

SB 158 - COOK, ADAMS, CORDREY, MINNER, TORBERT, VAUGHN, VENABLES; REPRESENTATIVES CLARK, CAULK, B. ENNIS, BUCKWORTH, BRADY, CAREY, EWING, JESTER, PLANT, QUILLEN, VAN SANT, WEST - SUNSET & OVERVIEW: An Act to Amend Chapter 79, Title 16, Delaware Code, Relating to Plumbing Rules and Regulations.

SB 167 - VAUGHN & REPRESENTATIVE HEBNER - JUD: An Act to Amend Title 25, Delaware Code, Relating to Procedures for Filing a Notice of Pendency of a Legal Action the Object of Which is to Affect Title to, or Impose an Equitable Lien on Real Estate.

SB 176 w/SA 1 - ADAMS & REPRESENTATIVE CAULK, REPRESENTATIVES CAREY, EWING, LEE, QUILLEN - AG: An Act to Amend Chapter 81, Title 29 of the Delaware Code Relating to Division Directors, and to the Division of Standards and Inspections, and to the Division of Production and Promotion, and to Exemption, and to Budgeting and Finance.

SB 177 w/SA 1 - CORDREY, SHARP, R. STILL; REPRESENTATIVES SPENCE, D. ENNIS, VAN SANT - JUD: An Act to Amend Chapter 35 of Title 12 of the Delaware Code Relating to Trusts.

SB 184 - MCBRIDE & REPRESENTATIVE CAULK; SENATORS COOK, MARTIN, MCDOWELL, TORBERT, VAUGHN, VENABLES, J. STILL; REPRESENTATIVES CAREY, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, MACK, MARONEY, OBERLE, PETRILLI, REYNOLDS, ROY, SPENCE, TAYLOR, BENNETT, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, GEORGE, JESTER, JONKIERT, OUTTEN, PLANT, SCHROEDER, SILLS, WEST - P/S: An Act to Amend Chapter 1, Title 26, of the Delaware Code Relating to Telephone Service for People With Speech and Hearing Impairments.

Mr. Speaker assigned HB 265 & HS 1 to HB 264 to the Appropriations Committee. Representatives Bennett, Corrozi & Outten requested that they be marked present.

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

SUNSET & OVERVIEW: HB 303 - 3F,2M; HB 312 - 1F,4M; HB 313 - 2F,3M; HB 314 - 2F,3M; HB 326 - 1F,2M.

The Majority Leader moved to recess for caucus at 3:03 p.m.

The House reconvened at 4:43 p.m.

Representatives Jonkiert, West, DiPinto, Mack, Sills & Brady requested that they be marked present.

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

P/S: SB 159 - 4M.

Representative Roy brought HB 142, jointly sponsored by Senator Martin, before the House for consideration.

HB 142 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Selection Process for Professional Services Contracts.

The roll call on HB 142 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 142 was sent to the Senate for concurrence.

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

Representative Jonkiert brought HS 1 for HB 234, jointly sponsored by Representative Davis & Senator Marshall, before the House for consideration.

HB 234 - An Act to Amend Chapter 41 and Chapter 29, Title 14 of the Delaware Code Relating to the Transportation of Pupils to and From School; and Providing for a Choice Between Private Transportation and Bus Transportation.

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

May 9, 1989

TO: Rep. Casimir S. Jonkiert

FROM: Pete Ross

Office of the Controller General

SUBJECT: House Substitute 1 of House Bill 234

You have asked for my estimate of the amount of savings which might accrue to the State after the passage and implementation of H.S. 1 of H.B. 234. It is difficult to forecast the number of students who would give up seats on the school bus to drive to school. School Districts now somewhat overbook their buses. It is my opinion that between \$500,000 and \$1,000,000 would be saved if aggressive implementation of the Bill occurred.

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

The roll call on HS 1 for HB 234 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Roy, Schroeder, Sills, Smith, Soles, Van Sant, West, Mr. Speaker Spence - 32.

NO: Representatives Buckworth, Carey, Ewing, Fallon, Quillen, Reynolds, Taylor - 7.

NOT VOTING: Representative Mack - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HS 1 for HB 234 was sent to the Senate for concurrence.

Representative Maroney brought HB 165, jointly sponsored by Senator Holloway, before the House for consideration.

HB 165 - An Act to Amend Chapter 79, Title 29 of the Delaware Code Relating to Health. Representative Maroney introduced and brought HA 1 to HB 165 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 165 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 165 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney introduced HR 99, jointly sponsored by Representatives Fallon, Amick, Smith, Brady & Jester.

HR 99 - Recognizing the Impact That Education Can Have on the Prevention of Early Sexual Activity and Teen Child Bearing.

Mr. Speaker assigned HR 99 to the Human Resources, Children & Aging Committee.

Representative D. Ennis introduced and brought HR 100 before the House for consideration.

HR 100 - Honoring Legislative Assistant Angus Macdonald for His Work Done on Behalf of the General Assembly.

WHEREAS, from the bonnie land of Scotland, home of the famed Loch Ness monster, fine single malt whiskey and golf, we find the roots of Legislative Assistant Angus Macdonald, who was born, second of eight children to Peter Mcateer Macdonald and Irene Hannah Kedens, who were married in 1952 in Prestwick, Ayrshire, Scotland, deep in the heart of Robert Burns country; and

WHEREAS, it is fitting that we honor Angus Macdonald on this day in which his parents and his neice Carol-Ann are visiting the Delaware General Assembly from their home in London, as they travel across the northeast corridor of our United States before heading out to British Columbia, to visit additional members of the ever growing Macdonald clan; and

WHEREAS, now in his second year as Legislative Assistant in the Delaware House of Representatives, Angus Macdonald has diligently served as Committee Assistant for the House Banking and Insurance Committee, chaired by Representative David Ennis; among his responsibilities are the researching of legislation, taking minutes of his committee meetings and scheduling public hearings and meetings during the year; and

WHEREAS, educated in Scotland, Angus Macdonald is a cosmopolitan kind of guy, having received the Scottish National Certificate in Business Studies, a B.A. in Contemporary European Studies in London, a diploma in Contemporary French Civilization and is currently in the Masters program at the University of Delaware studying International Relations; and

WHEREAS, when this legislative year is through, so too will be the legislative tenure of Angus Macdonald; but he is a man with a bright future and hopes to work for the European community in developing its relationship with the United States; this goal should open up fully by 1992, as the European communities join together in a no-barrier trade policy, creating a unified Europe.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 135th General Assembly of the State of Delaware that we honor Legislative Assistant Angus Macdonald for his excellent work done on behalf of the House Banking and Insurance, Revenue and Finance and Small Business and Economic Development Committees and wish him all the best in his future endeavors.

BE IT FURTHER RESOLVED that suitably prepared copies of this Resolution be given to Angus Macdonald and his parents Peter and Irene Macdonald.

HR 100 was adopted by voice vote.

Representative West introduced and brought HR 101, cosponsored by Representatives Spence, Maroney & Ewing, before the House for consideration.

HR 101 - Mourning the Death of United States Representative Claude Pepper, of Florida Known as the Champion of the Elderly for the Past Sixty Years.

HR 101 was adopted by voice vote.

Representative B. Ennis introduced and brought SCR 61, jointly sponsored by Senators Vaughn, Cook & Holloway, before the House for consideration.

SCR 61 - Extending Congratulations and Best Wishes to Mayor George C. Wright, Jr. of Smyrna, Delaware Who is Retiring From Dover Air Force Base After Thirty-Three Years of Devoted Service.

SCR 61 was adopted by voice vote and returned to the Senate.

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

B & I: HB 318 - 6M; HB 319 - 6M.

The Majority Whip moved to recess to the call of the Chair at 5:45 p.m.

39th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
Second Session

June 6, 1989

Mr. Speaker Spence called the House to order at 2:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 168, SB 204, SB 166, SCR 63, HB 246, HCR 85, HCR 86 & HCR 87.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Donald M. Clark, do hereby request that my name be removed as Co-Sponsor of HB 339.

Date: 6/1/89.

Signed: Donald M. Clark.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative John F. Van Sant, do hereby request that my name be removed as Co-Sponsor of HB 339.

Date: 6/1/89.

Signed: John F. Van Sant.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Roger A. Martin, do hereby request that my name be removed as Co-Sponsor of HB 339.

Date: 6/1/89.

Signed: Roger A. Martin.

June 1, 1989

TO: JoAnn Hedrick
Chief Clerk of the House
FROM: Bernard J. Brady
Secretary of the Senate
SUBJECT: House Bill 246

For your records, as of this date Senator Robert L. Venables has signed on as a co-sponsor on House Bill 246.

Thank you.

May 30, 1989

Delaware State House of Representatives
c/o Ms. JoAnn M. Hedrick
Chief Clerk
Legislative Hall
Dover, DE 19901
Dear Members:

I have received a copy of the memorial in favor of increased funding for veterans medical care. I appreciate your interest in and your dedication to the urgent needs of our nation's veterans. I wholeheartedly agree with you.

Cuts in the Veterans Administration (VA) budget during the Reagan Administration caused the quality of care for veterans to suffer. In February, President Bush proposed a budget which would have frozen all expenditures for veterans medical care. Unfortunately, these actions have come at a time when veterans are in need of more care not less.

However, you will be pleased to know that the freeze on medical care expenditures was not part of the fiscal year 1990 budget recently passed by Congress. In addition, Congress is currently putting the final touches on a supplemental appropriations bill that would immediately increase the funding for VA activities. This is something I have supported since last December when I wrote a letter to then-President Reagan urging him to support a supplemental bill. Most recently, I submitted to Secretary of Veterans Affairs Edward Derwinski several questions regarding my concerns about the VA's commitment to the Elsmere hospital.

Because of the large federal budget deficit, we are in a period of fiscal constraint. However, America's veterans have already contributed more than their fair share. I believe that it would be unfair to ask veterans to sustain further cuts. After all, these men and women bravely served their country in a time of war, and in turn, the federal government made them a promise. Now is not the time for the federal government to go back on that promise; now is the time we live up to it.

Thank you again for the memorial. Your voices on this issue are a tremendous help to those of us fighting for veterans here in Washington.

Sincerely,
Joseph R. Biden, Jr.
United States Senator
May 8, 1989

Dear Ms. Hedrick:

On behalf of the President, I would like to thank you for your recent correspondence regarding House Concurrent Resolution No. 45 asking Congress to preserve and protect the Tenth Amendment to the United States Constitution.

Your views on these matters will be shared with the appropriate officials within the Administration for their benefit and consideration. Your input is highly valued and we appreciate your taking the time to write.

Sincerely,
Mary McClure
Special Assistant to the President
For Intergovernmental Affairs

JoAnn M. Hedrick
Chief Clerk of the House
State of Delaware
Legislative Hall
Dover, Delaware 19901

The following communication was read at the request of Representative Plant:

June 3, 1989

M E M O

MR. SPEAKER, LADIES & GENTLEMEN:

I can't quite understand what's going on in our world today. There must be a lot of things that God is not pleased with as I look at the situation in China and as I look at our highest court in the U.S. and it's civil rights rulings and even here in Delaware where I am proud of the three (3) judge panel of the J.P. Court system as it relates to the rulings on the Wilmington Housing Authority evictions. Mr. Speaker, I believe we are sitting on a time bomb if things do not change in the area of civil rights throughout this world. Because, Mr. Speaker, citizens of all races are not willing any longer to sit by and be treated less than first class citizens.

Mr. Speaker, I can remember just about 4 to 6 years ago in this State, the First State, when we had a housing code for dogs but we did not have one for our Delaware citizens until I started to push the issue and even sponsored the bill to cause us to have a statewide housing code today. And I was told you will never get that through this General Assembly. Mr. Speaker, I was taught, as a young boy, that there is no such thing as can't, whether we like it or not. We are leaders. This means sometimes we may have to stand alone but if the issue is right and just we shouldn't mind.

There are good and decent people in all races and there are some in all races that are not worth the salt that go into the making of bread. Mr. Speaker, as the senior member of the House Judiciary Committee, I am going to ask through the Chair of our Committee, to hold a public hearing, with the Wilmington Housing Authority Board of Directors and their attorneys and directors because there is really no excuse for having to put the Wilmington Housing Authority tenants through what they just went through and I commend again the J.P. Court three judge panel for having not only the foresite, but the guts to stand up and tell Wilmington Housing Authority that you must honor and obey due process rights whenever you draw up a policy to govern your tenants. I would hope this is one message that came out of their ruling.

I hope that the other message that came out of their ruling is the Governor of Delaware, and the Mayor of Wilmington, Delaware and the New Castle County Executive must be more careful and selective in picking members to serve on the Wilmington Housing Authority Board of Commissioners.

And finally the J.P. ruling clearly showed us that the system can work and that justice can prevail if we have open minded people in place.

Hon. DR. Al O. Plant, Sr.

AOP,SR/ydl

The Majority Leader moved to adjourn at 2:34 p.m., thereby ending the current legislative day. The House reconvened at 2:35 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 343 - EWING, SPENCE, PETRILLI, DAVIS, SMITH, HEBNER - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mandatory Suspension of Driver Licenses for Certain Speed Offenses.

HB 344 - EWING, SPENCE, PETRILLI, BUCKWORTH, BUNTING - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

HB 345 - EWING, SPENCE, PETRILLI, BUCKWORTH, REYNOLDS, SMITH, DAVIS, ROY, HEBNER, BUNTING - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

HB 346 - EWING, SPENCE, PETRILLI, DAVIS, MACK, ROY, BUNTING - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Operating a Vehicle While Under the Influence of Alcohol and/or Drugs and Penalties Associated Therewith.

HB 347 - EWING, SPENCE, PETRILLI, DAVIS, BUNTING - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs.

HB 348 - CAULK, QUILLEN, CAREY, FALLON, EWING, LEE, SCHROEDER, BUNTING, CLARK; SENATOR ADAMS - NAT RES: An Act to Amend Chapter 35, Title 7 of the Delaware Code Relating to Commercial Forest Plantations.

HB 349 - CAULK, CAREY, FALLON, EWING, LEE, SCHROEDER, BUNTING, CLARK; SENATOR ADAMS - NAT RES: An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to Forestry. (3/5 bill)

HB 350 - CAULK, QUILLEN, CAREY, FALLON, EWING, LEE, SCHROEDER, BUNTING, CLARK; SENATOR ADAMS - NAT RES: An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to State Forestry.

HB 351 - CAULK & SENATOR ADAMS; REPRESENTATIVES QUILLEN, CAREY, FALLON, EWING, LEE, SCHROEDER, BUNTING, CLARK; SENATORS COOK, CORDREY, VAUGHN, VENABLES, CONNOR, J. STILL - NAT RES: An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to the Conservation and Reforestation of Certain Trees. (2/3 bill)

HB 352 - D. ENNIS - B & I: An Act to Amend Title 1B of the Delaware Code in Order to Change the Premium Tax Rate Structure for Captive Insurance Companies and to Provide for Consolidated Reporting for Two or More Captive Insurance Companies Under Common Ownership and Control.

HB 353 - BOYKIN, DIPINTO - HOUSING & COM AFF: An Act to Amend Section 5114 of Title 25 of the Delaware Code Relating to Charges and/or Metering for Utility Services by Landlords Owning and Operating Commercial Units, Termination of Service, and Jurisdiction.

HA 1 to HB 51 - TAYLOR - LAND USE & GOV REL: Placed with the bill.

HA 1 to HB 203 - GEORGE, GILLIGAN, PETRILLI - R & F: Placed with the bill.

SB 166 - VAUGHN; REPRESENTATIVE HEBNER - R & F: An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to Inheritance Tax. (F/N)

SB 168 - ADAMS & WEST - H/ADM: An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Extend the Effective Date of Annexation Following a Special Annexation Election or Annexation Resolution. (2/3 bill)

SB 204 - CORDREY, ADAMS, MINNER & VENABLES; REPRESENTATIVES BUNTING, EWING, FALLON, LEE, SCHROEDER & WEST - LAND USE & GOV REL: An Act to Amend Chapter 70, Title 9 of the Delaware Code Relating to Sussex County Government.

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

The House reconvened at 4:15 p.m.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative George H. Bunting, Jr., do hereby request that my name be removed as Co-Sponsor of HB 339.

Date: 6/1/89.

Signed: George H. Bunting.

Representatives Oberle, Smith & Brady requested that they be marked present.

Representative Reynolds brought HB 210, jointly sponsored by Representatives Spence, Buckworth, Roy, Amick, Mack & Soles & Senators McDowell, Connor & Knox, before the House for consideration.

HB 210 - An Act to Amend Chapter 26, Title 24, Delaware Code Relating to Athletic Trainers. (F/N)

Representative Reynolds requested that HA 1 to HB 210 be stricken.

Representative Reynolds brought HA 2 to HB 210 before the House for consideration. HA 2 was adopted by voice vote.

Representative Reynolds requested and was granted the privilege of the floor for Joan M. Couch, representing the Delaware Athletic Trainers Association.

Representative Bennett requested and was granted the privilege of the floor for Edward H. Goate, Superintendent, Capital School District.

Representative Mack requested that he be marked present.

Representative Van Sant requested that he be marked present.

Representative Outten introduced and brought HA 3 to HB 210 before the House for consideration.

The roll call on HA 3 to HB 210 was taken and revealed:

YES: Representatives Bennett, Brady, Buckworth, Bunting, Campanelli, Caulk, Clark, B. Ennis, Ewing, George, Gilligan, Houghton, Jester, Outten, Plant, Quillen, Schroeder, Sills, Van Sant - 19.

NO: Representatives Amick, Boykin, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Jonkiert, Lee, Mack, Maroney, Petrilli, Reynolds, Roy, Smith, Soles, Taylor, West, Mr. Speaker Spence - 21.

NOT VOTING: Representative Oberle - 1.

Therefore, not having received a constitutional majority, HA 3 to HB 210 was declared defeated.

The roll call on HB 210 w/HA 2 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Carey, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Lee, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 31.

NO: Representatives Bennett, Clark, B. Ennis, Jester, Jonkiert, West - 6.

NOT VOTING: Representatives Campanelli, Caulk, Davis, Outten - 4.

Therefore, having received a constitutional majority, HB 210 w/HA 2 was sent to the Senate for concurrence.

Representative Buckworth brought HB 290, jointly sponsored by Senator Torbert & Representatives Carey & Bunting & Senator J. Still & cosponsored by Representative Ewing, before the House for consideration.

HB 290 - An Act to Amend Title 23, Delaware Code, Relating to the Operating, and/or Control of a Vessel or Boat Upon the Waters of the State of Delaware While Under the Influence of Alcohol and/or Drugs. (2/3 bill)

The roll call on HB 290 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 290 was sent to the Senate for concurrence.

Representative Roy brought HB 221, jointly sponsored by Representatives Gilligan, Amick, Carey, Caulk, Davis, D. Ennis, Lee, Mack, Maroney, Smith, Taylor, Bunting, George, Jester, Soles, West & Schroeder & Senators Bair, Bane, Knox, Marshall, Neal & R. Still, before the House for consideration.

HB 221 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for the Use of Public Places by Smokers and Non-Smokers. (2/3 bill) Representative Roy requested that HA 1 to HB 221 be stricken.

Representative Roy brought HA 2 to HB 221 before the House for consideration. HA 2 was adopted by voice vote.

Representative Roy introduced and brought HA 3 to HB 221 before the House for consideration. Representative Roy moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker Spence declared a recess for the purpose of changing the recording tape at 6:11 p.m.

The House reconvened at 6:19 p.m.

The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

40th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 7, 1989

Mr. Speaker Spence called the House to order at 2:26 p.m.

Representative Roy moved to place HB 221 w/HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative George introduced HB 361, sponsored by Representative B. Ennis & Senator McBride & Representatives Brady, Houghton, Davis, West, Campanelli, Van Sant, Plant & Jester & Senators Vaughn & Torbert.

HB 361 - An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Pronouncement of Death Facilitated by Emergency Medical Technician-Paramedic (EMT-P).

Mr. Speaker assigned HB 361 to the House Administration Committee.

Representative Caulk requested that HB 337 be stricken.

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the current legislative day. The House reconvened at 2:31 p.m.

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Amick, DiPinto, Gilligan, Quillen, Taylor - 5.

A prayer was offered by Representative Katharine M. Jester, Twenty-Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 328 - D. ENNIS, LEE, BOYKIN, DIPINTO, SILLS, JONKIERT - B & I: An Act to Amend Chapter 32, Title 5, and Chapter 69, Title 29, Delaware Code, Relating to the Transportation of Money and Valuables and the Contracts Awarded for That Purpose. (3/5 bill)

HB 354 - MARONEY, SPENCE, BUCKWORTH, D. ENNIS, EWING, SMITH, FALLON, HEBNER, REYNOLDS, LEE, CAULK, ROY, CAREY, CORROZI, DIPINTO, VAN SANT, SILLS, SOLES, B. ENNIS, OUTTEN, JESTER, JONKIERT, BENNETT, BUNTING, CAMPANELLI, PLANT, SCHROEDER; SENATORS R. STILL, BAIR, BANE, HAUGE, KNOX, NEAL - HUM RES: An Act to Amend Title 9 and Title 22, Delaware Code, Relating to Residential Facilities for Handicapped Persons. (2/3 bill)

HB 355 - AMICK & SENATOR TORBERT - SUNSET & OVERVIEW: An Act to Amend Chapter 33, Title 24 of the Delaware Code Relating to the Board of Veterinary Medicine.

HB 356 - OUTTEN - LABOR & PENSIONS: An Act Awarding Special Pension Benefits to Lillian A. Juras, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 357 - SILLS, AMICK, D. ENNIS, DAVIS, WEST, BRADY, GEORGE, SPENCE, SCHROEDER, SOLES, LEE, BUNTING, JESTER, GILLIGAN, QUILLEN, REYNOLDS, TAYLOR, CAULK, CLARK, PLANT; SENATORS J. STILL, R. STILL, KNOX, CONNOR - R & F: An Act to Amend Title 30, Delaware Code Relating to Business Tax Credits and Deductions.

HB 358 - ROY & GILLIGAN, PETRILLI, BOYKIN, D. ENNIS, OBERLE, SMITH, TAYLOR, HOUGHTON, SOLES, VAN SANT; SENATORS BAIR, CONNOR, HAUGE, NEAL - LAND USE & GOV REL: An Act to Amend Chapter 11, Title 9 of the Delaware Code Relating to Expanding the Number of New Castle County Council Members.

HB 359 - SOLES & SENATOR NEAL - HUM RES: An Act to Amend Chapter 10, Title 16 of the Delaware Code Relating to Licensing of Hospitals; and Chapter 11, Title 16, Relating to License and Application Fees for Health Care Institutions. (3/5 bill)

HB 360 - HEBNER, SPENCE, PETRILLI, SMITH, BOYKIN, ROY, D. ENNIS, FALLON, CORROZI, EWING, CAREY, DIPINTO, DAVIS, GILLIGAN, CAMPANELLI, BUNTING, PLANT, SCHROEDER; SENATORS ADAMS, COOK, HOLLOWAY, MINNER, VENABLES, BAIR, BANE, KNOX, J. STILL, R. STILL - JUD: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Limitation of Civil Liability for Certain Volunteers and Certain Medical Clinics.

HA 2 to HB 173 - D. ENNIS, LEE, DIPINTO, BOYKIN, VAN SANT, SILLS, JONKIERT - B & I: Placed with the bill.

HA 1 to HB 280 - D. ENNIS, BOYKIN, DIPINTO, LEE, SILLS, VAN SANT - READY LIST: Placed with the bill.

HA 1 to HB 312 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 314 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 316 - VAN SANT - SUNSET & OVERVIEW: Placed with the bill.

HA 2 to HB 338 - TAYLOR & DIPINTO - H/ADM: Placed with the bill.

HA 3 to HB 338 - SMITH - H/ADM: Placed with the bill.

HA 1 to HB 339 - TAYLOR & DIPINTO - H/ADM: Placed with the bill.

HA 2 to HB 339 - SMITH - H/ADM: Placed with the bill.

SB 180 - TORBERT, MINNER, VENABLES, KNOX, J. STILL; REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for the Availability of Certain Wines to Retailers.

SB 181 w/SA 2 - TORBERT, MINNER, VENABLES, KNOX, J. STILL; REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Subchapter II, Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for Notice by Mail of a Person's Intention to Apply for a License.

Representatives Van Sant & Campanelli 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 180, SB 181 w/SA 2 & SCR

65. The Senate wishes to inform the House that it has overridden the Governor's veto of: SB 54 w/SA 1 & 2 & HA 1.

M E M O R A N D U M

TO: Representative Terry R. Spence

Speaker of the House

FROM: Representative Steven H. Amick

25th District

DATE: June 6, 1989

RE: Absence from Session

Due to required medical testing, I will be unable to attend House Session on Wednesday, June 7, 1989.

Thank you for your consideration.

SHA:dkh

Representatives Outten & Bennett requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:36 p.m.

The House reconvened at 5:56 p.m. with Representative Hebner as Acting Speaker.

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

SM BUS & ECON DEV: HB 188 - 3M, 1U.

HOUSING & COM AFF: HB 353 - 5M.

LAND USE & GOV REL: HB 51 - 4M; HB 278 - 4M.

JUD: HB 277 - 4M; HB 304 - 4M; SB 109 - 3F, 1M.

LABOR & PENSIONS: HB 123 - 4M.

P/S: HB 332 - 3M; HB 343 - 4M; HB 345 - 3M; HB 346 - 3M; HB 347 - 3M; SB 184 - 1F, 3M.

NAT RES: HB 349 - 7M.

AG: HB 336 - 7M; SB 176 w/SA 1 - 7M; SB 188 - 7M; SB 191 w/SA 1 - 7M.

H/ADM: HB 299 - 3M; HB 300 - 4M; HB 361 - 4M; HCR 73 - 4M.

Representative Lee requested that he be marked present.

Representative Ewing requested that HB 232 & HB 298 be stricken.

Representatives Boykin, Davis, Mack, Brady, D. Ennis, Jonkiert, Reynolds & Sills requested that they be marked present.

The following prefiled Consent Calendar #15 was introduced:

HR 102 - BUCKWORTH, PETRILLI, SPENCE, FALLON, BENNETT - Acknowledging the Invaluable Volunteer Contribution Miss Julie Boswell Has Provided During Her 4-Week Senior Project to the Offices of the Majority Leadership.

HR 103 - ROY, PETRILLI, TAYLOR, CORROZI - Congratulating St. Marks High School Upon Their Successful Participation in the National Science Olympiad.

HR 104 - TAYLOR, ROY - Honoring Christopher A. Wittsell Upon His Court of Honor Inducting Him as an Eagle Scout in the Boy Scouts of America.

HR 105 - BUCKWORTH, BENNETT - Commending Caesar Rodney School District, One of Nineteen School Districts Nationwide to be Recognized by the Joint Council on Economic Education.

HR 106 - REYNOLDS - Celebrating the Life of Gerardus De Stoppelaar, Coordinator of the Dutch Underground During World War II.

HCR 88 - REYNOLDS & SENATOR CONNOR; REPRESENTATIVES SPENCE, MACK, DAVIS, HOUGHTON, BRADY; SENATOR MCBRIDE - Thanking World War II Veteran Jack Frayne for His True Life Stories Told to Military History Classes at William Penn.

HCR 89 - BENNETT, OUTTEN, JESTER, FALLON, BRADY; SENATOR COOK - Commending Mr. Sidney B. Collison on His Impending Retirement as Assistant State Superintendent of Public Instruction for Instructional Services on June 30, 1989 and Further Wishing Him the Best of Health and Happiness in His Retirement.

SCR 63 - R. STILL; REPRESENTATIVE ROY; SENATORS BANE, KNOX; REPRESENTATIVES CORROZI, PETRILLI - Mourning the Death of Mr. M. Fred Roser, Chief Emeritus of Hockessin Fire Company.

SCR 65 - MARSHALL & REPRESENTATIVE SPENCE - Condemning China's Needless Use of Military Force to Crush Student Demonstrations and Urging That the Government of China Exercise Restraint to Prevent Further Bloodshed.

Consent Calendar #15 was adopted by voice vote and HCR 88 & HCR 89 were sent to the Senate for concurrence and SCR 63 & SCR 65 were returned to the Senate.

Mr. Acting Speaker reassigned SB 177 to the Banking & Insurance Committee.

The Majority Whip moved to recess to the call of the Chair at 6:03 p.m.

41st LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 8, 1989

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:21 p.m.

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

B & I: HB 95 - 4M,2U; HS 1 to HB 231 - 5M,1U; HB 324 - 4M,2U; HB 335 - 6M; HS 1 to HB

328 - 6M; HJR 10 - 6M; SB 160 w/SA 1 - 6M.

Representatives Taylor & Quillen requested that they be marked present for the current Legislative Day for purposes of mileage reimbursement.

Mr. Speaker assigned HB 95, HB 324 & HB 335 to the Appropriations Committee.

Representative DiPinto requested that he be marked present for the current Legislative Day for purposes of mileage reimbursement.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 179 w/SA 1 & 2 & SB 182 w/SA 3.

The Majority Leader moved to adjourn at 2:24 p.m., thereby ending the current legislative day. The House reconvened at 2:25 p.m.

The Chief Clerk called the roll.

Members Present: 34.

Members Absent: Representatives Brady, Davis, D. Ennis, Hebner, Mack, Sills, Smith - 7.

A prayer was offered by Representative Steven C. Taylor, Twenty-First Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 338 - DIPINTO & SENATOR ADAMS: REPRESENTATIVES AMICK, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, EWING, FALLON, HEBNER, LEE, MACK, MARONEY, PETRILLI, QUILLEN, REYNOLDS, ROY, TAYLOR, SPENCE, BENNETT, BRADY, CAMPANELLI, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SCHROEDER, SILLS, SOLES, WEST; SENATORS COOK, HOLLOWAY, MARSHALL, TORBERT, VAUGHN, HAUGE, KNOX, R. STILL, CONNOR, BANE - H/ADM: An Act to Amend Section 1701, Title 17 of the Delaware Code the "Delaware-New Jersey Compact" Creating the Delaware River and Bay Authority.

HS 1 for HB 339 - DIPINTO & SENATOR ADAMS; REPRESENTATIVES AMICK, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, EWING, FALLON, HEBNER, LEE, MACK, MARONEY, PETRILLI, QUILLEN, REYNOLDS, ROY, TAYLOR, SPENCE, BENNETT, BRADY, CAMPANELLI, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SCHROEDER, SILLS, SOLES, WEST; SENATORS COOK, HOLLOWAY, MARSHALL, TORBERT, VAUGHN, HAUGE, KNOX, R. STILL, CONNOR, BANE - H/ADM: An Act to Amend Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority Regarding (1) Receipt of Project Proposals From the Governor; (2) Review of Proposed Projects by the Department of Natural Resources and Environmental Control; (3) Public Notice and Public Hearings on Major Projects; (4) Prior Legislative Approval of Major Projects; (5) Prior Legislative Approval of the Condemnation of Public Land; and (6) Regulation of Increases in Volume Discount Bridge Toll Rates; and to Amend Title 7 of the Delaware Code Relating to the Department of Natural Resources and Environmental Control and Procedures to be Followed by the Department in Reviewing or Approving Projects.

HB 362 - DAVIS, EWING, QUILLEN, HEBNER, HOUGHTON, PLANT; SENATORS VAUGHN & HAUGE - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Mental Health Examinations of Certain Offenders Prior to Being Released on Parole.

HB 363 - ROY & SENATOR MARTIN, SENATOR HAUGE - LAND USE & GOV REL: An Act to Amend Title 9, Delaware Code, Part II, Chapter 15, to Authorize New Castle County to Convey County-Owned Land to the State for Public Purposes.

HB 364 - EWING - JUD: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to Sentencing.

HB 365 - EWING & SENATOR ADAMS - P/S: An Act to Amend Chapter 20, Volume 67 of the Laws of Delaware (Formerly Known as House Bill No. 66) Relating to Eligibility of Dependents for Survivors Pension Benefits.

HB 366 - CAMPANELLI - LABOR & PENSIONS: An Act to Amend Title 19 of the Delaware Code Relating to Labor and Providing for a Fringe Benefit Fund for the Benefit of Construction Workers.

HB 367 - BUNTING; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 64, Volume 63, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware." (2/3 bill)

HA 2 to HB 74 - JESTER (By Request) - APPRO: Placed with the bill.

HA 1 to HB 229 - OBERLE - LABOR & PENSIONS: Placed with the bill.
HA 1 to HS 1 to HB 231 - D. ENNIS - READY LIST: Placed with the bill.
HA 1 to HB 272 - SCHROEDER - LAND USE & GOV REL: Placed with the bill.
SB 179 w/SA 1 & 2 - TORBERT, MINNER, VENABLES, KNOX, J. STILL & REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for a Voluntary Fine Assessment Plan.

SB 182 w/SA 3 - TORBERT, MINNER, VENABLES, KNOX; REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to the Alcoholic Beverage Control Commission: and Providing Certain Exceptions to Commission Rules and Regulations.

Representative Roy requested that he be marked present.
Representative Buckworth requested that he be marked present.
Representative Oberle requested that HB 35 & HB 191 be stricken.
Representatives Amick, Jester, Caulk & Gilligan requested that they be marked present.
Representative Caulk introduced HB 368, jointly sponsored by Representatives Buckworth, Ewing, Davis, Mack, Carey, Lee, Quillen, B. Ennis, Clark & Bunting.

HB 368 - An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to the Formulation and Implementation of an Extractive Use Program.

Mr. Speaker assigned HB 368 to the Natural Resources Committee.

Representative Maroney requested that she be marked present.

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

The House reconvened at 4:58 p.m.

The Majority Leader moved to recess to the call of the Chair at 4:59 p.m.

42nd LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 13, 1989

Mr. Speaker Spence called the House to order at 2:28 p.m.
Representatives Hebner, D. Ennis, Mack, Davis, Smith, Sills & Brady requested that they be marked present for the current Legislative Day for purposes of mileage reimbursement.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, David McBride, do hereby request that my name be removed as Co-Sponsor of HS 1 for HB 339.

Date: 6/8/89.

Signed: David McBride.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, David McBride, do hereby request that my name be removed as Co-Sponsor of HS 1 for HB 338.

Date: 6/8/89.

Signed: David McBride.

May 18, 1989

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/18/89 - HB 66 aab HA 1, HB 62 & SB 16 aab SA 1.

May 24, 1989

LEGISLATIVE ADVISORY #15

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/23/89 - HB 77 aab HA 1 & SA 1.

May 24, 1989

LEGISLATIVE ADVISORY #16

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/24/89 - SB 12 aab HA 1 & SA 1.

May 30, 1989

LEGISLATIVE ADVISORY #17

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/30/89 - HB 92 aab HA 1.

The following legislation became law without the Governor's signature on 5/29/89: SB 153.

The Governor vetoed the following legislation on the dates indicated: 5/9/89 - SB 34 aab HA 1 & SB 22 aab HA 1. 5/25/89 - SB 54 aab SA 1 & SA 2 & HA 1.

June 1, 1989

LEGISLATIVE ADVISORY #18

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/31/89 - SB 48 aab HA 1, SB 185 & SB 187.

June 8, 1989

LEGISLATIVE ADVISORY #19

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/8/89 - HB 246, SB 75 aab SA 1, SB 118, SB 149 & SB 152.

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

HUM RES: HR 99 - 3M.

SUB ABUSE: SB 142 w/SA 2 - 3M.

JUD: SB 177 w/SA 1 - 4M.

Representative Hebner requested that HB 288 be stricken.

Representative D. Ennis requested that HB 196 be stricken.

The Majority Leader moved to adjourn at 2:33 p.m., thereby ending the current legislative day. The House reconvened at 2:34 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Fallon - 1.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

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

The following prefiled legislation was introduced:

HB 369 - OBERLE & SENATOR COOK; REPRESENTATIVES AMICK, CAREY, CAULK, DAVIS, DIPINTO, EWING, HEBNER, LEE, MACK, TAYLOR, BRADY, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, SILLS, WEST; SENATORS ADAMS, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, MINNER, SHARP, TORBERT, VAUGHN, VENABLES, BAIR, NEAL, J. STILL - LABOR & PENSIONS: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to State Employees' Pension Plan.

HB 370 - EWING, SPENCE, PETRILLI, BUCKWORTH, CAULK, BOYKIN, DIPINTO, SMITH, HEBNER, B. ENNIS, JONKIERT, VAN SANT; SENATORS ADAMS, MCBRIDE, MINNER, TORBERT, VAUGHN, NEAL - JUD: An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Licenses to Carry Concealed Deadly Weapons.

HB 371 - EWING, SPENCE, PETRILLI, BUCKWORTH, AMICK, D. ENNIS, DAVIS, HEBNER, CAULK, BOYKIN, OBERLE, DIPINTO, ROY, CAREY, SMITH, TAYLOR, REYNOLDS, MACK, B. ENNIS, JONKIERT, OUTTEN, VAN SANT; SENATORS ADAMS, MCBRIDE, MINNER, TORBERT, VAUGHN, NEAL - JUD: An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Firearms.

HB 372 - TAYLOR & SENATOR MARTIN - P/S: An Act to Amend Title 21, Delaware Code, Relating to Commercial Motor Vehicle Operators, Licenses, Employers, Fees, and Penalties. (2/3 bill)

HB 373 - GILLIGAN, BUNTING, CLARK, DAVIS, HEBNER, JESTER, MARONEY, REYNOLDS, ROY, SCHROEDER, SILLS, SMITH, SOLES, TAYLOR - HUM RES: An Act to Amend Title 6, Title 30 and Title 16 of the Delaware Code Relating to Tobacco Products.

HB 374 - JONKIERT, DIPINTO, GEORGE, PLANT, SILLS; SENATORS HOLLOWAY, MARSHALL, MCDOWELL - B & I: An Act to Amend Title 18, Delaware Code Relating to Funeral Expenses.

HB 375 - SILLS, DIPINTO, D. ENNIS, PLANT; SENATORS HOLLOWAY, MCDOWELL - R & F: An Act to Amend Chapter 20, Title 30, Delaware Code by Creating a Tax Credit for the Creation and Operation of Low Income Housing Units.

HB 376 - CLARK, BUNTING, CAREY, CAULK, DAVIS, GEORGE, SCHROEDER; SENATORS COOK, VAUGHN, MINNER, KNOX - NAT RES: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Cleaning Agents as They Relate to Public Health and the Environment. (2/3 bill)

HA 1 to HB 244 - BRADY - HUM RES: Placed with the bill.

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

HA 1 to HS 1 to HB 338 - OBERLE - H/ADM: Placed with the bill.

SB 54 w/SA 1 & 2 & HA 1 - MCDOWELL, MARSHALL, MCBRIDE, VENABLES, MARTIN, MINNER, HOLLOWAY; REPRESENTATIVES MACK, CAMPANELLI, HOUGHTON, CLARK, OBERLE, DAVIS, SPENCE, BRADY, VAN SANT, GILLIGAN, JESTER, B. ENNIS, REYNOLDS - APPRO: An Act to Provide Salary Increases for Certain State Employees. (F/N)

SB 146 w/SA 1 - ADAMS; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Safety Inspections of Vehicles by Police Officers.

SS 1 for SB 183 w/SA 1 - TORBERT - SUNSET & OVERVIEW: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for the Amendment or Repeal of Certain Provisions Which Are No Longer Applicable to the Regulation of Alcoholic Liquors.

SB 186 - MINNER & REPRESENTATIVE BENNETT, REPRESENTATIVES BOYKIN, BRADY, BUCKWORTH, BUNTING, CAREY, B. ENNIS, D. ENNIS, EWING, FALLON, JESTER, LEE, MARONEY, OBERLE, OUTTEN, QUILLEN, REYNOLDS, SCHROEDER, SILLS, SMITH, SOLES - SUNSET & OVERVIEW: An Act to Amend Chapter 100, Title 29, Delaware Code Relating to the Freedom of Information Act.

SB 195 - HOLLOWAY & REPRESENTATIVE MARONEY; SENATORS BAIR, BANE, MARTIN, NEAL, TORBERT, MARSHALL, MCBRIDE; REPRESENTATIVES BENNETT, BRADY, BOYKIN, TAYLOR, EWING, SMITH, JESTER, OUTTEN, VAN SANT, FALLON, AMICK, SPENCE, CORROZI, CAREY, LEE, CLARK, QUILLEN, DAVIS, SOLES, MACK, PETRILLI, REYNOLDS, CAULK, ROY, B. ENNIS, GILLIGAN, BUNTING, SCHROEDER, SILLS, CAMPANELLI - HUM RES: An Act to Amend Chapter 11, Title 16 of the Delaware Code Relating to the Long-Term Care Ombudsman and Providing for the Establishment of the Office of the Long-Term Care Ombudsman Within the Department of Health and Social Services, Division of Aging.

SB 205 w/SA 2 - CORDREY - H/ADM: An Act to Reincorporate the Town of South Bethany. (2/3 bill)

SB 213 - TORBERT, MINNER, VENABLES, KNOX, J. STILL; REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - B & I: An Act to Amend Chapter 68, Part I, Title 18 of the Delaware Code Relating to the Delaware Health Care Injury Insurance Study Commission.

SB 218 w/SA 1 - HOLLOWAY; REPRESENTATIVES JESTER, MARONEY, SMITH - HUM RES: An Act to Amend Chapter 11, Title 16 of the Delaware Code, Relating to Standards of Care for Nursing Homes Providing Care to Medicaid Recipients.

SB 232 - ADAMS; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Recommendations by Police Chiefs for the Re-Examinations of Certain Drivers.

SB 238 - TORBERT, MINNER, VENABLES, KNOX, J. STILL; REPRESENTATIVES AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Chapter 59 and Chapter 88, Title 29 of the Delaware Code Relating to the State Personnel Commission.

HA 1 to SB 111 - AMICK - AGENDA: Placed with the bill.

HA 2 to SB 111 - AMICK - AGENDA: Placed with the bill.

Representative Roy requested that he be marked present.

Representative Roy introduced & brought SCR 72, jointly sponsored by Senators R. Still, Bane & Sharp & Representatives Corrozi, Gilligan & Van Sant, before the House for consideration.

SCR 72 - Commending Jim Aliquo, Principal at McKean High School Who is Retiring on June 30, 1989 After 30 Years of Dedicated Service in Public Education.

SCR 72 was adopted by voice vote and returned to the Senate.

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

The House reconvened at 5:50 p.m.

Representative Bennett requested that he be marked present.

Representative Campanelli moved to suspend the rules which interfere with the repassage of SB 54 w/SA 1 & 2 & HA 1. The motion was seconded by Representative George and adopted by voice vote.

Representative Campanelli brought SB 54 w/SA 1 & 2 & HA 1, jointly sponsored by Senators McDowell, Marshall, McBride, Venables, Martin, Minner & Holloway & Representatives Mack, Houghton, Clark, Oberle, Davis, Spence, Brady, Van Sant, Gilligan, Jester, B. Ennis & Reynolds, before the House for consideration.

SB 54 - An Act to Provide Salary Increases for Certain State Employees. (F/N)

Representative Campanelli moved to override the Governor's veto of SB 54 w/SA 1 & 2 & HA 1.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Brady, Bunting, Campanelli, Caulk, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Plant, Reynolds, Schroeder, Sills, Soles, Van Sant, West - 22.

NO: Representatives Amick, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Hebner, Lee, Maroney, Petrilli, Quillen, Roy, Smith, Taylor, Mr. Speaker Spence - 18.

ABSENT: Representative Fallon - 1.

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

Representative Quillen requested that HB 108 & HB 137 be stricken.

Representative Ewing requested that HB 364 be stricken.

Representative Roy introduced HB 377, jointly sponsored by Senator Martin & Representatives Taylor, Soles, Campanelli & Gilligan & Senators Holloway, McBride, Bane, R. Still & J. Still.

HB 377 - An Act to Amend Title 2 of the Delaware Code Relating to Employees of Subsidiaries of the Delaware Transportation Authority.

Mr. Speaker assigned HB 377 to the Transportation Committee.

Representative Schroeder introduced HB 378, jointly sponsored by Representatives Amick, Bennett, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Sills, Smith, Soles, Van Sant & West & Senators Adams, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, McDowell, Minner, Sharp, Venables, R. Still & Vaughn.

HB 378 - An Act to Amend Chapter 60, Title 7, of the Delaware Code Relating to Ocean Dumping.

Mr. Speaker assigned HB 378 to the Natural Resources Committee.

Representative B. Ennis requested that HB 115 & HB 262 be stricken.

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

SUNSET & OVERVIEW: HB 340 - 4M; HB 355 - 1F,3M; SB 179 w/SA 1 & 2 - 4M; SB 181 w/SA 2 - 3M,1U; SB 182 w/SA 3 - 4M; SB 238 - 4M.

H/ADM: HS 1 for HB 338 - 4F,1M; HS 1 for HB 339 - 4F,1M.

Mr. Speaker assigned SB 238 to the Appropriations Committee.

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

43rd LEGISLATIVE DAY
135th GENERAL ASSEMBLY
Second Session

June 14, 1989

Mr. Speaker Spence called the House to order at 2:19 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 238, SB 213, SCR 66, SCR 68, SCR 70, SCR 72, HB 39, HCR 88, HCR 89, SS 1 for SB 183 w/SA 1, SB 232, SB 146 w/SA 1, SB 186, SB 205 w/SA 2, SB 218 w/SA 1, SB 195, SB 216 w/SA 1, SB 197, SB 219, SB 227, SB 229 w/SA 1, SB 235, SB 236, SB 237, HB 171, HB 248, HB 275, SCR 73, SB 114 w/SA 1 & 3 & SS 2 to SB 42 w/SA 1.

MEMORANDUM

TO: Rep. Terry R. Spence, Speaker of the House
FROM: Rep. Tina Fallon
DATE: June 8, 1989
RE: Absence from the House of Representatives

I will be absent from the House of Representatives on June 13, 14 & 15. It is necessary for me to visit my sister who is critically ill with Lou Gehrig disease.

TF/dcg
Hon. Mr. David Ennis
House of Representatives
State of Delaware
Dover, Delaware 19901
USA

Dear Mr. David Ennis,
Please accept our sincere gratitude personally to you and to all Members of the House of Representatives of the State of Delaware for your concern in connection with the earthquakes in Armenia and Tadzhikistan, and in particular for the Resolution adopted by the Delaware House of Representatives expressing sadness over this devastation. It is true that the concern and desire to help, sympathy and feeling of shared loss is the clear demonstration of the fact that we belong to one family - family of the earth citizens. And if our member of this family is in trouble his pain is being shared by all other members.
Thank you very much for your readiness to be of any assistance to the citizens of Armenia and Tadzhikistan. If we are in need of it please be sure that we won't hesitate to ask for any help of our friends.
As for me personally, I would like to assure you that I keep in my heart the best memories of my visit to the State of Delaware to your Capitol, Dover and all my meetings with your wonderful people. I believe that we, the citizens diplomats, will not stop to continue our efforts to build new bridges between our respective nations.
Let peace be always throughout the world.
Sincerely yours,

Vladimir Fedosov
Executive Secretary
Soviet Peace Committee

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the current legislative day. The House reconvened at 2:26 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Fallon - 1.

A prayer was offered by Representative George H. Bunting, Jr., Thirty-Eighth Representative District.

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

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

The following prefilled legislation was introduced:

HB 379 - BUCKWORTH & SENATOR VAUGHN - SUNSET & OVERVIEW: An Act to Amend Chapter 31, Title 24 of the Delaware Code Relating to the Powers and Duties of the Board of Funeral Services.

HB 380 - QUILLEN, BUNTING, DAVIS, EWING, OUTTEN - B & I: An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

HB 381 - MARONEY, QUILLEN; SENATORS MINNER, COOK, TORBERT, BANE, KNOX, HAUGE, BAIR - HUM RES: An Act to Amend Chapter I, Part 1, Title 16; Chapter 53, Part 5, Title 16, Chapter 79, Title 29; and Chapters 1 and 28, Title 31 of the Delaware Code Relating to State Board of Health, Governor Bacon Health Center, Department of Health and Social Services, and Delaware Hospital for the Chronically Ill.

HB 382 - EWING & VAN SANT, BUCKWORTH, SPENCE, HEBNER, LEE, CAULK, CAREY, AMICK, MACK, FALLON, DAVIS, TAYLOR, ROY, BOYKIN, D. ENNIS, CORROZI, DIPINTO, QUILLEN, OBERLE, GILLIGAN, BUNTING, CLARK, PLANT, B. ENNIS, HOUGHTON, BRADY, OUTTEN, WEST, CAMPANELLI; SENATORS ADAMS, MINNER, TORBERT, VAUGHN, MCBRIDE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Concealed Deadly Weapons. (2/3 bill)

HB 383 - CLARK, BUNTING, CAREY, CAULK, GILLIGAN, MACK, SCHROEDER; SENATORS CONNOR, COOK, MINNER, VENABLES, J. STILL, R. STILL, VAUGHN - AG: An Act to Amend Chapter 77, Title 3 of the Delaware Code Relating to Stray Livestock.

HA 1 to HB 270 - SMITH - HUM RES: Placed with the bill.

HA 1 to HB 283 - CAREY - NAT RES: Placed with the bill.

HA 2 to HS 1 for HB 338 - OBERLE, DAVIS - AGENDA IV: Placed with the bill.

HA 1 to HS 1 for HB 339 - SMITH - AGENDA IV: Placed with the bill.

HA 1 to HB 340 - AMICK - READY LIST: Placed with the bill.

HA 1 to HR 99 - MARONEY - READY LIST: Placed with the bill.

SS 2 to SB 42 w/SA 1 - TORBERT; REPRESENTATIVES DIPINTO, BOYKIN, LEE, CAULK, B. ENNIS - SUNSET & OVERVIEW: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salesmen and the Certification of Real Estate Appraisers. (3/5 bill)

SB 114 w/SA 1 & 3 - HOLLOWAY & REPRESENTATIVE D. ENNIS; SENATORS TORBERT, VAUGHN, J. STILL, HAUGE; REPRESENTATIVES BRADY, HOUGHTON, PETRILLI, SPENCE & VAN SANT - SUNSET & OVERVIEW: An Act to Amend Title 24, Chapter 21 of the Delaware Code Relating to the Definition of the Practice of Optometry, the Use of Drugs or Surgery in the Practice of Optometry and the Licensing and Certification Thereof.

SB 197 - ADAMS & REPRESENTATIVE EWING - LABOR & PENSIONS: An Act to Amend Chapters 83 and 88, Title 11, Delaware Code and Chapters 55 and 55-A, Title 29, Delaware Code Relating to Portability of Pension Credit Between State Administered Pension Systems.

SB 216 w/SA 1 - CORDREY - B & I: An Act to Amend Title 5 of the Delaware Code, Relating to Minimum Capital Stock Requirements of State Banks, Bank Franchise Tax Return Filing Deadlines, and Insurance Requirements for Building and Loan Associations.

SB 219 - VAUGHN & REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend Laws of Delaware, Volume 66, Chapter 291, as Amended, the Charter of the Town of Clayton, Relating to the Power of the Town of Clayton to Impose and Collect a Realty Transfer Tax. (2/3 bill)

SB 227 - MINNER & REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - LAND USE & GOV REL: An Act to Amend Title 9, Chapter 49 §4911(c) of the Delaware Code Relating to Procedures for Changes in Kent County Zoning by the Zoning Commission.

SB 229 w/SA 1 - MINNER & REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - LAND USE & GOV REL: An Act to Amend Title 9, Chapter 48, §4801(10) of the Delaware Code Relating to the Definition of the Term "Subdivision" for Regional Planning Purposes.

SB 235 - MINNER & REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - LAND USE & GOV REL: An Act to Amend Title 9, Chapter 48, §4811 of the Delaware Code Relating to Procedures for the Approval or Disapproval of a Plat by the Kent County Regional Planning Commission and the Time Frame Therefore.

SB 236 - MINNER & REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - LAND USE & GOV REL: An Act to Amend Title 9 of the Delaware Code Relating to the Reapportionment of Kent County Levy Court Districts.

SB 237 - ADAMS & REPRESENTATIVE WEST - H/ADM: An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Increase the Municipality's Indebtedness Limitation. (2/3 bill)

Representatives Brady, Roy, Van Sant & Schroeder requested that they be marked present. The Majority Leader moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 5:40 p.m.

Representatives Mack, Soles, Corrozi, Carey, Smith, Davis, Caulk & Reynolds requested that they be marked present.

Representative Petrilli moved to suspend the rules which interfere with action on SB 159. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 159, sponsored by Senators Sharp, Holloway, Marshall & McDowell, before the House for consideration.

SB 159 - An Act to Amend Chapter 41, Title 21, of the Delaware Code, Relating to Solicitations by Charitable Organizations at Controlled Intersections.

Representative Ewing moved to place SB 159 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto brought HS 1 for HB 338, jointly sponsored by Senator Adams & Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Taylor, Spence, Bennett, Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, Soles & West & Senators Cook, Holloway, Marshall, Torbert, Vaughn, Hauge, Knox, R. Still, Connor & Bane, before the House for consideration.

HB 338 - An Act to Amend Section 1701, Title 17 of the Delaware Code the "Delaware-New Jersey Compact" Creating the Delaware River and Bay Authority.

Representative DiPinto requested and was granted the privilege of the floor for O. Frances Blondi, representing the Delaware River & Bay Authority.

Representative O. Ennis requested that he be marked present.

Representative West requested that he be marked present.

Representative Oberle requested and was granted the privilege of the floor for Dr. Jerry Shields, representing Watch Our Waterways.

Representative Oberle brought HA 1 to HS 1 for HB 338 before the House for consideration.

Representative Oberle introduced and brought HA 1 to HA 1 to HS 1 for HB 338 before the House for consideration.

The roll call on HA 1 to HA 1 was taken and revealed:

YES: Representative Oberle - 1.

NO: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Petrilli, Quillen, Schroeder, Sills, Soles, Van Sant - 28.
NOT VOTING: Representatives Campanelli, DiPinto, Plant, Reynolds, Roy, Smith, Taylor, Mr. Speaker Spence - 8.

ABSENT: Representatives B. Ennis, Fallon, Outten, West - 4.

Therefore, not having received a constitutional majority, HA 1 to HA 1 to HS 1 for HB 338 was declared defeated.

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

Representative Oberle requested that HA 1 to HS 1 for HB 338 be stricken.

Representative Oberle brought HA 2 to HS 1 for HB 338, jointly sponsored by Representative Davis, before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for O. Frances Biondi, representing the Delaware River & Bay Authority.

The roll call on HA 2 was taken and revealed:
 YES: Representatives Caulk, Oberle - 2.
 NO: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Lee, Maroney, Outten, Petrilli, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West - 32.
 NOT VOTING: Representatives Davis, Jonkiert, Plant, Roy, Mr. Speaker Spence - 5.
 ABSENT: Representatives Fallon, Mack - 2.
 Therefore, not having received a constitutional majority, HA 2 was declared defeated.
 Representative DiPinto introduced and brought HA 3 to HS 1 for HB 338 before the House for consideration. HA 3 was adopted by voice vote.
 Representative Smith introduced and brought HA 4 to HS 1 for HB 338 before the House for consideration. HA 4 was adopted by voice vote.
 Representative Smith introduced and brought HA 5 to HS 1 for HB 338 before the House for consideration. HA 5 was adopted by voice vote.
 Representative DiPinto introduced and brought HA 6 to HS 1 for HB 338 before the House for consideration. HA 6 was adopted by voice vote.
 Representative Bennett introduced and brought HA 7 to HS 1 for HB 338, jointly sponsored by Senator Cook & Representative Outten, before the House for consideration. HA 7 was adopted by voice vote.
 The roll call on HS 1 for HB 338 w/HA 3,4,5,6 & 7 was taken and revealed:
 YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Outten, Petrilli, Plant, Reynolds, Roy, Sills, Soles, Taylor, Van Sant, Mr. Speaker Spence - 33.
 NO: Representatives Bunting, Schroeder, West - 3.
 NOT VOTING: Representatives Oberle, Quillen, Smith - 3.
 ABSENT: Representatives Fallon, Mack - 2.
 Therefore, having received a constitutional majority, HS 1 for HB 338 w/HA 3,4,5,6 & 7 was sent to the Senate for concurrence.
 Representative DiPinto brought HS 1 for HB 339, jointly sponsored by Senator Adams & Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Taylor, Spence, Bennett, Brady, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, Soles & West & Senators Cook, Holloway, Marshall, Torbert, Vaughn, Hauge, Knox, R. Still, Connor & Bane, before the House for consideration.
HB 339 - An Act to Amend Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority Regarding (1) Receipt of Project Proposals From the Governor; (2) Review of Proposed Projects by the Department of Natural Resources and Environmental Control; (3) Public Notice and Public Hearings on Major Projects; (4) Prior Legislative Approval of Major Projects; (5) Prior Legislative Approval of the Condemnation of Public Land; and (6) Regulation of Increases in Volume Discount Bridge Toll Rates; and to Amend Title 7 of the Delaware Code Relating to the Department of Natural Resources and Environmental Control and Procedures to be Followed by the Department in Reviewing or Approving Projects.
 Representative Smith brought HA 1 to HS 1 for HB 339 before the House for consideration. HA 1 was adopted by voice vote.
 Representative DiPinto introduced and brought HA 2 to HS 1 for HB 339 before the House for consideration. HA 2 was adopted by voice vote.
 The roll call on HS 1 for HB 339 w/HA 1 & 2 was taken and revealed:
 YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Lee, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Taylor, Van Sant, Mr. Speaker Spence - 34.
 NO: Representatives Bunting, Schroeder, West - 3.
 NOT VOTING: Representative Smith - 1.
 ABSENT: Representatives Fallon, Jonkiert, Mack - 3.
 Therefore, having received a constitutional majority, HS 1 for HB 339 w/HA 1 & 2 was sent to the Senate for concurrence.
 Representative Bennett introduced HB 384, jointly sponsored by Senator Cook & Representative Outten.
HB 384 - An Act to Amend Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority Relating to the Commissioners of the Delaware River and Bay Authority.
 Mr. Speaker assigned HB 384 to the House Administration Committee.
 Representative Maroney introduced HR 109, jointly sponsored by Representatives Smith, Buckworth, Ewing & Quillen.
HR 109 - Recognizing the Impact That Appropriate Discipline Can Have on Youth Behaviors.
 Mr. Speaker assigned HR 109 to the Human Resources Committee.
 Representative Petrilli introduced HB 386, jointly sponsored by Representatives Buckworth, Spence, Amick, Boykin, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maroney, Roy & Taylor & Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still & R. Still & Representatives George, Gilligan, Bennett, Clark, Jonkiert, Outten & Plant.
HB 386 - An Act to Amend Chapter 11, Title 30, of the Delaware Code, Relating to the Personal Income Tax.
 Mr. Speaker assigned HB 386 to the Revenue & Finance Committee.

Representative Lee introduced HB 387, jointly sponsored by Representative Smith & Senator R. Still & Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Quillen, Caulk, Carey, Roy, Ewing & D. Ennis & Senators Bair, Bane, Connor, Knox, Hauge, Neal & Holloway.

HB 387 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services and Providing for a Delaware Emergency Medical Services Act and Making Appropriations for the Expenditure of State Funds for Costs Associated With This Act. (3/4 bill)

Mr. Speaker assigned HB 387 to the Public Safety Committee.

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

TRANS: HB 377 - 5M; SB 85 w/SA 1 - 5M.

P/S: HB 226 - 5M; HB 365 - 5M.

JUD: HB 360 - 3M; SB 167 w/SA 1 - 3M.

B & I: HB 352 - 1F, 5M; HB 374 - 6M; HB 380 - 6M; SB 213 - 6M; SB 216 w/SA 1 - 6M.

LABOR & PENSIONS: HB 229 - 4F; HB 356 - 5M; HB 366 - 5M; HB 369 - 4F, 1M.

HUM RES: HB 244 - 4M; HB 354 - 4M; HB 359 - 4M; HB 373 - 4M; HB 381 - 4M; SB 195 - 4M; SB 218 w/SA 1 - 4M.

NAT RES: HB 283 - 7M; HB 350 - 1F, 6M; HB 351 - 1F, 6M; HB 378 - 1F, 6M.

APPRO: HB 95 - 5M, 1U; HS 1 to HB 264 - 2F, 3M, 1U; HB 267 - 1F, 5M; HB 325 - 5M, 1U; HB 331 - 1F, 4M, 1U.

HOUSING & COM AFF: HB 81 - 3M, 3U.

R & F: HB 203 - 6M; HB 282 - 6M; HB 357 - 6M; HB 375 - 1F, 5M; SB 166 - 6M.

CORR: HB 362 - 1F, 5M.

SUNSET & OVERVIEW: SS 1 for SB 183 w/SA 1 - 4M.

Mr. Speaker assigned HB 244 & HB 357 to the Appropriations Committee.

Mr. Speaker reassigned SB 114 to the House Administration Committee.

Mr. Speaker assigned SB 213 to the Sunset & Overview Committee.

The Majority Leader moved to recess to the call of the Chair at 8:19 p.m.

44th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 15, 1989

Mr. Speaker Spence called the House to order at 2:30 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 212 w/SA 1, SB 224 w/SA 1 & 3, SB 223, SCR 69, SCR 71, SCR 74, SCR 75 & SCR 76.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Holloway, do hereby request that my name be removed as Co-Sponsor of HB 377.
Date: 6/14/89.

Signed: Herman M. Holloway, Sr.

The following prefiled Consent Calendar #16 was introduced:

HR 107 - WEST - Extending Congratulations to Dr. Hiram N. Lasher, of Millsboro, Delaware Upon Receiving the Medal of Achievement of the Delmarva Poultry Industry, Inc., for His Development of Vaccines.

HR 108 - BUCKWORTH, BENNETT - Thanking Robert Woodruff Starrett, Pastor of Wyoming United Methodist Church, for His Extensive Work in Pastoral Care, Church Activities and Community Work.

HR 111 - TAYLOR - Honoring 14 Year Old William J. Broomall, III, Upon His Induction as an Eagle Scout in the Boy Scouts of America.

HR 112 - SMITH, MARONEY, JESTER & SOLES - Celebrating All Proud Daddies on This Joyous Occasion of Father's Day.

HR 113 - BRADY, D. ENNIS, HEBNER, SMITH - Commending Carl Campion and Lee James for Saving the Lives of Michele Chambers, Katherine Cuperly and Michelle Kelly, Rescuing Them From the Torrential Waters of Perkins Run Creek on Wednesday, June 7, 1989.

HCR 91 - ROY, CORROZI, GILLIGAN, VAN SANT, BUCKWORTH, BENNETT, CAREY; SENATORS BANE & R. STILL - Honoring Richard B. Jeffers Upon His Retirement From McKean High School.

HCR 92 - WEST & BUNTING; SENATORS ADAMS, CORDREY, MINNER, VENABLES - Extending Congratulations to Sussex Central High School Baseball Team, "The Golden Knights", for Having Won the State Championship by Defeating William Penn on Saturday, June 3, 1989 and Further Commending Coach Woody Long and His Staff for Their Excellent Coaching and Leadership, Guiding the Team to an Undeclared Season of 21 Wins and No Losses.

HCR 93 - CAMPANELLI; SENATOR McDONELL - Thanking the Visiting Nurses Association for Offering Free Health Screening in Legislative Hall.

SCR 66 - BAIR & REPRESENTATIVE BOYKIN; SENATORS KNOX, HAUGE; REPRESENTATIVES SMITH, MARONEY, D. ENNIS, HEBNER, BRADY - Congratulations to the Concord School Soccer Association Teams for Their Victories in the First State Cup Games.

SCR 68 - VAUGHN, COOK, HOLLOWAY, SHARP, ADAMS; REPRESENTATIVES B. ENNIS, CLARK, JESTER, BENNETT - Commending Warden Robert E. Snyder and the Members of His Staff for Their Outstanding and Meritorious Work at the Morris Correctional Institution in Dover, Especially Their Supervised Inmate Work Projects.

SCR 70 - VAUGHN, ADAMS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, TORBERT, VENABLES, BAIR, BANE, CONNOR, HAUGE, KNOX, NEAL, J. STILL, R. STILL; REPRESENTATIVES B. ENNIS, CLARK, HOUGHTON, JESTER, QUTTEN, VAN SANT, BUCKWORTH, BENNETT - In Recognition of June 12 Through June 16 as National Little League Week, the Largest Youth Program in the World.

SCR 71 - BAIR & SENATOR MCBRIDE & REPRESENTATIVE FALLON; SENATORS TORBERT, MINNER, R. STILL, NEAL, CONNOR; REPRESENTATIVES AMICK, JESTER, OBERLE, REYNOLDS, BENNETT, BRADY, CAREY, BUCKWORTH - Commending Mr. Sidney B. Collison, Deputy State Superintendent for Instruction, Department of Public Instruction, on His Impending Retirement, June 30, 1989, After Completing Thirty-Nine Years of Service as an Educator, Twenty-Seven of Which Have Been in Delaware.

SCR 74 - HAUGE; REPRESENTATIVE D. ENNIS - Congratulating Boy Scout Troop 99 on the Occasion of Its 50th Anniversary and Commending the Presbyterian Church of the Covenant for Its 50 Years of Support of Scouting.

SCR 75 - J. STILL, COOK, TORBERT; REPRESENTATIVES QUTTEN, BENNETT, CLARK, BUCKWORTH - Commending Dover High School Senators on Their Seventh Victory in the 15th Annual Delaware High School State Golf Tournament Held at Maple Dale Country Club, Dover.

SCR 76 - NEAL, MCBRIDE; REPRESENTATIVES FALLON, SOLES, DIPINTO, BENNETT - Extending Commendations and Thanks to Elise Grossman Upon Her Retirement From the State Board of Education After Nineteen Years as a Member, the Longest Term of Service in the History of the Board.

Consent Calendar #16 was adopted by voice vote and HCR 91, HCR 92 & HCR 93 were sent to the Senate for concurrence and SCR 66, SCR 68, SCR 70, SCR 71, SCR 74, SCR 75 & SCR 76 were returned to the Senate.

The Majority Leader moved to adjourn at 2:35 p.m., thereby ending the current legislative day. The House reconvened at 2:36 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Fallon - 1.

A prayer was offered by Tom McCarthy, Administrative Assistant.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 341 - AMICK - SUNSET & OVERVIEW: An Act to Amend Title 24 Relating to Terms of Officers of Professional Regulatory Boards and the Compensation of Board Members.

HB 385 - EWING - P/S: An Act to Amend Chapter 51, Title 16 of the Delaware Code Relating to the Emergency Transportation of the Dangerously Mentally Ill.

HB 388 - BOYKIN & SENATOR MINNER; REPRESENTATIVES TAYLOR, QUILLEN, OBERLE, CAMPANELLI, JONKIERT; SENATORS KNOX, VENABLES, J. STILL - SUNSET & OVERVIEW: An Act to Reestablish the Board of Landscape Architects by Reestablishing and Reenacting All Provisions of Chapter 2, Title 24 of the Delaware Code. (2/3 bill)

HB 389 - CAREY - ED: An Act to Amend Delaware Code, Title 14, Chapters 19 and 26, Relating to the Tax Rate Levied by School Districts Which Traverse County Boundaries.

HB 390 - HEBNER - B & I: An Act to Amend Title 18 Relating to the Continuation of Group Health Insurance Benefits by an Individual After the Group Policy is Terminated.

HB 391 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 60, Title 7, Delaware Code Relating to the Reporting of a Discharge of a Pollutant or an Air Contaminant.

HB 392 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

HB 393 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 63, Title 7 Delaware Code Relating to Hazardous Waste Management. (2/3 bill)

HB 394 - DIPINTO & SENATOR MINNER; REPRESENTATIVES BOYKIN, D. ENNIS, LEE, JONKIERT, SILLS, VAN SANT; SENATORS HOLLOWAY, BAIR, R. STILL - HOUSING & COM AFF: An Act to Amend Chapter 41, Title 31 of the Delaware Code and Chapter 29, Title 10 of the Delaware Code Relating to the Delaware State Housing Code and Its Enforcement.

HB 395 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 73, Title 29 Delaware Code Relating to Compensation for Members of the Architectural Accessibility Board.

HB 396 - AMICK, BOYKIN, ROY, HOUGHTON, JONKIERT, TAYLOR; SENATORS TORBERT, MINNER, VENABLES, KNOX, J. STILL - SUNSET & OVERVIEW: An Act to Amend Chapter 5, Title 24 of the Delaware Code Relating to the Regulation of Podiatrists.

HB 397 - AMICK - B & I: An Act to Amend Chapter 33, Title 18 of the Delaware Code Relating to Insurance Coverage for Emergency Hospital Admissions. (2/3 bill)

HB 398 - CAULK, CAREY, QUILLEN, SMITH, CLARK, BUNTING, SCHROEDER, WEST; SENATORS ADAMS, COOK, CORDREY, VAUGHN, VENABLES, CONNOR & J. STILL - AG: An Act to Amend Chapter 21, Title 3 of the Delaware Code Relating to Commercial Fertilizers and Soil Conditioners.

HB 399 - CAULK, CAREY, QUILLEN, SMITH, CLARK, BUNTING, SCHROEDER, WEST; SENATORS ADAMS, COOK, CORDREY, VAUGHN, VENABLES, CONNOR & J. STILL - AG: An Act to Amend Subchapter VII, Chapter 12, Title 3 of the Delaware Code Relating to Pesticide.

HB 400 - HEBNER & OBERLE - JUD: An Act to Amend Titles 10 and 29 of the Delaware Code Relating to Judicial Pensions for Judges of the Municipal Court for the City of Wilmington.

HR 110 - MARONEY, AMICK, SMITH, BRADY & JESTER - HUM RES: Recognizing the Impact that Delaware Youth Can Have on Decisions Relating to Substance Abuse, Teen Pregnancy, Sexually Transmitted Diseases (STDs), and AIDS, and Establishing the Delaware Legislative Youth Commission.

HCR 90 - BUNTING; SENATOR CORDREY - NAT RES: Requesting the State Personnel Commission to Establish an Approximate Value for the Housing Furnished to Those Park Supervisors Within the Division of Parks and Recreation Who Enjoy State-Supplied Housing; and to Utilize Such Value in Compensating Lacey B. Murray, Park Supervisor for Holt's Landing State Park.

HA 1 to HB 81 - BRADY - READY LIST: Placed with the bill.

HA 1 to HB 95 - D. ENNIS - READY LIST: Placed with the bill.

HA 1 to HS 1 to HB 264 - DAVIS - READY LIST: Placed with the bill.

HA 1 to HB 324 - B. ENNIS - APPRO: Placed with the bill.

HA 1 to HB 336 - CAULK & SENATOR ADAMS - READY LIST: Placed with the bill.

HA 1 to HB 355 - AMICK - READY LIST: Placed with the bill.

SB 212 w/SA 1 - MINNER, COOK, CORDREY, TORBERT, VENABLES, BANES, HAUGE; REPRESENTATIVES AMICK, BOYKIN, BUNTING, BUCKWORTH, CLARK, B. ENNIS, D. ENNIS, PETRILLI, WEST - B & I: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Requirement of Insurance for All Motor Vehicles. (F/W)(2/3 bill)

SB 223 - MINNER, CORDREY, SHARP, TORBERT, VENABLES; REPRESENTATIVES BOYKIN, BUCKWORTH, BUNTING, CLARK, B. ENNIS, D. ENNIS, JONKIERT, PETRILLI, WEST - B & I: An Act to Amend Chapter 39, Title 18 of the Delaware Code Relating to Uninsured and Underinsured Motorist Benefits.

SB 224 w/SA 1 & 3 - ADAMS; REPRESENTATIVES BUCKWORTH, PETRILLI - H/ADM: An Act to Amend Chapter 49, Title 6, Delaware Code, Relating to Motor Vehicle Franchising Practices.

SCR 69 - J. STILL, NEAL, MINNER, COOK, TORBERT; REPRESENTATIVES CLARK, BENNETT, B. ENNIS, BUCKWORTH - TRANS: Requesting the Delaware Development Office, in Conjunction With the Delaware Department of Transportation, to Study the Feasibility of a "Business and Jobs Retention Program" in Relation to State Funded Highway Projects and to Make Recommendations to the General Assembly.

HA 1 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 2 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 3 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 4 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 5 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 6 to SB 114 - OBERLE - H/ADM: Placed with the bill.

HA 7 to SB 114 - OBERLE - H/ADM: Placed with the bill.

Representative Maroney requested and was granted the privilege of the floor for Alan Sokolow, Executive Director, Council of State Governments Eastern Region.

Mr. Speaker assigned HB 229 to the Appropriations Committee.

Representative Ewing moved to lift SB 159 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought SB 159, sponsored by Senators Sharp, Holloway, Marshall & McDowell, before the House for consideration.

SB 159 - An Act to Amend Chapter 41, Title 21, of the Delaware Code, Relating to Solicitations by Charitable Organizations at Controlled Intersections.

Representative Amick introduced and brought HA 1 to SB 159 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Bunting, West, Mack, Clark, Outten, Reynolds & Jonkiert requested that they be marked present.

Representative Taylor introduced and brought HA 2 to SB 159 before the House for consideration. HA 2 was adopted by voice vote.

Representative Schroeder requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

Representative Outten introduced and brought HA 3 to SB 159 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on SB 159 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Campanelli, Caulk, Corrozi, Davis, DiPinto, Ewing, George, Gilligan, Houghton, Jester, Lee, Mack, Oberle, Plant, Van Sant, Mr. Speaker Spence - 19.

NO: Representatives Bennett, Buckworth, Bunting, Carey, Clark, D. Ennis, Hebner, Jonkiert, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, West - 18.

ABSENT: Representatives B. Ennis, Fallon, Maroney, Sills - 4.

Therefore, not having received a constitutional majority, SB 159 w/HA 1, 2 & 3 was declared defeated.

Representatives Brady & Quillen requested that they be marked present during the roll call.

Representative Roy requested that action on HB 221 w/HA 2 be deferred to a Day Certain, Tuesday, June 20, 1989.

Representative Davis brought HB 261, jointly sponsored by Representatives Mack, Reynolds, Smith, Campanelli & Plant & Senators Marshall, McBride & Bair, before the House for consideration.

HB 261 - An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Employment Certificates for Minors.

The roll call on HB 261 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives B. Ennis, Fallon, Maroney - 3.
Therefore, having received a constitutional majority, HB 261 was sent to the Senate for concurrence.

Representative Sillis requested that he be marked present during the roll call.
Representative Oberle brought SB 78 w/SA 1, jointly sponsored by Senators Vaughn, McBride, R. Still & Connor & Representatives Brady, B. Ennis & Hebner & cosponsored by Senator Venables, before the House for consideration.

SB 78 - An Act to Amend Chapter 12, Title 20, Delaware Code Relating to the Jurisdiction, Authority, Operation and Maintenance of a Veteran's Cemetery in Delaware.
The roll call on SB 78 w/SA 1 was taken and revealed:
YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.
ABSENT: Representatives DiPinto, Ewing, Fallon, Maroney - 4.
Therefore, having received a constitutional majority, SB 78 w/SA 1 was returned to the Senate.

Representative Oberle brought SB 79, jointly sponsored by Senators Vaughn, McBride, Connor & R. Still & Representatives Oberle, Hebner, Brady & B. Ennis & cosponsored by Senator Venables, before the House for consideration.

SB 79 - An Act to Amend Chapter 87, Title 29, Delaware Code Relating to the Jurisdiction, Authority, Operation and Maintenance of a Veteran's Cemetery in Delaware and Other Provisions.
The roll call on SB 79 was taken and revealed:
YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.
ABSENT: Representatives B. Ennis, Fallon, Maroney - 3.
Therefore, having received a constitutional majority, SB 79 was returned to the Senate.

Representative Amick brought HB 252 before the House for consideration.
HB 252 - An Act to Amend Chapter 17, Title 24, Delaware Code Relating to the Medical Practices Act. (2/3 bill)
Representative Amick introduced and brought HA 1 to HB 252 before the House for consideration. HA 1 was adopted by voice vote.
The roll call on HB 252 w/HA 1 was taken and revealed:
YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.
ABSENT: Representatives B. Ennis, Fallon, Maroney - 3.
Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 252 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought SB 119, jointly sponsored by Senators Vaughn & Minner & Representative B. Ennis, before the House for consideration.
SB 119 - An Act to Amend Part VI, Chapter 5, Title 7, Delaware Code, Relating to the Size of Propagating and Shooting Preserves.
The roll call on SB 119 was taken and revealed:
YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.
NOT VOTING: Representative Bennett - 1.
ABSENT: Representatives B. Ennis, Fallon - 2.
Therefore, having received a constitutional majority, SB 119 was returned to the Senate.

Representative Smith brought HB 254, jointly sponsored by Representative Soles, before the House for consideration.
HB 254 - An Act to Amend Chapters 22, 45, and 67, Title 9, Delaware Code Relating to Late Penalties for Failure to Pay Sewer Service Charges.
The roll call on HB 254 was taken and revealed:
YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.
ABSENT: Representative Fallon - 1.
Therefore, having received a constitutional majority, HB 254 was sent to the Senate for concurrence.

Representative B. Ennis requested that he be marked present.
Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.
Representative Spence brought HJR 7 w/SA 1, jointly sponsored by Representatives Petrilli, Buckworth, George & Gilligan & All Representatives & Senators Cordrey, Sharp, Marshall, Bair, Connor & All Senators, before the House for consideration.

HJR 7 - Urging the Delaware Congressional Delegation to Pursue Legislation Which Would Grant Service Connected Disability to Those Veterans Who are Affected by the Effects of Exposure to Herbicides, Primarily Agent Orange, Used by the Military in and Around Vietnam.

The roll call on HJR 7 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, HJR 7 w/SA 1 was sent to the Governor.

Representative West moved to restore SB 159. The motion was properly seconded and adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Ewing brought SB 159 w/HA 1,2 & 3, sponsored by Senators Shapr, Holloway, Marshall & McDowell, before the House for consideration.

SB 159 - An Act to Amend Chapter 41, Title 21, of the Delaware Code, Relating to Solicitations by Charitable Organizations at Controlled Intersections.

The roll call on SB 159 w/HA 1,2 & 3 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Houghton, Jester, Lee, Mack, Oberle, Petrilli, Plant, Reynolds, Roy, Sills, Van Sant - 26.

NO: Representatives Bunting, Clark, Corrozi, Hebner, Jonkiert, Outten, Quillen, Schroeder, Smith, Soles, Taylor, West - 12.

NOT VOTING: Representatives Bennett, Maroney - 2.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SB 159 was returned to the Senate for concurrence on HA 1,2 & 3.

Representative Petrilli brought SJR 5, sponsored by Senator Sharp & Representative Van Sant, before the House for consideration.

SJR 5 - Proclaiming Saturday, June 17, 1989 to be Dollars Against Diabetes Day in the State of Delaware.

The roll call on SJR 5 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NO: Representative Smith - 1.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SJR 5 was returned to the Senate.

Representative B. Ennis brought HB 361, jointly sponsored by Senator McBride & Representatives Brady, Houghton, Davis, West, Campanelli, Van Sant, Plant & Jester & Senators Vaughn & Torbert, before the House for consideration.

HB 361 - An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Pronouncement of Death Facilitated by Emergency Medical Technician-Paramedic (EMT-P).

The roll call on HB 361 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Fallon - 1.

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

Representative Carey brought HB 106, jointly sponsored by Senator Minner, before the House for consideration.

HB 106 - An Act Awarding Special Pension Benefits to Leah Anna Mason, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Carey brought HA 1 to HB 106 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 106 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

ABSENT: Representatives Campanelli, Davis, Ewing, Roy - 4.

Therefore, having received a constitutional majority, HB 106 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought SB 111 w/SA 1, sponsored by Senators McBride, Marshall & McDowell & Representatives D. Ennis & Campanelli, before the House for consideration.

SB 111 - An Act to Amend Chapter 59, Part V, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

Representative Amick brought HA 1 to SB 111 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to SB 111 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 111 w/SA 1 & HA 1 & 2 was taken and revealed:

YES: Representatives Amick, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 35.

NOT VOTING: Representatives Bennett, Boykin - 2.

ABSENT: Representatives Corrozi, Fallon, Petrilli, Sills - 4.

Therefore, having received a constitutional majority, SB 111 w/SA 1 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Lee brought SB 55 w/SA 1, jointly sponsored by Senator Marshall, before the House for consideration.

SB 55 - An Act to Amend Chapters 3, 11, 19, 20, 21, 23, 25, 43, and 54 of Title 30 of the Delaware Code Relating to Delaware Taxes.

The roll call on SB 55 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SB 55 w/SA 1 was returned to the Senate.

Representative D. Ennis brought HB 202, jointly sponsored by Representative Fallon & Senator McBride & Representatives Caulk, Hebner, Carey, Ewing, D. Ennis, West, Brady, Houghton, Sills, Van Sant, Bennett, Campanelli, Plant, B. Ennis, Jester & Bunting & Senators Adams, Torbert, Marshall & McDowell, before the House for consideration.

HB 202 - An Act to Amend Title 14, Chapter 13, Delaware Code, Relating to Sick Leave. (F/N)

The roll call on HB 202 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NOT VOTING: Representative Smith - 1.

ABSENT: Representative Fallon - 1.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

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

Representative B. Ennis brought HB 250, jointly sponsored by Senator Torbert & Representatives Brady, Van Sant, Houghton, Plant, Jester, Clark, Campanelli, West, D. Ennis & Sills, before the House for consideration.

HB 250 - An Act to Amend Title 18 to Require Reductions in Premium Rates for Motorcycle Operators Completing an Accident Prevention Course.

The roll call on HB 250 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 39.

ABSENT: Representatives Fallon, Reynolds - 2.

Therefore, having received a constitutional majority, HB 250 was sent to the Senate for concurrence.

Representative Lee brought SB 103 w/SA 1, jointly sponsored by Senators Adams, Martin, Venables, Knox, Minner, Cook, Vaughn, Hauge, Connor, Marshall, Bane, Bair, R. Still, J. Still & Torbert & Representatives Campanelli, Buckworth, Caulk, Brady, Carey, Amick, Fallon, Quillen, Plant, Bennett, Soles, Van Sant, Davis, Corrozi, B. Ennis, Oberle, Gilligan, Roy, Reynolds, Boykin & West & cosponsored by Representative Ewing, before the House for consideration.

SB 103 - An Act to Amend Chapter 66, Title 18 Delaware Code Relating to Line-of-Duty Death Benefits. (F/N)

The roll call on SB 103 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 39.

ABSENT: Representatives Fallon, Smith - 2.

Therefore, having received a constitutional majority, SB 103 w/SA 1 was returned to the Senate.

Representative D. Ennis brought SB 104 w/SA 2, sponsored by Senator Cordrey & Representative Oberle & Senators Adams, Cook, Bair, Hauge, Connor, Minner, J. Still, R. Still, Knox, Marshall, Torbert, Bane, Vaughn, Venables & Martin & Representatives Amick, Brady, Plant, Carey, Campanelli, Corrozi, Davis, Bennett, B. Ennis, Roy, Fallon, Reynolds, Gilligan, Soles, Caulk, Buckworth, Jester, Quillen, West, Boykin & Van Sant, before the House for consideration.

SB 104 - An Act to Amend Chapter 67, Title 18, Delaware Code Relating to Line-of-Duty Disability Benefits to Volunteer Fireman. (F/N)

The roll call on SB 104 w/SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 39.

NOT VOTING: Representative Smith - 1.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SB 104 w/SA 2 was returned to the Senate.

Representative Houghton brought HB 329, jointly sponsored by Representatives Amick, Bennett, Brady, Bunting, Clark, Corrozi, Davis, B. Ennis, George, Gilligan, Jester, Mack, Oberle, Outten, Plant, Reynolds, Schroeder, Spence & Van Sant & Senators Connor & McBride, before the House for consideration.

HB 329 - An Act to Amend Chapter 27 of Title 21 of the Delaware Code Relating to School Bus Drivers Licenses.

The roll call on HB 329 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, HB 329 was sent to the Senate for concurrence.

Representative Petrilli brought HS 1 to HB 134, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 134 - An Act to Amend Chapter 27 of Title 6 of the Delaware Code Relating to the Necessity of Writing for Contracts.

Representative Petrilli requested and was granted the privilege of the floor for Joseph Moran, Vice-President, Wilmington Trust Company & Chairman, Delaware Bankers Association Government Affairs Committee.

Representative Schroeder announced that he will not be voting on HS 1 for HB 134 because of a possible conflict of interest.

The roll call on HS 1 for HB 134 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 39.

NOT VOTING: Representative Schroeder - 1.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, HS 1 for HB 134 was sent to the Senate for concurrence.

Representative D. Ennis brought SB 160 w/SA 1, sponsored by Senator Holloway, before the House for consideration.

SB 160 - An Act to Amend Title 18 of the Delaware Code to Adopt Minimum Standards for Medicare Supplement Insurance.

The roll call on SB 160 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, West, Mr. Acting Speaker Buckworth - 39.

ABSENT: Representatives Fallon, Van Sant - 2.

Therefore, having received a constitutional majority, SB 160 w/SA 1 was returned to the Senate.

Mr. Speaker Spence resumed the Chair.

Representative Boykin introduced HS 1 to HB 353, jointly sponsored by Representative DiPinto.

HB 353 - An Act to Amend Section 5114 of Title 25 of the Delaware Code Relating to Charges and/or Metering for Utility Services by Landlords Owning and Operating Commercial Units, Termination of Service, and Jurisdiction.

Mr. Speaker assigned HS 1 to HB 353 to the Housing & Community Affairs Committee.

Representative Jonkiert introduced and brought HCR 94, jointly sponsored by Representatives Brady, Campanelli, B. Ennis, George, Gilligan, Houghton & Van Sant & Senators Holloway & Marshall & cosponsored by Representatives D. Ennis, Spence & Soles, before the House for consideration.

HCR 94 - Extending Best Wishes to Gordon J. Thomasch, Senior Vice President of Government Relations for Security Pacific Financial Services, Inc., Upon His Retirement, After 50 Years of Dedicated Service in the Finance Industry and State Government Relations.

HCR 94 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert requested and was granted the privilege of the floor for Gordon J. Thomasch, who addressed the House.

Representative Hebner introduced and brought HR 114 before the House for consideration. HR 114 - Honoring Frank B. Anderson as He Earns the Rank of Eagle Scout.

HR 114 was adopted by voice vote.

Representative Petrilli introduced and brought HR 115, jointly sponsored by Representatives Spence, Buckworth, Gilligan & George & cosponsored by Representatives Soles, Boykin, Bennett, Ewing, Schroeder, Corrozi, Carey, Maroney, Jester, D. Ennis & Mack, before the House for consideration.

HR 115 - Congratulating John M. Burris Upon His Appointment as President of the Delaware State Chamber of Commerce.

HR 115 was adopted by voice vote.

Representative Petrilli introduced and brought SCR 77, sponsored by Senator Cordrey & Representative Spence & Senator Minner & cosponsored by Representatives Carey, Petrilli, Bennett, Schroeder & Ewing & Senator Adams, before the House for consideration.

SCR 77 - Extending Congratulations to the Mayor and First Lady of Lewes, Delaware, Alfred "Al" and Madeline Stango on Their Recently Celebrated Fiftieth (Golden) Wedding Anniversary and May They Enjoy Many More Together.

SCR 77 was adopted by voice vote and returned to the Senate.

Representative George introduced and brought SCR 78, jointly sponsored by Senators Holloway, Marshall & McDowell & Representatives Plant, Sillis, DiPinto & Jonkiert, before the House for consideration.

SCR 78 - Urging the Media of Mass Communications to Take Special Care Not to Identify Arrested Wrongdoers as Wilmington Residents When They, in Fact, are Residents of Suburbs Outside the Corporate Limits of the City of Wilmington.

SCR 78 was adopted by voice vote and returned to the Senate.

Representative Smith introduced and brought SCR 79, jointly sponsored by Senators Minner, Cook, Bane & Bair & Representatives Soles, Boykin, Jester, Maroney & Fallon, before the House for consideration.

SCR 79 - Recognizing "Father's Day" on Sunday, June 18, 1989, and the Fathers it Celebrates.

SCR 79 was adopted by voice vote and returned to the Senate.

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

NAT RES: HB 348 - 1F,6M.

JUD: HB 177 - 4M.

P/S: HB 385 - 3M,1U.

HUM RES: HB 270 - 1F,4M.

B & I: SB 212 w/SA 1 - 7M.

APPRO: HB 285 - 4F,2M.

HOUSING & COM AFF: HB 394 - 1F,6M.

AG: HB 383 - 5M; HB 398 - 5M; HB 399 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 128, SB 133, SB 217, SB 115 w/SA 1,2 & 3, HB 213, SB 255, SCR 78, SCR 79, HCR 92, HCR 91 & SCR 77.

The Majority Leader moved to recess to the call of the Chair at 5:43 p.m.

45th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
Second Session

June 20, 1989

Mr. Speaker Spence called the House to order at 2:33 p.m.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 130 & HCR 94.

The Majority Whip moved to adjourn at 2:34 p.m., thereby ending the current legislative day. The House reconvened at 2:35 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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

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

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

The following prefiled legislation was introduced:

HS 1 to HB 32 - ROY & SENATOR MARTIN; REPRESENTATIVES TAYLOR, AMICK, SOLES, BRADY, OUTTEN; SENATORS MINNER, COOK, R. STILL - APPRO: An Act Entitled "The Travelink Traffic Mitigation Act" Amending Chapter 25 of Title 18, Chapter 23 of Title 19, and Chapters 11 and 20 of Title 30 of the Delaware Code Relating to Tax Credits for Mitigation of Commuter Traffic.

HS 1 to HB 111 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 17, Title 24, of the Delaware Code Relating to the Medical Practices Act.

HB 401 - BUCKNORTH & J. STILL; REPRESENTATIVES QUILLLEN, CAULK, SPENCE, BENNETT, OUTTEN - LAND USE & GOV REL: An Act to Amend Chapter 41, Title 9, of the Delaware Code Relating to Kent County.

HB 402 - DAVIS, SPENCE, PETRILLI, BUCKWORTH, AMICK, FALLON, HEBNER, MACK, OBERLE, REYNOLDS, ROY, TAYLOR, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, PLANT, SCHROEDER, VAN SANT, WEST; SENATORS HOLLOWAY, MARTIN, MCBRIDE, MCDOWELL, TORBERT, BAIR, BANE, MINNER - LABOR & PENSIONS: An Act to Amend Chapters 13 and 16, Title 19 and Chapter 85, Title 29 of the Delaware Code Relating to the Right of Public Employees to Organize for Purposes of Collective Bargaining. (2/3 bill)

HB 403 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

HB 404 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to Delaware Underground Storage Tank Act.

HB 405 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

HB 406 - OBERLE - SUNSET & OVERVIEW: An Act to Amend Title 29 Relating to the Trading in of Used State Vehicles.

HB 407 - ROY, AMICK, BOYKIN, HOUGHTON, JONKIERT; SENATORS VAUGHN, TORBERT, MARSHALL, MCDOWELL - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Oral Examinations for Licensure.

HB 408 - ROY, PETRILLI, SPENCE, BUCKWORTH, MACK, AMICK, D. ENNIS, BOYKIN, OBERLE, TAYLOR, MARONEY, EWING, DIPINTO, LEE, REYNOLDS, HEBNER, GILLIGAN, PLANT, VAN SANT, SCHROEDER, JESTER, BUNTING, JONKIERT; SENATORS HOLLOWAY, BAIR, BANE, J. STILL - LAND USE & GOV REL: An Act to Amend Title 9, Delaware Code Relating to Changes in Zoning.

HB 409 - CAREY, QUILLEN, MACK, CLARK, BUNTING, SCHROEDER; SENATORS MINNER, VENABLES, KNOX, R. STILL - NAT RES: An Act to Amend Part I, Title 7 of the Delaware Code Relating to Fishing. (2/3 bill)

HB 410 - CAREY, EWING, QUILLEN, LEE, REYNOLDS, SMITH; SENATORS ADAMS, MCBRIDE, HOLLOWAY, MCDOWELL, HAUGE, NEAL - R & F: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax and Modifications Thereto for Certain Crops Donated to a Gleaning Cooperative.

HB 411 - CAREY, LEE, EWING, QUILLEN, REYNOLDS, SMITH; SENATORS ADAMS, MCBRIDE, MCDOWELL, HOLLOWAY, NEAL, HAUGE, R. STILL - JUD: An Act to Amend Chapter 81, Title 10, Delaware Code Relating to Civil Liability of Farmers and Charitable Organizations That Glean the Farmers' Fields and to Individuals Who Glean on the Farmers' Property.

HB 412 - BUNTING, CAREY & SCHROEDER - LAND USE & GOV REL: An Act to Amend Section 6503, Title 9 of the Delaware Code Relating to Sussex County's Authority to Establish Sanitary or Water Districts Upon Petition of Voters.

HB 413 - WEST, BRADY, BUNTING, CAMPANELLI, CAREY, B. ENNIS, EWING, GILLIGAN, JONKIERT, LEE, PLANT, REYNOLDS, SCHROEDER; SENATORS MINNER, VENABLES - LAND USE & GOV REL: An Act to Amend Titles 9, 10 and 12 of the Delaware Code Relating to Salaries of Elected Officials of Sussex County.

HB 414 - WEST, B. ENNIS, BRADY, CAMPANELLI, PLANT, SCHROEDER, CLARK, LEE, CAREY, CAULK, EWING, REYNOLDS; SENATORS VENABLES, MINNER - NAT RES: An Act to Amend Subchapter 7, Chapter 17, Title 7, Delaware Code, Relating to Compensation for Domesticated Wild Ducks and Wild Geese Destroyed by Dogs.

HB 415 - SILLS; SENATOR MARSHALL - R & F: An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to the Neighborhood Assistance Act.

HJR 11 - DIPINTO & GEORGE, JONKIERT, PLANT, SILLS; SENATORS HOLLOWAY, MARSHALL, MCDOWELL - JUD: Establishing a Committee to Study and Draft Legislation Regarding the Consolidation of the Municipal Court of the City of Wilmington With the Court of Common Pleas.

HA 3 to HS 1 to HB 33 - AMICK - READY LIST: Placed with the bill.

HA 2 to HB 81 - BRADY - READY LIST: Placed with the bill.

HA 1 to HB 360 - HEBNER - READY LIST: Placed with the bill.

SB 115 w/SA 1, 2 & 3 - MARSHALL; REPRESENTATIVES TAYLOR, REYNOLDS - JUD: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Assault on a Sports Official.

SB 128 - BANE, HAUGE, SHARP, VAUGHN; REPRESENTATIVES AMICK, BENNETT, BOYKIN, BUCKWORTH, CAREY, EWING, HEBNER, SILLS, SMITH, SOLES, WEST - JUD: An Act to Amend Chapter 59, Title 10 and Chapter 8, Title 13 of the Delaware Code Relating to Certain Name Changes.

SB 130 - HOLLOWAY, COOK, DAVIS, HAUGE, QUILLEN, R. STILL; REPRESENTATIVES MARONEY, CORROZI, SMITH, SOLES, VAUGHN, WEST - HUM RES: An Act to Amend Chapter 90, Title 29 of the Delaware Code, Relating to Revenue Collections in the Department of Services for Children, Youth and Their Families. (3/5 bill)(F/N)

SB 133 - HOLLOWAY, TORBERT, MARSHALL, J. STILL; REPRESENTATIVES JESTER & D. ENNIS - B & I: An Act to Amend Part I, Title 18 of the Delaware Code Relating to Insurance; and Providing for a Long-Term Care Insurance Act.

SB 217 - MARSHALL & HAUGE - HUM RES: An Act to Amend Subchapter V, Title 11 of the Delaware Code Relating to Offenses Relating to Children and Incompetents.

SB 255 - CORDREY & REPRESENTATIVE BUNTING - H/ADM: An Act to Amend Chapter 302, Volume 49, Laws of Delaware, Entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Taxes; and Providing for a Realty Transfer Tax. (2/3 bill)

Mr. Speaker assigned SB 212 w/SA 1 to the Appropriations Committee.

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

P/S: HB 1 - 4M.

Representative Amick requested that he be marked present.

Representative Fallon requested and was granted the privilege of the floor for Eleanor Schmidt, Teacher of the Year, who addressed the House.

Representative Fallon introduced and brought SCR 73, jointly sponsored by Senator McBride & All Senators & All Representatives, before the House for consideration.

SCR 73 - Commending Eleanor A. Schmidt for Being Selected Delaware Teacher of the Year.

WHEREAS, some 5900 teachers work each day with the 97,000 children who attend Delaware public schools; and

WHEREAS, teachers are encouraged to strive for excellence when they know the community supports them and appreciates their effort in behalf of our children; and

WHEREAS, the Teacher of the Year Program identifies representatives of the best traits of all Delaware teachers; and

WHEREAS, the State Teacher of the Year was chosen for her superior ability to inspire students with a love of learning and for having won the admiration and respect of students, fellow teachers, school administrators, and the parents of students; and

WHEREAS, Eleanor A. Schmidt of McCullough Elementary School, Colonial School District, has been named as Delaware Teacher of the Year for 1989; and

WHEREAS, other school districts declared local Teachers of the Year; namely: Michael Handlin, Appoquinimink; Robert A. Corradetti, Brandywine; Helen Widder Flood, Caesar Rodney; Michael U. Eisenhour, Cape Henlopen; William M. Hutchison, Jr., Capital; Martha L. Burke, Christina; Eleanor A. Schmidt, Colonial; Timothy S. Buckmaster, Indian River; Sheryl Ann Ford, Kent County Vo-Tech; Rachel R. Fields, Lake Forest; Nancy K. Berlin, Laurel; Kaye Majoch, Milford; John F. Reiher, New Castle County Vo-Tech; Geraldine M. Purnell, Red Clay; Lena "Mackie" Wilmer, Seaford; William R. Cooper, Smyrna; Barry W. Cooper, Sussex County Vo-Tech; and Harriett J. Elliott, Woodbridge.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 135th General Assembly of the State of Delaware, the House of Representatives concurring therein, that commendations and appreciations are hereby extended to Mrs. Schmidt on being selected as Delaware Teacher of the Year for 1989.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitable prepared copy be forwarded to Mrs. Schmidt at McCullough Elementary School.

SCR 73 was adopted by voice vote and returned to the Senate.

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

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

SUNSET & OVERVIEW: HS 1 for HB 341 - 4M; HB 395 - 4M; HB 396 - 3M; SS 2 to SB 42 w/SA 1 - 4M; SB 186 - 3M; SB 213 - 3M.

B & I (Correction from 6/14/89): SB 213 - 4M.

ED: HB 240 - 1F, 3M, 1U.

P/S: HB 387 - 4M.

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

The House reconvened at 4:45 p.m.

Mr. Speaker assigned HB 240 & HB 320 to the Appropriations Committee.

Representatives Roy & Outten requested that they be marked present.

Representative Amick brought HB 308, jointly sponsored by Representatives Maroney, Brady, Jester, Hebner, Jonkiert, Spence, Petrilli, Caulk, Carey, Boykin, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Corrozi, Quillen, Reynolds, Mack, Roy, Taylor, Bennett, Bunting, Clark, B. Ennis, Gilligan, Jonkiert, Schroeder, Sills, West & Outten, before the House for consideration.

HB 308 - An Act to Amend Part IV, Title 30 of the Delaware Code Relating to State Taxes; and Providing for a Controlled Substances Tax Act. (3/5 bill)

The roll call on HB 308 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NO: Representative Brady - 1.

ABSENT: Representatives Ewing, George - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 308 was sent to the Senate for concurrence.

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

Representative Amick brought HB 309, jointly sponsored by Representatives Maroney, Brady, Jester, Hebner, Spence, Petrilli, Boykin, Carey, Caulk, D. Ennis, Ewing, Davis, DiPinto, Corrozi, Fallon, Lee, Mack, Quillen, Reynolds, Roy, Taylor, Oberle, Bennett, Bunting, Clark, Outten, Jonkiert, Schroeder & Sills, before the House for consideration.

HB 309 - An Act to Amend Chapter 15, Title 11 of the Delaware Code Relating to Patterns of Racketeering Activity.

The roll call on HB 309 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 309 was sent to the Senate for concurrence.

Representative Amick brought HB 310, jointly sponsored by Representatives Maroney, Brady, Jester, Hebner, Spence, Petrilli, Caulk, Corrozi, Boykin, Carey, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Quillen, Reynolds, Roy, Mack, Taylor, Oberle, Gilligan, Bennett, Bunting, Clark, Campanelli, Jonkiert, Houghton, Outten, Schroeder, Sills & West, before the House for consideration.

HB 310 - An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to the Carrying of Pocket Pagers by School Pupils.

The roll call on HB 310 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 310 was sent to the Senate for concurrence.

Representative Amick brought HB 311, jointly sponsored by Representatives Maroney, Brady, Jester, Hebner, Spence, Petrilli, Boykin, Carey, Caulk, Davis, DiPinto, Ewing, D. Ennis, Fallon, Corrozi, Lee, Mack, Quillen, Reynolds, Roy, Taylor, Gilligan, Bennett, Bunting, Campanelli, Clark, B. Ennis, Jonkiert, Outten, Houghton, Schroeder, Soles, Sills & West, before the House for consideration.

HB 311 - An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Regulating the Possession and Delivery of Non-Controlled Prescription Drugs.

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

Representative Amick moved to place HB 311 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HB 313, jointly sponsored by Senator Torbert & Representatives Roy, Boykin, Houghton & Jonkiert & Senators Minner, Venables, Knox & J. Still, before the House for consideration.

HB 313 - An Act to Amend Subchapter IV, Chapter 5, Title 4 of the Delaware Code Relating to the Regulation of Alcoholic Liquors; and Providing for the Payment of Certain Fees. (3/5 bill)

Representative Amick brought HA 1 to HB 313 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 313 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives George, Petrilli - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 313 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 314, jointly sponsored by Representatives Boykin, Roy, Houghton & Jonkiert & Senators Torbert, Minner, Venables, Knox & J. Still, before the House for consideration.

HB 314 - An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for a Delaware Brewery-Pub Act. (2/3 bill)

Representative Amick brought HA 1 to HB 314 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 314 w/HA 1 was taken and revealed:

YES: Representatives Amick, Boykin, Corrozi, DiPinto, Fallon, Hebner, Houghton, Jonkiert, Mack, Maroney, Oberle, Plant, Quillen, Roy, Sills, Smith, Soles, Mr. Speaker Spence - 18.

NO: Representatives Bennett, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, B. Ennis, Ewing, Gilligan, Jester, Lee, Outten, Petrilli, Schroeder, Van Sant, West - 18.

NOT VOTING: Representatives Campanelli, D. Ennis, Taylor - 3.

ABSENT: Representatives George, Reynolds - 2.

Therefore, not having received a constitutional majority, of at least two-thirds Members of the House, HB 314 w/HA 1 was declared defeated.

Representative Amick brought HB 326, jointly sponsored by Representatives Boykin, Roy, Houghton & Jonkiert & Senators Torbert, Minner, Venables & Knox, before the House for consideration.

HB 326 - An Act to Amend Title 4 of the Delaware Code Relating to Distance Requirements Between Establishments Licensed to Sell Alcoholic Beverages and Liquors.

Representative Bunting announced that he will not be voting on HB 326 because of a possible conflict of interest.

Representative Amick moved to place HB 326 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 327, jointly sponsored by Representative Maroney, before the House for consideration.

HB 327 - An Act to Amend Part II, Title 16, Delaware Code, Relating to Health and Safety; and Prohibiting Vending Machine Sales of Cigarettes. (F/N)

Representative Amick moved to place HB 327 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HB 377, jointly sponsored by Senator Martin & Representatives Taylor, Soles, Campanelli & Gilligan & Senators McBride, Bane, R. Still & J. Still, before the House for consideration.

HB 377 - An Act to Amend Title 2 of the Delaware Code Relating to Employees of Subsidiaries of the Delaware Transportation Authority.

The roll call on HB 377 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 377 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 318, jointly sponsored by Representatives Boykin, DiPinto, Lee, Sills & Jonkiert, before the House for consideration.

HB 318 - An Act to Amend Chapter 1, Title 5 of the Delaware Code Relating to the State Bank Commissioner Regulatory Revolving Fund.

Representative Schroeder announced that he will not be voting on HB 318 because of a possible conflict of interest.

The roll call on HB 318 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 38.

NO: Representative West - 1.

NOT VOTING: Representative Schroeder - 1.

ABSENT: Representative George - 1.

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

Representative D. Ennis brought HB 319, jointly sponsored by Representatives Boykin, DiPinto, Lee, Sills & Jonkiert, before the House for consideration.

HB 319 - An Act to Amend Chapter 27, Title 5, of the Delaware Code, Relating to the Cashing of Checks, Drafts and Money Orders. (3/5 bill)

The roll call on HB 319 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Carey, Clark, Corrozi, Davis, DiPinto, D. Ennis, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Schroeder, Sills, Taylor, Mr. Speaker Spence - 27.

NO: Representatives Brady, Campanelli, B. Ennis, Gilligan, Quillen, Smith, Soles, West - 8.

NOT VOTING: Representatives Caulk, Ewing, Fallon - 3.

ABSENT: Representatives George, Roy, Van Sant - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 319 was sent to the Senate for concurrence.

Representative D. Ennis brought HS 1 to HB 328, jointly sponsored by Representatives Lee, Boykin, DiPinto, Sills & Jonkiert, before the House for consideration.

HB 328 - An Act to Amend Chapter 32, Title 5, and Chapter 69, Title 29, Delaware Code, Relating to the Transportation of Money and Valuables and the Contracts Awarded for That Purpose. (3/5 bill)

Representative Bennett announced that he will not be voting on HS 1 to HB 328 because of a possible conflict of interest.

The roll call on HS 1 to HB 328 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 to HB 328 was sent to the Senate for concurrence.

Representative D. Ennis brought SB 216 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 216 - An Act to Amend Title 5 of the Delaware Code, Relating to Minimum Capital Stock Requirements of State Banks, Bank Franchise Tax Return Filing Deadlines, and Insurance Requirements for Building and Loan Associations.

Representative Schroeder announced that he will not be voting on SB 216 w/SA 1 because of a possible conflict of interest.

The roll call on SB 216 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NOT VOTING: Representative Schroeder - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 216 w/SA 1 was returned to the Senate.

Representative Oberle brought HB 51, jointly sponsored by Senator Cook & Representatives Davis & Plant, before the House for consideration.

HB 51 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Creditable Service With the Prothonotary Offices. (F/N)

Representative Taylor brought HA 1 to HB 51 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 51 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 51 w/HA 1 was sent to the Senate for concurrence.

Representative Ewing brought HB 365, jointly sponsored by Senator Adams, before the House for consideration.

HB 365 - An Act to Amend Chapter 20, Volume 67 of the Laws of Delaware (Formerly Known as House Bill No. 66) Relating to Eligibility of Dependents for Survivors Pension Benefits. (F/N)

The roll call on HB 365 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Amick, George - 2.

Therefore, having received a constitutional majority, HB 365 was sent to the Senate for concurrence.

Representative Davis introduced HB 416, jointly sponsored by Representatives Hebner & Maroney.

HB 416 - An Act to Amend Title 10, Title 31 and Title 16 of the Delaware Code, Relating to Children Born With a Controlled Substance in Their System. (2/3 bill)

Mr. Speaker assigned HB 416 to the Public Safety Committee.

Representative Lee introduced HB 417, jointly sponsored by Representative Smith & Senator R. Still & Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Quillen, Caulk, Carey, Roy, Ewing & D. Ennis & Senators Bair, Bane, Connor, Knox, Hauge, Neal & Holloway.

HB 417 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services and Providing for a Delaware Emergency Medical Services Act.

Mr. Speaker assigned HB 417 to the Public Safety Committee.

Representative DiPinto brought HB 127 w/SA 1, jointly sponsored by Representatives Jonkiert, Spence & Houghton & Senators Marshall & R. Still, before the House for consideration.

HB 127 - An Act to Amend Title 4 of the Delaware Code Relating to Expressly Requiring That All Alcoholic Liquor Comes to Rest in Delaware Prior to Resale.

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

YES: Representatives Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Amick, George - 2.

Therefore, having received a constitutional majority, HB 127 w/SA 1 was sent to the Governor.

Representative Roy introduced and brought HR 116, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Lee, Mack, Maroney, Oberle, Reynolds, Smith, Taylor, Bennett, Brady, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Sills, Soles, Van Sant & West, before the House for consideration.

HR 116 - Recommending That the Delaware Department of Transportation Reconsider Its Current Policy Against the Installation of Signs Memorializing the Death of DUI Victims.

HR 116 was adopted by voice vote.

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

NAT RES: HB 376 - 2F, 5M.

SUNSET & OVERVIEW: SB 158 - 4M.

HOUSING & COM AFF: HS 1 to HB 353 - 5M.

The Majority Leader moved to recess to the call of the Chair at 6:33 p.m.

46th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 21, 1989

Mr. Speaker Spence called the House to order at 2:36 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 58 w/SA 1 & 2, SB 206, SB 30 w/SA 2, SB 231, SB 161 w/SA 1, SB 239 w/SA 1 & 2, SB 261, SB 196 w/SA 1 & 2 & HB 127 w/SA 1.

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

P/S: HB 216 - 4M; HB 417 - 3M.

JUD: HB 382 - 4M.

The Majority Leader moved to adjourn at 2:39 p.m., thereby ending the current legislative day. The House reconvened at 2:40 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Donald M. Clark, Twenty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

HB 418 - DIPINTO & SENATOR HAUGE; REPRESENTATIVES BOYKIN, CORROZI, SMITH, DAVIS, QUILLEN, SOLES; SENATOR R. STILL - NAT RES: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Fees for Dog and Kennel Licenses and Penalties for Unlicensed Dogs. (2/3 bill)

HB 419 - QUILLEN - SUNSET & OVERVIEW: An Act to Amend Chapter 51, Title 29, Delaware Code Relating to Protection of Public Employees Reporting Suspected Violation of Law.

HB 420 - OBERLE, SPENCE, PETRILLI, BUCKWORTH, AMICK, CORROZI, DAVIS, DIPINTO, MACK, REYNOLDS, ROY, TAYLOR, GILLIGAN, BUNTING, CAMPANELLI, CLARK, JESTER, PLANT, SCHROEDER - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Operation of Vehicle While Under the Influence. (2/3 bill)

HA 1 to HB 278 - SCHROEDER - AGENDA VII: Placed with the bill.

HA 1 to HB 351 - SMITH & CAULK - AGENDA VI: Placed with the bill.

HA 1 to HS 1 to HB 353 - DIPINTO - READY LIST: Placed with the bill.

HA 1 to HB 388 - AMICK - SUNSET & OVERVIEW: Placed with the bill.

HA 1 to HB 401 - BUCKWORTH & SENATOR J. STILL - LAND USE & GOV REL: Placed with the bill.

SB 30 w/SA 2 - TORBERT - SUNSET & OVERVIEW: An Act to Amend Chapter 74, Title 16 of the Delaware Code Relating to Radiation Control.

SB 58 w/SA 1 & 2 - VAUGHN & REPRESENTATIVE DAVIS - CORR: An Act to Amend Title 11 and Title 16 to Provide for Truth in Sentencing. (F/N)

SB 161 w/SA 1 - VAUGHN, SHARP, COOK; REPRESENTATIVES JESTER, B. ENNIS, HEBNER - JUD: An Act to Amend Part VI, Chapter 90, Title 11, Delaware Code, Relating to the Compensation of Innocent Victims of Crime.

SB 196 w/SA 1 & 2 - TORBERT - SUNSET & OVERVIEW: An Act to Amend Various Sections of Title 24 of the Delaware Code Related to Composition of Professional Regulatory Boards and Providing for Additional Public Members of Several Boards and Commissions. (F/N)

SB 206 - VAUGHN; REPRESENTATIVE DAVIS - JUD: An Act to Amend Chapter 87, Title 11, Delaware Code, Relating to the Criminal Justice Council.

SB 231 - MINNER, KNOX, J. STILL; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 25, Title 7, Delaware Code to Increase the Minimum Size of Lobster in Increments.

SB 239 w/SA 1 & 2 - HOLLOWAY; REPRESENTATIVES SOLES, DIPINTO, GEORGE, PLANT, WEST - HOUSING & COM. AFF.: An Act to Amend Chapter 40, Title 31, Delaware Code, Relating to Setting Minimum Standards for Congregate Housing Facilities for the Homeless.

SB 261 - TORBERT - SUNSET & OVERVIEW: An Act to Amend Chapter 79, Title 29, Delaware Code Relating to the Council on Radiation.

HA 1 to SB 181 - AMICK - READY LIST: Placed with the bill.

HA 2 to SB 181 - AMICK - READY LIST: Placed with the bill.

Mr. Speaker assigned HB 352 & HB 387 to the Appropriations Committee.

Representatives Roy, Carey, Corrozi, Maroney, Jonkiert, Bunting & B. Ennis requested that they be marked present.

Representative Maroney introduced and brought HR 120, jointly sponsored by Representatives Fallon, Amick, Smith, Brady & Jester, before the House for consideration.

HR 120 - Recognizing the Impact That Education Can Have on the Prevention of Early Sexual Activity and Teen Child Bearing and Requesting the Development of a Family Life and Health Education Program by the Delaware Department of Public Instruction.

Representative Petrilli moved to place HR 120 on the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

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

CORR: SB 58 w/SA 1 & 2 - 2F,4M.

Representative Maroney requested that HR 99 be stricken.

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

The House reconvened at 5:03 p.m.

Mr. Speaker assigned SB 58 w/SA 1 & 2 to the Appropriations Committee.

Representatives Taylor & Mack requested that they be marked present.

Representatives Oberle & Jester requested that they be marked present.

Representative Mack introduced HB 421, jointly sponsored by Senator Martin.

HB 421 - An Act to Amend Chapter 64, Title 7 of the Delaware Code Relating to the Powers and Duties of the Delaware Solid Waste Authority for Managing the Collection, Transportation, and Disposal of Solid Waste, Including Infectious Waste, and Providing for Increased Enforcement Authority and Indemnification of Directors of the Delaware Solid Waste Authority.

Mr. Speaker assigned HB 421 to the Hazardous Waste Management Committee.

Representative Quillen requested that he be marked present.

Representative Mack introduced HB 422.

HB 422 - An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

Mr. Speaker assigned HB 422 to the Hazardous Waste Management Committee.

Representative Amick introduced and brought HR 123, cosponsored by Representatives Spence, Carey, Brady, Ewing & Smith, before the House for consideration.

HR 123 - Commemorating the Lives of Army Chief Warrant Officer Hugh B. Pearce, 1st Lt. David J. Hendry, Staff Sgt. Benjamin R. Greenplate, Master Sgt. Robert E. Lucey, Jr., Spec. Samuel K. May and Sgt. Ward A. Cornell, All Aboard the Delaware National Guard Ill-Fated Chopper #579.

HR 123 was adopted by voice vote.

The following prefiled Consent Calendar #17 was introduced:

HR 117 - AMICK & ALL REPRESENTATIVES - Congratulating Legislative Fellow Brett Schmidt on the Occasion of His Marriage.

HR 118 - BRADY, HOUGHTON, JESTER, MACK, REYNOLDS, SPENCE - Congratulating Laura Knorr of William Penn High School for Being Chosen the News Journal High School Athlete of the Year.

HR 119 - WEST - Extending Congratulations and Thanking the U.S. Coast Guard for 200 Years of Exemplary Service to Our Country.

HR 121 - QUILLEN, EWING - Saluting the Courageous Efforts of William F. Burgess and Joseph Roach in Responding to a House Fire Near Harrington, Delaware on June 19, 1989.

HR 122 - BRADY, HOUGHTON, JESTER, MACK, REYNOLDS, SPENCE - Expressing Our Welcome and Best Wishes to the German Exchange Students and Their Teacher From the German-American Partnership Program as They Visit William Penn High School, New Castle, Delaware.

HCR 95 - ROY & SENATOR BANE - Commemorating the Life of Army 1st Lt. David J. Hendry, Co-Pilot of the Delaware National Guard Chopper #579.

HCR 96 - FALLON & SENATOR MCBRIDE - Honoring the 1989 Participants in the Boy's State Program, Sponsored by the Delaware American Legion.

HCR 97 - B. ENNIS, CLARK; SENATORS VAUGHN, COOK - Extending Best Wishes and Many, Many Thanks to Rev. Dr. Terry H. Armstrong of Asbury United Methodist Church, Smyrna, Delaware Who Will be Assuming a New Pastoral Assignment in Chrisfield, Maryland After Ten Years of Dedicated Pastoral Service in Smyrna.

Representative Hebner requested that SCR 58, sponsored by Senator Holloway, be added to Consent Calendar #17.

SCR 58 - Urging Members of the Delaware Congressional Delegation to Actively Pursue a Review by Congress of the Mandatory Two Year Waiting Period for Medicare Enrollment by Disabled Social Security Beneficiaries With the Goal of Reducing or Eliminating Such Waiting Period.

SCR 58 was placed on Consent Calendar #17.

Representative Bennett introduced HCR 98, jointly sponsored by Senator Cook.

HCR 98 - Declaring June 24, 1989 to be Amateur Radio Day in Delaware.

HCR 98 was placed on Consent Calendar #17.

Consent Calendar #17 was adopted by voice vote and HCR 95, HCR 96, HCR 97 & HCR 98 were sent to the Senate for concurrence and SCR 58 was returned to the Senate.

Representative Maroney introduced and brought HR 124 before the House for consideration.

HR 124 - Commending and Extending Many Thanks to Doctors David and Ethel Platt of Wilmington, Delaware, Both of Whom are Retiring From the Medical Profession as Family Practitioners After Each of Them Spent Close to 50 Years of Dedicated and Humanitarian Service to Literally Thousands of Delawareans.

HR 124 was adopted by voice vote.

Representative Maroney introduced HR 125, jointly sponsored by Representatives Smith, Buckworth, Ewing & Quillen.

HR 125 - Recognizing the Impact That Appropriate Discipline Can Have on Youth Behaviors and Request the Reporting of Corporal Punishment Policies in Schools by the Delaware Department of Public Instruction.

Mr. Speaker assigned HR 125 to the Human Resources, Children & Aging Committee.

Representative Roy moved to lift HB 221 w/HA 2, from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HB 221 w/HA 2, jointly sponsored by Representatives Gilligan, Amick, Carey, Caulk, Davis, D. Ennis, Lee, Mack, Maroney, Smith, Taylor, Bunting, George, Jester, Soles, West & Schroeder & Senators Bair, Bane, Knox, Marshall, Neal & R. Still, before the House for consideration.

HB 221 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for the Use of Public Places by Smokers and Non-Smokers. (2/3 bill)
Representative Roy introduced and brought HA 4 to HB 221 before the House for consideration. HA 4 was adopted by voice vote.

Representative Petrilli introduced and brought HA 5 to HB 221 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Dr. Lyman J. Olsen, Director, Division of Public Health.

The roll call on HA 5 to HB 221 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Jester, Jonkiert, Lee, Mack, Petrilli, Plant, Quillen, Mr. Speaker Spence - 21.

NO: Representatives Amick, Bunting, Campanelli, Davis, George, Gilligan, Hebner, Outten, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West - 17.

ABSENT: Representatives D. Ennis, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HA 5 to HB 221 was adopted.

Representative Roy requested that HB 221 w/HA 2, 4 & 5 be stricken.

Representative Ewing brought SB 46, jointly sponsored by Senators Adams & J. Still & Representatives B. Ennis & Spence, before the House for consideration.

SB 46 - An Act to Amend Chapter 74A, Title 16 of the Delaware Code Relating to Enhanced 911 Emergency Number Service.

Mr. Speaker declared a recess at 5:43 p.m.

The House reconvened at 5:50 p.m.

Representative Ewing moved to place SB 46 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Caulk brought HB 336, jointly sponsored by Senator Adams & Representatives Carey, Quillen, Smith, Clark, Bunting & Schroeder & Senators Cook, Cordrey, Vaughn, Venables, Connor & J. Still, before the House for consideration.

HB 336 - An Act to Amend Chapter 12, Title 3, of the Delaware Code Relating to Pesticides. (3/5 bill)

Representative Caulk brought HA 1 to HB 336 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 336 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 336 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk brought HB 348, jointly sponsored by Representatives Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting & Clark & Senator Adams, before the House for consideration.

HB 348 - An Act to Amend Chapter 35, Title 7 of the Delaware Code Relating to Commercial Forest Plantations.

The roll call on HB 348 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 348 was sent to the Senate for concurrence.

Representative Caulk brought HB 349, jointly sponsored by Representatives Carey, Fallon, Ewing, Lee, Schroeder, Bunting & Clark & Senator Adams, before the House for consideration.

HB 349 - An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to Forestry. (3/5 bill)

Representative Caulk requested and was granted the privilege of the floor for Timothy A. Kaden, Deputy State Forester, representing the Department of Agriculture.

The roll call on HB 349 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Jonkiert, Taylor - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 349 was sent to the Senate for concurrence.

Representative Caulk brought HB 350, jointly sponsored by Representatives Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting & Clark & Senator Adams, before the House for consideration.

HB 350 - An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to State Forestry.

The roll call on HB 350 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 350 was sent to the Senate for concurrence.

Representative Caulk brought HB 351, jointly sponsored by Senator Adams & Representatives Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting & Clark & Senators Cook, Cordrey, Vaughn, Venables, Connor & J. Still, before the House for consideration.

HB 351 - An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to the Conservation and Reforestation of Certain Trees. (2/3 bill)

Representative Smith brought HA 1 to HB 351, jointly sponsored by Representative Caulk, before the House for consideration. HA 1 was adopted by voice vote.

Representative Caulk requested and was granted the privilege of the floor for Timothy A. Kaden, Deputy State Forester, Department of Agriculture.

The roll call on HB 351 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 351 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk brought SB 176 w/SA 1, jointly sponsored by Senator Adams & Representatives Carey, Ewing, Lee & Quillen, before the House for consideration.

SB 176 - An Act to Amend Chapter 81, Title 29 of the Delaware Code Relating to Division Directors, and to the Division of Standards and Inspections, and to the Division of Production and Promotion, and to Exemption and to Budgeting and Finance.

Representative Caulk requested and was granted the privilege of the floor for William B. Chandler, Jr., Secretary, Department of Agriculture.

The roll call on SB 176 w/SA 1 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

NO: Representative Bennett - 1.

Therefore, having received a constitutional majority, SB 176 w/SA 1 was returned to the Senate.

Representative Caulk brought SB 188, jointly sponsored by Senator Adams & Representatives Bunting, Carey, Ewing, Fallon, Lee, Quillen & Schroeder & cosponsored by Senators Connor & J. Still, before the House for consideration.

SB 188 - An Act to Amend Chapter 76, Title 3 of the Delaware Code Relating to the Registration of Livestock Dealers.

The roll call on SB 188 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 188 was returned to the Senate.

Representative Caulk brought SB 191 w/SA 1, jointly sponsored by Senators Adams, Connor & J. Still & Representatives Carey, Ewing, Lee & Quillen, before the House for consideration.

SB 191 - An Act to Amend Chapter 12, Title 3 of the Delaware Code Relating to Pesticide Definitions, and to Pesticide Permits. (2/3 bill)

The roll call on SB 191 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 191 w/SA 1 was returned to the Senate.

Representative Amick moved to suspend the rules which interfere with lifting HB 311 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick moved to suspend the rules which interfere with lifting HB 311 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 311, jointly sponsored by Representatives Maroney, Brady, Jester, Hebner, Spence, Petrilli, Boykin, Carey, Caulk, Davis, DiPinto, Ewing, D. Ennis, Fallon, Corrozi, Lee, Mack, Quillen, Reynolds, Roy, Taylor, Gilligan, Bennett, Bunting, Campanelli, Clark, B. Ennis, Jonkiert, Outten, Houghton, Schroeder, Soles, Sills & West & cosponsored by Representative Oberle, before the House for consideration.

HB 311 - An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Regulating the Possession and Delivery of Non-Controlled Prescription Drugs.

Representative Jonkiert introduced & brought HA 1 to HB 311, jointly sponsored by Representatives Amick & Oberle, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 311 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 311 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney moved to lift HB 147 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney brought HB 147, jointly sponsored by Senator Holloway & Representatives Fallon, DiPinto, Jester & Sillis, before the House for consideration.

HB 147 - An Act to Amend Chapter 39, Title 31 of the Delaware Code Relating to Adult Protective Services.

Representative Soles introduced and brought HA 1 to HB 147 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 147 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

NOT VOTING: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 147 w/HA 1 was sent to the Senate for concurrence.

Representative Davis brought HB 362, jointly sponsored by Representatives Ewing, Quillen, Hebner, Houghton & Plant & Senators Vaughn & Hauge, before the House for consideration.

HB 362 - An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Mental Health Examinations of Certain Offenders Prior to Being Released on Parole.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

The roll call on HB 362 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 362 was sent to the Senate for concurrence.

Representative Amick brought HB 340 before the House for consideration.

HB 340 - An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Employees, Investigations and Administrative Procedures for Regulatory Boards and Commissions.

Representative Amick brought HA 1 to HB 340 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 340 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 340 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 355, jointly sponsored by Senator Torbert, before the House for consideration.

HB 355 - An Act to Amend Chapter 33, Title 24 of the Delaware Code Relating to the Board of Veterinary Medicine.

Representative Amick brought HA 1 to HB 355 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 355 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 355 w/HA 1 was sent to the Senate for concurrence.

Representative Davis brought HS 1 to HB 264, jointly sponsored by Senator Hauge & Representatives Spence, Boykin, Corrozi, DiPinto, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, B. Ennis, Jester, Houghton & Soles & Senators Martin, Neal, J. Still & R. Still, before the House for consideration.

HB 264 - An Act to Amend Title 7 of the Delaware Code Relating to Establishing State Water Resource Protection Areas and to Mandate County and Municipal Land Use Requirements Therefor. (F/N)

Mr. Speaker Spence resumed the Chair.

Representative Davis brought HA 1 to HS 1 to HB 264 before the House for consideration. HA 1 was adopted by voice vote.

Representative Davis introduced and brought HA 2 to HS 1 to HB 264 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HS 1 to HB 264 w/HA 1 & 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 39.

NO: Representative West - 1.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HS 1 to HB 264 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Quillen brought HB 177 before the House for consideration.

HB 177 - An Act to Amend Subpart J of Subchapter III, Chapter 5, Title 11, Delaware Code, Relating to Video Privacy Protection.

Representative Quillen brought HA 1 to HB 177 before the House for consideration. HA 1 was adopted by voice vote.

Representative Quillen brought HA 2 to HB 177 before the House for consideration.

Representative Quillen moved to place HB 177 w/HA 1 - HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor introduced HB 423, jointly sponsored by Representative Carey.

HB 423 - An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Authority of the State of Delaware to Levy and Collect a Public Lodging Tax and Dedicating the Proceeds of the Tax to the State Beach Preservation Program and County Convention and Visitors Bureaus. (3/5 bill)

Mr. Speaker assigned HB 423 to the Revenue & Finance Committee.

The Majority Leader moved to recess for caucus at 7:45 p.m.

The House reconvened at 8:01 p.m.

Representative Lee moved to suspend the rules which interfere with action on HB 417.

The motion was seconded by Representative Petrilli.

HB 417 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services and Providing for a Delaware Emergency Medical Services Act. (F/N)

The roll call on the motion was taken and revealed:

YES: Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Smith, Taylor, Mr. Speaker Spence - 22.

NO: Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Schroeder, Soles, Van Sant, West - 17.

ABSENT: Representatives Roy, Sills - 2.

Therefore, having received a constitutional majority, the motion was adopted.

Representative Lee brought HB 417, jointly sponsored by Representative Smith & Senator R. Still & Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Quillen, Caulk, Carey, Roy, Ewing & D. Ennis & Senators Bair, Bane, Connor, Knox, Hauge, Neal & Holloway, before the House for consideration.

HB 417 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services and Providing for a Delaware Emergency Medical Services Act. (F/N)

Representative Lee introduced and brought HA 1 to HB 417 before the House for consideration. Representative Petrilli moved to place HA 1 to HB 417 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

Representative Petrilli moved to place HB 417 on the Speaker's table.

The Majority Leader moved to recess to the call of the Chair at 8:12 p.m.

47th LEGISLATIVE DAY
135th GENERAL ASSEMBLY
First Session

June 22, 1989

Mr. Speaker Spence resumed the Chair.

Mr. Speaker called the House to order at 2:23 p.m.

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

The motion to lay HB 417 on the Speaker's table was properly seconded and adopted by voice vote.

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

NAT RES: HB 368 - 2F,5M; HB 418 - 6U.

R & F: HB 386 - 5M.

APPRO: HS 1 for HB 32 - 2F,4M.

HUM RES: SB 130 - 5M; SB 217 - 5M; HR 125 - 5M.

P/S: HB 372 - 5M.

The Majority Leader moved to adjourn at 2:27 p.m., thereby ending the current legislative day. The House reconvened at 2:28 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative E. Stuart Outten, Jr., Thirty-First Representative District.

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

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

The following prefiled legislation was introduced:

HB 424 - MACK - HAZ WASTE MAN: An Act to Amend Title 7 of the Delaware Code Creating the Waste Minimization Act. (2/3 bill)

HB 425 - FALLON & SENATOR MCBRIDE - ED: An Act to Amend Chapters 2, 13, 17, and 31, Title 14, Delaware Code, to Change the Terms Used for Certain Groups of Handicapped Students.

HB 426 - OBERLE, BUCKWORTH, SPENCE, PETRILLI, AMICK, BOYKIN, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, HEBNER, LEE, MACK, QUILLIN, REYNOLDS, TAYLOR, BRADY, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JESTER, JONKIERT, PLANT, SCHROEDER, SILLS, VAN SANT, WEST - R & F: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax of Resident Individuals.

HB 427 - D. ENNIS, SPENCE, OUTTEN; SENATOR VAUGHN - B & I: An Act to Amend Title 18 Relating to Corporate Owned Life Insurance.

HB 428 - LEE - R & F: An Act to Amend Chapter 55, Title 30 of the Delaware Code Relating to the Definition of Commodities and Services Subject to Delaware Public Utilities Taxes.

HB 429 - DIPINTO, SILLS & BOYKIN - NAT RES: An Act to Amend Chapters 1, 5, and 7, Title 7, Delaware Code Relating to Delegating Authority to the Division of Fish and Wildlife to Regulate the Taking of Muskrats and Foxes and Providing for an Increase in Fines for Violating Regulations Pertaining to Trapping. (2/3 bill)

HB 430 - CAMPANELLI & VAN SANT; SENATORS R. STILL & MARSHALL - H/ADM: An Act to Amend an Act Being Chapter 428, Volume 50, as Amended, Entitled "An Act to Re-Incorporate the Town of Elsmere, New Castle County" to Eliminate the Office of Director of Public Safety and to Provide for the Police Force of the Town of Elsmere. (2/3 bill)

HJR 12 - MARONEY & SENATOR HOLLOWAY - H/ADM: Memorializing the United States Congress to Propose to the States for Ratification an Amendment to the United States Constitution to Protect Reciprocal Tax Immunity.

HJR 13 - AMICK & SENATOR TORBERT; REPRESENTATIVES BOYKIN, ROY, HOUGHTON, JONKIERT; SENATORS MINNER, VENABLES, KNOX, J. STILL - SUNSET & OVERVIEW: Establishing a Study Commission to Review Certain Structural, Functional and Organization Issues Within the Legislative Process.

HR 126 - AMICK - SUNSET & OVERVIEW: Creating a Commission to Study the Board of Landscape Architects.

HCR 99 - DIPINTO, BOYKIN, LEE, D. ENNIS, OBERLE, MACK, TAYLOR, SMITH, CORROZI, MARONEY, AMICK, JONKIERT, SILLS, BUNTING, VAN SANT, PLANT; SENATORS HOLLOWAY, BAIR, BANE, KNOX, NEAL, HAUGE, R. STILL, J. STILL - HOUSING & COM AFF: Creating a Study Committee to Make a Comprehensive Analysis of the Landlord Tenant Law and Propose Necessary Revisions.

HA 1 to HS 1 to HB 111 - AMICK - SUNSET & OVERVIEW: Placed with the bill.

HA 1 to HB 306 - BUCKWORTH - READY LIST: Placed with the bill.

HA 1 to HB 343 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 372 - OBERLE - READY LIST: Placed with the bill.

HA 1 to HB 408 - ROY - LAND USE & GOV REL: Placed with the bill.

SB 193 - KNOX - NAT RES: An Act to Amend Chapter 31, Title 20 of the Delaware Code Relating to Penalties for Violation of Water Use Restrictions Enforced Pursuant to Declared Drought Warning and/or Drought Emergency Conditions. (2/3 bill)

SB 201 - HOLLOWAY - HUM RES: An Act to Amend Subchapter I, Chapter 9, Title 13, Delaware Code, Relating to Adoptions.

SB 247 - TORBERT & REPRESENTATIVE CAULK - H/ADM: An Act to Amend an Act, Being Chapter 32, Volume 47, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Frederica" by Increasing the Amount of Annual Taxes to be Raised and by Increasing the Amount Which Council is Permitted to Borrow. (2/3 bill)

SB 248 - TORBERT - JUD: An Act to Amend Chapter 100, Title 29, Delaware Code, Relating to Freedom of Information by Prohibiting the Release of Juror Profiles.

SB 249 w/SA 1 & 2 - MINNER, ADAMS, VAUGHN, MCBRIDE, J. STILL; REPRESENTATIVES BRADY, DAVIS, B. ENNIS, EWING, HEBNER, HOUGHTON, JONKIERT, OBERLE, SPENCE, VAN SANT - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Possession of a Deadly Weapon During the Commission of a Crime.

HA 1 to SB 182 - AMICK - READY LIST: Placed with the bill.

SCR 81 - HOLLOWAY - HUM RES: Extending the Life and Authority of the Citizens Task Force on Teen-Age Pregnancy.

SCR 83 - J. STILL & REPRESENTATIVE MARONEY; SENATORS BAIR, R. STILL, KNOX, MARSHALL; REPRESENTATIVES SMITH, SPENCE - SUNSET & OVERVIEW: Establishing the Goal of Achieving Gender Balance in Appointments to State Boards, Commissions and Councils as a Policy of the State of Delaware.

Mr. Speaker assigned HB 369 to the Appropriations Committee.

Representatives Davis & Clark requested that they be marked present.

Representative Amick requested that he be marked present.

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

The House reconvened at 4:48 p.m. with Representative Buckworth as Acting Speaker.

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

JUD: SB 128 - 4M; SB 161 w/SA 1 - 1F,2M; SB 206 - 1F,2M.

H/ADM: HB 367 - 5M; HJR 12 - 5M; SB 21 - 5M; SB 168 - 5M; SB 205 w/SA 2 - 5M; SB 219 - 5M; SB 224 w/SA 1 & 3 - 1F,4M; SB 237 - 5M; SB 255 - 5M.

HAZ WASTE MAN: HB 424 - 6M.

Representative Ewing moved to lift SB 46 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Ewing brought SB 46, jointly sponsored by Senators Adams & J. Still & Representatives B. Ennis & Spence, before the House for consideration.

SB 46 - An Act to Amend Chapter 74A, Title 16 of the Delaware Code Relating to Enhanced 911 Emergency Number Service.

Mr. Speaker Spence resumed the Chair.

Representative Ewing requested and was granted the privilege of the floor for attorney, William E. Manning, representing Diamond State Telephone Company.

The roll call on SB 46 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NO: Representatives Brady, Campanelli - 2.

NOT VOTING: Representative Bunting - 1.

Therefore, having received a constitutional majority, SB 46 was returned to the Senate. Representatives Carey, Corrozi, George, Maroney, Roy, Sills & Taylor requested that they be marked present during the roll call.

Representative Amick brought HB 282 before the House for consideration.

HB 282 - An Act to Amend Chapter 13, Title 30 of the Delaware Code Relating to the Inheritance Tax. (F/N)

Representative Amick introduced and brought HA 1 to HB 282 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

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

Representative Amick brought HB 123, jointly sponsored by Representative Soles & Senators Martin, Vaughn & Neal & cosponsored by Representative Plant, before the House for consideration.

HB 123 - An Act to Amend Section 703, Article VII, of the Charter of the City of Newark, Delaware, by Allowing the City Manager to Adopt Personnel Rules Not Inconsistent With the City Code. (2/3 bill)

The roll call on HB 123 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, West, Mr. Speaker Spence - 37.

NO: Representatives Caulk, Oberle, Petrilli, Van Sant - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 123 was sent to the Senate for concurrence.

Representative Hebner brought SB 31 w/SA 1, jointly sponsored by Senators Sharp & Vaughn & cosponsored by Senator Bane, before the House for consideration.

SB 31 - An Act to Amend Subchapter VI-A, Chapter 19, Title 10, Delaware Code Relating to Judicial Records and Indices.

The roll call on SB 31 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SB 31 w/SA 1 was returned to the Senate.

Representative Lee brought SB 166, sponsored by Senator Vaughn & Representative Hebner, before the House for consideration.

SB 166 - An Act to Amend Chapter 13, Title 30 Delaware Code, Relating to Inheritance Tax. (F/N)

The roll call on SB 166 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 166 was returned to the Senate. Representative Hebner brought SB 167 w/SA 1, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 167 - An Act to Amend Title 25, Delaware Code, Relating to Procedures for Filing a Notice of Pendency of a Legal Action the Object of Which is to Affect Title to, or Impose an Equitable Lien on Real Estate.

The roll call on SB 167 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 167 w/SA 1 was returned to the Senate.

Representative Petrilli brought HB 299, jointly sponsored by Senator Hauge, before the House for consideration.

HB 299 - An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to the Filing of Campaign Contribution Expenditure Reports. (F/N)

The roll call on HB 299 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 38.

NO: Representatives Brady, Clark, West - 3.

Therefore, having received a constitutional majority, HB 299 was sent to the Senate for concurrence.

Representative Petrilli brought HB 300, jointly sponsored by Senator Minner, before the House for consideration.

HB 300 - An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to the Deadline for Changing Political Party Designation During an Election Year.

The roll call on HB 300 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, West, Mr. Speaker Spence - 31.

NO: Representatives Brady, Campanelli, Clark, B. Ennis, George, Houghton, Jester, Jonkiert, Van Sant - 9.

NOT VOTING: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 300 was sent to the Senate for concurrence.

Representative Ewing introduced and brought HCR 100, jointly sponsored by Senator Adams & cosponsored by Representatives Petrilli, Buckworth, Quillen, Carey, Brady, Lee, Clark, Boykin, Mack, Jester, Corrozi, Fallon, West, DiPinto & Spence & Senators Cordrey & Sharp, before the House for consideration.

HCR 100 - Expressing Our Outrage at the Supreme Court Ruling Protecting Those Who Burn Our Great American Flag, for Which Wars Have Been Fought and Soldiers Have Died in the Name of Freedom.

WHEREAS, there is no symbol which personifies our patriotism, people and honor more than our American flag, which waves freely above our homes, schools and government buildings and evokes a lump in the throat by all who share her meaning; and

WHEREAS, on June 21, 1989, the Supreme Court of the United States made a ruling which cuts at the very core of our Nation, a ruling which gives First Amendment protection for protesters who burn American flags at political demonstrations; and

WHEREAS, burning the American flag mocks the Nation's veterans, who have poured rivers of blood into our battlefields, left widows and children behind with the lone comfort that their loved ones died for their country and were called home by God in the name of protecting their flag, the national symbol of freedom; and

WHEREAS, our American flag is a strong weave of colors and symbols, red being our blood, white for our purity of heart, sweat and tears given for our country and blue for the eyes of God which watch over us during the fight to keep the United States free from communism, oppression and tyranny; and

WHEREAS, our national anthem, The Star Spangled Banner, written by Francis Scott Key in Baltimore September 14, 1814, during the intensity of battle, described "the rockets red glare, the bombs bursting in air/gave proof through the night/that our flag was still there/oh say does that star spangled banner yet wave/o'er the land of the free and the home of the brave" and the joy of the soldier knowing his country was still free; and

WHEREAS, those who would dare burn the Stars and Stripes have no sense of the sacrifice made by those who have come before, fought on a battlefield or in a court of law for the causes in which they believe; and

WHEREAS, to desecrate our American flag is an abomination which raises the wrath of Americans everywhere and the horror against the few who should dare burn our flag calling it their First Amendment right, while others call it blasphemy.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 135th General Assembly of the State of Delaware, the Senate concurring therein, that we express our outrage at the Supreme Court ruling which allows the burning of the American flag at political demonstrations in the name of patriotic Americans everywhere.

BE IT FURTHER RESOLVED that suitably prepared copies of this Resolution be forwarded to the Justices of the Supreme Court of the United States.

HCR 100 was adopted by voice vote and sent to the Senate for concurrence.

Representative Maroney moved to lift HR 120 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought HR 120, jointly sponsored by Representatives Fallon, Amick, Smith, Brady & Jester, before the House for consideration.

HR 120 - Recognizing the Impact That Education Can Have on the Prevention of Early Sexual Activity and Teen Child Bearing and Requesting the Development of a Family Life and Health Education Program by the Delaware Department of Public Instruction.

HR 120 was adopted by voice vote.

Representative D. Ennis brought SB 177 w/SA 1, jointly sponsored by Senators Cordrey, Sharp & R. Still & Representatives Spence & Van Sant, before the House for consideration.

SB 177 - An Act to Amend Chapter 35 of Title 12 of the Delaware Code Relating to Trusts.

The following communication was made a part of the record at the request of Representative D. Ennis:

June 1, 1989

The Honorable Terry R. Spence
Speaker of the House
Delaware House of Representatives
Legislative Hall
Dover, Delaware 19901

Re: S.B. 177

Dear Mr. Speaker:

The Court of Chancery exercises a particular responsibility with respect to the administration of trusts in Delaware. For hundreds of years in the American and English law, trusts, and trustees have been closely regulated by courts of equity. Therefore, the judges of Chancery do take particular notice of legislation designated to regulate trustees and are anxious to supply to the General Assembly such insight as our close familiarity with this subject affords.

The questions with which S.B. 177 deal have been reviewed for some time by the judges of this court. I should note, however, that Vice Chancellor Chandler, because of his very recent addition to the court, has not participated in the ongoing consideration of proposed changes to trust administration. It is my considered conclusion, and in this my colleagues agree, that S.B. 177 is an appropriate statute for enactment by the General Assembly. It provides certain flexibility, while containing appropriate safeguards and continuing to recognize in the Court of Chancery general supervisory power over trustees. We have given this matter a great deal of consideration (and indeed commissioned some rather lengthy studies which I am happy to share with you or other interested members of the Assembly) before coming to this conclusion.

I do not go so far as to urge a particular course of action by the General Assembly; it is not, ordinarily, the place of a judge to do so in my opinion. However, believing as I do that S.B. 177 is consistent with the public good, I did wish to share that opinion with you.

Sincerely yours,
William T. Allen
Chancellor

The roll call on SB 177 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberie, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 37.

NO: Representative Mest - 1.

NOT VOTING: Representatives Campanelli, Jonkiert, Schroeder - 3.

Therefore, having received a constitutional majority, SB 177 w/SA 1 was returned to the Senate.

Representative DiPinto introduced HB 431, cosponsored by Representative Roy.

HB 431 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to Sunday Sales of Alcoholic Liquor.

Mr. Speaker assigned HB 431 to the Sunset & Overview Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 248, SCR 81, SCR 82, SCR 83, SCR 80, HCR 93, HCR 96, SB 201, SB 249 w/SA 1 & 2, SB 247, SB 111 w/SA 1 & HA 1 & 2 & SB 193.

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

APPRO: HB 352 - 6M.

SUNSET & OVERVIEW: HS 1 to HB 111 - 5M; HB 388 - 1F, 3M, 1U.

R & F: HB 423 - 7M.

HUM RES: SB 8 - 4M; SB 201 - 4M; SCR 81 - 4M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 86, SCR 84, HS 1 for HB 234, HCN 95, HCN 97, HCN 98, SB 256, SB 251, SB 254 & SB 47.

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

B & I: SB 133 - 7M.

Representative D. Ennis requested that HB 146 be stricken.

Representative Taylor requested that HB 278 be stricken.

Representative DiPinto requested that HB 330 be stricken.

Representative Maroney requested that HR 109 be stricken.

The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

48th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

First Session

June 27, 1989

Mr. Speaker Spence called the House to order at 3:45 p.m.

The Reading Clerk read the following communication into the record:

June 22, 1989

LEGISLATIVE ADVISORY #20

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/21/89 - HB 39, HB 171, HB 248 & HB 275.

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

H/ADM: HB 297 - 3M; SB 114 w/SA 1 & 3 - 3M.

HAZ. WASTE MAN.: HB 403 - 6M; HB 405 - 6M.

Mr. Speaker assigned SB 114 to the Sunset & Overview Committee.

The Majority Leader moved to adjourn at 3:55 p.m., thereby ending the current legislative day. The House reconvened at 3:56 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 432 - SPENCE, BUCKWORTH, AMICK, CORROZI, D. ENNIS, QUILLEN, MACK, ROY, GILLIGAN, SCHROEDER, PLANT; SENATORS HOLLOWAY, MARSHALL, MCBRIDE, NEAL, J. STILL, KNOX, R. STILL - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Provisional Driver Licenses for Drivers Under 18 Years of Age.

HB 433 - SPENCE, BUCKWORTH, AMICK, BOYKIN, D. ENNIS, EWING, HEBNER, CORROZI, OBERLE, CAREY, MACK, ROY, SCHROEDER, JESTER, PLANT, CAMPANELLI; SENATORS HOLLOWAY, MCBRIDE, ADAMS, BAIR, J. STILL, NEAL, KNOX, R. STILL - JUD: An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Seizure of Vehicles.

HB 434 - PETRILLI - H/ADM: An Act to Amend Chapters 3, 15, 17, 20, 30, 31, 47, and 49 of Title 15, of the Delaware Code Relating to Registration, Registration Officers, Election Officers, the Directives and Age Restrictions, and Election Laws.

HB 435 - MACK, SPENCE, BUCKWORTH, AMICK, BOYKIN, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, EWING, MARONEY, OBERLE, SMITH, TAYLOR, REYNOLDS, BENNETT, BRADY, CAMPANELLI, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, VAN SANT, SCHROEDER; SENATORS HOLLOWAY, BAIR, BANE, HAUGE, CONNOR, KNOX, R. STILL - HAZ WASTE MAN: An Act to Amend Title 7 of the Delaware Code by the Addition of a New Chapter 91 Relating to the Cleanup of Hazardous Substance Sites in the State of Delaware. (3/5 bill)

HB 436 - CAREY - NAT RES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to the Release of Balloons in the State of Delaware. (2/3 bill)

HB 437 - MACK & SENATOR MARSHALL - HUM RES: An Act to Amend Chapter 78, Title 16 of the Delaware Code Relating to the Regulation of Asbestos. (2/3 bill)

HB 438 - LEE - R & F: An Act to Amend Chapter 51, Part IV, Title 30 of the Delaware Code Relating to Refunds of Motor Fuel Taxes for Certain Solid Waste Collection Vehicles.

HB 439 - AMICK - R & F: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Pension Exclusion.

HB 440 - HEBNER - TRANS: An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to Highways.

HB 441 - CLARK & SENATOR TORBERT - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Maximum Gross Weight for Vehicles Eligible for Special Handicapped Registration Plates.

HCN 101 - CLARK, BRADY, HOUGHTON, MACK, EWING, BUCKWORTH, QUILLEN, CAREY, CAULK, LEE, JESTER, BUNTING, SCHROEDER, WEST, PLANT, B. ENNIS, AMICK, GILLIGAN, OUTTEN, BENNETT; SENATORS TORBERT, J. STILL - CORR: Requesting the Governor to Impanel an Ad Hoc Feasibility Study Committee to Investigate and Determine the Merits of Establishing a Prison Conservation Corp to Include the Construction of Barracks at Strategic Locations Throughout the State to House Inmates Under Supervised Custody Who Have Committed Minor Offenses, Whose Purpose Would be to Perform Such Tasks, But Not Limited to, Road Clean Up, Opening of Clogged Drainage Ditches, Ditch Digging, Mosquito Control Projects, Mowing of Grass Along Highway Right Away Property, and Other Projects of a Conservation Nature.

HA 1 to HA 2 to HB 177 - QUILLEN - L.O.T.: Placed with the bill.

HA 2 to HB 244 - BRADY (By Request) - APPRO: Placed with the bill.

HA 1 to HB 305 - BUCKWORTH - READY LIST: Placed with the bill.

HA 2 to HB 372 - TAYLOR - READY LIST: Placed with the bill.

HA 3 to HB 372 - OBERLE - READY LIST: Placed with the bill.

HA 1 to HB 423 - SCHROEDER - AGENDA XII: Placed with the bill.

SB 47 - MCBRIDE, R. STILL; REPRESENTATIVES FALLON, CAMPANELLI, VAN SANT, GILLIGAN & REYNOLDS - ED: An Act to Amend Chapters 13 and 17, Title 14 of the Delaware Code, Relating to the Provision of Related Services Specialists for Intensive Learning Center Pupils. (F/N)

SB 251 - MINNER & REPRESENTATIVE CAREY - H/ADM: An Act to Amend an Act Entitled, "An Act to Reincorporate the Town of Milton", Being Chapter 501, Volume 61, Laws of Delaware, as Amended by Chapter 265, Volume 64, and Chapter 266, Volume 65, Laws of Delaware, by Granting Authority to the Town of Milton to Levy Tax on Transfers of Real Estate Within the Town of Milton; by Extending the Hours in Which Votes May be Cast With Respect to the Annual Municipal Election and by Also Providing for Absentee Voting; by Changing the Pay the Mayor and Councilmen May Receive for Attendance at Meetings; and by Eliminating the Formal Proceedings Concerning the Termination of the Town Clerk's Employment. (2/3 bill)

SB 254 - MINNER & REPRESENTATIVE B. ENNIS; SENATORS COOK, ADAMS, TORBERT, VAUGHN, J. STILL; REPRESENTATIVES CLARK, QUILLEN, OUTTEN, BUCKWORTH, BENNETT, CAULK - LAND USE & GOV REL: An Act to Amend Title 9, Part V, Chapter 80, Section 8001(d) Relating to the Date by Which Kent County Must Adopt Its Budget.

SB 256 - ADAMS & REPRESENTATIVE WEST - H/ADM: An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended by Chapter 325, Volume 66, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Georgetown" to Further Provide for Absentee Voting at the Annual Municipal Election. (2/3 bill)

SCR 84 - HAUGE, MINNER; REPRESENTATIVES SOLES, D. ENNIS - H/ADM: Relating to the Use of Recycled Products by the General Assembly.

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

P/S: SB 146 w/SA 1 - 1F,2M; SB 232 - 1F,2M.

Mr. Speaker assigned HB 417 & HB 89 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 4:00 p.m.

The House reconvened at 4:56 p.m.

Representative D. Ennis requested that he be marked present.

Representative Clark requested that HCN 101 be placed on the next Consent Calendar.

Mr. Speaker concurred.

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

R & F: HB 428 - 7M.

P/S: HB 441 - 3M.

H/ADM: HB 384 - 4F,1M.

Representative Corrozi introduced HB 450, jointly sponsored by Representatives Davis, Quillen, Smith, Soles & West & Senators Cook, Hauge, Holloway, McBride, R. Still & Vaughn.

HB 450 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 450 to the Appropriations Committee.

Representative Carey introduced and brought SCR 86, jointly sponsored by Senators Minner & Sharp, before the House for consideration.

SCR 86 - Creating a Committee to Study and Report to the 135th General Assembly on the Operations and Preparedness of Those Persons Conducting Oil Lightering in the Delaware Bay.

Representative Carey moved to place SCR 86 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Bennett moved to suspend the rules which interfere with action on HB 384. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Bennett brought HB 384, jointly sponsored by Senator Cook & Representative Outten, before the House for consideration.

HB 384 - An Act to Amend Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority Relating to the Commissioners of the Delaware River and Bay Authority.

Mr. Speaker Spence ruled that it is the sponsor's decision whether HB 384 should be placed on the Speaker's table.

Representative Bennett moved to place HB 384 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 37, jointly sponsored by Representatives Davis & Campanelli & Senator Marshall, before the House for consideration.

HB 37 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation. (F/N)

Representative Oberle introduced and brought HA 1 to HB 37, jointly sponsored by Representative Davis, before the House for consideration. HA 1 was adopted by voice vote. Representative Outten requested and was granted the privilege of the floor for Bruce Decker, Director, Delaware Compensation Rating Bureau.

The roll call on HB 37 w/HA 1 was taken and revealed:

YES: Representatives Amick, Brady, Bunting, Campanelli, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Petrilli, Plant, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Van Sant, West, Mr. Speaker Spence - 32.

NO: Representatives Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Outten, Quillen, Taylor - 9.

Therefore, having received a constitutional majority, HB 37 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 281, jointly sponsored by Representative Davis & Senator Marshall & cosponsored by Representative Mack, before the House for consideration. HB 281 - An Act to Amend Subchapter 1, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

The roll call on HB 281 was taken and revealed:

YES: Representatives Amick, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

NO: Representatives Boykin, Bunting, Quillen, Schroeder - 4.

Therefore, having received a constitutional majority, HB 281 was sent to the Senate for concurrence.

Representative Clark brought HB 197, jointly sponsored by Representatives B. Ennis, Quillen, Buckworth, Ewing, Schroeder & West & Senators Cook, Vaughn & Minner, before the House for consideration.

HB 197 - An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Cancellation of Automobile Insurance Policies.

Representative Clark brought HA 1 to HB 197 before the House for consideration. HA 1 was adopted by voice vote.

Representative Clark brought HA 2 to HB 197 before the House for consideration. HA 2 was adopted by voice vote.

Representative Clark brought HA 1 to HA 2 to HB 197 before the House for consideration. HA 1 to HA 2 was adopted by voice vote.

Representative Clark moved to place HB 197 w/HA 1 & HA 1 to HA 2 - HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Caulk brought SB 155, jointly sponsored by Senators Adams, Cook, Cordrey, Vaughn, Venables, Connor & J. Still & Representatives Carey, Lee, Ewing, Buckworth, Corrozi, Fallon, Quillen, Spence, Clark, B. Ennis, Schroeder, Jester, Bunting & Petrilli & cosponsored by Senator Minner, before the House for consideration.

SB 155 - An Act to Amend Chapter 303, Volume 66, Laws of Delaware, Being Senate Bill No. 480 of the 134th General Assembly, and Being an Act Entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1989, Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", by Making Additions, Deletions and Adjustments.

The roll call on SB 155 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

NOT VOTING: Representative Bennett - 1.

Therefore, having received a constitutional majority, SB 155 was returned to the Senate.

Representative Sillis brought HB 72 w/HA 1 & SA 2.4 & 5, jointly sponsored by Representatives Buckworth, Davis, D. Ennis, Gilligan, Lee, Oberle, Plant, Reynolds, Van Sant, West, Holloway, Martin, Marshall, McBride, McDowell, Sharp, Vaughn & Venables, before the House for consideration.

HB 72 - An Act to Amend Chapter 9, Title 19, Delaware Code Relating to Minimum Wage Rate. (F/N)

Representative Outten introduced and brought HA 3 to HB 72, jointly sponsored by Representatives Bennett & Clark, before the House for consideration.

The roll call on HA 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Corrozi, DiPinto, Ewing, Fallon, Hebner, Lee, Maroney, Outten, Petrilli, Quillen, Roy, Schroeder, Smith, Taylor - 21.

NO: Representatives Brady, Bunting, Campanelli, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Mack, Oberle, Plant, Reynolds, Sillis, Soles, Van Sant, West, Mr. Speaker Spence - 19.

NOT VOTING: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HA 3 was adopted.

The roll call on HB 72 w/HA 1 & 3 & SA 2.4 & 5 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 72 w/HA 1 & 3 & SA 2.4 & 5 was returned to the Senate for concurrence on HA 3.

Representative Ewing brought SB 184, jointly sponsored by Senator McBride & Representative Caulk & Senators Cook, Martin, McDowell, Torbert, Vaughn, Venables, & J. Still & Representatives Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Spence, Taylor, Maroney, Oberle, Outten, Petrilli, Campanelli, Clark, B. Ennis, George, Jester, Jonkiert, Outten, Plant, Schroeder, Sills & West, before the House for consideration.

SB 184 - An Act to Amend Chapter 1, Title 26, of the Delaware Code Relating to Telephone Service for People With Speech and Hearing Impairments.

Representative Ewing requested and was granted the privilege of the floor for Barbara Maynard, Sign Language Interpreter.

The roll call on SB 184 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 184 was returned to the Senate. Representative Ewing brought HB 347, jointly sponsored by Representatives Spence, Petrilli, Davis & Bunting, before the House for consideration.

HB 347 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs.

Representative Ewing requested and was granted the privilege of the floor for Dr. Ali Z. Hameli, State Medical Examiner.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Ewing requested and was granted the privilege of the floor for Captain Michael Gunning, Director of Traffic, Delaware State Police.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 347 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NOT VOTING: Representatives Bennett, B. Ennis, Quillen - 3.

Therefore, having received a constitutional majority, HB 347 was sent to the Senate for concurrence.

Representative Maroney brought HB 285, jointly sponsored by Senator Holloway & Representatives Amick, Davis, Smith, Brady, Jester, Soles & Gilligan & Senators McDowell, Bair, J. Still & Neal, before the House for consideration.

HB 285 - An Act to Amend Title 16 of the Delaware Code Relating to the Validity and Confidentiality of Health Data. (F/N)

Representative Maroney brought HA 1 to HB 285 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 285 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 285 w/HA 1 was sent to the Senate for concurrence.

Representative Corrozi brought HB 331, jointly sponsored by Senator Cook & Representatives Petrilli, Spence, Quillen, Amick, D. Ennis, Oberle, Ewing, Roy, Maroney, Caulk, Boykin, Carey, Lee, Fallon, Reynolds, Smith, DiPinto, Gilligan, Bennett, Campanelli, Bunting, Outten, Soles, Clark, B. Ennis, West, Jester, Plant, Van Sant, Sills & Schroeder, before the House for consideration.

HB 331 - An Act to Amend Chapter 87, Title 29 of the Delaware Code, Relative to the Department of State.

The roll call on HB 331 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, HB 331 was sent to the Senate for concurrence.

Representative Carey moved to lift SCR 86 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Carey brought SCR 86, jointly sponsored by Senators Minner & Sharp, before the House for consideration.

SCR 86 - Creating a Committee to Study and Report to the 135th General Assembly on the Operations and Preparedness of Those Persons Conducting Oil Lightering in the Delaware Bay.

SCR 86 was adopted by voice vote and returned to the Senate.

Representative Roy requested that HB 93 be stricken.

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

SUB ABUSE: SB 134 - 3M; SB 137 w/SA 1 & 3 - 3M; SB 138 w/SA 1 - 4M.

B & I: HB 427 - 7M.

LAND USE & GOV REL: HB 401 - 6M.

APPRO: HB 253 - 1F, 5M; HB 369 - 6M; SB 58 w/SA 1 & 2 - 6M; SB 212 w/SA 1 - 6M.

HOUSING & COM AFF: HCR 99 - 6M.

SUNSET & OVERVIEW: HB 431 - 2F, 1M; HJR 13 - 4M; HR 126 - 4M; SCR 83 - 3M.

HUM RES: HB 271 - 5M.

H/ADM: HB 430 - 5M.

The Majority Leader moved to recess to the call of the Chair at 7:35 p.m.

49th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

June 28, 1989

Mr. Speaker Spence called the House to order at 2:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 163 w/SA 2 & 3, SB 233, HB 157, SB 174 w/SA 1, SS 1 to SB 245, SB 259, HB 130, SB 228 w/SA 1, SB 117 w/SA 1, SCR 85 & HCR 100.

June 28, 1989

TO: JoAnn Hedrick
Chief Clerk of the House

FROM: Bernard J. Brady
Secretary of the Senate

SUBJECT: House Concurrent Resolution 100

For the purpose of your journal, please note that Senators Thomas B. Sharp and Richard S. Cordrey signed on as co-sponsors to HCR 100, on June 27, 1989.

BJB:ks

Mr. Speaker assigned SB 138 w/SA 1 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:48 p.m., thereby ending the current legislative day. The House reconvened at 2:49 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Roy - 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 Flag.

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

The following prefilled legislation was introduced:

HB 442 - DAVIS, HEBNER, EWING, HOUGHTON, PLANT - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to the Board of Parole.

HB 443 - DIPINTO - SUNSET & OVERVIEW: An Act to Amend Chapter 50, Title 29 of the Delaware Code by Abolishing the Tourism Advisory Board.

HB 444 - DIPINTO & SENATOR HAUGE - B & I: An Act to Amend Chapter 73, Title 6, and Chapter 61, Title 29, of the Delaware Code Relating to the Regulation of Broker-Dealers, Investment Advisers and Agents. (3/5 bill)

HB 445 - EWING - P/S: An Act to Amend Subchapter III, Chapter 27, Title 21 of the Delaware Code Relating to Notice and Hearing for Revocation of Licenses for Refusal to Submit to a Chemical Test.

HB 446 - AMICK - SUBS ABUSE: An Act to Amend Subchapter II, Chapter 47, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act. (2/3 bill)

HB 447 - CAREY, BUNTING, SCHROEDER - HOUSING & COM. AFF.: An Act to Amend Chapter 1, Part 1, Title 16 of the Delaware Code by Adding Section 122(3)(R) Concerning Sanitary Control of Mobile/Manufactured Home Parks and Other Similar Housing.

HB 448 - B. ENNIS, D. ENNIS; SENATOR TORBERT - P/S: An Act to Amend Subchapter I of Chapter 60, Title 7, Delaware Code, Relating to the Establishment of Fees to Fund the Local Emergency Planning Committees; and Providing a Supplementary Appropriation Therefor.

HCR 102 - EWING - P/S: Forming a Committee to Study the Possibility of Reissuing Motor Vehicle License Plates and Examining the Feasibility of Dual Plates.

HA 1 to HB 174 - DIPINTO - HOUSING & COM. AFF.: Placed with the bill.

HA 1 to HB 345 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 396 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 403 - MACK - AGENDA XIV: Placed with the bill.

HA 1 to HB 411 - CAREY - JUD: Placed with the bill.

HA 2 to HB 423 - BUNTING - AGENDA XII: Placed with the bill.

HA 3 to HB 423 - BENNETT - AGENDA XII: Placed with the bill.

HA 1 to HB 424 - MACK - READY LIST: Placed with the bill.

HA 1 to HB 426 - TAYLOR - R & F: Placed with the bill.

SB 117 w/SA 1 - BAIR & SHARP - ED: An Act to Amend Chapter 15, Title 14 of the Delaware Code Relating to Compliance with Certain Regulations.

SB 163 w/SA 2 & 3 - CONNOR, HOLLOWAY & REPRESENTATIVE BENNETT; SENATORS BAIR, BANE, COOK, HAUGE, KNOX, NEAL, J. STILL, R. STILL, VENABLES; REPRESENTATIVES BRADY, BUCKWORTH, CORROZI, DAVIS, FALLON, GEORGE, GILLIGAN, HOUGHTON, MACK, REYNOLDS, SILLS, SMITH, SOLES - ED: An Act to Amend Chapter B9, Title 14 of the Delaware Code Relating to Teachers of the Year. (F/N)

SB 174 w/SA 1 - MCBRIDE & REPRESENTATIVE OBERLE - LABOR & PENSIONS: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Approved Leaves of Absence.

SB 228 w/SA 1 - MINNER, KNOX; REPRESENTATIVE SCHROEDER - NAT RES: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Definitions of Contamination and the Obligation of Persons Who Contaminate Water Supplies.

SB 233 - MARSHALL; REPRESENTATIVE OBERLE; SENATORS HOLLOWAY, MARTIN, MCBRIDE, SHARP, KNOX, NEAL; REPRESENTATIVES MACK, REYNOLDS, CAMPANELLI, PLANT - LABOR & PENSIONS: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SS 1 to SB 245 - COOK; REPRESENTATIVE CORROZI - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 8 of the Delaware Code to Revise the Limits on Fees Charged for Special Request Services Within the Division of Corporations. (2/3 bill)

SB 259 - COOK; REPRESENTATIVE CORROZI - SUNSET & OVERVIEW: An Act to Amend Subchapter XI of Chapter 17, Title 6 of the Delaware Code to Revise the Limits on Fees Charged for Special Request Services Within the Division of Corporations, for Limited Partnerships. (2/3 bill)

SCR 85 - TORBERT & REPRESENTATIVE CLARK; SENATOR J. STILL - CORR: Requesting the Department of Correction and the Delaware State Housing Authority to Undertake a Study to Determine the Feasibility of Employing Prisoners in the Construction of Low-Cost Housing and Emergency Temporary Shelter.

HA 1 to SS 1 for SB 131 - MARONEY - APPRO: Placed with the bill.

HA 1 to SB 137 - AMICK - READY LIST: Placed with the bill.

Representative George requested that he be marked present.

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

Representatives Jonkiert & Gilligan requested that they be marked present.

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

JUD: HB 371 - 3M; HB 411 - 3M.

P/S: HB 344 - 3M.

LABOR & PENSIONS: SB 197 - 3M; SB 233 - 4M.

Representative Bennett moved to lift HB 384 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Bennett brought HB 384, jointly sponsored by Senator Cook & Representative Outten, before the House for consideration.

HB 384 - An Act to Amend Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority Relating to the Commissioners of the Delaware River and Bay Authority.

Representative Sills introduced and brought HA 1 to HB 384, jointly sponsored by Representative Plant, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 384 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 384 w/HA 1 was sent to the Senate for concurrence.

Representatives Maroney and B. Ennis requested that they be marked present during the roll call.

Representative Clark moved to lift HB 197 w/HA 1, HA 1 to HA 2 - HA 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Clark brought HB 197 w/HA 1, HA 1 to HA 2 - HA 2, jointly sponsored by Representatives B. Ennis, Quillen, Buckworth, Ewing, Schroeder & West & Senators Cook, Vaughn & Minner, before the House for consideration.

HB 197 - An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Cancellation of Automobile Insurance Policies.

Representative Clark brought HA 2 to HB 197 before the House for consideration. HA 2 w/HA 1 was adopted by voice vote.

Representative Clark introduced and brought HA 3 to HB 197 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 197 w/HA 1, HA 2 w/HA 1 & HA 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NO: Representative Brady - 1.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 197 w/HA 1, HA 2 w/HA 1 & HA 3 was sent to the Senate for concurrence.

Representative Lee requested that HB 203 be stricken.

Representative Carey brought SB 81, sponsored by Senator Vaughn & Representative Mack, before the House for consideration.

SB 81 - An Act Authorizing and Directing the Department of Natural Resources and Environmental Control to Issue a Commercial Gill Net Foodfishing Permit to Walter Wisowaty, Sr. of Delaware City, Delaware who is Presently Prohibited From Obtaining a Permit Under Delaware Finfishing Statutes.

The roll call on SB 81 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SB 81 was returned to the Senate.

Representative Hebner brought HB 360, jointly sponsored by Representatives Spence, Petrilli, Smith, Boykin, Roy, D. Ennis, Fallon, Corrozi, Ewing, Carey, DiPinto, Davis, Gilligan, Campanelli, Bunting, Plant & Schroeder & Senators Adams, Cook, Holloway, Minner, Venables, Bair, Bane, Knox, J. Still & R. Still & cosponsored by Representative Maroney, before the House for consideration.

HB 360 - An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Limitation of Civil Liability for Certain Volunteers and Certain Medical Clinics.

Representative Hebner brought HA 1 to HB 360 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 360 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Roy - 2.

Therefore, having received a constitutional majority, HB 360 w/HA 1 was sent to the Senate for concurrence.

Representative Corrozi brought HB 194, jointly sponsored by Representatives Petrilli, Amick, Boykin, Carey, Davis, DiPinto, Ewing, Hebner, Roy, Smith, Bennett & Gilligan & Senators Bair, Bane, Knox, Hauge & R. Still, before the House for consideration.

HB 194 - An Act to Amend Title 16 of the Delaware Code Relating to Public Health and Public Eating Places. (3/5 bill)

Representative Corrozi requested and was granted the privilege of the floor for Muriel Rusten, representing the Department of Health & Social Services.

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

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

Representative Maroney brought HB 381, jointly sponsored by Representative Quillen & Senators Minner, Cook, Torbert, Vaughn, Bane, Knox, Hauge & Bair, before the House for consideration.

HB 381 - An Act to Amend Chapter I, Part 1, Title 16; Chapter 53, Part 5, Title 16, Chapter 79, Title 29; and Chapters 1 and 28, Title 31 of the Delaware Code Relating to State Board of Health, Governor Bacon Health Center, Department of Health and Social Services, and Delaware Hospital for the Chronically Ill.

Representative Maroney moved to place HB 381 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney brought SB 195, jointly sponsored by Senators Holloway, Bair, Bane, Martin, Neal, Torbert, Marshall & McBride & Representatives Bennett, Brady, Boykin, Taylor, Ewing, Smith, Jester, Outten, Van Sant, Fallon, Amick, Spence, Corrozi, Carey, Lee, Clark, Quillen, Davis, Soles, Mack, Petrilli, Reynolds, Caulk, Roy, B. Ennis, Gilligan, Bunting, Schroeder, Sills & Campanelli, before the House for consideration.

SB 195 - An Act to Amend Chapter 11, Title 16 of the Delaware Code Relating to the Long-Term Care Ombudsman and Providing for the Establishment of the Office of the Long-Term Care Ombudsman Within the Department of Health and Social Services, Division of Aging.

The roll call on SB 195 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives B. Ennis, Reynolds, Roy - 3.

Therefore, having received a constitutional majority, SB 195 was returned to the Senate.

Representative Maroney brought SB 218 w/SA 1, jointly sponsored by Senator Holloway & Representatives Jester & Smith, before the House for consideration.

✓ SB 218 - An Act to Amend Chapter 11, Title 16 of the Delaware Code, Relating to Standards of Care for Nursing Homes Providing Care to Medicaid Recipients.

Representative Maroney requested and was granted the privilege of the floor for Muriel Ruston, representing the Department of Health & Social Services.

The roll call on SB 218 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Roy - 2.

Therefore, having received a constitutional majority, SB 218 w/SA 1 was returned to the Senate.

Representative Jonkiert brought HB 374, jointly sponsored by Representatives DiPinto, George, Plant & Sills & Senators Holloway, Marshall & McDowell, before the House for consideration.

HB 374 - An Act to Amend Title 18, Delaware Code, Relating to Funeral Expenses. (F/N) Representative Van Sant moved to place HB 374 on the Speaker's table.

The roll call on the motion was taken and revealed:

YES: Representatives Amick, Bennett, Carey, Caulk, Clark, Corrozi, Davis, Ewing, Gilligan, Hebner, Houghton, Jester, Mack, Maroney, Outten, Quillen, Reynolds, Smith, Soles, Taylor, Van Sant, West - 22.

NO: Representatives Boykin, Brady, DiPinto, George, Jonkiert, Lee, Petrilli, Plant, Schroeder, Sills, Mr. Speaker Spence - 11.

NOT VOTING: Representatives Buckworth, Bunting, D. Ennis, Fallon, Oberle - 5.

ABSENT: Representatives Campanelli, B. Ennis, Roy - 3.

Therefore, having received a constitutional majority, the motion was adopted and HB 374 was placed on the Speaker's table.

Representative Maroney brought SB 217, sponsored by Senators Marshall & Hauge, before the House for consideration.

SB 217 - An Act to Amend Subchapter V, Title 11 of the Delaware Code Relating to Offenses Relating to Offenses Relating to Children and Incompetents.

The roll call on SB 217 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Campanelli, B. Ennis, Roy - 3.

Therefore, having received a constitutional majority, SB 217 was returned to the Senate.

The Majority Leader moved to recess for caucus at 4:20 p.m.

The House reconvened at 5:27 p.m. with Representative Buckworth as Acting Speaker.

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

CORR: HB 442 - 6M; SCR 85 - 4M, 1U.

SUNSET & OVERVIEW: HB 407 - 3M; SS 1 to SB 245 - 4M; SB 259 - 4M.

H/ADM: SB 247 - 4M; SB 251 - 4M; SB 256 - 4M.

P/S: HB 445 - 3M.

Representative Boykin brought HS 1 to HB 353, jointly sponsored by Representative DiPinto, before the House for consideration.

HB 353 - An Act to Amend Section 5114 of Title 25 of the Delaware Code Relating to Charges and/or Metering for Utility Services by Landlords Owning and Operating Commercial Units, Termination of Service, and Jurisdiction.

Representative DiPinto brought HA 1 to HS 1 to HB 353 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Buckworth - 36.

NO: Representative Mack - 1.

ABSENT: Representatives Campanelli, B. Ennis, Plant, Schroeder - 4.

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

Representative D. Ennis brought HS 1 to HB 231, jointly sponsored by Representatives DiPinto, Lee, Boykin, Jonkiert, Sills, Van Sant, Maroney, Brady, Bennett & Jester & Senator Venables, before the House for consideration.

HB 231 - An Act to Amend Chapter 3, Title 18 of the Delaware Code to Create Arbitration Panels to Hear and Decide Issues of Insurance Coverage. (3/5 bill)

Representative D. Ennis moved to place HS 1 to HB 231 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli moved to suspend the rules which interfere with action on HB 386. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought HB 386, jointly sponsored by Representatives Buckworth, Spence, Amick, Boykin, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maroney, Roy & Taylor & Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still & R. Still & Representatives George, Gilligan, Bennett, Clark, Jonkiert, Outten & Plant, before the House for consideration.

HB 386 - An Act to Amend Chapter 11, Title 30, of the Delaware Code, Relating to the Personal Income Tax. (F/N)

Representative Gilligan requested and was granted the privilege of the floor for Stephen Golding, Secretary of Finance.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

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

Mr. Speaker Spence resumed the Chair.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Jester, Lee, Mack, Maroney, Outten, Petrilli, Plant, Reynolds, Schroeder, Smith, Soles, Taylor, Mr. Speaker Spence - 31.

NO: Representative Sills - 1.

NOT VOTING: Representatives Campanelli, Houghton, Jonkiert, Oberle, Quillen, Van Sant, West - 7.

ABSENT: Representatives B. Ennis, Roy - 2.

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

Representative Amick brought HB 395 before the House for consideration.

HB 395 - An Act to Amend Chapter 73, Title 29 Delaware Code Relating to Compensation for Members of the Architectural Accessibility Board. (F/N)

The roll call on HB 395 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives B. Ennis, Roy - 2.

Therefore, having received a constitutional majority, HB 395 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with action on SB 130. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought SB 130, jointly sponsored by Senators Holloway & Cook & Representative Davis & Senator Hauge & Representative Quillen & Senator R. Still & Representatives Corrozi, Smith & Soles & Senator Vaughn & Representative West, before the House for consideration.

SB 130 - An Act to Amend Chapter 90, Title 29 of the Delaware Code, Relating to Revenue Collections in the Department of Services for Children, Youth and Their Families. (3/5 bill)(F/N)

The roll call on SB 130 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Reynolds, Roy - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 130 was returned to the Senate.

Representative Oberle brought HB 277 before the House for consideration.

HB 277 - An Act to Amend Chapter 2, Title 11 of the Delaware Code Relating to the Statute of Limitations for Prosecution of Certain Offenses.

Representative Oberle moved to place HB 277 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Quillen brought HB 380, jointly sponsored by Representatives Bunting, Davis, Ewing & Outten, before the House for consideration.

HB 380 - An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

The roll call on HB 380 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 38.

ABSENT: Representatives Roy, Sills, West - 3.

Therefore, having received a constitutional majority, HB 380 was sent to the Senate for concurrence.

Representative Ewing brought HB 346, jointly sponsored by Representatives Spence, Petrilli, Davis, Mack, Roy & Bunting, before the House for consideration.

HB 346 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Operating a Vehicle While Under the Influence of Alcohol and/or Drugs and Penalties Associated Therewith.

Representative Ewing requested and was granted the privilege of the floor for Robert J. Voshell, Director, Division of Motor Vehicles.

Representative Ewing requested and was granted the privilege of the floor for Norma L. Mathewson, President of Mothers Against Drunk Driving.

The roll call on HB 346 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 37.

NOT VOTING: Representative Clark - 1.

ABSENT: Representatives B. Ennis, Roy, West - 3.

Therefore, having received a constitutional majority, HB 346 was sent to the Senate for concurrence.

Representative Corrozi introduced HB 449, jointly sponsored by Representatives Davis, Quillen, Smith, Soles & West & Senators Cook, Hauge, Holloway, McBride, R. Still & Vaughn.

HB 449 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Mr. Speaker assigned HB 449 to the Appropriations Committee.

Representative Corrozi moved to lift HB 194 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Corrozi brought HB 194, jointly sponsored by Representatives Petrilli, Amick, Boykin, Carey, Davis, DiPinto, Ewing, Hebner, Roy, Smith, Bennett & Gilligan & Senators Bair, Bane, Knox, Hauge & R. Still, before the House for consideration.

HB 194 - An Act to Amend Title 16 of the Delaware Code Relating to Public Health and Public Eating Places. (3/5 bill)

Representative Caulk introduced and brought HA 1 to HB 194, jointly sponsored by Representative Corrozi, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 194 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Schroeder - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 194 w/HA 1 was sent to the Senate for concurrence.

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

HB 367 - BUNTING; SENATOR CORDREY - An Act to Amend Chapter 64, Volume 63, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware." (2/3 bill)

SB 21 - MINNER; REPRESENTATIVE SCHROEDER - An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Provide a Date for Candidates to File Notification of Candidacy. (2/3 bill)

SB 168 - ADAMS; REPRESENTATIVE WEST; SENATOR VENABLES - An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Extend the Effective Date of Annexation Following a Special Annexation Election or Annexation Resolution. (2/3 bill)

SB 205 w/SA 2 - CORDREY, VENABLES; REPRESENTATIVE BUNTING - An Act to Reincorporate the Town of South Bethany. (2/3 bill)

SB 219 - VAUGHN; REPRESENTATIVE B. ENNIS - An Act to Amend Laws of Delaware, Volume 66, Chapter 291, as Amended, the Charter of the Town of Clayton, Relating to the Power of the Town of Clayton to Impose and Collect a Realty Transfer Tax. (2/3 bill)

SB 237 - ADAMS; REPRESENTATIVE WEST - An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended Entitled "An Act to Reincorporate the Town of Georgetown" to Increase the Municipality's Indebtedness Limitation. (2/3 bill)

SB 255 - CORDREY; REPRESENTATIVE BUNTING - An Act to Amend Chapter 302 Volume 49, Laws of Delaware Entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Taxes; and Providing for a Realty Transfer Tax. (2/3 bill)

HB 430 - CAMPANELLI, VAN SANT, R. STILL; MARSHALL - An Act to Amend an Act Being Chapter 428, Volume 50, as Amended, Entitled "An Act to Re-Incorporate the Town of Elsmere, New Castle County" to Eliminate the Office of Director of Public Safety and to Provide for the Police Force of the Town of Elsmere. (2/3 bill)

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 367 & HB 430 were sent to the Senate for concurrence and SB 21, SB 168, SB 205 w/SA 2, SB 219, SB 237 & SB 255 were returned to the Senate.

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

SB 247 - TORBERT; REPRESENTATIVE CAULK - An Act to Amend an Act, Being Chapter 32, Volume 47, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Frederica" by Increasing the Amount of Annual Taxes to be Raised and by Increasing the Amount Which Council is Permitted to Borrow. (2/3 bill)

SB 251 - MINNER; REPRESENTATIVES CAREY & SCHROEDER - An Act to Amend an Act Entitled, "An Act to Reincorporate the Town of Milton", Being Chapter 501, Volume 61, Laws of Delaware, as Amended by Chapter 265, Volume 64, and Chapter 266, Volume 65, Laws of Delaware, by Granting Authority to the Town of Milton to Levy Tax on Transfers of Real Estate Within the Town of Milton; by Extending the Hours in Which Votes May be Cast With Respect to the Annual Municipal Election and by Also Providing for Absentee Voting; by Changing the Pay the Mayor and Councilmen May Receive for Attendance at Meetings; and by Eliminating the Formal Proceedings Concerning the Termination of the Town Clerk's Employment. (2/3 bill)

SB 256 - ADAMS; REPRESENTATIVE WEST - An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended by Chapter 325, Volume 66, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Georgetown" to Further Provide for Absentee Voting at the Annual Municipal Election. (2/3 bill)

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 247, SB 251 & SB 256 were returned to the Senate.

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

APPRO: HB 335 - 6M.

HAZ WASTE MAN: HB 421 - 4M; HB 422 - 4M.

LAND USE & GOV REL: SB 227 - 1F,4M; SB 229 w/SA 1 - 1F,4M; SB 235 - 1F,4M.

Mr. Speaker Spence announced that Representative Boykin will temporarily take Representative Roy's place on the Bond Bill Committee.

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

APPRO: HB 450 - 1F,5M.

The Majority Leader moved to recess to the call of the Chair at 7:32 p.m.

50th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

First Session

June 29, 1989

The House was called to order at 2:57 p.m. with Representative Buckworth 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 106 w/SA 1,2 & 3, HB 250 w/SA 1, SB 263, SB 252 w/SA 1, SB 244, SB 59, HB 117 w/HA 1 & SA 1,2 & 3, HB 329, SB 276, SB 243 & SB 262.

M E M O R A N D U M

TO: Representative Terry R. Spence
Speaker of the House

FROM: Representative Roger Roy

RE: My Legislation on House Agenda

DATE: June 28, 1989

If I am not able to attend session on June 29 & 30 and July 1, I authorize Representative Steven C. Taylor to floor manage any of my legislation that may come before the House.

RR/gmr

Representative Lee introduced HB 456.

HB 456 - An Act to Amend Chapters 27 and 52, Title 29, and Chapter 31, Title 19 of the Delaware Code Relating to the Power and Duties of the State Treasurer, the Secretary of Labor and the Director of Unemployment Insurance.

Mr. Speaker assigned HB 456 to the Sunset & Overview Committee.

The Majority Leader moved to adjourn at 3:00 p.m., thereby ending the current legislative day. The House reconvened at 3:01 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Katharine M. Jester, Twenty-Seventh Representative District.

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

Mr. Speaker Spence resumed the Chair.

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

The following prefiled legislation was introduced:

HB 451 - AMICK, JONKIERT & SENATORS MCBRIDE & CONNOR - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Property; and Providing for a Uniform Condominium Act.

HB 452 - CAREY - NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code Relating to Authorizing the Delaware Natural Resources and Environmental Control to Issue Up to Seven (7) Commercial Gill Net Permits to New Jersey Residents to Fish for Shad.

HB 453 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to Delaware Underground Storage Tank Act.

HB 454 - OBERLE - LABOR & PENSIONS: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices.

HB 455 - TAYLOR, AMICK, CORROZZI, DIPINTO, D. ENNIS, MARONEY, SMITH, BENNETT, JONKIERT, PLANT, SCHROEDER; SENATORS BAIR, BANE, J. STILL, KNOX, HOLLOWAY, R. STILL - JUD: An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Criminal Offenses; and Providing Certain Penalties for Possession of Assault Weapons.

HJR 14 - CAREY, QUILLEN, CLARK; SENATOR KNOX - NAT RES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to the Release of Balloons in the State of Delaware.

HR 127 - MARONEY, AMICK, SMITH, BRADY, JESTER - HUM RES: Re-establishing the Task Force on Infant Mortality and Asking Said Task Force to Study the Feasibility of Establishing Additional Women's/Children's Health Centers in Delaware.

HA 1 to HB 421 - MACK - READY LIST: Placed with the bill.

HA 2 to HB 421 - MACK - READY LIST: Placed with the bill.

SB 59 - BAIR & HOLLOWAY; REPRESENTATIVES DIPINTO, SILLS - HUM RES: An Act to Amend Title 31 of the Delaware Code, Relating to the Establishment of Innovative Housing Option Programs Within the Elderly Housing Counseling Program, Division of Aging, Department of Health and Social Services.

SB 106 w/SA 1, 2 & 3 - HOLLOWAY - JUD: An Act to Amend Title 10, Section 921, Delaware Code Relating to Disposition of Former Marital Property.

SB 243 - MINNER; REPRESENTATIVE DIPINTO; SENATORS HOLLOWAY, BAIR, R. STILL; REPRESENTATIVES BOYKIN, D. ENNIS, LEE, JONKIERT, SILLS, VAN SANT - HOUSING & COM AFF: An Act to Amend Chapter 41, Title 31, Delaware Code, Relating to Violations of the Delaware State Housing Code. (2/3 bill)

SB 244 - VAUGHN, MCBRIDE, NEAL; REPRESENTATIVES QUILLEN, BRADY - LABOR & PENSIONS: An Act to Amend Chapter 10, Title 20 of the Delaware Code, Relating to Pension Benefits for Paraplegic Veterans. (F/N)

SB 252 w/SA 1 - VAUGHN; REPRESENTATIVE JESTER - H/ADM: An Act to Amend Chapter 273, Volume 46, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Odessa in New Castle County" by Conferring Upon the Town Council Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town Limits of Odessa. (2/3 bill)

SB 262 - ADAMS, COOK, CORDREY, MINNER, VAUGHN, VENABLES, CONNOR, J. STILL; REPRESENTATIVES BUNTING, CLARK, SCHROEDER, WEST, CAULK, CAREY, QUILLEN, SMITH - NAT RES: An Act to Amend Chapter 59, Title 7 of the Delaware Code Relating to Public Recreation on Private Land and the Limit of Liability Therein.

SB 263 - CORDREY, ADAMS, MINNER, MARSHALL, VAUGHN, VENABLES; REPRESENTATIVES BUNTING, B. ENNIS, WEST - LAND USE & GOV REL: An Act to Authorize and Approve the Transfer of Certain Real Property in Indian River Hundred, Sussex County, Known as Warwick School No. 203, to Veterans of Foreign Wars Post 10638.

SB 276 - CORDREY; REPRESENTATIVE SCHROEDER - H/ADM: 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 Confer Upon the Commissioners of the Town of Henlopen Acres Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town of Henlopen Acres, and to Increase the Amount for Which Contracts Can be Awarded Without Competitive Bidding. (2/3 bill)

HA 1 to SB 134 - AMICK - CONSENT AGENDA F: Placed with the bill.

HA 1 to SB 138 - MARONEY - APPRO: Placed with the bill.

HA 1 to SB 142 - AMICK - CONSENT AGENDA F: Placed with the bill.

HA 1 to SB 224 - BUCKWORTH - AGENDA XII: Placed with the bill.

Representative Carey requested that he be marked present.

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

JUD: HB 370 - 3M.

The Majority Leader moved to recess for caucus at 3:12 p.m.

The House reconvened at 4:05 p.m.

Representative Taylor brought HB 423, jointly sponsored by Representative Carey, before the House for consideration.

HB 423 - An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Authority of the State of Delaware to Levy and Collect a Public Lodging Tax and Dedicating the Proceeds of the Tax to the State Beach Preservation Program and County Convention and Visitors Bureaus. (3/5 bill)

Representative Schroeder brought HA 1 to HB 423 before the House for consideration. HA 1 was adopted by voice vote.

Representative Bunting brought HA 2 to HB 423 before the House for consideration. HA 2 was adopted by voice vote.

Representative Bennett brought HA 3 to HB 423 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

Representative Bennett requested that HA 3 to HB 423 be stricken.

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

Representative Taylor moved to place HB 423 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy requested that he be marked present.

Representative Roy brought HS 1 to HB 32, jointly sponsored by Senator Martin & Representatives Taylor, Amick, Soles, Brady & Outten & Senators Minner, Cook & R. Still, before the House for consideration.

HB 32 - An Act Entitled "The Travelink Traffic Mitigation Act" Amending Chapter 25 of Title 18, Chapter 23 of Title 19, and Chapters 11 and 20 of Title 30 of the Delaware Code Relating to Tax Credits for Mitigation of Commuter Traffic. (F/N)

Representative George requested and was granted the privilege of the floor for Mark McNulty, Director, Delaware Transportation Authority.

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

The roll call on HS 1 to HB 32 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HS 1 to HB 32 was sent to the Senate for concurrence.

Representative Smith brought HB 270, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Reynolds, Roy, Bennett, Brady, Campanelli, Clark, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Plant, Schroeder, Sillis, Soles, Van Sant & West & Senators Cook, Holloway, Martin, McDowell, Torbert, Bair, Bane, Hauge, Knox, R. Still, before the House for consideration.

HB 270 - An Act to Amend Chapter 31 of Title 16 to Provide for the Issuance of Vanity Birth Certificates. (3/5 bill)

Representative Smith brought HA 1 to HB 270 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 270 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 270 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought HB 283, jointly sponsored by Representatives Boykin, Caulk, DiPinto, Davis, Ewing, Mack, Quillen, Clark, Bunting & Schroeder & Senators Knox, J. Still, Minner & Venables, before the House for consideration.

HB 283 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Decisions of the Environmental Appeals Board.

Representative Carey brought HA 1 to HB 283 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 283 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 283 w/HA 1 was sent to the Senate for concurrence.

Representative Jester brought HB 304, jointly sponsored by Representatives Clark, Davis & Houghton & Senators Knox, Torbert & Vaughn, before the House for consideration.

HB 304 - An Act to Amend the Delaware Code Relating to Vehicular Homicide, Vehicular Assault and Persons Aged 16 Years or Older.

The roll call on HB 304 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Van Sant, West, Mr. Speaker Spence - 38.

NOT VOTING: Representative Taylor - 1.

ABSENT: Representatives B. Ennis, Plant - 2.

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

Representative Amick brought SB 158, sponsored by Senators Cook, Adams, Cordrey, Minner, Torbert, Vaughn & Venables & Representatives Clark, Caulk, B. Ennis, Buckworth, Brady, Carey, Ewing, Jester, Plant, Quillen, Van Sant & West, before the House for consideration.

SB 158 - An Act to Amend Chapter 79, Title 16, Delaware Code, Relating to Plumbing Rules and Regulations.

The roll call on SB 158 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Hebner, Jester, Lee, Mack, Maroney, Outten, Quillen, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 32.

NO: Representative Jonktert - 1.

NOT VOTING: Representatives Campanelli, Gilligan, Houghton, Oberle, Petrilli, Reynolds - 6.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority, SB 158 was returned to the Senate.

Representative Buckworth brought SB 224 w/SA 1 & 3, jointly sponsored by Senator Adams & Representative Petrilli, before the House for consideration.

SB 224 - An Act to Amend Chapter 49, Title 6, Delaware Code, Relating to Motor Vehicle Franchising Practices.

Representative Buckworth brought HA 1 to SB 224 before the House for consideration. HA 1 was adopted by voice vote.

Representative Buckworth requested and was granted the privilege of the floor for William Luke, representing Delaware Auto Dealers Association.

The roll call on SB 224 w/SA 1 & 3 & HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, Ewing, Fallon, George, Gilligan, Houghton, Jester, Jonktert, Lee, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 35.

NO: Representatives Oberle, Smith - 2.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representatives B. Ennis, D. Ennis, Plant - 3.

Therefore, having received a constitutional majority, SB 224 w/SA 1 & 3 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Oberle brought HB 297, jointly sponsored by Representatives Spence, Quillen, Campanelli, George & Plant & Senators McBride & Holloway, before the House for consideration.

Representative Oberle moved to suspend the rules which interfere with action on HB 297. The motion was seconded by Representative Hebner and adopted by voice vote.

HB 297 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated Lotteries at Racetracks, and to Amend Chapters 3 and 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing. (F/N)

Representative Bennett announced that he will not be voting on HB 297 because of a possible conflict of interest.

The following communication was read into the record at the request of Representative Gilligan.

June 23, 1989

The Honorable Robert F. Gilligan
2628 Sherwood Drive
Sherwood Park

Wilmington, Delaware 19808

Dear Mr. Gilligan:

We respectfully request your support of House Bill 297. We feel the passage of this Bill is essential to the continuance of thoroughbred racing in Delaware.

Upon passage of this bill, we will continue racing for a minimum of 5 years. We believe this legislation, and the income it will provide, will enable us to raise the standard of racing in Delaware and insure its success for the future.

Very truly yours,
William M. Rickman, Chairman
Delaware Racing Association

Representative Amick requested and was granted the privilege of the floor for John Mooney, General Manager, Delaware Racing Association.

Representative Davis introduced and brought HA 1 to HB 297 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 297 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 297 w/HA 1 & 2 was taken and revealed:

YES: Representatives Amick, Brady, Buckworth, Bunting, Campanelli, Caulk, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Taylor, Van Sant, West, Mr. Speaker Spence - 31.

NO: Representatives Boykin, Carey, Maroney, Smith, Soles - 5.

NOT VOTING: Representatives Bennett, Clark, Davis, Jonktert - 4.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 297 w/HA 1 & 2 was sent to the Senate for concurrence.

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

Representative D. Ennis brought HB 352 before the House for consideration.

HB 352 - An Act to Amend Title 18 of the Delaware Code in Order to Change the Premium Tax Rate Structure for Captive Insurance Companies and to Provide for Consolidated Reporting for Two or More Captive Insurance Companies Under Common Ownership and Control. (F/N)

The roll call on HB 352 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Van Sant, West, Mr. Speaker Spence - 37.

NO: Representative Bennett - 1.

ABSENT: Representatives B. Ennis, Plant, Taylor - 3.

Therefore, having received a constitutional majority, HB 352 was sent to the Senate for concurrence.

Representative Amick brought HS 1 to HB 111 before the House for consideration.

HB 111 - An Act to Amend Chapter 17, Title 24, of the Delaware Code Relating to the Medical Practices Act.

Representative Amick brought HA 1 to HS 1 to HB 111 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 to HB 111 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

ABSENT: Representatives B. Ennis, Jonkiert, Outten, Plant - 4.

Therefore, having received a constitutional majority, HS 1 to HB 111 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk brought HB 368, jointly sponsored by Representatives Buckworth, Ewing, Davis, Mack, Carey, Lee, Quillen, B. Ennis, Clark & Bunting, before the House for consideration.

HB 368 - An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to the Formulation and Implementation of an Extractive Use Program. (F/N)

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

The roll call on HB 368 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Spence, Taylor, Van Sant, Mr. Acting Speaker Buckworth - 37.

NO: Representatives Hebner, West - 2.

ABSENT: Representatives Bunting, Sillis - 2.

Therefore, having received a constitutional majority, HB 368 was sent to the Senate for concurrence.

Representative Corrozi brought HB 325, jointly sponsored by Senator Cook & Representatives Petrilli, Spence, Quillen, D. Ennis, Boykin, Caulk, DiPinto, Carey, Taylor, Reynolds, Lee, Ewing, Fallon, Roy, Maroney, Jonkiert, Gilligan, Campanelli, Van Sant, Bunting, Clark, Houghton, B. Ennis, West, Jester, Schroeder & Sillis, before the House for consideration.

HB 325 - An Act Making a Supplementary Appropriation to the Delaware Community Foundation to Be Held as Permanent Unrestricted Endowment and Conditions Therefore. (3/4 bill)(F/N)

Mr. Speaker Spence resumed the Chair.

Representative Corrozi introduced and brought HA 1 to HB 325 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith introduced and brought HA 2 to HB 325 before the House for consideration. HA 2 was adopted by voice vote.

Representative Corrozi requested and was granted the privilege of the floor for Collis Townsend, Deputy Director, Delaware Community Foundation.

Representative Corrozi moved to place HB 325 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

Representative Petrilli introduced and brought HJR 15, jointly sponsored by Senator Cordrey & Representatives Corrozi & George & Senators Cook & Neal, before the House for consideration.

HJR 15 - The Official Estimate of General Fund Revenues for Fiscal Year 1989.

The roll call on HJR 15 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Jonkiert - 1.

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

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HJR 16. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought HJR 16, jointly sponsored by Senators Cordrey, Cook & Neal & Representatives Corrozi & George, before the House for consideration. HJR 16 - The Official Estimate of General Fund Revenues for Fiscal Year 1990.

The roll call on HJR 16 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

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

Representative Corrozi moved to suspend the rules which interfere with action on HB 450. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi brought HB 450, jointly sponsored by Senators Cook, Hauge, Holloway, McBride, R. Still & Vaughn & Representatives Davis, Quillen, Smith, Soles & West, before the House for consideration.

HB 450 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

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

June 28, 1989

The Honorable Terry R. Spence
Speaker of the House of Representatives
Dover, DE 19901

Dear Mr. Speaker:

I have owned a 5% share in Cheswold Enterprises since 1974. As an owner in Cheswold Enterprises, I would benefit if the Cheswold Airport in Kent County is developed as a general aviation airport for Kent County.

H.B. 450 contains funds in the Delaware Transportation Authority Capital Line for such development.

For this reason, I must declare a financial interest with H.B. 450 and be recorded as not voting because of a conflict of interest pursuant to the rules of the House of Representatives and the Constitution of the State of Delaware

Sincerely,
Robert F. Gilligan

RFG/rmh

Representative Gilligan announced that he will not be voting on HB 450 because of a possible conflict of interest.

Mr. Speaker Spence declared a recess at 7:37 p.m.

The House reconvened at 7:38 p.m.

The roll call on HB 450 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

NOT VOTING: Representative Gilligan - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 450 was sent to the Senate for concurrence.

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

HB 284 - CAREY, CAULK, DAVIS, EWING, QUILLEN, BUNTING, CLARK, SCHROEDER, MINNER, KNOX, VENABLES - An Act to Amend Title 7, Chapter 41 of the Delaware Code Relating to Tax Ditches.

HB 267 - HOUGHTON - An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation and Reimbursement of Jurors. (F/N)

HB 369 - OBERLE; SENATOR COOK; REPRESENTATIVES AMICK, CAREY, CAULK, DAVIS, DIPINTO, EWING, HEBNER, LEE, MACK, TAYLOR, BRADY, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, SILLS, WEST; SENATORS ADAMS, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, MINNER, SHARP, TORBERT, VAUGHN, VENABLES, BAIR, NEAL, J. STILL - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to State Employees' Pension Plan. (F/N)

HB 216 - EWING, DAVIS, HEBNER, PLANT, SPENCE, PETRILLI, BUCKWORTH, AMICK, BOYKIN, CAREY, CORROZI, DIPINTO, REYNOLDS, SMITH - An Act to Amend Chapter 27, Title 21, of the Delaware Code Relating to the Establishing of a Fee for the Issuance of a Conditional or Occupational Driver License. (3/5 bill)

HB 226 - EWING, SPENCE, PETRILLI, BUCKWORTH, DAVIS, HEBNER, BOYKIN, AMICK, CAREY, SMITH, CORROZI, DIPINTO, PLANT - An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to the Fee for a Temporary Registration Plate. (3/5 bill)

HJR 12 - MARONEY; SENATOR HOLLOWAY - Memorializing the United States Congress to Propose to the States for Ratification an Amendment to the United States Constitution to Protect Reciprocal Tax Immunity.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 284, HB 267, HB 369, HB 216, HB 226 & HJR 12 were sent to the Senate for concurrence.

Representative Carey brought HB 286, jointly sponsored by Representatives Schroeder, Amick, Davis, Caulk, Ewing, Mack, Smith, Quillen, Reynolds, Clark & Bunting & Senator Minner, before the House for consideration.

HB 286 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Requiring Environmental Permits Prior to the Issuance of Building Permits. (2/3 bill)

Representative Jonkiert introduced and brought HA 1 to HB 286 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 286 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 286 w/HA 1 was sent to the Senate for concurrence.

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

SB 206 - VAUGHN; REPRESENTATIVE DAVIS - An Act to Amend Chapter 87, Title 11, Delaware Code, Relating to the Criminal Justice Council.

SB 129 - VAUGHN, COOK; REPRESENTATIVES JESTER, B. ENNIS, CORROZI, HEBNER - An Act to Amend Part VI, Chapter 90, Title 11, Delaware Code, Relating to the Maximum Compensation That Can be Awarded by Violent Crimes Compensation Board to Innocent Victims of Crime.

SB 161 w/SA 1 - VAUGHN, SHARP, COOK; REPRESENTATIVES JESTER, B. ENNIS, HEBNER - An Act to Amend Part VI, Chapter 90, Title 11, Delaware Code, Relating to the Compensation of Innocent Victims of Crime.

HB 101 - PLANT, WEST, SILLS; SENATOR HOLLOWAY - An Act to Amend Chapter 65, Title 29, Delaware Code Relating to State Expenditures.

HB 303 - JESTER, CLARK, DAVIS, B. ENNIS, FALLON, REYNOLDS, SPENCE, WEST; SENATORS ADAMS, BAIR, KNOX, MINNER, NEAL, SHARP, VAUGHN - An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to the Definition and Licensing Requirements of "Bottle Clubs".

SB 197 - ADAMS; REPRESENTATIVE EWING - An Act to Amend Chapters 83 and 88, Title 11, Delaware Code and Chapters 55 and 55-A, Title 29, Delaware Code Related to Portability of Pension Credit Between State Administered Pension Systems.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 206, SB 129, SB 161 w/SA 1 & SB 197 were returned to the Senate and HB 101 & HB 303 were sent to the Senate for concurrence.

Representative Amick brought SB 134, sponsored by Senators Sharp, Cordrey, Vaughn, Connor & Neal, before the House for consideration.

SB 134 - An Act to Amend Chapter 41, Title 14, Delaware Code, by Requiring Every School District in Delaware to Designate an Administrator in Each School to Report Drug/Alcohol Problems to Parents and Law Enforcement Agencies.

Representative Amick brought HA 1 to SB 134 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 134 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 134 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Amick brought SB 142 w/SA 2, sponsored by Senators Sharp, Cordrey, Vaughn, Connor & Neal, before the House for consideration.

SB 142 - An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to Trafficking in Marijuana, Cocaine, Illegal Drugs, or Methamphetamine.

Representative Amick requested that HA 1 to SB 142 be stricken.

The roll call on SB 142 w/SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 142 w/SA 2 was returned to the Senate.

The Majority Leader moved to recess for the purpose of changing the recording tape at 8:04 p.m.

The House reconvened at 8:10 p.m.

Representative Taylor moved to lift HB 423 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Taylor brought HB 423 w/HA 1 & 2, jointly sponsored by Representative Carey, before the House for consideration.

HB 423 - An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Authority of the State of Delaware to Levy and Collect a Public Lodging Tax and Dedicating the Proceeds of the Tax to the State Beach Preservation Program and County Convention and Visitors Bureaus. (3/5 bill)

Representative Carey requested that HJR 14 be stricken.

Representative Davis introduced and brought HA 4 to HB 423 before the House for consideration. HA 4 was adopted by voice vote.

Representative Bennett introduced and brought HA 5 to HB 423 before the House for consideration.

The roll call on HA 5 was taken and revealed:

YES: Representatives Bennett, Brady, Campanelli, Clark, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Quillen, West - 12.

NO: Representatives Amick, Boykin, Buckworth, Bunting, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 28.

ABSENT: Representative B. Ennis - 1.

Therefore, not having received a constitutional majority, HA 5 was declared defeated.

The roll call on HB 423 w/HA 1,2 & 4 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Hebner, Jester, Lee, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sillis, Smith, Soles, Taylor, Mr. Speaker Spence - 31.

NO: Representatives Bennett, Campanelli, B. Ennis, Gilligan, Houghton, Jonkiert, Outten, Schroeder, Van Sant & West - 10.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 423 w/HA 1,2 & 4 was sent to the Senate for concurrence.

Representative Lee introduced HB 457, jointly sponsored by Representative Smith & Senator R. Still & Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Quillen, Caulk, Carey, Roy, Ewing & D. Ennis & Senators Bair, Bane, Connor, Knox, Hauge, Neal & Holloway.

HB 457 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services and Providing for the Delaware Emergency Medical Services Act and Further Amending an Act Entitled "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1990, Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 450 of the 135th General Assembly, by Making an Appropriation Therefor.

Mr. Speaker assigned HB 457 to the Appropriations Committee.

Representative Lee introduced HB 458, jointly sponsored by Representative Smith & Senator R. Still & Representatives Spence, Petrilli, Buckworth, Corrozi, Reynolds, Taylor, DiPinto, Hebner, Boykin, Mack, Davis, Quillen, Caulk, Carey, Roy, Ewing & D. Ennis & Senators Bair, Bane, Connor, Knox, Hauge, Neal & Holloway.

HB 458 - An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 450 of the 135th General Assembly, by Adding an Appropriation for Implementation of the Delaware Emergency Medical Services Act; and to Amend the Delaware Emergency Medical Services Act for the Purpose of Establishing Funding Criteria. (3/4 bill)

Mr. Speaker assigned HB 458 to the Appropriations Committee.

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

HOUSING & COM AFF: HB 447 - 7M; SB 243 - 1F,6M.

LABOR & PENSIONS: SB 174 w/SA 1 - 3F.

NAT RES: HB 452 - 2F,5M; SB 193 - 5M,2U; SB 262 - 7F.

SUNSET & OVERVIEW: HB 456 - 4M.

ED: SB 163 w/SA 2 & 3 - 5M.

JUD: SB 106 w/SA 1,2 & 3 - 3M.

B & I: SB 223 - 7M.

APPRO: SB 147 - 6M.

HUM RES: SB 59 - 5M.

HAZ WASTE MAN: HB 453 - 6M.

The Majority Leader moved to recess to the call of the Chair at 8:30 p.m.

51st LEGISLATIVE DAY
135th GENERAL ASSEMBLY

First Session

June 30, 1989

Mr. Speaker Spence called the House to order at 12:19 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 83, SB 224 w/SA 1 & 3 & HA 1, SB 246 w/SA 1, SB 82 w/SA 2, SB 56, SB 273, SB 284, HB 318, SB 264, SB 274, SB 275, SB 203, SB 154, SB 87, SB 164 w/SA 1, SB 225 & SS 1 to SB 1 w/SA 1.
6-30-89

The House of Representatives & Staff:

A Rainbow of Thanks

...for being so nice!

With Sincere & Deep Appreciation

The Rowland Family

The following prefilled Consent Calendar #18 was introduced:

HR 128 - CAREY - Honoring Shannon Argo, Who Was Named Captain of the Gold Team at the Blue-Gold All Star Football Game.

HR 129 - OBERLE, DIPINTO, PETRILLI, SPENCE, BUCKWORTH - Thanking Legislative Fellow Regina Gray for Her Work in the House of Representatives.

HR 130 - MARONEY, AMICK, FALLON, PETRILLI, SPENCE, BUCKWORTH - Thanking Legislative Fellow Brett Schmidt for His Work in the House of Representatives.

HR 131 - CAREY, MACK, CAULK, PETRILLI, SPENCE, BUCKWORTH - Thanking Legislative Fellow Kim Burdick for Her Work in the House of Representatives.

HR 132 - D. ENNIS, BOYKIN, DIPINTO, LEE, PETRILLI, SPENCE, BUCKWORTH - Thanking Legislative Fellow Angus Macdonald for His Work in the House of Representatives.

HR 133 - TAYLOR, ROY, PETRILLI, SPENCE, BUCKWORTH - Thanking Legislative Fellow Reginald Tabor for His Work in the House of Representatives.

HR 134 - BRADY - Honoring John W. "Bill" Crowther for 40 Years of Excellence as a Teacher and Coach at Mount Pleasant High School.

HCR 101 - CLARK, BRADY, HOUGHTON, MACK, EWING, BUCKWORTH, QUILLEN, CAREY, CAULK, LEE, JESTER, BUNTING, SCHROEDER, WEST, PLANT, B. ENNIS, AMICK, GILLIGAN, OUTTEN, BENNETT; SENATORS TORBERT, J. STILL - Requesting the Governor to Impanel an Ad Hoc Feasibility Study Committee to Investigate and Determine the Merits of Establishing a Prison Conservation Corp to Include the Construction of Barracks at Strategic Locations Throughout the State to House Inmates Under Supervised Custody Who Have Committed Minor Offenses, Whose Purpose Would be to Perform Such Tasks, But Not Limited to, Road Clean Up, Opening of Clogged Drainage Ditches, Ditch Digging Mosquito Control Projects, Mowing of Grass Along Highway Right Away Property, and Other Projects of a Conservation Nature.

HCR 103 - CORROZI; SENATOR KNOX; REPRESENTATIVES B. ENNIS, PETRILLI, ROY, BOYKIN; SENATORS VAUGHN, R. STILL, BANE - Extending Congratulations to the Alexis I. DuPont High School Tiger Marching Band of the Red Clay Consolidated School District on Its Recent Selection to Participate in the Tournament of Roses Parade and Designating Saturday, October 7, 1989 as "Delaware Rose Day" in Honor of the Return of the Diamond State to the Tournament of Roses Parade.

HCR 104 - B. ENNIS, CLARK; SENATORS VAUGHN, COOK - Expressing Many Thanks and Best Wishes to Mrs. Harriett C. Burris, of Smyrna, Delaware on Her Impending Retirement as Principal of Clayton Elementary School, After Spending More Than Thirty (30) Years as a Teacher and as a Principal in the Smyrna School District.

HCR 105 - JESTER, FALLON; SENATORS MINNER, TORBERT - Honoring the 1989 Participants in the Girl's State Program, Sponsored by the Delaware American Legion.

SCR 80 - BAIR & REPRESENTATIVES BOYKIN, MARONEY; SENATORS KNOX, HAUGE, CORDREY, NEAL, MARTIN; REPRESENTATIVES D. ENNIS, SMITH, BRADY, HEBNER - Commending and Thanking Mr. Harry Corless, Chairman of ICI Americas Inc. on His Impending Retirement, July 31, 1989, for His Ingenious and Innovative Contributions Not Only to the Chemical Industry in Delaware, but Also His Countless and Invaluable Time and Resources to Community Causes, and Further Extending to Him and His Wife the Best of Health and Happiness During Their Retirement, Especially With Respect to His Ambition, Endeavors and Fulfillment of the Arts.

SCR 82 - CONNOR, VAUGHN; REPRESENTATIVES MACK, JESTER - A Resolution Requesting Governor Michael N. Castle and the Members of the 135th General Assembly to Set Aside September 11, 1989 as Commodore Thomas MacDonough Day.

Representative Maroney moved to suspend the rules which interfere with adding HR 127, jointly sponsored by Representatives Amick, Smith, Brady & Jester, to Consent Calendar #18. The motion was seconded by Representative Buckworth and adopted by voice vote.

HR 127 - Re-Establishing the Task Force on Infant Mortality and Asking Said Task Force to Study the Feasibility of Establishing Additional Women's/Children Health Centers in Delaware.

HR 127 was placed on Consent Calendar #18.

Representative Carey introduced HCR 106, jointly sponsored by Representatives Quillen & Clark & Senator Knox.

HCR 106 - Requesting the Department of Natural Resources and Environmental Control to Study the Effects of the Intentional Release of Balloons in the State of Delaware, and to Consider the Prohibition of Such Releases.

HCR 106 was placed on Consent Calendar #18. Representative Plant introduced HCR 107, jointly sponsored by Senator Holloway & All Representatives & All Senators.

HCR 107 - Commemorating the Life and Achievements of Baseball Legend William Julius "Judy" Johnson Who Died June 15, 1989, and Extending Condolences to His Many Friends and Family.

HCR 107 was placed on Consent Calendar #18. Consent Calendar #18 was adopted by voice vote and HCR 101, HCR 103, HCR 104, HCR 105, HCR 106 & HCR 107 were sent to the Senate for concurrence and SCR 80 & SCR 82 were returned to the Senate.

The Majority Leader moved to adjourn at 12:28 p.m., thereby ending the current legislative day. The House reconvened at 12:29 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative J. Benjamin Ewing, Thirty-Fifth Representative District. The Honor Guard from Dover Air Force Base and children from Murphy Day Care Center were admitted to the Chamber.

Representative Ewing led those present in a pledge of allegiance to the Flag. The national anthem was sung by Sauthya Verma.

Representative Ewing moved to suspend the rules which interfere with introduction of and action on HB 470. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing introduced and brought HB 470, jointly sponsored by Senator Adams & cosponsored by Representatives Petrilli, Roy, Carey, Davis, DiPinto, Fallon, Spence, Lee, George, Soles, Maroney, Outten, Schroeder, Buckworth, Caulk, Reynolds, Boykin, Bennett, Smith, Corrozi, Oberle, Gilligan, Houghton & Brady, before the House for consideration.

HB 470 - An Act to Amend Chapter 5, Title 11, Delaware Code Relating to the Desecration of the National Flag Any Public Monument or Structure, Any Place of Worship, or Any Other Object of Veneration. (2/3 bill)

The roll call on HB 470 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 37.

ABSENT: Representatives Bunting, Jonkiert, Quillen, West - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 470 was sent to the Senate for concurrence.

Representatives Reynolds & Sills requested that they be marked present during the roll call.

Representative Schroeder introduced HB 471, jointly sponsored by Representative Oberle & Senators McBride, McDowell, Marshall, Minner, Holloway & Vaughn & Representatives Campanelli, Caulk, Davis, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Mack, Plant, Reynolds & Van Sant & cosponsored by Representatives Brady, Spence & Carey.

HB 471 - An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 471 to the Appropriations Committee.

Representative Jonkiert requested that he be marked present.

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

The following prefiled legislation was introduced:

HS 1 for HB 400 - HEBNER, DIPINTO, EWING, DAVIS, GEORGE, SILLS, PLANT, JONKIERT; SENATORS HOLLOWAY, MARSHALL - JUD: An Act to Amend Titles 10 and 29 of the Delaware Code Relating to the Judges of the Municipal Court for the City of Wilmington.

HB 459 - ROY - LAND USE & GOV REL: An Act to Amend Titles 9 of the Delaware Code Relating to the Number and Definition of Districts of New Castle County Elected Officials.

HB 460 - AMICK, HEBNER - SUBS ABUSE: An Act to Amend Title 16 Relating to the Publication of the Name and Photograph of Convicted Drug Offenders.

HB 461 - AMICK - SUBS ABUSE: An Act to Amend Title 11 Relating to Bail in Drug-Related Cases.

HB 462 - AMICK - SUBS ABUSE: An Act to Amend Title 16 Relating to the Penalties for Possession and Use of So-Called Recreational Quantities of Non-Narcotic Drugs.

HB 463 - AMICK - SUBS ABUSE: An Act to Amend Title 16 Relating to First Offender Drug Convictions.

HB 464 - AMICK, HEBNER - SUBS ABUSE: An Act to Amend Title 16 Relating to the Penalties for Possession and Use of So-Called Recreational Quantities of Narcotic Drugs.

HB 465 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Title 2 of the Delaware Code Relating to the Standards for the Issuance of a Certificate of Public Convenience and Necessity to a Public Carrier, the Standard of Review of the Authority's Decision to Grant or Deny a Certificate of Public Convenience and the Enforcement of the Authority's Regulations.

HB 466 - ROY, AMICK, BOYKIN, DAVIS, DIPINTO, HEBNER, JONKIERT, OUTTEN, QUILLEN, WEST - B & I: An Act to Amend Title 5 Delaware Code Relating to Currency Transportation Companies and the Power and Authority of the State Bank Commissioner.

HB 467 - CAULK, BUCKWORTH, EWING, LEE, FALLON, BUNTING, CLARK, SCHROEDER, WEST - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Environmental Control and the Powers and Duties of Secretary and Department of Natural Resources and Environmental Control. (3/4 bill)

HB 468 - SOLES, BENNETT, GILLIGAN; SENATOR MINNER - H/ADM: An Act to Amend Chapter 80 of Title 15, Delaware Code Relating to the Definition of Political Committees and the Duties and Responsibilities of Political Parties and Subdivisions Thereof.

HB 469 - WEST, HOUGHTON, VAN SANT, CLARK, BUNTING, CAMPANELLI, PLANT, SCHROEDER, BRADY, SILLS, JESTER, CAULK, AMICK, TAYLOR, QUILLEN, LEE, REYNOLDS, CAREY - SUNSET & OVERVIEW: An Act to Amend Subchapter I, Chapter 59, Title 29, Delaware Code Relating to Classified Service and Exemptions.

HA 3 to HB 244 - BRADY - APPRO: Placed with the bill.

HA 1 to HB 302 - JESTER - READY LIST: Placed with the bill.

HA 1 to HB 418 - DAVIS - AGENDA XIV: Placed with the bill.

HA 1 to HB 427 - D. ENNIS - AGENDA XVIII: Placed with the bill.

HA 1 to HB 448 - D. ENNIS - P/S: Placed with the bill.

SS 1 to SB 1 w/SA 1 - TORBERT; REPRESENTATIVES ENNIS, OBERLE, OUTTEN; SENATORS VENABLES, MARTIN, COOK, J. STILL, MARSHALL, MINNER, VAUGHN, HOLLOWAY, MCDOWELL; REPRESENTATIVES BUCKWORTH, CAMPANELLI, PLANT, CLARK, BUNTING, SCHROEDER, CAREY, HOUGHTON, WEST, VAN SANT, GILLIGAN, BRADY, JESTER, REYNOLDS, D. ENNIS, EWING, CAULK, SILLS, BENNETT, DAVIS, ROY, PETRILLI, MACK - P/S: An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services; and Providing for a Delaware Paramedic Services Act. (F/N)

SB 56 - HAUGE - JUD: An Act to Amend Chapter 59, Title 11 of the Delaware Code Relating to Certain Fines.

SB 82 - TORBERT & REPRESENTATIVES B. ENNIS, CLARK, CAULK, HOUGHTON, JESTER, VAN SANT, OBERLE; SENATOR VAUGHN - B & I: An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to the Reporting of Gross Premiums by Commercial Life and Health Insurers and Providers to Include Health Maintenance Organizations, Health Service Corporations; and Insurance Carriers and Self Insurers of Workmen's Compensation and Further Providing for a Special Fund Dedicated to Paramedic Services. (3/5 bill)(F/N)

SB 83 - TORBERT & REPRESENTATIVES B. ENNIS, CLARK, CAULK, HOUGHTON, JESTER, VAN SANT, OBERLE; SENATOR VAUGHN - HUM RES: An Act to Provide a Supplementary Appropriation to the Department of Health and Social Services. (F/N)

SB 87 - BANE, BAIR, COOK, MINNER, KNOX, MCBRIDE, NEAL, HAUGE, J. STILL; REPRESENTATIVES MARONEY, SMITH, SOLES, JESTER, BOYKIN, FALLON - H/ADM: An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to Gender Discrimination in Penalties for Election Offenses. (2/3 bill)

SB 154 - MCDOWELL & REPRESENTATIVE VAN SANT - P/S: An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to Police Officer Training.

SB 164 w/SA 1 - CONNOR, HOLLOWAY, KNOX, MARSHALL, MCDOWELL, J. STILL; REPRESENTATIVES AMICK, BENNETT, HOUGHTON, JESTER, REYNOLDS, SILLS, SOLES - ED: An Act to Amend Title 14, Delaware Code, to Provide Loans to Delaware Students to Help Ensure a Supply of Quality Minority Classroom Teachers as Well as Both Minority and Non-Minority Classroom Teachers in Critical Areas for Delaware Public Schools and Providing for an Appropriation Therefore. (F/N)

SB 203 - SHARP & REPRESENTATIVE DIPINTO - LAND USE & GOV REL: An Act to Amend Title 9 of the Delaware Code Relating to Assistant County Attorneys of New Castle County.

SB 225 - SHARP & REPRESENTATIVE HEBNER; SENATORS VAUGHN, HOLLOWAY, HAUGE; REPRESENTATIVES DAVIS, PLANT, AMICK - JUD: An Act to Amend Chapter 9, Title 10 and Chapter 5, Title 13, Delaware Code Relating to Family Court Proceedings.

SB 246 w/SA 1 - MARSHALL, MCDOWELL, HOLLOWAY, SHARP; REPRESENTATIVE HEBNER - NAT RES: An Act to Amend Chapter 70, Part VII, Title 7 of the Delaware Code Relating to Uses Which are Prohibited in the Coastal Zone.

SB 264 - VENABLES, ADAMS, MINNER; REPRESENTATIVES CAREY, CAULK, DIPINTO, B. ENNIS, WEST - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Dogs by Prohibiting Entry by Game Wardens and Others to the Property of a Dog's Owner Without a Warrant.

SB 273 - HOLLOWAY - SUNSET & OVERVIEW: An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to Uniform Leave Rules for Certain Exempt State Positions.

SB 274 - VAUGHN; REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend "An Act to Reincorporate the Town of Smyrna" Chapter 339, Volume 62, Laws of Delaware, Relating to Filling Vacancies on the Town Council and Authorizing the Imposition, by Ordinance, of a Real Estate Transfer Tax Up to One Percent (1%) of the Value of the Property Transferred. (2/3 bill)

SB 275 - CORDREY; REPRESENTATIVE WEST - H/ADM: An Act to Amend an Act Being Chapter 401, Volume 62, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frankford" to Confer Upon the Town Council of the Town of Frankford Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town of Frankford. (2/3 bill)

SB 284 - VENABLES, ADAMS, CORDREY, MINNER, MCDOWELL, MARSHALL, SHARP, VAUGHN - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Civil Penalties Collected by the Division of Air and Waste Management and Division of Water Resources.

HA 1 to SB 58 - DAVIS - AGENDA XIV: Placed with the bill.

HA 2 to SB 137 - BENNETT - AGENDA XVI: Placed with the bill.

HA 1 to SB 223 - D. ENNIS - AGENDA XVI: Placed with the bill.

Representative DiPinto introduced HB 472.

HB 472 - An Act to Amend Chapter 81, Title 9, Delaware Code Relating to Property Subject to County Taxation. (2/3 bill)

Mr. Speaker assigned HB 472 to the Housing & Community Affairs Committee.

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

SCR 84 - HAUGE, MINNER; REPRESENTATIVES SOLES, D. ENNIS - Relating to the Use of Recycled Products by the General Assembly.

SCR 81 - HOLLOWAY - Extending the Life and Authority of the Citizens Task Force on Teenage Pregnancy.

HCR 99 - DIPINTO, BOYKIN, LEE, D. ENNIS, OBERLE, MACK, TAYLOR, SMITH, CORROZI, MARONEY, AMICK, JONKIERT, SILLS, BUNTING, VAN SANT, PLANT; SENATORS HOLLOWAY, BAIR, BANE, KNOX, NEAL, HAUGE, R. STILL, J. STILL - Creating a Study Committee to Make a Comprehensive Analysis of the Landlord Tenant Law and Propose Necessary Revisions.

Consent Agenda G was adopted by voice vote and HCR 99 was sent to the Senate for concurrence and SCR 84 & SCR 81 were returned to the Senate.

Representative Maroney brought HR 125, jointly sponsored by Representatives Smith, Buckworth, Ewing & Quillen, before the House for consideration.

HR 125 - Recognizing the Impact That Appropriate Discipline Can Have on Youth Behaviors and Requesting the Reporting of Corporal Punishment Policies in Schools by the Delaware Department of Public Instruction.

Representative Maroney moved to place HR 125 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative West requested that he be marked present.

Representative Amick brought SCR 83, sponsored by Senator J. Still & Representative Maroney & Senators Bair, R. Still, Knox & Marshall & Representatives Smith & Spence, before the House for consideration.

SCR 83 - Establishing the Goal of Achieving Gender Balance in Appointments to State Boards, Commissions and Councils as a Policy of the State of Delaware.

SCR 83 was adopted by voice vote and returned to the Senate.

Representative Corrozi moved to lift HB 325 w/HA 1 & 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Corrozi brought HB 325 w/HA 1 & 2, jointly sponsored by Senator Cook & Representatives Petrilli, Spence, Quillen, D. Ennis, Boykin, Caulk, DiPinto, Carey, Taylor, Reynolds, Lee, Ewing, Fallon, Roy, Maroney, Jonkiert, Gilligan, Campanelli, Van Sant, Bunting, Clark, Houghton, B. Ennis, West, Jester, Schroeder & Sills, before the House for consideration.

HB 325 - An Act Making a Supplementary Appropriation to the Delaware Community Foundation to be Held as Permanent Unrestricted Endowment and Conditions Therefore. (3/4 bill)(F/N)

Representative Corrozi requested and was granted the privilege of the floor for Jeremiah P. Shea, representing the Delaware Community Foundation.

The roll call on HB 325 w/HA 1 & 2 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 36.

NO: Representative Bennett - 1.

ABSENT: Representatives B. Ennis, Jester, Jonkiert, Quillen - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 325 w/HA 1 & 2 was sent to the Senate for concurrence.

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

Representative Sills brought HB 117 w/HA 1 & SA 1.2 & 3, jointly sponsored by Representatives D. Ennis & Plant & Senators Holloway & McDowell, before the House for consideration.

HB 117 - An Act to Amend Section 5306, Chapter 53, Title 25 of the Delaware Code, Relating to Tenant's Remedy of Repair and Deduction for Minor Defects.

The roll call on HB 117 w/HA 1 & SA 1.2 & 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, HB 117 w/HA 1 & SA 1.2 & 3 was sent to the Governor.

Representative B. Ennis brought HB 250 w/SA 1, jointly sponsored by Senator Torbert & Representatives Brady, Van Sant, Houghton, Plant, Jester, Clark, Campanelli, West, D. Ennis & Sills, before the House for consideration.

HB 250 - An Act to Amend Title 18 to Require Reductions in Premium Rates for Motorcycle Operators Completing an Accident Prevention Course.

The roll call on HB 250 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, HB 250 w/SA 1 was sent to the Governor.

Representative Ewing brought HB 23 w/HA 1 & SA 2, jointly sponsored by Senator Adams, before the House for consideration.

HB 23 - An Act Awarding Special Pension Benefits to Edwina B. Jones, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on HB 23 w/HA 1 & SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Bunting, Davis, Quillen - 3.

Therefore, having received a constitutional majority, HB 23 w/HA 1 & SA 2 was sent to the Governor.

Representative Mack brought HB 421, jointly sponsored by Senator Martin, before the House for consideration.

HB 421 - An Act to Amend Chapter 64, Title 7 of the Delaware Code Relating to the Powers and Duties of the Delaware Solid Waste Authority for Managing the Collection, Transportation, and Disposal of Solid Waste, Including Infectious Waste, and Providing for Increased Enforcement Authority and Indemnification of Directors of the Delaware Solid Waste Authority. (3/4 bill)

Representative Mack brought HA 1 to HB 421 before the House for consideration. HA 1 was adopted by voice vote.

Representative Mack brought HA 2 to HB 421 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 421 w/HA 1 & 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Quillen, Roy - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 421 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Amick brought SS 2 to SB 42 w/SA 1, sponsored by Senator Torbert & Representatives DiPinto, Boykin, Lee, Caulk & B. Ennis, before the House for consideration.

SB 42 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salesmen and the Certification of Real Estate Appraisers. (3/5 bill)

The roll call on SS 2 to SB 42 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Outten, Plant, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 35.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives D. Ennis, Jonkiert, Petrilli, Quillen, Roy - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SS 2 to SB 42 w/SA 1 was returned to the Senate.

Representative Amick brought SB 179 w/SA 1 & 2, jointly sponsored by Senators Torbert, Minner, Venables, Knox & J. Still & Representatives Boykin, Roy, Houghton & Jonkiert, before the House for consideration.

SB 179 - An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for a Voluntary Fine Assessment Plan.

The roll call on SB 179 w/SA 1 & 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Ewing, Quillen - 2.

Therefore, having received a constitutional majority, SB 179 w/SA 1 & 2 was returned to the Senate.

Representative Amick brought SB 181 w/SA 2, jointly sponsored by Senators Torbert, Minner, Venables, Knox & J. Still & Representatives Boykin, Roy, Houghton & Jonkiert, before the House for consideration.

SB 181 - An Act to Amend Subchapter II, Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for Notice by Mail of a Person's Intention to Apply for a License.

Representative Amick brought HA 1 to SB 181 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to SB 181 before the House for consideration.

The roll call on HA 2 to SB 181 was taken and revealed:

YES: Representatives Boykin, Jonkiert - 2.

NO: Bennett, Brady, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 31.

NOT VOTING: Representatives Amick, Buckworth, Bunting, Maroney - 4.

ABSENT: Representatives Corrozi, B. Ennis, Quillen, Sillis - 4.

Therefore, not having received a constitutional majority, HA 2 to SB 181 was declared defeated.

The roll call on SB 181 w/SA 2 & HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, SB 181 w/SA 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Amick brought SB 182 w/SA 3, jointly sponsored by Senators Torbert, Minner, Venables & Knox & Representatives Boykin, Roy, Houghton & Jonkiert, before the House for consideration.

SB 182 - An Act to Amend Chapter 3, Title 4 of the Delaware Code Relating to Alcoholic Beverage Control Commission: and Providing Certain Exceptions to Commission Rules and Regulations.

Representative Amick brought HA 1 before the House for consideration.

Representative Amick moved to place HA 1 to SB 182 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The roll call on SB 182 w/SA 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Gilligan, Quillen - 2.

Therefore, having received a constitutional majority, SB 182 w/SA 3 was returned to the Senate.

Representative Amick brought SS 1 for SB 183 w/SA 1, sponsored by Senator Torbert, before the House for consideration.

SB 183 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Providing for the Amendment or Repeal of Certain Provisions Which are No Longer Applicable to the Regulation of Alcoholic Liquors.

The roll call on SS 1 for SB 183 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, SS 1 for SB 183 w/SA 1 was returned to the Senate.

Representative Amick brought SB 213, jointly sponsored by Senators Torbert, Minner, Venables, Knox & J. Still & Representatives Boykin, Roy, Houghton & Jonkiert, before the House for consideration.

SB 213 - An Act to Amend Chapter 6B, Part I, Title 18 of the Delaware Code Relating to the Delaware Health Care Injury Insurance Study Commission.

The roll call on SB 213 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Quillen - 2.

Therefore, having received a constitutional majority, SB 213 was returned to the Senate.

Representative Roy brought SB 85 w/SA 1, sponsored by Senator McDowell & Representative Amick, before the House for consideration.

SB 85 - An Act to Amend Chapter 41, Title 21 of the Delaware Code, Relating to Unlawful Use of Controlled-Access Highways.

The roll call on SB 85 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

ABSENT: Representatives B. Ennis, Mack, Quillen, Roy - 4.

Therefore, having received a constitutional majority, SB 85 w/SA 1 was returned to the Senate.

Representative Amick brought SB 136, sponsored by Senators Sharp, Cordrey, Vaughn, Connor, Neal, before the House for consideration.

SB 136 - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Driver License Qualifications.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

The roll call on SB 136 was taken and revealed:

YES: Representatives Amick, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 37.

NOT VOTING: Representatives Bennett, Brady - 2.

ABSENT: Representatives B. Ennis, Quillen - 2.

Therefore, having received a constitutional majority, SB 136 was returned to the Senate. Representative Amick brought SB 137 w/SA 1 & 3, sponsored by Senators Sharp, Cordrey, Vaughn, Neal & Connor, before the House for consideration.

SB 137 - An Act to Amend Chapter 41, Title 14, Delaware Code, Relating to the Use of Drug-Sniffing Dogs in the Schools of the State of Delaware and Mandating an Annual, Unannounced Search of Each School by Such Dogs. (F/N)

Representative Amick brought HA 1 to SB 137 before the House for consideration.

Representative Ewing requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

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

Representative Amick requested that HA 1 to SB 137 be stricken.

Representative Bennett brought HA 2 to SB 137 before the House for consideration. HA 2 was defeated by voice vote.

Representative Brady requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

The roll call on SB 137 w/SA 1 & 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Outten, Petrilli, Plant, Reynolds, Schroeder, Sills, Smith, Spence, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 34.

NO: Representatives Brady, Soles - 2.

ABSENT: Representatives Corrozi, B. Ennis, Jonkiert, Quillen, Roy - 5.

Therefore, having received a constitutional majority, SB 137 w/SA 1 & 3 was returned to the Senate.

Representative Schroeder brought HB 378, jointly sponsored by Representatives Amick, Bennett, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Sills, Smith, Soles, Van Sant & Senators Adams, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, McDowell, Minner, Sharp, Venables, R. Still & Vaughn, before the House for consideration.

HB 378 - An Act to Amend Chapter 60, Title 7, of the Delaware Code Relating to Ocean Dumping.

Representative Schroeder requested and was granted the privilege of the floor for Gerard Esposito, Deputy Director, Division of Water Resources, Department of Natural Resources and Environmental Control.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 378 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives B. Ennis, D. Ennis, Quillen - 3.

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

Representative Mack brought HB 422 before the House for consideration.

HB 422 - An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

The roll call on HB 422 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Quillen - 2.

Therefore, having received a constitutional majority, HB 422 was sent to the Senate for concurrence.

Representative Carey brought HB 253, jointly sponsored by Representatives Mack, Petrilli, Corrozi, Caulk, Davis, D. Ennis, Ewing, Fallon, Hebner, Lee, Quillen, Reynolds, Smith, Taylor, Bunting, Houghton & Schroeder & Senators Minner, Bane, Bair, J. Still & Knox, before the House for consideration.

HB 253 - An Act to Amend Chapter 63 of Title 7 of the Delaware Code Relating to the State's Hazardous Waste Management Act. (F/N)

Representative Carey brought HA 1 to HB 253 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 253 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Bennett, B. Ennis, Quillen - 3.

Therefore, having received a constitutional majority, HB 253 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis moved to suspend the rules which interfere with action on HB 448. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis brought HB 448, cosponsored by Representative B. Ennis & Senator Torbert, before the House for consideration.

HB 448 - An Act to Amend Subchapter I of Chapter 60, Title 7, Delaware Code, Relating to the Establishment of Fees to Fund the Local Emergency Planning Committees; and Providing a Supplementary Appropriation Therefor. (3/5 bill)

Representative D. Ennis brought HA 1 to HB 448 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 448 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Campanelli, Oberle, Quillen - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 448 w/HA 1 was sent to the Senate for concurrence.

Representative DiPinto brought HB 418, jointly sponsored by Senator Hauge & Representatives Boykin, Corrozi, Smith, Davis, Quillen & Soles & Senator R. Still, before the House for consideration.

HB 418 - An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Fees for Dog and Kennel Licenses and Penalties for Unlicensed Dogs. (2/3 bill)

Representative Davis brought HA 1 to HB 418 before the House for consideration. HA 1 was adopted by voice vote.

Representative West requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

Representative DiPinto moved to place HB 418 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor brought HB 372, jointly sponsored by Senator Martin, before the House for consideration.

HB 372 - An Act to Amend Title 21, Delaware Code, Relating to Commercial Motor Vehicle Operators, Licenses, Employers, Fees, and Penalties. (2/3 bill)

Representative Oberle brought HA 1 to HB 372 before the House for consideration.

Representative Oberle moved to place HA 1 to HB 372 on the Speaker's table. The motion was seconded by Representative Taylor and adopted by voice vote.

Representative Taylor brought HA 2 to HB 372 before the House for consideration. HA 2 to HB 372 was adopted by voice vote.

Representative Oberle brought HA 3 to HB 372 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 372 w/HA 2 & 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Plant, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 34.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Corrozi, B. Ennis, D. Ennis, Petrilli, Quillen, Sills - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 372 w/HA 2 & 3 was sent to the Senate for concurrence.

Mr. Speaker Spence declared a recess at 4:00 p.m. for the purpose of changing the recording tape.

The House reconvened at 4:20 p.m.

Mr. Speaker reassigned SB 246 to the Small Business & Economic Development Committee.

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

HOUSING & COM AFF: HB 174 - 1F, 4M.

APPRO: HB 256 - 1F, 4M.

NAT RES: SB 228 w/SA 1 - 1F, 5M.

Representative Mack brought HB 403 before the House for consideration.

HB 403 - An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

Representative Mack brought HA 1 to HB 403 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 403 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Corrozi, B. Ennis, Quillen - 3.

Therefore, having received a constitutional majority, HB 403 w/HA 1 was sent to the Senate for concurrence.

Representative Mack brought HB 405 before the House for consideration.

HB 405 - An Act to Amend Chapter 63, Title 7, Delaware Code Relating to Hazardous Waste Management.

The roll call on HB 405 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Quillen - 2.

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

Representative Clark brought HB 441, jointly sponsored by Senator Torbert, before the House for consideration.

HB 441 - An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Maximum Gross Weight for Vehicles Eligible for Special Handicapped Registration Plates.

The roll call on HB 441 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives B. Ennis, Quillen, Sills - 3.

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

Representative Davis brought SB 58 w/SA 1 & 2, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 58 - An Act to Amend Title 11 and Title 16 to Provide for Truth in Sentencing. (F/N)

Representative Davis brought HA 1 to SB 58 before the House for consideration. HA 1 was adopted by voice vote.

Representative Hebner requested and was granted the privilege of the floor for Lori Sitr-Scheerle, Executive Director, Delaware Council on Crime & Justice.

Representative Davis requested and was granted the privilege of the floor for James L. Ford, Jr., Commissioner, Sentencing Accountability Commission.

The roll call on SB 58 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 39.

NO: Representative West - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 58 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

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

Representative Oberle brought HB 95, jointly sponsored by Representatives B. Ennis & West, before the House for consideration.

HB 95 - An Act to Amend Chapter 7, Title 18 of the Delaware Code Relating to the Special Fund for Payments to Non-Profit Organizations That Provide Ambulance or Rescue Services. (F/N)

Representative D. Ennis brought HA 1 to HB 95 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 95 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 95 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought SB 201, sponsored by Senator Holloway, before the House for consideration.

SB 201 - An Act to Amend Subchapter I, Chapter 9, Title 13, Delaware Code, Relating to Adoptions.

Representative Maroney requested and was granted the privilege of the floor for Carol King, Adoption Services Coordinator, Department of Services for Children, Youth and Their Families.

Representative Maroney requested and was granted the privilege of the floor for Carol King, Adoption Services Coordinator, Department of Services for Children, Youth and Their Families.

The roll call on SB 201 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Carey, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Jonkiert, Lee, Maroney, Oberle, Outten, Petrilli, Roy, Sills, Smith, Taylor, Mr. Speaker Spence - 23.

NO: Representatives Brady, Bunting, Campanelli, Clark, Davis, B. Ennis, Hebner, Houghton, Jester, Quillen, Schroeder, Soles, Van Sant, West - 14.

NOT VOTING: Representatives Caulk, Mack, Plant, Reynolds - 4.

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

Representative DiPinto brought HB 394, jointly sponsored by Senator Minner & Representatives Boykin, D. Ennis, Lee, Jonkiert, Sills & Van Sant & Senators Holloway, Bair & R. Still, before the House for consideration.

HB 394 - An Act to Amend Chapter 41, Title 31 of the Delaware Code and Chapter 29, Title 10 of the Delaware Code Relating to the Delaware State Housing Code and Its Enforcement.

The roll call on HB 394 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

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

Representative Gilligan brought HB 73, jointly sponsored by Representative Smith, before the House for consideration.

HB 73 - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Deductions in Determining the Personal Income Tax. (F/N)

Representative Amick announced that he will not be voting on HB 73 because of a possible conflict of interest.

The roll call on HB 73 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

NOT VOTING: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 73 was sent to the Senate for concurrence.

Representative DiPinto brought HB 431, cosponsored by Representative Roy, before the House for consideration.

HB 431 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to Sunday Sales of Alcoholic Liquor.

The roll call on HB 431 was taken and revealed:

YES: Representatives Amick, Bennett, Brady, Campanelli, DiPinto, George, Houghton, Jonkiert, Plant, Sills - 10.

NO: Representatives Boykin, Bunting, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Ewing, Fallon, Hebner, Jester, Lee, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Schroeder, Soles, Taylor, West - 24.

NOT VOTING: Representatives Buckworth, Maroney, Smith, Van Sant, Mr. Speaker Spence - 5.

ABSENT: Representatives Gilligan, Roy - 2.

Therefore, not having received a constitutional majority, HB 431 was declared defeated.

Representative Hebner brought SB 109, jointly sponsored by Senators Sharp, Cook & Bane & Representative Houghton, before the House for consideration.

SB 109 - An Act Concurring in a Proposed Amendment to Articles III and IV of the Delaware Constitution to Provide for the Appointment by the Superior Court of a Prothonotary in Each County. (2/3 bill)

The roll call on SB 109 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 109 was returned to the Senate.

Representative Roy requested that HB 266 be stricken.

Representative Amick brought HB 388, sponsored by Representative Boykin & Senator Minner & Representatives Taylor, Quillen, Oberle, Campanelli & Jonkiert & Senators Knox, Venables & J. Still, before the House for consideration.

HB 388 - An Act to Reestablish the Board of Landscape Architects by Reestablishing and Reenacting All Provisions of Chapter 2, Title 24 of the Delaware Code. (2/3 bill)

Representative Amick brought HA 1 to HB 388 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 388 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 388 w/HA 1 was sent to the Senate for concurrence.

Representative DiPinto introduced HB 473, jointly sponsored by Senator Hauge & Representatives Boykin, Corrozi, Smith, Davis, Quillen & Soles & Senator R. Still.

HB 473 - An Act to Amend Title 7 of the Delaware Code Relating to Fees for the Licensing of, and the Regulation of Dogs and Kennels, and the Inoculation of Dogs and Penalties for Noncompliance With Any of the Provisions Herein. (2/3 bill)

Mr. Speaker assigned HB 473 to the Natural Resources Committee.

Representative Jester introduced HB 474.

HB 474 - An Act to Amend Title 14, Delaware Code, Relating to the Dissemination of Crime Statistics and Other Information to Students, Prospective Students and Employees of Institutions of Higher Education.

Mr. Speaker assigned HB 474 to the Education Committee.

The Majority Leader moved to recess at 6:00 p.m.

The House reconvened at 9:10 p.m.

Representative Roy brought HB 377 w/SA 1, jointly sponsored by Senator Martin & Representatives Taylor, Soles, Campanelli & Gilligan & Senators McBride, Bane, R. Still & J. Still & cosponsored by Senator Holloway, before the House for consideration.

HB 377 - An Act to Amend Title 2 of the Delaware Code Relating to Employees of Suisidaries of the Delaware Transportation Authority.

The roll call on HB 377 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Reynolds - 2.

Therefore, having received a constitutional majority, HB 377 w/SA 1 was sent to the Governor.

Representative Ewing brought HB 343, jointly sponsored by Representatives Spence, Petrilli, Davis, Smith & Hebner, before the House for consideration.

HB 343 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mandatory Suspension of Driver Licenses for Certain Speed Offenses.

Representative Ewing brought HA 1 to HB 343 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested and was granted the privilege of the floor for Robert Voshell, Director, Division of Motor Vehicles.

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

YES: Representatives Amick, Davis, Ewing, Fallon, Hebner, Mack, Mr. Speaker Spence - 7.

NO: Representatives Brady, Buckworth, Campanelli, Caulk, Clark, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Lee, Outten, Petrilli, Plant, Quillen, Schroeder, Sillis, Soles, Taylor, Van Sant, West - 22.

NOT VOTING: Representatives Bennett, Boykin, Bunting, Carey, Corrozi, DiPinto, Maroney, Oberle, Reynolds, Roy, Smith - 11.

ABSENT: Representative B. Ennis - 1.

Therefore, not having received a constitutional majority, HB 343 w/HA 1 was declared defeated.

Representative Ewing brought HB 344, jointly sponsored by Representatives Spence, Petrilli, Buckworth & Bunting, before the House for consideration.

HB 344 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

The roll call on HB 344 was taken and revealed:

YES: Representatives Buckworth, Bunting, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Roy, Schroeder, Smith, Soles, Taylor, Mr. Speaker Spence - 27.

NO: Representatives Brady, Campanelli, Quillen - 3.

NOT VOTING: Representatives Amick, Bennett, Boykin, Clark, DiPinto, Plant, Reynolds, Sillis, Van Sant, West - 10.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 344 was sent to the Senate for concurrence.

Representative Ewing brought HB 345, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Reynolds, Smith, Davis, Roy, Hebner, Bunting, before the House for consideration.

HB 345 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

Representative Ewing brought HA 1 to HB 345 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested and was granted the privilege of the floor for Captain Michael Gunning, Delaware State Police.

The roll call on HB 345 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 35.

NO: Representatives Brady, West - 2.

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

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 345 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 323, jointly sponsored by Representatives George, Amick, Boykin, Carey, D. Ennis, Lee, Mack, Reynolds, Smith, Soles, Spence & Taylor, before the House for consideration.

HB 323 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

The roll call on HB 323 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives D. Ennis, Jonkiert, Maroney - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 323 was sent to the Senate for concurrence.

Representative Oberle brought SB 233, jointly sponsored by Senators Marshall, Holloway, Martin, McBride, Sharp, Knox & Neal & Representatives Mack, Reynolds, Campanelli & Plant, before the House for consideration.

SB 233 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on SB 233 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, SB 233 was returned to the Senate.

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

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Lee brought HB 428, jointly sponsored by Representative Spence & Senators Cordrey & Vaughn, before the House for consideration.

HB 428 - An Act to Amend Chapter 55, Title 30 of the Delaware Code Relating to the Definition of Commodities and Services Subject to Delaware Public Utilities Taxes. (F/N)

The roll call on HB 428 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Acting Speaker Oberle - 39.

NO: Representative Jonkiert - 1.

ABSENT: Representative Spence - 1.

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

Mr. Speaker Spence resumed the Chair.

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

SB 106 w/SA 1,2,3 - HOLLOWAY - An Act to Amend Title 10, Section 921, Delaware Code Relating to Disposition of Former Marital Property.

SB 128 - BANE, HAUGE, SHARP, VAUGHN; REPRESENTATIVES AMICK, BENNETT, BOYKIN, BUCKWORTH, CAREY, EWING, HEBNER, SILLS, SMITH, SOLES, WEST - An Act to Amend Chapter 59, Title 10 and Chapter 8, Title 13 of the Delaware Code Relating to Certain Name Changes.

HB 335 - D. ENNIS - An Act to Amend Chapter 17, Title 18 of the Delaware Code, Relating to Continuing Education Requirements for Insurance Agents, Brokers, Surplus Lines Brokers and Consultants. (F/N)

SB 146 w/SA 1 - ADAMS; REPRESENTATIVE EWING - An Act to Amend Title 21 of the Delaware Code Relating to Safety Inspections of Vehicles by Police Officers.

SB 232 - ADAMS; REPRESENTATIVE EWING - An Act to Amend Title 21 of the Delaware Code Relating to Recommendations by Police Chiefs for the Re-Examinations of Certain Drivers.

SB 262 - ADAMS, COOK, MINNER, CORDREY, VAUGHN, VENABLES, CONNOR, J. STILL; REPRESENTATIVES BUNTING, CLARK, SCHROEDER, WEST, CAULK, CAREY, QUILLEN, SMITH - An Act to Amend Chapter 59, Title 7 of the Delaware Code Relating to Public Recreation on Private Land and the Limit of Liability Therein.

HB 452 - CAREY - An Act to Amend Chapter 9, Title 7, Delaware Code Relating to Authorizing the Delaware Natural Resources and Environmental Control to Issue up to Seven (7) Commercial Gill Net Permits to New Jersey Residents to Fish for Shad.

HS 1/HB 341 - AMICK - An Act to Amend Title 24 Relating to Terms of Officers of Professional Regulatory Boards and the Compensation of Board Members.

HB 453 - MACK - An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to Delaware Underground Storage Tank Act.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Corrozi - 1.

Therefore, having received a constitutional majority, HB 335, HB 452, HS 1 to HB 341 & HB 453 was sent to the Senate for concurrence and SB 106 w/SA 1, 2 & 3, SB 128, SB 146 w/SA 1, SB 232 & SB 262 were returned to the Senate.

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

SB 87 - BANE, BAIR, COOK, MINNER, KNOX, MCBRIDE, NEAL, HAUGE, J. STILL; REPRESENTATIVES MARONEY, SMITH, SOLES, JESTER, BOYKIN, FALLON - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to Gender Discrimination in Penalties for Election Offenses. (2/3 bill)

SB 193 - KNOX - An Act to Amend Chapter 31, Title 20 of the Delaware Code Relating to Penalties for Violation of Water use Restrictions Enforced Pursuant to Declared Drought Warning and/or Drought Emergency Conditions. (2/3 bill)

HB 383 - CLARK, BUNTING, CAREY, CAULK, GILLIGAN, MACK, SCHROEDER; SENATORS CONNOR, COOK, MINNER, VENABLES, J. STILL, R. STILL, VAUGHN - An Act to Amend Chapter 77, Title 3 of the Delaware Code Relating to Stray Livestock.

SB 243 - MINNER; REPRESENTATIVE DIPINTO; SENATORS HOLLOWAY, BAIR, R. STILL; REPRESENTATIVES BOYKIN, D. ENNIS, LEE, JONKIERT, SILLS, VAN SANT - An Act to Amend Chapter 41, Title 31, Delaware Code, Relating to Violations of the Delaware State Housing Code. (2/3 bill)

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority, of at least two-thirds Members of the House, HB 383 was sent to the Senate for concurrence and SB 87, SB 193 & SB 243 were returned to the Senate.

Representative Roy brought HB 271 before the House for consideration.

HB 271 - An Act to Amend Chapter 1, Title 16, Relating to Public Access to Information.

The roll call on HB 271 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 36.

ABSENT: Representatives Bennett, Clark, B. Ennis, Maroney, Sills - 5.

Therefore, having received a constitutional majority, HB 271 was sent to the Senate for concurrence.

Representative D. Ennis brought SB 133, jointly sponsored by Senators Holloway, Torbert, Marshall & J. Still & Representative Jester, before the House for consideration. SB 133 - An Act to Amend Part I, Title 18 of the Delaware Code Relating to Insurance; and Providing for a Long-Term Care Insurance Act.

The roll call on SB 133 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Davis - 1.

Therefore, having received a constitutional majority, SB 133 was returned to the Senate.

Representative D. Ennis brought HB 427, jointly sponsored by Representatives Spence & Outten & Senator Vaughn, before the House for consideration.

HB 427 - An Act to Amend Title 18 Relating to Corporate Owned Life Insurance.

Representative D. Ennis brought HA 1 to HB 427 before the House for consideration. Representative D. Ennis requested that HA 1 to HB 427 be stricken.

Representative D. Ennis introduced and brought HA 2 to HB 427 before the House for consideration.

Representative D. Ennis requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.

HA 2 to HB 427 was adopted by voice vote.

The roll call on HB 427 w/HA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Corrozi, B. Ennis - 2.

Therefore, having received a constitutional majority, HB 427 w/HA 2 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on SB 294. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Jonkiert introduced and brought SB 294, jointly sponsored by Senator Marshall, before the House for consideration.

SB 294 - An Act to Amend Chapter 20, Title 30, Delaware Code and 64 Delaware Laws, Chapter 460 Relating to Eligibility for Business Tax Credits. (F/N)

The roll call on SB 294 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SB 294 was returned to the Senate. Representative Amick brought SS 1 to SB 245, sponsored by Senator Cook & Representative Corrozi, before the House for consideration.

SB 245 - An Act to Amend Chapter 3, Title 8 of the Delaware Code to Revise the Limits on Fees Charged for Special Request Services Within the Division of Corporations. (2/3 bill)

The roll call on SS 1 to SB 245 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SS 1 to SB 245 was returned to the Senate.

Representative Amick brought SB 259, sponsored by Senator Cook & Representative Corrozi, before the House for consideration.

SB 259 - An Act to Amend Subchapter XI of Chapter 17, Title 6 of the Delaware Code to Revise the Limits on Fees Charged for Special Request Services Within the Division of Corporations, for Limited Partnerships. (2/3 bill)

Representative Amick requested and was granted the privilege of the floor for Rick Templeton, Assistant Secretary of State.

The roll call on SB 259 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 259 was returned to the Senate.

Representative Reynolds moved to suspend the rules which interfere with the introduction of and action on SB 290. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Reynolds introduced and brought SB 290, jointly sponsored by Senator McDowell, before the House for consideration.

SB 290 - An Act to Amend Chapter 26, Title 24, Delaware Code Relating to Athletic Trainers and Physical Therapy. (2/3 bill)

The roll call on SB 290 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 290 was returned to the Senate.

Mr. Speaker Spence declared a recess at 11:35 p.m. for the purpose of changing the recording tape.

The House reconvened at 11:50 p.m.

The following prefiled Consent Calendar #19 was introduced:

HR 135 - EWING, BUCKWORTH - Thanking Sandhya Verma for Singing the National Anthem Today at the Start of Our Last Legislative Day.

HR 136 - GEORGE & GILLIGAN - Expressing Sincere Appreciation to John Nored, Legislative Fellow, for His Dedicated Service to the Members of the House Democratic Caucus.

HR 137 - BRADY - Honoring John W. "Bill" Crowther for 40 Years of Excellence as a Teacher and Coach at Mount Pleasant High School.

HR 138 - D. ENNIS, MACK, SMITH, SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN AND ALL REPRESENTATIVES - Commending the State Department of Natural Resources and Environmental Control (DNREC) for Coordinating the Statewide Response to the Environmental Emergency Created When the Tanker Presidente Rivera Spilled 300,000 Gallons of Oil in the Delaware River.

HR 139 - EWING - Wishing Freshman Legislator and Newlywed John Schroeder a Joyous and Relaxing Honeymoon.

HCR 108 - MARONEY & SENATOR HOLLOWAY - Honoring Anne Shane Bader Upon Her Retirement as the Executive Director of the Medical Society of Delaware After 25 Years With the Medical Society.

HCR 109 - WEST - Applying to the 101st Congress of the United States of America to Initiate a National Constitutional Convention for the Purpose of Amending the U.S. Constitution to Prohibit the Public Desecration, Destruction or Burning of the American Flag, the Symbol of Our Nation.

SCR 32 - J. STILL, KNOX, MCDOWELL, VENABLES; REPRESENTATIVES BENNETT, BOYKIN, D. ENNIS, SILLS - Urging the Members of the Delaware Congressional Delegation to Support Repeal of Internal Revenue Code Section 89.

SCR 87 - MARTIN, MARSHALL, MCDOWELL, SHARP, MCBRIDE, MINNER, BAIR, BANE, HAUGE, NEAL, J. STILL; REPRESENTATIVES OBERLE, SOLES, PLANT, DIPINTO, BRADY, MARONEY, BOYKIN, CORROZI, VAN SANT, CAMPANELLI, MACK, SPENCE, GILLIGAN, TAYLOR, PETRILLI, DAVIS, B. ENNIS, CLARK, CAULK, BUCKWORTH, EWING, LEE, SCHROEDER, BUNTING - Requesting Governor Michael N. Castle to Reactivate the Governor's White Clay Creek Preserve Task Force Created by Senate Concurrent Resolution No. 85, June 17, 1987, to Study the Advisability and Feasibility of Dedicated Conservation Easements and/or State Purchase of Lands Along the East Bank and Western Slopes of the White Clay Creek in Order to Preserve the Natural Character of the Valley.

SCR 88 - MCDOWELL, ADAMS, HOLLOWAY, MARTIN, MINNER, TORBERT; REPRESENTATIVES BRADY, CAMPANELLI, DAVIS, D. ENNIS, JESTER, MACK, REYNOLDS, SMITH, SPENCE, TAYLOR - Urging the State Elections Commissioner and County Boards of Election to Locate Polling Places in Facilities That are Accessible to People With Disabilities, and That Every Effort be Made to Accomplish This in the 1990 Election.

SCR 89 - J. STILL, HOLLOWAY, CONNOR, HAUGE, KNOX, NEAL, R. STILL; REPRESENTATIVES BUCKWORTH, QUILLEN - Creating a Flexible Benefit Plan Study Commission to Examine the Feasibility of Making Flexible Benefit Plans Available to State Employees.

SCR 90 - MARSHALL; REPRESENTATIVE VAN SANT - Encouraging the Red Clay Consolidated School District Board of Education to Rename the Wilmington High School Athletic Field as the Peter A. Grandell Athletic Field.

SCR 91 - BANE & REPRESENTATIVE MARONEY - Providing for a Task Force to Define the Incidence of Disabilities in Order to Plan for Disability Prevention and Services.

SCR 92 - HOLLOWAY, NEAL; REPRESENTATIVE MARONEY - Requesting the Secretary of the Department of Health and Social Services to Investigate Proposed State and National Strategies for Expanding Health Care Coverage and Their Applicability to Delaware.

SCR 94 - MARSHALL & REPRESENTATIVE JONKIER - Mourning the Death of John J. "Jack" Lemley, Former Caravel Academy Head Girls' Basketball Coach and Former City of Wilmington Policeman.

Representative Smith requested that HCR 109 be removed from Consent Calendar #19.

Representative Hebnor introduced HCR 110, jointly sponsored by Representative Brady & Senators Bair & Hauge.

HCR 110 - Relating to Uses Which are Prohibited in the Coastal Zone and Encouraging the President of Citi Steel to Consider Former Phoenix Steel Workers in Future Hiring.

HCR 110 was placed on Consent Calendar #19.

Representative Smith introduced HCR 111, jointly sponsored by Senator McDowell & Representatives Petrilli & Carey.

HCR 111 - Thanking the Tri-State Bird Rescue and Research Clinic for Saving Our Wild America During the Recent Oil Spill in the Delaware River.

HCR 111 was placed on Consent Calendar #19.

Consent Calendar #19 was adopted by voice vote and HCR 108, HCR 110 & HCR 111 were sent to the Senate for concurrence and SCR 32, SCR 87, SCR 88, SCR 89, SCR 90, SCR 91, SCR 92 & SCR 94 were returned to the Senate.

Representative Oberle introduced and brought HR 140, cosponsored by Representatives Carey & Quillen, before the House for consideration.

HR 140 - Commending the Delaware National Guard for Their Efforts to Clean Up the Oil Spill on the Delaware Bay in New Castle County.

HR 140 was adopted by voice vote.

The Majority Leader moved to adjourn the First Session of the 135th General Assembly at 12:00 a.m.

1st LEGISLATIVE DAY
FIRST SPECIAL SESSION

July 1, 1989

Mr. Speaker Spence called the House to order at 12:01 a.m.

The Reading Clerk read the following communication into the record:

TO: Members of the 135th General Assembly

FROM: Terry R. Spence, Speaker of the House of Representatives

Dale E. Wolf, Lt. Governor, State of Delaware

SUBJECT: Special Session

DATE: June 30, 1989 12 o'clock

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 135th General Assembly of the State of Delaware in Special Session.

Terry R. Spence
Speaker of the House of Representatives
Dale E. Wolf
Lt. Governor, State of Delaware

The Chief Clerk called the roll.

Members Present: 41.

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

Representative District.

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

Mr. Speaker announced that the minutes of the previous legislative day are available in the Chief Clerk's office.

Representative B. Ennis requested that he be marked present.

Representative D. Ennis introduced and brought HR 141, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, Brady, Campanelli, Houghton, Plant, Schroeder, Sills & Van Sant, before the House for consideration.

HR 141 - Expressing Support for the Retention of the State Pension Office in the Office of the State Treasurer.

HR 141 was adopted by voice vote.

Representative Oberle brought SB 174 w/SA 1, jointly sponsored by Senator McBride, before the House for consideration.

SB 174 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Approved Leaves of Absence.

The roll call on SB 174 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Corrozi, Maroney - 2.

Therefore, having received a constitutional majority, SB 174 w/SA 1 was returned to the Senate.

Representative Outten brought HB 222 w/SA 1 before the House for consideration.

HB 222 - An Act Awarding Special Widow Pension Benefits to Roseline Walts, Aslo Known as Roseline Dufraigne, Appropriating Monies Into the Special Pension Fund Created By Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on HB 222 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Davis - 1.

Therefore, having received a constitutional majority, HB 222 w/SA 1 was sent to the Governor.

Representative Caulk brought HB 351 w/HA 1 & SA 1, jointly sponsored by Senator Adams & Representatives Quillen, Carey, Fallon, Ewing, Lee, Schroeder, Bunting & Clark & Senators Cook, Cordrey, Vaughn, Venables, Connor & J. Still, before the House for consideration.

HB 351 - An Act to Amend Chapter 29, Title 7 of the Delaware Code Relating to the Conservation and Reforestation of Certain Trees. (2/3 bill)

The roll call on HB 351 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 351 w/HA 1 & SA 1 was sent to the Governor.

Representative Amick brought HB 355 w/HA 1 & SA 1, jointly sponsored by Senator Torbert, before the House for consideration.

HB 355 - An Act to Amend Chapter 33, Title 24 of the Delaware Code Relating to the Board of Veterinary Medicine.

The roll call on HB 355 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives D. Ennis, Fallon - 2.
Therefore, having received a constitutional majority, HB 355 w/HA 1 & SA 1 was sent to the Governor.

The Majority Leader moved to recess for caucus at 12:32 a.m.

The House reconvened at 1:59 a.m.

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

SB 252 w/SA 1 - VAUGHN; REPRESENTATIVE JESTER - An Act to Amend Chapter 273 Volume 46, Laws of Delaware as Amended, Entitled "An Act to Reincorporate the Town of Odessa in New Castle County" by Conferring Upon the Town Council Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town Limits of Odessa. (2/3 bill)

SB 274 - VAUGHN; REPRESENTATIVE B. ENNIS - An Act to Amend "An Act to Reincorporate the Town of Smyrna" Chapter 339, Volume 62, Laws of Delaware, Relating to Filling Vacancies on the Town Council and Authorizing the Imposition, by Ordinance, of a Real Estate Transfer Tax Up to One Percent (1%) of the Value of the Property Transferred. (2/3 bill)

SB 275 - CORDREY; REPRESENTATIVE WEST - An Act to Amend an Act Being Chapter 401, Volume 62, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frankford" to Confer Upon the Town Council of the Town of Frankford Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town of Frankford. (2/3 bill)

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 252 w/SA 1, SB 274 & SB 275 were returned to the Senate.

Representative Taylor introduced HB 475, jointly sponsored by Representatives Roy, Amick, Davis & Caulk.

HB 475 - An Act to Amend Part II, Title 2 of the Delaware Code Relating to State Transportation Impact Fees.

Mr. Speaker assigned HB 475 to the Transportation Committee.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on HB 476. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi introduced and brought HB 476, jointly sponsored by Representatives Davis, Smith, Soles & Quillen & Senators Hauge & R. Still, before the House for consideration.

HB 476 - An Act to Amend Section 5527, Chapter 55, Title 29 of the Delaware Code Relating to Pensions of Elected Officials.

Representative Campanelli moved to place HB 476 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Campanelli, West - 2.

NO: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 36.

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

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 476 remained before the House.

The roll call on HB 476 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 38.

NO: Representatives Campanelli, West - 2.

NOT VOTING: Representative Jonklert - 1.

Therefore, having received a constitutional majority, HB 476 was sent to the Senate for concurrence.

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

LAND USE & GOV REL: SB 50 - 1F,4M; SB 44 - 1F,5M; SB 236 - 1F,4M; SB 254 - 1F,4M.

APPRO: HB 449 - 5F,1M.

HUM RES: HR 110 - 3M.

Representative Maroney brought HR 110, jointly sponsored by Representatives Amick, Smith, Brady & Jester, before the House for consideration.

HR 110 - Recognizing the Impact That Delaware Youth Can Have on Decisions Relating to Substance Abuse, Teen Pregnancy, Sexually Transmitted Diseases (STDs), and Aids, and Establishing the Delaware Legislative Youth Commission.

HR 110 was adopted by voice vote.

Representative Mack introduced and brought HR 142, jointly sponsored by All Representatives, before the House for consideration.

HR 142 - Celebrating the High Carb Marriage to Tom McCarthy and Shari Neidoba.

WHEREAS, once upon legislative time, there lived a boy from New Castle and a girl from Baltimore, who met at the House of Representatives, when Shari worked in the legal department and Tommy waxed poetic in his office putting a spin on press releases designed to give the public that warm fuzzy feeling of a job well done; and

WHEREAS, after endless hours in the General Assembly, Tom and Shari began to see each other in a light other than the harsh fluorescent hues in Legislative Hall and began to spend off hours together, even after Shari moved back to her native city by the Harbor; and

WHEREAS, Tom and Shari have decided to join together, before God and most of East Baltimore on July 8, 1989 and become man and wife, choosing to reside in New Castle County; and

WHEREAS, like the complex carbohydrates ingested by Tom McCarthy, this marriage is expected to soar to triathalon heights, all carbed up for the long run; and

WHEREAS, now that Tom and Shari have become as close as a bill to an amendment, it is hoped the McCarthy's will produce lots of little capitalists, not communists or fascists and will in all probability be reading the Wall Street Journal and Hiking Magazine before Dr. Suess; and

WHEREAS, now, as we end this just beginning story, we all wish Tom and Shari the best in the future.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 135th General Assembly of the State of Delaware that we celebrate the high carb marriage of Tom McCarthy and Shari Neidoba and wish them many happy years of matrimony.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be forwarded to Tom McCarthy.

HR 142 was adopted by voice vote.

Representative Amick brought HB 340 w/HA 1 & SA 1 before the House for consideration.

HB 340 - An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Employees, Investigations and Administrative Procedures for Regulatory Boards and Commissions.

The roll call on HB 340 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 340 w/HA 1 & SA 1 was sent to the Governor.

Representative Corrozi moved to suspend the rules which interfere with action on HB 449. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi brought HB 449, jointly sponsored by Representatives Davis, Quillen, Smith, Soles & West & Senators Cook, Hauge, Holloway, McBride, R. Still & Vaughn, before the House for consideration.

HB 449 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

The roll call on HB 449 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 449 was sent to the Senate for concurrence.

The Majority Leader moved to recess at 2:38 a.m.

The House reconvened at 2:40 a.m.

Representative Corrozi brought HB 450 w/SA 2, jointly sponsored by Representatives Davis, Quillen, Smith, Soles & West & Senators Cook, Hauge, Holloway, McBride, R. Still & Vaughn, before the House for consideration.

HB 450 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1990; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative Gilligan announced that he will not be voting on HB 450 w/SA 2 because of a possible conflict of interest.

The roll call on HB 450 w/SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 37.

NO: Representative West - 1.

NOT VOTING: Representatives Campanelli, Gilligan, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 450 w/SA 2 was sent to the Governor.

Representative Roy introduced and brought SB 292, jointly sponsored by Senators Cook, Knox, Martin, McBride, Minner & Neal & Representatives Carey, Corrozi, B. Ennis, Jonkiert & Taylor, before the House for consideration.

SB 292 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing and Authorizing the Issuance of General Obligation Bonds of the State and Revenue Bonds of the Delaware Transportation Authority; Appropriating Funds From the First State Improvement Fund and the Transportation Trust Fund; Pledging Motor Vehicle Registration Fees to the Transportation Trust Fund; Deauthorizing Certain General Obligation Bonds of the State and Certain Authority for Guaranteed Industrial Revenue Bonds; Reverting and Reprogramming Certain Surplus Funds of the State and Reprogramming Certain Funds of the Delaware Transportation Authority; Creating Certain Funds of the State; Appropriating Certain General and Special Funds of the State and the Delaware Transportation Authority; Authorizing the Department of Administrative Services to Allocate Stripper Well Funds to Certain Eligible Capital Improvements Authorized in This Act; Amending Retrospectively Section 29 of Volume 66, Chapter 360 of the Laws of Delaware, Relating to the Economic Development Fund; Amending Retroactively Chapter 50, Title 29 of the Delaware Code Relating to the Delaware Economic Development Authority; Amending Chapter 50, Title 29 of the Delaware Code to Empower the Delaware Economic Development Authority to Serve as the Sole Member of Dover-Del Housing Corp. to Assist Development of Low and Moderate-Income Housing in Delaware; Amending Chapter 50, Title 29 of the Delaware Code Relating to the Creation of a Land Acquisition Fund; Amending Chapter 50, Title 29 of the Delaware Code Relating to the Creation of a Small Business Revolving Loan and Credit Enhancement Fund; Amending Title 2, Chapter 14, Sections 1414, 1415 and 1417 of the Delaware Code Relating to the Delaware Transportation Authority; Amending Title 21, Chapter 3, Section 307 of the Delaware Code Pertaining to Distribution of Motor Vehicle Registration Fees; Amending Title 29, Sections 8402, 8403(A), 8403(B), 8403(C) and 8411 of the Delaware Code Relating to Department of Transportation Positions; Amending Title 29, Section 7423 of the Delaware Code Pertaining to Bond Verification; Amending Certain Sections of Chapters 360 and 92, Volume 66, Laws of Delaware and Amending Title 21, Delaware Code. (3/4 bill)

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

June 30, 1989

The Honorable Terry R. Spence
Speaker of the House of Representatives
Dover, DE 19901
Dear Speaker Spence:

I have been advised that funding authorizations have been included in the proposed FY '91 Bond Bill that may go toward the purchase of the Kent County Aeropark in Cheswold, Delaware. Because I have a financial interest in Cheswold Enterprises which owns property adjoining the Aeropark that may be impacted by passage of this legislation, I will not be participating in the debate or voting on SB 292, due to a conflict of interest.

Sincerely,
Robert F. Gilligan
State Representative
19th District

Representative Roy requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.

The roll call on SB 292 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

NO: Representative Caulk - 1.

NOT VOTING: Representatives Campanelli, B. Ennis, Gilligan - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 292 was returned to the Senate.

Representative Mack brought HB 421 w/HA 1 & 2 & SA 2, jointly sponsored by Senator Martin, before the House for consideration.

HB 421 - An Act to Amend Chapter 64, Title 7 of the Delaware Code Relating to the Powers and Duties of the Delaware Solid Waste Authority for Managing the Collection, Transportation, and Disposal of Solid Waste, Including Infectious Waste, and Providing for Increased Enforcement Authority and Indemnification of Directors of the Delaware Solid Waste Authority. (3/4 bill)

The roll call on HB 421 w/HA 1 & 2 & SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Campanelli, Van Sant - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 421 w/HA 1 & 2 & SA 2 was sent to the Governor.

Representative Fallon moved to discontinue the rules which interfere with action on SB 164 w/SA 1. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Fallon brought SB 164 w/SA 1, sponsored by Senators Connor, Holloway, Knox, Marshall, McDowell & J. Still & Representatives Amick, Bennett, Houghton, Jester, Reynolds, Sillis & Soles, before the House for consideration.

SB 164 - An Act to Amend Title 14, Delaware Code, to Provide Loans to Delaware Students to Help Ensure a Supply of Quality Minority Classroom Teachers as Well as Both Minority and Non-Minority Classroom Teachers in Critical Areas for Delaware Public Schools and Providing for an Appropriation Therefore. (F/N)

Representative Petrilli moved to place SB 164 w/SA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker assigned HCR 109 to the House Administration Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 291 w/SA 1, HB 421 w/HA 1 & 2 & SA 2, SB 169, SB 181 w/SA 2 & HA 1, SB 171, HB 367, HB 267, HB 304, HB 303, HB 98 w/HA 1, HB 72 w/HA 1 & 3 & SA 2.4 & 5, HB 67 w/HA 1, HB 297 w/HA 1 & 2, SB 294, SB 210, HB 238, HB 237, HB 236, HB 105, HB 365, HB 349, HB 350, HB 351 w/HA 1 & SA 1, HB 348, HB 336 w/HA 1, HB 202, HB 169, HB 319, HS 1 to HB 328, SCR 93, SCR 94, SCR 92, SCR 91, SCR 90, SCR 89, SCR 88, HB 377 w/SA 1, SB 290, HB 222 w/SA 1, HB 355 w/HA 1 & SA 1, HJR 16, HJR 15, HB 197 w/HA 1 & HA 2 w/HA 1 & HA 3, HB 285 w/HA 1, HB 441, HB 340 w/HA 1 & SA 1, HB 170, HB 378, HB 450 w/SA 2 & SB 292.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Harris McDowell, do hereby request that my name be removed as Co-Sponsor of HS 1 to HB 400.

Date: 6/30/89.

Signed: Harris B. McDowell, III.

Representative Corrozi brought HB 331 w/SA 1 & 2, jointly sponsored by Senator Cook & Representatives Petrilli, Spence, Quillen, Amick, D. Ennis, Oberle, Ewing, Roy, Maroney, Caulk, Boykin, Carey, Lee, Fallon, Reynolds, Smith, DiPinto, Gilligan, Bennett, Campanelli, Bunting, Outten, Soles, Clark, B. Ennis, West, Jester, Plant, Van Sant, Sills & Schroeder, before the House for consideration.

HB 331 - An Act to Amend Chapter B7, Title 29 of the Delaware Code Relative to the Department of State.

The roll call on HB 331 w/SA 1 & 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, West, Mr. Speaker Spence - 37.

ABSENT: Representatives Campanelli, B. Ennis, Ewing, Van Sant - 4.

Therefore, having received a constitutional majority, HB 331 w/SA 1 & 2 was sent to the Governor.

The Majority Leader moved to recess to the call of the Chair at 3:25 a.m.

1st LEGISLATIVE DAY 135th GENERAL ASSEMBLY

Second Session

January 9, 1990

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 122 w/HA 1, HB 325 w/HA 1 & 2, HB 422, HB 449, HB 331 w/SA 1 & 2, HB 423 w/HA 1.2 & 4.

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

HUM RES: HB 373 - 4M.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Taylor, West - 2.

A prayer was offered by Reverend Brooks Reynolds, retired Methodist minister and father of Representative Bruce C. Reynolds.

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

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

The following pre-session prefiled legislation was introduced:

PRE-SESSION PREFILE

December 20, 1989

HB 477 - ROY & DAVIS - TRANS: An Act to Amend Title 21, Relating to Flashing Yellow or Green Traffic Signals.

HB 478 - QUILLEN - P/S: An Act to Amend Subchapter II, Chapter 21, Title 21, Delaware Code, Relating to Motor Vehicle Registration Plates. (2/3 bill)

HB 479 - QUILLEN - P/S: An Act to Amend Subchapter II, Chapter 21, Title 21, Delaware Code, Relating to the Private Sale of Vehicle Registration Plates. (2/3 bill)

HB 480 - HEBNER, DIPINTO, EWING, DAVIS, GEORGE, SILLS, PLANT, JONKIERT; SENATORS HOLLOWAY, MARSHALL, McDOWELL - JUD: An Act to Amend Titles 10 and 29 of the Delaware Code Relating to the Judges of the Municipal Court for the City of Wilmington.

HB 481 - REPRESENTATIVE BOYKIN & SENATOR BAIR; REPRESENTATIVES SPENCE, PETRILLI, LEE, BUCKWORTH, AMICK, D. ENNIS, CORROZI, REYNOLDS, SMITH, BRADY, BENNETT, BUNTING, CLARK, JONKIERT, SILLS, SOLES; SENATORS HAUGE, KNOX - SM BUS & ECON DEV: An Act to Amend Title 6 of the Delaware Code Relating to Prohibition of Unsolicited Facsimile Machine Messages.

HB 482 - GILLIGAN - P/S: An Act to Amend Title 21 and Title 30 of the Delaware Code Relating to Motor Vehicles Which are Exempt From Certain Fees; and Providing That Blood Bank of Delaware, Inc., Vehicles Shall be Exempt From Such Fees.

SB 171 - TORBERT; REPRESENTATIVE B. ENNIS; SENATORS MARSHALL, HOLLOWAY, VAUGHN, R. STILL; REPRESENTATIVES CAMPANELLI, VAN SANT, WEST, LEE, DIPINTO - H/ADM: An Act to Amend Chapter 43, Title 29, Delaware Code Relating to the Appointment of Notaries for Certain Service Organizations. (F/N)

SB 210 - HOLLOWAY - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Use of Tobacco Products and Unlawful Employment Practices.

SB 291 w/SA 1 - COOK, VAUGHN, MCBRIDE, HOLLOWAY, ADAMS, CORDREY, MARSHALL, MARTIN, MCDOWELL, MINNER, SHARP, J. STILL, TORBERT, VENABLES; ALL REPRESENTATIVES - APPRO: An Act to Amend Chapter 55, Title 29, Delaware Code and Chapter 39, Title 14, Delaware Code by Providing for Post-Retirement Increases to Pensioners Who Retired on or Before January 1, 1989, and Further Providing Post-Retirement Increases to Those Pensioners Under the Provisions of Chapter 56, Title 29, Delaware Code and Chapter 83, Title 11, Delaware Code, and Further Providing a Supplemental Appropriation Therefor. (F/N)

SCR 93 - MARTIN - HAZ WASTE MAN: Calling Upon Those Oil Companies Involved in the Three Tragic Oil Spills of the Weekend Just Past to Refrain From Using These Disasters as an Excuse to Raise Gasoline Prices and Urging Delaware's Congressional Delegation to Introduce Legislation Barring Oil Companies From Passing on Clean-up Costs to Consumers.

HA 1 to SS 1 to SB 1 - LEE, B. ENNIS, SMITH; SENATORS B. STILL, TORBERT - PUB. SAFETY - Placed with the Bill.

HA 1 to SB 246 - OBERLE, HEBNER, SPENCE, BRADY - SM. BUS.: Placed with the Bill.

PRE-SESSION PREFILE II

January 3, 1990

HB 483 - HOUGHTON - JUD: An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation and Reimbursement of Jurors.

HB 484 - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, QUILLEN, SMITH, CLARK, BUNTING, SCHROEDER; SENATORS COOK, CORDREY, VAUGHN, CONNOR, VENABLES, J. STILL - AG: An Act to Amend Chapter 9, Title 3, Delaware Code Relating to Agricultural Lands and Creating the Delaware Agricultural Land Preservation Foundation.

The following prefiled legislation was introduced:

SB 169 - MINNER & REPRESENTATIVE PETRILLI - H/ADM: An Act to Amend Chapter 17, Title 15, of the Delaware Code Relating to the Transfer of Registration.

Representatives Gilligan, George, Van Sant & Jester requested that they be marked present.

Representative B. Ennis requested that he be marked present.

The Reading Clerk read the following communication into the record:

M E M O R A N D U M

TO: Representative Terry R. Spence
Speaker of the House
FROM: Representative Steven C. Taylor
RE: Absence from Session
DATE: January 8, 1990

I will be unable to attend the opening day of session, Tuesday, January 9, 1990. A friend passed away and I have been asked to participate in his funeral.

Thank you for your cooperation.

SCT/gmr

Representative Lee introduced the Laurel Senior High School chorus who sang for the House.

Representatives Oberle & Sills requested that they be marked present.

The Reading Clerk read the following communications into the record:

July 20, 1989

Delaware State House of Representatives
c/o Ms. JoAnn M. Hedrick
Chief Clerk
Legislative Hall
Dover, DE 19001
Dear Members:

I was pleased to learn of the joint resolution recently adopted by the Delaware State Legislature regarding the effects of Agent Orange and appropriate compensation for Vietnam veterans exposed to the herbicide. Once again, you are to be commended for your deep concern about our nation's veterans.

In serving this country in a time of war, our veterans made a commitment to the United States, and we must keep our commitment to them. I have supported legislation toward that end, including providing benefits for Vietnam veterans who were exposed to Agent Orange. I am an original cosponsor of S. 1153, the Veterans Agent Orange Exposure and Vietnam Service Benefits Act. This bill would provide disability benefits to Vietnam veterans for non-Hodgkin's lymphoma and soft-tissue sarcoma -- diseases which, according to numerous studies, can be caused by exposure to Agent Orange. I also supported S. 892, which recently passed the Senate and is awaiting action by the House. This legislation provides that disabled Vietnam veterans who have or will receive settlement payments from manufacturers of Agent Orange will not have any federal benefits reduced as a result.

I have supported similar legislation throughout my career in the Senate. Last year, I cosponsored a bill that would provide medical benefits to veterans suffering from certain cancers associated with Agent Orange exposure. In 1981, I cosponsored an amendment expanding the scope of a study of veterans exposed to Agent Orange. Also in 1980 and 1981, I cosponsored legislation setting up guidelines for disability compensation for Agent Orange-exposed veterans. And, in 1984, I cosponsored the Veterans Dioxin and Radiation Exposure Compensation Standards Act, which created disability benefits for veterans exposed to radiation or toxic chemicals while actively serving.

Recently, there have been some other positive developments regarding Agent Orange compensation. The most significant, in my opinion, is the decision announced in May by the Department of Veterans Affairs (DVA) to reconsider their previous position on the effects of Agent Orange. Up until now, the DVA has been rather reluctant to recognize Agent Orange-connected disabilities. Frankly, it's about time they did, and I recently signed a letter to Secretary of Veterans Affairs Edward Derwinski praising him for this decision.

The U.S. government has for too long ignored the problems of the men who were sent to battle in Southeast Asia and has for too long forgotten the contributions of those who so bravely sacrificed their lives. It's time that we became sensitive to the pleas for help from the Vietnam veterans affected by Agent Orange, and it's time that we begin to work in a responsible way with them in order to address the problems caused by Agent Orange exposure. These veterans deserve better than they have received. You can be sure that I will continue to work for Vietnam veterans -- and all of America's veterans.

Thank you again for your dedication to America's veterans and for voicing your concerns.

Sincerely,
Joseph R. Biden, Jr.
United States Senator
July 20, 1989

Delaware State House of Representatives
c/o Ms. JoAnn M. Hedrick
Chief Clerk
Legislative Hall
Dover, DE 19901
Dear Members:

I have received a copy of your resolution congratulating the U.S. Coast Guard on its bicentennial. I, too, have offered my congratulations by cosponsoring S.J. Res. 126, honoring the Coast Guard for its two hundred years of service.

The U.S. Coast Guard was created in 1790, with a total of 10 revenue cutters, to help enforce the new nation's customs laws. Today -- nearly 200 years later -- there are over 2,000 Coast Guard vessels and more than 43,000 people involved. And, the duties of the service have gone beyond catching smugglers. The Coast Guard has helped to protect America's coastlines both in times of war and in times of peace.

Being a costal (sic) state, Delaware has a keen interest in the Coast Guard and the necessary services it provides -- services such as helping and rescuing those in danger, regulating boater safety, and maintaining aids to navigation like the Harbor of Refuge lighthouse. On a national scale, the Coast Guard has been one of the first lines of defense in this nation's fight against drugs.

The bicentennial of the U.S. Coast Guard will be celebrated for an entire year, beginning this August. I am pleased to join you in recognizing the 200 years of service the Coast Guard has provided.

Sincerely,
Joseph R. Biden, Jr.
United States Senator
August 23, 1989

Hon. Bernard J. Brady
Secretary of the Senate
Hon. JoAnn M. Hedrick
Chief Clerk of the House
Legislative Hall
Dover, Delaware 19901
Dear Mr. Brady and Ms. Hedrick:

Recently you forwarded to me an official sealed copy of Senate Concurrent Resolution No. 89 "Creating a flexible benefit plan study commission to examine the feasibility of making flexible benefit plans available to State employees." State Insurance Commissioners and Personnel Directors have traditionally played a major role in development of such plans. According to our reading of Senate Concurrent Resolution No. 89, the Insurance Commissioner of the State of Delaware was not included as a member of the Commission. The phrase used in designating members was "Director of Insurance". While the Insurance Commissioner of some other States carries the title "Director of Insurance", in Delaware that title is carried by a state employee who reports to the State's Insurance Committee and the State's Health Insurance Committee, upon both of which Committees I serve.

In a phone conversation with the State Treasurer, who is designated Chairman of the Commission, I was informed that she was certain that the prime sponsor of the Resolution, Senator John Still, had as his intent the exclusion of the State's Insurance Commissioner from this Commission. I do not know, of course, whether all of the other members of the General Assembly were fully aware of Senator Still's intent or its effect. However, since this resolution provides neither authority nor responsibility to the State Insurance Commissioner to participate as a member of the Commission, I wish to confirm this as a matter of public record so that there is no misunderstanding in the future.

Sincerely,
David N. Levinson
Insurance Commissioner

DNL:jn

cc: Senator John C. Still, III
Senator Robert T. Connor
Senator Richard S. Cordrey
Senator Herman M. Holloway, Sr.
Senator Andrew G. Knox
Senator Robert I. Marshall
Senator James P. Neal
Senator Thomas B. Sharp
Representative Gerald A. Buckworth
Representative Orlando J. George, Jr.
Representative Robert F. Gilligan
Representative Joseph R. Petrilli
Representative G. Robert Quillen
Representative Terry R. Spence

The White House
Washington
July 21, 1989

The Honorable JoAnn M. Hedrick
Chief Clerk
House of Representatives
of the State of Delaware
Legislative Hall
Dover, DE 19901

Dear Ms. Hedrick:

It was good of you to send President Bush copies of House Resolution Number 119 and House Concurrent Resolution Number 66 adopted by your Legislature. He appreciates your forwarding these statements, and you may be sure that they have been fully noted. With the President's best wishes to you and the members of the 135th General Assembly of the State of Delaware,

Sincerely,
Shirley M. Green
Special Assistant to the President
for Presidential Messages
and Correspondence
June 29, 1989

LEGISLATIVE ADVISORY #21

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/27/89 - SB 159 aab HA 1, 2 & 3, SB 55 aab SA 1, HB 213, SJR 5, SB 79, SB 78 aab SA 1, SB 119 & SB 160 aab SA 1. 6/29/89 - HJR 7 aab SA 1.

July 3, 1989

LEGISLATIVE ADVISORY #22

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/1/89 - SB 292, HB 450 aab SA 2, HB 127 aab SA 1, HS 1 for HB 234. 6/29/89 - SB 188, SB 191 aab SA 1, SB 176 aab SA 1, SB 104 aab SA 2, SB 103 aab SA 1, SB 216 aab SA 1. 7/1/89 - SB 177 aab SA 1. 6/29/89 - SB 46, SB 166, SB 167 aab SA 1. 6/30/89 - HB 318, SB 155. 7/1/89 - HB 449, HJR 15, HJR 16.

The Governor vetoed the following legislation on the date indicated: 7/3/89 - SB 111 aab SA 1 & HA 1 & 2.

July 6, 1989

LEGISLATIVE ADVISORY #23

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/5/89 - HB 130 & HB 157. 7/6/89 - SB 31 aab SA 1, SB 168, SB 184, SB 21, SB 81, SB 130, SB 161 aab SA 1, SB 158, SB 256 & SB 237.

July 11, 1989

LEGISLATIVE ADVISORY #24

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/7/89 - SS 1 to SB 245, SB 205 aab SA 2, SB 219, SB 247, SB 255, SB 251, SB 129, SB 206 & SB 259. 7/10/89 - HB 329, SB 195, SB 218 aab SA 1. 7/11/89 - HB 377 aab SA 1, SB 197, HB 169, HB 319, SB 106 aab SA 1, 2 & 3, SB 85 aab SA 1, SB 179 aab SA 1 & 2, SB 243, SB 232, SB 146 aab SA 1, SB 275 & SB 290.

The following is a Constitutional Amendment and does not require the Governor's signature: SB 109.

July 13, 1989

LEGISLATIVE ADVISORY #25

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/12/89 - SB 224 aab SA 1 & 3 & HA 1, SB 133, SB 128, SB 193, SB 213, SB 136, SS 1 for SB 183 aab SA 1 & SB 182 aab SA 3. 7/13/89 - SB 217, SB 201, SB 262, SB 252 aab SA 1, HB 367, HB 170 & HB 365.

July 18, 1989

LEGISLATIVE ADVISORY #26

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/13/89 - SB 142 aab SA 1, 7/14/89 - HB 303, HB 441, HB 122 aab HA 1, 7/17/89 - HB 23 aab HA 1 & SA 2, HB 202, SB 181 aab SA 2 & HA 1, SB 233, SB 294, SS 2 to SB 42 aab SA 1, HB 105, SB 174 aab SA 1, HS 1 to HB 328 & HB 331 aab SA 1 & 2.

The following is a Constitutional Amendment and does not require the Governor's signature: SB 87.

The Governor vetoed the following legislation on the date indicated: 7/17/89 - SB 137 aab SA 1 & 3 & HB 267.

July 17, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 6, 1989 I received House Bill No. 267 which is entitled:

"AN ACT TO AMEND CHAPTER 45, TITLE 10, OF THE DELAWARE CODE RELATING TO COMPENSATION AND REIMBURSEMENT OF JURORS"

This legislation would increase the daily fee paid to members of a jury from \$15 to \$25 and would simultaneously eliminate the requirement that jurors be reimbursed for necessary travel expenses at a rate of 15-cents per mile.

Obviously, the intent of this legislation is to provide additional compensation to jurors as an enticement to have them serve on juries and to eliminate the administrative complexities of deciphering the amount of compensation which should be paid to jurors for the mileage that they travel in order to serve. However laudable the intent of this legislation, I am compelled to exercise my constitutional authority to impose a veto.

The primary reason for my decision is that there is no appropriation in the Fiscal Year 1990 Budget Act to pay for the proposed increase in fees. According to the Fiscal Note attached to the legislation, the fiscal impact for Fiscal Year 1990 would be \$268,000. As there are no funds appropriated in this year's budget to pay for this increase, I have no alternative but to veto the legislation.

It should also be noted that even with this veto Delaware ranks favorably in comparison to other states' rates of compensation for jurors. My research indicates that approximately 30 states have a lower per diem rate for jurors and only 13 states have a higher per diem rate of compensation.

I would also note that my review of the budgetary requests for FY 1990 indicates that there was at no time a request for funding to pay for this proposed increase. If an increase in juror fees is in fact a priority item for the court system, then I would encourage that the appropriate request be made in next year's budget so that an appropriate increase can be funded.

For the reasons stated above I am returning House Bill No. 267 to the House of Representatives without my signature.

Sincerely,
Michael N. Castle
Governor

MNC/daf

July 21, 1989

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/17/89 - SB 58 aab SA 1 & 2 & HA 1, 7/18/89 - HB 348, HB 349, HB 350, HB 351 aab HA 1 & SA 1, HB 378, HB 421 aab HA 1 & 2 & SA 1, HB 336 aab HA 1 & HB 422, 7/19/89 - HB 325 aab HA 1 & 2, HB 197 aab HA 1 & 2 & HA 1 to HA 2 & HA 3, HB 285 aab HA 1, SB 274 & HB 250 aab SA 1, 7/20/89 - HB 72 aab HA 1 & 3 & SA 2, 4 & 5, HB 340 aab HA 1 & SA 1, HB 355 aab HA 1 & SA 1, 7/21/89 - HB 98 aab HA 1, HB 236, HB 237, HB 238.

House Bill No. 423 as amended by House Amendments No. 1, 2 and 4 became law without the Governor's signature on Wednesday, July 19, 1989.

The Governor vetoed the following legislation on the dates indicated: 7/18/89 - HB 304, 7/19/89 - HB 222 aab SA 1, 7/20/89 - HB 67 aab HA 1, 7/21/89 - HB 117 aab HA 1 & SA 1, 1, 2 & 3.

July 18, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 6, 1989 I received House Bill No. 304 which is entitled:

"AN ACT TO AMEND THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDE, VEHICULAR ASSAULT AND PERSONS AGED SIXTEEN YEARS OR OLDER"

This legislation would require that every person charged with Vehicular Assault in the First or Second Degree or Vehicular Homicide in the First or Second Degree, after having reached their sixteenth birthday, must automatically be treated as an adult for purposes of trial or other disposition of those charges. The legislation also requires that any period of incarceration imposed on any such juvenile is to be served in a juvenile correctional facility until the person attains his or her eighteenth birthday at which time they shall be transferred to the appropriate adult correctional institution to serve any remaining portion of their sentence. It should be noted that conviction for the offense of Vehicular Homicide in the First and Second Degree provide mandatory sentences of two years and one year respectively.

The intent of the legislation would appear to be to send a strong message to youthful drivers. If they are engaged in conduct which would potentially constitute a charge of vehicular assault or vehicular homicide their conduct will be treated in a very serious fashion. While this intention is certainly commendable, my concern regards the effect of the legislation. That effect would result in every juvenile over the age of sixteen charged with Vehicular Assault or Vehicular Homicide in the First or Second Degree to be tried in the Superior Court as an adult regardless of the facts and circumstances surrounding the individual incident leading to those charges. It is my feeling that decisions regarding whether a juvenile should be tried as an adult should be determined on a case-by-case basis in situations involving the utilization of motor vehicles.

In fact, this case-by-case analysis currently exists within the Family Court system. Title 10, Section 938 of the Delaware Code already provides a mechanism whereby juveniles charged with serious offenses can be reviewed by the Family Court to determine whether they are amenable to the Family Court process. Thus, in cases involving egregious offenses or cases involving individuals who have prior criminal histories, the Family Court has a process whereby it determines whether a juvenile should be tried in the Family Court or as an adult in Superior Court. To my knowledge, this process has been operating successfully.

I recognize that there are other crimes - first degree murder, rape, unlawful sexual intercourse, kidnapping and possession of a deadly weapon during the commission of a felony - which already require a juvenile offender charged with these crimes to be treated as an adult. All of those crimes require proof of some form of criminal intent and are therefore distinguishable from offenses included in the legislation before me and I am reluctant to add to that list. Individuals who are between the ages of sixteen and eighteen oftentimes unfortunately act in an irresponsible manner. I cannot and do not condone such acts. They can lead to devastating and tragic results. However, those acts are usually not undertaken with the kind of criminal intent which is required for the other crimes which automatically require juveniles to be treated as adults. The Family Court is charged with dealing with juvenile situations on a day-to-day basis and is far better able to determine whether an individual should be tried as an adult, as certainly some should be, as opposed to having this across-the-board statutory mandate which would require not only trial as an adult but adult penalties as well. Taking into consideration that a conviction of any seventeen year old of vehicular homicide would almost certainly cause them to spend time in an adult correction facility, my concern about this legislation is increased.

For the reasons stated herein I am returning House Bill No. 304 to the House of Representatives without my signature.

Sincerely,
Michael N. Castle
Governor

MNC/raw

July 19, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 10, 1989, I received House Bill No. 222 As Amended By Senate Amendment No. 1, which is entitled:

"AN ACT AWARDED SPECIAL PENSION BENEFITS TO ROSELINE WALTS, ALSO KNOWN AS ROSELINE DUFRANE, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE."

This bill would provide for a State widow's pension for Roseline Walts, also known as Roseline Dufraine, who is ineligible for a pension under current State law. Because of my well-known concerns about the propriety of special pension legislation with far-reaching effects, I am returning House Bill No. 222 As Amended By Senate Amendment No. 1 without my signature.

In my judgment, special pension legislation should only become law when there is an actual wrong. This bill is designed to right a perceived wrong in the pension system in its application to the petitioner. In fact, it is not the pension system which prevents Ms. Walts from receiving a pension, but instead her ineligibility arises as a direct result of the laws of this State regarding marital relations.

Ms. Walts was apparently under the mistaken impression that she and the decedent were in fact husband and wife as they had been living together as such for several years. When it was discovered that Delaware does not recognize the legal doctrine of common law marriages, Ms. Walts and the decedent attempted to marry but the death of Mr. Dufraine prevented the actual ceremony from occurring. Thus, at the time of Mr. Dufraine's death, in the eyes of the law, Mr. Dufraine and Ms. Walts were not "husband and wife". While it is indeed unfortunate that Ms. Walts and Mr. Dufraine were not able to solemnize their vows prior to his death, I cannot now permit this pension request to proceed when it flies in the face of well-settled Delaware law.

To award this pension could jeopardize the Delaware system of wills, estates and survivor pensions into a state of disarray. Imagine the difficulties which may occur should someone assert a claim for a survivor's pension against the estate of a Delaware resident. The only party capable of testifying to the actual relationship between the parties is the one seeking the pension. Such potential abuses, while not appearing to be present in this case, could certainly arise in future incidents under this type of precedent-setting pension request. Additionally, the law of probate in Delaware would be

thrown into uncertainty as conflicting claims to survivor's pension rights would complicate the closing of an estate. Finally, the administrative nightmare for our State pension system which would be created by such pensions cannot be ignored.

For the reasons set forth above, I am returning House Bill No. 222 As Amended By Senate Amendment No. 1, without my signature.

Respectfully submitted,
Michael N. Castle
Governor

MNC/BAR/ceb

July 20, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 14, 1989 I received House Bill 67 as amended by House Amendment No. 1, which is entitled:

"AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO REGISTRATION OF OUT-OF-STATE LIQUOR CONTROL BOARD AGENTS IN THE STATE OF DELAWARE."

The purpose of this legislation is to require all agents, employees or representatives of Liquor Control Boards from other states to register with the Delaware State Police at least 30 days in advance of their entry into Delaware for the purpose of observing any alcoholic liquor sales. The legislation would also require that at the time of registration, the individual seeking to register must provide a written statement setting forth his identity; the purpose of the intended entry into Delaware; the make, model and license number of every vehicle to be used in Delaware; the specific establishments which will be surveilled; and the specific times for such surveillance. Failure to comply with these requirements is a misdemeanor offense and upon conviction, the offender shall be fined not more than \$1,000 or imprisoned for not more than 2 years, or both.

While the stated purpose of this legislation is to promote and protect the public safety and peace in Delaware, I have some very serious concerns with regard to the impact of this legislation. If permitted to become law, this legislation would require any out-of-state Alcoholic Beverage Control Enforcement Agent to register with the State Police at least 30 days in advance of their undertaking of any enforcement activity which involves an entry into Delaware. Such a requirement would obviously hinder, if not completely obstruct, the legitimate enforcement activities which are undertaken by out-of-state agents.

For any number of reasons, including the fact that Maryland has a sales tax, Maryland has chosen to prohibit its citizens from purchasing large amounts of alcoholic beverages outside of its borders and transporting them back into Maryland. As a result, it is not uncommon for Maryland enforcement agents to occasionally conduct surveillance of Delaware package stores in order to detect whether violations of Maryland law are occurring. If a violation of Maryland law is suspected, no action will occur in Delaware. Instead, the agents will follow a Maryland purchaser back into that state where they will issue a warning or make an arrest if a violation has in fact occurred. Obviously, this legislation would place an extreme burden on out-of-state liquor control agents and would virtually eliminate their ability to conduct spontaneous surveillances.

Even though I would veto this legislation based only on the forgoing reasons, I am also concerned with problems which would be associated with its implementation. That process could be very cumbersome and place additional, and as I see it, unnecessary responsibilities on the State Police. The registration process for which they would be responsible would include a rather onerous process which would involve document review and possibly an interview of the applicant. It is my feeling that the resources of the State Police are better applied towards enforcement of violations of Delaware law rather than the laws of our neighboring jurisdictions. I also fear that Maryland or our other neighbors might seek similar legislation which could damage Delaware's liquor law enforcement efforts.

I must also add that it has come to my attention that the genesis of this legislation may be due to individual complaints from package store owners in close proximity to our border whose out-of-state customers have been detained by out-of-state agents. If true, this is clearly the type of special interest legislation which we must not permit to become law and which I believe is not in the public interest.

Therefore, due to the fact that this bill would effectively thwart the legitimate law enforcement activities of our neighboring states, because any purported public interest furthered by the bill seems to be illusory and even if genuine would be outweighed by its adverse impact and because I am informed that enactment of the bill would seriously erode recent efforts that have been made by our Division of Alcoholic Beverage Control to establish closer cooperation and coordination with the Alcoholic Beverage Control Agencies of our border states, I feel compelled to exercise my constitutional authority to veto this legislation.

For the reasons stated herein I am returning House Bill 67 as amended by House Amendment No. 1 to the House of Representatives without my signature.

Very truly yours,
Michael N. Castle
Governor

MNC/daF

July 21, 1989

To The Members Of The House of Representatives
Of The 135th General Assembly

On July 14, 1989, I received House Bill No. 117, As Amended By House Amendment No. 1 and Senate Amendment Nos. 1,2 and 3, which is entitled:

"AN ACT TO AMEND SECTION 5306, CHAPTER 53, TITLE 25 OF THE DELAWARE CODE, RELATING TO TENANT'S REMEDY AND DEDUCTION FOR MINOR DEFECTS."

This bill was intended to permit tenants to more effectively address minor defects as they occur in rental units. While this is not intended to serve as the tenant's sole remedy for defects in a rental unit, the bill is designed to permit tenants to correct such defects with offsetting reductions in rental payments. While the goals of the bill are laudatory, there exists serious constitutional and administrative questions which necessitate a veto of this legislation.

The provision which brings the entire statutory scheme into question is contained in Section 6 of the bill, which states "Section 2 of this Bill shall only apply to landlords with six or more rental units." To limit the remedies available under this section in such an arbitrary manner is clearly unconstitutional. Such a distinction discriminates against both tenants and landlords by arbitrarily selecting the number of six units as the magic number for application of its provisions. By erecting such artificial barriers to the availability of this remedy, the entire landlord and tenant code would be brought into question. On this ground alone the legislation must be vetoed.

However, it should also be noted that Senate Amendment No. 1 requires a tenant to notify a State, City, County or local municipality authorized to accept such complaints regarding minor defects in a rental unit prior to a tenant commencing repairs, for the purpose of determining the validity of any deduction in rent. The term "minor defects" as contained in the bill, is not defined in either this legislation nor elsewhere in the Code. As a result, the agency to which the tenant reports the minor defect may be placed in the untenable position of determining whether the complaint is a minor defect which would come under the provisions of this legislation. Determinations such as these should be made, if at all, by a definition set forth in the Code or an agreement between landlord and tenant. To intersect these as-yet unidentified agencies of government into the relationship between landlord and tenant with no statutory or administrative guidance is only setting the stage for conflicts between landlords, tenants and the agency to which the parties complain. While this is not necessarily a fatal flaw in the legislation, it is sufficient to merit further attention. When coupled with the issues raised as to the constitutionality of this legislation, the two items together necessitate a veto of the entire bill.

For the reasons stated above, I am returning House Bill 117 As Amended By House Amendment No. 1 and Senate Amendments Nos. 1, 2 & 3.

Respectfully submitted,
Michael N. Castle
Governor

MNC/BAR/ceb

July 18, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 6, 1989, I received House Bill No. 378, which is entitled:

"AN ACT TO AMEND CHAPTER 60, TITLE 7, OF THE DELAWARE CODE RELATING TO OCEAN DUMPING."

The dumping of sludge and other solid wastes into the waters off our shores is one of the most critical environmental issues of our day. As Governor, I have consistently opposed such practices, even though they are permitted by the Federal Government, as well as proposals that would allow for the burning of such materials in nearby waters under Federal jurisdiction. In my view, we must spare no effort to ensure that the quality of our State's ocean waters are protected for our children and generations to come.

To achieve this goal, we must devise thoughtful and workable laws and regulations. Today, I sign into law House Bill No. 378, which is referred to as the "Ocean Solid Waste Dumping Elimination Act." Under this Act, all disposal of solid waste into the ocean waters of the State is prohibited.

Due to the importance of this legislation to the protection of Delaware's environment, I will sign this legislation. However, I must note that the laudable goals of this legislation are greatly diminished by the penalty provisions contained therein. As defined in Section 6703 of this Act, anyone disposing of solid waste into State ocean waters, regardless of quantity, "shall be fined not less than \$100,000 nor more than \$500,000 for each violation and there shall be no suspension of the fine."

While the amount of such penalties would certainly be appropriate for willful illegal dumping on a large scale, the sheer magnitude of the penalties would have the practical result of curtailing the enforcement of the Act for relatively minor or unwitting infractions. Under strict interpretation of this Act, the dumping of a container of household garbage into the State's ocean waters would demand a \$100,000 fine, without exception. In my judgment obtaining a conviction in a court of law under such circumstances would prove difficult, if not impossible. Such extreme fines would place the overall efficacy of the entire act in doubt. Clearly the desire is to have an ocean dumping law which is strong and effectively used in the battle against this environmental danger. Although we can take comfort in the fact that this legislation provides for certain and severe penalties for the willful or intentional major violators, we must devise a more reasonable penalty provision for less severe instances of ocean dumping.

For the above stated reasons, I am requesting that legislation to amend this Act be drafted and introduced for consideration and action by the General Assembly at the beginning of the next Session. Perhaps such legislation could retain the maximum penalty levels present in the instant Act with a revision to more closely tailor the minimum

penalties for unintentional or relatively minor incidents to their environmental impact. Such amendatory legislation will provide for realistic enforcement and make certain that we will punish those who would imperil the health of our environment.

Sincerely,
Michael N. Castle
Governor

MNC/BAR/ceb

July 18, 1989

To the Members of the 135th General Assembly
of the State of Delaware

On July 6, 1989, I received House Bill No. 423, As Amended By House Amendment Nos. 1, 2 and 4 which is entitled:

"AN ACT TO AMEND CHAPTER 61, TITLE 30 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE STATE OF DELAWARE TO LEVY AND COLLECT A PUBLIC LODGING TAX AND DEDICATING THE PROCEEDS OF THE TAX TO THE STATE BEACH PRESERVATION PROGRAM AND COUNTY CONVENTION AND VISITORS BUREAUS."

This bill would permit the increase of the present lodging tax on transient occupants of all hotels, motels and certain tourist homes throughout the State from its present level of 6% to 8%. This 2% increase would be divided into two separate and equal shares of 1%. One percent would be used toward expenses associated with the State Beach Preservation Program with the second percent being used by New Castle, Kent and Sussex Counties to develop their respective tourism markets. Amendments to this bill insure that Sussex County and several local towns will be reimbursed for monies already dedicated to the beach renourishment program prior to any other expenditures from this new fund. While I am opposed to this legislation, I have decided in this instance (for the third time since I have been Governor) to permit this legislation to become law without my signature.

We are now faced with a tax increase which will more than double state funds to the Greater Wilmington Convention and Visitors Bureau and will be used to fund tourism development efforts in at least two counties which do not even have a tourism advisory or planning board. True, this legislation provides for the creation of such boards, but it is done in an extremely awkward manner. It also will reimburse local communities for funding previously provided for beach replenishment and probably will obviate any future need for local contributions. This is in spite of the fact that some of these communities provide virtually no public beach access and had previously accepted a financing plan that provided for a local share. This legislation loses sight of the fact that the State and several municipalities have accepted their share of the responsibility for this program. Today's legislation undermines the agreement upon which the entire Beach Renourishment Program was founded.

This legislation is an example of local governments lacking the political will to fund the diverse programs they seek and instead coming to the State seeking relief. These governments complain that they do not have the resources or ability to help themselves, but the fact remains that the local property tax rates in Delaware are among the lowest in the entire country while state taxes are among the highest.

Finally, I would note the irony that while this legislation and numerous transfer tax increases for towns were working their way through the General Assembly, a personal income tax cut languished in the State Senate. The State Senate, while condemning a tax reduction, was passing along the tax increase in this bill as well as transfer tax increases to the general public.

Despite the foregoing, because I am committed to continuing to preserve Delaware's beaches, recognizing the importance of tourism to the State's economy and fully cognizant of the fact that the legislation passed with support indicating that any gubernatorial veto may be overridden, I have elected to permit House Bill 423, As Amended By House Amendment Nos. 1, 2, and 4 to become law without my signature.

Respectfully submitted,
Michael N. Castle
Governor

MNC/BAR/ceb

July 26, 1989

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The following legislation was vetoed by the Governor on the date indicated: 7/25/89 -
HB 297 aab HA 1 & 2.

July 25, 1989

To the Members of the House of Representatives
of the 135th General Assembly

On July 14, 1989 I received House Bill No. 297 as amended by House Amendments Nos. 1 and 2 which is entitled:

"AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO COIN-OPERATED-LOTTERIES AT RACETRACKS AND TO AMEND CHAPTERS 3 AND 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND CHAPTER 100, TITLE 3, RELATING TO HARNESS HORSE RACING"

This legislation, known as the "Horse Racing and Breeding Assistance Act," would permit horse racing and harness racing tracks in Delaware to maintain slot machines on their premises.

My feelings regarding the bill are well known: The legalization of slot machines would open a Pandora's box of gambling harmful to the quality of life in Delaware and which would benefit only a handful of people. Thus, it will come as no surprise that I am exercising my constitutional authority to veto this legislation. I do so convinced that my action is in the best interests of a state where it has long been public policy to oppose casino-type gambling, and I am resolved to oppose any other proposals which would make casino gambling legal.

Although this bill would disguise slot machine gambling as a lottery so that it appears to comply with the Delaware Constitution, the plain truth is that gambling (with the one exception of parimutuel betting on horse races) is against the public policy of our state unless associated with a charitable purpose or the public interest. Hence, some forms of charitable gambling are allowed, and the state operates a lottery to raise revenues to finance valuable state programs. But it is my judgment that to permit slot machines is to embrace gambling with none of the redeeming values of our present games of chance, and for this reason they should continue to be prohibited in Delaware.

The above conclusion, by itself, provides sufficient reason to complete the veto and return the bill to the General Assembly. But to do so would perpetuate the silence which surrounded this bill during its passage, and ignore the many issues which concern me or were brought to my attention after the passage of House Bill 297 on June 30th in the State Senate. I am, therefore, adding some additional thoughts below.

An examination of the provisions of this legislation is in order before I discuss their impact. There are several key points:

The Director of the State Lottery would be authorized to issue licenses to operators of Delaware's four racetracks to maintain slot machines. Only operators of horse racing and harness racing tracks could be so licensed.

The annual proceeds from the operation of slot machines at those racetracks would be divided in the following manner: Between 85 percent and 87.8 percent would be returned to bettors as winnings.

To cover costs associated with licensing, regulating and operating slot machine gambling, the State Lottery would receive up to 3 percent of the first \$140 million in proceeds and 2.5 percent of proceeds over that amount.

The balance of the money would be divided among horse racing interests and track owners as follows: Until total annual proceeds reach \$140 million, 20 percent would go into a fund to provide purses for races at licensees' tracks; 5 percent would go to the State Lottery Fund; and 75 percent would go to track owners. Once the \$140 million mark was passed, the Lottery's share would increase to 20 percent and the track owners' share would go to 60 percent; 20 percent would continue to be allocated to purses.

The State Lottery Office would be required to transfer \$50,000 annually to the Division of Alcoholism, Drug Abuse and Mental Health to fund programs for treatment and education and assistance for compulsive gamblers and their families.

Slot machines would be permitted only within the confines of a racetrack licensed to conduct a horse racing or harness horse racing meet. Hours would be from 9 a.m. to 1 a.m., except for Sundays, when play would be permitted from 12 noon to 1 a.m.

The bill was promoted as an economic development measure, one which would save jobs in Delaware's faltering horse racing industry and bring revenue to the state. Perhaps finding comfort in that familiar argument, the General Assembly approved the legislation with a great deal of speed and none of the public discussion that one would expect when a major change in policy is being considered. Legislation of this significance should be exposed to the widest public discussion possible, yet little effort was expended on discovering whether this legislation was good or bad for Delaware.

House Bill 297 was introduced on May 10, 1989, and quickly assigned to the House Administration Committee, which deemed it unnecessary to hold a public hearing on the bill. It resurfaced on June 22, 1989, and was passed by the House on June 29, 1989. It moved through the Senate in a single day without being assigned to committee and without a public hearing, and without appearing on any public notice agenda. By contrast, the House of Representatives saw fit to conduct two days of public hearings on House Bill 193, the bank insurance powers bill, as well as public hearings on House Bills 338 and 339, the Delaware River and Bay Authority legislation. The Senate conducted public hearings on all three bills as well.

Denied an opportunity to speak in opposition to House Bill 297 during the legislative process, the public has availed itself of another course -- communicating with my office -- to express its opposition. In fact, measured by the volume of calls and letters to my office, no issue has generated greater interest -- and greater opposition -- than the effort to legalize slot machines.

The concerns that have been brought to my attention are varied. For those who oppose gambling in any form, this is a moral issue, a question of whether the community should condone legalization of what amounts to casinos in Delaware.

Others are concerned about the impact of gambling on families. Gambling is an addiction which can destroy lives, and some argue that few forms of gambling are more addictive than slot machine gambling.

Still others are concerned about the fact that those who can least afford to gamble would be drawn by the lure of instant wealth, and that families would be forced deeper into poverty as money intended for food, clothing and shelter was used to feed the slots. I am particularly concerned that the casino atmosphere and the instant gratification provided by slot machines would intensify this effect.

All of these concerns should have been heard, and would have been heard, if the General Assembly had opened this bill to the kind of public debate it required.

I share some of these concerns, and have others as well. But, as I turn to the other issues raised by the bill, I feel compelled to point out that I am not describing a course which, if followed by slot machine advocates, will win my support. I am unalterably opposed to the introduction of slot machines in Delaware.

* * * * *

We have long prided ourselves on the unique qualities which set Delaware apart, the quality of life which has been so instrumental in attracting new businesses and new jobs to our state. Slot machine gambling would have a negative impact on that quality of life.

There are the relatively simple concerns about schools, about highway congestion year-round, about increased infrastructure needs. While some of these problems can be solved, most cannot, and the areas near the racetracks would be overwhelmed by traffic and congestion.

Those who support this legislation argue that it would improve our quality of life by preserving open space which would otherwise be surrendered to development. I disagree. Three of Delaware's four tracks are developed to the point that they qualify as open space only to the degree that a large parking lot is open space. An administration which has put as much energy and funds into preserving open space as this one would regret the development of the fourth track, but I believe that the slot machine alternative would be far more harmful to the state. And, if development must occur, then we have an obligation to ensure that it occurs in a positive manner.

There are also intangible effects, harder to measure and potentially more devastating. Gambling is big business, and a business that attracts questionable elements no matter how well policed. If we take this step, who will be able to resist the influence of the casinos when neighborhoods are threatened, when community values stand in the way of profits, when the crime that follows legitimate gamblers shows up on our doorstep? One need look no further than Atlantic City to see that large-scale gambling brings problems with it, and that it does not translate automatically to a better standard of living for the community.

* * * * *

The Delaware Constitution says that gambling is illegal, except to raise money for charitable purposes or service organizations and raise revenues for the state, and while technically the proponents of this legislation may be correct in arguing that slot machines may be constitutionally permitted, I have serious questions regarding whether the drafters of the 1983 amendment to the Constitution had this intention. Still, given the fact that Delaware historically has permitted gambling only for the public good, it is worth asking who is harmed and who benefits from this legislation.

Does this bill benefit public education? Does it further our social programs? Or support state efforts to protect the environment? Or help abandoned children or offer shelter to the homeless? No, the reason the slot machine bill was adopted was to single out and rescue one faltering industry, to turn red ink into black by turning racetrack lobbies and concourses into casinos with row upon row of gleaming slot machines producing tens of millions of dollars for their owners each year.

Certainly it is in the state's interest to come to the assistance of a troubled industry, but I would argue that the state has done so for the racing industry for years. Out of recognition of the competitive forces faced by Delaware racetrack operators, the General Assembly over the last 15 years has all but eliminated revenue sources associated with horse racing. At the same time, in an effort to assist the industry, the legislature has continually increased the operators' commissions. Admissions taxes for categories other than horse racing in Kent County have been eliminated by the General Assembly in an even further effort to assist this failing industry.

In addition, for a decade and a half, the General Assembly has whittled down racing-related taxes until what once was a \$9 million revenue source to the state now provides less than \$300,000 annually. Temporary concessions and short-term solutions have become permanent, and today we are confronted by an array of provisions which are inconsistent from one county to the next and from one type of racing to another. And operators pay little in the way of racing taxes.

Whether this generosity is a matter of good judgment or simply the considerable influence of racing interests on the General Assembly I will not hazard an opinion. Suffice it to say that the state has gone to great lengths to help the horse racing industry. No other industry has received this kind of special treatment.

But I believe we must draw the line at redefining the public good to preserve an industry which is failing, particularly when the proposed solution to the problem may well have the opposite effect and further weaken public support for racing. Other racetracks across the United States are flourishing, and the long-term economic health of horse and harness racing in Delaware depends on the ability of tracks to attract paying customers to races.

It seemed like a bold step when, in 1980, Delaware wrote a check for \$5 million to help the Chrysler Corporation when it was in trouble. But that step pales in comparison with what is proposed in House Bill 297, and one must ask whether slot machines would become the bail-out of choice for failing industries in Delaware. In years to come, will the General Assembly permit slot machines in failing furniture stores, unprofitable convenience stores, or apartment buildings that are not producing enough revenue? And when we are saturated with slot machines, will the General Assembly contemplate roulette or blackjack tables and -- with a wink or a shrug -- discover that they are lotteries, too?

* * * * *

As I said above, the Delaware Constitution recognizes certain exceptions to the general prohibition against gambling -- charitable purposes and the public good. But House Bill 297 represents a direct threat to the religious organizations which raise funds through charitable gambling, to volunteer fire companies which depend on gambling events, and to the State Lottery itself. Slot machine casinos would siphon off profits from the State Lottery and compete with the very organizations the Constitution was amended to assist. Clearly, the losers would be the people of Delaware.

By contrast, the owners of the tracks would be permitted to keep a disproportionately large amount of the gambling proceeds, while an extremely small portion will go to the state. For every dollar that went to the Lottery Fund, track owners would keep \$15.00.

Certainly the slot machine casinos would create jobs, but to suggest that they would bring a windfall to our citizens is to create an illusion. The job market in Delaware is already excellent, with employers competing for good workers and tens of thousands of people commuting into Delaware daily to work. In that context, it is wrong to suggest that further declines in the horse racing industry would leave its employees unable to find jobs.

Although the Constitution seems to include slot machines in the definition of a lottery, the law clearly states that those lotteries are permissible under our Constitution only when they are "under state control for the purpose of raising funds." Clearly, the intent of the drafters of this portion of the Constitution was to legalize lotteries in situations where funds could be raised to benefit the entire state; it is equally clear they did not intend for the state to have the dubious distinction of operating a casino, which this bill requires. The fact that funds generated from lotteries could be used to benefit any number of different programs was certainly an incentive for the General Assembly to add to the amount of permissible gambling in Delaware.

In fact, the law which defines State Lottery duties states that a lottery should be designed to "produce the maximum amount of net revenues consistent with the dignity of the state and the general welfare of the people."

By contrast, the proposed legislation before me clearly is not intended to benefit the state at large. While I agree that there may be some benefit to the state derived from revenues which would be generated from enactment of this legislation, and that there may be some benefit by maintaining jobs at failing racetracks, it is clear that the legislation intends to benefit a single industry in our state in a disproportionate manner.

One other flaw worth noting: There is no provision for the Lottery Office to fund additional personnel needed to enforce regulations promulgated pursuant to the legislation and to police the operation of slots at the racetracks. It is estimated that it will cost the state approximately \$11 million per year to operate and regulate slot machines, yet there was no fiscal note attached to the bill. Moreover, even racing industry figures demonstrate that the income which will go to track owners -- \$30 million a year if Delaware slots did a quarter of the business done in Atlantic City, by one estimate -- is twice the amount the state can expect and almost four times the figure which will go to horsemen.

* * * * *

I want to make it clear that by vetoing this legislation I do not intend to suggest that individuals who enjoy playing slot machines are anything but fine, upstanding citizens. I have no doubt that they are. However, if any of Delaware's citizens wish to gamble by playing the slots, Atlantic City is readily accessible and I far prefer to have that type of gambling outside of our border.

Nor do I intend to suggest a personal opposition to gambling, or a lack of sympathy for Delaware's racetrack owners or horsemen. I have long supported efforts to preserve the racing industry, and will continue to do so.

But I believe that the good this bill would do for Delaware is greatly outweighed by the potential harm to our quality of life in the broadest sense, and so I am returning it to the House of Representatives without my signature.

Sincerely,
Michael N. Castle
Governor

MNC/daf

Representative Lee introduced HA 2 to SS 1 to SB 1, jointly sponsored by Representatives B. Ennis & Smith & Senators R. Still & Torbert. HA 2 was placed with the bill.

Representative Lee introduced HB 485, jointly sponsored by Representatives B. Ennis, Corrozi & Smith & Senators R. Still, Cook & Torbert & cosponsored by Representatives Spence, Quillen, Fallon, Bunting, Buckworth, Carey, Ewing, Van Sant, Clark, DiPinto, Petrilli, Plant, Bennett, Schroeder, Jester, Outten, Reynolds, Houghton, Gilligan, Campanelli & Maroney.

HB 485 - An Act to Amend Title 16 of the Delaware Code to Establish the Statewide Paramedic Funding Program, to Make a Supplemental Appropriation, and Authorize Positions to Begin Implementing the Delaware Paramedic Services Act. (3/4 bill)

Mr. Speaker assigned HB 485 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 3:12 p.m.

The House reconvened at 5:17 p.m.

Representative Mack requested that he be marked present.

Representative Quillen requested that HB 177 be stricken.

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

2nd LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 10, 1990

Mr. Speaker Spence called the House to order at 2:27 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 95, SCR 96, HCR 28, HCR

99, HCR 101, HCR 103, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 110, HCR 111 & SCR
98.

Representative Taylor requested that he be marked present without reimbursement for mileage.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current legislative day. The House reconvened at 2:30 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives D. Ennis, George, West - 3.

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

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

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

The following prefiled legislation was introduced:

HB 486 - PLANT - LABOR: An Act to Amend Chapter 7, Title 19 Delaware Code Relating to Employment Practices.

HB 490 - HEBNER, EWING, DAVIS, HOUGHTON, PLANT; SENATOR SHARP - JUD: An Act to Amend Subchapter II, Chapter 5, Title 11 of the Delaware Code Relating to Death or Serious Physical Injury Caused by a Driver of a Motor Vehicle. (2/3 bill)

Representative Brady requested that he be marked present.

Representative Gilligan requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:36 p.m.

The House reconvened at 5:10 p.m.

Representative Mack requested that he be marked present.

Representative Hebner requested that HB 135 be stricken.

Representatives DiPinto, Bunting & Campanelli requested that they be marked present.

The following prefiled Consent Calendar #20 was introduced:

HR 143 - BUCKWORTH, QUILLEN, CAULK, BENNETT, CLARK - Congratulating Donald A. Blakey Upon His Retirement From the Caesar Rodney School District After 21 Years Educating the Youth of Camden, Delaware.

HR 144 - QUILLEN, B. ENNIS, CLARK, OUTTEN, BENNETT, CAULK, BUCKWORTH, EWING - Saluting Bonnie White Johnson on the Event of Her 50th Birthday.

HR 145 - BUCKWORTH, QUILLEN, CAULK, BENNETT, CLARK - Commending the Caesar Rodney High School Band on a Job Well Done Representing the State of Delaware and More Importantly, Representing Themselves, as They Participated in the New Years Day Parade in London, England.

HCR 112 - PETRILLI, SPENCE & BUCKWORTH; SENATORS SHARP, CORDREY & MARSHALL - Providing That a Joint Session of the Senate and the House of Representatives be Convened to Hear the Annual State of the State Address by Governor Michael N. Castle, Governor of the State of Delaware.

HCR 113 - JESTER; SENATOR VAUGHN - Extending Congratulations to Caravel Academy Football Team, for Having Won the State Division II High School Football Championship for the 1989 Season.

HCR 114 - MARONEY & SENATOR BANE - Extending Congratulations to Dr. Katherine Esterly, Pediatrician and Chief of Neonatology at Christiana Hospital, Who Was Honored on October 23, 1989 at the Ninth Annual Trailblazer Dinner as 1989's Trailblazer Award Recipient for Her Innovative Leadership in the Field of Neonatology and Her Commitment to Medical Science Earning Her the Highest Professional Respect From Among Her Colleagues and Elevating Her to a Role Model in the Medical Community.

HCR 115 - CAREY & SENATOR MINNER; REPRESENTATIVE SCHROEDER - Congratulating Milton's Stephanie Ann Fox for Her Outstanding Volunteer Work During 1988, Earning Her White House Honors.

HCR 116 - BENNETT; SENATORS ADAMS, CORDREY, COOK, R. STILL - In Recognition of the 21st Annual Delaware Day in Florida in Pompano Beach on Thursday, February 8, 1990, and Encouraging Delawareans to Attend and Participate in the Many Festive Activities Planned for the Day.

HCR 117 - BENNETT, CORROZI; SENATORS ADAMS, CORDREY, COOK, R. STILL - In Recognition of Delaware Day at Vero Beach, Florida on Monday, February 19th, Commencing 12:30 P.M. Sharp at the Rio Mar Yacht Club and Encouraging Delawareans to "Come on Down" and Enjoy a Day Full of Fun and Merriment, to Include Golfing on Sunday, February 18th at the Sand Ridge Country Club.

SCR 95 - COOK & REPRESENTATIVE CLARK - Extending Many Thanks to Ernie and Ellen Faulkner of Dinah's Corner Who are Retiring From the General Grocery Store Business After Devoting More Than 20 Years at Their Store Located at Pearson's Corner, West of Dover and East of Marydel and Hartly, Delaware, and Wishing Both of Them the Best of Health, Happiness and Enjoyment, Which They so Richly Deserve, During Their Retirement Years.

SCR 96 - COOK & VAUGHN; REPRESENTATIVES B. ENNIS & CLARK - Commending Mr. and Mrs. Franklin Cooke of Smyrna, Delaware on Their Fiftieth "Golden Wedding Anniversary, December 31, 1989, and Extending to Each of Them Many More Years of Togetherness in the Best of Health and Happiness.

SCR 98 - HOLLOWAY; REPRESENTATIVE AMICK; SENATORS SHARP, CORDREY, VAUGHN, CONNOR, NEAL; REPRESENTATIVE BUCKWORTH - Commending William J. Bennett, Director of the Office of National Drug Control Policy, for His Strong Stand Against Legalization of Drugs Such as Cocaine and Heroin.

Consent Calendar #20 was adopted by voice vote and HCR 112, HCR 113, HCR 114, HCR 115, HCR 116 & HCR 117 were sent to the Senate for concurrence and SCR 95, SCR 96 & SCR 98 were returned to the Senate.

Representative Sillis requested that he be marked present.

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

APPRO: HB 485 - 5F.

P/S: HB 478 - 4F,1M; SS 1 to SB 1 w/SA 1 - 4F.

JUD: HB 490 - 2F,3M.

SUBS ABUSE: HB 446 - 1F,4M; HB 460 - 1F,4M; HB 461 - 1F,4M; HB 462 - 1F,4M; HB 463 - 1F,4M; HB 464 - 1F,4M; SB 25 w/SA 1,2 & 3 - 1F,4M; SB 139 - 5M; SB 144 w/SA 1 & 3 - 5M; SB 151 w/SA 1 - 4M.

Mr. Speaker assigned SB 151 w/SA 1 to the Appropriations Committee.

Representative Carey requested that HB 279 be stricken.

Representative Buckworth requested that HB 215 be stricken.

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

3rd LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 11, 1990

Mr. Speaker Spence called the House to order at 2:30 p.m.

Representative D. Ennis requested that he be marked present.

Representative Roy requested that HB 465 & HB 477 be stricken.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 306.

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

SM BUS & ECON DEV: SB 246 - 1F,5U.

Representative Amick requested that HR 126 & HJR 13 be stricken.

The Majority Leader moved to adjourn at 2:35 p.m., thereby ending the current legislative day. The House reconvened at 2:36 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

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

The following prefiled legislation was introduced:

HB 487 - CLARK, B. ENNIS, QUILLEN, BUCKWORTH, EWING, SCHROEDER, WEST; SENATORS COOK, VAUGHN, MINNER - B & I: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Cancellation of Automobile Insurance Policies.

HR 146 - AMICK - SUNSET: Creating a Commission to Study the Board of Landscape Architects.

HA 4 to HB 244 - BRADY - APPRO: Placed with the bill.

SB 306 - TORBERT; REPRESENTATIVES AMICK, DIPINTO, BOYKIN, LEE, CAULK, B. ENNIS - SUNSET: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Nonresident Licensure of Real Estate Brokers, Salespersons and Appraisers, and to Disciplinary Action Against Licensees. (3/5 bill)

Representative Oberle introduced and brought HR 147, jointly sponsored by Representatives Amick, Spence, Taylor, Davis, Reynolds, Mack, Soles, Campanelli & Houghton, before the House for consideration.

Representative Plant requested that he be marked present.

HR 147 - Congratulating Robert Clemente on Receiving Local 1183's Martin Luther King Award on Behalf of Civil Rights.

HR 147 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Robert Clemente, representing the United Auto Workers, who addressed the House.

Representative Plant requested and was granted the privilege of the floor for Derrick D. Johnson, representing the New Breed Alliance, who addressed the House.

Representative West requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:53 p.m.

The House reconvened at 4:37 p.m.

Representative Mack requested that he be marked present.

Representative B. Ennis brought SS 1 to SB 1 w/SA 1, jointly sponsored by Senator Torbert & Representatives Oberle & Outten & Senators Venables, Martin, Cook, J. Still, Marshall, Minner, Vaughn, Holloway & McDowell & Representatives Buckworth, Campanelli, Plant, Clark, Bunting, Schroeder, Carey, Houghton, West, Van Sant, Gilligan, Brady, Jester, Reynolds, D. Ennis, Ewing, Caulk, Sills, Bennett & Davis & cosponsored by Representatives Roy, Petrilli & Mack, before the House for consideration.

SB 1 - An Act to Amend Title 16 and Title 29 of the Delaware Code Relating to Emergency Medical Services; and Providing for a Delaware Paramedic Services Act. (F/N)

Representative Lee requested that HA 1 to SS 1 to SB 1 be stricken.

Representative Lee brought HA 2 to SS 1 to SB 1, jointly sponsored by Representatives B. Ennis & Smith & Senators R. Still & Torbert, before the House for consideration. HA 2 was adopted by voice vote.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

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

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

Representative Lee brought HB 485, jointly sponsored by Representatives B. Ennis, Smith, Corrozi, Maroney & Senators R. Still, Cook & Torbert & cosponsored by Representatives Spence, Quillen, Fallon, Bunting, Buckworth, Carey, Ewing, Van Sant, Clark, DiPinto, Petrilli, Houghton, Gilligan, Campanelli, Plant, Bennett, Schroeder, Jester, Outten & Reynolds, before the House for consideration.

HB 485 - An Act to Amend Title 16 of the Delaware Code to Establish the Statewide Paramedic Funding Program, to Make a Supplemental Appropriation, and Authorize Positions to Begin Implementing the Delaware Paramedic Services Act. (3/4 bill)(F/N)

The roll call on HB 485 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 485 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SJR 9. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought SJR 9, sponsored by Senators Sharp, Cordrey & Marshall, before the House for consideration.

SJR 9 - In Reference to Election of Officers.

The roll call on SJR 9 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SJR 9 was returned to the Senate.

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

SUNSET & OVERVIEW: SB 30 w/SA 2 - 5M; SB 180 - 5M; SB 196 w/SA 1 & 2 - 5M; SB 261 - 5M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SJR 9, SCR 97, SCR 99, SCR 100, SCR 101, SCR 102, HCR 112, HCR 113, HCR 114, HCR 115, HCR 116 & HCR 117.

The Majority Leader moved to recess for the Joint Session at 4:55 p.m.

JOINT SESSION
HOUSE CHAMBER
January 11, 1990

Pursuant to HCR 112, the House and Senate met for a Joint Session in the House Chamber at 5:18 p.m.

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

The Speaker of the House invited the Lieutenant Governor and the President pro Tempore of the Senate to be his guests on the podium.

The Sergeant-at-Arms announced the Chief Justice of the Supreme Court and other members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms announced the State and County elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the members of the Governor's Cabinet. They were admitted and seated.

The Majority Leader moved that the House and Senate convene in Joint Session for the purpose of hearing the State of the State Address. The motion prevailed.

The Majority Leader moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

The Majority Leader moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

The Majority Leader moved that the Speaker of the House appoint a committee to escort the Governor to the House Chamber. The motion prevailed. The Speaker appointed Representatives Gwynne P. Smith (Spokesperson), Representative Casimir S. Jonkiert, Senator Robert T. Connor & Senator Herman M. Holloway, Sr.

The Speaker declared a short recess to await the arrival of the Governor and the escort committee.

The Sergeant-at-Arms announced the Governor and the duly appointed committee. They were admitted and the Speaker invited the Governor to the podium.

The Governor addressed the Joint Session as follows:

Mr. Speaker, Lieutenant Governor Wolf, Mr. President pro Tempore, members of the 135th General Assembly, elected officials, members of the judiciary, members of my cabinet, honored guests and people of the State of Delaware.

As the ball fell in Times Square or on 2nd street in Lewes if you were there 11 days ago, it symbolized more than just a new year. It closed the books on the decade of the 80's -- a decade which produced sweeping changes around the world.

The 80's opened with the tramping of Soviet troops marching into Afghanistan to crush freedom in that remote land. The decade closed with the pounding of hammers and chisels as East and West Germans joined together to demolish the Berlin Wall which had stood as a monument to the old order.

The 80's opened with stark scenes of Americans jailed by a dictator in Iran. The decade ended with a nightly litany of oppressive governments falling -- Poland, East Germany, Czechoslovakia, Bulgaria, Romania.

The 80's opened with Americans questioning our military prowess and commitment to our national purpose. The decade closed with Manuel Noriega in handcuffs standing before a judge to face trial for the abuses that he had afflicted both on Panama and in the streets of this nation.

Just as the 80's brought unprecedented change around the world, so that decade altered the landscape that we know as Delaware.

When the 80's opened, over 26,000 Delawareans stood in the unemployment lines because there were no jobs. As the decade closed, 90,000 new jobs exist that were not here 10 years ago. During that decade, our unemployment rate plummeted from 7.5% to 3.5%.

When the 80's opened, the idea of Delaware being the nation's premier financial service center was a dream. As the decade closed, that industry employs 20,000 Delawareans and has added over \$200 million to the state's revenues.

When the 80's opened, many Delawareans were financially unable to purchase their first home. As the decade closed, not only do 9,000 families own those homes through state supported mortgages, but \$30 million dollars have been targeted to low and moderate income housing.

When the 80's opened, the issues in this Legislature exclusively centered around balancing the budget, unemployment and economic development.

As the decade closed, while still protecting our financial underpinning, we have been able to turn our attention to needed social programs from reducing the infant mortality rate, to dramatically improving teacher salaries, to upgrading health services targeted to the poor and elderly, to improving the treatment available for substance abusers.

Yes, the landscape is different. But that change reflects more than simply a kinder, gentler Delaware. It reflects a state that sets its sights on the horizon, anticipates trends, and responds to changing circumstances. It reflects a state that can marshal both the resolve and the resources to tackle any issue and govern in the best interests of all. Delaware is democracy at its best.

Each of us during the course of our service in government has experienced the need to focus on new issues and new priorities -- that will continue in this decade.

Tom Sharp and I served in the Senate together, and I am sure that if Tom looked back and asked what the drug issue meant then, he might well have said it was a need to provide treatment for returning Vietnam veterans who were first exposed to that habit during that tragic war.

Today the focus of that issue is preventing that same exposure to drugs from occurring on the playground of a middle school.

I have always spent part of my summers in Richard Cordrey's district. When he and I served in the State Senate, the problem of having traffic lights in Dewey Beach was certainly simpler to address than the question of how to prevent the fragile ecological balance all along Route 1 from being destroyed altogether.

When Andy Knox first tackled the question of a coastline, it translated into protecting Delaware's coastline from development. Today, he has centered his attention on the coasts of China, Mexico, Russia and England in his pursuit of international trade for Delaware.

When Herman Holloway and I first joined forces to help solve a problem, it was what to do with the bankrupt trolley company in Wilmington -- today it is how to reform and replace a welfare system.

When Joe Petrilli and Phil Corrozi took their seats in this Chamber, much of Pike Creek Valley was still an open space -- uncongested and uncluttered. The question was how to encourage development rather than how to control it.

When Nancy Cook first sat down in the basement as a member of the Joint Finance Committee, a billion dollar budget was a term reserved for Washington -- not Dover.

Yes, Delaware is a very different place in 1990 than it was in 1970 or 1980. Together, the people in this room have helped Delaware become a state that works.

And by and large, the changes we have made have been for the better.

Yes, we have made some mistakes, yes some programs need more attention and yes, some development has been unrestrained.

But on the whole, the men and women in this room and those who came before have worked in a partnership, laying aside partisan and geographic differences to create an atmosphere in which all our citizens can enjoy life fully.

There are some who would argue that we have done too much and now it is time to pause and retrench.

But -- to pause is to stop -- and if you reflect for just a few minutes on some of the basic needs we must address in the next ten years, you quickly understand that the challenges are perhaps even more complex than those we faced in the last decade.

The challenge is how to direct future change to assure that in the year 2000, the landscape is what we want Delaware to be -- so that my successor can stand here in January of that year -- and declare -- as I can today, that the State of the State is good.

While we have produced over 90,000 jobs in this decade, we must add 60,000 more by the year 2,000 just to assure that our children when they graduate from school have a place to work. That is a challenge that our children demand we meet.

Delaware's projected population will grow by over 75,000 in the next decade. We will add as many new people as we did in the last decade, one and a half times as many as in the 70's. To those born today, how will we assure them when they are 9 or 10 that there are sufficient parks and greenways in which to play -- that open space and wetlands have not disappeared? That is a challenge not only for the 90's, but for the 21st century.

Our public school enrollment will increase from 98,000 today to over 125,000 in the year 2000.

Throughout the 80's, although we substantially increased spending on education, the total number of students remained relatively constant. That will change. We will need to build 840 new classrooms which will cost \$143 million and hire over 1,600 new teachers at a salary cost of \$55 million just to handle the 25,000 additional students that will be in the system. That is a challenge which we cannot afford to neglect.

We have met the challenges of the past with a model which has proven successful -- cooperation rather than criticism, partnership rather than politics, foresight rather than hindsight -- and I am committed to seeing that that model continues. Tackling the problems in each of these enormously important areas will require spending and I am committed to making those expenditures when they make sense.

But, one of the hallmarks of our success has been that while we have funded new programs where needed -- we have rigidly adhered to a set of financial restraints that has insulated us from the ups and downs of the economy.

A few weeks ago DEFAC reduced the revenue estimate for this year and, perhaps more importantly, for 1991 & they reduced these estimates. In addition they cautioned that some revenues particularly sensitive to economic swings beyond the borders of Delaware could further deteriorate this spring. We have seen our sister states faced with falling revenues being forced to cut programs. I am happy to report that we will not.

But, this is only possible because we have not let spending outstrip our ability to finance programs and as we approach the increased funding demands of the 90's, that same discipline must apply.

What has that fiscal discipline achieved? It has meant we could cut taxes four times to spur economic growth. This year when the average Delaware taxpayer finishes his return, he will have \$738 in his pocket -- that in 1980 he would have owed the State in taxes. At the very lowest income level, over 60,000 people have been removed from the tax roles.

Since 1985, the cumulative effect of all our tax cuts has reduced revenues by about \$750 million. And yet in that same period, we have been able to increase spending by \$1.5 billion. Put another way, for every dollar returned in tax cuts to Delawareans, the economic growth that it has spurred has produced two additional dollars which we have spent to improve the quality of our government programs.

It has meant that not only have we found creative ways to attract the financial service industry to Delaware, but we have taken the revenues generated by this new industry and invested them directly in the lives of Delawareans.

The base budget of health and social services has increased over the last five budgets by 56% or a yearly average of 11% and the base budget of public education has increased by 43% or an average of 8% -- all of those costs were supported by the increase from the bank franchise tax alone.

That discipline, those tax policies, the pro-business climate and atmosphere that we have created has allowed us to, in this decade, increase spending in mental health by 198%; in education by 102%; in programs for kids by 105%; in services for the elderly by 365%.

It should be our goal for the year 2000 to give our successors every reason to follow this tested formula -- to continue that same healthy respect for fiscal conservatism, sound financial practices and the no-nonsense approach to state government that has served us so well through the 1980's.

Economic development will continue to be an important item on our agenda. I recently enlisted the assistance of the top CEO's of existing Delaware corporations to attract new corporate headquarters to our State.

The Development Office has been instrumental in developing a package to secure the relocation of a major Hewlett-Packard facility to Delaware. The successful completion of this project will bring to Delaware the largest single new company in years -- over 800 well paying jobs.

In cooperation with the University of Delaware and the private sector, we will develop on land near the University, a composite materials park representing the high tech of the future.

Ten companies have already expressed an interest in being a part of this unique combination that represents a blending of the best of education, government and the private sector.

But economic development is more than composite parks -- it is people and paychecks. It is getting people permanently off welfare and into the job market.

Today, we stand as the national leader in our efforts in welfare reform.

Our welfare reform program -- First Step -- has the greatest permanent success rate in the nation. Over 1,000 of those who have participated in this program are working full-time today -- more than 600 are working part-time.

The program's coordinator, Becky Varella, is here today, and Becky, on behalf of all of us in Delaware, I want to thank you for your contribution and your assistance. You're helping make great things happen, and we all owe you a debt of gratitude. The people being helped through this program, people like Robin Torres who is also with us today who is now employed as a payment analyst for Equibank, Delaware, are now hard at work, independent of government assistance, and are making a contribution to their families and Delaware. And we thank you, Robin.

But sometimes, old medicine is the best medicine. We will continue our efforts to be sure our present employers are happy in Delaware. As those of you in Dover know, General Foods recently faced a tough business decision -- where to manufacture certain of their products. During my time as Governor, I had already visited their corporate headquarters in White Plains and developed a personal friendship with the local management. It meant that when this decision was being discussed at the highest level, we were known players, able to make Delaware's case on a personal basis. Today, Walt Bauers, Chief Union Steward, with 25 years of outstanding service, is in the Chamber with us because we made the efforts to take care of his present employer.

High above our heads the space shuttle Columbia is circling the globe -- that shuttle contains products from Delaware companies: DuPont, Hercules, ICI, Gore, and ILC among others. Those businesses are focused squarely on the needs of the 21st century and as we encourage our present employers to expand -- state government must meet their needs for that expansion.

But economic development cannot occur unless the state's education system produces a trained work force. The education system which met the needs of the 70's and 80's is not the education system that will meet the needs of the 90's and the 21st century.

How many of you -- when it comes to programming your VCR's -- have to turn to your kids for help?

When as Lt. Governor ten years ago, I toured the General Motors facility, hundreds of workers individually welded the body frames. Today, workers run the computers -- that run the robots -- that weld the frames.

Your VCR helpers today will run the computers of the future, and our education system must equip them for that job.

In each of the five years of this administration, I have spoken about the need to improve our education system. We have worked together to specifically implement needed improvements in the education system. We increased graduation requirements, instituted a teacher exam, developed assessment instruments for teachers and administrators, and poured money into the system. Delaware's average teacher salary rocketed from 20th to 10th in the nation. The gap between resources available to upstate and downstate students was closed, and a multitude of programs were instituted to benefit special populations of children.

Education is fundamentally driven by dedicated people. People like Tim Young, Delaware's Teacher of the Year who is with us today, whose efforts day after day help prepare the next generation of Delawareans. But, despite the dedication of the Tim Young's of the world, we cannot claim victory. We thank you Tim for what you've done.

In the next ten years, besides just financing the increase in student population, we must assure that a graduate's skill matches the needs of society. We will not meet that objective unless we set our goals and hold our system accountable. 28% of our students drop out. That is unacceptable. The rate must be cut.

We must change the way we teach. Over ten schools are presently restructuring their system in an innovative program called "RE:Learning". There, teachers and administrators are redesigning their schools to focus on students learning to use their minds.

When students enter the first grade unprepared to take that initial step, they gradually fall further and further behind. We need to expand our initiatives in early education and early childhood.

This fall we will begin a pilot program of full-time kindergarten and expand our efforts with children at risk so that those who enter the first grade will finish the 12th.

By inaugurating a report card system for all our schools we can for the first time assess schools throughout the state, we can judge the relative ability of our school districts and teachers to educate our children.

But the challenge of the 21st century is not Laurel versus Brandywine or Dover versus Newark; but rather Delaware versus Tokyo. Unless we are prepared to make the fundamental changes needed to play on the world scene and back those decisions with the resources of our state, then, we will not have met our objective of providing an education system that in fact is a debt due from the present to the future generation.

* * * * *

While we are committed to economic growth and development, that progress must not come at the expense of the environment. Beginning with the Coastal Zone Act, Delaware has a long history of environmental awareness, and that tradition of strong environmental planning and protection must continue. Marina and sewer moratoriums are not very popular steps. But they are the first steps in making sure that we don't go too far too fast.

As a friend said to me one day at Quillen's Hardware Store in Rehoboth -- When was the last time a shopping mall was leveled to create a park?

We must not make irreversible decisions on the use of our precious natural resources that, in the long-run, will work to the detriment of both our environment and our economic health.

To many Delawareans, protecting the environment has always been more than a pleasant-sounding phrase or the popular issue of the moment -- it is fundamental to their way of living. Ask my good friend, Eddie Robbins who's with us. Eddie won the Master Fisherman Award four times during the 80's and I would bet that Eddie has fished every pond and stream in the State, and I know that he would tell you that the quality of our water resources is noticeably improved. And thank you, Eddie, for being here.

We have taken great strides to protect our water quality. Just 18 months ago, I signed an agreement with Governors Kean of New Jersey and Casey of Pennsylvania to undertake a regional effort to the long-term environmental health of the Delaware Bay. Today, Delaware's standards for emerging threats to our waters -- water toxics -- are among the toughest in the region.

Guided by the Environmental Legacy Program, Delaware has developed a solid plan to protect and enhance our natural resources. The \$21 million land acquisition program established in 1987, represents the single largest conservation expenditure by the state ever. It will assure protection of over 1400 acres of the state's finest open space.

As we move to the 21st century, we should permanently protect as much open land as possible.

Through joint efforts with industry, we can take significant steps in pollution prevention and minimizing the amount of waste that is generated in Delaware. Through interstate cooperation, we must also make a long-term commitment to substantially reduce ozone pollution.

In the coming months, we will commit to a number of crucial steps to protect our environment, including championing legislation that will ensure our water supply is clean and plentiful. I will also ask the General Assembly to pass legislation:

- to establish a state superfund program;
- legislation to further protect open land, including an expansion of these efforts to preserve forest land; and
- to implement a comprehensive program to protect and manage the state's freshwater wetlands.

It clearly is the role of state government to protect our natural resources and provide for the needs of our infrastructure. While it is never government's role to impose its standards on individuals, it is government's role to assist citizens in their pursuit of a healthy, prosperous life.

All of us are concerned with reports citing Delaware's health rankings and only by truly understanding this problem and working together can we lead healthier lives.

The fact is, many Delawareans adopt lifestyles that put their lives in jeopardy -- over half of all deaths are directly related to unhealthy lifestyles.

Recently in a speech before the Medical Society, I cited a survey that bears repeating.

If you take a random sample of 100 Delawareans, you can expect that:

- *24 will have high blood pressure,
- *50 will have high cholesterol,
- *28 smoke,
- *60 don't wear seat belts regularly,
- *10 are heavy drinkers, and
- *26 are overweight by 20 percent or more.

Clearly, health involves personal decisions and requires a lifelong commitment to reduce the risk of disease or accident to an acceptable level.

The state, too, has a very significant role in providing good health care.

In the past five years, we have made strides at reshaping state provided health care. Those results are measurable. The quality of care for those suffering from substance abuse has improved; infant mortality has been reduced; accessibility to prenatal services has been expanded to every part of the state. But much more needs to be done -- some of which will be recommended in my budget in two weeks, some of which requires better focus and attention by existing agencies. The paramedic legislation which you are considering this month will provide a new health service in many areas of the state. We will continue to make the health issue a top priority for the 90's.

By attacking the health needs of those in society least able to support themselves, we are preventing future expenditures of state dollars; and, more importantly, helping our citizens enjoy a better life.

Two other areas where the state needs to focus additional resources are those programs aimed at children and the handicapped.

While the recent report by the Children's Defense Fund, which weighed a number of factors ranging from pre-natal care to education quality, ranked Delaware 5th in the country in meeting these basic needs -- there is much still left undone. I am pleased, however, at the report that Delaware was one of only two states to reduce the number of children living in poverty.

Providing a hand up is something that we can be proud of as an employer as well. Also with us today is Brent Banks from Laurel. He is an employee in our Office of Information Systems. He is also disabled. Brent started out as a casual/seasonal employee and today is a senior programmer. His determination to do his job and pursue his education earned him the title of Delaware's not Delaware employee but all of the State of Delaware's Outstanding Handicapped Employee of the Year. We appreciate your being here too Brent and all you've done. I think you would agree the determination and resolve such as that demonstrated by Brent is an important lesson for all of us.

Looking to the horizon and the year 2000, we must not rest until we have ensured every Delawarean, regardless of income, access to preventive and acute health care as well as access to an opportunity to succeed.

* * * * *

One of the most demanding challenges we face between now and the year 2000 is the protection of our citizens.

Everyone in this Chamber is aware that we face the need for increased space in our crowded prisons so that those who are a threat to society are behind bars. But we must not fall into the trap of building prisons -- just to build prisons. Bricks and mortar are only part of the answer.

I believe, however, it is important that we step back to look at where we stand and how tough we really are when it comes to this issue.

At a recent speech on corrections I made the statement that it was stupid to commit a crime in Delaware.

If you did you were more liable to get caught, get tried, and go to jail. Let me illustrate. Wilmington has nearly twice the number of police per capita than cities its size across the nation. Delaware's arrest rate, not surprisingly, is higher than the national average. Delaware arrested twice the number of adult, hard drug users from 1987 to 1988. When arrested, people are likely to be prosecuted. Based on recent disposition data, few cases for such crimes as robbery, assault, or drugs were dismissed or found not guilty. Let me remind you that Delaware has the toughest cocaine abuse law in America. Once prosecuted, people go to prison -- for a long time.

For every one hundred arrests made on serious crimes in Delaware, 73 people were imprisoned -- the third highest in the country. And we rank fourth in the country in the number of people serving sentences of one year or more.

So while I support the need for new facilities to meet the crowded conditions as our population grows, that is not the ultimate answer. We need the entire criminal justice system -- the courts, the Attorney General, the Public Defender, and the Department of Correction to work together to develop a rational program that locks up those who should be behind bars, and which provides alternatives for those who should not.

The juvenile correctional system requires additional resources and here the question of alternative programs is particularly acute. I intend to work with this legislature in balancing the needs for a modern detention facility with other treatment programs that meet rehabilitation objectives.

But perhaps no challenge in the area of protection is greater than that related to drugs. Drug abuse and its ramifications throughout our society is the most serious social problem that we will face as a nation in this decade.

Whether it is the breakup of families or the violent crimes that are associated with feeding the habit, or the long-term debilitation of a youthful user, the drug scourge cannot be understated.

I would like to thank the members of the Drug Abuse Coordinating Council, Lt. Governor Wolf, Senator Sharp, and Representative Amick for their leadership in bringing this issue to center stage and in their multi-faceted approach to the problem. There is no single answer, but an important part of the solution is the commitment on the part of every citizen to avoid drug and alcohol abuse.

For example, Delaware's own three-time world champion super heavyweight power lifter, Mike Hall, is the strongest drug free man in America and Mike is right here and that's one person I'm going to stand up for a moment, Mike, so they can all see you. While all of us may not be fully united on every planned solution -- we are in lock-step in our resolve to meet drug abuse head on.

I will continue to work with all of you in developing a program that provides treatment for those who are addicted, which educates those who may be in danger of being addicted and which provides law enforcement agencies at all levels with the resources needed to protect the law-abiding citizens from those who would do violence because of their addiction.

In the 198 years from the time that Delaware became a state until I became governor, only nine Delawareans had served over 20 years in the General Assembly.

During my watch, that number will double.

When you think about what makes government work, you realize that two ingredients are indispensable -- experience and dedication. While I have not always agreed with every position taken by those legislators who names will be added to that plaque at the landing of the stairs, I have always respected them for their dedication to state service.

As we begin this legislative session and as we begin a new decade, I am hopeful that their dedication and those years of experience will help us to meet the challenges that lay ahead. Delaware has come a long way in the 80's. We are, in fact, the very best place to live, to work, and to raise a family.

We can have the best-managed government; we can be the most innovative, we can have an educational system second to none, we can help those who need help the most. But I realized a long time ago that no governor, no single member of this legislature can accomplish any of these goals alone. I stand ready today to work with each and every one of you -- whether we agree or disagree -- whether we are Republican or Democrat -- whether we are up-staters or down-staters -- to meet the agenda of the 90's, because if we don't do that we will have failed those who sent us here, and we will have thrown away those many years of experience and dedication.

Forty years ago, during another decade that ranked with the 80's for its turbulence, a plain-spoken man from Independence, Missouri, perhaps best summed up the challenge that we face together when he said, "Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better."

Let's seize that opportunity together.

Thank you.

* * * *

The previously appointed committee escorted the Governor from the Chamber.

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

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

The Majority Leader moved to adjourn the Joint Session at 6:08 P.M. The motion prevailed.

The Majority Leader moved to recess to the call of the Chair at 6:09 P.M.

4th LEGISLATIVE DAY 135th GENERAL ASSEMBLY

Second Session

January 16, 1990

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 372 w/HA 2 & 3 & SA 1.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 488 - AMICK - R & F: An Act to Amend Title 30 of the Delaware Code Relating to a Credit for Taxes Paid to Political Subdivision of Other States.

HB 489 - D. ENNIS, PETRILLI, AMICK, BOYKIN, CORROZI, FALLON, LEE, EWING, CAULK, REYNOLDS, SMITH, JONKIERT, CAMPANELLI, PLANT, B. ENNIS, HOUGHTON, BRADY, VAN SANT; SENATORS SHARP, BAIR, CONNOR, HOLLOWAY - LABOR: An Act to Amend Chapters 27 and 52, Title 29, and Chapter 31, Title 19 of the Delaware Code Relating to the Power and Duties of the State Treasurer, the Secretary of Labor and the Director of Unemployment Insurance.

HB 491 - CAMPANELLI & OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Vocational Rehabilitation Services.

HB 492 - WEST, B. ENNIS, BRADY, CAMPANELLI, PLANT, SCHROEDER, CLARK, LEE, CAREY, CAULK, EWING, REYNOLDS; SENATORS VENABLES, MINNER - NAT RES: An Act to Amend Subchapter 1, Chapter 17, Delaware Code, Relating to Compensation for Domesticated Wild Ducks and Wild Geese Destroyed by Dogs.

HA 1 to SB 203 - AMICK - LAND USE & GOV REL: Placed with the bill.

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

Representatives Taylor & B. Ennis requested that they be marked present.

Representatives Jonkiert, Corrozi & Amick requested that they be marked present.

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

The House reconvened at 3:31 p.m.

Representatives Buckworth, Caulk, Carey, DiPinto, D. Ennis, Reynolds, Plant & Mack requested that they be marked present.

Representative Sills requested that he be marked present.

Representative Oberle moved to override the Governor's veto on HB 297 w/HA 1 & 2. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HB 297 w/HA 1 & 2, jointly sponsored by Representatives Spence, Quillen, Campanelli, George & Plant & Senators McBride & Holloway, before the House for consideration.

HB 297 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated Lotteries at Racetracks, and to Amend Chapters 3 and 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing. (F/N)

The following communications were made a part of the record at the request of Representative Petrilli:

January 10, 1990

The Honorable Joseph R. Petrilli
12 High Meadow Lane
Newark, Delaware 19711

Dear Mr. Petrilli:

We respectfully request your support to override the veto of the Governor on House Bill 297. We feel the passage of this Bill is essential to the continuance of thoroughbred racing in Delaware.

Upon passage of this Bill, we will continue to conduct racing and operating the slot machines for a minimum of five (5) years. We believe this legislation, and the income it will provide, will enable us to raise the standard of racing in Delaware and insure its success for the future.

Very truly yours,
William M. Rickman, Jr.
President
Delaware Racing Association

WMR:mfc

January 10, 1990

Members of the 135th General Assembly

Legislative Hall

Dover, DE 19901

Dear Legislators:

In light of the announcement of Brandywine Raceway that it will not conduct a harness meet in 1990, we have been asked whether we would race in the future if HB 297 were to become law.

The answer is an emphatic yes. Both Brandywine and Dover Downs would race at least for the next five years.

HB 297's implementation would require a substantial capital outlay on our part. Since the bill would not permit us to operate slot machines unless we were licensed as a racing facility, we would plan to conduct a meet comprised of at least 90% of those dates assigned in 1989.

A commitment to racing in (sic) not only possible, but hereby pledged if HB 297 becomes law. We believe the legislation will permit us to improve purses and help this Delaware oriented industry to prosper in the years to come.

Regards,

Denis McGlynn

President

Brandywine Racetrack

DM/pch

January 11, 1990

The Honorable Joseph Petrilli

Majority Leader

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Joe:

While it is unnecessary, this will reaffirm the letter you received from Denis McGlynn, President of Dover Downs and Brandywine Raceway, on January 10, 1990 assuring the General Assembly and people of Delaware that both tracks will conduct meets for a minimum of the next five years if House Bill 297 is enacted.

Sincerely,
John W. Rollins

JWR/cia

Representative Bennett announced that he will not be voting on HB 297 w/HA 1 & 2 because of a possible conflict of interest.

Representative Oberle requested and was granted the privilege of the floor for Charles B. Lockhart, Executive Vice-President, Cloverleaf Standardbred Owners Association.

The roll call on the motion to override the Governor's veto on HB 297 w/HA 1 & 2 was taken and revealed:

YES: Representatives Brady, Campanelli, Caulk, Clark, DiPinto, B. Ennis, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Oberle, Outten, Plant, Quillen, Silis, Van Sant, Mr. Speaker Spence - 20.

NO: Representatives Amick, Boykin, Buckworth, Bunting, Carey, Corrozi, Davis, D. Ennis, Ewing, Fallon, Jonktert, Maroney, Petrilli, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, West - 20.

NOT VOTING: Representative Bennett - 1.

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

The Majority Leader moved to recess to the call of the Chair at 4:38 p.m.

5th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 17, 1990

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 1 w/SA 1 & HA 2, SCR 105, HB 485, SCR 103 & SCR 104.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Buckworth, George - 2.

A prayer was offered by Representative George H. Bunting, Jr., Thirty-Eighth Representative District.

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

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

The following prefilled legislation was introduced:

HB 493 - ROY, SPENCE, BUCKWORTH, AMICK, BOYKIN, CAREY, EWING, D. ENNIS, CORROZI, LEE, SMITH, BENNETT, VAN SANT; SENATORS J. STILL, BAIR - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Possession of Child Pornography. (2/3 bill)

HB 494 - TAYLOR - ED: An Act to Amend Chapter 13, Title 14, Delaware Code Relating to Salaries of School Employees.

HA 1 to HB 301 - JESTER - AGENDA: Placed with the bill.

HA 1 to HB 442 - HOUGHTON - AGENDA: Placed with the bill.

HA 1 to HB 478 - AMICK - AGENDA: Placed with the bill.

SCR 105 - HOLLOWAY & REPRESENTATIVE GEORGE; SENATORS MARSHALL, McDOWELL; REPRESENTATIVES SILLS, PLANT, JONKIERT - HOUSING & COM AFF: Respectfully Requesting the President of Wilmington City Council and the Members of the Council, to Endorse and Approve of the Maplewood Senior Citizen's Housing Project So That the Funds Earmarked by the Department of Housing & Urban Development Will Not Revert to the Federal Treasury.

Representative Oberle requested that he be marked present.

Representatives Carey, Ewing, Plant & Quillen requested that they be marked present.

Representative Maroney requested that she be marked present.

The Majority Leader moved to recess for committee meetings at 2:25 p.m.

The House reconvened at 5:05 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 123.

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

Representative Lee requested that HB 1, HB 417 & HB 387 be stricken.

Representative Mack requested that HB 404 be stricken.

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

ED: HB 425 - 4F.

APPRO: HB 357 - 6M; SB 238 - 1F, 5M.

JUD: SB 225 - 2F, 2M.

P/S: HB 482 - 1F, 3M; SB 154 - 1F, 3M.

HAZ WASTE MAN: HB 392 - 1F, 3M.

NAT RES: HB 409 - 1F, 5M; HB 436 - 3F, 3M; SB 231 - 2F, 4M.

B & I: HB 444 - 4M, 1U; HB 487 - 1F, 5M.

R & F: HB 415 - 1F, 5M, 1U; HB 426 - 1F, 5M, 1U.

Mr. Speaker assigned HB 460, SB 25 & HB 463 to the Appropriations Committee.

Representative B. Ennis requested that he be marked present.

The following prefilled Consent Calendar #21 was introduced:

HR 148 - QUILLEN - Mourning the Death of E. Cowgill Barnard of Woodside, Delaware, a Former State Senator, State Representative, and Assistant Chief State Game Warden.

HR 149 - QUILLEN - Mourning the Passing Away of Winfred S. Gruwell of Viola.

HR 150 - CLARK, B. ENNIS - Commending and Congratulating Mr. and Mrs. Allee Lowman From Near Leipsic, Delaware on Their Fiftieth "Golden" Wedding Anniversary and Wishing the Best of Health and Happiness in Their Years Ahead.

HR 151 - BUNTING, WEST - Honoring Sandra L. Bunting, Principal of Phillip C. Showell Elementary School in Selbyville Upon Being Selected Delaware's Elementary School Principal of the Year.

HR 152 - BUNTING - Honoring Steve Carey, Social Studies Teacher at Selbyville Middle School, Upon Being Selected as the Indian River School District 1990 Teacher of the Year.

HR 153 - LEE - Congratulating Brent T. Banks of Laurel - Delaware's Outstanding Handicapped Employee of the Year.

HR 154 - PETRILLI, SPENCE, AMICK, CORROZI, DAVIS, D. ENNIS, ROY - Relating to New Castle County Government and the Implementation of the Delaware Paramedic Services Act.

HR 155 - DIPINTO & ALL REPRESENTATIVES - Celebrating the Premiere of Tennessee Williams' Cat on a Hot Tin Roof at Wilmington's Playhouse Theater.

HR 156 - LEE & ALL REPRESENTATIVES - Extending Heartfelt Appreciation to the Laurel High School Chorus for Entertaining Members of the House of Representatives on Opening Day.

HR 157 - DIPINTO - Extending Best Wishes to Our Dear Friend Mary Ragan Walsh, on the Occasion of Her Birthday.

SCR 97 - HOLLOWAY & KNOX & ALL SENATORS; REPRESENTATIVE CORROZI - Mourning the Death of William Winder Laird Jr., Noted Delaware Philanthropist Who Fostered Delaware's Cultural, Welfare, and Recreational Opportunities Without Regard to Race, Color, or Creed.

SCR 99 - COOK; REPRESENTATIVE QUILLEN; SENATORS MINNER, TORBERT, VAUGHN; REPRESENTATIVES CLARK, B. ENNIS, BENNETT, QUTTEN; SENATOR ADAMS - Mourning the Death and Commemorating the Life of Peter Nechay, a Former Member of the Delaware State Senate and House of Representatives.

SCR 100 - BAIR, BANE, COOK, KNOX, R. STILL, VAUGHN; REPRESENTATIVES BOYKIN, CLARK, CORROZI, B. ENNIS, MARONEY, PETRILLI - Congratulations to the Brandywine High School Marching Band, the Alexis I. DuPont High School Tiger Marching Band, and the Citizen's Hose Company #1 Marching Band, Smyrna, Delaware for Their Participation in the Philadelphia Thanksgiving Day Parade.

SCR 101 - COOK & REPRESENTATIVE QUTTEN; ALL SENATORS; REPRESENTATIVES CLARK, B. ENNIS, BENNETT, QUILLEN, BUCKWORTH - Mourning the Death of Jessica Irby Terry, Delaware's First Lady From 1965-1969.

SCR 102 - ADAMS; REPRESENTATIVE EWING - Extending Best Wishes to Kiwanis International Field Representative Bruce E. Eberly on His Visit to Bridgeville, Delaware.

SCR 103 - R. STILL, KNOX, BANE, VAUGHN, MCDOWELL; REPRESENTATIVES CORROZI, D. ENNIS, PETRILLI, ROY, BOYKIN, DIPINTO - Congratulating and Extending a Hearty Thanks as Well as Welcoming Home the Alexis I. DuPont High School Tiger Marching Band of the Red Clay Consolidated School District for Their Superb and Splendid Performance in the Annual Rose Bowl Parade, "The Big Daddy" of Parades, Held in Beautiful Downtown Pasadena, California on New Year's Day.

SCR 104 - COOK, VAUGHN; REPRESENTATIVES CLARK, B. ENNIS - Mourning the Death of Mr. Joseph G. Lamberta of Smyrna, Delaware, a Prominent Kent County Farmer and Produce-Broker. Representative Petrilli introduced HR 158.

HR 158 - Extending Our Best Wishes to Delaware's Ambassador of Ice Hockey, Chris Fraser, as He and His International Hockey Team the Baltimore Lil' Skipjacks Prepare to Depart on a Goodwill Exhibition Tour of Sweden and Finland.

HR 158 was placed on Consent Calendar #21.

Consent Calendar #21 was adopted by voice vote and SCR 97, SCR 99, SCR 100, SCR 101, SCR 102, SCR 103 & SCR 104 were returned to the Senate.

Representative Sills requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 5:17 p.m.

6th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 18, 1990

Mr. Speaker Spence called the House to order at 2:33 p.m.

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

The Reading Clerk read the following communication into the record:

January 17, 1990

Honorable JoAnn Hedrick

Chief Clerk

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Mrs. Hedrick:

Senator William C. Torbert, on this day, requested from the floor of the Senate that the Secretary of the Senate inform the House of Representatives of his desire to have Senate Bill 82 and Senate Bill 83 returned to the Senate for the purpose of striking.

Thank you for your cooperation.

Sincerely,

Bernard J. Brady

Secretary of the Senate

BJB:ks

The Majority Leader moved to adjourn at 2:34 p.m., thereby ending the current legislative day. The House reconvened at 2:35 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Maroney - 1.

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

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

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

The following prefiled legislation was introduced:

HB 495 - OBERLE & SENATOR HOLLOWAY; REPRESENTATIVES SPENCE, BUCKWORTH, PETRILLI, CORROZI, DAVIS, D. ENNIS, EWING, HEBNER, REYNOLDS, GEORGE, GILLIGAN, SILLS, PLANT, WEST, CAMPANELLI, JONKIERT; SENATORS SHARP, CORDREY, MCBRIDE, VENABLES, MINNER, TORBERT, ADAMS, MARTIN, MARSHALL - HUM RES: An Act to Amend Title 16 of the Delaware Code Relating to Health Care for the Medically Indigent.

HB 496 - AMICK - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Insurance for Motor Vehicles.

HB 497 - JESTER; SENATOR VAUGHN - ED: An Act to Amend Delaware Code, Title 14, Chapter 6, Regarding Tuition Charges for Nonresident Pupils in a School District.

HJR 17 - CLARK, CORROZI, BRADY, BOYKIN, HOUGHTON, SPENCE, CAULK, QUILLIN, PETRILLI, D. ENNIS, PLANT, JONKIERT, LEE, OBERLE, BENNETT, SCHROEDER, CAREY, JESTER, OUTTEN, B. ENNIS, REYNOLDS, DAVIS, BUCKWORTH, EWING, SOLES, GILLIGAN; SENATORS MCBRIDE, J. STILL, ADAMS, MINNER, COOK, TORBERT, VENABLES, NEAL, HOLLOWAY - ED: Establishing a Delaware School Tax Task Force to Review the Existing School Tax Structure Within the State and Examine the Feasibility of Creating a State School Tax and Providing for a Final Report.

HR 159 - AMICK - NAT RES: Creating a Task Force to Study and Review the Recent Increases in Fuel Oil and Propane Costs.

HA 2 to HB 301 - JESTER - AGENDA: Placed with the bill.

HA 1 to HB 446 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 460 - AMICK - APPRO: Placed with the bill.

HA 1 to HB 461 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 462 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 463 - AMICK - APPRO: Placed with the bill.

HA 1 to HB 464 - AMICK - AGENDA: Placed with the bill.

HA 1 to SB 25 - AMICK - APPRO: Placed with the bill.

HA 1 to SB 139 - AMICK - AGENDA: Placed with the bill.

HA 1 to SB 151 - AMICK - APPRO: Placed with the bill.

Representative Sills requested that he be marked present.

Representative B. Ennis requested that HB 324 & HB 342 be stricken.

Representative Corrozi requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:39 p.m.

The House reconvened at 3:30 p.m.

Representatives Amick, Mack, Brady, D. Ennis & Roy requested that they be marked present.

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

HOUSING & COM AFF: SCR 105 - 4F,2M.

Representative Amick moved to suspend the rules which interfere with action on SB 25 w/SA 1,2 & 3. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 25 w/SA 1,2 & 3, sponsored by Senators Sharp & Martin, before the House for consideration.

SB 25 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Health and Safety and the Uniform Controlled Substances Act. (F/N)

Representative Amick brought HA 1 to SB 25 before the House for consideration.

Representative George requested that he be marked present.

Representative Amick moved to place SB 25 w/SA 1,2 & 3 - HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Gilligan requested that he be marked present.

Representative Taylor brought HB 372 w/HA 2 & 3 & SA 1, jointly sponsored by Senator Martin, before the House for consideration.

HB 372 - An Act to Amend Title 21, Delaware Code, Relating to Commercial Motor Vehicle Operators, Licenses, Employers, Fees, and Penalties. (2/3 bill)

The roll call on HB 372 w/HA 2 & 3 & SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Fallon, Maroney - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 372 w/HA 2 & 3 & SA 1 was sent to the Governor.

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

Representative George brought SCR 105, jointly sponsored by Senators Holloway, Marshall & McDowell & Representatives Sills, Plant & Jonkiert & cosponsored by Representatives Spence, DiPinto, Corrozi, Carey, Lee, Boykin, Smith & Ewing, before the House for consideration.

SCR 105 - Respectfully Requesting the President of Wilmington City Council and the Members of the Council, to Endorse and Approve of the Maplewood Senior Citizen's Housing Project So That the Funds Earmarked by the Department of Housing & Urban Development Will Not Revert to the Federal Treasury.

Representative George moved to place SCR 105 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 144 w/SA 1 & 3, sponsored by Senators Neal, Sharp, Cordrey, Vaughn & Connor & cosponsored by Representative Plant, before the House for consideration.

SB 144 - An Act to Amend Title 10 of the Delaware Code by Creating a Workplace Drug Testing Act.

Representative Amick moved to place SB 144 w/SA 1 & 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 446 before the House for consideration.

HB 446 - An Act to Amend Subchapter II, Chapter 47, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act.

Representative Amick brought HA 1 to HB 446 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 446 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Fallon, Maroney - 2.

Therefore, having received a constitutional majority, HB 446 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 461 before the House for consideration.

HB 461 - An Act to Amend Title 11 Relating to Bail in Drug-Related Cases. (F/N)

Representative Amick brought HA 1 to HB 461 before the House for consideration.

Representative Amick requested and was granted the privilege of the floor for Charles Brandt, Attorney.

HA 1 to HB 461 was adopted by voice vote.

Mr. Speaker Spence declared a recess at 4:45 p.m. for the purpose of changing the recording tape.

The House reconvened at 4:49 p.m.

The roll call on HB 461 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 34.

NO: Representatives Brady, Houghton, Plant, Quillen, Sills - 5.

ABSENT: Representatives Fallon, Maroney - 2.

Therefore, having received a constitutional majority, HB 461 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 462 before the House for consideration.

HB 462 - An Act to Amend Title 16 Relating to the Penalties for Possession and Use of So-Called Recreational Quantities of Non-Narcotic Drugs. (F/N)

Representative Amick brought HA 1 to HB 462 before the House for consideration. HA 1 was adopted by voice vote.

Representative Van Sant requested and was granted the privilege of the floor for Charles Brandt, Attorney.

Representative Amick moved to place HB 462 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 464, cosponsored by Representative Hebner, before the House for consideration.

HB 464 - An Act to Amend Title 16 Relating to the Penalties for Possession and Use of So-Called Recreational Quantities of Narcotic Drugs. (F/N)

Representative Amick moved to place HB 464 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick moved to lift SB 25 w/SA 1,2 & 3 - HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 25 w/SA 1,2 & 3, sponsored by Senators Sharp & Martin, before the House for consideration.

SB 25 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Health and Safety and the Uniform Controlled Substances Act. (F/N)

Representative Amick brought HA 1 to SB 25 before the House for consideration.

Representative Davis introduced and brought HA 1 to HA 1 to SB 25 before the House for consideration. HA 1 to HA 1 was adopted by voice vote. HA 1 w/HA 1 was adopted by voice vote.

The roll call on SB 25 w/SA 1,2 & 3 & HA 1 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

NO: Representative Plant - 1.

ABSENT: Representatives Fallon, Maroney - 2.

Therefore, having received a constitutional majority, SB 25 w/SA 1,2 & 3 & HA 1 w/HA 1 was returned to the Senate for concurrence on HA 1 w/HA 1.

Representative George moved to lift SCR 105 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative George brought SCR 105, jointly sponsored by Senators Holloway, Marshall & McDowell & Representatives Sills, Plant & Jonkiert & cosponsored by Representatives Spence, DiPinto, Corrozi, Carey, Lee, Boykin, Smith & Ewing, before the House for consideration.

SCR 105 - Respectfully Requesting the President of Wilmington City Council and the Members of the Council, to Endorse and Approve of the Maplewood Senior Citizen's Housing Project So That the Funds Earmarked by the Department of Housing & Urban Development Will Not Revert to the Federal Treasury.

SCR 105 was adopted by voice vote and returned to the Senate.

Representative Jonkiert introduced and brought HR 160, jointly sponsored by Representatives George, Gilligan, Corrozi, DiPinto & Petrilli, before the House for consideration.

HR 160 - A Resolution Wishing O. Francis Biondi a Speedy Recovery.

HR 160 was adopted by voice vote.

Representative Mack introduced HJR 18, jointly sponsored by Representative Jester & Senator Vaughn.

HJR 18 - Requesting the Department of Transportation to Restrict Truck Traffic in the Delaware City Area.

WHEREAS, restrictions on truck traffic have been placed on the St. Georges Bridge; and WHEREAS, despite "detour" signs directing truck traffic west to the Summit Bridge, many trucks are going east, through Delaware City, to the Reedy Point Bridge; and

WHEREAS, the roads leading into and through Delaware City are not designed to handle this increased truck traffic; and

WHEREAS, the present traffic patterns have caused the roads to deteriorate, causing numerous accidents and creating a dangerous and hazardous condition on the roads in and around Delaware City.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 135th General Assembly of the State of Delaware, with the approval of the Governor, that the Department of Transportation immediately take all necessary steps to prohibit truck traffic from proceeding through Delaware City, including Route 72 and Cox Neck Road.

Mr. Speaker assigned HJR 18 to the Transportation Committee.

Representative DiPinto requested that HB 443 be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:29 p.m.

7th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 23, 1990

Mr. Speaker Spence called the House to order at 2:25 p.m.

Representative Maroney requested that she be marked present for the current Legislative Day for purposes of mileage reimbursement.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 352, SB 278, SJR 106 & HB 361.

January 18, 1990

LEGISLATIVE ADVISORY #29

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/17/90 - SJR 9.

M E M O R A N D U M

TO: Representative Terry R. Spence

Speaker of the House

FROM: Representative Roger Roy

RE: Absence from Session

DATE: January 22, 1990

Due to a death in my family, I must travel to Maine and will be absent from session on Tuesday and Wednesday, January 23 and 24.

RR/gmr

M E M O R A N D U M

TO: Representative Terry R. Spence, Speaker of the House

FROM: Representative Richard F. Davis

DATE: January 18, 1990

RE: ABSENCE FROM SESSION

Due to the death of my wife's father, I will be absent from session on January 23, 1990.

RFD/dcg

The following communication was made a part of the record at the request of Representative Plant:

Hon. William Carpenter
U.S. Attorney General
State of Delaware
8th & King Street
5th Floor
Wilmington, DE 19801

January 23, 1990
Hon. Charles M. Oberle, III(sic)
State Attorney General
820 N. French Street
Wilmington, DE 19801

Mr. Guy Sapp
Chief of Police
New Castle County
McLaughlin Public Safety Building
300 Walnut Street
Wilmington, DE 19801
Hon. Michael N. Castle
Governor
State of Delaware
Legislative Hall
Dover, DE 19901
Gentlemen:

Colonel Clifford M. Graviet
Delaware State Police Superintendent
Delaware State Police Headquarters
P.O. Box 430
Dover, DE 19903

I am sure you are aware of prior threats on my life, likewise I am sure you are keenly aware of my commitment to civil rights and equal justice for all without regards to race or otherwise. You are also aware of the notices that have went out to all civil rights organizations and leaders as well as civil rights activists.

Having made my point, I believe it is now proper that I inform you gentlemen that I have alined {sic} myself with Mr. Derrick Johnson and the New Breed Alliance. It is also important that you be aware that Mr. Johnson may have been the target in the recent bombing in Savannah, Georgia, where attorney Robert Robertson was killed. Mr. Johnson is a very publicized civil activist throughout the county. We share a common love for the same principals and will be working very close together with the intent of bringing about justice for our people and racial harmony.

This will conclude the writing of this letter. I felt it most important that this letter should be a matter of record.

Sincerely,
Hon. Dr. Al O. Plant, Sr.
State Representative
Second Representative District
Delaware General Assembly
ydl

The Majority Leader moved to adjourn at 2:37 p.m., thereby ending the current legislative day. The House reconvened at 2:38 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Davis, Roy - 2.

A prayer was offered by Representative Steven C. Taylor, Twenty-First Representative District.

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

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

The following prefiled legislation was introduced:

HB 498 - HOUGHTON, VAN SANT, CAMPANELLI, CORROZI, DAVIS, MACK, OBERLE, PETRILLI, SPENCE; SENATORS CONNOR, MCBRIDE, MINNER - SUNSET & OVERVIEW: An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to Charitable Gambling.

HB 499 - BRADY, CLARK, D. ENNIS, MARONEY, OBERLE, BOYKIN, REYNOLDS, HEBNER, CORROZI, AMICK, JONKIERT, DIPINTO, CAREY, DAVIS, SOLES, SCHROEDER, CAMPANELLI, B. ENNIS, FALLON, SPENCE, JESTER, LEE, PLANT, HOUGHTON, VAN SANT, BUNTING, WEST, EWING, GILLIGAN; SENATORS BANE, KNOX - ED: An Act to Amend Delaware Code, Title 14, Chapters 13 and 17, Relating to the Length of the Program Year for Orthopedically Handicapped Students in the Delaware Public School System.

HA 2 to HB 188 - BOYKIN - AGENDA: Placed with the bill.

SB 278 - VENABLES - NAT RES: An Act Authorizing and Directing the Department of Natural Resources and Environmental Control to Issue a Commercial Gill Net Foodfishing Permit to Glenn Roscoe Davis of Laurel, Delaware, Who is Presently Prohibited From Obtaining a Permit Under Delaware Finfishing Statutes.

Mr. Speaker assigned HB 415, HB 426 & SB 164 w/SA 1 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:42 p.m.

The House reconvened at 4:08 p.m.

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

Representative Hebner brought SB 246 w/SA 1, jointly sponsored by Senators Marshall, McDowell, Holloway & Sharp, before the House for consideration.

SB 246 - An Act to Amend Chapter 70, Part VII, Title 7 of the Delaware Code Relating to the Uses Which are Prohibited in the Coastal Zone.

Representative Oberle brought HA 1 to SB 246, jointly sponsored by Representatives Hebner, Spence & Brady, before the House for consideration. HA 1 was adopted by voice vote.

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

Representative Oberle requested and was granted the privilege of the floor for Senator Harris B. McDowell, III, First District.

The following communication was made a part of the record at the request of Representative Petrilli:

January 23, 1990

Mr. James Hasson, President
CitiSteel USA, Inc.
4001 Philadelphia Pike
Claymont, Delaware 19703
Dear Mr. Hasson:

In response to your request for information on the subject, I write to advise that at no time during either Senator Zimmerman's environmental hearings or during the debate on House Bill 444 on the Senate floor in May 1988 did I represent to the members of the Senate that if the aforesaid legislation was passed clearing the way for the Claymont (formerly Phoenix Steel) plant to open that either (1) all former Phoenix Steel employees would be rehired by the new owner or (2) that the new owner would hire exclusively from the ranks of former Phoenix Steel employees. A fair reading of the record of those proceedings will confirm this.

In the first place, I had no authority to make any such representation, nor is it logical to think that one in our client's position would make such an unrealistic commitment under the circumstances then prevailing. Rather, I think that I fairly indicated that it was our client's intention to consider former Phoenix Steel employees for skilled positions consistent with its commitment to operate the plant efficiently and effectively and, for a change, successfully.

Moreover, the Senate fully understood this insofar as I am aware. Even Senator Marshall acknowledged as much in his comment immediately following my response to his inquiry concerning our client's hiring intentions. The comments of other Senators reflected a similar understanding. In fact, according to excerpts from the Senate debates that I have seen, Senator Marshall's inquiry did not seek a hiring commitment as such. He asked only if the new owner would be willing to consider hiring former employees. His question was:

What assurance do we have as a Senate here today that the new owner will commit to looking back and giving serious consideration to rehiring those former employees?
(Emphasis added.)

Accordingly, those who would now take the position that a commitment was made by me on the Senate floor that all former Phoenix Steel workers would be rehired, or that all future hirings would be made exclusively from the former Phoenix Steel work force, either were not in attendance at the time or else their recollections have since become less than clear. I regret that your good faith efforts to revitalize a part of Delaware's industry is being given such an unwelcome reception by some members of our General Assembly.

Very truly yours,
Grover C. Brown, Esquire
Morris, James, Hitchens & Williams

Representative D. Ennis requested that he be marked present.

The following communication was made a part of the record at the request of Representative Oberle:

April 27, 1989
Mr. James Hasson
CITISTEEL Corporation
Claymont, De 19703

Dear Mr. Hasson:

During floor debate on the legislation which allowed Citisteel to open, your representatives pledged to inform the State Senate as to your hiring practices, especially as applied to former employees of Phoenix Steel.

To date I am not aware of any compliance. Would you be so kind as to bring me up to date on this issue.

I thank you in advance for your prompt response to this request.

Sincerely,
Harris B. McDowell, III
State Senator
HBM:ljh

Representative Petrilli requested and was granted the privilege of the floor for James Hasson, President, Citisteel, U.S.A.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Representative Bennett rose on a point of order.

Representative Oberle requested and was granted the privilege of the floor for Norman Hayman, Staff Representative, United Steelworkers of America, District 7.

Mr. Speaker Spence declared a recess at 6:15 p.m. for the purpose of changing the recording tape.

The House reconvened at 6:20 p.m.

The roll call on SB 246 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Brady, Campanelli, Caulk, B. Ennis, George, Gilligan, Houghton, Jester, Jonkier, Mack, Oberle, Plant, Reynolds, Sills, Soles, West, Mr. Speaker Spence - 17.

NO: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Carey, Clark, Corrozi, DiPinto, Fallon, Lee, Maroney, Outten, Petrilli, Quillen, Schroeder, Taylor, Van Sant - 18.
NOT VOTING: Representatives D. Ennis, Hebner, Smith - 3.

ABSENT: Representatives Davis, Ewing, Roy - 3.

Therefore, not having received a constitutional majority, SB 246 w/SA 1 & HA 1 was declared defeated.

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

Representative Petrilli moved to suspend the agenda rules which interfere with action on SB 225. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Hebner brought SB 225, jointly sponsored by Senators Sharp, Vaughn, Holloway, Hauge & Bane & Representatives Davis, Plant & Amick, before the House for consideration.

SB 225 - An Act to Amend Chapter 9, Title 10 and Chapter 5, Title 13, Delaware Code Relating to Family Court Proceedings.

The roll call on SB 225 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 38.

ABSENT: Representatives Davis, Ewing, Roy - 3.

Therefore, having received a constitutional majority, SB 225 was returned to the Senate.

Representative Boykin brought HB 188, jointly sponsored by Senator Bane & Representatives Spence, Petrilli, Buckworth, Smith, Amick, Oberle, DiPinto, Corrozi, Maroney, Taylor, D. Ennis, Sillis, Campanelli, Plant & Soles & Senators Bair, Knox, Connor, Neal, Marshall, Holloway & McDowell, before the House for consideration.

HB 188 - An Act to Amend Chapter 7, Title 7, of the Delaware Code Relating to Certain Traps. (2/3 bill)

Representative Boykin brought HA 1 to HB 188 before the House for consideration. HA 1 was adopted by voice vote.

Representative Boykin brought HA 2 before the House for consideration.

Representative Van Sant requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

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

Representative Gilligan rose on a point of order.

Mr. Speaker Spence declared a recess at 6:42 p.m. to allow the attorneys to discuss HA 2. The House reconvened at 6:45 p.m.

Representative Boykin requested that HA 2 to HB 188 be stricken.

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

Representative Boykin requested and was granted the privilege of the floor for Steve Johnson, representing the Humane Society of the United States.

Representative Boykin moved to place HB 188 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker reassigned HJR 18 to the Labor & Pensions Committee.

The Majority Leader moved to recess to the call of the Chair at 7:29 p.m.

8th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 24, 1990

Mr. Speaker Spence called the House to order at 5:20 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 311, HB 252 w/HA 1, SCR 110 & SCR 106.

January 23, 1990

LEGISLATIVE ADVISORY #30

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/23/90 - SS 1 to SB 1 aab SA 1 & HA 2 & HB 485.

January 23, 1990

JoAnn Hedrick

Chief Clerk

Legislative Hall

Dover, DE 19901

Dear Mrs. Hedrick:

Attached please find a copy of a memorandum from Senator William C. Torbert, requesting that I inform the House of his desire to have Senate Bill No. 248 returned.

Thank you for your cooperation.

Sincerely,

Bernard J. Brady

Secretary of the Senate

TO: Bernard J. Brady

Secretary of the Senate

FROM: William C. Torbert

State Senator

DATE: January 23, 1990

Herewith, I request that as Secretary of the Senate, you inform the House of my desire to have Senate Bill 248 returned to the Senate.

M E M O R A N D U M

TO: Mrs. JoAnn Hedrick, Chief Clerk
FROM: Representative Joseph G. DiPinto
RE: ABSENCE FROM SESSION
DATE: January 24, 1990

Please be advised that I will be absent from session on January 24, 1990 due to personal business.

JGD/scg

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

The Majority Leader moved to adjourn at 5:25 p.m., thereby ending the current legislative day. The House reconvened at 5:26 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives DiPinto, Oberle, Roy - 3.

A prayer was offered by Representative Donald M. Clark, Twenty-Ninth Representative District.

The pledge of allegiance to the Flag was led by the Webelos Scouts, from Pack 252, Den 1, Pencader & Bear, DE.

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

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

The following prefilled legislation was introduced:

HB 500 - AMICK - JUD: An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code; Providing for the Codification of the Law With Respect to Leases of Goods.

HA 3 to HB 188 - BOYKIN - L.O.T.: Placed with the bill.

HA 2 to HB 462 - AMICK - L.O.T.: Placed with the bill.

HA 2 to HB 464 - AMICK - L.O.T.: Placed with the bill.

Mr. Speaker assigned HB 424, HB 438 & HB 439 to the Appropriations Committee.

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

APPRO: SB 151 w/SA 1 - 3M,2U.

LABOR & PENSIONS: HJR 18 - 3F,1M.

R & F: HB 438 - 3M,1U; HB 439 - 5M.

NAT RES: SB 278 - 1F,5M.

Representative Mack requested that HB 424 be stricken.

The following prefilled Consent Calendar #22 was introduced:

HR 161 - TAYLOR - Commending the Efforts of Army 2nd Lt. Thomas J. Seelig III of Monticlaro Who Participated in the American Invasion of Panama.

HR 162 - EWING - Mourning the Loss of William T. Thompson, Beloved Husband of Elizabeth H. Thompson.

HR 163 - SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN - Asking Governor Castle to Declare the Second Week of October Customer Service Week in Delaware.

HR 164 - JESTER, AMICK, OBERLE, REYNOLDS - Extending Congratulations to the Glasgow High School Football Team for Having Won the State Division I High School Football Championship for the 1989 Season.

HR 165 - SMITH - Congratulating Delaware's Three Take Pride in America Winners.

HR 166 - OBERLE & AMICK - Congratulating the Midway Lil' Crush Girls Fast Pitch Softball Team on Their Wonderful Winning Season.

HCR 118 - SPENCE; SENATOR CORDREY - Expressing the Interest of the State of Delaware in Caring for Its Veterans Who Are Financially Dependent, and Are Aged, Ill or Homeless and Charging the Delaware Commission of Veterans Affairs With Investigating and Validating Veterans' Needs and Determining the Most Practical Measures That Can be Established to Satisfy Those Needs.

HCR 119 - DIPINTO & SENATOR KNOX; REPRESENTATIVES BOYKIN, CORROZI - Honoring Bradley Finch Upon His Attainment of the Rank of Eagle Scout.

SCR 106 - BAIR & HAUGE, CORDREY, ADAMS, TORBERT, J. STILL, R. STILL; REPRESENTATIVES D. ENNIS, BOYKIN, DIPINTO, LEE, JONKIERT, SILLS, VAN SANT - Commending Jeremiah P. Shea, Chairman of the Bank of Delaware, Who Retired on January 2, 1990 After More Than Forty Years of Entrusted Service and Numerous Contributions to the Banking Industry in Delaware, Warranting Authenticity to the Distinguished Label Given Him by His Colleagues in the Banking Field, as "Delaware's Dean of Banking".

Representative Petrilli introduced SCR 110, sponsored by Senator Cordrey & Representative West.

SCR 110 - Extending Congratulations and Best Wishes to Mr. Walton A. Johnson, Jr., of Frankford, Sussex County, Delaware, on His Recent Installation as the 65th President of the Delaware Volunteer Firemen's Association.

SCR 110 was placed on Consent Calendar #22.

Consent Calendar #22 was adopted by voice vote and HCR 118 & HCR 119 were sent to the Senate for concurrence and SCR 106 & SCR 110 were returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 5:40 p.m.

9th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 25, 1990

Mr. Speaker Spence called the House to order at 1:40 p.m.

Representatives Roy, Oberle & DiPinto requested that they be marked present for the current Legislative Day.

Representative Petrilli introduced and brought SCR 108, sponsored by Senators Cordrey, Sharp & Marshall, before the House for consideration.

SCR 108 - Providing That a Joint Session of the House of Representatives and the Senate be Convened to Hear the Annual Budget Address by Governor Michael N. Castle, Governor of the State of Delaware.

SCR 108 was adopted by voice vote and returned to the Senate.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the current legislative day. The House reconvened at 1:44 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 501 - CORROZI & GEORGE; SENATOR R. STILL - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code, Relating to Delaware Real Estate Brokers and Salesmen.

HB 502 - AMICK & SENATOR SHARP - SUB ABUSE: An Act to Amend Subchapter VI, Chapter 47, Title 16 of the Delaware Code Relating to Controlled Substances.

HB 503 - CLARK, AMICK, BENNETT, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, B. ENNIS, GILLIGAN, JESTER, JONKIERT, LEE, OBERLE, QUILLEN, SCHROEDER, WEST; SENATORS COOK, VENABLES - SUNSET & OVERVIEW: An Act to Amend Title 29 of the Delaware Code Creating an Independent Regulatory Review Commission and to Provide for Oversight and Review of Regulations.

SB 302 - SHARP, CORDREY, VAUGHN, NEAL, CONNOR - APPRO: An Act to Provide for a Supplemental Appropriation to the Office of the Attorney General for the Purpose of Providing Additional Staff and Operating Expenses. (F/N)

SB 311 - CORDREY, COOK, McDOWELL, MINNER, VAUGHN, BAIR, KNOX, R. STILL; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CORROZI, D. ENNIS, EWING, FALLON, LEE, PETRILLI, QUILLEN, BENNETT, BUNTING, B. ENNIS, SCHROEDER, VAN SANT, WEST - NAT RES: An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates.

SS 1 for SB 321 - MARTIN, COOK, SHARP, MINNER, HAUGE, R. STILL, VAUGHN; REPRESENTATIVES ROY, CAULK, B. ENNIS, OUTTEN, JESTER, MACK, TAYLOR - TRANS: An Act of the 135th Delaware General Assembly Requesting the Government of the United States of America to Provide for the Timely Construction and Maintenance of a New Bridge Over the Chesapeake and Delaware Canal in the Vicinity of St. Georges, as Part of the U.S. Route 13 Relief Route, in Keeping With Its Obligations to the State of Delaware.

SB 322 - COOK & REPRESENTATIVE ROY - LAND USE & GOV REL: An Act to Amend Volume 67, Chapter 46 of the Laws of Delaware Relating to the Fiscal Year 1990 Capital Budget and Transferring Funds From the Advanced Real Property Acquisition Fund to the Advanced Planning Fund. (3/4 bill)

SB 324 - COOK, HAUGE, HOLLOWAY, MCBRIDE, R. STILL, VAUGHN, MARSHALL; REPRESENTATIVES CORROZI, DAVIS, QUILLEN, SMITH, SOLES, WEST, DIPINTO, SILLS - APPRO: An Act to Amend Chapter 62, Volume 67, Laws of Delaware.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 321, SB 302, SB 322, SB 324, SCR 107, SCR 108, SCR 109 & SCR 111.

Representative Outten requested that he be marked present.

The Majority Leader moved to recess for the Joint Session at 1:50 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 and welcomed by the Lt. Governor. At the invitation of the Lt. Governor, Representative Spence and Senator Cordrey joined him on the podium.

The Sergeant-at-Arms announced the arrival of the statewide elected officials who were admitted and welcomed by the Lt. Governor.

The Sergeant-at-Arms announced the arrival of the Governor's Cabinet Officials who were admitted and welcomed by the Lt. Governor.

At 1:52 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing the annual Budget Message by Governor Michael N. Castle, Governor of the State of Delaware. No objection.

Senator Sharp moved that Lt. Governor, as President of the Senate, preside over the Joint Session. No objection - so ordered.

Senator Sharp moved that the Secretary of the Senate and the Chief Clerk of the House act as secretaries to the Joint Session. No objection - so ordered.

Senator Sharp moved that the President appoint a committee of four to escort the Governor to the Chamber. There was no objection and the President appointed Senator Holloway (spokesperson) and Senator Bane; Representatives Hebner and George as the committee.

The President then called a standing recess until the arrival of the Governor.

At 2:00 p.m. the Joint Session reconvened.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Castle.

Senator Holloway introduced the Governor to the Joint session.

The President welcomed the Governor to the Joint Session and the Governor addressed the assembly as follows:

Lieutenant Governor Wolf, Governor Carvel, Mr. President Pro Tempore, Mr. Speaker, Ladies and Gentlemen of the General Assembly, fellow Delawareans, two weeks ago in my State of the State address, I said that the challenge of the 90's is to assure that the governor and the legislature of the year 2000 can declare that the state of the State is good.

Actually, we are charged with more than that -- we, who govern Delaware in 1990, are charged with building a future for today's children. A future that we can be proud of and that they can live in -- a future that is safe, health, clean, and economically secure.

Because this is our charge, it seemed fitting that we talk with some of those we are building for -- that we talk with some of the young people who will be coming of age in the year 2000.

I asked my staff to go to the Central Middle School, in Dover, and talk about the future with the young people in Mr. Simmons' seventh grade social studies class.

That class is here today, and before I go any further, I want to introduce them to the Members of the General Assembly and they are right up here.

You know, these young people freely talked about their hopes and dreams, and they talked about their worries and their concerns.

Carey, for instance, talked about trees and clean air; others talked about school and college; others about homes and jobs. They are counting on us, these young people; and it is up to us to deliver -- to give them a State that will be better than it is now.

In truth, we have been building on their future this entire administration.

This Legislature and this Governor, as well as past legislatures and governors, have patiently pursued a policy in the last decade that has balanced tax cuts with spending increases -- increases particularly targeted to human needs in education, children, health, social services, and the environment.

We have poured millions of dollars into transportation and the infrastructure. We have made Delaware a better place to live at the end of the 80's than it was at the beginning.

We have enacted forward-looking and innovative economic development policies that have put more people to work than ever before.

Before we go on today, before we outline what needs to be done this year and in the future, it is important for us to look back.

In the previous five budgets which I have presented to you, this administration has increased the base by \$316 million.

In education, we have increased the base budget \$114 million, or 43%. With those funds, we have raised the average salaries for Delaware teachers from 20th in the nation to 10th.

We have substantially closed the funding gap between poor and rich districts. We have developed programs to target special students with unique problems.

In health and social services, the base has grown by \$82.8 million, or 56%, in five years.

This means that over 3,500 pregnant women and their children who were not served previously will now be covered by health programs.

Just five years ago, pregnant unwed teens from Kent County, would not have received adequate prenatal care and may well have delivered a low birthweight or "risky" baby.

Through our expanded services, they now have access to the prenatal care they need and the chances for a healthy future for both mother and child are much greater.

Welfare recipients who get jobs that do not include health insurance are now covered under Medicaid. Programs for the mentally retarded have doubled.

In 1985, we were serving an average of 1200 children a month in day care programs.

Today, we serve over 2200 children a month, making it possible for many low-income parents to work.

This budget will sustain and expand these programs.

In the area of services for children and youth, the base budget has grown some \$20.5 million, or 103%, in five years. Those funds have allowed Delaware to be one of the few states to fully implement a State-wide risk assessment program -- drastically improving our response time when an abuse is first reported.

Child Mental Health Services have grown by 179%, serving more than 1,100 young people. The Office of Prevention has organized and supported several community-based programs, such as the Wilmington Cluster Against Substance Abuse -- the "Karate-Kids" Program that President Bush visited last spring.

The Department of Natural Resources and Environmental Control's base budget has grown 42% in five years.

21 million dollars have been committed to the acquisition of open space, 10.6 million dollars has been spent preserving our beaches, and we have initiated the first non-point source pollution control program in the country approved by the U.S. Environmental Protection Agency.

In the past five years, we have returned more than \$715 million to the pockets of the taxpayers by reducing personal income taxes an average of 20%; 64,000 more Delawareans are employed today than were employed in 1985 and more than \$900 million in new construction have been spent to improve roads, infrastructure and State facilities.

In short, kids, we, and I don't mean just me or just the people here today, I mean governors who came before me and the men and women of this legislature and the legislatures that came before, have been working to make the good things you talked about, at your school, the other day come about.

What I just told you is what we have done in the past. Now, let me tell you what needs to be done this year. And, Carey, let's go back to one of those things you talked about, the environment.

An old proverb holds that today's generation is leasing the land from their children; and that as tenants, our obligation is to return their heritage in the same condition in which we found it -- rich in natural resources; free of waste and pollution; ripe with opportunity.

There is no greater resource we can leave our children than the very land upon which we stand. In the past two years, we have acquired almost 900 acres of new State land to be preserved for our children and grandchildren.

We need to develop a permanent acquisition program that will remove the threat of bulldozers from land that should remain as open space.

We will spend \$7 million to purchase an additional 600 acres of open space this year and \$1 million to buy an estimated 1,000 acres of forest land, as well as continue our commitment to upgrade Bellevue State Park.

As stewards of our natural resources, we must assure that our water is clean; our land is free of pollution; and our shoreline remains attractive for recreation for future generations of Delawareans.

A project which holds special promise is the creation of greenways throughout the State -- stretches of land that connect existing open space for biking, jogging or, a gentle stroll, which is all some of my cabinet secretaries can handle. I am recommending half a million dollars to begin to plan and develop this project, an example of which would be to connect Fox Point Park, on the Delaware River, to Brandywine State Park.

But more is needed to protect our future than just acquiring land.

We will also provide \$10.7 million in low-interest loans to local governments to help offset the high costs of rehabilitating and expanding existing sewer and water facilities.

Delaware's revolving loan program will replace previous federal assistance and is the only way we can assure that today's moratoriums do not become tomorrow's absolute prohibitions.

Like the Transportation Trust Fund, this program will require a continuing infusion of funds to meet the needs of aging systems throughout the State.

Future needs are estimated to be in the hundreds of millions of dollars. Local governments must also meet this challenge and accept their share of the responsibility.

This budget adds 25 new employees to the Department of Natural Resources and Environmental Control -- allowing this agency to more effectively carry out its mission of managing our resources and ensuring compliance with our environmental laws -- from Fish and Wildlife Enforcement in the lower bays, to Air and Waste Management, to protecting our newly-acquired Thompson's Island.

Effective management of land and environment brings with it implications for the management of the highway and transportation system.

The Department of Transportation continues to assess and plan for ways to protect our roadway access, and to put into place plans that can help prevent the State's growth from creating the massive highway congestion that clog our neighboring states.

Mass transit, commuter services, park and ride and commuter rail are all a part of an overall plan to help reduce the daily burden of getting back and forth to work.

We are encouraged to note that currently DART ridership is averaging 17,000 riders per day.

In 1991, we will spend over \$1.6 million to expand our commuter rail service between New Castle County and Philadelphia.

But the backbone of any transportation system is the highway system which supports it.

In the next twelve months, DelDOT will sign contracts to address some of the most critical bottlenecks throughout the State: from Route 7 and 896 in New Castle County; to the Relief Route in Smyrna and Dover to Route 24 in Sussex County.

Secretary Justice has presented his specific proposals for impact fees so that developers share in the ever-increasing burden of moving our citizens quickly and safely.

When the Transportation Trust Fund was first established, it required additional revenue sources in the out years to fund projects approved in the six-year plan.

We will need at least \$15 million of new funding sources this year, and impact fees will be directed to meet that commitment.

The quality of our roads, sewer systems, land, waterways and beaches -- the infrastructure of our society -- are all part of our lifestyle.

Yet, equally important is decent housing, an essential part of the quality of life for all of us. We have recognized the State's responsibility to make that a reality for all our citizens.

In the last five years, we have added over \$14.5 million to the Housing Development Fund, which produced over 1,200 new housing units.

Today, I am recommending that we continue that commitment with an additional \$6 million for the restoration and construction of additional housing.

The State is not alone in its quest to provide affordable housing. Over the last year, Mayor Frawley has raised \$1.5 million from the private sector for the City of Wilmington's housing needs.

I am recommending that we be a partner with Wilmington, by setting aside half a million Housing Development Fund dollars for the Wilmington Partnership.

I am also recommending that the Housing Development Fund continue to be utilized to assist providers of temporary shelter space for the homeless.

Equally important as the need for housing is the need for a job. We have made great strides in providing good quality jobs. But the challenge to keep that going is an ever-moving target.

We must recognize the need to be competitive in the global marketplace, and we must take steps to bring to Delaware advanced, high-tech and diversified industries that will make our job base strong and keep our competitive edge sharp.

My budget proposes \$2 million to support the composite technical park at the University of Delaware, which will serve as a magnet for small high-tech companies.

The budget also calls for setting aside \$2 million in an industrial development fund to continue our search for well-paying, quality jobs and another \$1.1 million in support of small businesses and entrepreneurs.

In our changing world, economic development assumes new shapes, and our efforts must focus on the new issues in the decade ahead.

Job training is key, both to the companies that have moved here and to those Delawareans who seek better quality jobs. Approximately \$150 thousand in new money has been set aside for job training programs in the Department of Labor.

Finding new ways to capitalize on our own resources is equally important, and we are committed to continuing to assist our agricultural community in accessing new markets and developing new products, such as aquaculture facilities.

Let there be no doubt. Delaware remains pro-business. We remain pro-jobs. We are progressive. But, not at the expense of our children's heritage.

In order to remain successful, we must intensify our commitment to standards of excellence and high ideals in our schools. We must be certain that we instill in our children a real appreciation for the treasure which lies in their education, and its value as they move toward becoming productive citizens.

It is clear that everything we have done in education in the last five years is but a step in the direction toward providing a system in which this year's second graders -- who will graduate from high school in the year 2000 -- do so with a diploma that is meaningful.

Perhaps Paul Fine, the Chairman of the State Board of Education, who is with us today, summed up the challenge best when he recently wrote:

"We on the State Board do not underestimate for a moment the size of the task that lies ahead. At the least, the needs of the 1990s require us to abandon many 'traditional' approaches in education. Beyond that, there may well be a need for changes in administrative structure, funding mechanisms and other 'givens' which were put in place in earlier times."

The Board is asking hard questions and focusing all of us on the challenge. More importantly, it has begun to plan and articulate a vision of what an exemplary public school system should look like.

We need a school system that has shifted its focus to student outcomes and recognizes that individuals have different learning styles but that all children can learn.

We need a school system that puts a premium on enhancing the abilities of its professionals and that motivates them to pursue excellence.

We need a system that integrates education and social services so that teachers, social workers, health professionals, and parents see themselves as members of a team rather than having separate and isolated roles.

Let me first speak to the fundamentals in education. This budget continues our commitment to competitive salaries. If we do not attract and retain good teachers, all of our other efforts will be meaningless.

I am proposing an increase of \$1,500 in the average State teacher's salary -- assuming local match, starting salaries should average \$22,400 next year and average teachers salaries, should be almost \$35,000.

Our commitment to salaries in education also carries through to higher education.

This budget supports salary equity issues at the University of Delaware and Delaware State College, and for the first time will fund 100% of the instructor salary increase at Delaware Technical and Community College as well as department chairman supplements to enable Del Tech to recruit and maintain qualified chairpersons.

The initial effects of our growing public school population is reflected by a general contingency of \$4.9 million, the largest contingency in many years, to accommodate a projected increase of 123 units.

In addition, Division II funding will be increased by 3.3% and maintenance and minor capital programs will be increased by 5%.

More than 10 million dollars is set aside for referendum contingencies or already-approved new construction projects.

I am also recommending the full implementation of the Equalization Policy Committee recommendations at an increase of \$2.8 million, money that will particularly benefit our poorer districts.

In higher education, \$7 million will continue our commitment to fund facilities at the University of Delaware -- in particular the Chemistry Building and the Sports and Convocation Center -- and \$3.5 million at Delaware State College for its Humanities Building.

For Delaware Technical and Community College, I am recommending funding to complete both the Georgetown higher education facility and the Science and Engineering Technology Center on the Terry Campus.

Acknowledging that early childhood education is perhaps our best opportunity to support lifelong achievement, I enthusiastically accept the State Board's highest priorities in this area.

Over \$300,000 is earmarked to begin 16 optional full-day kindergarten classes.

I am also recommending approximately \$200,000 to expand the Parent Early Education Center, a parenting skills program, to four additional sites, two each in Kent and Sussex Counties.

In an effort to develop better coordination between State agencies, we will enhance the education component of day care provider training programs and provide additional training for K-3 teachers.

I am also recommending that a State Supervisor of Early Childhood Education position be established within the Department of Public Instruction to focus all of our programs in that area.

Approximately \$100,000 is reserved to establish a Year-Round School Program. A school, which is to be selected by the State Board of Education, will extend its academic year from 185 to approximately 200 days for as many as 400 students.

Students will attend nine-week sessions followed by three-week breaks. Any student needing remedial assistance will receive it during the first week of each break period.

The students from Central Middle School recognized the need to try doing things differently.

Howard actually suggested going to school in three-month stretches with a vacation period in between, so time would not be lost reviewing at the beginning of each school year.

The budgets for Health and Social Services and Services for Children, Youth and Their Families recognize that of all the resources that we must preserve, people are the greatest priority. And, if our goal is productive adults, we must now make the long-term investment in creating healthy children.

The State must step forward to assure that adequate health care is truly available to every citizen. That begins with the State facilities at which those services are provided.

I know that when you visit State facilities as I do -- you are struck by the need to improve them. And that is why I am recommending that the State appropriate \$9.5 million in the Bond Bill to renovate and improve these facilities.

While we must strive to upgrade those facilities that need work and maintain those that are in good shape, we must also work hard to keep people out of those facilities.

I am recommending \$335 thousand for case management services for the mentally ill to enhance our community-based treatment; \$284 thousand for services for persons with mental retardation; \$164 thousand to expand the community residential and vocational placement services for our post-21 autistic population; and an additional \$224 thousand to expand our day habilitation programs for special school graduates.

Yet, while we have an obligation to provide quality care for those who need it, we should not focus solely on treatment strategies. I know of no instance where treatment is as effective as prevention.

In this budget, I will seek to expand access to medical assistance which will, hopefully, reduce the number of Delawareans who are ultimately dependent upon the State.

I am recommending \$1.7 million to increase the Medicaid eligibility standards, allowing us to provide medical services to an additional 2,000 pregnant women and children; and \$342 thousand to provide pre-natal services for an estimated 230 teenagers.

Two weeks ago, I noted that our Welfare Reform Program is a model for the nation. My budget proposal continues my goal of breaking the cycle of dependency by expanding our day care slots to include over 1,000 children at a cost of \$1.8 million.

We are also providing 12 months of Medicaid for over 500 former AFDC recipients who will be working rather than depending upon a government benefit check.

Today, I am also recommending a 3.7% increase in AFDC payments and 9.8% in General Assistance for a total cost of \$467 thousand -- and this will be the sixth increase in a row.

Delaware has also been a leader in collecting child support payments, and we remain committed to that program. We will implement new federally-mandated standards and a wage attachment program.

This budget also recognizes the value of providing home and community-based care to the greatest extent possible to those who suffer from AIDS. We will spend \$890,000 new dollars to provide community-based care for those suffering from AIDS on a State-wide basis.

The Department of Services for Children, Youth and Their Families believes children are best served when out-of-home placement can be avoided and services are provided to the family.

This year, more than \$400 thousand and eleven new positions have been added to their budget to provide in-home services and crisis intervention to families that would previously have faced separation.

When situations are so severe that placement cannot be avoided, it is important that our foster and group care system be sufficient for the children who need care.

\$350 thousand has been added to the foster and group care programs to provide additional space and increased payments.

The Division of Child Mental Health Services, which did not exist before the creation of the Children's Department, will continue to expand its services in Fiscal Year 1991. More than \$600 thousand will be added to this effort next year.

My administration remains committed to the implementation of the Delaware Plan, the deinstitutionalization of juveniles.

For Fiscal Year 1991, an additional \$1 million is committed to the expansion of alternative placements for troubled youth.

I know that in recent weeks many articles have appeared in the newspapers about our juvenile justice institutions, along with a litany of needed improvements. We are committed to take those needed steps.

But let me also say, that our Courts, the Attorney General, the Public Defender and the Children's Department must forge a partnership to remain diligent in ensuring that appropriate placement be made for each youngster charged to their care.

Institutionalization must be the alternative of last resort.

But once that decision is made, we must make sure that the institutional setting promotes rehabilitation. My budget recommends \$3.0 million to replace the Bridge House with a modern, free-standing facility on the Ferris Campus. Bridge House will be closed this spring.

In addition, I am recommending \$100 thousand to begin planning for a free-standing facility for adjudicated girls using the proceeds from the rent and sale of the Woods-Haven Kruse facility, once the new women's correctional facility is built near Wilmington.

While none of us are particularly happy with the increasing amount of money we have to spend in dealing with crime and its perpetrators, assuring protection of our citizens is a continuing priority of our State.

We have pointed out in the past that Delaware is "tough on crime". We arrest, convict, and sentence more criminals than most states and the continued protection of our citizens remains a priority in the coming budget.

Our success, however, creates other problems.

Employees will be added to the Courts and the Attorney General's and Public Defender's Offices to meet the increased burden of dealing effectively and efficiently with the criminal justice system.

We have worked hard to support sentencing alternatives. But we continue to require additional secure space to house criminals for whom there is no appropriate alternative to incarceration.

I am recommending almost \$20 million for construction of additional capacity and renovation of existing space. \$11 million is earmarked to begin construction of a 200-bed women's facility and a 400-bed men's facility on a New Castle County site.

Another \$6.2 million has been set aside to add 80 new cells at Gander Hill. And \$1.7 million is proposed for another 100 modular housing units.

I am also recommending the purchase of the former American Legion Property, adjacent to the Plummer House to free additional housing space at Plummer House.

Besides making sure that those who belong behind bars are there, these commitments will help to free up needed program space that is currently being used to house prisoners.

Simply warehousing inmates without providing rehabilitation and training programs, will only lead to building more cells in the future.

The Drug Abuse Coordinating Council, chaired by Lieutenant Governor Wolf, as well as your own committees, chaired by Tom Sharp and Steve Amick, have made great strides in getting a handle on the problem and needs to effectively fight the war on drugs. That effort will intensify with additional funding in the budget.

About a week ago, many of us listened to federal Drug Czar Bill Bennett assess the war on drugs. His astute remarks correctly assessed the problem and presented sensible long- and short-term solutions.

He noted that our immediate battles must be fought by committing adequate resources across the board -- to education, to treatment and rehabilitation, and to adjudication and incarceration. In doing so, we take vital steps toward protecting our children from this scourge.

The middle school students we spoke with are also concerned about drugs. Jennifer, Rachael and Brandon want their school and their communities to be drug free and their highways to be safe from drunk drivers.

My budget reflects that commitment with an additional \$2.7 million to combat drugs in Delaware on top of the \$3 million in programs added last year that will be continued.

My plan commits dollars principally to treatment, rehabilitation, adjudication and incarceration.

In the areas of treatment and rehabilitation, I am recommending:

- * To expand the community support services program in the Department of Health and Social Services to accommodate additional people with the severe disability of drug and alcohol abuse;
- * Drug and alcohol patient case management services;
- * Additional staff to supplement the work of the newly-created Alcohol and Drug Treatment Services Unit of the Department of Services for Children, Youth and Their Families;
- * More drug and alcohol counseling at Ferris School; and
- * Almost \$250 thousand to Youth Rehabilitation Services for more flexible treatment alternatives for young offenders.

In the area of incarceration, I am recommending that \$1 million of SENTAC drug and alcohol programs be transferred from the Department of Health and Social Services to the Department of Correction, bringing greater efficiency and flexibility in administering these programs.

We will expand the Key Program in the Department of Correction; increase the number of inpatient drug and alcohol beds; and add more day drug and alcohol treatment slots as well as contractual drug and alcohol counseling at the Women's Correctional Institution.

In the area of adjudication, I am recommending we add 15 new positions to the Attorney General's and Public Defender's Offices to allow them to move drug cases through the criminal justice system quickly and competently.

To help fund our substance abuse program, I am proposing a modest increase in the alcoholic beverage tax; an increase that is long overdue. These taxes have remained untouched since 1953 for beer, or since 1972 for wine.

Tapping this revenue source has become necessary in view of the enormous demands placed upon us to pick up the tragic pieces left in the wake of drug and alcohol abuse.

While Dr. Bennett stressed government's responsibility to provide the funding stream, he also called upon our schools, churches, and families to provide discipline and direction in this battle that we MUST win.

Only those institutions can provide the nurturing which will prepare our children to face the future.

No government can be successful without employees who truly care and effectively deliver services to our citizens. Our State employees have historically been highly-motivated and responsible in carrying out their wide variety of job functions.

We have an obligation as an employer to provide a fair and adequate compensation for those services. Over the last five years, we have increased salaries an average of 41.2%.

This year, all Merit System employees will receive a 4.7% increase, unless they are at their maximum; in which case, I am proposing a 2.35% general increase.

All comparable exempt employees, appointed and elected officials will also receive a 4.7% increase, unless they are at their maximum.

I am also proposing \$5.6 million be spent for a pension increase for retired State employees.

In addition, I am proposing we make available to local governments \$1 million to increase pension benefits on a matching basis for police and fire retirees.

In November and December, as I examined and reviewed the various proposals submitted by my Cabinet for inclusion in this budget, the fiscal landscape was covered with mixed signals -- on one hand, national and regional stories of states' suffering and cutting back -- Massachusetts, New Jersey, New York, Connecticut -- on the other hand a constant drumbeat that Delaware had more money than it knew how to spend.

But the challenge of taking our first step into the new decade is equally difficult because our economic resources may not be growing as rapidly to meet the challenges of the future.

Several of our State's large employers have turned on the caution light.

You only have to glance at the daily newspapers and read the litany of problems that our neighboring states face. While many states in the northeast prospered as we did, they ignored a balanced approach. Today, they must raise taxes or cut programs, or both.

Our record is different. The Delaware Economic and Financial Advisory Council's latest estimate of new revenues in Fiscal Year 1991 is \$1,227,500,000.

To that we add the anticipated Fiscal Year 1990 carry-over of \$44 million; a Medicaid adjustment of \$1.4 million; fee increases of \$1.5 million; and alcoholic beverage tax enhancement of \$5 million.

After calculating our constitutionally-mandated 98% limit, funding our reserve requirements, and setting aside \$17.8 million for Grant-In-Aid, I am recommending a Fiscal Year 1991 Budget of \$1,235,000,000.

This represents a 9.2% increase over the current operating budget.

While it represents some new program funding, much of the increase is driven by items beyond our control -- annualization of existing programs, mandated formula increases, federal matching requirements -- in short, funding needed merely to open the doors for business.

The bond bill calls for a total appropriation of \$286.3 million -- divided into items funded through the Transportation Trust Fund which amounts to \$185.9 million and other non-transportation capital appropriations amounting to \$100.4 million.

The Transportation Trust Fund expenditures represent this year's projects spelled out in the six-year capital program, while the expenditure for non-transportation items -- like the operating budget -- by and large, represents a continuation or completion of previously-authorized programs.

I would caution that while the December DEFAC revenue estimates provide sufficient funds to finance both these bills -- DEFAC also warned that the fiscal picture could soften this spring. The Legislature, before its final mark up, should closely monitor these developments so that we do not make spending decisions in the base budget that cannot be sustained in future years.

In the face of economic slowdown, achieving our goals may be a little more difficult than in the past.

As we watch our revenues grow at more modest rates, we must discipline ourselves. We must double-check the decisions we make.

My spending plan fully funds the Rainy Day Fund at \$66.3 million. While that seems a large pot of money, it is, in fact, only 5% of our revenue, a sum that could be consumed rapidly in bad times.

When you acknowledge the fact that fully 6% of the budget growth is needed just to open the doors; then the fund takes on a different meaning.

And if a true rainy day should come, if fallen revenues point to reduction in services for our citizens -- we will be ready.

This, then, is the budget I propose. To you young people who talked of what you want and need, I can tell you that this is another building block for your future.

To the Legislators who will now debate the kind and quality of that future, I remind each of you that you and I have met the challenges of the 80's through planning, partnerships, and perseverance.

Through the 80's, we have provided our citizens with a lifestyle that is better now than it was at the beginning of that decade.

Today, despite a more uncertain economic future than we have previously faced, we can, if we act prudently and cooperatively, secure what we have already achieved and improve the future for all of us.

So, let us start this new decade with renewed resolve: to build a strong Delaware, a Delaware full of opportunity, a Delaware with safe streets, a Delaware with good schools, a Delaware with clean air, and a Delaware with plentiful open spaces. And, let us do it because, in the words of the adage, "If not us, who, if not now, when?"

Thank you very much.

* * * * *

The President thanked the Governor for his enlightening and challenging address and asked the previously named escort committee to reassemble and escort the Governor back to his Executive Office.

Senator Sharp moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals to see if they agree.

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

At 2:55 P.M. Senator Sharp moved that the Joint Session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the President declared the Joint Session adjourned.

* * * * *

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

Representative Mack requested that he be marked present.

Representative Mack brought HJR 18, jointly sponsored by Representative Jester & Senator Vaughn, before the House for consideration.

HJR 18 - Requesting the Department of Transportation to Restrict Truck Traffic in the Delaware City Area.

Representative Mack moved to place HJR 18 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representatives Brady, Reynolds, Taylor, Jonkier, Jester, Gilligan, VanSant, B. Ennis & West requested that they be marked present.

Representative Roy introduced HB 504, jointly sponsored by Representatives Oberle, Amick, Petrilli, Soles, Bunting & Schroeder.

HB 504 - An Act to Amend Chapter 11, Title 17, Delaware Code Relating to Outdoor Advertising. (2/3 bill)

Mr. Acting Speaker Hebner assigned HB 504 to the Transportation Committee.

Representative D. Ennis requested that he be marked present.

Representative Roy introduced HB 505, jointly sponsored by Representatives Gilligan & Schroeder & Senator R. Still.

HB 505 - An Act to Amend Title 28, Delaware Code Establishing the Delaware Bicycle Council.

Mr. Acting Speaker Hebner assigned HB 505 to the Transportation Committee.

Representative Brady introduced HB 506.

HB 506 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices.

Mr. Acting Speaker Hebner assigned HB 506 to the Labor & Pensions Committee.

Representative Oberle introduced HB 507.

HB 507 - An Act to Amend Subchapter II, Chapter 33 of Title 19 of the Delaware Code Relating to Unemployment Compensation Benefits.

Mr. Acting Speaker Hebner assigned HB 507 to the Labor & Pensions Committee.

Representative Plant requested that he be marked present.

Representative West requested that HB 414 be stricken.

Representative Amick brought SB 139, sponsored by Senators Sharp, Cordrey, Vaughn, Connor & Neal, before the House for consideration.

SB 139 - An Act to Amend Subchapter IV, Chapter 47, Title 16, Delaware Code, Relating to Manufacturing, Delivery, or Possession With Intent to Manufacture or Deliver Narcotic and Non-Narcotic Drugs. (F/N)

Representative Amick moved to place SB 139 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Hebner brought HB 287, jointly sponsored by Senator Sharp, before the House for consideration.

HB 287 - An Act to Amend Article 4, Sections 12, 13 and 38 of the Constitution of the State of Delaware to Harmonize Those Sections Regarding the Authority of a Justice Under Sections 12, 13 and 38 to Designate State Judges to Sit in Various Courts of the State or to Designate Retired State Judges or Justices to Temporarily Perform Judicial Service in the Absence, Disqualification or Incapacity of the Chief Justice or a Vacancy in That Office, and to Harmonize Section 13 With Sections 2, 3 and 12 to Make Uniform the References Therein to Members of the Supreme Court, and to Eliminate Obsolete References in Section 13 to the Orphans' Court, Which No Longer Exists. (2/3 bill)

Representative Hebner moved to place HB 287 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HB 442, jointly sponsored by Representatives Hebner, Ewing, Houghton & Plant, before the House for consideration.

HB 442 - An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to the Board of Parole.

Representative Houghton brought HA 1 to HB 442 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 442 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 442 w/HA 1 was sent to the Senate for concurrence.

Representative Fallon brought SB 163 w/SA 2 & 3, jointly sponsored by Senators Connor & Holloway & Representative Bennett & Senators Bair, Bane, Cook, Hauge, Knox, Neal, J. Still, R. Still & Venables & Representatives Brady, Buckworth, Corrozi, Davis, George, Gilligan, Houghton, Mack, Reynolds, Sills, Smith & Soles, before the House for consideration.

SB 163 - An Act to Amend Chapter 89, Title 14 of the Delaware Code Relating to Teachers of the Year. (F/N)

The roll call on SB 163 w/SA 2 & 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 163 w/SA 2 & 3 was returned to the Senate.

Representative Maroney brought SB 59, sponsored by Senators Bair & Holloway & Representatives DiPinto & Sills, before the House for consideration.

SB 59 - An Act to Amend Title 31 of the Delaware Code, Relating to the Establishment of Innovative Housing Option Programs Within the Elderly Housing Counseling Program, Division of Aging, Department of Health and Social Services.

The roll call on SB 59 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 59 was returned to the Senate.

Representative Jester requested that action on HB 301 be Deferred to a Day Certain, Thursday, March 22, 1990.

Representative Jester requested that action on HB 302 be Deferred to a Day Certain, Thursday, March 22, 1990.

Representative Roy brought HS 1 to HB 33, jointly sponsored by Senator Martin, before the House for consideration.

HB 33 - An Act to Amend Chapter 84, Title 29 of the Delaware Code Relating to the Council on Transportation and the Capital Improvements Programs of the Department of Transportation.

Representative Roy moved to place HS 1 to HB 33 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Quillen brought HB 478 before the House for consideration.

HB 478 - An Act to Amend Subchapter 11, Chapter 21, Title 21, Delaware Code, Relating to Motor Vehicle Registration Plates. (2/3 bill)

Representative Amick brought HA 1 to HB 478 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 478 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Soles, Taylor, Mr. Speaker Spence - 32.

NO: Representatives Campanelli, B. Ennis, Hebner, Houghton, Jonkiert, Van Sant - 6.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Roy, West - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 478 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought SB 147, sponsored by Senator McBride & Representative Caulk & Senators Martin, Cook, Cordrey, Adams, Vaughn, Venables, Torbert, Bane, Marshall, Connor, J. Still, R. Still, Minner, Hauge, Knox & Bair & Representatives Brady, Plant, Davis, VanSant, Roy, Quillen, Amick, Fallon, Campanelli, Corrozi, West, Oberle, Carey, Buckworth, B. Ennis, Reynolds & Gilligan, before the House for consideration.

SB 147 - An Act to Amend Chapter 67A, Title 18 Delaware Code Relating to Funeral Expenses of Volunteers. (F/N)

The roll call on SB 147 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 39.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 147 was returned to the Senate.

Representative Ewing brought HB 370, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Caulk, Boykin, DiPinto, Smith, Hebner, B. Ennis, Jonkiert & Van Sant & Senators Adams, McBride, Minner, Torbert, Vaughn & Neal, before the House for consideration.

HB 370 - An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Licenses to Carry Concealed Deadly Weapons.

The roll call on HB 370 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 38.

NO: Representatives George, Sills - 2.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 370 was sent to the Senate for concurrence.

Representative Ewing brought HB 371, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Amick, D. Ennis, Davis, Hebner, Caulk, Boykin, Oberle, DiPinto, Roy, Carey, Smith, Taylor, Reynolds, Mack, B. Ennis, Jonkiert, Outten & Van Sant & Senators Adams, McBride, Minner, Torbert, Vaughn & Neal, before the House for consideration.

HB 371 - An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Firearms. Representative Ewing introduced and brought HA 1 to HB 371 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 371 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 39.

NOT VOTING: Representative Sills - 1.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 371 w/HA 1 was sent to the Senate for concurrence.

Representative Hebner moved to lift HB 287 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Hebner brought HB 287, jointly sponsored by Senator Sharp, before the House for consideration.

HB 287 - An Act to Amend Article 4, Sections 12, 13 and 38 of the Constitution of the State of Delaware to Harmonize Those Sections Regarding the Authority of a Justice Under Sections 12, 13 and 38 to Designate State Judges to Sit in Various Courts of the State or to Designate Retired State Judges or Justices to Temporarily Perform Judicial Service in the Absence, Disqualification or Incapacity of the Chief Justice or a Vacancy in That Office, and to Harmonize Section 13 With Sections 2, 3 and 12 to Make Uniform the References Therein to Members of the Supreme Court, and to Eliminate Obsolete References in Section 13 to the Orphans' Court, Which No Longer Exists. (2/3 bill)

Representative Jonkiert introduced and brought HA 1 to HB 287 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 287 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 287 w/HA 1 was sent to the Senate for concurrence.

Representative Taylor brought SB 44, sponsored by Senator Vaughn & Representative B. Ennis & Senators Cook, Cordrey, Minner & Torbert & Representatives Clark, Quillen, Bennett, Outten, Ewing & Buckworth, before the House for consideration.

SB 44 - An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Recordation of Instruments.

Representative B. Ennis brought HA 2 to SB 44 before the House for consideration. Representative B. Ennis requested that HA 2 to SB 44 be stricken.

Representative Taylor moved to place SB 44 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor brought SB 50, sponsored by Senator Vaughn & Representative B. Ennis & Senators Cook, Minner & Torbert & Representatives Clark, Quillen, Bennett, Outten & Buckworth, before the House for consideration.

SB 50 - An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to the Recordation of Deeds and Other Instruments by the Kent County Recorder of Deeds.

Representative Caulk brought HA 1 to SB 50 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 50 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 50 w/HA 1 was returned to the Senate.

Representative Taylor brought Consent Agenda A, before the House for consideration.

SB 227 - MINNER; REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - An Act to Amend Title 9, Chapter 49 Section 4911(C) of the Delaware Code Relating to Procedures for Changes in Kent County Zoning by the Zoning Commission.

SB 229 w/SA 1 - MINNER; REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - An Act to Amend Title 9, Chapter 48, Section 4801 (10) of the Delaware Code Relating to the Definition of the Term "Subdivision" for Regional Planning Purposes.

SB 235 - MINNER; REPRESENTATIVE B. ENNIS; SENATORS VAUGHN, TORBERT, ADAMS, COOK, J. STILL; REPRESENTATIVES CLARK, OUTTEN, BENNETT, QUILLEN, CAULK, BUCKWORTH, EWING - An Act to Amend Title 9, Chapter 48, Section 4811 of the Delaware Code Relating to Procedures for the Approval or Disapproval of a Plat by the Kent County Regional Planning Commission and the Time Frame Therefore.

SB 254 - MINNER; REPRESENTATIVE B. ENNIS; SENATORS COOK, ADAMS, TORBERT, VAUGHN, J. STILL; REPRESENTATIVES CLARK, QUILLEN, OUTTEN, BUCKWORTH, BENNETT, CAULK - An Act to Amend Title 9, Part V, Chapter 80, Section 8001 (d) Relating to the Date by Which Kent County Must Adopt Its Budget.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 227, SB 229 w/SA 1, SB 235 & SB 254 were returned to the Senate.

Representative D. Ennis brought HB 427 w/HA 2 & SA 2, jointly sponsored by Representatives Spence & Outten & Senator Vaughn, before the House for consideration.

HB 427 - An Act to Amend Title 18 Relating to Corporate Owned Life Insurance.

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

The roll call on HB 427 w/HA 2 & SA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 37.

ABSENT: Representatives Caulk, Oberle, Reynolds, West - 4.

Therefore, having received a constitutional majority, HB 427 w/HA 2 & SA 2 was sent to the Governor.

Representative D. Ennis brought SB 212 w/SA 1, jointly sponsored by Senators Minner, Cook, Cordrey, Torbert, Venables, Bane & Hauge & Representatives Amick, Boykin, Bunting, Buckworth, Clark, B. Ennis, Petrilli & West, before the House for consideration.

SB 212 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Requirement of Insurance for All Motor Vehicles. (2/3 bill)(F/N)

The roll call on SB 212 w/SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 36.

ABSENT: Representatives Caulk, Oberle, Reynolds, Sills, West - 5.
Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 212 w/SA 1 was returned to the Senate.

Representative D. Ennis brought SB 223, sponsored by Senators Minner, Cordrey, Sharp, Torbert & Venables & Representatives Boykin, Buckworth, Bunting, Clark, B. Ennis, Jonkiert, Petrilli & West, before the House for consideration.

SB 223 - An Act to Amend Chapter 39, Title 18 of the Delaware Code Relating to Uninsured and Underinsured Motorist Benefits.

Representative D. Ennis brought HA 1 to SB 223 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 223 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Quillen, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, Mr. Speaker Spence - 35.

ABSENT: Representatives Caulk, DiPinto, Oberle, Plant, Reynolds, West - 6.

Therefore, having received a constitutional majority, SB 223 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli introduced and brought SCR 107, jointly sponsored by Senators Cordrey, Sharp & Marshall & Representatives Spence & Buckworth, before the House for consideration.

SCR 107 - Celebrating the 200th Anniversary of the Bill of Rights.

SCR 107 was adopted by voice vote and returned to the Senate.

Representative Roy introduced and brought HR 167, jointly sponsored by Representatives Spence, Petrilli, Corrozi, Maroney, DiPinto, George, Gilligan, Campanelli, Jonkiert, Brady & Van Sant, before the House for consideration.

HR 167 - Commemorating Catholic Schools Week in Delaware, January 28th Through February 3rd, 1990.

HR 167 was adopted by voice vote.

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

TRANS: SS 1 for SB 321 - 4F, 1M.

LAND USE & GOV REL: SB 322 - 5M.

NAT RES: SB 311 - 7F.

Mr. Speaker Spence announced that SB 328, sponsored by Senator McBride & Representatives Houghton & Mack had arrived from the Senate.

SB 328 - An Act Authorizing and Directing the Department of Natural Resources and Environmental Control to Issue a Commercial Gill Net Foodfishing Permit to Harry Logan of New Castle, Delaware, Who is Presently Prohibited From Obtaining a Permit Under the Delaware Finfishing Statutes.

Mr. Speaker assigned SB 328 to the Natural Resources Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 242, SB 330, SB 314, HB 427 w/HA 2 & SA 2 & SB 328.

Representative Clark requested that HB 376 be stricken.

The Majority Leader moved to recess to the call of the Chair at 6:03 p.m.

10th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

January 30, 1990

Mr. Speaker Spence called the House to order at 2:25 p.m.

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

NAT RES: SB 328 - 1F, 4M.

The Majority Leader moved to adjourn at 2:26 p.m., thereby ending the current legislative day. The House reconvened at 2:27 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Davis - 1.

A prayer was offered by Thomas J. McCarthy, Jr., House Majority Administrative Assistant.

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

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

The following prefiled legislation was introduced:

HB 508 - TAYLOR & SENATOR SHARP; REPRESENTATIVES ROY, AMICK, DAVIS, CAULK; SENATORS KNOX, NEAL, BAIR, MARTIN, CONNOR - TRANS: An Act to Amend Part II, Title 2 of the Delaware Code Relating to State Transportation Impact Fees.

HB 509 - ROY, AMICK, BOYKIN, DAVIS, DIPINTO, HEBNER, QUILLEN, JONKIERT, OUTTEN, WEST - B & I: An Act to Amend Chapter 32, Title 5, Delaware Code Relating to the Transportation of Money and Valuables.

HB 510 - HEBNER, QUILLEN, AMICK, BOYKIN, BRADY, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, GILLIGAN, JESTER, MARONEY, OBERLE, PETRILLI, PLANT, SCHROEDER, SILLS, SMITH, SPENCE; SENATORS MCDOWELL, MINNER, HOLLOWAY, COOK, VENABLES, BANE, MARSHALL, TORBERT, VAUGHN, MCBRIDE - APPRO: An Act to Provide a Supplementary Appropriation to the Division of Historical and Cultural Affairs, Department of State for the State's Share in the Expenditure of an Authentic Replica of the Ship, Kalmar Nyckel.

HB 511 - BUCKWORTH, DIPINTO, BOYKIN, FALLON, B. ENNIS: SENATOR J. STILL - SUNSET: An Act to Amend Title 24, Delaware Code Relating to Opticians. (3/5 bill)

HB 512 - EWING & SENATOR ADAMS - P/S: An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Revocation of License for Drug Offenses and Chapter 47 of Title 16 of the Delaware Code Relating to Notification to Professional Regulatory and Disciplinary Bodies of Drug Offenses.

HB 513 - AMICK & SENATOR SHARP - SUBS ABUSE: An Act to Amend Part IV, Title 16 of the Delaware Code Relating to Substance Abuse; and Providing for a Treatment Center Accountability Act.

HB 514 - AMICK & SENATOR SHARP - SUBS ABUSE: An Act to Amend Title 14 of the Delaware Code Relating to Substance Abuse; and Providing for a Delaware Drug-Free School Act.

HB 515 - JESTER, CLARK, DAVIS, HOUGHTON; SENATORS KNOX, MINNER, TORBERT, VAUGHN - JUD: An Act to Amend the Delaware Code Relating to Vehicular Homicide and Persons Aged 16 Years or Older.

HB 516 - SILLS, PLANT; SENATORS HOLLOWAY, MCDOWELL - HUM RES: An Act to Amend Chapter 5, Title 31 of the Delaware Code to Authorize the Department of Health and Social Services to Increase Aid to Families with Dependent Children.

HB 517 - SILLS, CAMPANELLI, REYNOLDS, PLANT; SENATORS MCDOWELL, HOLLOWAY - HUM RES: An Act to Authorize and Direct the Department of Health and Social Services to Increase General Assistance Payments.

HB 518 - OBERLE, MACK, REYNOLDS, BRADY, PLANT, CAMPANELLI, VAN SANT - LABOR & PENSIONS: An Act to Amend Chapter 7, Title 19, Delaware Code Relating to Unfair Labor Practices and Penalties Therefor.

HB 519 - OBERLE & DAVIS - APPRO: An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Division of Alcoholism, Drug Abuse and Mental Health for the Purpose of Providing Funding for the Treatment of Compulsive Gamblers and Their Families.

HA 3 to HB 462 - SILLS & OUTTEN - L.O.T.: Placed with the bill.

HA 3 to HB 464 - SILLS & OUTTEN - L.O.T.: Placed with the bill.

SB 314 - CORDREY & REPRESENTATIVE BUNTING - H/ADM: An Act to Amend Chapter 64, Volume 63, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Ocean View, in Sussex County, Delaware" Relating to the Conduct of Elections. (2/3 bill)

SB 330 - COOK, HAUGE, HOLLOWAY, MCBRIDE, R. STILL, VAUGHN, MARSHALL; REPRESENTATIVES CORROZI, DAVIS, QUILLEN, SMITH, SOLES, WEST, DIPINTO, SILLS - APPRO: An Act to Amend Chapter 62, Volume 67, Laws of Delaware, Relating to Funding for West Center City Adult Center, Inc.

HA 2 to SB 151 - AMICK - READY LIST: Placed with the bill.

HA 3 to SB 151 - BENNETT - READY LIST: Placed with the bill.

Representatives Sils, B. Ennis & Jonkiert 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: HS 1 for HB 32, HB 241, SCR 112, SCR 113, SCR 114, SCR 115, HCR 118 & HCR 119.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Taylor, do hereby request that my name be removed as Co-Sponsor of HB 515.

Date: 1-25-90.

Signed: Steven C. Taylor.

M E M O R A N D U M

TO: Rep. Terry R. Spence, Speaker of the House

FROM: Rep. Richard F. Davis

DATE: January 25, 1990

RE: ABSENCE FROM SESSION

Due to a business trip which was planned using the announced schedule of sessions for the House, I will be out of the State on January 30, 1990 and will be absent from session. RFD/dcg

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

The House reconvened at 3:58 p.m.

Representatives Brady & Mack requested that they be marked present.

Representative Roy brought SS 1 for SB 321, jointly sponsored by Senators Martin, Cook, Sharp, Minner, Hauge, R. Still & Vaughn & Representatives Caulk, B. Ennis, Outten, Jester, Mack & Taylor & cosponsored by Senator Neal & Representatives Ewing & Houghton, before the House for consideration.

SB 321 - An Act of the 135th Delaware General Assembly Requesting the Government of the United States of America to Provide for the Timely Construction and Maintenance of a New Bridge Over the Chesapeake and Delaware Canal in the Vicinity of St. Georges, as Part of the U.S. Route 13 Relief Route, in Keeping with Its Obligations to the State of Delaware.

The roll call on SS 1 for SB 321 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiet, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Davis - 1.

Therefore, having received a constitutional majority, SS 1 for SB 321 was returned to the Senate.

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

Representative Roy brought SB 322, jointly sponsored by Senator Cook, before the House for consideration.

SB 322 - An Act to Amend Volume 67, Chapter 46 of the Laws of Delaware Relating to the Fiscal Year 1990 Capital Budget and Transferring Funds from the Advanced Real Property Acquisition Fund to the Advanced Planning Fund. (3/4 bill)

The roll call on SB 322 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiet, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Davis - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 322 was returned to the Senate.

Representative Amick moved to suspend the rules which interfere with action on SB 306. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 306, jointly sponsored by Senator Torbert & Representatives DiPinto, Boykin, Lee, Caulk & B. Ennis, before the House for consideration.

SB 306 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Nonresident Licensure of Real Estate Brokers, Salespersons and Appraisers and to Disciplinary Action Against Licensees. (3/5 bill)

Representative Amick requested and was granted the privilege of the floor for Douglass Lee Mowrey, Deputy Attorney General assigned to the Real Estate Commission.

Representative Amick moved to place SB 306 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor moved to lift SB 44 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor brought SB 44, sponsored by Senators Vaughn, Cook, Cordrey, Minner & Torbert & Representatives B. Ennis, Clark, Quillen, Bennett, Outten, Ewing & Buckworth, before the House for consideration.

SB 44 - An Act to Amend Chapter 96, Title 9, Delaware Code, Relating to Recordation of Instruments.

Representative Taylor brought HA 3 to SB 44 before the House for consideration. HA 3 was adopted by voice vote.

Representative West requested that HA 1 to SB 44 be stricken.

The roll call on SB 44 w/HA 3 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiet, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Davis, Jester - 2.

Therefore, having received a constitutional majority, SB 44 w/HA 3 was returned to the Senate for concurrence on HA 3.

Representative Corrozi moved to suspend the rules which interfere with action on SB 330. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Corrozi brought SB 330, jointly sponsored by Senators Cook, Hauge, Holloway, McBride, R. Still, Vaughn & Marshall & Representatives Davis, Quillen, Smith, Soles, West, DiPinto & Sills, before the House for consideration.

SB 330 - An Act to Amend Chapter 62, Volume 67, Laws of Delaware, Relating to Funding for West Center City Adult Center, Inc. (3/4 bill)

The roll call on SB 330 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiet, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Davis, Jester - 2.

Representative George rose on a point of order during the roll call. Mr. Speaker concurred.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 330 was returned to the Senate.

Representative Oberle introduced HB 520, jointly sponsored by Senator McDowell & Representatives Davis, Reynolds, Mack, Campanelli, Brady & Van Sant.

HB 520 - An Act to Amend Chapter 70, Part VII, Title 7 of the Delaware Code Relating to the Coastal Zone Act and Uses Which Are Prohibited in the Coastal Zone.

Mr. Speaker assigned HR 520 to the Labor & Pensions Committee.
Representative Carey brought SB 278, sponsored by Senator Venables, before the House for consideration.

SB 278 - An Act Authorizing and Directing the Department of Natural Resources and Environmental Control to Issue a Commercial Gill Net Foodfishing Permit to Glenn Roscoe Davis of Laurel, Delaware, Who is Presently Prohibited from Obtaining a Permit Under Delaware Finishing Statutes.

The roll call on SB 278 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Corrozi, Jester, Sillis - 3.

Therefore, having received a constitutional majority, SB 278 was returned to the Senate. Representative Carey moved to suspend the rules which interfere with action on SB 328. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Carey brought SB 328, sponsored by Senator McBride & Representatives Houghton & Mack, before the House for consideration.

SB 328 - An Act Authorizing and Directing the Department of Natural Resources and Environmental Control to Issue a Commercial Gill Net Foodfishing Permit to Harry Logan of New Castle, Delaware, Who is Presently Prohibited from Obtaining a Permit Under the Delaware Finishing Statutes.

The roll call on SB 328 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Davis, Jester - 2.

Therefore, having received a constitutional majority, SB 328 was returned to the Senate. The following prefilled Consent Calendar #23 was introduced:

HR 168 - SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN - Asking Governor Castle to Declare the Second Week of October Customer Service Week in Delaware.

HR 169 - FALLON - Honoring Seaford's Jackie Howard Upon Her Retirement From Sussex County's Family Court.

HCR 120 - SPENCE; SENATOR MCBRIDE; REPRESENTATIVES MACK, REYNOLDS, HOUGHTON; SENATOR CONNOR - Congratulating Delaware State Policeman Brian Maher on Being Chosen Officer of the First Quarter of 1989 by the Naamans Rotary Club.

HCR 121 - SPENCE & SENATOR CORDREY; REPRESENTATIVES PETRILLI, BUCKWORTH, GEORGE, GILLIGAN, BENNETT; SENATORS SHARP, COOK, BAIR, CONNOR - Extending Many, Many "Thanks" to F. Earl McGinnes Who is Retiring, Effective January 31, 1990, After Serving Better Than 42 Years of Dedicated State Service, to Include Math and Science Teacher, the State's First Budget Director, State Representative, State Auditor, Secretary of the Department of Health and Social Services, and Soon to be Retired as Director of the Division of Research of Legislative Council, and Further Extending to Earl and His Wife, Mary, the Best of Health and Happiness During the Retirement Years.

SCR 109 - MARTIN; REPRESENTATIVES ROY, BOYKIN, DIPINTO - Congratulating Secretary of Transportation, Kermit H. Justice, on His Election as President of the American Association of State Highway and Transportation Officials and as a Member of the Transportation Research Board Executive Committee.

SCR 111 - ADAMS; REPRESENTATIVE EWING - Commending the Members and Officers of the Woodbridge Pop Warner Football League Midget Team on Winning the N.R.A.A. Mid-South Regional Midget Division Championship.

SCR 112 - MARTIN; REPRESENTATIVES SPENCE, BENNETT; ALL SENATORS - Congratulating Former Governor Elbert Nostrand Carvel of Laurel as He Prepares to Celebrate His 80th Birthday.

SCR 113 - CORDREY; REPRESENTATIVE SPENCE; ALL SENATORS; ALL REPRESENTATIVES - Extending Best Wishes for a Speedy Recovery to Former Delaware Governor, U.S. Senator and Congressman J. Caleb Boggs.

SCR 114 - CORDREY; REPRESENTATIVES SPENCE, OUTTEN, BENNETT; SENATOR J. STILL - Extending Best Wishes and Thanks for a Job Well-Done to Charles A. Legates, Jr., Upon His Retirement From the Position of Manager of the Division of Communications.

SCR 115 - J. STILL, TORBERT, COOK, VAUGHN, MINNER, HOLLOWAY; REPRESENTATIVES OUTTEN, B. ENNIS, CLARK, BENNETT, QUILLEN, BUCKWORTH, CAULK - Rendering Honor and Commending Delaware State College on Its 1890 Centennial Celebration and Extending Best Wishes for a Prosperous and Historic Future.

Representative Hebner introduced HR 170, jointly sponsored by Representative Brady.

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

SUNSET: HR 146 - 1F, 4M.

HR 170 - Congratulating the Holy Rosary Girls Volleyball "B" Team for Winning Their First Divisional Championship in Their First Year of Competition.

HR 170 was placed on Consent Calendar #23.

Representative Maroney introduced HR 171, jointly sponsored by Representatives Hebner, Smith, Boykin, D. Ennis & Brady.

HR 171 - Commending Charles Honey, Jr. on His Recent Selection as an Honorary Member of the Brandywine Hundred Fire Co.

HR 171 was placed on Consent Calendar #23.

Representative Maroney introduced HR 172, jointly sponsored by Representative Fallon.

HR 172 - Congratulating John Walker Maroney, Jr., M.D. Son of Dr. John W. Maroney, Wilmington Pediatrician and Jane Perkins Maroney, State Representative From the 10th District and His Bride, Kerstin Coyle, on Their Impending Wedding, February 10, 1990 in Grosse Pointe, Michigan.

HR 172 was placed on Consent Calendar #23.

Representative Amick requested that HR 146 be placed on Consent Calendar #23.

HR 146 - Creating a Commission to Study the Board of Landscape Architects.

HR 146 was placed on Consent Calendar #23.

Consent Calendar #23 was adopted by voice vote and HCR 120 & HCR 121 were sent to the Senate for concurrence and SCR 109, SCR 111, SCR 112, SCR 113, SCR 114 & SCR 115 were returned to the Senate.

Representative Smith introduced HR 173, jointly sponsored by Representatives D. Ennis, Hebner, Oberle, Spence, Petrilli & Buckworth & cosponsored by Representatives Carey, Ewing, Lee, Quillen, DiPinto, Maroney, Fallon, Brady, Boykin & B. Ennis.

HR 173 - Offering a Hearty Thank-You to House Secretary Barbara Bierman for Her Years in the General Assembly and Wishing Her the Best in Future Endeavors.

WHEREAS, the legislature is a complicated animal, with rules like no other organization, truly understood only by those who live and work in a legislative environment, fully aware of the process needed to keep our state government running smoothly; and

WHEREAS, for House Secretary Barbara Bierman, the legislative experience has spanned over a decade beginning in the mid-1970's, then again in 1983; and

WHEREAS, Barbara Bierman has seen many changes during her tenure and served on all floors of the House, both as a Minority and a Majority secretary, first as a member of the secretarial Minority pool, then as a Majority Leadership Secretary; and

WHEREAS, as a Leadership Secretary, Barbara Bierman manned the outer office of both Majority Leader William A. Oberle, Jr. and Majority Whip Bradford Barnes, then followed Representative Barnes to the office of the Speaker of the House after his election as Speaker of the House in 1986; and

WHEREAS, for seven months, Barbara Bierman performed her duties as a secretary to the Speaker of the House, a tenure which would have lasted longer had our beloved Speaker not passed away suddenly and tragically at the young age of fifty-five, which dealt a severe blow to all associated with Legislative Hall and especially to Barbara Bierman, who had now lost both a friend and a leader; and

WHEREAS, the House was fortunate to have kept Barbara Bierman after Speaker Barnes' death for she began working for Representative Gwynne P. Smith, David H. Ennis and Charles L. Hebner, answering constituent inquiries and solving problems, typing letters and going about endless jobs of associated with a legislative day; and

WHEREAS, talented people are difficult to find and even more precious to keep, so the House of Representatives has indeed been fortunate to have had this Brandywine Hundred lady in its employ and will certainly miss all the cheerfulness, optimism and dedication she has brought to this most important job.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 135th General Assembly of the State of Delaware that we honor House Secretary Barbara Bierman and thank her for her seven years of work in the Delaware House of Representatives and wish her much success in the future.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be presented to Barbara Bierman.

HR 173 was adopted by voice vote.

Representative Amick moved to lift SB 306 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 306, jointly sponsored by Senator Torbert & Representatives DiPinto, Boykin, Lee, Caulk & B. Ennis, before the House for consideration.

SB 306 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Nonresident Licensure of Real Estate Brokers, Salespersons and Appraisers and to Disciplinary Action Against Licensees. (3/5 bill)

Representative Amick requested and was granted the privilege of the floor for Douglass Lee Mowrey, Deputy Attorney General assigned to the Real Estate Commission.

The roll call on SB 306 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkier, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Davis, Jester - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 306 was returned to the Senate.

Representative D. Ennis moved to suspend the rules which interfere with action on HB 489. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative D. Ennis brought HB 489, jointly sponsored by Representatives Petrilli, Amick, Boykin, Corrozi, Fallon, Lee, Ewing, Caulk, Reynolds, Smith, Jonkiert, Campanelli, Plant, B. Ennis, Houghton, Brady & Van Sant & Senators Sharp, Bair, Connor & Holloway, before the House for consideration.

HB 489 - An Act to Amend Chapters 27 and 52, Title 29, and Chapter 31, Title 19 of the Delaware Code Relating to the Power and Duties of the State Treasurer, the Secretary of Labor and the Director of Unemployment Insurance.

The roll call on HB 489 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sillis, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Davis, Jester - 2.

Therefore, having received a constitutional majority, HB 489 was sent to the Senate for concurrence.

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

11th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

March 14, 1990

Mr. Speaker Spence called the House to order at 2:21 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 134 w/HA 1 & SA 1.

M E M O R A N D U M

TO: Representative Terry R. Spence
Speaker of the House
FROM: Representative Gwynne P. Smith
RE: Absence from Session
DATE: March 12, 1990

There are some family matters I must attend to in Ohio and I will be absent from session on Wednesday and Thursday, March 14 & 15, 1990.

GPS/gmr

March 7, 1990

The Honorable Terry Spence
Speaker of the House
House of Representatives
Legislative Hall
Dover, DE 19901

Dear Mr. Speaker:

This is to inform your office that due to an out of state personal business trip, I will not be present for the March 14 and 15 sessions.

Yours truly,

Katharine M. Jester
State Representative
KMJ/jk

January 25, 1990

LEGISLATIVE ADVISORY #31

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/25/90 - HB 123, HB 352 & HB 361.

January 31, 1990

LEGISLATIVE ADVISORY #32

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/31/90 - HB 372 aab HA 2 & 3 & SA 1 & SB 225.

February 6, 1990

LEGISLATIVE ADVISORY #33

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/2/90 - HB 252 aab HA 1. 2/6/90 - HS 1 to HB 32, HB 427 aab HA 2 & SA 2, HB 241 & HB 242.

February 10, 1990

LEGISLATIVE ADVISORY #34

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2/8/90 - SB 59, SB 163 aab SA 2 & 3, SB 227, SB 229 aab SA 1, SB 235, SB 254, SB 278, SB 306, SS 1 for SB 321, SB 322, SB 328 & SB 330.

February 12, 1990

LEGISLATIVE ADVISORY #35

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2/12/90 - SB 147 & SB 212 aab SA 1.

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the current legislative day. The House reconvened at 2:26 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Jester, Smith - 2.

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

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

Mr. Speaker reassigned HB 508 to the Land Use & Government Relations Committee.

Mr. Speaker reassigned HB 510 to the Small Business & Economic Development Committee.

The following out-of-session prefilled legislation was introduced:

OUT-OF-SESSION PREFILE

February 28, 1990

HB 521 - SILLS & SENATOR MCBRIDE; REPRESENTATIVES REYNOLDS, HOUGHTON, JESTER, VAN SANT, GILLIGAN, B. ENNIS, BUNTING, PLANT, BRADY, WEST, SCHROEDER; SENATORS VENABLES, MCDOWELL - CORR: An Act to Amend Title 11, Delaware Code Relating to the Planning Process for Correctional Facility Construction.

HB 522 - ROY - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Receiving Stolen Property.

HB 523 - ROY, AMICK, PETRILLI, BUNTING - TRANS: An Act to Amend the Delaware Code Relating to Outdoor Advertising Permits. (3/5 bill)

HB 524 - DAVIS, HEBNER; SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Probation and Parole Counsellors or Officers.

HB 525 - HEBNER - JUD: An Act to Amend Title 10, Section 691D of the Delaware Code Restricting the Mandatory Release of Charged Prisoners.

HB 526 - B. ENNIS; SENATOR VAUGHN - H/ADM: An Act to Amend "An Act to Re-Incorporate the Town of Smyrna" Being Chapter 339, Volume 62, Laws of Delaware, as Amended, to Allow Official Candidates to Assume Office Without Holding an Election Where None of the Official Candidates Have a Formal Opponent on the Day of the Election, and to Clarify the Provisions Concerning Filling of Vacancies on the Town Council by the Voters of the Town. (2/3 bill)

HB 527 - B. ENNIS, DAVIS; SENATOR VAUGHN; REPRESENTATIVES PLANT, VAN SANT, CAMPANELLI, HOUGHTON, JESTER, JONKERT, CLARK, BRADY, D. ENNIS, CAULK, OBERLE, WEST, GILLIGAN, CORROZI; SENATORS MCBRIDE, HOLLOWAY - HUM RES: An Act to Amend Title 16, Delaware Code, Relating to Notification of Fire Fighters, Ambulance Attendants, Emergency Medical Technicians, Correctional Officers, Law Enforcement Officers, and Other Personnel of Exposure to Contagious or Infectious Disease or Virus.

HS 1 for HB 505 - ROY, GILLIGAN, SCHROEDER; SENATORS R. STILL, TORBERT, SHARP, MARTIN - TRANS: An Act to Amend Title 28, Delaware Code Establishing the Delaware Bicycle Council.

HA 1 to HB 409 - CAREY - READY LIST: Placed with the bill.

The following prefilled legislation was introduced:

SB 134 w/HA 1 & SA 1 - SHARP, CORDREY, VAUGHN, CONNOR, NEAL - SUBS ABUSE: An Act to Amend Chapter 41, Title 14, Delaware Code, by Requiring Every School District in Delaware to Designate an Administrator in Each School to Report Drug/Alcohol Problems to Parents and Law Enforcement Agencies.

The Majority Leader moved to recess for committee meetings at 2:34 p.m.

The House reconvened at 5:15 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 116.

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

LABOR & PENSIONS: SB 210 - 5M; SB 244 - 1F,4M.

JUD: HB 455 - 1F,3M; HB 483 - 3F,2M; HB 493 - 3F,2M; HB 500 - 3F,2M; HB 522 - 3F,2M;

HB 525 - 1F,4M.

APPRO: SB 302 - 4F.

CORR: HB 521 - 5M; HB 524 - 1F,4M.

TRANS: HB 504 - 2F,3M; HS 1 for HB 505 - 1F,4M.

HOUSING & COM AFF: HB 472 - 2F,2M.

Mr. Speaker assigned HB 483 to the Appropriations Committee.

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

The following prefilled Consent Calendar #24 was introduced:

HR 174 - BUCKWORTH, CLARK, BENNETT - Congratulating Ernest Zimmerman, Sr., and Ernest Zimmerman, Jr., and Mark Zimmerman From E. Z. Farms, Inc. on Their Selection as Kent District's 1989 Cooperator of the Year.

HR 175 - EWING - Honoring Woodbridge High School Secretaries With a Special Day of Recognition.

HR 176 - FALLON - Honoring Craig S. Van Tine as the Youngest Member of Boy Scout Troop 249 to Attain the Rank of Eagle Scout.

HR 177 - FALLON - Recognizing the Spirit of Community Education at the Seaford Christian Academy.

HR 178 - FALLON - Honoring David D. Osborne Upon His Attainment of the Rank of Eagle Scout.

HR 179 - JESTER - Extending Belated Best Wishes to Dean C. Belt on the Occasion of His Retirement From Delaware's Cooperative Extension.

HR 180 - QUILLEN - Congratulating Petie Davis of Lake Forest High School Upon Being Selected the Outstanding High School Football Player for 1989 by the Lower Delaware Gridiron Club.

HR 181 - GILLIGAN, GEORGE, CORROZI, MARONEY, BOYKIN, BENNETT - Congratulating John E. Healy, II, P.E. on His Selection as the Winner of the Monsignor Thomas J. Reese Award for Outstanding Community Service and Commending Him on His Lifetime of Achievements.

HR 182 - BUNTING, REYNOLDS - Honoring Former Indian River High School Football Coach Dale Wayne Steele.

HR 183 - BUNTING - Belatedly Commending Charles Martin Bireley for His Many Years of Service With the Indian River School District Board of Education.

HCR 122 - CLARK & SENATOR COOK - Extending Congratulations to Mrs. Leola Morris of Chesold, Delaware on Her Recent Honor of Being Selected as "Ms. Mature Dover" for 1990.

HCR 123 - B. ENNIS & SENATOR TORBERT - Proclaiming May 1990 as "Motorcycle Safety and Awareness Month".

Representative Petrilli introduced SCR 116, sponsored by Senators J. Still, Vaughn, Cook, Torbert & Minner & Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk & Buckworth.

SCR 116 - Extending Congratulations and Best Wishes to the Colonial Rotary Club, a New Dover Club Established and Chartered by Rotary International in January of 1990.

SCR 116 was placed on Consent Calendar #24.

Consent Calendar #24 was adopted by voice vote and HCR 122 & HCR 123 were sent to the Senate for concurrence and SCR 116 was returned to the Senate.

Representative Maroney introduced and brought HCR 124, cosponsored by Representatives George, Corrozi, Petrilli, Soles, Bennett & Gilligan, before the House for consideration.

HCR 124 - Commending Senator Nancy W. Cook on Her Recent Recognition and Honor Bestowed Upon Her on Thursday, March 8, 1990 by the Chesapeake Bay Girl Scout Council at a Luncheon Held at the Gold Ballroom of the Hotel DuPont.

HCR 124 was adopted by voice vote and sent to the Senate for concurrence.

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

12th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

March 15, 1990

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

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

P/S: HB 512 - 1F,2M.

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

The Chief Clerk called the roll.

Members Present: 3B.

Members Absent: Representatives George, Jester, Smith - 3.

A prayer was offered by Representative George H. Bunting, Jr., Thirty-Eighth Representative District.

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

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

The following prefiled legislation was introduced:

HB 528 - CAULK & SENATOR TORBERT - HUM RES: An Act to Amend Chapter 1, Title 31 of the Delaware Code Relating to the Powers of the Department of Health and Social Services.

HB 529 - CAULK & SENATOR TORBERT - B & I: An Act to Amend Chapter 52, Title 29 of the Delaware Code Relating to Health Care Insurance.

HB 530 - HEBNER - SUB ABUSE: An Act to Amend Chapter 1, Title 16, Delaware Code Relating to the State Board of Health and Warnings to Pregnant Women Regarding Possible Problems From Use or Consumption of Alcohol, Cocaine, Marijuana, Heroin or Other Narcotics. (2/3 bill)

HB 531 - CAULK & SENATOR TORBERT - JUD: An Act to Amend Title 6, Delaware Code Relating to False Credit Reports, Corrections and Penalties. (2/3 bill)

HB 532 - AMICK - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation Benefits, Including Medical Insurance Premiums.

HB 533 - AMICK - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation and the Definition of Death.

HB 534 - AMICK - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation Benefits and Compensation for Total Disability.

HB 535 - AMICK - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation Benefits.

HB 536 - AMICK - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Condominium Management Councils.

HB 537 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to Division of Professional Regulation.

HB 538 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to the Division of Professional Regulation and Providing for the Training of Board Members.

HB 539 - CAREY, PETRILLI, BUCKWORTH, SPENCE, AMICK, BOYKIN, CAULK, DIPINTO, D. ENNIS, EWING, LEE, HEBNER, REYNOLDS, GILLIGAN, BRADY, BUNTING, CLARK, PLANT, WEST; SENATORS J. STILL, VENABLES - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Certain Recordings, Label Warnings, and Penalties. (2/3 bill)

HA 1 to HB 354 - MARONEY - READY LIST: Placed with the bill.

HA 1 to HB 479 - AMICK - P/S: Placed with the bill.

HCR 125 - DAVIS, OBERLE; SENATOR HOLLOWAY - B & I: Urging Health Insurance Coverage of Prescription Drugs.

Representatives B. Ennis & Gilligan requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:13 p.m.

The House reconvened at 3:53 p.m.

Representatives Brady, Buckworth, Lee, Clark, Mack, Amick, DiPinto, Jonkiert, Plant, D. Ennis & Boykin requested that they be marked present.

Representative Corrozi brought SB 302, sponsored by Senators Sharp, Cordrey, Vaughn, Neal & Connor, before the House for consideration.

SB 302 - An Act to Provide for a Supplemental Appropriation to the Office of the Attorney General for the Purpose of Providing Additional Staff and Operating Expenses. (F/N)

The roll call on SB 302 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 37.

ABSENT: Representatives George, Jester, Sills, Smith - 4.

Therefore, having received a constitutional majority, SB 302 was returned to the Senate.

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

Representative Carey brought HB 447, jointly sponsored by Representatives Bunting & Schroeder, before the House for consideration.

HB 447 - An Act to Amend Chapter 1, Part 1, Title 16 of the Delaware Code by Adding Section 122(3)(R) Concerning Sanitary Control of Mobile/Manufactured Home Parks and Other Similar Housing.

Representative Oberle announced that he will not be voting on HB 447 because of a possible conflict of interest.

Representative Carey requested and was granted the privilege of the floor for Dr. Lester Wright, Director, Division of Public Health.

Representative Davis requested and was granted the privilege of the floor for Scott Green, House Attorney.

Representative Carey moved to place HB 447 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle introduced HB 540, jointly sponsored by Representatives Spence, Amick, Davis, Hebner, Mack, Reynolds, Gilligan, Brady, B. Ennis, Houghton, Plant, Sills & Van Sant & Senators Marshall & McBride.

HB 540 - An Act to Amend Chapter 23, Title 21 of the Delaware Code and Chapter 11, Title 30 of the Delaware Code Relating to Fees and Taxes.

Mr. Speaker assigned HB 540 to the Revenue & Finance Committee.

Representative Hebner brought HB 490, jointly sponsored by Representatives Ewing, Davis, Houghton & Plant & Senator Sharp, before the House for consideration.

HB 490 - An Act to Amend Subchapter II, Chapter 5, Title 11 of the Delaware Code Relating to Death or Serious Physical Injury Caused by a Driver of a Motor Vehicle. (2/3 bill)(F/N)

Representative Hebner moved to place HB 490 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker reassigned HB 540 to the Labor & Pensions Committee.

Representative Clark brought HB 487, jointly sponsored by Representatives B. Ennis, Quillen, Buckworth, Ewing, Schroeder & West & Senators Cook, Vaughn & Minner, before the House for consideration.

HB 487 - An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Cancellation of Automobile Insurance Policies.

The roll call on HB 487 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Sills, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 36.

ABSENT: Representatives George, Jester, Oberle, Roy, Smith - 5.

Therefore, having received a constitutional majority, HB 487 was sent to the Senate for concurrence.

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

The Majority Leader moved to recess to the call of the Chair at 4:26 p.m.

13th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

March 20, 1990

Mr. Speaker Spence called the House to order at 2:40 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 343, SB 346 w/SA 1, SCR 117, SCR 118, SCR 119, SCR 120, SCR 121, HCR 122, HCR 123, HCR 124 & SCR 124.

M E M O R A N D U M

DATE: March 20, 1990

TO: Rep. Terry Spence, Speaker of the House

FROM: Representative Donald M. Clark

Due to illness Representative Clark will not be in attendance on March 20, 1990. Hopefully he will be able to return on March 21, 1990.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative William A. Oberle, Jr., do hereby request that my name be removed as Co-Sponsor of HB 541.

Date: 3/15/90.

Signed: William A. Oberle, Jr.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Charles L. Hebner, do hereby request that my name be removed as Co-Sponsor of HB 539.

Date: 3/15/90.

Signed: Charles L. Hebner.

M E M O R A N D U M

TO: JoAnn Hedrick, Chief Clerk

House of Representatives

FROM: Senator John Still

DATE: March 13, 1990

RE: House Bill 455

Please be advised that I respectfully request to have my name removed as a co-sponsor on the above-referenced bill regarding assault weapons. Thank you for your consideration.

TFL

The Majority Leader moved to adjourn at 2:48 p.m., thereby ending the current legislative day. The House reconvened at 2:49 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Clark - 1.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

The following prefiled legislation was introduced:

HB 541 - DAVIS & SENATOR CORDREY; REPRESENTATIVES BUCKWORTH, PETRILLI, SPENCE, AMICK, CAREY, CAULK, CORROZI, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, LEE, MACK, MARONEY, QUILLEN, REYNOLDS, ROY, BENNETT, BRADY, BUNTING, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SCHROEDER, SOLES, VAN SANT, WEST; SENATORS ADAMS, COOK, HOLLOWAY, MARTIN, MINNER, TORBERT, VENABLES, BAIR, BANE, NEAL, J. STILL - ED: An Act to Amend Title 14, Chapter 40, and Title 19, Chapter 13, of the Delaware Code Relating to the Right of School Employees to Organize.

HB 542 - CAULK & SENATOR ADAMS; REPRESENTATIVE CLARK & SENATOR MINNER; REPRESENTATIVES CAREY, QUILLEN, FALLON, BUNTING, SCHROEDER; SENATORS COOK, CORDREY, VAUGHN, VENABLES, CONNOR, J. STILL; REPRESENTATIVES LEE, EWING, BUCKWORTH, SPENCE, REYNOLDS, B. ENNIS - P/S: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Trespass by Motor Vehicle or OHV and Penalties Therefor. (2/3 bill)

HB 543 - DAVIS, OBERLE; SENATOR HOLLOWAY - B & I: An Act to Amend Title 18, Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

HB 544 - AMICK - SUBS ABUSE: An Act to Amend Chapter 23, Part II, Title 11 of the Delaware Code Relating to Grounds for Seizure of Certain Vehicles Used in the Transportation of Controlled Substances.

HB 545 - LEE, CORROZI; SENATORS SHARP, COOK - JUD: An Act to Amend Title 8, of the Delaware Code Relating to the General Corporation Law of the State of Delaware. (2/3 bill)

HB 546 - B. ENNIS, SPENCE; SENATORS TORBERT, VAUGHN; REPRESENTATIVES EWING, OBERLE, VAN SANT, HOUGHTON - P/S: An Act to Amend Chapter 43, Title 21, of the Delaware Code, Relating to Vehicle Windshields, Front Side Windows and Side Wings.

HA 2 to HB 52 - B. ENNIS - APPRO: Placed with the bill.

HA 2 to HB 354 - MARONEY - READY LIST: Placed with the bill.

HA 1 to HB 523 - ROY - TRANS: Placed with the bill.

SB 343 - MINNER - NAT RES: An Act to Amend Chapters 29 and 23, Title 7, Delaware Code, Relating to Licensing Commercial Crabbers, Taking Mature Female Crabs, Defines Crab Pots and Restricting Non-Commercial Crabbers to One Bushel a Day. (2/3 bill)

SB 346 w/SA 1 - MARSHALL; REPRESENTATIVES JONKIERT, DIPINTO; SENATORS MCDOWELL, HOLLOWAY, COOK, BAIR, BANE; REPRESENTATIVES GEORGE, SILLS, PLANT, DAVIS, HEBNER, CAMPANELLI, CAREY, B. ENNIS, WEST, GILLIGAN, VAN SANT, HOUGHTON, OBERLE, SPENCE, CORROZI - H/ADM: An Act to Amend Chapter 3, Title 22 of the Delaware Code Relating to Municipal Zoning Regulations and the Voting Requirement in Cases Involving a Protest of Federally Assisted Multi-Family Housing for the Elderly and Handicapped. (2/3 bill)

Representative Brady requested that he be marked present.

Representative West requested that HB 263 be stricken.

Representative DiPinto requested that HB 272 be stricken.

Representative Lee requested that HB 456 be stricken.

Representative Taylor requested that HB 475 be stricken.
The minutes of the previous legislative day were approved as posted.
Representative Roy requested that HS 1 to HB 33 be stricken.
The Majority Leader moved to recess for caucus at 2:55 p.m.
The House reconvened at 4:36 p.m.
The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: SB 335 w/SA 1, SB 354 & SB

355.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 541.

Date: 3/20/90.

Signed: Al O. Plant, Sr.

Mr. Speaker reassigned HB 545 to the Revenue & Finance Committee.

Representative Mack requested that he be marked present.

Representative Amick brought HB 396, jointly sponsored by Representatives Boykin, Roy, Houghton, Jonkiert & Taylor & Senators Torbert, Minner, Venables, Knox & J. Still, before the House for consideration.

HB 396 - An Act to Amend Chapter 5, Title 24 of the Delaware Code Relating to the Regulation of Podiatrists.

Representative Amick requested that HA 1 to HB 396 be stricken.

Representative Amick introduced and brought HA 2 to HB 396 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 396 w/HA 2 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker
Spence - 39.

NO: Representative Brady - 1.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 396 w/HA 2 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:03 p.m.

14th LEGISLATIVE DAY 135th GENERAL ASSEMBLY

Second Session

March 21, 1990

Mr. Speaker Spence called the House to order at 2:24 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 77, SCR 123, SCR 125 & SB 340 w/SA 1.

Representative Roy introduced HA 1 to HB 391, jointly sponsored by Representative Outten. HA 1 to HB 391 was placed with the bill.

The Majority Leader moved to adjourn at 2:26 p.m., thereby ending the current legislative day. The House reconvened at 2:27 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Gilligan - 1.

A prayer was offered Richard Millman, Staff Member.

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

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

The following prefiled legislation was introduced:

HB 547 - CAULK & SENATOR VAUGHN; REPRESENTATIVES SPENCE, AMICK, D. ENNIS, DIPINTO, LEE, REYNOLDS, CLARK, B. ENNIS, BRADY, BUNTING, HOUGHTON, JONKIERT, PLANT, VAN SANT, WEST; SENATOR TORBERT - NAT RES: An Act to Amend Chapter 80 of Title 29 of the Delaware Code Relating to the Department of Natural Resources and Environmental Control.

HB 549 - FALLON & SENATOR CONNOR; REPRESENTATIVES BUCKWORTH, PETRILLI, SPENCE, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, MACK, QUILLEN, REYNOLDS, TAYLOR, BENNETT, BRADY, BUNTING, CAMPANELLI, B. ENNIS, GILLIGAN, JESTER, OUTTEN, PLANT, SOLES; SENATORS BAIR, BANE, CORDREY, KNOX, MINNER, NEAL, R. STILL, VAUGHN - LABOR & PENSIONS: An Act to Amend Chapters 55 and 56, Title 29, Delaware Code Relating to Computations of Judicial and State Employee Pensions.

HB 550 - LEE - R & F: An Act to Amend Chapter 51, Title 30 of the Delaware Code Regarding Monthly Reports of Motor Fuel Distributors and Special Fuel Dealers, Users and Suppliers.

HB 551 - JONKIERT - JUD: An Act to Amend Title 6 of the Delaware Code Relating to Contracts and Basic Readability Requirements.

HA 1 to HB 447 - CAREY - L.O.T.: Placed with the bill.

HA 1 to HB 541 - DAVIS - ED: Placed with the bill.

SB 77 - TORBERT, COOK, MINNER, HOLLOWAY, MARTIN, MCDOWELL, ADAMS, CORDREY, MCBRIDE, KNOX, MARSHALL, VAUGHN; REPRESENTATIVES AMICK, B. ENNIS, BENNETT, QUILLEN, CAREY, CAULK, CORROZI, SOLES, VAN SANT, LEE, BUNTING, SPENCE, ROY, OUTTEN, JONKERT, GEORGE, CAMPANELLI, BRADY, JESTER, HOUGHTON, PLANT, SILLS, WEST - R & F: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Income Tax. (F/N)

SB 335 w/SA 1 - MINNER - NAT RES: An Act to Amend Chapter 39, Title 7, Delaware Code, Relating to General Powers and Duties of the Department of Natural Resources and Environmental Control.

SB 340 w/SA 1 - MINNER - NAT RES: An Act to Amend Chapter 72, Title 7, Delaware Code, Relating to Subaqueous Lands.

SB 354 - MINNER; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to the Marking of Nets in Tributaries.

SB 355 - MINNER; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Violations and Fines for Illegally Taking Striped Bass.

SCR 123 - MCBRIDE & REPRESENTATIVE GILLIGAN; SENATORS SHARP, MCDOWELL - HUM RES: Urging the Administrators at the Christiana Hospital to Rescind the Recently-Implemented Paid Parking Requirement for Visitors.

HA 1 to SB 210 - AMICK - READY LIST: Placed with the bill.

The Majority Leader moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 5:35 p.m.

Representatives Plant, Quillen, Schroeder, D. Ennis, Taylor, Carey, Mack, Buckworth & Sils requested that they be marked present.

The following prefilled Consent Calendar #25 was introduced:

HR 184 - OBERLE, BUCKWORTH, EWING, CAULK, QUILLEN, BENNETT, CLARK, MARONEY - Congratulating Michael Harrington, Sr., for Being Named Recipient of ERA Real Estate's Prestigious Gene Francis Memorial Award.

HR 185 - TAYLOR - Praising the Efforts of Edna DeVito in Helping Children Cope With the Stress Related to Death, Divorce and Separation.

HR 186 - EWING - Celebrating the 102nd Birthday of Carrie Sanderlin.

HR 187 - BUCKWORTH - Honoring United States Marine Corps First Lieutenant Brian J. McGuire Upon Receipt of the Navy Achievement Medal.

HR 188 - AMICK, SOLES, GILLIGAN - Congratulating the Newark Yellowjackets Upon Winning the Boys' State High School Basketball Championship.

HCR 126 - OBERLE & ALL REPRESENTATIVES & ALL SENATORS - Commending the United Auto Workers for Their Part in Earth Day '90.

HCR 127 - GEORGE & SENATOR MCDOWELL; REPRESENTATIVE DIPINTO - Commending Jim Ford, a Renowned and Highly Admired Basketball Official, Who Recently Announced His Retirement From the Extracurricular Assignment of Basketball Officiating After Eighteen Years of Outstanding Service as a Referee.

HCR 128 - REYNOLDS & SENATOR CONNOR; REPRESENTATIVES SPENCE, MACK, BRADY, HOUGHTON; SENATOR MCBRIDE - Honoring William Penn High School's Jack Holloway as Delaware Wrestling Coach of the Year.

HCR 129 - MARONEY, GEORGE, CORROZI, PETRILLI, SOLES, BENNETT, GILLIGAN, SMITH, FALLON, DIPINTO - Commending the 1990 Chesapeake Bay Girl Scout Council Honorees, Mr. Joseph F. Hulihan for the Corporate Leadership Award, Mrs. Judy McCabe for the Arts Award, Mrs. Claire La Mar Carey for the Award of Well Being, Mrs. Betsy Rawls for the Out-of-Doors Award, and Mrs. Myriam Melgar for the Award of Today and Tomorrow.

SCR 117 - CORDREY, ADAMS; REPRESENTATIVES WEST, BUNTING - Expressing Deepest Sympathy to the Family of the Late Elsie E. Williams, Wife of the Late U.S. Senator John J. Williams of Millsboro, Delaware Who Died on Wednesday, February 28, 1990.

SCR 118 - COOK, VAUGHN, TORBERT, J. STILL, MINNER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH - Commending Soroptimist International of Dover, Delaware on Their Fiftieth "Golden" Anniversary, March 19, 1990.

SCR 119 - SHARP & ALL SENATORS; REPRESENTATIVE GEORGE & ALL REPRESENTATIVES - Recognizing April 28, 1990 as Worker Memorial Day on Behalf of Our Fellow Colleagues, Co-Workers and Others Who Have Been Either Injured, Made Sick or Died on the Job.

SCR 120 - MCDOWELL & ALL SENATORS; REPRESENTATIVES OUTTEN, BENNETT, BUCKWORTH - Wishing a Speedy Recovery to Former Senator Jacob W. "Jake" Zimmerman of Dover, Who Served 16 Years in the Senate and Six Years in the House of Representatives.

SCR 121 - BAIR & HOLLOWAY, HAUGE; REPRESENTATIVES SILLS, DIPINTO, BOYKIN, PLANT, BENNETT, MARONEY - Congratulating James H. Gilliam, Sr. on His Recent Retirement as New Castle County's First Housing Director, for His Sixteen Years of Innovative and Dedicated Service, and Wishing Him Every Success in His New Pursuits in Life.

SCR 124 - COOK & ALL SENATORS; REPRESENTATIVES BENNETT, B. ENNIS, CLARK, OUTTEN, QUILLEN, CAULK, BUCKWORTH, EWING, GEORGE, GILLIGAN & ALL REPRESENTATIVES - Bidding Farewell to Virginia Kirk, Reporter With the Delaware State News, Who Will be Leaving Her Current Employment on March 19, 1990 to Take on a New Assignment With United Press International in Harrisburg, Pennsylvania, and Extending to Her Our Best on Her New Assignment.

SCR 125 - R. STILL; REPRESENTATIVE CAMPANELLI; SENATOR MARSHALL; REPRESENTATIVE VAN SANT - Commending the Members of Elsmere Fire Co. No. 1 on Their Heroic Service During the Floods of July 1989 and Celebrating the Occasion of the Company's 69th Anniversary.

Consent Calendar #25 was adopted by voice vote and HCR 126, HCR 127, HCR 128 & HCR 129 were sent to the Senate for concurrence and SCR 117, SCR 118, SCR 119, SCR 120, SCR 121, SCR 124 & SCR 125 were 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 344, HB 147 w/HA 1 & SA 1 & HB 148 w/HA 1.

M E M O R A N D U M

TO: Terry R. Spence, Speaker
FROM: Representative Bruce C. Reynolds
SUBJECT: Absence from Session
DATE: March 21, 1990

Due to a personal business trip, I will be absent from Session on Wednesday, March 28.
Thank you for your attention to this matter.

/set

cc: JoAnn Hedrick, Chief Clerk

March 20, 1990

LEGISLATIVE ADVISORY #36

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 3/19/90 - SB 44 aab HA 3, SB 50 aab HA 1 & SB 223 aab HA 1.

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

ED: HB 497 - 5F,1M; HB 499 - 1F,5M.

SM BUS & ECON DEV: HB 510 - 5M.

H/ADM: HB 434 - 1F,3M; HB 468 - 1F,3M; HB 526 - 1F,3M; SB 169 - 1F,3M; SB 346 w/SA 1 - 3F,1U.

P/S: HB 496 - 1F,4M.

JUD: HB 515 - 4F,1M; HB 531 - 3F,2M; HJR 11 - 1F,4M.

NAT RES: HB 492 - 5M; SB 343 - 3F,2M.

R & F: HB 545 - 5M.

LAND USE & GOV REL: HB 363 - 1F,4M; HB 408 - 1F,4M; SB 263 - 1F,4M.

B & I: HB 548 - 2F,5M.

Mr. Speaker assigned HB 510, HB 434 & HB 499 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:48 p.m.

15th LEGISLATIVE DAY
135th GENERAL ASSEMBLY

Second Session

March 22, 1990

Mr. Speaker Spence called the House to order at 2:24 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 11, SJR 10, HB 394 w/SA 1,2,3 & 4, HCR 120 & HCR 121.

March 20, 1990
I N V I T A T I O N

To: Members, 135th General Assembly

The Delaware State Lodge, Fraternal Order of Police, feels privileged to again host Police Memorial Services in Delaware. The service is to pay tribute to those law enforcement officers throughout the state who have lost their lives in the line of duty. We also honor those who, while actively engaged in law enforcement, died of other causes. All served their Country and State, have made the supreme sacrifice, but have not been forgotten.

On behalf of the Delaware State Lodge, Fraternal Order of Police, we cordially invite the members of the General Assembly to attend the ceremony, which will be held on the west side of Legislative Hall on Wednesday, May 9, 1990, at 12:00 noon.

Respectfully submitted,
Jack A. Egolf
Memorial Service Chairman

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the current legislative day. The House reconvened at 2:26 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 552 - LEE, B. ENNIS - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Preemption Devices. (2/3 bill)

HB 553 - PETRILLI & SPENCE - LAND USE & GOV REL: An Act to Amend Chapter 81, Title 9, Delaware Code Relating to Limitations Upon Taxing Power of Any County or Other Political Subdivision of the State or County. (2/3 bill)

HB 554 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES MACK, REYNOLDS, CAMPANELLI, PLANT - LABOR & PENSIONS: An Act to Amend Chapter 25, Title 18, Delaware Code Relating to the Filing of Rates by Workmen's Compensation Insurance Carriers.

HB 555 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES MACK, DAVIS, REYNOLDS, PLANT, CAMPANELLI; SENATOR SHARP - LABOR & PENSIONS: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Claims Which May be Brought by Employees Against Their Employers and Reimbursement of Employers or Insurers.

HB 556 - CAULK & SENATOR MINNER; REPRESENTATIVES SPENCE, BUCKWORTH, AMICK, DIPINTO, D. ENNIS, LEE, OBERLE, REYNOLDS, BRADY, BUNTING, B. ENNIS, JESTER, JONKIERT, PLANT, CLARK, VAN SANT, WEST; SENATORS TORBERT, VAUGHN, VENABLES - NAT RES: An Act to Amend Chapter 1, Title 7 of the Delaware Code Relating to Protected Wildlife and Making a Supplemental Appropriation Therefor.

HB 557 - BRADY, JONKIERT, MACK, D. ENNIS, PLANT, EWING, LEE, BENNETT, SCHROEDER, VAN SANT, PETRILLI, SOLES, WEST, CAULK, CLARK, BUNTING, GILLIGAN, REYNOLDS, OUTTEN - P/S: An Act to Amend Title 21 Section 4402 Relating to Abandoned Vehicles and Private Rights-of-Way.

HB 558 - BRADY, JONKIERT, D. ENNIS, PLANT, VAN SANT, LEE, EWING, CLARK, CAULK, SCHROEDER, WEST, BUNTING - ED: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Length of Term for Persons Elected to Serve on School Boards of Reorganized School Districts.

HB 559 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES MACK, DAVIS, REYNOLDS, CAMPANELLI, PLANT; SENATOR SHARP - LABOR & PENSIONS: An Act to Amend Title 19, Section 2363 of the Delaware Code Relating to Expenses of Recovery in Third Party Actions.

HA 3 to HB 301 - AMICK - AGENDA: Placed with the bill.

HA 2 to HB 302 - JESTER - AGENDA: Placed with the bill.

HA 1 to HB 436 - CAREY - AGENDA: Placed with the bill.

HA 1 to HB 497 - JESTER - READY LIST: Placed with the bill.

HA 1 to HB 517 - SILLS - HUM RES: Placed with the bill.

HA 1 to HB 545 - LEE - AGENDA: Placed with the bill.

HA 1 to HJR 11 - GEORGE - READY LIST: Placed with the bill.

SB 344 - HOLLOWAY & ALL SENATORS; REPRESENTATIVE GEORGE & ALL REPRESENTATIVES - APPRO: An Act to Amend Title 16, of the Delaware Code, Relating to the Cancer Control Act. (F/N)
SJR 10 - MARTIN & REPRESENTATIVE ROY; SENATORS J. STILL, BAIR, CONNOR, SHARP, R. STILL, COOK, MINNER, VAUGHN, MARSHALL, COROREY, KNOX, VENABLES, BANE; REPRESENTATIVE SOLES - TRANS: Establishing the Adopt-a-Highway Program in Delaware Administered by the Department of Transportation. (F/N)

SJR 11 - VENABLES, MARTIN; REPRESENTATIVE LEE - H/ADM: Honoring the Late General Richard H. Ellis, a Native of Laurel, Delaware, for His Outstanding Contributions and Appointing a Committee to Raise the Necessary Funds to Commission an Artist to do a Portrait of General Richard H. Ellis to be Hung in the Gallery of Legislative Hall Among Other Distinguished Delaware Military Heroes.

HA 1 to SB 171 - PETRILLI - H/ADM: Placed with the bill.

Representative Houghton requested that he be marked present.

Representatives Plant, West, Jonkiert, Davis, Campanelli & Outten requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:34 p.m.

The House reconvened at 3:38 p.m.

Representatives D. Ennis, Brady, Clark & Mack requested that they be marked present.

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

SUNSET & OVERVIEW: HB 469 - 1F,3M; HB 537 - 1F,3M; HB 538 - 1F,3M.

Representative Maroney brought HB 147 w/HA 1 & SA 1, jointly sponsored by Senator Holloway & Representatives Fallon, DiPinto, Jester & Sills, before the House for consideration.

HB 147 - An Act to Amend Chapter 39, Title 31 of the Delaware Code Relating to Adult Protective Services.

The roll call on HB 147 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HB 147 w/HA 1 & SA 1 was sent to the Governor.

Representative Carey brought HB 409, jointly sponsored by Representatives Quillen, Mack, Clark, Bunting & Schroeder & Senators Minner, Venables, Knox & R. Still, before the House for consideration.

HB 409 - An Act to Amend Part I, Title 7 of the Delaware Code Relating to Fishing. (2/3 bill)

Representative Carey brought HA 1 to HB 409 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 409 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Schroeder, Smith, Soles, Taylor, Van Sant, West, Mr. Speaker Spence - 39.

ABSENT: Representatives Roy, Sills - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 409 w/HA 1 was sent to the Senate for concurrence.

Representative Hebner brought HB 525 before the House for consideration.

HB 525 - An Act to Amend Title 10, Section 6910 of the Delaware Code Restricting the Mandatory Release of Charged Prisoners.

The roll call on HB 525 was taken and revealed: