future goals include a state-of-the-art electronic filing system and oral arguments on the Internet.

We celebrate this year the Fiftieth Anniversary of the great history and national stature of Delaware's separate Supreme Court. Each of you will soon be receiving a book being published to commemorate that event. It is the product of many people working under Justice Randy Holland's guidance and his fine hand.

#### Court of Chancery

The Court of Chancery continues to carry out in superb fashion its internationally respected work in the corporate area. The judges of that Court are extraordinarily busy and effective. They continue to enjoy the highest level of national esteem. The prestige of that Court is further enhanced by its high-tech approach to litigation and advanced mediation techniques.

We are hopeful that the General Assembly will approve the constitutional change necessary to modernize the Register in Chancery system in a fair and efficient manner, and also approve the Senior Judge constitutional change.

#### Superior Court

The Superior Court continues to do an outstanding job while being saddled with increased numbers and complexities in criminal cases and an inordinate number of resource-draining capital cases. In addition, civil case

filings in Superior Court have grown from 5,644 in 1990 to 9,523 in 2000, and this civil calendar includes complex cases involving liability for the payment of billions of dollars in claims.

National attention is being focused not only on the Superior Court's problem-solving through its Drug Court and its innovations (including a proposed Re-entry Court), but also on its important national role as the commercial litigation center for claims involving money damages. Delaware's attractiveness as a high-tech business and litigation center was recently featured in the *Metropolitan Corporate Counsel* publication that many of you may have seen. Corporate decision-makers are very interested in, and carefully consider, the quality of the courts (and now their technology) when choosing where to incorporate and to litigate.

I cannot over-emphasize the importance of technology in the courts, not only to speed the disposition of cases and enhance the Court's national respect as a business court, but also to improve the safety of the police and public on the streets. Real-time data shared throughout the criminal justice system enables police, judges, and corrections staff to make better decisions on investigations, bail, sentencing, release and attempts to purchase firearms by convicted felons.

#### Family Court

Much progress is being made in the Family Court by the implementation of its Performance Standards, the Court Improvement Project and other initiatives. I am very pleased with the improvements in problem-solving by the Family Court, particularly over the past two years. Moreover, the judges and staff of that Court continue to attempt to address the many concerns and challenges that remain.

It has been my custom to present the State of the Judiciary Message around National Law Day. That is today. This is the 44th year that Americans have paused to reflect on our legal heritage and our good fortune in living under the rule of law. Since Law Day was originally proclaimed by President Eisenhower in 1958 to counter the then-bellacose military observations of May Day by the Soviet Union, various annual themes have been emphasized. The national theme of Law Day this year is "Celebrate Your Freedom: Protecting the Best Interests of Our Children". The Family Court of Delaware is a national leader in the area of protecting children, and its focus on the best interests of children continues to enhance its performance.

#### Court of Common Pleas

The Court of Common Pleas, with the help of the additional resources provided by the General Assembly, is handling its enormous workload, and it continues to collect significant fines and costs for the benefit of the State. But this Court continues to need help to support its outstanding judges and staff.

For example, we are addressing the problem of demands for jury trials in minor traffic offenses that tend to clog the system. First, through the increasing use of the probation before judgment technique, the acute problems are being temporarily diminished by avoiding demands for jury trials in many cases. Second, I have appointed a special court committee that is working with Senator Blevins to produce a more permanent legislative solution potentially involving the decriminalizing of minor traffic violations, thus taking them out of the realm of jury trials.

#### Justice of the Peace Court

The Justice of the Peace Court system is an extremely well-managed organization that dispenses justice fairly and efficiently to more of our citizens than any other court. It also is an efficient collector of fines and costs for the benefit of the State.

I would like briefly to bring you up to date on a few new developments in the Justice of the Peace Courts: (1) on April 23<sup>rd</sup> in Middletown we opened a new Court 9 to replace the facility that was destroyed by arson last year; (2) the hours of Court 20 in the Public Safety Building in Wilmington have been expanded to 24 hours, 7 days per week; (3) at Court 18 we have established a "cyber court" dedicated to processing videophone proceedings on an expedited basis; and (4) we have proposed a pilot project, providing deputy attorneys general, public defenders and staff, to handle cases at Court 20 in Wilmington. If approved, this pilot project should lead to new efficiencies and reduce time frames for resolution of cases at the lowest possible court level, thereby eliminating a significant number of cases that would otherwise transfer to the Court of Common Pleas.

#### The Economic Climate



The Delaware Judicial Branch is a relatively small user of state appropriations, compared with some of the larger executive departments. The Judicial Branch is allocated about 2.7% of the state budget to run its operations for the benefit of the citizens. The operating budget and capital improvement requests of the Judiciary for FY 2002 will soon be considered at mark-up by the Joint Finance Committee and the Joint Bond Bill Committee. Some of these are of critical importance. For example, the new New Castle County Courthouse must run efficiently for the Delaware public and our corporate citizens from day-one, which is September 2, 2002. The same is true in the technology area, particularly the case management systems. So these issues must be addressed now.

We are keenly aware of a very problematic general decline in Delaware's revenue. The Judicial Branch is cooperating with the other two branches to manage this challenge, and we have been working closely with the Governor and the Budget Office on a problem-solving plan.

I note parenthetically that the economic picture is not entirely gloomy. The Corporation Franchise Tax, which is collected by the Secretary of State's Office under Chapter 5 of Title 8 of the Delaware Code, accounts for over 22% of the entire budget and it continues to expand. The growth rate from FY 2000 to FY 2001 is estimated to be over 10%, and the growth rate from FY 2001 to FY 2002 is estimated to be over 5%. In real dollars this should result in revenue of about \$550 million from the Corporation Franchise Tax alone in FY 2002.

The General Corporation Law adopted over the years by the General Assembly and the continuing extraordinary efficiency of the Secretary of State's Office contribute significantly to this economic benefit. Moreover, the conventional wisdom around the nation is that the expertise, stable body of judicial decisions, prompt service and modern techniques of the Court of Chancery, Supreme Court and Superior Court are largely credited with maintaining Delaware's preeminence as the corporate domicile of choice for over 300,000 corporations, including a substantial majority of the Fortune 500 companies.

We cannot be smug about, or take for granted this enormous economic benefit. Other states are taking aggressive steps to compete with Delaware by improving their business courts with the goal of attracting incorporations, businesses and business litigation to their states. We need to maintain our competitive national position as well to continue to enhance the trust and confidence of our residents. This objective has not been short-changed by lack of effort on the part of the Judiciary or lack of support from the Executive and Legislative Branches, and the new New Castle County Courthouse is a prime example of this interbranch problem-solving.

As I noted, the Judicial Branch has agreed to cooperate with the Budget Office in reducing some of our FY 2002 budget requests. We have responded with a detailed plan of budget cuts, increased revenue from fees and costs and an innovative program of volunteerism. That volunteer program will be designed to save taxpayer dollars by organizing a well-managed small army of volunteers to perform at little cost to the State some functions that might otherwise have to be performed by future increases in paid staff.

#### ***Urgent Priorities in Problem-Solving***

There are some urgent priorities that must be addressed. As we look into the future, I would like to discuss a number of challenges of long duration that represent problem-solving opportunities for the three branches of government over the next 18-24 months. These challenges are in the areas of information, communication, and incarceration.

Delaware has information systems that compare favorably with those of other states. But that is not good enough. Delaware is small enough and our people are expert enough so that we should have the best systems attainable. We are not there yet, and we need urgently to get there.

The Judicial Branch needs better information systems to manage its operations in a more businesslike manner. When a defendant who has been convicted in a criminal case comes before a Superior Court Judge for sentencing, the judge must be made aware of pending charges in other courts, recent case dispositions on other charges, or sentences which the defendant is currently serving. When the defendant arrives at the Department of Correction, the receiving clerk must know how the sentence just imposed relates to other sentences or other cases. When the presiding judge or

the case manager in Superior Court wants to know which defendants are still in custody awaiting trial and which of those has been in custody the longest, the system needs consistently reliable information.

There are additional problems in the area of communication. When a clerk in the Justice of the Peace Court enters information about a new offense, that information must be made available to the Court of Common Pleas or the Superior Court when that defendant moves further into the criminal justice system. Currently, the information on that defendant has to be re-entered in both the Court of Common Pleas and the Superior Court systems. Moreover, the new information must be available to the Justice of the Peace Court if the defendant is later arrested on a new charge.

What occurs in the Court of Common Pleas or the Superior Court must be available to the Department of Correction when the defendant is sentenced. The Department of Correction depends on a piece of paper filled out by a court staff person and transported with the defendant to prison to tell correction officials of the court action. The information in this document must be electronically transmitted and must be exactly the same as the information entered into the case management system of the Superior Court or the Court of Common Pleas.

Finally, there are problems of incarceration and incarceration costs. We have all heard statistics of the extraordinary sums that Delaware spends per year to house pre-trial defendants. We all lament the length of time it takes for a case to move through the criminal justice system from arrest to disposition. Delaware's prison population is made up of an unacceptably high percentage of pre-trial detainees. That problem is traceable to exploding caseloads, an extraordinarily high number of capital cases and the increasing complexity of litigation. That is unfair to the accused and expensive for the taxpayers.

The Judicial Branch must be, and will be, the lead problem-solver in this area. We know we will receive the support of the Attorney General, Public Defender, and the Department of Correction, all of whom have echoed this same concern and agreed to work with the courts to solve these problems. The Judicial Branch is addressing the problem aggressively in a way that may well make Delaware the most coordinated justice system in the United States.

On December 1, 1999, I issued Administrative Directive Number 118 appointing the Speedy Trial Guidelines Committee, chaired by Justice Joseph T. Walsh. That committee released its comprehensive report on November 1, 2000 with a host of findings and recommendations that are now being implemented. Many of you have studied that report and its underlying data. On April 10, 2001, I issued Administrative Directive Numbers 127 and 128.

Directive No. 127 creates the Uniform Case Processing Committee, chaired by Carole Kirshner, Court Administrator of the Court of Common Pleas. This committee has been charged with recommending and implementing a single case management system for use by all of the courts in Delaware. The committee will build on the six months of work already completed by a subcommittee of the Judicial Branch Technology Policy Committee chaired by Chief Magistrate Griffin.

Directive No. 128 created the Delivery of Criminal Justice Policy Committee, also chaired by Justice Walsh. That committee is charged, among other things, with:

- Implementing the Final Report of the Committee on Speedy Trial Guidelines
- Reducing the pre-trial prison population
- Reducing the length of pre-trial detentions

The results of the work of both of these committees should produce better information and better communication that will lead to meaningful and achievable goals to speed up and improve the fairness of justice. Cases will come to trial more quickly and there will be more certainty in sentencing. For example, these committees will help us to have specific numerical goals on the maximum number of days pre-trial detainees may be held pending trial. Similar goals of the percentage of pre-trial detainees to the total prison population should be set and maintained at the lowest level feasible. The keys to success are:

DELJIS and the Judicial Information Center (JIC) must provide reliable, up-to-date information on all detainees in our prison system.

The Release Date project that is being worked on cooperatively by a committee co-chaired by Superior Court Judge Jerry Herlihy and Correction Commissioner Stan Taylor must work effectively.

We must provide an integrated case management system that works for all of the courts in Delaware.

Cooperation among the courts, Attorney General, Public Defender, and members of the Bar to achieve speedy trial goals is essential.

Up-to-date information on all detainees in our prison system will allow Justice Walsh's committee to address both individual case problems and general process problems. The completion of the integrated case management system by Ms. Kirshner's committee will provide the same information to all of the courts, corrections, and the public in a system of integrated, real time, single entry information. It will also allow for electronic filing and expanded information for the general public, the courts, the General Assembly and the Executive Branch.

#### ***State Employee Compensation***

I close my presentation with a request to raise the financial compensation level of all State employees. The State of Delaware is one of the State's largest employers, but State salaries are, at least, 7 to 10% behind those offered to private sector employees and other city and county governmental employees. Turnover is also a problem. Turnover, inability to fill vacancies, and lack of time to train new employees makes it impossible for the courts to serve the citizens of Delaware as they deserve to be served. There is a significant negative impact that low salaries and insufficient pay increases have had on morale of employees and the operations of the courts.

The difficulty in recruiting and retaining qualified employees, particularly in technology positions and in key clerical positions has reached crisis proportions. This is particularly true in the tight Wilmington job market, which is aggravated by the city wage tax and high parking expenses.

State employees are looking to its leaders for solutions. I hope we can work together to find those solutions. The salary structure and personnel systems urgently need revamping, and employee compensation needs to be upgraded. The State must be innovative and businesslike in developing competitive incentive plans, pay-for-performance plans, career ladders, longevity pay and competency-based pay plans. The State must, at a minimum, continue the policy from the current fiscal year that does not permit existing employees to be feathered.

In an effort to address the problem comprehensively, but also urgently, I suggest the formation of a three-branch task force, including public officials, employee representatives and private sector representatives. The task force should address inequities throughout the system, modern business ideas, antiquated classifications, competitive pressures, geographic pay differentials (dealing with issues like the Wilmington Wage Tax and parking costs), pre-tax benefits for parking and transportation, longevity pay, creating a line for overtime pay, a permanent, institutionalized merit bonus system and other solutions.

As a temporary solution, pending this overarching analysis, I am recommending to the Governor, the Budget Office and to State Personnel specific upgrades and reclassifications of key employees in the Judicial Branch. I also propose an employee bonus plan for the Judicial Branch that would not cost the taxpayers any more money, but would give us an incentive to save a targeted amount of appropriated funds annually and to reallocate these savings to employees in the form of merit bonuses. We think this proposed bonus plan is a "win-win" proposition, but it is only one piece of the puzzle. I hope I can count on your support in getting the State of Delaware to a comprehensive solution to the problem of State employee compensation.

#### ***Conclusion***

The principal goal of the Delaware Judiciary is easily stated: We need to have, for our individual and corporate citizens, the most modern court system achievable, coupled with old fashioned values of work ethic, integrity, fairness, efficiency, competence and promptness. We have lots of work ahead. We had better get on with it in the traditional way the three branches in Delaware solve our problems by working together.

Thank you again for giving me the honor of sharing with you the State of the Delaware Judiciary.

Mr. Speaker Spence thanked the Chief Justice for his remarks and made comments.

Representative Smith introduced guests.

Representative Smith recognized Members of the Judiciary in attendance.

Mr. Speaker Spence recognized Members of the Senate in attendance.

Representative Quillen made an announcement.

The Majority Leader moved to recess for caucus at 2:37 p.m.

The House reconvened at 4:21 p.m. with Representative Oberle 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 58, SB 106 w/SA 1 & SCR 9** and requests the concurrence of the House.

#### MEMORANDUM

TO: Terry R. Spence, Speaker of the House

FROM: Representative Richard C. Cathcart

DATE: May 1, 2001

RE: Absence from session

I will be absent from session today, Tuesday, May 01, 2001 due to personal reasons.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought **HB 171**, jointly sponsored by Senator Blevins & Representatives Spence, Carey, Quillen, Stone, Thornburg, Valihura, Gilligan & Keeley, before the House for consideration.

**HB 171 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATED TO HEALTH INSURANCE.**

Representative Fallon made comments.

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

YES: 38.

ABSENT: Representatives Cathcart, Caulk & West - 3.

Therefore, having received a constitutional majority, **HB 171** was sent to the Senate for concurrence.

Representatives Brady, Gilligan, Miro, Reynolds, Stone, Thornburg, Valihura & D. Ennis requested that they be marked present during the roll call.

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

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **HB 154**, jointly sponsored by Senator Blevins & Representatives Maier & Price & Senators Amick, Sokola & Sorenson & cosponsored by Representative Schroeder, before the House for consideration.

**HB 154 - AN ACT TO AMEND CHAPTERS 9 AND 11 OF TITLE 13 OF THE DELAWARE CODE RELATING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION.**

Representative Buckworth requested that **HA 1** be stricken. Representative Buckworth introduced and brought **HA 2 to HB 154** before the House for consideration. Representative Buckworth made comments. **HA 2** was adopted by voice vote. Representative Buckworth made comments.

The roll call on **HB 154 w/HA 2** was taken and revealed:

YES: 38.

ABSENT: Representatives Cathcart, Caulk & West - 3.

Therefore, having received a constitutional majority, **HB 154 w/HA 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 108**, jointly sponsored by Senator Still & Representatives Brady, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Keeley, Lofink, Oberle, Plant, Reynolds, Spence, Thornburg, Ulbrich, Valihura, West & Williams & Senator Sokola, before the House for consideration.

**HB 108 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE'S PENSION PLAN; AND PROVIDING A CREDITED SERVICE OPTION FOR TEACHERS FORMERLY EMPLOYED IN THE "JOBS FOR DELAWARE GRADUATES" PROGRAM.**

Representative Miro brought **HA 1 to HB 108** before the House for consideration. Representative Miro made comments. Representative Wagner announced that she will not be voting on **HB 108** because of a possible conflict of interest. **HA 1** was adopted by voice vote. Representative Miro made comments.

The roll call on **HB 108 w/HA 1** was taken and revealed:

YES: 39.

NOT VOTING: Representative Wagner - 1.

ABSENT: Representative Cathcart - 1.

Therefore, having received a constitutional majority, **HB 108 w/HA 1** was sent to the Senate for concurrence.

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

Mr. Acting Speaker introduced a guest. Representative Smith requested and was granted personal privilege of the floor to make an announcement. Representative D. Ennis requested and was granted personal privilege of the floor to present a House Tribute to Jan Nyheim, Senior Engineer, Department of Transportation of Norway, who addressed the House.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 155**, jointly sponsored by Representative B. Ennis & cosponsored by Representative Thornburg, before the House for consideration.

**HB 155 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS.**

Representative Williams made a comment.

Representative Lee moved to place **HB 155** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SCR 5**, jointly sponsored by Senator Still & Senator Blevins & Senator Cook & Senators Amick, Bunting, Cloutier, Connor, McBride, Simpson, Sokola, Sorenson, Vaughn & Winslow & Representatives Buckworth, D. Ennis, Gilligan, Keeley, Maier & Wagner, before the House for consideration.

**SCR 5 - ESTABLISHING A TASK FORCE WITH THE RESPONSIBILITY OF REVIEWING THE CURRENT PRE-AUTHORIZATION FORMS AND PROCEDURES USED BY INSURANCE COMPANIES AND RECOMMENDING TO THE GENERAL ASSEMBLY UNIFORM PRE-AUTHORIZATION FORMS AND PROCEDURES**

Representative Roy brought **HA 1 to SCR 5** before the House for consideration. Representatives Roy & Stone made comments. **HA 1** was adopted by voice vote. Representative Stone made comments.

**SCR 5 w/HA 1** was adopted by voice vote and was returned to the Senate for concurrence on **HA 1**.

The Majority Leader moved to recess at 4:49 p.m.

The House reconvened at 5:05 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 133**, jointly sponsored by Senator McBride & Representatives Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Maier, Miro, Quillen, Reynolds, Stone, Ulbrich, Brady, B. Ennis, Houghton, Price & Schroeder, before the House for consideration.

**HB 133 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PRESENTENCE OFFICERS AND INVESTIGATIONS.**

Representative Wagner introduced and brought **HA 1 to HB 133** before the House for consideration.

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

The roll call on **HB 133 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Cathcart & West - 2.

Therefore, having received a constitutional majority, **HB 133 w/HA 1** was sent to the Senate for concurrence. Representative Fallon made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:14 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:14 p.m. on May 2, 2001.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 12** and requests the concurrence of the House;

**HB 43 w/HA 1** and is returning same to 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.

## **26th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - FIRST SESSION**

**May 2, 2001**

The Chief Clerk called the roll.

Members Present: 41.

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

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

The following prefiled legislation was introduced:

**HB 206** - CAULK & SENATOR BUNTING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special Farm Vehicle Registration. (2/3 bill)

**HB 208** - SMITH & SENATOR SOKOLA; REPRESENTATIVES BRADY, GILLIGAN, KEELEY, SPENCE & VALIHURA; SENATORS BONINI & WINSLOW - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to NC-17- and R-rated Motion Pictures. (2/3 bill)

**HB 209** - SPENCE & SENATOR BLEVINS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Reporting of Crimes by School Officials.

**HA 1 to HB 115** - VALIHURA - Placed with the Bill.

**HA 1 to HB 166** - VALIHURA - Placed with the Bill.

**HJR 7** - SMITH & SENATOR WINSLOW & SENATOR SHARP - HOUSING & COMMUNITY AFFAIRS - Establishing a Task Force to Study the Process of Investigation and Adjudication of New Castle County Code Violations that Pertain to Residential Areas.

Representative VanSant requested that he be marked present.

Mr. Acting Speaker introduced a guest.

Representatives Spence, West & Scott requested that they be marked present.

The Reading Clerk read the following communications into the record:

### **HOUSE TRIBUTE ANNOUNCEMENT #17**

DATE: May 2, 2001

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>                                                       |
|---------------|---------------------------------------------|-------------|-------------|--------------------------------------------------------------------------|
| H141-368      | Buckworth                                   | 3/27/2001   | T           | Reese Rigby, Jr./Teacher of the Year/Cab Calloway                        |
| H141-369      | Valihura                                    | 3/28/2001   | T           | Jewish Family Service/101st Anniversary                                  |
| H141-370      | Valihura                                    | 3/21/2001   | T           | R. Nelson Franz/Lifetime Achievement Award                               |
| H141-371      | Caulk                                       | 3/29/2001   | T           | Mary Ann Dill/Dedicated Service/Legal Secretary/House of Representatives |
| H141-372      | Cathcart                                    | 4/2/2001    | T           | Honorable Jim Grant/Four Term Mayor of Odessa                            |
| H141-373      | Miro                                        | 4/8/2001    | T           | Carol Spiker/SGMA HEROES Award Recipient                                 |
|               | cosponsors: Reps. DiPinto, Hudson & Lavelle |             |             |                                                                          |
| H141-374      | Stone                                       | 3/27/2001   | M           | Doris M. Grimm                                                           |

|          |                                  |           |   |                                                   |
|----------|----------------------------------|-----------|---|---------------------------------------------------|
|          | cosponsor: Rep. Wagner           |           |   |                                                   |
| H141-375 | Carey                            | 3/26/2001 | M | Dr. John F. Glenn, Jr.                            |
|          | cosponsors: Reps. Stone & Wagner |           |   |                                                   |
| H141-376 | DiLiberto                        | 3/16/2001 | M | Aaron Phillip Stahl                               |
| H141-377 | Stone                            | 3/25/2001 | T | Shirley & William Daisey/50th Anniversary         |
| H141-378 | Stone                            | 2/25/2001 | T | Sandy & Tony Liberto/40th Wedding Anniversary     |
| H141-379 | Stone                            | 3/28/2001 | M | Anthony S. Liberto                                |
| H141-380 | B. Ennis                         | 3/25/2001 | T | Lorraine & Vance Cole/50th Wedding Anniversary    |
| H141-381 | Buckworth                        | 4/28/2001 | T | The Dover Stamp Club/50th Anniversary             |
|          | cosponsors: Reps. Stone & Wagner |           |   |                                                   |
| H141-382 | Quillen                          | 4/7/2001  | T | James Messick/Involvement/Ducks Unlimited         |
| H141-383 | B. Ennis                         | 4/7/2001  | T | James Givens/Involvement/Ducks Unlimited          |
| H141-384 | Quillen                          | 4/7/2001  | T | George Bonniwell, III/Involvement/Ducks Unlimited |
| H141-385 | Caulk                            | 4/7/2001  | T | Bruce Ney/Involvement/Ducks Unlimited             |
| H141-386 | B. Ennis                         | 4/7/2001  | T | Charles Towle/Involvement/Ducks Unlimited         |
| H141-387 | Quillen                          | 4/7/2001  | T | Howard Brown/Involvement/Ducks Unlimited          |
| H141-388 | Wagner                           | 4/7/2001  | T | Trina Roy & Timothy Stump/Marriage                |
| H141-389 | Ulbrich                          | 4/3/2001  | T | Brookside Community Center/Lighting Installation  |
| H141-390 | Ulbrich                          | 4/3/2001  | T | Leonard & Mercedes DiNunzio/Memory/Daughter       |

#### HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: May 2, 2001

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                                                              |
|----------|------------------------|-----------|------|--------------------------------------------------------------------------|
| H141-391 | Miro                   | 4/4/2001  | T    | Angel Ballester/Welcome/Cultural Program                                 |
|          | cosponsor: Rep. Keeley |           |      |                                                                          |
| H141-392 | Keeley                 | 4/4/2001  | T    | Evaristo Denis/Welcome/Cultural Exchange Program                         |
|          | cosponsor: Rep. Miro   |           |      |                                                                          |
| H141-393 | Miro                   | 4/4/2001  | T    | Jorge Luis Ameida/Welcome/Cultural Exchange Program                      |
|          | cosponsor: Rep. Keeley |           |      |                                                                          |
| H141-394 | Keeley                 | 4/4/2001  | T    | Eduardo Fernandez/Welcome/Cultural Exchange Program                      |
|          | cosponsor: Rep. Miro   |           |      |                                                                          |
| H141-395 | Miro                   | 4/4/2001  | T    | Francois Zayas/Welcome/Cultural Exchange Program                         |
|          | cosponsor: Rep. Keeley |           |      |                                                                          |
| H141-396 | Buckworth              | 4/28/2001 | T    | M. Ross Evans/50 Year Member/Dover Stamp Club                            |
| H141-397 | Buckworth              | 4/28/2001 | T    | Edwin Englehart/50 Year Member/Dover Stamp Club                          |
| H141-398 | Keeley                 | 3/31/2001 | M    | Willie Walker                                                            |
| H141-399 | Wagner                 | 3/30/2001 | M    | Dr. Joseph D. Moore                                                      |
| H141-400 | D. Ennis               | 3/29/2001 | M    | Louise Holt Hart                                                         |
| H141-401 | Wagner                 | 4/2/2001  | M    | Anthony D. Harris, III                                                   |
|          | cosponsor: Rep. Stone  |           |      |                                                                          |
| H141-402 | Smith                  | 4/5/2001  | T    | Ernita Green/Dedicated Service/President/Holiday Hills Civic Association |
| H141-403 | DiPinto                | 3/19/2001 | T    | Micki Edelson/Wallace Johnson Award Recipient                            |
| H141-404 | Wagner                 | 4/7/2001  | T    | Annita Dumas & Michael Thomas/Marriage                                   |
| H141-405 | West                   | 4/5/2001  | T    | Mildred Shaub/95th Birthday                                              |