



STATE OF DELAWARE



**Journal
of the
House of Representatives**

140th General Assembly

**Convened
Tuesday, January 12, 1999
Dover, Delaware**

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**1999-2000**



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
140<sup>TH</sup> GENERAL ASSEMBLY

**NEW CASTLE COUNTY**

District

- 1 Dennis P. Williams, 3414 N. Madison Street, Wilmington
- 2 Al O. Plant, Sr., 523 Eastlawn Avenue, Wilmington
- 3 Arthur L. Scott, 513 Taylor Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18<sup>th</sup> Street, Wilmington
- 5 Helene M. Keeley, 2119 Gilles Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Rd., Wilmington
- 7 Wayne A. Smith, 3 Richards Drive, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Wilmington
- 9 Richard C. Cathcart, 226 Milford Drive, Middletown
- 10 Robert J. Valihura, Jr., 718 Kilburn Road, Wilmington
- 11 Catherine A. Cloutier, 2404 Heather Road East, Wilmington
- 12 Deborah Hudson Capano, 1022 Oriente Avenue, Wilmington
- 13 John F. VanSant, 311 Troy Ave., Wilmington
- 14 Richard A. DiLiberto, Jr., 2 Phillip Court, Newark
- 15 Bruce C. Reynolds, 10 Heather Loft Court, Bear
- 16 William I. Houghton, 9 Varmar Drive, New Castle
- 17 Michael P. Mulrooney, 32 Saratoga Drive, New Castle
- 18 Terry R. Spence, 26 Freeport Rd., New Castle
- 19 Robert F. Gilligan, 2628 Sherwood Drive, Wilmington
- 20 Roger P. Roy, 3 Citation Court, Wilmington
- 21 Pamela S. Maier, 12 Chadd Road, Newark
- 22 Joseph E. Miro, 5 Firechase Circle, Newark
- 23 Timothy U. Boulden, 65 Hidden Valley Drive, Newark
- 24 William A. Oberle, Jr., 2 Danver's Way, Newark
- 25 Stephanie A. Ulbrich, 1018 Summit View Drive, Newark
- 26 John J. Viola, 9 Orangeburg Court, Newark
- 27 Vincent A. Lofink, 122 Savannah Drive West, Bear

**KENT COUNTY**

- 28 Bruce C. Ennis, 522 Smyrna-Clayton Boulevard, Smyrna
- 29 Charles W. Welch, 5 Bunker Court, Dover
- 30 George Robert Quillen, 3109 Hunting Quarter Road, Harrington
- 31 Nancy H. Wagner, 283 Troon Road, Dover
- 32 Donna D. Stone, 1155 Woodsedge Road, Dover
- 33 G. Wallace Caulk, Buffalo Run Farm, 4657 Barratt's Chapel Rd., Frederica
- 34 Gerald A. Buckworth, 127 North Old Mill Road, Dover

**SUSSEX COUNTY**

- 35 J. Benjamin Ewing, RD 1, Box 170, Bridgeville
- 36 V. George Carey, RD #1, Box 161, Milford
- 37 John R. Schroeder, 47 Edgewater Drive, Lewes
- 38 Shirley A. Price, RD 2, Box 120, Millville
- 39 Tina Fallon, Route 4, Box 219, Old Meadow Rd., Seaford
- 40 Clifford G. Lee, 705 South Central Avenue, Laurel
- 41 Charles P. West, RD #3, Box 241, Millsboro

**STAFF MEMBERS**  
140<sup>TH</sup> GENERAL ASSEMBLY

- JoAnn M. Hedrick – Chief Clerk
- Thomas J. McCarthy, Jr. – Majority Administrative Assistant - 1999
- John Matlusky – Majority Administrative Assistant - 2000
- Jean Ardis - Secretary
- Sally Baker – Podium Secretary/Reading Clerk
- John Brady – Majority Attorney

Carol Breslin – Financial Officer  
 Nelson Camper – Recorder  
 Danielle Catarelli – Secretary  
 Deirdre Comer – Secretary  
 Josephine Conaty – Page  
 Kevin Coyle – Legislative Assistant  
 Bette Crystal – Secretary to the Speaker  
 Sue Dick - Secretary  
 Mary Ann Dill – Legal Secretary  
 Inga Emerson – Journal Clerk  
 Janice Fischback - Secretary  
 Joe Fulgham – Communications Officer  
 Luisa Georgov – Legal Secretary  
 Joyce Grymes – Receptionist  
 John Hammerer - Page  
 Michael Hanson – Majority Attorney  
 Rylene Harper - Secretary  
 Helen Hicks – Secretary  
 Claude Hodges – Sergeant-At-Arms  
 Barbara Holton – Minority Head Page  
 Margaret Hood – Head Sergeant-At-Arms  
 Ruth Joyce – Majority Head Page  
 Joyce Keeler - Secretary  
 Mary Kidwell – Leadership Secretary  
 Janet Kilpatrick – Legislative Assistant  
 Dee King – Page  
 Patricia Lamb- Secretary  
 Florence Legates – Bill Clerk - 2000  
 Robert Leoni – Minority Attorney  
 Joyce Liss – Secretary  
 Carole Lloyd – Receptionist  
 Tony Maczynski – Legislative Assistant  
 Stephanie Mantegna – Caucus Liaison/Legislative Assistant  
 Joan Marvel – Leadership Secretary  
 John Matlusky – Legislative Assistant - 1999  
 Michele McCoy – Minority Legislative Assistant  
 Dolores Michels – Secretary  
 Margaret Millman – Page  
 Rosalie Millman – Bill Stamping Clerk  
 Margaret Moore – Assistant to the Speaker  
 Phillip Moore – Sergeant-At-Arms  
 Gina Parman – Receptionist  
 Pamela Price – Director of Research  
 Deborah Puzzo – Secretary/Caucus Liaison  
 Lori (Davis) Rigby – Legislative Assistant  
 Debra Rivard – Legal Secretary  
 Battle Robinson – Majority Attorney  
 Barbara Rossiter – Head Bill Prep  
 Nancy Ruberto – Secretary  
 Connie Sadusky – Secretary  
 Ayesha Sammänder – Applications Support Specialist  
 Frances Schmidt – Page  
 Suzanne Sheffield – Minority Legal Secretary

Margaret Stafford – Page  
Edith Sylvester - Page  
Joan VanGorder – Secretary  
David Walsh – Minority Legislative Assistant  
Helen Webb – Bill Prep Clerk  
Lawrence Webber – Sergeant-At-Arms  
Mary Margaret Williams – Minority Administrative Assistant  
Joan Wutka - Secretary  
Janice Yerkes – Secretary  
Ellen Younghans – Bill Prep Clerk  
Kim Zebroski – Bill Prep Clerk/Receptionist

STANDING COMMITTEES  
OF THE  
HOUSE OF REPRESENTATIVES

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

**APPROPRIATIONS:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative G. Robert Quillen (Alternate); Representative Richard A. DiLiberto, Jr.; Representative William I. Houghton; Representative Shirley A. Price (Alternate).

**BUSINESS/CORPORATIONS/COMMERCE:** Representative Joseph E. Miro Chair; Representative David H. Ennis – Vice-chair; Representative Deborah Hudson Capano; Representative Tina Fallon; Representative Donna D. Stone; Representative Stephanie A. Ulbrich; Representative Nancy H. Wagner; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

**CAPITAL INFRASTRUCTURE:** Representative Roger P. Roy - Chair; Representative V. George Carey; Representative Vincent A. Lofink; Representative William A. Oberle, Jr.; Representative Timothy U. Boulden (Alternate); Representative Richard C. Cathcart (Alternate); Representative Clifford G. Lee (Alternate); Representative Donna D. Stone (Alternate); Representative Al O. Plant, Sr.; Representative John R. Schroeder; Representative Dennis P. Williams (Alternate).

**CORRECTIONS:** Representative Clifford G. Lee - Chair; Representative Nancy H. Wagner – Vice-chair; Representative Gerald A. Buckworth; Representative Richard C. Cathcart; Representative J. Benjamin Ewing, Jr.; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Al O. Plant, Sr.; Representative Dennis P. Williams.

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

**ECONOMIC DEVELOPMENT, BANKING & INSURANCE:** Representative Donna D. Stone - Chair; Representative David H. Ennis –Vice-chair; Representative Deborah Hudson Capano; Representative Tina Fallon; Representative V. George Carey; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

**EDUCATION:** Representative Bruce C. Reynolds - Chair; Representative Stephanie A. Ulbrich – Vice-chair; Representative Timothy U. Boulden; Representative Catherine A. Cloutier; Representative Pamela S. Maier; Representative Joseph E. Miro; Representative William A. Oberle, Jr.; Representative Michael P. Mulrooney; Representative Shirley A. Price; Representative John R. Schroeder; Representative John J. Viola.

**ETHICS:** Representative Wayne A. Smith - Chair; Representative Terry R. Spence; Representative Charles W. Welch; Representative Robert F. Gilligan; Representative John F. VanSant.

**GAMING AND PARI-MUTUELS:** Representative William A. Oberle, Jr. – Chair; Representative G. Robert Quillen; Representative Deborah Hudson Capano; Representative Vincent A. Lofink; Representative Donna D. Stone; Representative Nancy H. Wagner; Representative Bruce C. Ennis; Representative Robert F. Gilligan; Representative Al O. Plant, Sr.

**HEALTH & HUMAN DEVELOPMENT:** Representative Pamela S. Maier - Chair; Representative Catherine A. Cloutier – Vice-chair; Representative Timothy U. Boulden; Representative Joseph E. Miro; Representative William A. Oberle, Jr.; Representative Stephanie A. Ulbrich; Representative Michael P. Mulrooney; Representative Shirley A. Price; Representative John R. Schroeder; Representative John J. Viola.

**HOUSE ADMINISTRATION:** Representative Wayne A. Smith – Chair; Representative Terry R. Spence; Representative Charles W. Welch; Representative Robert F. Gilligan; Representative John F. VanSant.

**HOUSING & COMMUNITY AFFAIRS:** Representative Robert J. Valihura, Jr. - Chair; Representative Donna D. Stone – Vice-chair; Representative Deborah Hudson Capano; Representative David H. Ennis; Representative Tina Fallon; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Shirley A. Price.

**JOINT FINANCE:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative G. Robert Quillen (Alternate); Representative Richard A. DiLiberto, Jr.; Representative William I. Houghton; Representative Shirley A. Price (Alternate).

**JUDICIARY:** Representative Nancy H. Wagner - Chair; Representative J. Benjamin Ewing, Jr. – Vice-chair; Representative Gerald A. Buckworth; Representative Richard C. Cathcart; Representative Clifford G. Lee; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Al. O. Plant, Sr.; Representative Dennis P. Williams.

**LABOR:** Representative Charles W. Welch - Chair; Representative Bruce C. Reynolds – Vice-chair; Representative William A. Oberle, Jr.; Representative Vincent A. Lofink; Representative Michael P. Mulrooney; Representative John J. Viola; Representative Dennis P. Williams.

**LAND USE AND INFRASTRUCTURE:** Representative Richard C. Cathcart – Chair; Representative Joseph E. Miro – Vice-chair; Representative Timothy U. Boulden; Representative G. Wallace Caulk, Jr.; Representative Catherine A. Cloutier; Representative Vincent A. Lofink; Representative Robert J. Valihura, Jr.; Representative David D. Brady; Representative Bruce C. Ennis; Representative Shirley A. Price; Representative John J. Viola; Representative Charles P. West.

**LEGISLATIVE COUNCIL:** Representative Terry R. Spence – Chair; Representative Wayne A. Smith; Representative Charles W. Welch; Representative Robert F. Gilligan; Representative John F. VanSant.

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

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

**PUBLIC SAFETY:** Representative J. Benjamin Ewing, Jr. – Chair; Representative Gerald A. Buckworth – Vice-chair; Representative Richard C. Cathcart; Representative Clifford G. Lee; Representative Nancy H. Wagner; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Al O. Plant, Sr.; Representative Dennis P. Williams.

**REVENUE & FINANCE:** Representative Deborah Hudson Capano – Chair; Representative Robert J. Valihura, Jr. – Vice-chair; Representative David H. Ennis; Representative Tina Fallon; Representative Donna D. Stone; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

**RULES:** Representative Charles W. Welch – Chair; Representative Wayne A. Smith; Representative Terry R. Spence; Representative Robert F. Gilligan; Representative John F. VanSant.

**TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION:** Representative Roger P. Roy – Chair; Representative Deborah Hudson Capano – Vice-chair; Representative G. Robert Quillen; Representative Robert F. Gilligan; Representative Shirley A. Price.

**TOURISM:** Representative Catherine A. Cloutier – Chair; Representative Tina Fallon – Vice-chair; Representative Gerald A. Buckworth; Representative Deborah Hudson Capano; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Clifford G. Lee; Representative Pamela S. Maier; Representative Donna D. Stone; Representative Nancy H. Wagner; Representative Bruce C. Ennis; Representative Helene M. Keeley; Representative Shirley A. Price; Representative John R. Schroeder.

**TRANSPORTATION:** Representative Timothy U. Boulden – Chair; Representative Richard C. Cathcart; Representative G. Wallace Caulk, Jr.; Representative Vincent A. Lofink; Representative Robert J. Valihura, Jr.; Representative Joseph E. Miro; Representative David D. Brady; Representative Bruce C. Ennis; Representative Shirley A. Price; Representative John J. Viola; Representative Charles P. West.

**VETERANS' AFFAIRS:** Representative Richard C. Cathcart – Chair; Representative Tina Fallon; Representative William A. Oberle, Jr.; Representative Bruce C. Ennis; Representative John J. Viola.

**PERMANENT RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
140<sup>TH</sup> GENERAL ASSEMBLY  
1999-2000  
HOUSE RESOLUTION NUMBER 4  
AS AMENDED BY HOUSE RESOLUTION NUMBER 33**

**I. RULES OF ORDER**

**RULE 1 – CONVENING OF HOUSE**

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

**RULE 2 - ORDER OF BUSINESS**

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

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

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

(3) Reports from standing and special committees.

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

(5) Consideration of agenda.

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

(7) Announcement of committee meetings.

(8) Announcement of agenda for next legislative day.

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

**RULE 3 - MESSAGES**

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

**II. DUTIES OF THE SPEAKER**

**RULE 4 - ORDER AND DECORUM**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **RULE 11 - SUBPOENA ISSUANCE**

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

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

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

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

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

### **RULE 13- QUORUM**

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

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

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

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

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

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

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

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

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

(1) a call to order by the Speaker.

(2) a point of order by a member.

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

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

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

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

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

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

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

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

(C) If the member is present, the disclosure required under paragraph (A) shall be made in open session, (i) prior to the vote on the measure or the bill by any committee of which the member is a member, and (ii) prior to the vote on the measure or bill in the House. Disclosure may be made by written statement submitted to the Chairperson of a committee or the Speaker of the House, and read in open session in the committee or the House as the case may be. If the member is absent when a measure or bill is voted on which would have required disclosure required under paragraph (A), then the member shall make the required disclosure as soon as possible upon returning to the committee or House.

(D) For the purposes of this Rule:

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

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

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

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

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

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

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

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

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

(7) A member shall not fail to comply with the financial disclosure requirements of Chapter 58, Title 29 of the Delaware Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Every bill or resolution shall be introduced by:

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

A. the sponsor's written direction to the Chief Clerk;

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

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

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

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

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

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

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

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

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

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

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

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

(b) (1) All legislation proposing new fees or increases in existing fees charged by any state agency shall include therewith an explanation of:

(A) the expected total amount of funds to be generated by the proposed fee or fee increase;

(B) the purpose of the proposed new fee or fee increase;

(C) a general identification of the persons, business entities or organizations affected by the legislation;

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

(E) the intended use by the agency of the revenues generated by the new fees or fee increases.

(2) The Office of the Controller General shall conduct such review or audit of the information offered by the state agency pursuant to (b)(1) as is deemed necessary to

evaluate the information required therein, and shall issue a written report of its findings. The written report of the Office of the Controller General's findings shall be attached to the legislation, by the sponsor of the legislation, prior to the legislation's initial committee consideration in the house of origin.

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

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

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

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

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

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

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

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

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

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

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

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

(2) An amendment which reverses the directions given by the amendment being stricken.

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

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

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

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

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

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

Every bill or resolution which has been in committee for a period of more than 12 legislative days, except those assigned to the Appropriations Committee pursuant to Rule 20, shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

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

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

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

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

(d) A roll call may not be laid on the table.

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

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

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

**V. COMMITTEES**

**RULE 28 - STANDING COMMITTEES**

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

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

Standing Committees:

- (1) Agriculture
- (2) Appropriations
- (3) Business/Corporations/Commerce
- (4) Capital Infrastructure
- (5) Clearinghouse
- (6) Corrections
- (7) Economic Development Banking & Insurance
- (8) Education
- (9) Ethics
- (10) Health & Human Development
- (11) House Administration
- (12) House Rules
- (13) Housing & Community Affairs
- (14) Judiciary
- (15) Labor
- (16) Land Use and Infrastructure
- (17) Natural Resources & Environmental Management
- (18) Public Safety
- (19) Revenue & Finance
- (20) Substance Abuse
- (21) Sunset Committee/Policy Analysis & Government Accountability
- (22) Tourism
- (23) Transportation

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

**RULE 29 - APPOINTMENT OF SPECIAL COMMITTEES**

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

**RULE 30 - ETHICS COMMITTEE**

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

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

- (1) to recommend to the House, from time to time, such rules of conduct for members of the House as it shall deem appropriate;
- (2) to issue written advisory opinions upon the request of any member as to the applicability of any Rule of Legislative Conduct to any particular fact situation;
- (3) to investigate any alleged violation by a member of any Rule of Legislative Conduct and, after notice and hearing, to recommend to the House by resolution such disciplinary action as the committee may deem appropriate;
- (4) to report to the appropriate federal or State authorities any substantial evidence of a violation by any member of any law involving a Rule of Legislative Conduct which may come to its attention in connection with any proceeding whether advisory or investigative;

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

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

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

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

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

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

(e) A member of the Committee shall be ineligible to participate, as a member of the Committee, in any Committee proceeding relating to his or her legislative conduct. In any such case, the person appointing that member (either the Speaker or the Minority Leader) shall designate a member of the House to act as a member of the Committee in any Committee proceeding relating to the legislative conduct of such ineligible member. A member of the Committee who has been found by the House to have violated a Rule of Legislative Conduct shall be ineligible to serve again as a member of the Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Each bill, resolution or other legislative matter assigned to a standing committee shall pass through a prescribed deliberative process before being brought to the floor of the House, unless it is sooner petitioned out of committee. Such deliberative process shall include regularly scheduled, pre-announced meetings whereby the committee or subcommittee, after notice to the sponsor, makes time available for each formal sponsor to explain the legislation and answer possible questions, considers an analysis of the proposed legislation and receives testimony from the general public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **VI. MOTIONS**

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

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

(b) Every motion shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members present shall prevail in the case of a motion to recess, incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the members elected to the House shall prevail in the case of

privileged motions (except a motion to recess), main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail unless contrary to these Rules, or unless it is in conflict with the statutes, or provisions of the Constitution, of the State of Delaware.

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

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

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

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

- (1) to adjourn sine die. This motion is not debatable.
- (2) to adjourn. This motion is not debatable and cannot be amended nor

reconsidered.

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

(4) question of privilege.

(5) all incidental motions.

(6) to table.

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

(8) to limit debate.

(9) postpone to a day certain.

(10) to commit to committee.

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

(12) to reconsider.

(13) to take from the table.

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

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

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

(b) When a bill, resolution, report, amendment, order or message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or to the Governor, the motion to reconsider shall be accompanied by a motion in writing, attested to by the Speaker, to request the Senate or the Governor to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

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

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

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

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

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

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

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

## **VII. CALENDAR AND AGENDA**

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

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

### **RULE 45 - AGENDA**

- (a) The Speaker shall place items on the agenda pursuant to Rule 10 of these rules.
- (b) In lifting bills from the table, the motion to lift is the agenda item.
- (c) Any House bill amended by the Senate shall either be placed on the Agenda or assigned to committee, at the discretion of the Speaker.
- (d) Measures brought to the top of the Agenda for the day shall be permitted only to be:
  1. deferred to day certain two times only; or
  2. deferred to the end of agenda one time only; or
  3. laid on the table. A measure which has been on the table for six legislative days shall be returned to the Ready List; or
  4. brought to a vote.

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

- (a) Any member of the House may propose any bill or joint resolution for inclusion on a Consent Agenda for final reading. The proposal shall be made in writing to the office of the Chief Clerk on any day. If any bill or joint resolution on a particular Consent Agenda has a super majority vote requirement then such Consent Agenda will require the highest such vote requirement.
- (b) A bill or joint resolution shall be removed from a Consent Agenda if any member objects to it being included thereon. In addition, a bill or joint resolution may not be included on a Consent Agenda if at the time of reading a Consent Agenda an unattached amendment to it has been proposed.

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

### **RULE 47 - CONSENT CALENDAR**

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

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

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

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

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

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

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

## **VIII. MISCELLANEOUS**

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

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

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

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

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

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

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

## **RULE 52 - SUPERVISION OF LEGISLATIVE STAFF**

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

## **RULE 53 - REGISTRATION OF NEWS MEDIA**

- a. Members of the news media shall be registered by the Division of Research.
- b. Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the Speaker. Any person wishing to report proceedings of the House may apply to the Speaker for assignment of suitable available space.
- c. On approval of the Speaker, radio and television stations shall be permitted to air and record sessions of the House.
- d. Any use or reproduction of House tapes will require permission of the Speaker and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service.

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

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

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

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

## **RULE 56 - EXPEDITED PROCEDURES**

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

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

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

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

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

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

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

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

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

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

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

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

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

No motion, order or resolution to repeal or amend a Rule of the House may be considered or acted upon unless it has been submitted in writing to the House at least one day prior thereto,

together with the written text of any proposed amendment. The repeal or amendment of any Rule of the House requires the concurrence of at least a majority of the members elected to the House.

**RULE 60 - RULES TO BE PRINTED**

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

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

**RULE 61 - STATE MAIL AND POSTAGE**

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

**HOUSE RESOLUTION NO. 5**

Relating to Permanent Procedures of the House of Representatives of the 140th General Assembly of the State of Delaware for Ethics Violations.

**RULES OF PROCEDURE, ETHICS VIOLATIONS.**

**RULE 1 - SCOPE AND AUTHORITY.**

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

**PROCEEDINGS BEFORE THE ETHICS COMMITTEE.**

**RULE 2 - MEETINGS AND QUORUM.**

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

(b) A quorum of the Committee consists of a majority of the members of the Committee.

**RULE 3 - COMMITTEE RECORDS.**

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

(b) (1) Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a member of the House of Representatives of any Rule of Legislative Conduct shall be disclosed to the public before the transmittal, under Rule 8 of these rules, to such member of a statement of alleged violation in connection with such violation. After the service of such a statement on the member:

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

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

**RULE 4 - SPECIAL PROCEDURES.**

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

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

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

**COMMITTEE INVESTIGATIVE AUTHORITY.**

**RULE 6 - COMPLAINTS.**

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

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

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

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

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

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

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

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

(a) (1) The Staff of the Committee shall examine each complaint submitted to the Committee for compliance with the Rules of the House of Representatives and any other applicable Committee rules.

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

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

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

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

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

(b)(1) If the Committee determines that the complaint fails to allege facts which constitute a violation of a Rule of Legislative Conduct, the Committee shall deliver to the House a report of the action taken and a brief statement of the reasons therefor.

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

(3) If there are any dissenting votes to the determination in paragraph (b)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto provided that the Committee's determination shall be considered reversed and the investigation shall be pursued by the Committee upon the written petition of any member of the House filed with the Speaker and approved by the majority vote of the elected members of the House.

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

(a) (1) If the Committee determines under Rule 7 that the allegation of a violation in a complaint filed with the Committee merits further inquiry, or if the Committee's determination in that regard is reversed by the House, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

(2) In the preliminary inquiry:

(A) the respondent shall have an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held;

(B) the staff may interview witnesses and examine documents and other evidentiary matter;

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

(D) the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books,

records, correspondence, memoranda, papers, documents and other things as it deems necessary to the conduct of the inquiry; and

(E) any probative evidence may be used.

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

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

(c)(1) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry that there is no reason to believe that the violation occurred, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefore.

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

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

(d) If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the complaint. In such case, the dissenting members shall direct the Committee staff to transmit to the House and to the respondent, a statement of alleged violation as described in Subsection (b) which shall be the basis of the House's consideration of the matter.

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

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

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

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

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

(4) A motion for a bill of particulars.

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

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

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

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

(e) (1) As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the Committee shall act, by the vote of a majority of the members of the Committee, to:

(A) hold a disciplinary hearing on the violation charged in the statement;

(B) defer action on the statement, but only if there is a grand jury or judicial proceeding pending; or

(C) dismiss the statement.

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

(f)(1) If the Committee votes to dismiss the statement, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefor.

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

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

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

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

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

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

(d)(1) The order of phase one of a disciplinary hearing shall be as follows:

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

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

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

counsel, and then may be cross examined by Committee counsel or authorized staff member. Committee members may then question the witness. Redirect and recross may be permitted in the Chairman's discretion.

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

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

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

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

(a) (1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the statement and with respect to each count as originally drawn or as amended shall vote either to find that the count has been proved or to dismiss the count. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved.

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

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

(1) Suspension or expulsion from the House.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Any other sanction determined by the Committee to be appropriate.

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

(d) (1) If the Committee votes to dismiss all counts of a statement and there are no dissenting votes, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

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

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

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

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

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

**RULE 14 - ADMISSIBILITY OF EVIDENCE.**

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

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

**RULE 15 - WITNESSES.**

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

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

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

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

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

**PROCEEDINGS BEFORE THE HOUSE**

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

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

**RULE 17 - SPECIAL PROCEDURES.**

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

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

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

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

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

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

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the House in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial or unbiased decision. The member of the House against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer. Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities. Except for

good cause shown, no pleading of motion not described in paragraphs (1) through (5) will be considered by the House and the House will not consider any answer or motion in such paragraphs which is submitted under this rule after the expiration of such 20 calendar days.

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

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

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

(e) (1) As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the House shall act, by the vote of the majority of the members, to:

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

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

#### **RULE 19. DISCIPLINARY HEARINGS.**

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

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

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

(d) (1) The order of phase one of a disciplinary hearing shall be as follows:

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

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

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

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

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

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

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

**RULE 20. FINDINGS; SANCTIONS.**

(a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement, the House shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the House vote for a motion that the count has been proved. A count which is not proved shall be considered as dismissed by the House.

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

(1) Suspension or expulsion from the House.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Any other sanction determined by the committee to be appropriate.

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

**RULE 21. DISCLOSURE OF EVIDENCE.**

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

**RULE 22. EXCULPATORY INFORMATION.**

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

**RULE 23. ADMISSIBILITY OF EVIDENCE.**

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

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

**RULE 24. WITNESSES.**

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

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

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

(d) The respondent may apply to the Speaker for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is

relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

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

1st LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 12, 1999

Representative-Elect Oberle called the House to order at 2:20 p.m.

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

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

A prayer was offered by Reverend Brooks Reynolds.

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

The Temporary Chief Clerk called the names of the members-elect of the House of Representatives of the 140th General Assembly.

Representative District No. 1 - Representative-Elect Dennis P. Williams  
Representative District No. 2 - Representative-Elect Al O. Plant, Sr.  
Representative District No. 3 - Representative-Elect Arthur L. Scott  
Representative District No. 4 - Representative-Elect Joseph G. DiPinto  
Representative District No. 5 - Representative-Elect Helene M. Keeley  
Representative District No. 6 - Representative-Elect David H. Ennis  
Representative District No. 7 - Representative-Elect Wayne A. Smith  
Representative District No. 8 - Representative-Elect David D. Brady  
Representative District No. 9 - Representative-Elect Richard C. Cathcart  
Representative District No. 10 - Representative-Elect Robert J. Valihura, Jr.  
Representative District No. 11 - Representative-Elect Catherine A. Cloutier  
Representative District No. 12 - Representative-Elect Deborah H. Capano  
Representative District No. 13 - Representative-Elect John F. VanSant  
Representative District No. 14 - Representative-Elect Richard A. DiLiberto, Jr.  
Representative District No. 15 - Representative-Elect Bruce C. Reynolds  
Representative District No. 16 - Representative-Elect William I. Houghton  
Representative District No. 17 - Representative-Elect Michael P. Mulrooney  
Representative District No. 18 - Representative-Elect Terry R. Spence  
Representative District No. 19 - Representative-Elect Robert F. Gilligan  
Representative District No. 20 - Representative-Elect Roger P. Roy  
Representative District No. 21 - Representative-Elect Pamela S. Maier  
Representative District No. 22 - Representative-Elect Joseph E. Miro  
Representative District No. 23 - Representative-Elect Timothy U. Boulden  
Representative District No. 24 - Representative-Elect William A. Oberle, Jr.  
Representative District No. 25 - Representative-Elect Stephanie A. Ulbrich  
Representative District No. 26 - Representative-Elect John J. Viola  
Representative District No. 27 - Representative-Elect Vincent A. Lofink  
Representative District No. 28 - Representative-Elect Bruce C. Ennis  
Representative District No. 29 - Representative-Elect Charles W. Welch  
Representative District No. 30 - Representative-Elect George Robert Quillen  
Representative District No. 31 - Representative-Elect Nancy H. Wagner  
Representative District No. 32 - Representative-Elect Donna D. Stone  
Representative District No. 33 - Representative-Elect G. Wallace Caulk, Jr.  
Representative District No. 34 - Representative-Elect Gerald A. Buckworth  
Representative District No. 35 - Representative-Elect J. Benjamin Ewing, Jr.  
Representative District No. 36 - Representative-Elect V. George Carey  
Representative District No. 37 - Representative-Elect John R. Schroeder  
Representative District No. 38 - Representative-Elect Shirley A. Price  
Representative District No. 39 - Representative-Elect Tina Fallon  
Representative District No. 40 - Representative-Elect Clifford G. Lee  
Representative District No. 41 - Representative-Elect Charles P. West

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

Mr. Temporary Speaker Oberle appointed Representative-Elect Pamela S. Maier and Representative-Elect Helene M. Keeley to examine the Certificates of Election of the Members-Elect.

Miss Stephanie Iverson provided vocal entertainment while the committee was examining the certificates. Representative-Elect Maier reported that the Certificates had been examined and were found to be in order.

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

The State of Delaware  
New Castle County, ss.

Be It Remembered, that at the General Election held on Tuesday the Third day in November, in the year of our Lord One Thousand Nine Hundred Ninety-Eight, for New Castle County, according to the Constitution and the Laws of the State of Delaware,

Roger P. Roy  
was duly elected

Representative - 20th District

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

In Testimony Whereof, we, Henry duPont Ridgely and Vincent A. Bifferato, constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 5th day of November, A.D. 1998.

Henry duPont Ridgely, President Judge  
Vincent A. Bifferato, Resident Judge

Representative-Elect Smith moved that the reading of one Certificate constitute the reading of all. The motion was seconded by Representative-Elect Welch and adopted by voice vote.

Representative-Elect Smith moved that Judge Wayne Hanby, Delaware Justice of the Peace Court, administer the oath of Representative to Representative-Elect Oberle. The motion was seconded by Representative-Elect Welch and adopted by voice vote. Representative-Elect Oberle requested that Representatives-Elect Roy & Quillen and their guests join him as co-senior members. Judge Hanby administered the oath as follows:

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

William A. Oberle, Jr.  
State Representative

Sworn and subscribed before me this 12th day of January, A.D., 1999.

Wayne R. Hanby  
Judge, Justice of the Peace Court

Mr. Temporary Speaker Oberle made comments.

Representative-Elect Smith moved that Judge Wayne Hanby administer the oath of Representative to Representatives-Elect Cloutier, Miro, Mulrooney, Valihura and Viola, the newest Members-elect. The motion was seconded by Representative-Elect Welch and adopted by voice vote. The oath was administered by Judge Hanby as above.

Mr. Temporary Speaker Oberle made an announcement.

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

Mr. Temporary Speaker Oberle made an announcement and comments.

Mr. Temporary Speaker Oberle declared a recess at 2:53 p.m.

The House reconvened at 2:57 p.m.

Representative Smith moved that the oath of Representative be administered to Representative-Elect Robert F. Gilligan, the longest serving member of the House, by Justice Randy Holland, Delaware Supreme Court. The motion was seconded by Representative Welch and adopted by voice vote.

Justice Holland made comments and administered the oath to Representative-Elect Gilligan.

Representative Smith moved that the Temporary Chief Clerk call the official roll of the House of Representatives of the 140th General Assembly. The motion was seconded by Representative Welch and adopted by voice vote.

The roll call was taken and revealed:

Members Present: 40.

Member Absent: Representative-Elect Caulk - 1.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative G. Wallace Caulk, Jr.  
RE: Absence from Session  
DATE: January 11, 1999

It is necessary for me to be out of town on business the week of January 11, 1999 and I will not be able to attend session on January 12, 13 and 14. Thank you for your understanding.

Representative Smith moved that the roll as just called be adopted as the permanent roll of the House of Representatives of the 140th General Assembly. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith moved that the House operate temporarily under the rules of the 139th General Assembly until permanent rules are adopted. The motion was seconded by Representative Welch and adopted by voice vote.

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

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

BE IT RESOLVED by the House of Representatives of the 140th General Assembly of the State of Delaware that Terry R. Spence be made and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 140th General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representative Smith made an announcement.

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

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

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

Terry R. Spence  
Speaker of the House  
Sworn and subscribed before me this 12th day of January, A.D., 1999.  
Randy J. Holland  
Justice, Delaware Supreme Court

Mr. Speaker Spence made comments.

Representative Roger Roy announced that the Majority Caucus has met and elected Representative Wayne A. Smith from the Seventh Representative District as Majority Leader and Representative Charles W. Welch from the Twenty-ninth Representative District as Majority Whip.

Representative Al O. Plant, Sr. announced that the Minority Caucus has met and elected Representative Robert F. Gilligan, from the Nineteenth Representative District as Minority Leader and Representative John F. VanSant from the Thirteenth Representative District as Minority Whip.

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

HR 2 - IN REFERENCE TO ELECTION OF OFFICERS.

BE IT RESOLVED by the House of Representatives of the 140th General Assembly of the State of Delaware that JoAnn M. Hedrick is elected to serve as Chief Clerk of the House of Representatives and Sally A. Baker as Assistant Chief Clerk of the House of Representatives at the pleasure of the House of Representatives.

HR 2 was adopted by voice vote.

Mr. Speaker Spence made comments.

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

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

HJR 1 - IN REFERENCE TO OFFICERS.

BE IT RESOLVED by the House of Representatives and the Senate of the 140th General Assembly of the State of Delaware, with the approval of the Governor, that Donna Snell is elected to serve as Bill Clerk at the pleasure of the House of Representatives.

The roll call on HJR 1 was taken and revealed:

YES: 40.

ABSENT: Representative-Elect Caulk - 1.

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

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

Mr. Speaker Spence appointed Representative Tina Fallon and Representative Charles P. West to notify the Governor that the House is organized and ready for business.

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

Mr. Speaker Spence appointed Representative Donna D. Stone and Representative Bruce C. Ennis to notify the Senate that the House is organized and ready for business.

Mr. Speaker Spence introduced guests and made an announcement.

Representative Stone announced that the Senate has been notified that the House is organized and ready for business.

Representative B. Ennis made a comment.

Representatives Williams, Oberle and DiPinto introduced guests.

Representative Smith made comments.

Representative Fallon announced that the Governor has been notified that the House is organized and ready for business.

Mr. Speaker Spence granted privilege of the floor to Senator Robert Venables and Senator Dori Connor who informed the House that the Senate is organized and ready for business.

Mr. Speaker Spence made comments.

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

Mr. Speaker Spence welcomed the House staff members.

Representative Roy introduced a guest.

Mr. Speaker Spence and Representative Oberle made announcements.

Representative Plant made comments.

The Majority Leader moved to recess to the call of the Chair at 3:56 p.m.

Mr. Speaker Spence called the House to order at 2:16 p.m. on January 13, 1999.

The Majority Leader moved to adjourn at 2:17 p.m., thereby ending the current legislative day. The House reconvened at 2:18 p.m.

2nd LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 13, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative-Elect Caulk - 1.

Representative Fallon made an announcement.

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

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

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

The following prefiled legislation was introduced:

HB 2 - QUILLEN - NATURAL RESOURCES - An Act to Amend Title 7 of the Delaware Code Relating to Shellfish.

Representatives VanSant, Scott, B. Ennis, Boulden, Plant & West 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 HJR 1 and is returning same to the House & SJR 1 and requests the concurrence of the House.

Representative Ulbrich requested that she be marked present.

Mr. Speaker Spence made an announcement.

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

Representative Smith introduced and brought SJR 1, sponsored by Senators Sharp, Adams & McDowell, before the House for consideration.

SJR 1 - IN REFERENCE TO ELECTION OF OFFICERS.

Representative Smith made a comment.

Representative Williams requested that he be marked present.

The roll call on SJR 1 was taken and revealed:

YES: 32.

ABSENT Representatives Brady, Cathcart, Caulk, DiLiberto, D Ennis, Lofink, Miro, Reynolds & Stone - 9.

Therefore, having received a constitutional majority, SJR 1 was returned to the Senate.  
Representative Smith requested and was granted privilege of the floor for Staff Member, Pam Price, who introduced the 1999 Legislative Fellows.  
Representative Smith made comments.  
Representative Smith deferred to Representative Welch.  
Representative Welch introduced and brought HR 3 before the House for consideration.  
HR 3 – RE-ESTABLISHING THE CHILD PROTECTION REVIEW TASK FORCE ESTABLISHED BY HOUSE RESOLUTION NO. 64 OF THE 139TH GENERAL ASSEMBLY.  
Representative Welch made comments.  
HR 3 was adopted by voice vote.  
Representatives D Ennis, Brady & Miro requested that they be marked present.  
Representative Smith deferred to Representative Roy.  
Representatives Roy, Boulden, Fallon, Oberle & Ewing made comments.  
Representative Reynolds requested that he be marked present.  
Representatives Reynolds, Fallon & B. Ennis made comments.  
Representative DiLiberto requested that he be marked present.  
Representative Gilligan made comments.  
Mr. Speaker Spence made an announcement.  
Representatives Ewing, Smith & Fallon made comments.  
Representative Smith made an announcement.  
Representative DiLiberto requested and was granted personal privilege of the floor to make an announcement.  
The House observed a moment of silence in memory of Chris Battaglia at the request of Representative DiLiberto.  
Representatives D. Ennis, DiPinto & Oberle requested and were granted personal privilege of the floor to make comments.  
Representative D. Ennis made comments.  
Representative Smith introduced and brought HCR 1, jointly sponsored by Senator Bunting & cosponsored by Representatives Spence, Scott, Schroeder, Price & Keeley, before the House for consideration.  
HCR 1 – URGING THE DELAWARE VETERANS AFFAIRS COMMISSION AND DELAWARE'S CONGRESSIONAL DELEGATION TO ASSIST IN IDENTIFYING DELAWARE'S SURVIVING WORLD WAR I VETERANS WHO FOUGHT IN FRANCE.  
Representative Smith made comments.  
HCR 1 was adopted by voice vote and was sent to the Senate for concurrence.  
Representatives Fallon, Smith & Welch made comments.  
Representative Gilligan requested and was granted personal privilege of the floor to make a comment.  
Representative Welch moved to suspend the rules which interfere with introduction of and action on HB 4. The motion was seconded by Representative B. Ennis and adopted by voice vote.  
Representative Welch introduced and brought HB 4, jointly sponsored by Representative Caulk & Senators Blevins & Connor, before the House for consideration.  
HB 4 – AN ACT TO AMEND §923, TITLE 13 OF THE DELAWARE CODE AS AMENDED BY CHAPTER 481, VOLUME 71, LAWS OF DELAWARE RELATING TO ADOPTION.  
Representative Welch made a comment.  
Representative Welch moved to place HB 4 on the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.  
Representative Smith made an announcement.  
The Majority Leader moved to recess to the call of the Chair at 3:30 p.m.  
Mr. Acting Speaker Welch called the House to order at 2:28 p.m. on January 19, 1999.  
Representative Roy introduced HB 10, jointly sponsored by Senator McDowell & Representatives Capano, Carey & Stone & Senators Adams, Vaughn, Venables & Still.  
HB 10 – AN ACT AMENDING THE PROVISIONS OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE RESTRUCTURING AND REGULATION OF PUBLIC UTILITIES SUPPLYING ELECTRICITY TO RETAIL CUSTOMERS IN THE STATE.  
Mr. Acting Speaker assigned HB 10 to the Telecommunications & Electric Utility Deregulation Committee.  
Representative Roy made an announcement.  
Representatives Lofink & Stone requested that they be marked present for the current Legislative Day.  
The Majority Leader moved to adjourn at 2:31 p.m., thereby ending the current legislative day. The House reconvened at 2:32 p.m.

3rd LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 19, 1999

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives West & Williams - 2.

Representative Bruce C. Ennis, Twenty-eighth Representative District, offered a prayer.

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

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

Representatives Caulk & Miro requested that they be marked present.

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

Representatives Wagner, Scott, Plant & D. Ennis requested that they be marked present.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
FROM: Rep. Charles P. West  
DATE: January 19, 1999  
RE: Absence from Session

Mr. Speaker,

Due to illness, I will be absent from session January 19, 20, and 21<sup>st</sup>.

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Dennis P. Williams  
Representative – 1st District  
DATE: January 19, 1999  
RE: Absence from Session

Mr. Speaker,

Due to the death of my grandmother, I will be absent from session January 19, 20, and 21st.

Representative Oberle requested that he be marked present.

Representative Smith deferred to Representative Quillen.

Representative Quillen made an announcement.

Representative Fallon made a comment.

The Majority Leader moved to recess for caucus at 2:39 p.m.

The House reconvened at 3:51 p.m.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #1

DATE: January 19, 1999

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

| Number  | Sponsor                          | Date       | Type | Description                                                                                            |
|---------|----------------------------------|------------|------|--------------------------------------------------------------------------------------------------------|
| H140-1  | Brady                            | 11/6/1998  | T    | Neil Boulanger/90th Birthday                                                                           |
| H140-2  | Schroeder                        | 11/11/1998 | T    | Millie Frick/75th Birthday                                                                             |
| H140-3  | Wagner                           | 11/7/1998  | T    | Jody Steele & James Williams/Marriage                                                                  |
|         | On behalf of All Representatives |            |      |                                                                                                        |
| H140-4  | Buckworth                        | 11/6/1998  | T    | Howard Nathan/20 Years Service/Transplant Program                                                      |
| H140-5  | Spence                           | 11/4/1998  | T    | Ingleside Homes, Inc./Employer of the Year/Statewide                                                   |
| H140-6  | Spence                           | 11/4/1998  | T    | Aaron Harper/Employee of the Year/Statewide                                                            |
| H140-7  | Spence                           | 11/4/1998  | T    | Wendover, Inc./Employer of the Year/Kent County                                                        |
| H140-8  | Spence                           | 11/4/1998  | T    | Holiday Inn Express/Employer of the Year/Sussex County                                                 |
| H140-9  | Spence                           | 11/4/1998  | T    | Delaware Charter Guarantee & Trust Company<br>/New Castle County Employer of the Year                  |
| H140-10 | Spence                           | 11/4/1998  | T    | David Coffin/Sussex County Employee of the Year                                                        |
| H140-11 | Spence                           | 11/4/1998  | T    | Michael Sills/Kent County Employee of the Year                                                         |
| H140-12 | Spence                           | 11/4/1998  | T    | Diane Fahy/New Castle County Employee of the Year                                                      |
| H140-13 | Wagner                           | 11/9/1998  | T    | Honorable Patricia Griffin/Chief Justice's Award                                                       |
|         | cosponsor: Schroeder             |            |      |                                                                                                        |
| H140-14 | Price                            | 11/14/1998 | T    | Recipient/ Outstanding Judicial Service<br>Ladies Auxiliary/Millville Fire Company/60th<br>Anniversary |

|         |           |            |   |                                                                                     |
|---------|-----------|------------|---|-------------------------------------------------------------------------------------|
| H140-15 | Price     | 11/14/1998 | T | Grace Quillen/60 Year Member/Millville Fire Company Ladies Auxiliary                |
| H140-16 | Price     | 11/14/1998 | T | Mattie Shirley/60 Year Member/Millville Fire Company Ladies Auxiliary               |
| H140-17 | Price     | 11/14/1998 | T | Grace Shaeffer/60 Year Member/Millville Fire Company Ladies Auxiliary               |
| H140-18 | Price     | 11/14/1998 | T | Mae Phillips/60 Year Member/ Millville Fire Company Ladies Auxiliary                |
| H140-19 | VanSant   | 11/6/1998  | T | Eva & Salvatore Saienni/50th Wedding Anniversary                                    |
| H140-20 | DiLiberto | 12/5/1998  | T | Dorothy Raymond/50 Years/ Community Service                                         |
| H140-21 | Wagner    | 11/14/1998 | T | Katherine Leaming & Edwin Baker, III/Marriage                                       |
| H140-22 | Reynolds  | 11/12/1998 | T | Karen Patterson/Wilmington Manor Fire Company Ladies Auxiliary President/Nine Years |
| H140-23 | Reynolds  | 11/20/1998 | T | Bob Tattersall/Friends School Coach and Athletic Director/30 Years                  |

HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: January 19, 1999

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

| Number  | Sponsor   | Date       | Type | Description                                                             |
|---------|-----------|------------|------|-------------------------------------------------------------------------|
| H140-24 | Spence    | 11/18/1998 | T    | W. L. Gore/Delaware Quality Award Recipient                             |
| H140-25 | Fallon    | 11/7/1998  | T    | Seaford Christian Academy Soccer Team/<br>Eastern Shore Championship    |
| H140-26 | Fallon    | 11/16/1998 | T    | Vince Morris/Henlopen Conference Coach of the Year                      |
| H140-27 | Fallon    | 11/6/1998  | M    | Edward S. Phillips, Sr.                                                 |
| H140-28 | Spence    | 11/16/1998 | T    | Don & Virginia VanSciver/YMCA Hall of Fame<br>/Volunteer Work           |
| H140-29 | Spence    | 11/16/1998 | T    | Billy "White Shoes" Johnson/Guest Speaker/<br>Campaign for Kids Banquet |
| H140-30 | Spence    | 11/16/1998 | T    | Meredith Pierce/Campaign for Kids Essay Contest Winner                  |
| H140-31 | Spence    | 11/16/1998 | T    | Alessandra Glorioso/Campaign for Kids Essay Contest Winner              |
| H140-32 | Spence    | 11/16/1998 | T    | Tramaine Duffie/Campaign for Kids Essay Contest Winner                  |
| H140-33 | Spence    | 11/16/1998 | T    | David Weidman/CoChair/Sussex YMCA Campaign for Kids                     |
| H140-34 | Spence    | 11/16/1998 | T    | James Rasa/Co-Chair/Sussex YMCA Campaign for Kids                       |
| H140-35 | Quillen   | 11/21/1998 | T    | Catherine Killen/71st Birthday                                          |
| H140-36 | Stone     | 11/13/1998 | T    | Susan Farley/Retirement/Dover Housing Authority<br>Executive Director   |
| H140-37 | Fallon    | 10/8/1998  | T    | Mary Farnell/Most Improved Golfer/Seaford                               |
| H140-38 | Carey     | 11/11/1998 | M    | Virginia H. Glenn                                                       |
| H140-39 | Brady     | 10/16/1998 | T    | Mary & Jack Crimian/50th Wedding Anniversary                            |
| H140-40 | Brady     | 11/6/1998  | T    | Veronica & Harry Fischer/50th Wedding Anniversary                       |
| H140-41 | Brady     | 9/11/1998  | T    | Pauline & Ralph Swann/50th Wedding Anniversary                          |
| H140-42 | Keeley    | 9/11/1998  | T    | Ann & Alfonso Crisconi/50th Wedding Anniversary                         |
| H140-43 | VanSant   | 10/16/1998 | T    | Dorothy & Vernon Burris/50th Wedding Anniversary                        |
| H140-44 | Gilligan  | 8/14/1998  | T    | George & Jennie Cotton/55th Wedding Anniversary                         |
| H140-45 | Gilligan  | 10/9/1998  | T    | Wellington & Adeline Tormie/50th Wedding Anniversary                    |
| H140-46 | Reynolds  | 11/17/1998 | T    | Jack Smith/31 Years/Outstanding Football Official                       |
| H140-47 | Schroeder | 9/25/1998  | T    | Frances & Alfred Allen/50th Wedding Anniversary                         |

HOUSE TRIBUTE ANNOUNCEMENT #3

DATE: January 19, 1999

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

| Number  | Sponsor   | Date       | Type | Description                                       |
|---------|-----------|------------|------|---------------------------------------------------|
| H140-48 | Schroeder | 9/11/1998  | T    | Alice & Howard Parker/50th Wedding Anniversary    |
| H140-49 | Price     | 9/30/1998  | T    | Isabella & Raymond Smith/60th Wedding Anniversary |
| H140-50 | Price     | 10/5/1998  | T    | Mary Talley/90th Birthday                         |
| H140-51 | Price     | 11/21/1998 | T    | Hazel Murray/85th Birthday                        |
| H140-52 | Price     | 11/17/1998 | T    | Emeline Thompson/80th Birthday                    |
| H140-53 | Price     | 11/28/1998 | T    | Phillip Townsend/50th Birthday                    |
| H140-54 | VanSant   | 11/21/1998 | T    | Chief John Giles/Retirement/Elsmere Police        |

|         |                                  |            |   |                                                                          |
|---------|----------------------------------|------------|---|--------------------------------------------------------------------------|
| H140-55 | Lofink                           | 10/26/1998 | T | Henry Stenta, Ed.D./MBNA Excellence in Community Service Award Recipient |
| H140-56 | Fallon                           | 11/14/1998 | M | Ruth E. Bell                                                             |
| H140-57 | Fallon                           | 11/7/1998  | M | Billy Dennis                                                             |
| H140-58 | Fallon                           | 11/19/1998 | T | Denise Brown/Head of Nicole Brown Charitable Foundation                  |
| H140-59 | Gilligan                         | 10/6/1998  | T | Burchall & Dorothy Cooling/50th Wedding Anniversary                      |
| H140-60 | Gilligan                         | 11/11/1998 | T | Charles & Sarah Biebel/50th Wedding Anniversary                          |
| H140-61 | Gilligan                         | 11/14/1998 | T | Peter & Theresa Marconi/50th Wedding Anniversary                         |
| H140-62 | Maier                            | 11/19/1998 | T | Ann Sylvester/Teacher of the Year/Christina District                     |
| H140-63 | Maier                            | 11/19/1998 | T | Susan Mitchell/Teacher of the Year/ Gauger-Cobbs                         |
| H140-64 | Maier                            | 11/19/1998 | T | Ruth Hannagan/Teacher of the Year/Christiana High                        |
| H140-65 | Maier                            | 12/3/1998  | T | Mary Moore/Induction/Special Olympics Hall of Fame                       |
| H140-66 | Price                            | 11/18/1998 | M | Harrison Short                                                           |
| H140-67 | Fallon                           | 11/19/1998 | T | Colonel Thomas Mulrine/Award of Excellence                               |
| H140-68 | Caulk                            | 11/16/1998 | M | Daniel Hudson, Jr.                                                       |
|         | cosponsor: Quillen               |            |   |                                                                          |
| H140-69 | Spence                           | 12/4/1998  | T | Westside Health/10th Anniversary                                         |
| H140-70 | Spence                           | 12/5/1998  | T | Norman M. Oliver/Stormin's Classic Efforts                               |
| H140-71 | Spence                           | 10/31/1998 | T | John Czerwinski/Robert Clemente Humanitarian Award                       |
| H140-72 | Welch                            | 11/20/1998 | M | MacDonald Coker                                                          |
|         | On behalf of all Representatives |            |   |                                                                          |

HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: January 19, 1999

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

| Number  | Sponsor   | Date       | Type | Description                                                                       |
|---------|-----------|------------|------|-----------------------------------------------------------------------------------|
| H140-73 | Carey     | 11/28/1998 | T    | Denise & Patrick Coates, Sr./25th Wedding Anniversary                             |
| H140-74 | Quillen   | 11/24/1998 | T    | Russell Kirby/90th Birthday                                                       |
| H140-75 | Carey     | 12/18/1998 | T    | Ethel & Robert Graham/50th Wedding Anniversary                                    |
| H140-76 | Spence    | 12/1/1998  | T    | Joseph Calhoun/Retirement/Farm Bureau President                                   |
| H140-77 | Carey     | 12/1/1998  | T    | Christine Fox/1999 Young Farmer and Rancher Discussion Meet Winner                |
| H140-78 | Welch     | 12/1/1998  | T    | Jonathan & Terry Thompson/1999 Young Farmer and Rancher Achievement Award Winners |
| H140-79 | Cathcart  | 12/1/1998  | T    | Stacey Allen/1999 Farm Bureau Queen                                               |
| H140-80 | Reynolds  | 12/5/1998  | T    | "Shorty" Watson/50 Years Service/Wilmington Manor Fire Company                    |
| H140-81 | Smith     | 12/5/1998  | T    | Russell Page/President General/Sons of the American Revolution                    |
| H140-82 | Gilligan  | 11/20/1998 | M    | William Kapa                                                                      |
| H140-83 | Wagner    | 11/28/1998 | M    | Christina Hagan                                                                   |
| H140-84 | Fallon    | 11/23/1998 | M    | Frank Monaco                                                                      |
| H140-85 | Carey     | 11/14/1998 | T    | William Spencer/Eastern Shore Baseball Hall of Fame                               |
| H140-86 | Carey     | 1/17/1999  | T    | Sarah Moore/Prix du Lausanne Ballet Competitor                                    |
| H140-87 | Wagner    | 12/12/1998 | T    | Kerry Crowley & Matthew Rahe/Marriage                                             |
| H140-88 | Gilligan  | 12/7/1998  | T    | Nancy Shevock/Retirement/Delaware Transit Corporation                             |
| H140-89 | Quillen   | 12/1/1998  | T    | Dr. David Simpson/Chosen as Top Physician/Delaware Today                          |
| H140-90 | Quillen   | 12/10/1998 | T    | Francine Booth/Retirement/Budget Office/31 Years                                  |
| H140-91 | Cathcart  | 12/3/1998  | T    | Mary Ward-Hutchison/Induction /Special Olympics Hall of Fame                      |
| H140-92 | Cathcart  | 12/13/1998 | T    | Julia Sidwell/90th Birthday                                                       |
| H140-93 | D. Ennis  | 12/3/1998  | M    | Joseph Palmer Moore                                                               |
| H140-94 | DiPinto   | 11/30/1998 | T    | Healy & Long, Inc./Superstars in Business Award Recipient                         |
| H140-95 | Roy       | 12/27/1998 | T    | James Holman, Jr./Eagle Scout                                                     |
| H140-96 | Buckworth | 12/2/1998  | T    | Isaac Hicks/Davison Award Recipient                                               |
| H140-97 | Cathcart  | 12/14/1998 | T    | Middletown High Football Team/State Champions/Division II                         |

HOUSE TRIBUTE ANNOUNCEMENT #5

DATE: January 19, 1999

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

| Number  | Sponsor  | Date       | Type | Description                                   |
|---------|----------|------------|------|-----------------------------------------------|
| H140-98 | Cathcart | 12/14/1998 | T    | Bill DiNardo/Head Coach/Middletown High/State |

|          |                                         |            |   |                                                                                                                            |
|----------|-----------------------------------------|------------|---|----------------------------------------------------------------------------------------------------------------------------|
| H140-99  | D. Ennis                                | 12/11/1998 | T | Football Championship                                                                                                      |
| H140-100 | Cathcart                                | 12/14/1998 | T | Timothy McTaggart/State Bank Commissioner<br>William Dubois/Head Coach/Middletown High<br>Cross Country/State Championship |
| H140-101 | Cathcart                                | 12/14/1998 | T | Middletown High Cross Country<br>Team/State Champions/Division II                                                          |
| H140-102 | Scott                                   | 12/9/1998  | T | Frank Acierno/Outstanding Community Service                                                                                |
| H140-103 | Welch                                   | 12/13/1998 | M | Gertrude Smith Benton                                                                                                      |
| H140-104 | cosponsor: Wagner<br>Buckworth          | 12/15/1998 | T | Justin Yelverton/First Team<br>Offense/All-State Football Team                                                             |
| H140-105 | Capano                                  | 12/15/1998 | T | O. Francis Biondi/Pro Bono Publico Award Recipient                                                                         |
| H140-106 | West                                    | 1/15/1999  | T | Curtis Brock, Head Coach/DelTech<br>Baseball/Regional Coach of the Year                                                    |
| H140-107 | West                                    | 11/21/1998 | T | Marisa Erdman/Miss Millsboro 1999                                                                                          |
| H140-108 | West                                    | 11/21/1998 | T | Sussex Central PeeWee Football Team/State Champions                                                                        |
| H140-109 | Spence                                  | 1/2/1999   | T | Bob Harra/50th Birthday                                                                                                    |
| H140-110 | Spence                                  | 12/3/1998  | T | Wood, Byrd & Associates/10 <sup>th</sup> Anniversary                                                                       |
| H140-111 | Spence                                  | 10/29/1998 | T | John McMahon, Jr./Richard DiSabatino, Sr.<br>Achievement Award Recipient                                                   |
| H140-112 | DiPinto                                 | 1/22/1999  | T | Gilbert Smith, Jr./Retirement/Bell<br>Atlantic-Delaware/38 Years                                                           |
| H140-113 | cosponsors: All House Members<br>Spence | 12/10/1998 | T | Robert Cole, Jr./Retirement/Blue Cross Blue Shield                                                                         |
| H140-114 | DiPinto                                 | 12/15/1998 | T | Larry Kaufman/Charles B. Palmer Award Recipient                                                                            |
| H140-115 | VanSant                                 | 11/13/1998 | T | Emily & Lonzy Seymour, Jr./55 <sup>th</sup> Wedding Anniversary                                                            |
| H140-116 | Gilligan                                | 11/27/1998 | T | Wilmer & Anna Reiter/50th Wedding Anniversary                                                                              |
| H140-117 | Schroeder                               | 11/13/1998 | T | Doris & Edward Bounds/50th Wedding Anniversary                                                                             |
| H140-118 | Gilligan                                | 11/25/1998 | T | Rogers & Grace Hargis/50th Wedding Anniversary                                                                             |
| H140-119 | Gilligan                                | 11/20/1998 | T | John & Dolores Feeney/50th Wedding Anniversary                                                                             |
| H140-120 | VanSant                                 | 11/11/1998 | T | Alice & George Benson/50th Wedding Anniversary                                                                             |
| H140-121 | Gilligan                                | 11/30/1998 | T | Cyrus & Betty Thomas/50th Wedding Anniversary                                                                              |

T- Tribute

M - Memoriam

Representative Smith deferred to Representative Caulk.

Representative Caulk moved to lift HB 4 from the Speaker's Table. The motion was seconded by

Representative Smith and adopted by voice vote.

Representative Caulk brought HB 4, jointly sponsored by Representative Welch & Senators Blevins & Connor, before the House for consideration.

HB 4 – AN ACT TO AMEND §923, TITLE 13 OF THE DELAWARE CODE AS AMENDED BY CHAPTER 481, VOLUME 71, LAWS OF DELAWARE RELATING TO ADOPTION.

Representatives Caulk & Ewing made comments.

The roll call on HB 4 was taken and revealed:

YES: 39.

ABSENT: Representatives West & Williams – 2.

Therefore, having received a constitutional majority, HB 4 was sent to the Senate for concurrence.

Representatives Brady, Capano, Carey, Reynolds, Ulbrich, & Spence requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto made a comment.

Representative Smith deferred to Representative Schroeder.

Representative Roy made an announcement.

Representative Schroeder introduced HB 12, jointly sponsored by Senator Simpson.

HB 12 – 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 DELETE THE MANDATORY TIME FOR SWEARING IN NEW COUNCIL MEMBERS AT THE ANNUAL ORGANIZATIONAL MEETING. (2/3 bill)

Mr. Acting Speaker assigned HB 12 to the House Administration Committee.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto introduced HB 15, jointly sponsored by Representatives Boulden, Gilligan, Roy, Smith, Spence, VanSant & Welch & Senators Amick, Sharp & Sokola & cosponsored by Representative Keeley.

HB 15– AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO WRONGFUL DEATH ACTIONS.

Mr. Acting Speaker assigned HB 15 to the Judiciary Committee.

Representative DiLiberto made comments.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced HB 8.

HB 8 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE

FOSSIL.

Representatives Reynolds, Gilligan, Lofink & DiPinto made comments.

Mr. Acting Speaker assigned HB 8 to the House Administration Committee.

Representatives Caulk, Wagner & Plant requested and were granted personal privilege of the floor to make announcements.

Representative Fallon made a comment.

Representative Ewing requested and was granted personal privilege of the floor to make a comment.

Representatives Plant & VanSant made comments

The Majority Leader moved to recess to the call of the Chair at 4:18 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:10 p.m. on January 20, 1999.

Representative Smith introduced HB 16, jointly sponsored by Representative Buckworth & Senator Bonini.

HB 16 - AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 BILL)

Mr. Acting Speaker assigned HB 16 to the House Administration Committee.

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

4th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 20, 1999

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Boulden, Fallon, West & Williams - 4.

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

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

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

The following prefiled legislation was introduced:

HB 3 - QUILLEN - NATURAL RESOURCES - An Act to Amend Chapter 27 of Title 7 of the Delaware Code Relating to the Renewal of Horseshoe Crab Dredge Permits by Current Permit Holders.

HB 5 - BUCKWORTH - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to the Commission on Family Law.

HB 6 – SMITH; REPRESENTATIVE BRADY - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Nonresident Children who are Improperly Enrolled in the Public Schools of this State and Creating Penalties.

HB 7 - BOULDEN & REPRESENTATIVE SCHROEDER - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to School Construction Funding.

HB 9 - LEE & SENATOR VAUGHN - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to the Crime of Assault in a Detention Facility.

HB 13 - OBERLE & SENATOR ADAMS – AG. & FARMLAND PRESERVATION & ASSESSMENT - An Act to Amend Title 28, Delaware Code Relating to the Delaware Standardbred Development Fund.

HB 14 - BUCKWORTH & SENATOR BONINI - HOUSE ADMINISTRATION - An Act to Amend Chapter 189, Volume 43 of the Laws of Delaware, as Amended, Relating to the Town of Wyoming. (2/3 bill)

HCR 2 - LEE; REPRESENTATIVES BUCKWORTH, EWING; SENATORS VAUGHN, BUNTING, AMICK - CORRECTIONS - Establishing a Committee to Investigate Whether or Not the Implementation of a Boot Camp for Youthful Offenders Would be Beneficial to the State, to the Effectiveness of our Corrections Department, and to the Citizens of this State.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Tina Fallon  
Representative –39th District  
DATE: January 20, 1999  
RE: Absence from Session

Mr. Speaker,

It is necessary for me to be absent today due to illness. Thank you for your understanding.

Representative Caulk requested and was granted personal privilege of the floor to introduce a guest.  
Mr. Acting Speaker Oberle made a comment, introduced a guest and made an announcement.  
Representative Price requested that she be marked present.  
Representative Quillen requested and was granted personal privilege of the floor to make an announcement.  
Representative Carey requested and was granted personal privilege of the floor to introduce a guest.  
Representative Miro requested that he be marked present.  
The Majority Leader moved to recess for caucus at 2:18 p.m.  
The House reconvened at 4:19 p.m. with Representative Roy as Acting Speaker.  
Representatives Cathcart & Schroeder requested that they be marked present.  
The Chief Clerk read the following committee reports into the record:  
NATURAL RESOURCES: HB 2 - 2F, 5M; HB 3 - 1F, 3M.  
TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION: HB 10 - 5F.  
Representatives Spence and Buckworth requested that they be marked present.  
Mr. Speaker Spence resumed the Chair.  
Representatives Maier, Brady & Capano requested that they be marked present.  
Representative Roy made a comment.  
Representatives Scott & Ewing requested that they be marked present.  
Representative Ewing made an announcement.  
Representatives DiPinto, Reynolds, Gilligan & D. Ennis requested that they be marked present.  
Representative Smith deferred to Representative Stone.  
Representative Stone requested and was granted personal privilege of the floor to make an announcement.  
Representatives Ewing, Welch, Stone, Reynolds & Gilligan made comments.  
Mr. Speaker Spence introduced a guest and made an announcement.  
Representative D. Ennis requested and was granted privilege of the floor to make comments.  
Representative Plant requested and was granted personal privilege of the floor to make an announcement.  
The Chief Clerk read the following committee report into the record:  
HOUSE ADMINISTRATION: HB 16 - 4M.  
Representative Cathcart requested and was granted personal privilege of the floor to introduce a guest.  
Representative Plant & Mr. Speaker Spence made comments.  
The Majority Leader moved to recess to the call of the Chair at 4:41 p.m.  
Mr. Acting Speaker Welch called the House to order at 1:35 p.m. on January 21, 1999.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed HB 4 and is returning same to the House & SCR 1

and requests the concurrence of the House.

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

**SCR 1 – PROVIDING THAT A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF RECEIVING THE ANNUAL STATE OF THE STATE ADDRESS BY THE HONORABLE THOMAS R. CARPER, GOVERNOR OF THE STATE OF DELAWARE.**

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

Representative Boulden requested that he be marked present for the current legislative day.

The Majority Leader moved to adjourn at 1:40 p.m., thereby ending the current legislative day. The House reconvened at 1:41 p.m.

5th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 21, 1999

The Chief Clerk called the roll.

Members Present: 38

Members Absent: Representatives Lofink, West & Williams - 3.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

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

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

The following prefiled legislation was introduced:

HB 17 - WAGNER & SENATOR BLEVINS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Victim's Bill of Rights.

HB 18 - CAPANO & REPRESENTATIVE ROY & SENATORS MCDOWELL & COOK;  
REPRESENTATIVES SMITH, WELCH, BUCKWORTH, CAREY, CLOUTIER, DIPINTO: D. ENNIS, LOFINK,  
MIRO, STONE, WAGNER, GILLIGAN, VANSANT, DILIBERTO, HOUGHTON, SCOTT - REVENUE &

FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Taxation on the Distribution and Use of Public Utilities. (3/5 bill)

HB 19 – EWING & BUCKWORTH - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special Registration Plates for Members of Non-Profit Organizations.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Terry R. Spence, Speaker  
House of Representatives  
DATE: January 21, 1999  
FROM: Representative Vincent A. Lofink  
RE: Absence from Session

Due to illness I will not be able to attend today's session. Please excuse me for this absence. Representative Quillen requested and was granted privilege of the floor to introduce a guest. Representative Gilligan requested that he be marked present. Representative Smith made an announcement. Representative DiPinto requested that he be marked present. The Majority Leader moved to recess for the Joint Session at 1:40 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 Lieutenant Governor. At the invitation of the Lieutenant Governor, Representative Spence and Senator Sharp joined her on the podium.

The Sergeant-at-Arms announced the arrival of the members of the Judiciary who were admitted and welcomed by the Lieutenant Governor.

The Sergeant-at-Arms announced the arrival of the statewide elected officials who were admitted and welcomed by the Lieutenant Governor.

The Sergeant-at-Arms announced the arrival of the members of the Governor's cabinet along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College who were admitted and seated.

At 1:50 p.m. Senator Adams moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State Address by Thomas R. Carper, Governor of the State of Delaware. There was no objection.

Senator Adams moved that the Lieutenant Governor, as President of the Senate, preside over the Joint Session. There was no objection.

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

Senator Adams moved that the Lieutenant Governor appoint a committee of four to escort the Governor to the Chamber. There was no objection and the Lieutenant Governor appointed Senator Robert I. Marshall, (Spokesperson), Senator Dorinda A. Connor, Representative George R. Quillen & Representative Shirley A. Price.

The Lieutenant Governor declared a recess at 2:03 p.m. to await the arrival of the Governor and the escort committee.

Senator Adams announced that Mrs. Carper would like to enter the Chamber.

At 2:05 p.m., the Sergeant-at-Arms announced the arrival of the escort party with Governor Carper.

Senator Marshall introduced the Governor to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

REACHING FOR OUR FUTURE

Lieutenant Governor Minner, our President pro Tem, our Speaker of the House, Terry Spence; Mr. Chief Justice Veasey and the members of the judiciary, members of my cabinet and other elected officials, to our first lady, my bride Martha, to the Members of this General Assembly, at least one former Governor who is here, ladies and gentlemen:

There are some new faces here in Legislative Hall today as we gather to assess the state of our state. Legislators with names like Mulrooney, Miro, DeLuca, Cloutier, Viola, Valihura and Winslow have joined us here for the first time. Why don't we just start this afternoon by warmly welcoming each of them and expressing our appreciation for the men and women that they succeed? Shall we? One of our numbers missing this afternoon, missing in action, a Member of the House of Representatives, Democrat Charlie West. Charlie was admitted to the hospital early this week with pneumonia as was his wife, Eleanor. They're gonna be okay. When I talked to them on the phone a few minutes ago, I kidded them about giving true meaning to the term double pneumonia. They've been married 52 years. When I catch a cold I tell people it's because I kissed the wrong baby. I know where Charlie got his double pneumonia. I am happy to report that he's doing okay. I said, "Do you have any messages to pass on to your colleagues" and he said. "Tell them I'm on the mend". Then he mentioned something about dirt roads. So I know he's feeling better.

Well, those of you who are new members here today join a group that includes many distinguished legislators -- and one or two real characters. Let me take a few moments to mention the accomplishments of four of

this General Assembly's most distinguished members. We'll save the characters to another day. Joining Lt. Governor Minner and President Pro-Tem Sharp in presiding over this session of the General Assembly is the person who has been selected as Speaker of the House for more terms than anyone in Delaware history – and that's Terry Spence. Congratulations.

Bob Gilligan, the Democratic leader of this House, has been elected by the people of his district 14 times now – and that's more than any member of the House in Delaware history. Congratulations.

Thurman Adams, dean of the Senate with 26 years of service -- and chair at various times of both the Executive and Agriculture Committees – becomes this month at the tender age of 70, the majority leader of the Delaware State Senate. Congratulations. And, Bruce Reynolds, who joined Senator Sokola and others in co-sponsoring our landmark education accountability legislation last year, becomes the first coach in Delaware history whose high school football teams have won 200 games. Congratulations.

There's another special person here today. Someone who's given up her day job at the duPont Company for a year or so in order to push hard to ensure that Delaware kids learn to read better. That's Delaware's first lady, my bride, Martha. Martha, thanks.

Governors have been delivering an annual state of the state address in Delaware for more than two centuries. Today, I will give the last state of the state address of this century.

I went back and actually read part of the first state of the state address of this century – it was given by a fellow named Ebe Tunnell some 98 years ago. The issues that he touched on that day are ones that are still important to Delawareans, expanding Naaman's Road to four lanes, education reform, preservation of our natural resources, the safety of residents throughout the state. Governor Tunnell also called for elections to be more "orderly". He'd be happy to know that campaigns are a bit more orderly these days. He'd probably have a heart attack if he found out how much they cost, though. Where's our State Treasurer? Jack, you know what I mean. They are expensive.

Governor Tunnell laid out almost a century ago what he believed Delaware needed to undertake as it began the 20th century. Today, I'll speak to those things which Delaware needs to complete as we prepare to step into a new century and a new millennium. My message today focuses on finishing what we've begun - providing a foundation so that future generations may enjoy a quality of life as good as, or better than, the one that we enjoy now.

Where does the end of the 20th century find our state anyway? It finds us with the strongest economy in our region and one of the strongest economies in America. In survey after survey, Delaware wins praise as one of the best states in America in which to locate and grow a business. In the last year alone, Delaware was #5 in job creation and, listen to this, had the second-fastest growth nationwide of any state in median family income over the last two years. Over 62,000 jobs have been created in Delaware since January of 1993 when a number of us took office. Tomorrow, Delaware's Department of Labor will report that our unemployment rate dropped last month, the month of December, to 3.1 percent - the lowest in a decade.

Two decades of bipartisan financial stewardship have yielded a string of balanced budgets, a Rainy Day fund that now holds over \$114 million, and the highest credit rating in Delaware history. We have no sales tax. Our property taxes are among the lowest in America. With the latest tax cuts that became effective in this state three weeks ago, our state's top marginal personal income tax rate -- not long ago the second highest in America -- has been reduced by more than two-thirds. Most working families still living in poverty pay no state income taxes until their income exceeds 100 percent of poverty. Every business in Delaware paying the gross receipts tax also received a tax cut in January, January 1, a third of them now pay no gross receipts tax at all.

Taxes aren't the only thing we've cut in Delaware. Our welfare rolls are down by over 40 percent since 1994. Families are better off working today in Delaware than remaining on welfare. We've eliminated the waiting list for low-income eligible childcare, and families in Delaware no longer have to choose between going to work on the one hand and keeping health care coverage on the other.

We're waging a war against infant mortality, too -- and we're winning. Delaware's rate, just a few years ago the highest in the nation, has been driven below the national average. Every Delaware public school now has a nurse. Wellness centers operate in most public high schools. Nemours pediatric health clinics dot our landscape. Medicaid managed care has enabled us to extend coverage to 15,000 additional poor working people. Tax credits encourage our smallest employers to cover their employees.

A recent report from the U.S. Census Bureau shows that while the percentage of uncovered persons nationwide is going up, in Delaware, it's coming down.

On January 1, we took another giant step forward: kids without coverage from families earning between 100 and 200 percent of poverty became eligible to participate in a good, comprehensive plan of health care known as the Delaware Healthy Children Program -- for as little as \$10 to \$25 per month, per family.

Universal health care coverage for children of Delaware -- a goal that many of us here in this room share -- is finally within our grasp.

We have been fighting on another front, as well: to take back our streets. The State Police reported just two weeks ago that violent crimes in their jurisdictions across Delaware were down by 14 percent in 1998. 14 percent - we congratulate them. Every single category of violent crime came down.

Operation Safe Streets has helped to drive down shootings in Wilmington by a third over the past 12 months. More than 1,400 probation and parole violators have found out that zero tolerance means zero tolerance.

We've hired more police. We're training them better than ever, and we are equipping them with the kind of technology that's enabling them to turn the tide against crime.

Delaware has launched the largest prison expansion in our state history, too. We're doing more than just adding prison cells. Beginning this year, every inmate serving a year or more in prison must participate in our internationally renowned Key and Crest programs. Participation in both of these programs reduces by 40 percent the likelihood that inmates upon release will reoffend and end up back in our prison. Let me add to that, early results from our boot camp which we've had now for about two years, show that a tough regimen of exercise, school work, drug and alcohol treatment -- along with intensive community service -- can actually help young men and women to turn their lives around.

Prisons aren't the only thing we're building either. The year just ending saw more road construction, more maintenance, and repair than in any year in Delaware history. DelDOT completed the dualization of Route 896 to the C&D Canal, the resurfacing of Route 141, the Bridgeville bypass, the Route 273 and Lancaster Pike expansions, and major improvements on the Christina waterfront. All done in 1998.

In 1999, another impressive list awaits: the dualization of Naaman's Road, a project, as I said earlier, I don't know if it was first recommended by Ebe Tunnell, but it seems that long, will be completed and that's the important thing. We're gonna get it done. The Scarborough Road extension here in Dover is gonna open as well, and so will the next leg of SR 1 between the C&D Canal and Odessa. Finally, Churchman's Crossing, the busiest intersection in Delaware, will be completed under budget and ahead of schedule.

Other transportation improvements include the introduction of something called E-Z pass on I-95 and later this year on SR1. A new Integrated Traffic Management System is moving traffic through busy thoroughfares from Newark's Main Street to the Kirkwood Highway, and on to the Concord Pike in northern Delaware. Soon, it will serve the rest of our state with similar results.

Public transit has been introduced throughout central and southern Delaware. DART ridership is up 22 percent statewide since 1995. We now run buses at night and on weekends. More people are taking the train, too. With the opening of a new station in Newark, rail ridership grew by nearly 25 percent since 1997. Another new station near Churchman's Crossing opens in just about a year from now and with it, commuter rail ridership will surge again.

I know everybody -- even governors -- complain about their states' transportation departments. Other governors actually tell me this. For you and I to complain, it's natural. It's our birthright. But, it's also important to remember that there are a lot of good men and women at DelDOT who are working a lot harder these days to create a transportation system for Delaware that is ready for the 21st Century. They have my thanks. I hope they have yours, as well.

Where we build our roads has a large impact on where people live. We've been working with the Gordon Administration in New Castle County to try to limit the unnecessary sprawl, especially in the southern part of New Castle County. Smart land policies are an important part of our stewardship of the environment and the preservation of our natural resources.

Today, Delaware, the First State, Delaware, is the #1 state in America for agland preservation. #1! Working with you in the General Assembly and environmentalists over the past six years, we have protected forever, another 16,000 acres of open space.

We're transforming a long-abandoned industrial wasteland along the banks of the Christina River, Senator Marshall, into a recreational area of real beauty for a million visitors each year to enjoy. We've assumed management of the Brandywine Park and Zoo along the Brandywine River - with a commitment to making them shine.

In the past decade, we've cut industrial and manufacturing emissions of toxic chemicals into our water by, check this, nearly 80 percent and into our air by even more than that. We have met the strict requirements of the federal Clean Air Act, too. We're also implementing a 10-year action plan to dramatically reduce pollution that's emptying into our inland bays, and into the Appoquinimink River, and other waterways that have suffered from decades of neglect.

And finally, more than 25 years after the General Assembly enacted Governor Russell Peterson's Coastal Zone Act to protect our state's fragile coastline, this month, January, 1999, new regulations to fully implement that law will finally take effect.

Governor Peterson is here with us today. I want to ask him to stand and be recognized for the leadership he has provided in preserving our coastline and open space. Governor Peterson, will you stand up and remain standing please. Now don't sit down so soon. Everyone else can sit down. I want you to stay on your feet, my friend. Go ahead, stand back up there. It's ironic how you still get more applause than I do and I'm the Governor. Thank you for joining us today. I really want to thank you for reminding us as a people to remain vigilant in meeting our responsibilities to protect our environment to make sure that we do that not just for ourselves but for future generations of Delawareans. What I'd like to do, ladies and gentlemen, is take this opportunity to make a proposal and that proposal is we name that urban wildlife refuge, Senator Marshall, up there along the Christina River that we're developing to name it in honor of Governor Russell Peterson. What do you think?

Well, despite the great progress we're making in Delaware, there is still plenty to do. I pledge to you today that those of us in the Carper-Minner Administration will use every one of the next 726 days, 21 hours, 11 minutes

to work with this General Assembly to complete what we've begun -- preparing for our future and all the opportunity that it holds.

This afternoon, I want to begin to outline an ambitious and comprehensive agenda that builds on our successes and addresses the challenges that lie ahead. Let's begin by focusing first on taxes and fiscal responsibility.

For six years now, and actually in administrations prior to this but for six years now, we've prudently managed our state's fiscal affairs while providing Delawareans with a wide variety of tax cuts. This year, as you know, revenue growth has slowed a bit -- sending us a warning signal to just proceed with caution in enacting further tax reductions.

As you know, left on the table from last year's tax discussion was \$48 million in a show of good faith to study school financing and the role of property taxes.

Now, I understand and appreciate the strongly held beliefs of some in this room that we should eliminate school property taxes and ask Delaware's taxpayers to assume those costs using state revenues. I believe there are some school taxes that we ought to cut, and I will be offering a proposal to dramatically reduce the school property tax burden on our senior citizens. And I say the following gently but I continue to question the wisdom of eliminating altogether Delaware's school property taxes -- already they are among the lowest in the nation, they represent a stable revenue source both in good and in bad times. And before we take that step, we need to stop and ask ourselves a question: do we really want to increase state spending by more than a quarter of a billion dollars over the next five years without putting one extra dollar to work in improving our classrooms? Do we need to do that? I just think we need to think long and hard before taking that step.

Next week, I will offer a balanced package of business and personal tax reductions. And I think it's sustainable and fair, and supportive of further economic growth. It meets my litmus test. I look forward to working with each one of you in the General Assembly on my ideas -- and certainly on yours -- in the months ahead.

Our work in cutting taxes will help keep Delaware strong in the future.

This week, the General Assembly began to consider another important piece of economic development legislation: and that's electric deregulation. The agreement hammered out over the last six months provides significant residential rate reductions, consumer protections, and the opening of competition for industrial, commercial and for other users. I believe it's a good deal for Delaware. It will keep us competitive in the years ahead. I urge its passage.

Now, staying competitive in a rapidly changing global economy depends on how well we anticipate new economic trends. Some of you heard me quote former hockey great Wayne Gretzky. Somebody once asked him, "Why are you so good at playing hockey?" And this is what he said, he said: "I go where the puck will be -- not where it is." "I go where the puck will be -- not where it is." Well, ladies and gentlemen, the information technology initiative which we've launched with our high tech businesses, our colleges and universities is one important initiative that will enable Delaware's economy to go where the puck will be in the next century.

Similarly, the expansion of life sciences is about to usher in a new chapter in American industry. Delaware has a truly unique opportunity to be at the forefront. Two Delaware companies, duPont and Zeneca - the latter likely to become AstraZeneca -- are world leaders in life sciences as you know. By helping both of them to grow together in our state and creating in Delaware really a life sciences corridor, we could help to put our little state on the map - and on the radar screens of some of the most promising international business companies in the world. And with that in mind, my budget will propose creating a new Economic Development 2000 Fund to help establish a Delaware Biotechnology Institute in partnership with the University of Delaware, Delaware State University, and Delaware Tech.

Even sooner, we will put forward a package of infrastructure improvements and economic incentives to attract and grow AstraZeneca in New Castle County. You know I think we can do so and some of you have shared this with me, but I think we can do so in a way that creates open space and recreational opportunities for area residents at the very same time -- and that provides the potential for a real win-win situation we cannot allow to pass us by.

We know what employers want if they are to locate and grow in our state: they told us. They want reasonable taxes, they want a quality workforce, they want excellent schools, and they want safe communities in which to live. I have already cited the drop in crime throughout our state and some of the reasons why. Two weeks ago, I announced that Operation Safe Street would be expanded to Kent and to Sussex Counties. Soon, we will announce a new community probation policing system for our state. One that will allow for closer supervision of probationers -- the group that history has shown is most likely to commit additional crimes.

We have also designed a program to further break the cycle of crime by targeting probationers for several things. First for drug treatment, testing and also by providing real consequences for failing to remain drug-free.

I am convinced that aggressive probation policing -- coupled with drug treatment -- is a good crime prevention strategy for Delaware. And you know what, so is creating more after-school and weekend activities for our kids. Last year, I received a letter from, I think it was from the police chief down in Seaford. He was writing to tell me that in the months following the opening of the Western Sussex Boys & Girls Club, juvenile complaints dropped in Seaford by over 60 percent.

Boys and Girls Clubs, Y's, Scouts, PAL Centers, other youth programs throughout our state, they really have a track record of success that we need to build on. In short, they help keep kids out of trouble. I will ask this

General Assembly to join me in creating a Youth Crime Prevention Fund, modeled after the successful Arts Stabilization Fund. Its purpose would be to provide incentive grants and to attract substantial private support -- to expand these successful proven after school programs. I just think that a state that's spending hundreds of millions of dollars as we are each year to arrest and incarcerate adult offenders can afford to spend a few million dollars more to keep kids off the street and on the right path in life. I hope you'll join with me in this effort.

Well, the coming year will also see heightened attention on the increasing incidence of domestic abuse -- particularly abuse against children. Working with our Chief Justice, Norm Veasey, I will propose legislation creating a Domestic Abuse Court Project to ensure that the state's response to all cases of domestic abuse are coordinated, timely, and effective.

No one in this room is left unmoved by the senseless death of children who are abused. While we need to separate fact from fiction in how these tragedies are reported, we know one thing for sure: we are asking our Division of Family Services today to do something much different than when Lt. Governor Minner and I joined you here six years ago. No longer an agency designed primarily to reunify families in distress, this Division is now increasingly expected to protect every child with whom it comes in contact.

Two years ago, the General Assembly passed the Child Protection Accountability Act to make clear that the safety of children is paramount in DFS's cases. This year, I am asking this General Assembly to pass three bills, three bills, to give that Division the power and the direction it needs to carry out its expanding role.

As we search for new leadership at the Division of Family Services, I have emphasized the need to make sure that the policies that you and I enacted in 1997 to protect children are followed up with clear and decisive action by caseworkers and by their supervisors. At the same time, it is imperative that we continue to improve the training of agency personnel, while reducing the turnover that's caused by the incredible burnout on their job. Doing these things will do more than enhance our expertise in identifying at-risk children before tragedy occurs. Doing these things will save lives.

There's another more insidious -- but no less lethal -- threat to the lives of our children: tobacco. We need to do more to keep our kids from getting hooked on it. On this day in America, 3,000 children -- whose average age is twelve-and-a-half -- will begin smoking. At least 1,000 of them will die from that choice.

Last week, I joined Senator Blevins, Representatives Capano and Maier and others, as well as our Attorney General, in supporting a new campaign to reduce teen smoking.

That campaign can be funded, at least in part, by the tobacco settlement worked out by our nation's attorneys general. The settlement was an important turning point in tobacco litigation, and I want to thank our Attorney General for helping to make it possible.

Let me add though that how much money Delaware ultimately receives will depend on many things. How the money will be spent will be debated here in this chamber and across the hall for months. I do hope we can agree on one thing now: and that's this: the money should be put in a Delaware Health Fund primarily for two purposes - to expand health care coverage and to keep Delawareans healthy.

I said earlier that Delaware's health care numbers are improving and they are. Used wisely, these funds can make Delaware a national leader in providing health care to our residents. Already there are creative ideas on the table: from completing universal health care coverage for kids to a "pill bill" aimed at helping our senior citizens to handle the rising cost of prescription drugs, Senator McBride.

Let me mention one other health care challenge that we can't ignore: and that's Delaware's emergency medical system. Last November, a study I requested found out that our EMS system is fragmented, that it is costly, and that it's inefficient. The simple fact is that more lives could be saved with a more effective system. Now I know that many good people -- professionals and volunteers -- are part of the EMS system. You know them too. I ask them to work with Public Safety Secretary Brian Bushweller and the committee he has established to develop an action plan that will reduce response times and better serve Delawareans whose lives depend on them.

Well we all know that the health of every Delawarean is closely linked to a healthy environment. In the 1990's -- government in Delaware and really around the country -- tried to balance protection of our environment and our natural resources on the one hand with the need for a strong economy on the other.

For the past six years, I have asked our Department of Natural Resources and Environmental Control to work with polluters in an effort to find cost-effective, common sense solutions to reduce harmful emissions. When those good intentions are rebuffed, then we get tougher. It's a combination that has worked.

Today, we face a major challenge: that is how do we preserve one of the major industries of our state -- agriculture -- and at the same time improve water quality.

In short, here's the situation we face. For every person living in Delaware, there are about 300 chickens who call Delaware home, too -- at least for a couple of months. Historically, the manure, or the litter, of our feathered friends has been used to fertilize the hundreds of thousands of acres of cropland on the Delmarva Peninsula. There, we grow a lot of the corn and soybeans that are needed to feed all of those chickens.

Since 1960, the number of acres of cropland under fertilization across our State has diminished by nearly one-third. Meanwhile, the number of chickens raised in our state over that period of time has almost tripled. Today, we have more poultry litter than ever and fewer farm fields across which to spread it. When it rains, excess nutrients from the litter run off into ditches and streams -- resulting in more nitrogen and phosphorous than are good for our groundwater or our waterways.

So much for the problem. What do we do about it? First, we need to be honest, we need to acknowledge that not all nutrient loading of our waterways comes from farming operations. Other sources, including wastewater treatment, our own lawns, golf courses, runoff from driveways and parking lots, they contribute to this problem as well.

If we want to dramatically improve water quality, and I know we do, all of these sources, all of these sources must be addressed. The cleanup plans for every Delaware waterway which we are developing with the EPA as part of the Clean Water Act will do that over the next 10 years.

But, in the shorter term, the harm caused by the over-application of poultry litter on fields cannot be ignored. Our goal is to sharply reduce the over-application of those nutrients.

Now, I know there are some who believe, people of good faith, who believe that a regulatory approach requiring farmers to obtain what some call "industrial-strength" permits is a large part of the solution. And I would just say, with all due respect, that's a course of action which may well result in more lawsuits than it does in clean water.

So what do we do? Several months ago, I charged an inter-agency team within this Administration with finding solutions for our nutrient overloading problem in Delaware. They have worked with the agriculture advisory committee of farmers that I created -- as well as with EPA, the large poultry integrators, environmentalists, the ag extension service and scientists, along with biotech companies like duPont. Several of them even traveled to Europe in search of answers. What is coming together is a plan of action that incorporates the best ideas from some of the smartest people around the world.

For example, research has shown that a substance called phytase, when it's introduced into chicken feed, the phosphorous coming out of the other end of the chicken is reduced by about 25 percent. Already in Delaware, some of our chickens are eating feed that includes phytase. We hope a lot more will. In addition, integrators operating in Delaware will soon require their growers to develop nutrient management plans before those growers receive any additional chicks to raise.

Millions of state and federal dollars are being used to help build manure storage sheds at farms throughout Sussex and Kent Counties to prevent runoff. We're hopeful that millions of additional federal dollars will soon be coming to Delaware to create natural buffer strips you know, alongside of waterways and ditches, strips that will keep nutrients and filter the nutrients out of the water. And meanwhile, the duPont Company and others are developing genetically-altered corn and other feeds that will result in a couple of years in less phosphorus in chicken litter.

We've also begun to explore another environmentally safe, cost-effective use for poultry litter -- one that has been used effectively in Europe for years. That's to incinerate it and to extract the BTU value of the litter and transform it into energy. Europe's experience has demonstrated that odors can be tightly contained. Stack gasses we also know can be readily scrubbed to dramatically reduce nitrogen oxide emissions. The byproduct of the incineration is a nitrogen-free ash that can be marketed for use where certain kinds of fertilizers are needed.

Last month, we began discussions with the leadership of Conectiv Power to explore whether a specially-designed boiler could be added to Conectiv's existing coal fired plant in Vienna, Maryland or at its Indian River facility, for poultry litter incineration. I have also contacted Maryland Governor Parris Glendening to explore with him whether this waste-to-energy initiative might hold promise as really as a peninsula-wide solution to nutrient management. Early next month, Conectiv CEO Howard Cosgrove and I will meet with Governor Glendening to discuss whether and how we might proceed. I might also say I spoke just earlier today with a good friend of mine. Congressman Wayne Gilchrist from the Eastern Shore of Maryland, called to say he wished he could actually be here with us today but he can't. But he called to say he likes this idea, he's been to Europe, he's looked at the technology and those of you who know Wayne know that he's got a great environmental record. But he wants to join with us and to work with his own governor, those of us in this State, to see if we can't finally find another good solution, part of a broad comprehensive plan.

Finally, we're gonna be discussing with legislators, and with integrators, and the nutrient management committee, that group of farmers that I created, on the need for legislation similar to that which has been proposed in Virginia -- coupled with a provision to protect farmers and our environment from "bad actors" who just refuse to do their part to solve this problem.

The actions I have outlined here today won't be all easy or they're not going to be all that cheap. But I am confident that the course we are taking will meet our twin objectives: cleaner water and a strong farm economy.

Well I want to take the rest of my time with you today to focus on the education of our children. As leader of the National Governors' Association, I have made raising student achievement the focus of the NGA. As governor, I have made education of our children the focus of our administration.

Ensuring that young men and women graduate from our schools able to read and write, to do math, to work with computers, I think it's the most important thing that we are endeavoring to do in Delaware and I think it's the most important thing that we are endeavoring to do in America. The future of our kids literally depends on us.

When talk first began in Delaware six years ago about education reforms based on rigorous academic standards in math, in science, in English and social studies, a lot of people figured that that idea -- like most education fads -- would simply fade away. It did not. When talk then began of developing high-stakes tests to

measure student progress toward those rigorous academic standards, a lot of people said those tests would never be given. They were mistaken.

Finally, a lot of people never believed we would put in place an accountability system that provides real consequences – both positive and negative -- for students, for schools, and for school districts. We have.

Beginning with the start of this school year, this coming September, the rubber really hits the road. A new era of accountability in education begins in Delaware.

In the spring of 2000, a little more than a year from now, students in grades 3, 5, 8, and 10 will take challenging tests – we call them assessments -- in reading, writing, and math. Students in grades 3 and 5, whose reading comprehension tests well below our standards, have gotta go to summer school and hone their reading skills. Students whose reading skills improve sufficiently will move on to the next grade. Those whose reading skills don't improve will repeat the same grade with a curriculum that focuses on reading.

Now, similar requirements apply to both reading and math in the 8th and 10th grade. The focus on these subjects is critical because, beginning with the class of 2002 – now that's kids that are freshmen today - the class of 2002 - Delaware students must demonstrate that they have mastered our rigorous standards in order to receive a high school diploma. If they fail to meet Delaware standards in reading or math by the end of the 12th grade, they may attend commencement exercises with the class of 2002. They may even receive a certificate of completion. But let me be clear: those students will not receive a diploma from the State of Delaware.

Now schools and districts will also be held accountable. They oughta be. Test scores from 1998 and 1999 will be used to establish baselines. Two years from this spring -- in 2001 -- schools whose students show significant improvement will be rewarded with public recognition and with monetary awards.

Conversely, schools whose students show no improvement or who decline face the loss of state accreditation and I guess, I expect, the wrath of parents.

Now we haven't chosen this path to be mean-spirited. We haven't chosen this path to be hard-hearted. We've chosen this path because it has succeeded in raising student achievement in other states, and because we are convinced that it will help to raise student achievement in Delaware, too.

The assessments given last spring in 3rd, 5th, 8th, and 10th grades do more than just show how our students measure up to Delaware standards. A separate section of that test also shows how some 40,000 of our students measure up to their counterparts all across the nation in reading and in math. Those results, as you probably heard indicate that our students are -- by and large -- average. Let me say again today, as I have said on any number of occasions: average is not good enough for Delaware.

If we want Delawareans to continue to enjoy a high standard of living in the next century, it won't be because our schools turn out students with average skills. It will be because our schools graduate students with skills that will enable them and their employers to be successful in a rapidly changing, ever more challenging world. It is our job, yours and mine, to make sure those students gain those skills. I want to ask each of you here something today. I want to ask each of you to join me in renewing our collective pledge to do whatever it takes to ensure that our students do succeed. Will you join me?

As many of you know, our two children attend public schools. Martha and I believe they are receiving an excellent education. We're proud of our sons just like you are of your kids and your grandchildren. We've got every reason to believe that they will be able to meet Delaware's academic standards. You know, it's important to us – I'm sure it's important to you -- that all Delaware children have a real shot, a real chance to meet those standards.

Toward that goal, we must continue to make extraordinary investments in kids' lives -- not just after they enter school, at the age of five, but in the critical, formative years before they get to kindergarten.

Now, thanks to the consistent bipartisan support of both the Senate and the House, we are doing a lot of things: combating teenage pregnancy, providing home visits for all first-time moms, and offering parenting training to a whole cross-section of people that includes people on welfare and even in our prisons, too. Our Lieutenant Governor and the PTA are leading the charge to promote the involvement of more parents in their children's education. We've dramatically expanded the availability of childcare for kids whose parents must work, and we've made it possible, I think we're one of two states in the country where every four-year-old who lives in poverty in this State has a chance now to participate in a Head Start program. I'm proud of that and my golly you oughta be proud of it too. One of two states.

To help kids be successful once they get to school, we've provided additional teachers to lower class size. We have funded an extra 20 instructional days for one out of three students so they'll have a chance to meet those academic standards. That's one out of three between kindergarten and grade 12.

To better ensure that students gain the computer skills that they'll need, a few months ago Delaware became, as far as I know, the first state in the nation to wire every single public school classroom with access to the Internet. And on top of that, we have allocated, you have allocated, 13 million extra dollars to attach computers to those wires. Teachers are being trained to use this technology to make learning come alive and to be more relevant for a generation of youngsters who are really more comfortable with a joystick than playing stickball.

On top of that, scores of Delaware employers have adopted schools and are providing mentors. Some of you in this room are mentors. This week, close to 10,000 mentors will work with students to help them meet our academic standards. And you know what? Those individual, personal efforts are paying off. Among most students with mentors, academic performance and attendance are up. Disruptive behavior and absenteeism are down.

Finally, we've introduced competition into our public schools through public school choice and charter schools. Fully 10 percent of Delaware students – that's the highest percentage of any state in America, ten percent, - now exercise that choice.

In addition, growing numbers of Delaware students are enrolling in Delaware's public charter schools. There, real genuine school-based decision making is unleashing innovation and energy too rarely found in other schools – whether they are public or private. As a result, more charter schools are on the way.

We have laid a solid foundation. It is time now to build on that foundation and to finish the job that you and I and a lot of people working together around the State have done. What remains to be done?

School reform won't be effective in classrooms that are too disruptive for teachers to teach and students to learn. To help create disciplined classrooms, we've initiated disruption prevention programs in every single Delaware public school. We've created alternative learning centers for chronically disruptive students in each county of our State. Many elementary schools now have family crisis therapists, and a growing number of high schools have something we call a school resource officer -- really a state cop in plain clothes who is trained and really good at working with teens.

It hasn't been enough. This year, this Governor will propose to increase by 50 percent what we currently spend in our schools and in our classrooms on discipline. We are awaiting the results of an evaluation of our existing discipline programs -- to find out what's working well and to find out frankly what's not working so well. With that information, I want us to expand -- statewide -- those programs that are successful at creating classrooms that are conducive to learning.

Too often, we hear that some children are not successful because schools cannot overcome the negative impact of society. You've heard that and so have I. Current research disputes that though, showing that teacher qualifications and class size together can have as great an impact on student achievement as poverty, race, and parent education combined. Now, make no mistake about it - the success of education reform hinges largely on the effectiveness of our teachers.

There are thousands of dedicated teachers that work in our schools every day. Some of those are in public schools and some are in private schools. We've been the beneficiary of any number through our own children of just some excellent teachers. Each year, we add hundreds of new teachers to their ranks. The skills of those new teachers are critical to the success of our students.

As a result we need to improve our ability to recruit and retain highly skilled, competent teachers. Toward that goal, I propose to adopt the recommendation of the Teacher Salary Schedule Improvement Committee, ably chaired over the last six months by the University of Delaware's Dr. Joe Pika. Among the recommendations that they've made are the following ones:

Make salaries more competitive with others in our region - a 13 percent increase in pay for the first three years, and a four percent increase to more experienced teachers.

Second, encourage focused, career-long professional development for all teachers and to do it in three ways: 1) by phasing in five additional, paid work days for training, professional development, over the next three years; 2) by compensating teachers for enhanced skills and knowledge; and 3) by paying more to teachers who work extra hours as academic leaders.

As we enhance compensation and work to provide quality professional development, we also must put in place policies that ensure high standards for becoming and remaining a teacher in Delaware. Education Secretary Iris Metts and I will propose a plan for professional growth and accountability of our teachers.

First, and perhaps most importantly, we will propose -- for the first time -- to link teacher appraisals to student achievement. I believe a significant portion of a teacher's evaluation should be based on how effective that teacher is in helping children to learn. What we're going to propose is that at least 20 percent of a teacher's evaluation be based on student performance, along with 30 percent of an administrator's evaluation -- those are percentages that as far as I know are among the highest of any state in America.

Secondly, we will propose to make it more challenging to earn a certificate to teach in our State. Applicants will be required to pass a national exam that measures mastery of content knowledge and how to teach that content. New teachers also will serve an induction period under the mentorship of an experienced teacher and must earn satisfactory appraisals that include evidence of improved student performance.

Third, we will propose to initiate a re-certification process to ensure that our teachers update and renew their skills. Recertification will require ongoing professional development, combined with successful performance appraisals that are the link to improve student achievement.

If a teacher receives unsatisfactory evaluations, every effort should be made to improve that teacher's skills. If, despite appropriate intervention, a teacher continues to receive unsatisfactory evaluations, that teacher will face the loss of his/her license to teach in Delaware. I believe we have a responsibility on one hand to better equip teachers with the tools that they need to enable them to be effective in Delaware classrooms. But on the other hand, we also have the responsibility to ensure that every child, every child, has an effective teacher in their classroom.

These teacher compensation and professional accountability plans make clear once again that education reform in Delaware at least is not a passing fad. The course to which we are committed is really more like a marathon than a sprint. Our kids' futures are at stake. So is the future economic vitality of Delaware in the 21st

century. Delaware's children, Delaware's children, your children and mine, deserve nothing less than the best education that our state can offer. The responsibility, the responsibility to make that a reality for them rests with us.

As I close here today, let me say that in spite of all that we've accomplished, you know what I'm always struck by, I'm always struck by how much work there is still left to do. And it occurs to me that the reason is really pretty simple: to stay ahead, you've gotta keep moving forward.

I am proud of the record that our Administration working with you in this legislature and those that have come before -- working with people all over the State, I'm proud of our accomplishments and what we have put together over the past six years. Our collective leadership has prepared this state well for a new century. Our economy is today. But let us dedicate ourselves today to meeting those challenges with the same strong. Taxes are lower. Crime is decreasing. Health care is increasing. Our schools are getting better. Our environment is getting cleaner.

Now, many challenges await us, of course -- some of which I have outlined here today. But, let us dedicate ourselves today to meeting those challenges with the same energy, the same enthusiasm, the same bipartisan spirit of cooperation, that has been our recipe in Delaware for success for these past six years and before. Let the governor and legislature who are preparing to greet another new century right here, 100 years from now, say of us: they saw their future, they reached out to embrace it.

Thank you very much.

Senator Adams moved that the Joint Session be adjourned and the two Houses separate to reconvene in their respective Chambers. There was no objection. The Joint Session was declared adjourned at 3:03 p.m.

The House reconvened at 4:36 p.m. with Representative Welch as Acting Speaker.

Representatives Caulk, Capano & Miro requested that they be marked present.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 3 before the House for consideration.

HB 3 – AN ACT TO AMEND CHAPTER 27 OF TITLE 7 OF THE DELAWARE CODE RELATING TO THE RENEWAL OF HORSESHOE CRAB DREDGE PERMITS BY CURRENT PERMIT HOLDERS.

Representative Quillen made comments.

The roll call on HB 3 was taken and revealed:

YES: 35.

NOT VOTING: Representatives D. Ennis & Ewing – 2.

ABSENT: Representatives Lofink, Roy, West & Williams – 4.

Therefore, having received a constitutional majority, HB 3 was sent to the Senate for concurrence.

Representatives Mulrooney, Viola, Wagner, D. Ennis, Brady, Oberle, Stone & Spence requested that they be marked present during the roll call.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought HB 16, jointly sponsored by Senator Bonini & cosponsored by Representative Smith, before the House for consideration.

HB 16 – AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 BILL)

Representatives Buckworth, Ewing & Caulk made comments.

The roll call on HB 16 was taken and revealed:

YES: 36.

ABSENT: Representatives Lofink, Roy, Scott, West & Williams – 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 16 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: January 21, 1999

The following Tributes & Memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

| Number   | Sponsor  | Date      | Type | Description                                                                   |
|----------|----------|-----------|------|-------------------------------------------------------------------------------|
| H140-154 | Cathcart | 1/16/1999 | T    | Chief Franklin Bailey, Jr./Retirement/Volunteer Hose Company/Middletown       |
| H140-155 | Quillen  | 1/12/1999 | T    | Sarah J. Moore/National Merit Commended Scholarship Recipient                 |
| H140-156 | Quillen  | 1/12/1999 | T    | Tristan J. Schweiger/National Merit Commended Scholarship Recipient           |
| H140-157 | Quillen  | 1/12/1999 | T    | Grace & Carroll Welch/ Advancement Harrington Historical Society & Museum     |
| H140-158 | Quillen  | 1/16/1999 | T    | Betty Taylor/Contributions/Ladies Auxiliary/Harrington Volunteer Fire Company |
| H140-159 | Quillen  | 1/16/1999 | T    | Mary Tucker/50 Years/Dedicated Service/Volunteer Fireman's Associations       |

|                  |           |            |   |                                                                     |
|------------------|-----------|------------|---|---------------------------------------------------------------------|
| H140-160         | Quillen   | 1/16/1999  | T | Kenneth "Snooky" Collins/39 Years/Harrington Volunteer Fire Company |
| H140-161         | DiLiberto | 1/6/1999   | M | Christopher J. Battaglia                                            |
| H140-162         | DiLiberto | 12/30/1998 | M | William A. Walther                                                  |
| cosponsor: Viola |           |            |   |                                                                     |
| H140-163         | Schroeder | 1/17/1999  | T | Brian K. Misener/Eagle Scout                                        |
| H140-164         | Fallon    | 1/12/1999  | M | Lewis Trivits                                                       |
| H140-165         | Quillen   | 1/16/1999  | T | Derrick Brode/Lifesaving Effort/3 Year-Old Drowning Victim          |
| H140-166         | Quillen   | 1/16/1999  | T | Rob Taylor/Lifesaving Effort/3 Year-Old Drowning Victim             |
| H140-167         | Quillen   | 1/16/1999  | T | Dan McLaughlin/Lifesaving Effort/3 Year Old Drowning Victim         |
| H140-168         | Quillen   | 1/16/1999  | T | Matt Taylor/Lifesaving Effort/3 Year-Old Drowning Victim            |
| H140-169         | Quillen   | 1/16/1999  | T | Doug Jolley/Lifesaving Effort/Person Who Stopped Breathing          |
| H140-170         | Quillen   | 1/16/1999  | T | Jim Green/Lifesaving Effort/Person Who Stopped Breathing            |
| H140-171         | Quillen   | 1/16/1999  | T | Kenny Brode/Lifesaving Effort/Person Who Stopped Breathing          |
| H140-172         | Quillen   | 1/16/1999  | T | Jim Callaway/Lifesaving Effort Person Who Stopped Breathing         |
| H140-173         | Quillen   | 1/16/1999  | T | Doug Poore/Lifesaving Effort/Person Who Stopped Breathing           |
| H140-174         | B. Ennis  | 2/12/1999  | T | Alberta & B. Franklin Morris, III/50th Wedding Anniversary          |
| H140-175         | Wagner    | 1/7/1999   | T | Elsie Ann Daisey Draine/100th Birthday                              |

HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: January 21, 1999

The following Tributes & Memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

| Number                                                      | Sponsor   | Date       | Type | Description                                                                     |
|-------------------------------------------------------------|-----------|------------|------|---------------------------------------------------------------------------------|
| H140-176                                                    | Wagner    | 1/15/1999  | T    | Robert Cuthrell/Retirement/28 Years/Capital School District                     |
| H140-177                                                    | Wagner    | 1/15/1999  | T    | Betsy Williamson/Retirement/41 Years/Capital School District                    |
| H140-178                                                    | Carey     | 2/5/1999   | T    | Perdue Farms, Incorporated/Georgetown/20th Anniversary                          |
| cosponsor: West                                             |           |            |      |                                                                                 |
| H140-179                                                    | Spence    | 1/28/1999  | T    | Paul D. Deitrick, Jr./Eagle Scout                                               |
| H140-131                                                    | Buckworth | 12/20/1998 | M    | Helen E. Wagner                                                                 |
| cosponsors: Caulk, B. Ennis, Quillen, Stone, Wagner & Welch |           |            |      |                                                                                 |
| H140-141                                                    | Quillen   | 12/24/1998 | T    | Frank E. Collins/Million Mile Safety Award-Recipient/Postal Service             |
| H140-126                                                    | Welch     | 12/18/1998 | T    | Brittany Dixon/Fourth in Showmanship/Paint Horse Show                           |
| H140-142                                                    | Oberle    | 1/16/1999  | T    | Bradford T. Levering, II/Eagle Scout                                            |
| H140-153                                                    | Buckworth | 1/12/1999  | T    | Eddy Seger/Designed the Delaware Quarter                                        |
| H140-148                                                    | Cathcart  | 1/8/1999   | T    | Vicki Knotts/EMT of the Year/Townsend Fire Company                              |
| H140-140                                                    | Quillen   | 12/22/1998 | T    | William J. Paskey, Jr./Contributions to Kent Countians                          |
| H140-127                                                    | Welch     | 12/18/1998 | T    | Brooke Dixon/Won Reserve World Champion Title/Paint Horse Show                  |
| H140-136                                                    | Schroeder | 11/12/1998 | T    | Bettina & Joseph McQuaide/Century Farm Award Recipients                         |
| H140-134                                                    | Schroeder | 1/5/1999   | T    | DeVries Business & Professional Women's Club/Lewes/50 <sup>th</sup> Anniversary |
| H140-133                                                    | D. Ennis  | 12/17/1998 | M    | Clarence S. Collins, Jr.                                                        |
| H140-128                                                    | Buckworth | 12/18/1998 | T    | Josh Herrera/First Team/All-State Soccer                                        |
| H140-150                                                    | VanSant   | 1/8/1999   | T    | Robert C. Romig/30 Years of Service/Five Points Fire Company                    |
| cosponsor: Houghton                                         |           |            |      |                                                                                 |
| H140-147                                                    | Cathcart  | 1/8/1999   | T    | Larry Austin, Jr./Fireman of the Year/Townsend Fire Company                     |
| H140-122                                                    | Schroeder | 11/13/1998 | T    | Ardeth & F. Thomas Savage/50th Wedding Anniversary                              |
| H140-144                                                    | Fallon    | 12/30/1998 | M    | Edward E. Moore                                                                 |
| H140-151                                                    | Wagner    | 12/21/1998 | M    | Denis Joseph O'Brien                                                            |
| H140-123                                                    | Houghton  | 11/25/1998 | T    | Kathleen & George Walsh/50th Wedding Anniversary                                |
| H140-146                                                    | Caulk     | 1/5/1999   | M    | Benjamin O. Matlack                                                             |
| H140-139                                                    | Ulbrich   | 1/5/1999   | T    | Chrysler Assembly Plant/Management Award                                        |

T- Tribute

M - Memoriam

Representatives DiPinto, Quillen, Fallon, Reynolds, Smith, Buckworth, Gilligan, Oberle & Quillen made comments.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 2 before the House for consideration.

HB 2 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO SHELLFISH.

Representative Quillen moved to suspend the rules which interfere with introduction of and action on HA 1 to HB 2. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Quillen introduced and brought HA 1 to HB 2 before the House for consideration.

Representative Quillen requested and was granted privilege of the floor for Charles Lesser, Administrator, Fisheries Section, Division of Fish & Wildlife, Department of Natural Resources & Environmental Control.

Representative Quillen made comments.

Mr. Speaker Spence resumed the Chair.

Representatives Oberle, Ewing, Cathcart, Oberle, Cathcart, Gilligan, Carey, DiLiberto, Stone, Schroeder, B. Ennis, Smith, Price, Oberle, D. Ennis & Stone made comments.

Representative Cathcart requested and was granted privilege of the floor for Grace Pierce-Beck, Conservation Director, Delaware Audubon Society.

Representatives Cathcart & Carey made comments.

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

Representative Quillen moved to place HB 2 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representatives Quillen, Lee, D. Ennis & Smith made comments.

The Majority Leader moved to recess to the call of the Chair at 5:49 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:10 p.m. on January 26, 1999.

Representative Lofink requested that he be marked present for the current legislative day.

Representative Smith introduced HB 22, jointly sponsored by Representative Spence & Senators Henry & Winslow.

HB 22 – AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.

Mr. Acting Speaker assigned HB 22 to the Public Safety Committee.

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

6th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 26, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative West – 1.

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

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

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

The following prefiled legislation was introduced:

HB 20 - WAGNER; REPRESENTATIVES SPENCE & CAREY; SENATORS HENRY, AMICK - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Commissioners of the Courts.

HB 21 - WAGNER & SENATOR MCDOWELL; REPRESENTATIVES SPENCE, BUCKWORTH, CLOUTIER, LOFINK, STONE, ULBRICH, HOUGHTON, PRICE; SENATORS BAIR, SORENSON, CONNOR - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Pay for Substitute Teachers. (3/4 bill)

HB 29 - OBERLE; REPRESENTATIVES WELCH, BOULDEN, BRADY, BUCKWORTH, CAULK, EWING, LEE, REYNOLDS, B. ENNIS, HOUGHTON, WILLIAMS - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to The Creation of a Campaign Integrity Commission.

HB 30 - OBERLE & WELCH & SENATOR BONINI - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article XV of the Delaware Constitution Relating to Certain Required Resignations. (2/3 bill)

HB 31 - OBERLE - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Campaign Signs.

SB 13 – MARSHALL & REPRESENTATIVE MAIER – HEALTH AND HUMAN DEVELOPMENT – An Act to Amend Title 16 of the Delaware Code Relating to Quality in Hiring of Employees and Others Who Provide Services in Nursing Homes and Similar Facilities.

Representative Ewing made comments.

Representative Boulden requested that he be marked present.

Representative Buckworth requested and was granted privilege of the floor to present a House Tribute to Melinda Marsh and to introduce guests.

Representative Wagner made comments.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SB 13 and requests the concurrence of the House.

Representative Schroeder requested that he be marked present.

Representative Smith introduced HR 4, jointly sponsored by Representative Welch.

HR 4 – RELATING TO PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES OF THE 140TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

Mr. Acting Speaker assigned HR 4 to the Rules Committee.

Representative Smith introduced HR 5, jointly sponsored by Representative Welch.

HR 5 – RELATING TO THE PERMANENT PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 140TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS.

Mr. Acting Speaker assigned HR 5 to the Ethics Committee.

Representatives Smith, Gilligan & Plant requested and were granted personal privilege of the floor to make comments.

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

The House reconvened at 4:25 p.m.

Representative Smith deferred to Representative Ewing.

Representative Ewing made an announcement.

Representatives Brady & Reynolds requested that they be marked present.

Representatives Welch, Ewing & Reynolds made announcements.

Mr. Acting Speaker introduced a guest.

Representative Smith made an announcement.

Representative Smith deferred to Representative Roy.

Representative Roy brought HB 10, jointly sponsored by Senator McDowell & Representatives Capano, Carey & Stone & Senators Adams, Vaughn, Venables & Still, before the House for consideration.

HB 10 – AN ACT AMENDING THE PROVISIONS OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE RESTRUCTURING OF AND REGULATION OF PUBLIC UTILITIES SUPPLYING ELECTRICITY TO RETAIL CUSTOMERS IN THE STATE. (3/5 bill)

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

Representatives Smith, Roy, Smith & Brady made comments.

Representatives Welch, Stone, Fallon, Miro, Valihura, Lofink, VanSant, Schroeder, Keeley, Capano & Caulk announced that they would not be participating in the debate nor voting on HB 10 because of a possible conflict of interest.

Representative Roy made comments.

Representative Spence requested that he be marked present.

Mr. Acting Speaker made comments.

Representative Roy introduced and brought HA 1 to HB 10 before the House for consideration.

Representative Roy made a comment. HA 1 was adopted by voice vote.

Representative Roy introduced and brought HA 2 to HB 10 before the House for consideration.

Representative Roy made comments.

Representative Roy introduced and brought HA 1 to HA 2 TO HB 10 before the House for consideration.

Representative Roy made comments. HA 1 to HA 2 was adopted by voice vote. Representative Roy made comments. HA 2 w/HA 1 was adopted by voice vote.

Representative Roy made comments.

Representative Roy requested and was granted privilege of the floor for Myles K. Meehan, Vice-President for Residential & Small Business Services, Exelon Energy.

Representatives Roy, Wagner & Roy made comments.

Representative Roy requested and was granted privilege of the floor for Dr. Donald Puglisi, Public Service Commission member.

Representatives Roy & Wagner made comments.

The roll call on HB 10 w/HA 1 & HA 2 w/HA 1 was taken and revealed:

YES: 29.

NOT VOTING: Representatives Capano, Fallon, Keeley, Miro, Stone, Valihura, VanSant & Welch – 8.

ABSENT: Representatives Caulk, Lofink, Schroeder & West – 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 10 w/HA 1 & HA 2 w/HA 1 was sent to the Senate for concurrence.

Representative Smith made comments.

Mr. Speaker Spence resumed the Chair.

Representative Roy introduced a guest.

The Majority Leader moved to recess to the call of the Chair at 5:17 p.m.

Mr. Acting Speaker Welch called the House to order at 2:12 p.m. on January 27, 1999.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SB 2 w/SA 1, SB 9 w/SA 1 & SB 31 and requests the concurrence of the House.

Representative Smith deferred to Representative Maier.

Representative Maier introduced HB 39, jointly sponsored by Representative Spence & Senators Bair, Sorenson & McDowell & Representatives Capano, DiPinto, Ewing, Lee, Lofink, Oberle, Reynolds, Roy, Stone, Ulbrich, Wagner, B. Ennis, Houghton, Keeley, Plant, Price & Williams & Senators Henry, Sokola, Connor & Winslow & cosponsored by Representative Cloutier.

HB 39 – AN ACT TO AMEND TITLES 11, 16, AND 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF THE OFFICE OF CHILD ADVOCATE.

Mr. Acting Speaker assigned HB 39 to the Health and Human Development Committee.

Representative Smith deferred to Representative Wagner.

Representatives Wagner and Smith made announcements.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced HB 43, jointly sponsored by Senator Sokola.

HB 43 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL DISTRICT CALENDARS.

Mr. Acting Speaker assigned HB 43 to the Education Committee.

Representative Smith deferred to Representative Maier.

Representative Maier introduced HB 45, jointly sponsored by Senator Marshall.

HB 45 – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE REGULATION OF NURSING FACILITIES AND OR SIMILAR FACILITIES AND ABUSE, NEGLECT, MISTREATMENT, OR FINANCIAL EXPLOITATION OF PATIENTS OR RESIDENTS.

Mr. Acting Speaker assigned HB 45 to the Health and Human Development Committee.

Representative Smith introduced HB 44, sponsored by Representative Spence & Senators Henry & Winslow.

HB 44 – AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.

Mr. Acting Speaker assigned HB 44 to the Public Safety 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.

7th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 27, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative West - 1.

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

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

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

Representative DiPinto requested that he be marked present.

The following prefiled legislation was introduced:

HB 23 - STONE & SENATOR STILL - HOUSE ADMINISTRATION - An Act to Amend Chapter 158, Volume 36, Laws of Delaware as Amended, Being the Charter of the City of Dover, Relating to the Duration of Tax Liens. (2/3 bill)

HB 24 - WAGNER & SENATOR VENABLES - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Salaries of Justice of the Peace, Prohibited Activities and Employments.

HB 25 - WELCH - HOUSE ADMINISTRATION - An Act to Amend Title 9, Delaware Code, Relating to Garbage Collections in Unincorporated Areas of Kent County.

HB 26 - WELCH & DILIBERTO & SENATOR AMICK - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jury Compensation and Reimbursement.

HB 27 - WELCH & SENATOR VENABLES - NATURAL RESOURCES - An Act to Amend Title 7 of the Delaware Code Relating to Regulations and Prohibitions Concerning Game and Fish.

HB 28 - WELCH & SENATOR VENABLES; REPRESENTATIVES SPENCE, BUCKWORTH, CAULK, LEE, B. ENNIS; SENATOR BONINI - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend §1782 of Title 24 of the Delaware Code Relating to the Parental Notice of Abortion Act.

HB 32 - OBERLE; REPRESENTATIVES SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, QUILLEN, REYNOLDS, STONE, WAGNER, VANSANT, HOUGHTON, PLANT, PRICE, SCHROEDER, WEST - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 24 of the Delaware Code Relating to the Medical Practices Act.

HB 33 - OBERLE & REPRESENTATIVES VANSANT, STONE; SENATORS VAUGHN, CONNOR - JUDICIARY - An Act to Amend Title 6 of the Delaware Code Relating to Sales of Goods.

HB 34 - OBERLE & SENATOR DELUCA - EDUCATION - An Act to Amend Title 14, of the Delaware Code Relating to Employee Absences or Leave.

HB 35 - OBERLE & SENATORS CONNOR, DELUCA - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Limitations upon Taxing Power.

HB 36 - CAPANO & SENATORS BLEVINS & WINSLOW; REPRESENTATIVES WELCH, BUCKWORTH, ULBRICH, WAGNER; SENATORS CONNOR, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Property.

HB 37 - CAPANO & SENATORS BLEVINS & WINSLOW; REPRESENTATIVES WELCH, BUCKWORTH, ULBRICH, WAGNER; SENATORS CONNOR, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Counties.

HB 38 - CAPANO & SENATORS BLEVINS & WINSLOW; REPRESENTATIVES WELCH, BUCKWORTH, ULBRICH, WAGNER; SENATORS CONNOR, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Property.

HB 40 - CAPANO & SENATORS BLEVINS & WINSLOW; REPRESENTATIVES WELCH, BUCKWORTH, ULBRICH, WAGNER; SENATORS CONNOR, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Titles 9 and 10 of the Delaware Code Relating to Counties and Courts and Judicial Procedure.

HB 42 - OBERLE & BOULDEN & EWING & BUCK WORTH & LOFINK & SPENCE & SCHROEDER & SENATORS MCBRIDE & WINSLOW; REPRESENTATIVES WELCH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DIPINTO, D. ENNIS, FALLON, LEE, MAIER, MIRO, QUILLEN, REYNOLDS, ROY, STONE, VALIHURA, WAGNER, GILLIGAN, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, SCOTT, VIOLA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

SB 2 w/SA 1 - MARSHALL & REPRESENTATIVE WELCH; SENATORS BLEVINS, DELUCA, HENRY, MCDOWELL, CONNOR, SOKOLA; REPRESENTATIVES MULROONEY, SCOTT, WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Minimum Wage.

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

Representative Plant introduced HCR 3, jointly sponsored by Representatives DiPinto, Scott, Keeley, Lofink, Oberle & Spence & Senators Henry, Marshall & McDowell & cosponsored by Representative Williams.

HCR 3 – ENCOURAGING STATE AND LOCAL GOVERNMENTS, ELECTED OFFICIALS AND CIVIC LEADERS TO SUPPORT THE CREATION OF A LOCAL CHAPTER OF THE NATIONAL URBAN LEAGUE.

Representative Plant moved to place HCR 3 on the Speaker’s Table. The motion was seconded by Representative Smith and adopted by voice vote.

The Majority Leader moved to recess for committee meetings at 2:31 p.m.

The House reconvened at 4:15 p.m. with Representative Roy as Acting Speaker.

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

CORRECTIONS: HB 9 – 3F, 3M; HCR 2 – 2F, 4M.

EDUCATION: HB 6 – 9M; HB 43 – 5F, 2M.

JUDICIARY: HB 15 – 2F, 6M; HB 17 – 8M.

REVENUE & FINANCE: HB 18 – 6M.

RULES: HR 4 – 3M.

Representatives Spence, Cloutier, Ulbrich, Gilligan & D. Ennis requested that they be marked present.

Representative Smith deferred to Representative Lofink.

Representative Lofink moved to lift HCR 3 from the Speaker’s Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Lofink brought HCR 3, jointly sponsored by Representatives Plant, DiPinto, Scott, Keeley, Oberle & Spence & Senators Henry, Marshall & McDowell & cosponsored by Representative Williams, before the House for consideration.

HCR 3 – ENCOURAGING STATE AND LOCAL GOVERNMENTS, ELECTED OFFICIALS AND CIVIC LEADERS TO SUPPORT THE CREATION OF A LOCAL CHAPTER OF THE NATIONAL URBAN LEAGUE.

Representative Lofink requested that HCR 3 be added to Consent Calendar #1.

Representative Smith introduced and brought the following prefiled Consent Calendar #1 before the House for consideration:

HR 6 - B. ENNIS - RE-ESTABLISHING THE ADVISORY COMMITTEE TO ASCERTAIN ALTERNATIVE METHODS OF FUNDING THE DELAWARE MOTORCYCLE RIDER EDUCATION PROGRAM ESTABLISHED BY HOUSE RESOLUTION NO. 68 OF THE 139TH GENERAL ASSEMBLY AND EXTENDING THE DATE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE OF REPRESENTATIVES.

HR 7 – ROY; REPRESENTATIVES SPENCE, CLOUTIER, DIPINTO, LOFINK, MIRO, ULBRICH, GILLIGAN, DILIBERTO, KEELEY - CELEBRATING CATHOLIC SCHOOLS WEEK IN DELAWARE.

HCR 3 – PLANT; REPRESENTATIVES DIPINTO, SCOTT, KEELEY; SENATORS HENRY, MARSHALL, MCDOWELL; REPRESENTATIVES OBERLE, SPENCE, WILLIAMS - ENCOURAGING STATE AND LOCAL GOVERNMENTS, ELECTED OFFICIALS AND CIVIC LEADERS TO SUPPORT THE CREATION OF A LOCAL CHAPTER OF THE NATIONAL URBAN LEAGUE.

HCR 4 - B. ENNIS; SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, EWING, D. ENNIS, HOUGHTON, OBERLE, PRICE; QUILLEN; SENATORS AMICK, CONNOR, MCDOWELL, SOKOLA- PROCLAIMING THE MONTH OF MAY 1999 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME.

Consent Calendar #1 was adopted by voice vote and HCR 3 & HCR 4 were sent to the Senate for concurrence.

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

PUBLIC SAFETY: HB 19 – 5 M.

Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:23 p.m.

Mr. Acting Speaker Roy called the House to order at 2:04 p.m. on January 28, 1999.

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

HEALTH & HUMAN DEVELOPMENT: HB 45 – 6 M, SB 13 – 6 M.

HOUSE ADMINISTRATION: HB 12 – 3 M, HB 14 – 3 M.

Representative Smith introduced HA 1 to HB 6. HA 1 was placed with the Bill.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

8th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
January 28, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative West – 1.

A prayer was offered by Reverend Ron Wuest, minister, Cheswold United Methodist Church and a chaplain for Delaware Hospice.

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

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

The following prefiled legislation was introduced:

HB 11 - OBERLE & SENATOR HENRY; REPRESENTATIVES DIPINTO, HOUGHTON, KEELEY, PLANT, SCOTT, WILLIAMS - LABOR - An Act to Amend Title 9, 19 and 29 of the Delaware Code Relating to Discrimination in Employment and in Public Works Contracting.

HB 41 - PRICE & REPRESENTATIVE OBERLE & SENATOR BUNTING; REPRESENTATIVES BRADY, B. ENNIS, KEELEY, PLANT, REYNOLDS, VIOLA - BOND BILL - An Act to Amend Title 29 of the Delaware Code Relating to School Construction and Capital Improvements.

HB 46 - SCOTT & SENATOR BLEVINS; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DILIBERTO, DIPINTO, EWING, FALLON, HOUGHTON, KEELEY, MIRO, PLANT, ULBRICH, WAGNER, SPENCE, VIOLA, PRICE, WILLIAMS; SENATORS COOK, DELUCA, HENRY, MARSHALL, MCDOWELL, SOKOLA, SORENSON - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Domestic Violence.

HB 47 - SCOTT & SENATOR MARSHALL; REPRESENTATIVES DIPINTO, KEELEY, PLANT; SENATORS HENRY, MCDOWELL - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Chapter 9 of Title 26 of the Delaware Code Relating to Public Utilities.

HB 48 – WEST; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, SCHROEDER, SCOTT, SPENCE, STONE, VANSANT, VIOLA, WAGNER, WILLIAMS - HOUSE ADMINISTRATION - An Act to Amend Title 15, Delaware Code Relating to Voter Registration Information.

HB 49 – SCOTT; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, LOFINK, PLANT, PRICE, QUILLEN, REYNOLDS, SPENCE, VANSANT, WAGNER, WEST, WILLIAMS, VALIHURA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Required Information for Driver's Licenses.

HB 51 - WELCH & REPRESENTATIVE OBERLE & SENATOR MARSHALL - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 52 - EWING & BUCKWORTH; REPRESENTATIVES SPENCE, SCOTT, BRADY, CLOUTIER - APPROPRIATIONS - An Act to Amend Title 20 of the Delaware Code Relating to Pension Benefits for Paraplegic Veterans.

HB 54 - CAPANO & SENATOR MARSHALL - REVENUE & FINANCE - An Act to Amend Title 12 of the Delaware Code Related to Escheat of Unredeemed Gift Certificates.

HJR 2 – MAIER; SENATOR BLEVINS; REPRESENTATIVES SPENCE, SMITH, WELCH, BUCKWORTH, CAPANO, CATHCART, CLOUTIER, DIPINTO, D. ENNIS, EWING, FALLON, LEE, MIRO, QUILLEN, REYNOLDS, STONE, CAREY, ROY, ULBRICH, VALIHURA, WAGNER, GILLIGAN, VANSANT, HOUGHTON, PLANT, PRICE, SCHROEDER; SENATORS BUNTING, COOK, DELUCA, HENRY, MCBRIDE, MCDOWELL, MARSHALL, VENABLES, SOKOLA, BAIR, STILL - HEALTH & HUMAN DEVELOPMENT - Encouraging Delaware's United States Congressional Delegation to Put Forth a Motion to the United States Congress to Grant, as it Deems Appropriate, the State of Delaware Full Possession and Direct Oversight of Any Monies Paid to the State of Delaware by the Tobacco Industry.

SB 9 w/SA 1 - BUNTING & REPRESENTATIVE PRICE - HOUSE ADMINISTRATION - An Act to Amend an Act, Being Chapter 166, Volume 37, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Selbyville" to Provide for Indemnification of Officers, Agents and Employees. (2/3 bill)

SB 10 - VAUGHN & REPRESENTATIVE LEE; SENATOR WINSLOW - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to Protection of Records.

SB 31 - COOK & REPRESENTATIVE DIPINTO; SENATOR SHARP & REPRESENTATIVE SMITH - APPROPRIATIONS - An Act to Amend Section 17, Chapter 354, Volume 71, Laws of Delaware Relating to the State Employer Pension Rate for Fiscal Year 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HCR 1 & HCR 3 and is returning same to the House. The Senate wishes to inform the House that it has passed SB 10 and requests the concurrence of the House. Representatives Ulbrich, Gilligan & VanSant requested that they be marked present.

Representative Smith deferred to Representative Stone.

Representatives Stone requested and was granted personal privilege of the floor to make an announcement.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto requested and was granted personal privilege of the floor to make a comment.

The Majority Leader moved to recess for caucus at 2:16 p.m.

The House reconvened at 4:26 p.m. with Representative Welch as Acting Speaker.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SB 32 w/SA 2 and requests the concurrence of the House.

Representatives Cloutier & Reynolds requested that they be marked present.

Representative Smith made an announcement.

Representatives D. Ennis, Brady & Boulden requested that they be marked present.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought HB 43, jointly sponsored by Senator Sokola, before the House for consideration.

HB 43 – An ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL DISTRICT CALENDARS.

Representative Reynolds made comments.

The roll call on HB 43 was taken and revealed:

YES: 40.

ABSENT: Representative West – 1.

Therefore, having received a constitutional majority, HB 43 was sent to the Senate for concurrence.

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

Mr. Speaker Spence resumed the Chair.

Representative Welch deferred to Representative Maier.

Representative Maier brought HB 45, jointly sponsored by Senator Marshall, before the House for consideration.

HB 45 – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE REGULATION OF NURSING FACILITIES AND OR SIMILAR FACILITIES AND ABUSE, NEGLECT, MISTREATMENT, OR FINANCIAL EXPLOITATION OF PATIENTS OR RESIDENTS.

Representative Maier made comments.

The roll call on HB 45 was taken and revealed:

YES: 38.

ABSENT: Representatives Roy; Smith & West – 3.

Therefore, having received a constitutional majority, HB 45 was sent to the Senate for concurrence.

Representative Welch deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with action on SB 31. The motion was seconded by Representative Welch and adopted by voice vote.

Representative DiPinto brought SB 31, jointly sponsored by Senators Cook & Sharp & Representative Smith, before the House for consideration.

SB 31 – AN ACT TO AMEND SECTION 17, CHAPTER 354, VOLUME 71, LAWS OF DELAWARE RELATING TO THE STATE EMPLOYER PENSION RATE FOR FISCAL YEAR 1999.

Representative DiPinto made comments.

The roll call on SB 31 was taken and revealed:

YES: 40.

ABSENT: Representative West – 1.

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

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 18, jointly sponsored by Representative Roy & Senators McDowell & Cook & Representatives Smith, Welch, Buckworth, Carey, Cloutier, DiPinto, D. Ennis, Lofink, Miro, Stone, Wagner, Gilligan, VanSant, DiLiberto, Houghton & Scott, before the House for consideration.

HB 18 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION ON THE DISTRIBUTION AND USE OF PUBLIC UTILITIES. (3/5 bill)

Representative Capano made comments.

The roll call on HB 18 was taken and revealed:

YES: 40.

ABSENT: Representative West – 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 18 was sent to the Senate for concurrence.

Representative Smith made an announcement.

Representative Smith deferred to Representative Maier.

Representative Maier brought SB 13, jointly sponsored by Senator Marshall, before the House for consideration.

SB 13 – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO QUALITY IN HIRING OF EMPLOYEES AND OTHERS WHO PROVIDE SERVICES IN NURSING HOMES AND SIMILAR FACILITIES.

Representatives Maier, B. Ennis & Oberle made comments.

The roll call on SB 13 was taken and revealed:

YES: 40.

ABSENT: Representative West – 1.

Therefore, having received a constitutional majority, SB 13 was returned to the Senate.

Representative Smith deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with introduction of and action on SB 32 w/SA 2. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy introduced and brought SB 32 w/SA 2, jointly sponsored by Senators Blevins, Cook, McBride, Venables, Bonini & Connor & Representatives Carey, Lofink, Oberle, Plant & Schroeder, before the House for consideration.

SB 32 – AN ACT TO AMEND CHAPTER 378, VOLUME 71, LAWS OF DELAWARE, AND PROVIDING FOR THE DEVELOPMENT AND OPERATION OF THE CIVIL AIR TERMINAL, KENT COUNTY AEROPARK AND THE DELAWARE AIR PARK. (3/4 bill)

Representative Roy made comments.

The roll call on SB 32 w/SA 2 was taken and revealed:

YES: 40.

ABSENT: Representative West – 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 32 w/SA 2 was returned to the Senate.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder moved to suspend the rules which interfere with action on HB 12. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Schroeder brought HB 12, jointly sponsored by Senator Simpson, before the House for consideration.

HB 12 – 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 DELETE THE MANDATORY TIME FOR SWEARING IN NEW COUNCIL MEMBERS AT THE ANNUAL ORGANIZATIONAL MEETING. (2/3 bill)

The roll call on HB 12 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Ulbrich & West – 3.

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

Representative Smith brought HB 6, cosponsored by Representative Brady, before the House for consideration.

HB 6 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO NONRESIDENT CHILDREN WHO ARE IMPROPERLY ENROLLED IN THE PUBLIC SCHOOLS OF THIS STATE AND CREATING PENALTIES.

Representative Smith brought HA 1 to HB 6 before the House for consideration.

Representative Smith introduced and brought HA1 to HA 1 to HB 6 before the House for consideration. HA 1 was adopted by voice vote. HA 1 w/HA1 was adopted by voice vote.

Representatives Smith & Brady made comments.

The roll call on HB 6 w/HA 1w/HA 1 was taken and revealed:

YES: 36.

ABSENT: Representatives DiPinto, Maier, Ulbrich, Viola & West – 5.

Therefore, having received a constitutional majority, HB 6 w/HA 1 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 9, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 9 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF ASSAULT IN A DETENTION FACILITY.

Representative Lee made comments.

The roll call on HB 9 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Maier, Ulbrich & West – 4.

Therefore, having received a constitutional majority, HB 9 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought HCR 2, jointly sponsored by Representatives Buckworth & Ewing & Senators Vaughn, Bunting & Amick, before the House for consideration.

HCR 2 – ESTABLISHING A COMMITTEE TO INVESTIGATE WHETHER OR NOT THE IMPLEMENTATION OF A BOOT CAMP FOR YOUTHFUL OFFENDERS WOULD BE BENEFICIAL TO THE STATE, TO THE EFFECTIVENESS OF OUR CORRECTIONS DEPARTMENT, AND TO THE CITIZENS OF THIS STATE.

Representative Lee introduced and brought HA 1 to HCR 2 before the House for consideration.

Representative Lee made comments. HA 1 was adopted by voice vote.

Representative Lee made comments.

HCR 2 w/HA 1 was adopted by voice vote and was sent to the Senate for concurrence.

Representative Lee made comments.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought HB 16 w/SA 1, jointly sponsored by Senator Bonini & cosponsored by Representative Smith, before the House for concurrence on SA 1.

HB 16 – AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 bill)

Representative Buckworth made comments.

The roll call on HB 16 w/SA 1 was taken and revealed:

YES: 33.

ABSENT: Representatives Cathcart, DiPinto, Maier, Oberle, Roy, Ulbrich, VanSant & West - 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 16 w/SA 1 was sent to the Governor.

Representative Smith made an announcement.

Representative Smith deferred to Representative Lofink.

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

Representative Lofink deferred to Representative Gilligan.

Representative Gilligan presented a House Tribute to Representative Reynolds and made comments.

Representatives Gilligan, Lofink, B. Ennis, Welch, Wagner, Spence, Lee & Reynolds made comments.

Representative Gilligan presented a House Tribute to Representative DiLiberto.

Representatives Gilligan & DiLiberto made comments.

Representative Smith deferred to Representative Stone.

Representative Stone introduced and brought HR 8, sponsored on behalf of All Representatives, before the House for consideration.

HR 8 – BIDDING A FOND FAREWELL TO HOUSE ATTORNEY ALI STARK AS SHE JOURNEYS DOWN THE HALL TO HER NEW JOB WITH LEGISLATIVE COUNCIL.

WHEREAS, Ali Stark has been a shining example of excellence in bill drafting since she came to the Delaware House of Representatives in 1995, and

WHEREAS, Ali will join the staff of Legislative Council as one of their legal attorney, having knocked off all other competition, and

WHEREAS, Ali will bring wisdom and experience to her new job, including knowing when to sit on drafting a bill just long enough so that the sponsor finally realizes it's a bad idea, and knowing that now when a request comes from a House Republican, there is no such thing as a bad idea, and

WHEREAS, Ali is known for her sharp wit and her anal retentive nature when it comes to grammar and punctuation, and there is no doubt that her red pen corrections will surely be missed by the legal secretarial staff, and

WHEREAS, Ali was recently brought kicking and screaming into the 21st century computer age, as she just figured out how to use e-mail and to open computerized birthday cards, and

WHEREAS, even though she will no longer be with the House of Representatives, the staff can continue to e-mail her when there is free food to be had in Legislative Hall, and

WHEREAS, Ali will retain her position as Cafeteria Coffee Control Officer, and

WHEREAS, the question remains however, as to whether she will be able to smoke in her new office since we know it was a policy she never abided while she was House Attorney, and

WHEREAS, a former Miss Delaware, Ali will not need to hire an interior decorator for her office, as she will adorn it with her glass encased tiara and her lovely oil portrait, in which she is regally posed wearing cape, crown and evening gown, and

WHEREAS, although Ali is changing jobs, the bad news is that the pool of "male potentials" remains the same, and

WHEREAS, no one can ever accuse Ali of not knowing her priorities, having been asked to start her new job on February 1st, she declined, insisting that her start-up date be February 15th so that she could properly schedule her hair dresser, manicurist, shopping excursions and everything else a woman needs to start a new job, even though it's the same old faces she'll be seeing every day, and

WHEREAS, while Ali will be missed at the House staff party, never again to see another colorful imitation of Nancy Wagner, we can still have her do our bill drafting.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 140th General Assembly hereby bids Ali Stark a fond farewell and wishes her the best of luck in her new position as one of Legislative Council's Legal Attorney.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be presented to Ali Stark.

HR 8 was adopted by voice vote.

Mr. Speaker Spence granted privilege of the floor to Ali Stark.

Representatives Spence, Gilligan & Smith made comments.

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

Representative Smith deferred to Representative Lee.

Representative Lee introduced HB 59, jointly sponsored by Representative B. Ennis & Representatives DiPinto & Wagner & Senators Bunting & Simpson.

Representative Smith made a comment.

Mr. Speaker Spence made an announcement.

Representative Capano made a comment.

HB 59 – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION.

Mr. Speaker Spence assigned HB 59 to the Labor Committee.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced HB 61, jointly sponsored by Senators Bunting & Adams & Representatives Spence, Smith, Welch, Buckworth, Carey, Cathcart, Ewing, Fallon, Lofink, Quillen, Price & Schroeder & Senator Vaughn.

Mr. Speaker Spence made an announcement.

HB 61 – AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE AND AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE TO COMMENCE SOIL, MANURE AND FERTILIZER TESTING.

Mr. Speaker Spence assigned HB 61 to the Agriculture & Farmland Preservation & Assessment Committee.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan introduced HB 50, jointly sponsored by Representative VanSant & Senators Sharp, Adams, McDowell & Cook.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

HB 50 – AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2000, SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS, AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

Mr. Acting Speaker assigned HB 50 to the Appropriations Committee.

Representative Smith deferred to Representative Spence.

Representative Spence introduced HB 64, jointly sponsored by Representatives Welch & Lee & Buckworth & Ewing & Representatives Smith, Boulden, Capano, Cathcart, Caulk, DiPinto, D. Ennis, Fallon, Lofink, Reynolds, Maier, Valihura, Wagner, Cloutier, Miro, Roy, Quillen, Stone, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, VanSant, Viola, West & Williams & Senators Sharp, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sokola, Venables, Winslow & Connor.

HB 64 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDIT FOR EXPENSES INCURRED BY ACTIVE VOLUNTEER FIREFIGHTERS AND OTHERS.

Mr. Acting Speaker assigned HB 64 to the Revenue & Finance Committee.

Representative Smith deferred to Representative Spence.

Representative Spence introduced HB 66, jointly sponsored by Representative Oberle & Senator McDowell.

HB 66 – AN ACT TO PROVIDE A COMPENSATION INCREASE FOR STATE EMPLOYEES.

Mr. Acting Speaker assigned HB 66 to the Appropriations Committee.

Representative Smith deferred to Representative Miro.

Representative Miro introduced HB 67, jointly sponsored by Representatives Spence, Smith, Maier, Roy, Capano, Carey, Cathcart, Cloutier, Oberle, Reynolds, Ulbrich, Valihura, Gilligan, Houghton & Mulrooney & Senators Sokola & Sorenson.

HB 67 – AN ACT TO AMEND CHAPTER 11, TITLE 9, DELAWARE CODE RELATING TO RESIDENCY QUALIFICATIONS OF ELECTED OFFICIALS OF NEW CASTLE COUNTY'S GOVERNING BODY.

Mr. Acting Speaker assigned HB 67 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 HB 16 w/SA 1, HB 43 & HB 45 and is returning same to the House.

The Majority Leader moved to recess to the call of the Chair at 5:56 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:20 p.m. on March 16, 1999.

The Reading Clerk read the following communications into the record:

January 22, 1999

#### LEGISLATIVE ADVISORY #1

Governor Thomas R. Carper signed the following legislation on the date indicated: 1/21/99 – HB 4.

January 26, 1999

#### LEGISLATIVE ADVISORY #2

Governor Thomas R. Carper signed the following legislation on the date indicated: 1/25/99 – SJR 1 & HJR 1.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.

9th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 16, 1999

The Chief Clerk called the roll.

Members Present: 41.

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

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

Representative Ewing made an announcement and comments.

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

The following out-of-session prefiled legislation was introduced:

February 17, 1999

HB 53 - MAIER & REPRESENTATIVE SPENCE & SENATOR SHARP, BLEVINS - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Disclosure of Records.

HB 55 - PRICE & REPRESENTATIVE GILLIGAN & REPRESENTATIVE VANSANT & REPRESENTATIVES SPENCE, EWING & SENATOR BUNTING & SENATOR ADAMS & SENATOR SHARP - PUBLIC SAFETY - An Act to Amend Chapter 21 of Title 29 of the Delaware Code Relating to the Governor's Authority to Proclaim Special Days.

HB 56 - BRADY; REPRESENTATIVES CAREY, CAULK, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, PLANT, PRICE, QUILLEN, REYNOLDS, ULBRICH, WELCH, WEST, WILLIAMS; SENATORS BONINI, MARSHALL, VAUGHN - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Child Support.

HB 57 - WAGNER & SENATOR HENRY - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Payment of Fines and Costs.

HB 58 - GILLIGAN & SENATOR MARSHALL - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Transportation of Nonpublic School Students.

HB 60 - EWING & SENATOR ADAMS - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Counties.

HB 62 - DILIBERTO - JUDICIARY - An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code.

HB 63 - DILIBERTO - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Cruelty to Animals. (2/3 bill)

HB 65 - STONE & REPRESENTATIVE ULBRICH; SENATOR BLEVINS - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Chapter 29 of Title 24 of the Delaware Code Relating to Real Estate Appraisers.

HB 68 - WELCH & OBERLE & SENATOR BLEVINS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Finality of Awards and Appeals in Industrial Accident Board Hearings.

HB 69 - STONE & REPRESENTATIVE ULBRICH & SENATOR BLEVINS - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 24 of the Delaware Code Relating to the Regulation of Real Estate Appraisers.

HB 70 - STONE & REPRESENTATIVES BUCKWORTH, QUILLEN, WAGNER, B. ENNIS; SENATOR STILL - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

HB 71 - CAPANO & SENATOR BLEVINS - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Deadly Weapons.

HB 72 - CAPANO & SENATOR HENRY; REPRESENTATIVES BOULDEN, CATHCART, CLOUTIER, DIPINTO, LOFINK, ROY, STONE, ULBRICH, VALIHURA, WAGNER, KEELEY, PRICE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Sale and Distribution of Tobacco Products.

HB 73 - CAPANO & SENATOR SOKOLA; REPRESENTATIVES WELCH, BOULDEN, CLOUTIER, DIPINTO, LEE, LOFINK, MAIER, ROY, STONE, ULBRICH, VALIHURA, WAGNER, KEELEY; SENATOR SHARP - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Sale and Distribution of Tobacco Products.

HB 74 - DILIBERTO; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, PLANT, PRICE, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS; SENATORS BONINI, BUNTING, MCDOWELL, SOKOLA, VENABLES - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article III, Section 10 of the Delaware Constitution of 1897, as Amended, Relating to a Residency Requirement for the Secretary of State. (2/3 bill)

HB 75 - PRICE & REPRESENTATIVE SCHROEDER; REPRESENTATIVES DILIBERTO, GILLIGAN, HOUGHTON, KEELEY, MULROONEY, PLANT, VANSANT, VIOLA, WILLIAMS - NATURAL RESOURCES - An Act to Amend Title 7 and Title 29 of the Delaware Code Relating to Zoning, Use and Sale of State Parks, Open Space and Public Lands.

HB 76 - BRADY; REPRESENTATIVES BUCKWORTH, BOULDEN, CAREY, CLOUTIER, DIPINTO, B. ENNIS, HOUGHTON, KEELEY, LOFINK, PLANT, SCOTT, VANSANT, VIOLA, WEST, WILLIAMS; SENATOR BAIR - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road.

HB 77 - WAGNER; REPRESENTATIVES D. ENNIS, ROY, STONE; SENATORS MCDOWELL, BLEVINS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Establishing a Unit for Technicians to Support Technology in the Schools.

HB 78 - WAGNER & SENATOR BLEVINS; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, REYNOLDS, B. ENNIS, KEELEY, PRICE - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Education and State Appropriations.

HB 79 - CAREY & SENATOR SIMPSON; REPRESENTATIVES CAULK, SCHROEDER, WEST; SENATORS ADAMS, BUNTING - NATURAL RESOURCES - An Act to Amend Title 7 of the Delaware Code Relating to Conservation.

HB 80 - CAREY & SENATOR VENABLES; REPRESENTATIVES PRICE, SCHROEDER; SENATOR BUNTING - NATURAL RESOURCES - An Act to Amend Title 7 of the Delaware Code Relating to Conservation.

HA 1 to HB 15 - DILIBERTO - Placed with the Bill.

HA 1 to HB 53 - MAIER - Placed with the Bill.

March 10, 1999

HB 81 - PRICE & SENATOR SHARP; REPRESENTATIVES GILLIGAN, KEELEY, BUCKWORTH, BOULDEN, B. ENNIS, MAIER, VIOLA; SENATORS BLEVINS, SOKOLA, VENABLES, SIMPSON - TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION - An Act to Amend Title 29 of the Delaware Code Regarding Regulation of Telecommunications. (2/3 bill)

HB 82 - VANSANT & REPRESENTATIVE WELCH - BUSINESS/CORPORATIONS /COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Authorized Employees in Retail Liquor Establishments.

HB 83 - ROY & SENATOR SHARP & REPRESENTATIVE CATHCART - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Registration of Sexual Offenders.

HB 84 - ROY & SENATORS SOKOLA, AMICK; REPRESENTATIVE CATHCART - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Section 5, Title 4 of the Delaware Code Relating to Alcoholic Beverage Licensing.

HB 85 - ROY; REPRESENTATIVES SPENCE, SMITH, CATHCART; SENATORS BLEVINS, SOKOLA - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HB 86 - CAPANO & SENATOR SORENSON - HOUSE ADMINISTRATION - An Act Relating to the Waiver of Statutory Provisions of Title 13 of the Delaware Code Concerning the Solemnization of Marriages.

HB 87 - EWING & SENATOR VAUGHN; REPRESENTATIVE BUCKWORTH - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to HIV Testing in Assault or Related Offenses Against Law Enforcement Officers.

HB 88 - This number has been reserved.

HB 89 - EWING & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code to Specify Licensing Requirements for Motorcycles and Three-Wheeled Vehicles.

HB 90 - WAGNER; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MAIER, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, DILIBERTO, B. ENNIS, PRICE, SCOTT, VANSANT - EDUCATION - An Act to Amend Chapter 16, Title 14 of the Delaware Code Relating to Alternative Education.

HB 91 - WAGNER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Regarding Reorganization of School Districts.

HB 93 - WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Regarding Specific Offenses.

HB 94 - CAULK & SENATOR BUNTING; REPRESENTATIVES CAREY, CATHCART, EWING, QUILLEN, PRICE, WEST, SCHROEDER; SENATORS ADAMS, COOK, SIMPSON, VENABLES - AGRICULTURE - An Act to Amend Title 3 of the Delaware Code Relating to the Northeast Interstate Dairy Compact.

Representatives Spence, Oberle, Fallon, D. Ennis, Gilligan, Oberle, Ewing & Brady made comments.

The House observed a moment of silence in memory of former Representative and Speaker of the House, Charles L. Hebner at the request of Speaker Spence.

Representatives Keeley, Price, Roy, West, Plant & Miro requested that they be marked present.

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

The House reconvened at 4:46 p.m.

Representative Buckworth requested that he be marked present.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought HB 14, jointly sponsored by Senator Bonini, before the House for consideration.

HB 14 – AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 bill)

Representative Buckworth made comments.

The roll call on HB 14 was taken and revealed:

YES: 39.

ABSENT: Representatives Cathcart & Reynolds - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 14 was sent to the Senate for concurrence.

Representative Lofink request that he be marked present during the roll call.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 15, jointly sponsored by Representatives Boulden, Gilligan, Roy, Smith, Spence, VanSant & Welch & Senators Amick, Sharp & Sokola, before the House for consideration.

HB 15 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO WRONGFUL DEATH ACTIONS.

Representative DiLiberto brought HA 1 to HB 15 before the House for consideration. Representative DiLiberto made comments. HA 1 was adopted by voice vote.

Representative DiLiberto made comments.

The roll call on HB 15 w/HA 1 was taken and revealed:

YES: 36.

NOT VOTING: Valihura – 1.

ABSENT: Representatives Buckworth, Cathcart, Reynolds & Roy - 4.

Therefore, having received a constitutional majority, HB 15 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence introduced guests.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 19, jointly sponsored by Representative Buckworth, before the House for consideration.

HB 19 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL REGISTRATION PLATES FOR MEMBERS OF NON-PROFIT ORGANIZATIONS.

Representative Ewing made comments.

The roll call on HB 19 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Cathcart & Roy - 3.

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

Representative Reynolds requested that he be marked present during the roll call

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: March 16, 1999

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

| Number   | Sponsor                                                                  | Date       | Type | Description                                                         |
|----------|--------------------------------------------------------------------------|------------|------|---------------------------------------------------------------------|
| H140-176 | Wagner<br>cosponsor: DiPinto                                             | 1/15/1999  | T    | Robert Cuthrell/Retirement/28 Years/Capital School District         |
| H140-177 | Wagner<br>cosponsor: DiPinto                                             | 1/15/1999  | T    | Betsy Williamson/Retirement/41 Years/Capital School District        |
| H140-178 | Carey<br>cosponsor: West                                                 | 2/5/1999   | T    | Perdue Farms, Incorporated/Georgetown/20th Anniversary              |
| H140-179 | Spence<br>cosponsor: DiPinto                                             | 1/28/1999  | T    | Paul D. Deitrick, Jr./Eagle Scout                                   |
| H140-131 | Buckworth<br>cosponsors: Caulk, B. Ennis, Quillen, Stone, Wagner & Welch | 12/20/1998 | M    | Helen E. Wagner                                                     |
| H140-141 | Quillen                                                                  | 12/24/1998 | T    | Frank E. Collins/Million Mile Safety Award Recipient/Postal Service |
| H140-126 | Welch                                                                    | 12/18/1998 | T    | Brittany Dixon/Fourth/Showmanship/Paint Horse Show                  |
| H140-142 | Oberle                                                                   | 1/16/1999  | T    | Bradford T. Levering, II/Eagle Scout                                |
| H140-153 | Buckworth<br>cosponsor: B. Ennis                                         | 1/12/1999  | T    | Eddy Seger/Designed the Delaware Quarter                            |
| H140-148 | Cathcart                                                                 | 1/8/1999   | T    | Vicki Knotts/EMT of the Year/Townsend Fire Company                  |
| H140-140 | Quillen                                                                  | 12/22/1998 | T    | William J. Paskey, Jr./Contribution to Kent Countians               |
| H140-127 | Welch                                                                    | 12/18/1998 | T    | Brooke Dixon/Reserve World Champion Title /Paint Horse Show         |
| H140-136 | Schroeder                                                                | 11/12/1998 | T    | Bettina & Joseph McQuaide/Century Farm Award                        |
| H140-134 | Schroeder                                                                | 1/5/1999   | T    | DeVries Business and Professional Club/Lewes/ 50th Anniversary      |
| H140-133 | D. Ennis                                                                 | 12/17/1998 | M    | Clarence S. Collins, Jr.                                            |
| H140-128 | Buckworth                                                                | 12/18/1998 | T    | Josh Herrera/First Team/All-State Soccer                            |
| H140-150 | VanSant<br>cosponsor: Houghton                                           | 1/8/1999   | T    | Robert C. Romig/30 Years of Service/ Five Points Fire Company       |
| H140-147 | Cathcart                                                                 | 1/8/1999   | T    | Larry Austin, Jr./Fireman of the Year/Townsend Fire Company         |
| H140-122 | Schroeder                                                                | 11/13/1998 | T    | Ardeth & F. Thomas Savage/50th Wedding Anniversary                  |
| H140-144 | Fallon                                                                   | 12/30/1998 | M    | Edward E. Moore                                                     |
| H140-151 | Wagner                                                                   | 12/21/1998 | M    | Denis Joseph O'Brien                                                |
| H140-123 | Houghton                                                                 | 11/25/1998 | T    | Kathleen & George Walsh/50th Wedding Anniversary                    |

|          |         |          |   |                                                                |
|----------|---------|----------|---|----------------------------------------------------------------|
| H140-146 | Caulk   | 1/5/1999 | M | Benjamin O. Matlack                                            |
| H140-139 | Ulbrich | 1/5/1999 | T | Chrysler Assembly Plant/Outstanding Management Award Recipient |

HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u>                   | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                          |
|---------------|----------------------------------|-------------|-------------|-----------------------------------------------------------------------------|
| H140-143      | Fallon                           | 12/25/1998  | M           | Eleanor Moore                                                               |
| H140-124      | Houghton                         | 11/20/1998  | T           | Mary & James O'Neill, Jr./50th Wedding Anniversary                          |
| H140-129      | Buckworth                        | 1/7/1999    | T           | Jane Maroney/Service/Family Law Commission                                  |
| H140-125      | VanSant                          | 11/13/1998  | T           | Aleta & Edward Hall/50th Wedding Anniversary                                |
| H140-152      | Maier                            | 1/13/1999   | T           | Kathryn Way, Retirement/25+ Years of State Service                          |
| H140-149      | Cathcart                         | 1/8/1999    | T           | Shaun Arterbridge/Chief's Award Recipient/Townsend Fire Company             |
| H140-137      | Fallon                           | 12/20/1998  | T           | Terry Downing/Eagle Scout                                                   |
| H140-130      | Smith                            | 12/21/1998  | T           | William Neal/Commander/Sons of Union Veterans of Civil War                  |
| H140-138      | Fallon                           | 12/20/1998  | T           | Christopher Glime/Eagle Scout                                               |
| H140-135      | Schroeder                        | 11/12/1998  | T           | Helen W. Warren/Century Farm Award Recipient                                |
| H140-132      | Spence                           | 12/20/1998  | T           | Reverend Steve Hare/Faith City/Community Contributions                      |
| H140-145      | Quillen                          | 1/4/1999    | M           | Ruthanne Wright                                                             |
|               | on behalf of All Representatives |             |             |                                                                             |
| H140-180      | Caulk                            | 1/16/1999   | M           | Joseph Somy, Jr.                                                            |
| H140-181      | Quillen                          | 12/1/1998   | T           | Philip Busker/Kent County 4H Winner/Community Service                       |
| H140-182      | Quillen                          | 12/1/1998   | T           | Rebecca Gibson/Kent County 4H Winner/Community Service                      |
| H140-183      | Quillen                          | 12/1/1998   | T           | Lindsay Gooden/Kent County 4H Winner/Community Service                      |
| H140-184      | Caulk                            | 1/23/1999   | T           | Louise Bogan/Charter Member/Ladies Auxiliary/South Bowers Fire Company      |
| H140-185      | Caulk                            | 1/23/1999   | T           | Delores Schuler/Charter Member/Ladies Auxiliary/South Bowers Fire Company   |
| H140-186      | Caulk                            | 1/23/1999   | T           | Georgianna Jester/Charter Member/Ladies Auxiliary/South Bowers Fire Company |
| H140-187      | Caulk                            | 1/23/1999   | T           | Dorna Adams/Charter Member/Ladies Auxiliary/South Bowers Fire Company       |
| H140-188      | Caulk                            | 1/23/1999   | T           | Louise Gill/Charter Member/Ladies Auxiliary/South Bowers Fire Company       |
| H140-189      | Caulk                            | 1/23/1999   | T           | JoAnn Davis/Charter Member/Ladies Auxiliary/South Bowers Fire Company       |
| H140-190      | Caulk                            | 1/23/1999   | T           | Phyllis French/Charter Member/Ladies Auxiliary/South Bowers Fire Company    |

HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u> | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                          |
|---------------|----------------|-------------|-------------|-----------------------------------------------------------------------------|
| H140-191      | Caulk          | 1/23/1999   | T           | Lillian Wilkerson/Charter Member/Ladies Auxiliary/South Bowers Fire Company |
| H140-192      | Caulk          | 1/23/1999   | T           | Reba Wooters/Charter Member/Ladies Auxiliary/South Bowers Fire Company      |
| H140-193      | Caulk          | 1/23/1999   | T           | Marion Brewington/Charter Member/Ladies Auxiliary/South Bowers Fire Company |
| H140-194      | Caulk          | 1/23/1999   | T           | Joyce Glenn/Charter Member/Ladies Auxiliary/South Bowers Fire Company       |
| H140-195      | Caulk          | 1/23/1999   | T           | Catherine Webb/Charter Member/Ladies Auxiliary South Fire Company Bowers    |
| H140-196      | Caulk          | 1/23/1999   | T           | Dorothy Sisson/Charter Member/Ladies Auxiliary/South Bowers Fire Company    |

|                                            |           |            |   |                                                                          |
|--------------------------------------------|-----------|------------|---|--------------------------------------------------------------------------|
| H140-197                                   | Caulk     | 1/23/1999  | T | Janice Walls/Charter Member/Ladies Auxiliary/South Bowers Fire Company   |
| H140-198                                   | Caulk     | 1/23/1999  | T | Hazel Anderson/Charter Member/Ladies Auxiliary/South Bowers Fire Company |
| H140-199                                   | Caulk     | 1/23/1999  | T | Bertha Macklin/Charter Member/Ladies Auxiliary/South Bowers Fire Company |
| H140-200                                   | Caulk     | 1/23/1999  | T | Ila Beebe/Charter Member/Ladies Auxiliary/South Bowers Fire Company      |
| H140-201                                   | Caulk     | 1/23/1999  | T | Faye Yonker/Charter Member/Ladies Auxiliary/South Bowers Fire Company    |
| H140-202                                   | Caulk     | 1/23/1999  | T | Ruby French/Charter Member/Ladies Auxiliary/South Bowers Fire Company    |
| H140-203                                   | Spence    | 2/12/1999  | T | Major General George Hastings/Retirement/Adjutant General/National Guard |
| H140-204                                   | B. Ennis  | 2/10/1999  | T | Tim Fields/Eagle Scout                                                   |
| H140-205                                   | Buckworth | 1/18/1999  | T | Oliver Cooper/Martin Luther King Award Recipient                         |
| H140-206                                   | Buckworth | 1/18/1999  | T | Marian Harris/Martin Luther King Community Service Award Recipient       |
| H140-207                                   | Buckworth | 12/31/1998 | T | Carolann Nevins/Retirement/Caesar Rodney Cafeteria/15 Years              |
| H140-208                                   | Buckworth | 12/31/1998 | T | Frankye Satchell/Retirement/Caesar Rodney Schools/25 Years               |
| H140-209                                   | Buckworth | 1/31/1999  | T | Melinda Marsh/Retirement/Caesar Rodney High/29 Years                     |
| cosponsors: Caulk, Quillen, Stone & Wagner |           |            |   |                                                                          |
| H140-210                                   | B. Ennis  | 1/14/1999  | M | Katherine D. Bailey                                                      |
| H140-211                                   | B. Ennis  | 1/5/1999   | M | Robert A. Unsworth                                                       |
| H140-212                                   | Wagner    | 1/13/1999  | T | Millard & Hattye Biddle/66th Wedding Anniversary                         |

HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: March 16, 1999

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

| Number              | Sponsor   | Date       | Type | Description                                                                             |
|---------------------|-----------|------------|------|-----------------------------------------------------------------------------------------|
| H140-213            | Price     | 12/26/1998 | T    | Milda & Rudolfs Berzins/75th Wedding Anniversary                                        |
| H140-214            | Fallon    | 1/20/1999  | T    | Rita & Ed Koch/AACA National Award Winners                                              |
| H140-215            | Ewing     | 2/20/1999  | T    | George Langford/Fireman of the Year/Farmington                                          |
| H140-216            | Ewing     | 2/20/1999  | T    | Thomas Williams/Fire Fighter of the Year/Farmington                                     |
| H140-217            | Ewing     | 2/20/1999  | T    | Patrick Walsh/Service/Chief/ Farmington Fire Company                                    |
| H140-218            | Ewing     | 2/20/1999  | T    | Michael Larimore/Service/President /Farmington Fire Company                             |
| H140-219            | Buckworth | 1/20/1999  | T    | Michelle Rigby/Second Team/All-State Field Hockey                                       |
| H140-220            | Wagner    | 1/20/1999  | M    | Thomas K. Frazier, Jr.                                                                  |
| H140-221            | Williams  | 1/4/1999   | M    | John J. Groff                                                                           |
| H140-222            | Williams  | 1/9/1999   | M    | Richard L. Scott                                                                        |
| H140-223            | Williams  | 1/8/1999   | M    | Ernestine T. Townsend                                                                   |
| H140-224            | D. Ennis  | 2/3/1999   | T    | Bernard DuPlessis, Jr./Dedication/Board Member/Edgemoor Community Center                |
| H140-225            | DiPinto   | 1/20/1999  | T    | Brother Ronald Giannone/Josiah Marvel Cup Award                                         |
| H140-226            | Spence    | 1/27/1999  | T    | Captain Coleman Stoops/Efforts/State Police Museum                                      |
| H140-227            | Smith     | 1/26/1999  | T    | John Walsh/23 Years/Volleyball Coach/Archmere                                           |
| H140-228            | Fallon    | 1/19/1999  | T    | Myrtle Thomas/Distinguished Government Service Award                                    |
| cosponsor: Price    |           |            |      |                                                                                         |
| H140-229            | Wagner    | 1/26/1999  | M    | Dr. Edward S. Dennis, Jr.                                                               |
| H140-230            | Brady     | 1/12/1999  | T    | Jean & Mercer Veasey, Jr./50th Wedding Anniversary                                      |
| cosponsor: Cloutier |           |            |      |                                                                                         |
| H140-231            | Spence    | 1/27/1999  | T    | Jeffrey Snelling/Donated Computer to Deserving Person                                   |
| H140-232            | B. Ennis  | 3/4/1999   | T    | Jane Bingham/National President/Ladies Auxiliary/VFW                                    |
| H140-233            | Ewing     | 1/31/1999  | T    | Leon Adams/Travelers Insurance Agent of the Year                                        |
| H140-234            | Gilligan  | 1/19/1999  | T    | Representative Richard DiLiberto, Jr./Distinguished Legislative Service Award Recipient |
| H140-235            | Ulbrich   | 1/19/1999  | T    | Senator Steven Amick/Distinguished Legislative Service Award Recipient                  |

HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u> | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                                   |
|---------------|----------------|-------------|-------------|--------------------------------------------------------------------------------------|
| H140-236      | Spence         | 1/26/1999   | T           | Joseph Farley, Sr./Elected/Board of Directors/Utility State Governments Organization |
| H140-237      | Gilligan       | 1/28/1999   | T           | Representative Bruce Reynolds/200th Career Victory/William Penn High                 |
| H140-238      | Lofink         | 1/26/1999   | T           | Lou Bender/400th Career Victory/Hodgson Basketball                                   |
| H140-239      | Gilligan       | 11/27/1998  | T           | Joseph & Dorothy Banack/50th Wedding Anniversary                                     |
| H140-240      | Gilligan       | 1/6/1999    | T           | Herbert & Lillian Wardell/65th Wedding Anniversary                                   |
| H140-241      | Gilligan       | 12/19/1998  | T           | Dr. Donald & Mary Fogg/55th Wedding Anniversary                                      |
| H140-242      | Cathcart       | 2/13/1999   | T           | Timmy Lynch/Delaware Heroic Fireman of the Year                                      |
| H140-243      | Cathcart       | 2/13/1999   | T           | Robin Shettler/Retirement/Chief/Odesa Volunteer Fire Company/20 Years                |
| H140-244      | Cathcart       | 2/13/1999   | T           | Thomas Riale/EMT of Year/Odesa Volunteer Fire Company                                |
| H140-245      | Cathcart       | 2/13/1999   | T           | Jamie Kohr/Volunteer Fireman of Year/Odesa Volunteer Fire Company                    |
| H140-246      | Lee            | 2/12/1999   | T           | Kevin Wright/Appreciation for Invaluable Assistance                                  |
| H140-247      | Spence         | 3/3/1999    | T           | Representative Tina Fallon/International Women's Day Honors                          |
| H140-248      | Carey          | 3/3/1999    | T           | Reverend Grace Batten/International Women's Day Honors                               |
| H140-249      | Miro           | 3/3/1999    | T           | Dr. Pamela Bailey/International Women's Day Honors                                   |
| H140-250      | Fallon         | 1/29/1999   | T           | Allan & Jean Johnson/50th Wedding Anniversary                                        |
| H140-251      | Fallon         | 1/27/1999   | T           | Seaford Central Elementary School/HOSTS Award                                        |
| H140-252      | Fallon         | 1/27/1999   | T           | Shervon Bolden/Chief's Award/Seaford Police                                          |
| H140-253      | Mulrooney      | 2/26/1999   | T           | Charles Neel/50 Years Service/Delaware City Fire Company                             |
| H140-254      | Mulrooney      | 2/26/1999   | T           | Jasper Lakey/50 Years Service/Delaware City Fire Company                             |
| H140-255      | Mulrooney      | 2/26/1999   | T           | Jane Neel/40 Years Service/Delaware City Fire Company Ladies Auxiliary               |
| H140-256      | Wagner         | 1/12/1999   | T           | Elizabeth Bartlett/101st Birthday                                                    |
| H140-257      | Fallon         | 1/30/1999   | M           | Elizabeth Ruff                                                                       |
| H140-258      | Fallon         | 1/21/1999   | T           | Howard Fallon/51st Birthday                                                          |
| H140-260      | VanSant        | 2/6/1999    | T           | A. Paul Johnson/Life Member/Five Points Fire Company                                 |

HOUSE TRIBUTE ANNOUNCEMENT #12

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u> | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                            |
|---------------|----------------|-------------|-------------|-------------------------------------------------------------------------------|
| H140-259      | VanSant        | 2/6/1999    | T           | Charles J. Hayes/Member of the Year/Five Points Fire Company                  |
| H140-261      | Welch          | 2/7/1999    | T           | Eddie Davis/7,000 Wins/Harness Racing/Lifetime Achievement Award Recipient    |
| H140-262      | DiPinto        | 2/3/1999    | T           | Honorable Michael N. Castle/Government Leadership in the Arts Award Recipient |
| H140-263      | Stone          | 2/26/1999   | T           | Robert & Minnie Enright/50th Wedding Anniversary                              |
| H140-264      | Wagner         | 2/1/1999    | M           | Nathan Louis Cohen                                                            |
| H140-265      | Fallon         | 2/8/1999    | T           | Phil & Phillys Livingston/50th Wedding Anniversary                            |
| H140-266      | D. Ennis       | 2/10/1999   | T           | Catherine D. McKay/Trailblazer Award Recipient                                |
| H140-267      | Quillen        | 2/19/1999   | T           | Edward Alexander/Retirement/30 Years/Division of Motor Vehicles               |
| H140-268      | DiPinto        | 2/13/1999   | T           | Honorable Richard F. Davis/Distinguished Leader/State of Delaware             |
| H140-269      | B. Ennis       | 1/14/1999   | T           | Thelma & Preston Knight/50th Wedding Anniversary                              |
| H140-270      | Stone          | 2/7/1999    | M           | Catherine Klapps Malmberg                                                     |
| H140-271      | Stone          | 2/8/1999    | M           | Adelard J. Lessard                                                            |

|          |                         |           |   |                                                                                  |
|----------|-------------------------|-----------|---|----------------------------------------------------------------------------------|
| H140-272 | Price                   | 1/29/1999 | T | Robert Mumford/106th Birthday                                                    |
| H140-273 | Stone                   | 2/6/1999  | M | Beryl L. Bumgarner                                                               |
| H140-274 | West                    | 3/27/1999 | T | Jeffrey R. Orendorf/Eagle Scout                                                  |
| H140-275 | B. Ennis                | 2/10/1999 | T | W. Steven Hudson/1998 Fireman of the Year/Clayton                                |
| H140-276 | B. Ennis                | 2/10/1999 | T | Edward Hillard/1998 Fire Fighter of the Year/Clayton                             |
| H140-277 | DiLiberto               | 2/4/1999  | M | Betty Terranova                                                                  |
| H140-278 | DiPinto                 | 2/12/1999 | T | Vincent V. Vendetti/80th Birthday                                                |
| H140-279 | Gilligan                | 3/26/1999 | T | Mid-County Center/20th Anniversary                                               |
|          | cosponsors: Roy & Maier |           |   |                                                                                  |
| H140-280 | Scott                   | 2/12/1999 | T | Lieutenant Lawrence Prattis/ Wilmington Police/<br>Outstanding Community Service |
| H140-281 | Scott                   | 2/12/1999 | T | Captain James Wright/Wilmington Police/<br>Outstanding Community Service         |
| H140-282 | Cloutier                | 2/26/1999 | T | George & Dorothy Bowers/50th Wedding Anniversary                                 |
|          | cosponsor: Smith        |           |   |                                                                                  |
| H140-260 | VanSant                 | 2/6/1999  | T | A. Paul Johnson/Five Points Fire Company/20 Years<br>Service                     |
|          | cosponsor: Houghton     |           |   |                                                                                  |

HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u>       | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                                 |
|---------------|----------------------|-------------|-------------|------------------------------------------------------------------------------------|
| H140-283      | Viola                | 2/20/1999   | T           | Christiana Fire Company Ladies Auxiliary/<br>77th Anniversary                      |
|               | cosponsor: Mulrooney |             |             |                                                                                    |
| H140-284      | Viola                | 2/20/1999   | T           | Christiana Fire Company/78th Anniversary                                           |
|               | cosponsor: Mulrooney |             |             |                                                                                    |
| H140-285      | Spence               | 3/4/1999    | T           | DuPont Country Club/David English/ A Plus for<br>Delaware Award Recipients         |
| H140-286      | Spence               | 3/4/1999    | T           | Gabrielle King/Lammot DuPont, Jr. Memorial Award                                   |
| H140-287      | Spence               | 3/13/1999   | T           | Honorable Nancy Wagner/Citizen of the Year Award<br>Recipient/Elks Club            |
| H140-288      | Brady                | 2/24/1999   | T           | Lois & Frederick Harrison/60th Wedding Anniversary                                 |
| H140-289      | Capano               | 2/8/1999    | T           | Betty & Paul Bacher/50th Wedding Anniversary                                       |
| H140-290      | VanSant              | 1/8/1999    | T           | Cecilia & Hugh Christian/50th Wedding Anniversary                                  |
| H140-291      | Schroeder            | 12/23/1998  | T           | Mr./Mrs. Patrick Doran, Jr./50th Wedding Anniversary                               |
| H140-292      | Price                | 1/15/1999   | T           | Eleanor & Robert Dickerson/50th Wedding Anniversary                                |
| H140-293      | VanSant              | 3/13/1999   | T           | Christopher M. Bowen/Eagle Scout                                                   |
| H140-294      | Williams             | 2/1/1999    | M           | Nancy G. Horning                                                                   |
| H140-295      | Williams             | 1/30/1999   | M           | Elizabeth Butler                                                                   |
| H140-296      | Boulden              | 3/13/1999   | T           | Chief William Hogan/Newark/12 Years Leadership                                     |
|               | cosponsor: Ulbrich   |             |             |                                                                                    |
| H140-297      | Fallon               | 2/12/1999   | T           | George & Rhea Walston/64th Wedding Anniversary                                     |
| H140-298      | Miro                 | 2/25/1999   | T           | Eugene Snell/1999 Delaware Engineer of the Year                                    |
| H140-299      | Buckworth            | 2/17/1999   | T           | Brian Bunnell/Placing in All-State Ensembles -<br>Jazz, Band, Orchestra and Chorus |
| H140-300      | Welch                | 2/21/1999   | T           | Lorraine Lybarger/Birthday                                                         |
|               | cosponsor: Wagner    |             |             |                                                                                    |
| H140-301      | B. Ennis             | 2/14/1999   | M           | Millard F. Hoskinson                                                               |
| H140-302      | B. Ennis             | 2/10/1999   | M           | Wilson F. Mayberrie                                                                |
| H140-303      | Buckworth            | 2/20/1999   | T           | Anita Willey/Camden-Wyoming Fire Company Ladies<br>Auxiliary/Member of the Year    |
| H140-304      | Buckworth            | 2/20/1999   | T           | H. Glenn Neese, III/Camden-Wyoming Fire Company/<br>25 Years Service               |
| H140-305      | Buckworth            | 2/20/1999   | T           | Edward Reuben/Camden-Wyoming Fire Company/<br>25 Years Service                     |
| H140-306      | Buckworth            | 2/20/1999   | T           | James Queen, Sr./Camden-Wyoming Fire Company/25<br>Years Service                   |

HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: March 16, 1999

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

| <u>Number</u> | <u>Sponsor</u> | <u>Date</u> | <u>Type</u> | <u>Description</u>                                                            |
|---------------|----------------|-------------|-------------|-------------------------------------------------------------------------------|
| H140-307      | Buckworth      | 2/20/1999   | T           | Harold Willey/Camden-Wyoming Fire Company/30 Years Service                    |
| H140-308      | Buckworth      | 2/20/1999   | T           | David Reed/Camden-Wyoming Fire Company/Member of the Year                     |
| H140-309      | Carey          | 2/26/1999   | T           | Pete Ridgely/Good Neighbor Award/Milford Elks                                 |
| H140-310      | Carey          | 2/26/1999   | T           | Kathleen Darling/Student of the Year/Milford Elks                             |
| H140-311      | Carey          | 2/26/1999   | T           | Ruth Beideman/Senior of the Year/Milford Elks                                 |
| H140-312      | Carey          | 2/26/1999   | T           | William Higginbotham/Teenager of Year/Milford Elks                            |
| H140-313      | Carey          | 2/26/1999   | T           | Corporal Kenneth Sapp/Policeman of Year/Milford Elks                          |
| H140-314      | Carey          | 2/26/1999   | T           | Andrew Hamilton/Fireman of the Year/Milford Elks                              |
| H140-315      | Carey          | 2/10/1999   | M           | Captain Bob Willey                                                            |
| H140-316      | Carey          | 2/17/1999   | M           | Richard Hudson                                                                |
| H140-317      | Carey          | 2/12/1999   | M           | J. Ralph Jefferson                                                            |
| H140-318      | Buckworth      | 2/23/1999   | T           | Frederick R. Donkin/50th Birthday                                             |
| H140-319      | Capano         | 3/6/1999    | T           | The Honorable Dale & Clarice Wolf/J. Thompson Brown Award Recipients          |
| H140-320      | Wagner         | 3/7/1999    | T           | Nadia Khan & David Hitchens/Marriage                                          |
| H140-321      | D. Ennis       | 2/11/1999   | M           | Hilde Hochgraebe                                                              |
| H140-322      | DiLiberto      | 1/31/1999   | M           | Joyce Geesaman                                                                |
| H140-323      | Carey          | 2/20/1999   | M           | Mildred Staats                                                                |
| H140-324      | Capano         | 2/21/1999   | M           | Yomaris Oritz                                                                 |
| H140-325      | Capano         | 2/26/1999   | T           | Beverly S. Cox/1998 Entrepreneurial Woman of the Year Award Recipient         |
| H140-326      | Williams       | 3/12/1999   | T           | Boleslawa (Pauline) Z. Oros/90th Birthday                                     |
| H140-327      | Fallon         | 2/3/1999    | M           | Walter Russell Matthews                                                       |
| H140-328      | Fallon         | 2/22/1999   | T           | Helen & Burton Ward/70th Wedding Anniversary                                  |
| H140-329      | Wagner         | 2/28/1999   | M           | Palmer Reed Chappelle                                                         |
| H140-330      | Buckworth      | 3/1/1999    | T           | Joshwyn Abrams/First Place/Boys 55, 200, 400 Meter Dash and 4x400 Meter Relay |

T- Tribute

M-Memoriam

Representative Smith brought HR 4, jointly sponsored by Representative Welch, before the House for consideration.

HR 4 – RELATING TO PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES OF THE 140TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

Representative Smith made comments.

Representative Smith introduced and brought HA 1 to HR 4, before the House for consideration.

Representatives Smith & Keeley made comments. HA 1 was adopted by voice vote.

Representative Smith introduced and brought HA 2 to HR 4, sponsored by Representative Spence, before the House for consideration.

Representative Smith made a comment.

Mr. Speaker Spence made an announcement.

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

Representative Smith made a comment.

HR 4 w/HA 1 & 2 was adopted by voice vote.

Mr. Speaker Spence introduced guests.

Representative Reynolds made a comment.

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

The Reading Clerk read the following communications into the record:

29 Jan 99

Roxane Bates  
 117 Snowberry Drive  
 Cibolo, TX 78108  
 Legislative Hall  
 PO Box 1401  
 Dover, Delaware 19903  
 Dear Representative,

I request this letter be read to the House Members. I wanted to write and thank you for changing my life. Three years ago my son was diagnosed with autism. We lived in Delaware at that time because my husband is a military pilot and was stationed at Dover AFB.

I had no idea how great the schools were in Delaware, particularly your special education. Because of your continued support for above average special education programs my son can now talk. The military moved us from Delaware to Ohio in 1996 and then to Texas in 1998. Because I have seen how poorly special education is funded and managed in these other states, I have grown to appreciate your efforts even more. There is no comparison to Delaware special education programs in other states. You are the best. I still own my home in Delaware and hope to retire there. When I see the state of Delaware written about or broadcasted it brings a smile and holds a special place in my heart.

Thank you.

Sincerely,  
Roxane Bates

January 29, 1999

LEGISLATIVE ADVISORY #3

Governor Thomas R. Carper signed the following legislation on the date indicated: 1/28/99 - SB 13 & HB 45.

February 11, 1999

LEGISLATIVE ADVISORY #4

Governor Thomas R. Carper signed the following legislation on the date indicated: 2/8/99 – SB 31, HB 16 aab SA 1 & HB 43.

February 16, 1999

LEGISLATIVE ADVISORY #5

Governor Thomas R. Carper signed the following legislation on the date indicated: 2/12/99 – SB 32 aab SA 2.

The Senate wishes to inform the House that it has passed: SB 46 and requests the concurrence of the House.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with introduction of and action on SB 46. The motion was properly seconded and adopted by voice vote.

Representative Wagner introduced and brought SB 46, jointly sponsored by Senators Cook, Vaughn & Still & Representatives Stone & Welch, before the House for consideration.

SB 46 – AN ACT RELATING TO THE CAPITAL SCHOOL DISTRICT SCHOOL BOARD ELECTION FOR A VACANCY ON SAID BOARD WITH A TERM TO EXPIRE ON JUNE 30, 2001.

Representative Wagner made comments.

The roll call on SB 46 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Cathcart & Roy – 3.

Therefore, having received a constitutional majority, SB 46 was returned to the Senate.

Representative Smith deferred to Representative Valihura.

Representatives Valihura, Wagner, Schroeder & Stone made announcements.

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

Representative Oberle made a comment.

Representative Smith deferred to Representative Fallon.

Representative Fallon introduced HCR 6, jointly sponsored by Senator Venables.

HCR 6 – ENCOURAGING CONGRESS TO GIVE PRIORITY TO STRENGTHENING THE SOCIAL SECURITY SYSTEM AND ENSURING THAT IT CONTINUE TO BE UNIVERSAL AND MANDATORY, WITH RISK POOLED AMONG ALL WORKERS.

Mr. Speaker Spence assigned HCR 6 to the Health and Human Development Committee.

Representative Smith deferred to Representative Welch.

Representative Welch introduced HB 98.

HB 98 – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Mr. Speaker Spence assigned HB 98 to the Labor Committee.

Representative Smith deferred to Representative Keeley.

Representative Keeley introduced HB 100, jointly sponsored by Representative Price.

HB 100 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INVASION OF PRIVACY.

Mr. Speaker Spence assigned HB 100 to the Judiciary Committee.

Representative Keeley made comments.

The Majority Leader moved to recess to the call of the Chair at 5:29 p.m.

Mr. Speaker Spence called the House to order at 2:17 p.m. on March 17, 1999.

Representative Caulk made an announcement.

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

10th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 17, 1999

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.

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

The following prefiled legislation was introduced:

HB 95 - QUILLEN - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Residential Landlord Remedies.

HB 96 - B. ENNIS & SENATOR VAUGHN - HOUSE ADMINISTRATION - An Act to mend Chapter 339, Volume 62, Laws of Delaware, as Amended, Relating to the Town of Smyrna. (2/3 bill)

HJR 3 - SMITH & SENATOR SHARP; REPRESENTATIVES SPENCE, WELCH, GILLIGAN, VANSANT; SENATORS ADAMS, MCDOWELL, BAIR, AMICK - HOUSE ADMINISTRATION - To Urge the Honorable William J. Clinton, President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives of the United States, in Congress Assembled to Recognize State Interests and Enact Legislation That Would Prohibit the Federal Department of Health and Human Services from Recouping the Tobacco Settlement Funds as Third-Party Recoveries Under Medicaid Law.

Representative Viola introduced a guest.

Representative Williams requested that he be marked present.

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

Representative Cathcart requested that he be marked present.

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

Representatives Keeley, Brady, Plant, West, Miro & B. Ennis requested that they be marked present.

Representative Wagner introduced HB 92, jointly sponsored by Representative Spence & Senators Blevins & McDowell & Representatives Buckworth, Capano, Carey, DiPinto, D. Ennis, Ewing, Lee, Lofink, Miro, Quillen, Roy, Stone, DiLiberto, B. Ennis, Plant, Price & West & Senators Amick & Cook.

HB 92 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ADMINISTRATIVE PROVISIONS.

Mr. Speaker Spence assigned HB 92 to the Education Committee.

Representatives Ewing & Gilligan made comments.

Representative Plant introduced guests.

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

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

Representative Price requested that she be marked present.

Representative Gilligan introduced a guest.

Representative Smith made comments.

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

Representative B. Ennis made comments.

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

The Majority Leader moved to recess for committee meetings at 2:35 p.m.

The House reconvened at 3:31 p.m.

The Reading Clerk read the following communications into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, F. Gary Simpson, do hereby request that my name be removed as co-sponsor of HB 61.

Date: 3/17/99

Signed: F. Gary Simpson

Representative Smith introduced and brought the following prefiled Consent Calendar #2 before the House for consideration:

HR 10 - Spence - RE-ESTABLISHING THE SPEAKER'S DRIVING UNDER THE INFLUENCE TASK FORCE ESTABLISHED BY HOUSE RESOLUTION NO. 75 OF THE 139TH GENERAL ASSEMBLY.

HR 11 – Quillen, Stone, Wagner – HONORING THE MEMORY OF ETHEL PENNEWILL BROWN LEACH, DELAWARE’S PREMIER FEMALE ARTIST OF THE FIRST HALF OF THE TWENTIETH CENTURY.

HCR 5 – Brady – RE-ESTABLISHING THE TASK FORCE TO INVESTIGATE THE FINANCING NEW FOR THOSE LIBRARIES NOT FUNDED SUFFICIENTLY ESTABLISHED BY HOUSE CURRENT RESOLUTION NO. 37 OF THE 139TH GENERAL ASSEMBLY AND EXTENDING THE DATE TO REPORT ITS FINDINGS.

Consent Calendar #2 was adopted by voice vote and HCR 5 was sent to the Senate for concurrence. The Chief Clerk read the following committee reports into the record:

JUDICIARY: HB 20 - 6M; HB 24 - 6M; HB 26 - 1F, 4M; HB 46 - 6M; HB 56 - 6M; HB 57 - 6M; HB 62 - 1F, 5M; HB 63 - 1F, 5M.

NATURAL RESOURCES: HB 79 - 4M; HB 80 - 1F, 3M.

PUBLIC SAFETY: HB 44 - 5M; HB 49 - 5M; HB 55 - 5M; HB 71 - 5M.

Mr. Speaker Spence introduced a guest.

The Majority Leader moved to recess to the call of the Chair at 4:33 p.m.

Mr. Speaker Spence called the House to order at 2:25 p.m. on March 18, 1999.

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

LABOR: HB 11 – 4M, 2U; HB 51 – 6M; HB 59 – 6M; HB 68 – 1F, 5M; SB 2 w/SA 1 – 5F, 1M.

JUDICIARY: HB 83 - 5M.

REVENUE & FINANCE: HB 54 - 7F.

HEALTH AND HUMAN DEVELOPMENT: HB 5 - 8M; HB 39 - 8M; HB 53 - 8M; HJR 2 - 8M.

EDUCATION: HB 21 - 7M.

CORRECTIONS: SB 10 - 6M.

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

Dear Mr. Speaker:

I have to give it to you as I feel, and as I see it.

First, let the record be clear that I have no problem with Wilmington Housing Authority officials coming under fire. However, we need to be careful not to give an appearance that we are using double standards, or discriminatory practices.

I have as many public housing residents as anyone in the City of Wilmington, and I believe my record will clearly show that I am well-respected throughout my district among the young, elderly and others.

I am concerned that WHA maintain the Youth Center for the youth, and the security for the elderly, and the Charter School as well- which is the first of its kind in public housing in the entire nation.

However, I am also concerned that we do not rush to judgement, as has been done in the past – for instance, in a situation that involved myself.

One may wonder why I mentioned discriminatory practices or double standards. That is why I passed out House Resolution 24, from the 139th General Assembly, which was to resolve some poor and unsanitary conditions in our state and counties, including New Castle County. Yet, I have not seen the Committee on Community Affairs put together any legislation to deal with these matters, nor have there been any requests to call the State Housing Authority, its executive director, or staff, to explain why these conditions exist -- in the fifth richest state in the nation.

There appears to be something wrong with this picture. It is a disgrace to learn how some people live in public housing in our state – in places that are not fit for animals – places that don’t have running water, and still have outside toilets.

I hope, Mr. Speaker, we can have some answers – either from you or the committee, as to why there has not been a push to find out some answers in the areas I have mentioned.

Since we have problems in public housing throughout the State, I do have a problem with what appears to be double standards and discriminatory practices.

Representatives Smith, Plant, Smith, Plant, Scott, Plant & Valihura made comments.

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

AGRICULTURE & FP&A: HB 13 – 4M; HB 61 – 4M.

Representative Valihura moved to suspend the rules which interfere with introduction of and action on HB 107. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Valihura introduced and brought HB 107, jointly sponsored by Senator Sokola & Representatives Brady, Capano, DiPinto, D. Ennis, Fallon, Keeley, Price & Stone & Senators Bair, Simpson, Sorenson & Still, before the House for consideration.

HB 107 – AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE WILMINGTON HOUSING AUTHORITY.

Representative Valihura moved to place HB 107 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

The Majority Leader moved to adjourn at 2:44 p.m., thereby ending the current legislative day. The House reconvened at 2:45 p.m.

11th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 18, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Maier - 1.

A prayer was offered by Tony Maczynski, staff member.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 94 - CAULK & SENATOR BUNTING; REPRESENTATIVES CAREY, CATHCART, EWING, QUILLEN, PRICE, SCHROEDER, WEST; SENATORS ADAMS, COOK, SIMPSON, VENABLES - AGRICULTURE - An Act to Amend Title 3 of the Delaware Code Relating to the Northeast Interstate Dairy Compact.

HB 99 - DILIBERTO; REPRESENTATIVES BOULDEN, BRADY, CAREY, CATHCART, CAULK, B. ENNIS, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, KEELEY, LOFINK, OBERLE, PLANT, QUILLEN, SCOTT, STONE, ULBRICH, VANSANT, WAGNER, WEST, WILLIAMS; SENATORS AMICK, BAIR, HENRY, MARSHALL, MCDOWELL, SOKOLA, SORENSON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 101 - WAGNER; REPRESENTATIVES SPENCE, BUCKWORTH, CAPANO, CAULK, EWING, LOFINK, REYNOLDS, ULBRICH, KEELEY, WEST - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Criminal History Records Check of Persons Contracting or Employed by Agencies Contracting with the State of Delaware to Provide Care for the Elderly.

HB 102 - STONE; REPRESENTATIVES WELCH, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, QUILLEN, ULBRICH, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCOTT, WEST, WILLIAMS; SENATORS ADAMS, BUNTING, HENRY, VAUGHN, BAIR, AMICK, CONNOR - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Residency Requirements for Cabinet Secretaries.

HB 104 - LEE & REPRESENTATIVE WELCH & SENATORS MCDOWELL & VAUGHN - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to General Provisions Concerning Offenses.

SB 14 - BONINI - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Brake Fluids.

SB 26 w/SA 1 - HENRY & REPRESENTATIVES EWING & OBERLE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

Representative Ewing made comments.

The House observed a moment of silence in memory of David Longaberger at the request of Representative Ewing.

Representative Gilligan requested that he be marked present.

Representative Smith deferred to Representative Capano.

Representative Cloutier requested that she be marked present.

Representative Capano made comments.

Representative Capano introduced HB 103, jointly sponsored by Representatives Spence, Smith, Cathcart, Cloutier, DiPinto, D. Ennis, Lofink, Miro, Oberle, Reynolds, Roy, Stone, Valihura, Wagner, Gilligan, VanSant, Brady, B. Ennis, Houghton, Keeley & Williams & Senators Sharp, Bair & Sorenson.

HB 103 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO RESEARCH AND DEVELOPMENT TAX CREDIT. (3/4 bill)

Mr. Speaker Spence assigned HB 103 to the Revenue & Finance Committee.

Representative DiPinto requested that he be marked present.

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

Representatives Smith & Plant made comments.

Representatives D. Ennis, Miro & Fallon requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:57 p.m.

The House reconvened at 4:19 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 26 w/SA 1 & SB 14 and requests the concurrence of the House.

#### MEMORANDUM

TO: Terry R. Spence, Speaker  
DATE: March 18, 1999  
FROM: Representative Pamela Maier  
RE: Absence from session

Due to illness, I will not be able to attend today's session. Please excuse me for this absence.  
March 17, 1999

#### LEGISLATIVE ADVISORY #6

Governor Thomas R. Carper signed the following legislation on the date indicated: 3/16/99 – SB 46.

Representatives Oberle & Buckworth requested that they be marked present.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 54, jointly sponsored by Senator Marshall, before the House for consideration.

HB 54 – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATED TO ESCHEAT OF UNREDEEMED GIFT CERTIFICATES.

Representative Capano introduced and brought HA 1 to HB 54 before the House for consideration.

Representative Capano made comments. HA 1 was adopted by voice vote.

Representative Capano made comments.

The roll call on HB 54 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Maier – 1.

Therefore, having received a constitutional majority, HB 54 w/HA 1 was sent to the Senate for concurrence.

Representatives Reynolds & Schroeder requested that they be marked present during the roll call.

Representative Roy requested that HB 83 be stricken.

Representative Smith deferred to Representative Valihura.

Representative Valihura moved to lift HB 107 from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Valihura moved to suspend the rules which would interfere with action on HB 107.

The motion was properly seconded and adopted by voice vote.

Representative Valihura brought HB 107, jointly sponsored by Senator Sokola & Representatives Brady, Capano, DiPinto, D. Ennis, Fallon, Keeley, Price & Stone & Senators Bair, Simpson, Sorenson & Still, before the House for consideration.

HB 107 – AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE WILMINGTON HOUSING AUTHORITY.

Representatives Valihura, Scott, Houghton, Valihura, Smith, Houghton, DiPinto & DiLiberto made comments.

Mr. Acting Speaker granted privilege of the floor to Ron Smith, House Attorney.

The roll call on HB 107 was taken and revealed:

YES: 40.

ABSENT: Representative Maier – 1.

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

Representative Gilligan requested and was granted privilege of the floor to make a comment.

Representatives Keeley & Capano made comments.

Representative Smith deferred to Representative Spence.

Representative Spence brought HB 44, jointly sponsored by Senators Henry & Winslow, before the House for consideration.

HB 44 – AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.

Representative Spence introduced and brought HA 1 to HB 44 before the House for consideration.

Representative Spence made a comment. HA 1 was adopted by voice vote.

Representative Spence made comments.

Representative Spence requested and was granted privilege of the floor Paul Wallace, Deputy Attorney General.

Representatives Keeley, Spence Welch, B. Ennis, Houghton, Spence Brady, Williams & VanSant made comments.

The roll call on HB 44 w/HA1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Brady – 1.

ABSENT: Representatives Maier & Valihura – 2.

Therefore, having received a constitutional majority, HB 44 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Price.

SB 49. Representative Price moved to suspend the rules which interfere with introduction of and action on. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Price introduced and brought SB 49, jointly sponsored by Senator Bunting, before the House for consideration.

SB 49 – AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW, IN SUSSEX COUNTY” AS IT RELATES TO THE CONDUCT OF ELECTIONS. (2/3 bill)

Representative Price made a comment.

The roll call on SB 49 was taken and revealed:

YES: 40.

ABSENT: Representative Maier – 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 49 was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 57, jointly sponsored by Senator Henry, before the House for consideration.

HB 57 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF FINES AND COSTS.

Representative Wagner made a comment.

The roll call on HB 57 was taken and revealed:

YES: 39.

ABSENT: Representatives Maier & West – 2.

Therefore, having received a constitutional majority, HB 57 was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 62 before the House for consideration.

Mr. Speaker Spence resumed the Chair.

HB 62 – AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE.

Representative DiLiberto made a comment.

The roll call on HB 62 was taken and revealed:

YES: 39.

ABSENT: Representatives Maier & West – 2.

Therefore, having received a constitutional majority, HB 62 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

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

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

Representative Smith deferred to Representative Plant.

Representative Plant introduced and brought HR 12, jointly sponsored by Representative Williams, before the House for consideration.

Representative Gilligan requested and was granted personal privilege of the floor to make a comment.

HR 12 – HONORING THE MEMORY OF GRANDMASTER MAESTRO ROBERT “JOCK” TAYLOR, WORLD-RENOWNED MASTER OF KARATE AND YOUTH MENTOR.

Representatives Plant & Williams made comments.

HR 12 was adopted by voice vote.

Representative Smith deferred to Representative Oberle.

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

Representative Oberle introduced HB 109, jointly sponsored by Representative Spence & Senator Sharp & Representatives Smith, Welch, Gilligan & VanSant & Senators Adams, McDowell, Amick & Bair & cosponsored by Representative Brady on behalf of All Representatives and All Senators.

HB 109 – AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE TO ESTABLISH THE CHARLES L. “CHUCK” HEBNER MEMORIAL SCHOLARSHIP FUND AND ADMINISTRATION THEREFOR.

Mr. Speaker Spence assigned HB 109 to the House Administration Committee.

Representative Smith made an announcement.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis made an announcement.

The House observed a moment of silence in memory of Duane Olsen, former Controller General, at the request of Representative D. Ennis.

Representative Welch made an announcement.

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

HOUSING & COMMUNITY AFFAIRS: HB 36 - 6F; HB 37 - 6F; HB 38 - 6F; HB 40 - 5F.

The Majority Leader moved to recess to the call of the Chair at 5:37 p.m.

Mr. Acting Speaker Welch called the House to order at 2:12 p.m. on March 23, 1999.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 12 & SB 49 and requests the concurrence of the House; HCR 5 & HB 107 and is returning same to the House.

Representative Spence introduced HB 110, jointly sponsored by Senator Sharp & Representatives Boulden, Buckworth, Capano, Carey, Cathcart, Caulk, Cloutier, D. Ennis, Ewing, Fallon, Lee, Lofink, Miro, Mulrooney, Oberle, Quillen, Reynolds, Roy, Stone, Ulbrich, Valihura, Wagner, Welch, Gilligan, VanSant, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Viola & West.

HB 110 – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CERTAIN INSURANCE COVERAGE FOR MINOR CHILDREN.

Mr. Acting Speaker assigned HB 110 to the Economic Development, Banking & Insurance Committee.

Representative Stone introduced HB 111, jointly sponsored by Representative Spence & Senator McDowell & Representatives Carey, B. Ennis, Gilligan, Keeley, Maier, Miro, Price, Quillen, Ulbrich & Wagner & Senators Amick, Bonini, Henry, Simpson & Still.

HB 111 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO REALTY TRANSFER TAX.

Mr. Acting Speaker assigned HB 111 to the Revenue & Finance Committee.

The Majority Leader moved to adjourn at 2:17 p.m., thereby ending the current legislative day. The House reconvened at 2:18 p.m.

12th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 23, 1999

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives DiPinto & Viola - 2.

A prayer was offered by Representative Timothy U. Boulden, Twenty-third Representative District.

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

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

The following prefiled legislation was introduced:

HB 105 - KEELEY & SCOTT, DIPINTO, PLANT, WILLIAMS; SENATORS HENRY, MARSHALL, MCDOWELL - JUDICIARY - An Act to Amend Chapter 71 of Title 10 of the Delaware Code Relating to Injunctions and Abatement of Nuisances Involving Social Vices.

HB 106 - OBERLE & SPENCE & SENATOR BLEVINS; REPRESENTATIVES MAIER, KEELEY, BUCKWORTH, SCOTT - JUDICIARY - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Death or Injury of Children Which Occurs Through Abuse or Neglect.

HB 108 - BOULDEN & SENATOR DELUCA - TRANSPORTATION - An Act Amending Chapter 69 of Title 29 of the Delaware Code Relating to the Professional Services Procurement Process.

HB 124 - OBERLE, SPENCE & SENATORS BLEVINS, WINSLOW; REPRESENTATIVES WELCH, CAPANO, EWING, MAIER, MIRO, WAGNER, GILLIGAN, VANSANT, B. ENNIS, CAULK, DIPINTO, ULBRICH, CLOUTIER, VALIHURA, PRICE, KEELEY, BUCKWORTH, SCOTT, VIOLA - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Certain Crimes.

HA 1 to HB 21 - WAGNER - Placed with the Bill.

HA 1 to HB 29 - OBERLE - Placed with the Bill.

SB 12 - MARSHALL & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Crime of Carjacking.

The Reading Clerk read the following communications into the record:

March 19, 1999

LEGISLATIVE ADVISORY #7

Governor Thomas R. Carper signed the following legislation on the date indicated: 3/18/99 – HB 107.

MEMORANDUM

TO: Representative Terry Spence, Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: March 23, 1999  
RE: Absence from Session

I will be out of town on Tuesday, March 23, 1999, on legislative business and therefore will be unable to attend today's session.

Please excuse this absence.

MEMORANDUM

TO: The Honorable Terry R. Spence  
FROM: The Honorable John Viola  
DATE: March 23, 1999

Please excuse Representative John Viola from session. He is ill and unable to attend. Thank you. Representatives DiLiberto, Ulbrich, Keeley & Williams requested that they be marked present. Representative Oberle requested and was granted personal privilege of the floor to introduce a guest. Representative Buckworth requested and was granted personal privilege of the floor to make comments.

Representatives Oberle, Ewing, Fallon & Quillen made comments.

Representatives Cloutier, D. Ennis, Cathcart & Miro requested that they be marked present.

Mr. Acting Speaker introduced a guest.

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

AGRICULTURE: HS 1 to HB 94 - 4M.

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

The House reconvened at 4:22 p.m.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 59, jointly sponsored by Representatives B. Ennis, DiPinto & Wagner & Senators Bunting & Simpson, before the House for consideration.

HB 59 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION. (F/N)

Representative Lee introduced and brought HA 1 to HB 59 before the House for consideration. Representative Lee made comments. HA 1 was adopted by voice vote.

Representatives Lee, Ewing and B. Ennis made comments.

The roll call on HB 59 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Viola & West - 4.

Therefore, having received a constitutional majority, HB 59 w/HA 1 was sent to the Senate for concurrence.

Representatives Brady, Lofink, Reynolds, Schroeder & Spence requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 63 before the House for consideration.

HB 63 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRUELTY TO ANIMALS. (2/3 bill)

Representatives DiLiberto, Ewing, Capano, Ewing, Keeley, Fallon & DiLiberto made comments.

The roll call on HB 63 was taken and revealed:

YES: 35.

NO: Representatives Quillen & Welch - 2.

NOT VOTING: Representatives Capano & Caulk - 2.

ABSENT: Representatives DiPinto & Viola - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 63 was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Maier.

Representative Maier brought HJR 2, jointly sponsored by Senator Blevins & Representatives Spence, Smith, Welch, Buckworth, Capano, Carey, Cathcart, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Lee, Miro, Quillen, Reynolds, Roy, Stone, Ulbrich, Valihura, Wagner, Gilligan, VanSant, Houghton, Plant, Price & Schroeder & Senators Bunting, Cook, DeLuca, Henry, McBride, McDowell, Marshall, Venables, Sokola, Bair & Still, before the House for consideration.

HJR 2 – ENCOURAGING DELAWARE’S UNITED STATES CONGRESSIONAL DELEGATION TO PUT FORTH A MOTION TO THE UNITED STATES CONGRESS TO GRANT, AS IT DEEMS APPROPRIATE, THE STATE OF DELAWARE FULL POSSESSION AND DIRECT OVERSIGHT OF ANY MONIES PAID TO THE STATE OF DELAWARE BY THE TOBACCO INDUSTRY.

Representative Maier made a comment.

The roll call on HJR 2 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Viola – 2.

Therefore, having received a constitutional majority, HJR 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 20, jointly sponsored by Representatives Spence & Carey & Senators Henry & Amick, before the House for consideration.

HB 20 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COMMISSIONERS OF THE COURTS.

Representative Wagner made a comment.

The roll call on HB 20 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Viola – 2.

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

Representative Smith deferred to Representative Maier.

Representative Maier brought HB 53, jointly sponsored by Representative Spence & Senator Sharp & cosponsored by Senator Blevins, before the House for consideration.

HB 53 – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DISCLOSURE OF RECORDS.

Representative Maier requested that HA 1 to HB 53 be stricken.

Representative Maier introduced and brought HA 2 to HB 53 before the House for consideration.

Representative Maier made comments. HA 2 was adopted by voice vote.

Representative Maier made comments.

The roll call on HB 53 w/HA 2 was taken and revealed:

YES: 39.

ABSENT: Representative DiPinto & Viola – 2.

Therefore, having received a constitutional majority, HB 53 w/HA 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Carey.

Representative Carey brought HB 79, jointly sponsored by Senator Simpson & Representatives Caulk, Schroeder & West & Senators Adams & Bunting, before the House for consideration.

HB 79 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION.

Representatives Carey & Caulk made comments.

The roll call on HB 79 was taken and revealed:

YES: 36.

NOT VOTING: Representative Valihura – 1.

ABSENT: Representatives DiPinto, D. Ennis, Viola & West – 4.

Therefore, having received a constitutional majority, HB 79 was sent to the Senate for concurrence.

Representative Smith made an announcement.

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

Mr. Acting Speaker Welch called the House to order at 2:14 p.m. on March 24, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SB 35 & SB 57 and requests the concurrence of the House and HB 12 and is returning same to the House.

Mr. Acting Speaker assigned HB 21 & HB 61 to the Appropriations Committee.

Representative DiPinto requested that he be marked present for the current legislative day.

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

13th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 24, 1999

The Chief Clerk called the roll.  
Members Present: 36.

Members Absent: Representatives Boulden, Fallon, Keeley, Oberle & Roy - 5.

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

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

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

The following prefiled legislation was introduced:

HB 112 - WELCH, WAGNER, WEST & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BOULDEN, CAREY, CATHCART, CAULK, CLOUTIER, D. ENNIS, EWING, LOFINK, MIRO, BRADY, MULROONEY, PLANT, PRICE, VIOLA; SENATORS BUNTING, VAUGHN, BAIR, CONNOR - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 113 - ROY - TRANSPORTATION - An Act to Amend Title 9, Delaware Code, Relating to Subdivisions, Plats and Deeds.

HB 114 - OBERLE & SPENCE, BOULDEN, REYNOLDS & SENATOR SHARP; REPRESENTATIVES CLOUTIER, LOFINK, MIRO, ULBRICH, VIOLA, MULROONEY, PRICE, SCHROEDER; SENATORS SOKOLA, CONNOR - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Levy of Taxes by School Districts.

HB 115 - WELCH & WAGNER & WEST & SENATORS COOK & BONINI; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, CLOUTIER, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, QUILLEN, REYNOLDS, ROY, STONE, ULBRICH, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, WILLIAMS, MULROONEY, VIOLA; SENATORS MCBRIDE, VAUGHN - LABOR - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 116 - WAGNER & SCHROEDER & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BUCKWORTH, CAPANO, CAREY, D. ENNIS, EWING, LEE, MAIER, QUILLEN, REYNOLDS, STONE, ULBRICH, B. ENNIS, KEELEY, PRICE, SCOTT, WEST; SENATORS ADAMS, VENABLES, SIMPSON, SORENSON - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Prosecution of Criminal and Traffic Cases in the Courts of the Justices of the Peace of the State of Delaware.

HA 1 to HB 66 - SPENCE - Placed with the Bill.

HA 1 to HB 77 - WAGNER - Placed with the Bill.

SB 35 - SORENSON & REPRESENTATIVE WELCH; SENATORS BAIR, SIMPSON & SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Collection of Enrollment Information.

SB 57 - ADAMS & REPRESENTATIVE STONE; SENATORS SHARP, SOKOLA, SORENSON; REPRESENTATIVES D. ENNIS, CAPANO, FALLON, CAREY, BRADY, HOUGHTON, KEELEY & SCOTT - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

The Reading Clerk read the following communication into the record:

March 24, 1999

TO: Representative Terry R. Spence

FROM: Representative William A. Oberle, Jr.

SUBJECT: Absence from Session

I will be out of town on duPont Co. business on Wednesday, March 24, 1999 and therefore, unable to attend session.

The Majority Leader moved to recess for committee meetings at 2:21 p.m.

The House reconvened at 4:17 p.m. with Representative Carey as Acting Speaker.

Representatives Spence, Price, Williams, Gilligan & Mulrooney requested that they be marked present.

Mr. Speaker Spence resumed the chair.

Representatives Plant, Quillen, Scott, B. Ennis & Reynolds requested that they be marked present.

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

PUBLIC SAFETY: HB 87 - 7M; HB 89 - 6M; SB 14 - 7M; SB 26 w/SA 1 - 7M.

JUDICIARY: HB 72 - 7M; HB 73 - 7M; HB 100 - 6M.

CORRECTIONS: HB 104 - 5M.

HOUSING & COMMUNITY AFFAIRS: HB 65 - 5F; HB 69 - 5F; HB 70 - 5F.

EDUCATION: HB 58 - 7M, 2U; HB 92 - 9M.

Representatives Stone, Brady & Miro requested that they be marked present.

Representative Smith introduced and brought the following prefiled Consent Calendar #3 before the House for consideration:

HR 13 - Maier & Representative Spence on behalf of All Representatives- RECOGNIZING APRIL 1999 AS CHILD ABUSE PREVENTION MONTH IN DELAWARE.

HR 14 - Spence - RE-ESTABLISHING THE HOUSE TASK FORCE TO STUDY DELAWARE'S DRIVING UNDER THE INFLUENCE LAWS.

HR 15 - Spence; Representatives Smith, Welch, Gilligan, VanSant on behalf of All Representatives - IN OBSERVANCE OF THE 90TH ANNIVERSARY OF THE DIVISION FOR THE VISUALLY IMPAIRED.

HCR 7 - Spence; Senator Sharp - ESTABLISHING A LOCAL GOVERNMENT ELECTED OFFICIALS' DAY WITH THE GENERAL ASSEMBLY.

Consent Calendar #3 was adopted by voice vote and HCR 7 was sent to the Senate for concurrence.

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

REVENUE & FINANCE: HB 64 - 6F; HB 103 - 6F.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:27 p.m.

Mr. Speaker Spence called the House to order at 2:10 p.m. on March 25, 1999.

Representatives Roy and Fallon requested that they be marked present for the current legislative day.

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

BUSINESS/CORPORATIONS/COMMERCE: HB 82 - 4F, 2M.

Representative Boulden requested that he be marked present for the current legislative day.

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

14th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 25, 1999

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 117 - WAGNER & SENATORS VAUGHN, WINSLOW; REPRESENTATIVES BUCKWORTH, CATHCART, CLOUTIER, D. ENNIS, FALLON, EWING, LEE, REYNOLDS, ULBRICH, QUILLEN - JUDICIARY - An Act to Amend Chapter 5 Title 11 of the Delaware Code Relating to Official Misconduct or Related Criminal Offenses.

HB 118 - SCHROEDER, B. ENNIS, GILLIGAN, KEELEY, PRICE, QUILLEN, SPENCE, WEST; SENATORS BUNTING, HENRY, STILL - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to Mileage Rates for Private Vehicles.

HB 119 - PRICE & SPENCE & SENATOR BUNTING; REPRESENTATIVES BRADY, CAREY, DIPINTO, B. ENNIS, GILLIGAN, KEELEY, MAIER, QUILLEN, ULBRICH, WELCH; SENATORS SIMPSON, SOKOLA, STILL - PUBLIC SAFETY - An Act to Amend Chapter 41, Title 21, of the Delaware Code Relating to the Ignition Interlock Device Program.

HB 120 - WAGNER; SENATOR MARSHALL - EDUCATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Adoption Leave for Teachers and State Employees. (3/4 bill)

HB 121 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DILIBERTO, DIPINTO, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WELCH, WEST, WILLIAMS; SENATORS BLEVINS, BONINI, MCDOWELL, STILL, CONNOR - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Chapter 67a, Title 18 of the Delaware Code Relating to Funeral Expenses of Volunteers.

HB 122 - BRADY & SENATOR BAIR - HOUSE ADMINISTRATION - An Act Waiving the Statutory Provisions of § 107(a), Title 13 of the Delaware Code, as It Relates to the Marriage of David C. Sullivan and Patricia M. Lacombe, Nonresidents of the State of Delaware.

HB 123 - PLANT; REPRESENTATIVES HOUGHTON, KEELEY, OBERLE, VIOLA, WILLIAMS - LABOR - An Act to Amend Chapter 7, Title 19, Delaware Code, Relating to the Doctrine of Employment at Will.

HA 1 to HB 104 - LEE - Placed with the Bill.

HA 1 to HB 92 - WAGNER - Placed with the Bill.

HA 1 to HS 1 to HB 94 - CAULK - Placed with the Bill.

SB 16 - MARSHALL & REPRESENTATIVE WELCH - LABOR - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to the Workers' Compensation Fund.

SB 17 - MARSHALL & REPRESENTATIVE WELCH - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Administrative Assessments.

Representative Maier requested and was granted personal privilege of the floor to introduce guests. Mr. Speaker Spence assigned HB 58, HB 64 & HB 92 to the Appropriations Committee.

Representative Maier introduced a legislative delegation from Taiwan visiting the American Council for Young Political Leaders who announced their names for the record.

Representative Smith introduced a guest and made comments.

Representatives Plant, Maier, Stone, Ulbrich, Williams & DiPinto requested that they be marked present.

Representative Smith introduced former Representative Richard F. Davis.

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

The House reconvened at 3:38 p.m.

Representatives Buckworth, West, Oberle, Brady, Lofink & Miro requested that they be marked present.

Representative Smith deferred to Representative Gilligan.

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

Representatives B. Ennis & Welch 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 16 & SB 17 and requests the concurrence of the House.

Representative Smith made an announcement.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 11, jointly sponsored by Senator Henry & Representatives DiPinto, Houghton, Keeley, Plant, Scott & Williams, before the House for consideration.

HB 11 – AN ACT TO AMEND TITLE 9, 19 AND 29 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT AND IN PUBLIC WORKS CONTRACTING.

Representative Oberle introduced and brought HA 1 to HB 11 before the House for consideration. Representative Oberle made a comment. HA 1 was adopted by voice vote.

Representative Reynolds requested that he be marked present.

Representative Oberle introduced and brought HA 2 to HB 11 before the House for consideration.

Representatives Oberle & Welch made comments.

Representative Oberle requested and was granted privilege of the floor for Raina Fishbane, Deputy Legal Counsel for the Governor.

Representatives Welch, Caulk, Ewing, Oberle, Caulk, Oberle, Caulk, Smith, D. Ennis, Wagner, Oberle, Wagner & Oberle made comments.

Representative Oberle moved to place HA 2 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representatives Wagner, Oberle, D. Ennis, Smith & Oberle made comments.

Representative Oberle introduced and brought HA 3 to HB 11 before the House for consideration.

Mr. Speaker Spence introduced a guest.

Representative Oberle made comments. HA 3 was adopted by voice vote.

Representative Oberle deferred to Representative Welch.

Representative Welch requested and was granted privilege of the floor for James F. Hanes, representing Americans for Truth about Homosexuality.

Representatives Oberle, Wagner, Gilligan, DiLiberto, Scott & Oberle made comments.

Representative Welch requested and was granted the privilege of the floor Richard F. Davis, representing a coalition of 30 evangelical pastors.

Representatives Oberle, Wagner, Oberle & Welch made comments.

The following communication was made a part of the record at the request of Representative Oberle:

March 22, 1999

Members of the House of Representatives

The State of Delaware

Dear Friends:

As Bishop of the Episcopal Diocese of Delaware, I write to support the House Bill 11, which I hope will be passed in the House and Senate, and signed into law by the Governor.

The Episcopal Diocese of Delaware is committed to policies which respect the dignity of every person. We believe that discrimination on the basis of sexual orientation is, like other forms of discrimination, unjust and contrary to our hopes for both civil and religious society. We therefore, are committed to a policy of non-discrimination in hiring.

I believe the State of Delaware should join those states that have determined that sexual orientation is to be added to the list of excluded factors in hiring decisions. I hope this legislative session will make this a reality.

Faithfully,

The Rt. Rev. Wayne P. Wright

/jrf

Representative Oberle requested and was granted privilege of the floor Reverend Mark Harris, Rector, St. James Millcreek Hundred Episcopal Church, Diocese of Delaware.

Representatives Smith, Welch, D. Ennis & Oberle made comments.

The following communications were made part of the record at the request of Representative Oberle:

October 1, 1998

EMPLOYEES OF DUPONT PACKAGING  
& INDUSTRIAL PLOYMERS  
AND APPLICANTS FOR EMPLOYMENT

EQUAL EMPLOYMENT OPPORTUNITY

DuPont Packaging & Industrial Polymers can achieve its vision only through and with the full support, commitment, participation and cooperative spirit of its increasingly diverse work force. It is essential to obtain that commitment and spirit by respecting each and every individual, valuing their uniqueness, and treating them fairly.

It is the policy of the DuPont Packaging & Industrial Polymers not to discriminate against any employee or applicant for employment because of age (within statutory limits) race, religion, color, sex, disability, national origin, ancestry, marital status, sexual orientation, or veteran status with respect to hiring, promotion, demotion, transfer, recruitment, termination, rates of pay, or other forms of compensation, and selection for training.

The DuPont Packaging & Industrial Polymers is committed to a program of affirmative action to assure that minorities, women, and other protected classes are encouraged to seek employment with the Company and to strive for advancement. I am responsible for auditing and periodically reporting progress to management.

I endorse our EEO policy and our program to carry it out and look forward to receiving your continued cooperation and assistance in our affirmative action efforts. The Affirmative Action Program can be reviewed between the hours of 9:00 a.m. and 3:00 p.m. by visiting the Human Resources office, D5022.

FREDERICK G. TENNILLE  
HUMAN RESOURCES  
DIRECTOR

March 25, 1999

The Honorable Members of the House of Representatives:

I write to urge your support for House Bill 11, legislation that would prohibit employment discrimination based on sexual orientation.

This bill does not create special protections for any one class – instead this legislation will protect every Delawarean, regardless of their sexual orientation, from inappropriate discrimination in the workplace.

I believe that God makes us different ways. With that in mind, I do not believe that we should allow discrimination on the basis of the differences among us.

This legislation will help to ensure that employment decisions are made based on merit and ability. It is about fundamental fairness and about prohibiting discrimination against people for reasons that have nothing to do with their ability to perform their jobs.

I have attached additional information in support of this bill.

Respectfully,  
Thomas R. Carper  
Governor

Representative Oberle made comments.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Oberle introduced and brought HA 4 to HB 11 before the House for consideration.

Representative Oberle made comments. HA 4 was adopted by voice vote.

Representatives Smith & Oberle made comments.

Representative Oberle requested and was granted privilege of the floor for Lisa Blunt-Bradley, Secretary, Department Labor.

Representative Maier made comments.

Mr. Acting Speaker Welch appointed Representative Quillen as Acting Speaker.

Representatives Wagner & Cathcart made comments.

Mr. Speaker Spence resumed the Chair.

Representatives Ewing, Welch, Cloutier, Oberle, Smith, Oberle, Ulbrich, Oberle, Welch & Oberle made comments.

The roll call on HB 11 w/HA 1, 3 & 4 was taken and revealed:

YES: Representatives DiLiberto, DiPinto, Gilligan, Houghton, Keeley, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Ulbrich, VanSant, Viola & Williams – 15.

NO: 18.

NOT VOTING: Representatives Boulden, Capano, Cathcart, Cloutier, D. Ennis, Smith, Stone & Wagner – 8.

Therefore, not having received a constitutional majority, HB 11 w/HA 1, 3 & 4 was declared defeated.

Representatives Oberle & Plant made comments.

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

Representative Smith moved to suspend the rules which interfere with introduction of and action on HJR 4. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith introduced and brought HJR 4, jointly sponsored by Senators Vaughn & Winslow & cosponsored by Senator Marshall, before the House for consideration.

HJR 4 – RELATING TO THE STATE OF DELAWARE'S PARTICIPATION IN THE "I VOTE PROJECT" AND THE NEED TO ENCOURAGE CITIZENS TO VOTE.

Representative Smith made comments and introduced guests.

The roll call on HJR 4 was taken and revealed:

YES: 33.

ABSENT: Representatives DiPinto, Houghton, Keeley, Maier, Oberle, Reynolds, Scott & Williams – 8.

Therefore, having received a constitutional majority, HJR 4 was sent to the Senate for concurrence.

Representative Smith made a comment.

Representative Smith deferred to Representative Lee.

Representative Lee brought SB 10, jointly sponsored by Senators Vaughn & Winslow, before the House for consideration.

SB 10 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROTECTION OF RECORDS.

Representative Lee made comments.

The roll call on SB 10 was taken and revealed:

YES: 34.

ABSENT: Representatives DiPinto, Keeley, Oberle, Reynolds, Scott, Ulbrich & Williams – 7.

Therefore, having received a constitutional majority, SB 10 was returned to the Senate.

Representative Smith deferred to Representative Price.

Representative Price brought HB 55, jointly sponsored by Representatives Gilligan, VanSant & Spence & Senators Bunting, Adams & Sharp & cosponsored by Representative Ewing, before the House for consideration.

HB 55 – AN ACT TO AMEND CHAPTER 21 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S AUTHORITY TO PROCLAIM SPECIAL DAYS.

Representative Price made comments.

The roll call on HB 55 was taken and revealed:

YES: 36.

ABSENT: Representatives DiPinto, Keeley, Reynolds, Scott & Williams - 5

Therefore, having received a constitutional majority, HB 55 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy brought HB 10 w/HA 1, HA 2 w/HA 1 & SA 1 w/SA 1, SA 2, 3, 5, 6 & 7, jointly sponsored by Senator McDowell & Representatives Capano, Carey & Stone & Senators Adams, Vaughn, Venables & Still, before the House for concurrence on SA 1 w/SA1, SA 2, 3, 5, 6 & 7.

HB 10 – AN ACT AMENDING THE PROVISIONS OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE RESTRUCTURING AND REGULATION OF PUBLIC UTILITIES SUPPLYING ELECTRICITY TO RETAIL CUSTOMERS IN THE STATE. (3/5 bill) (F/N)

Representatives Smith, Roy, Gilligan, Roy, Smith & Price made comments.

Representative Valihura announced that he will not be voting on HB 10 because of a possible conflict of interest.

Representatives Gilligan, Smith & West made comments.

The roll call on HB 10 w/HA 1, HA 2 w/HA 1 & SA 1 w/SA 1, SA 2, 3, 5, 6 & 7 was taken and revealed:

YES: 35.

NOT VOTING: Representative Valihura – 1.

ABSENT: Representative DiPinto, Keeley, Reynolds, Scott & Williams - 5

Therefore, having received a constitutional majority, HB 10 w/HA 1, HA 2 w/HA 1 & SA 1 w/SA 1, SA 2, 3, 5, 6 & 7 was sent to the Governor.

Representative Smith deferred to Representative Gilligan.

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

Representative Smith deferred to Representative Wagner.

Representative Wagner introduced and brought HR 17, jointly sponsored by Representatives Welch, Buckworth, Carey, Caulk, Quillen, Stone & B. Ennis, before the House for consideration.

HR 17 – MEMORIALIZING CHARLES A. LEGATES JR. FOR HIS PAST SERVICE TO THE CITY OF DOVER, ITS RESIDENTS, THE STATE OF DELAWARE AND THE UNITED STATES GOVERNMENT.

HR 17 was adopted by voice vote.

Representative Smith deferred to Representative Valihura.

Representatives Valihura, Wagner, Welch & Smith made comments.

Representative Smith deferred to Representative Capano.

Representative Capano introduced HS 1 to HB 103, jointly sponsored by Representatives Spence, Smith, Cathcart, Cloutier, DiLiberto, D. Ennis, Lofink, Miro, Oberle, Reynolds, Roy, Stone, Valihura, Wagner, Gilligan, VanSant, Brady, B. Ennis, Houghton, Keeley, Ulbrich & Williams & Senators Sharp, Bair, & Sorenson.

HB 103 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO RESEARCH AND DEVELOPMENT TAX CREDIT.

Mr. Speaker Spence assigned HS 1 to HB 103 to the Appropriations Committee.

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

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: SB 57 - 4F,2M.

The Majority Leader moved to recess to the call of the Chair at 6:25 p.m.

Mr. Speaker Spence called the House to order at 2:19 p.m. on March 30, 1999.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 10 w/HA 1, HA 2 w/HA 1 & SA 1 w/SA 1, SA 2, 3, 5, 6 & 7.

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current legislative day. The House reconvened at 2:20 p.m.

15th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 30, 1999

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Fallon, Plant & West - 3.

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

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

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

The following prefiled legislation was introduced:

HB 125 - ULBRICH & REPRESENTATIVES BUCKWORTH, CAPANO, CATHCART, STONE - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Taxes.

HB 126 - MAIER & SENATOR HENRY; REPRESENTATIVES SMITH, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, D. ENNIS, FALLON, LOFINK, MIRO, OBERLE, REYNOLDS, VALIHURA, BRADY, HOUGHTON, KEELEY, PLANT, PRICE, SCOTT, VIOLA, WEST, WILLIAMS; SENATORS CONNOR, SIMPSON, SORENSON, MCDOWELL, BLEVINS, BUNTING, SOKOLA, VENABLES - JUDICIARY - An Act Concurring in a Proposed Amendment to Article V, Section 2, of the Constitution of the State of Delaware, Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

HB 127 - OBERLE & REPRESENTATIVE WELCH & SENATORS MARSHALL, DELUCA & REPRESENTATIVES CAULK, LOFINK, REYNOLDS, DILIBERTO, BRADY, B. ENNIS, GILLIGAN, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, SCOTT, VANSANT, VIOLA, WEST, WILLIAMS; SENATORS SHARP, COOK, MCDOWELL, BLEVINS, BUNTING, CONNOR, HENRY, MCBRIDE, SOKOLA, VAUGHN - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to Medical Coverage in Public Works Contracts.

Mr. Speaker Spence assigned HB 39 to the Appropriations Committee.

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

Representatives Stone, Quillen, Williams & Keeley requested that they be marked present.

Representative D. Ennis requested and was granted privilege of the floor so that he and Representative Roy could present a House Tribute to Yolande Thibeault, Deputy Speaker, Canadian House of Commons and make comments.

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

The Majority Leader moved to recess for caucus at 2:29 p.m.

The House reconvened at 4:12 p.m.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Speaker of the House Spence  
 FROM: Rep. Tina Fallon  
 RE: Attendance at the 140th General Assembly  
 DATE: March 25, 1999

Please be advised that I will be unable to attend the General Assembly sessions on Tuesday, March 30, 1999, Wednesday, March 31, 1999 and Thursday, April 1, 1999 since I will be out of the state.

Thank you.

Representatives Reynolds, Buckworth, Cathcart & Lofink requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: March 30, 1999

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

| Number    | Sponsor                    | Date      | Type | Description                                                                     |
|-----------|----------------------------|-----------|------|---------------------------------------------------------------------------------|
| H140-331  | Wagner                     | 3/3/1999  | T    | Cecile M. Coleman/Contributions to Church and Community                         |
| H140-332  | Wagner                     | 3/3/1999  | T    | Reverend Rudolph W. Coleman/Contributions to Community                          |
| H140-333  | Fallon                     | 3/6/1999  | T    | Mary E. Moore/Retirement/20 Years/Division of Mental Retardation                |
|           | cosponsor: Ewing           |           |      |                                                                                 |
| H140-334  | DiLiberto                  | 2/28/1999 | M    | Scott E. Jenkins                                                                |
| H140-335  | Spence                     | 3/1/1999  | T    | Paul Deitrick/Named Top Delaware Youth Volunteer                                |
| H140-336  | Wagner                     | 3/27/1999 | T    | Dr. Lynwood Heiges/Johnson Victrola Museum Display/Phonograph Collection        |
| H140-337  | Wagner                     | 3/3/1999  | M    | Charles E. Cooper                                                               |
| H140-338  | Spence                     | 3/4/1999  | T    | Reverend Joseph J. Narimattan/United States Citizenship                         |
| H140-339  | Wagner                     | 3/1/1999  | M    | Charles A. Legates                                                              |
|           | cosponsor: Stone           |           |      |                                                                                 |
| H140-340  | DiPinto                    | 3/5/1999  | T    | Ginger Biasotto/20 Years Service/Children of Delaware                           |
|           | cosponsor: D. Ennis        |           |      |                                                                                 |
| H140-341  | B. Ennis                   | 3/4/1999  | T    | William C. Donovan/Kent County Fireman of the Year                              |
| H140-342  | Lee                        | 3/6/1999  | T    | David & Betty Ralph/50th Wedding Anniversary                                    |
| H140-343  | Ewing                      | 3/12/1999 | T    | Charles B. Stevenson, III/Retirement/27 Years Service/Chief Deputy Fire Marshal |
|           | cosponsors: B. Ennis & Lee |           |      |                                                                                 |
| H140-344  | Fallon                     | 3/4/1999  | T    | Methodist Manor House/Seaford/Top Rating                                        |
| H140-345  | Fallon                     | 3/4/1999  | T    | Seaford Middle School/Exemplary Status/HOSTS                                    |
| H140-346  | Lofink                     | 2/28/1999 | M    | Alice Stapleford                                                                |
| H140-347  | Fallon                     | 3/17/1999 | T    | Nanticoke Senior Center/28th Anniversary                                        |
| H140-348  | Ewing                      | 3/15/1999 | T    | Bridgeville Kiwanis/60th Anniversary                                            |
| H140-349  | Quillen                    | 3/12/1999 | T    | Harold "Butch" Miller/National Commander/American Legion/Welcome to Delaware    |
|           | cosponsor: Welch           |           |      |                                                                                 |
| H 140-350 | Quillen                    | 3/9/1999  | T    | Lt. Ralph Heverin/Providing Traffic Control/Serious Accident in Dover           |
| H140-351  | Welch                      | 3/27/1999 | T    | Raymond M. Hartley/Eagle Scout                                                  |
|           | cosponsor: B. Ennis        |           |      |                                                                                 |
| H140-352  | Wagner                     | 3/18/1999 | T    | Sona Karia/Governor's Youth Volunteer Service Award                             |

HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: March 30, 1999

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

| Number   | Sponsor           | Date      | Type | Description                                           |
|----------|-------------------|-----------|------|-------------------------------------------------------|
| H140-353 | Welch             | 3/18/1999 | T    | Ryan Halpern/Governor's Youth Volunteer Service Award |
|          | cosponsor: Wagner |           |      |                                                       |
| H140-354 | Lee               | 3/9/1999  | T    | Richard Stone/Retirement/Laurel Councilman and Mayor  |
| H140-355 | B. Ennis          | 3/6/1999  | M    | John E. Poore, Sr.                                    |
| H140-356 | Caulk             | 3/9/1999  | M    | Samuel L. Shumar                                      |

|          |                                  |           |   |                                                                         |
|----------|----------------------------------|-----------|---|-------------------------------------------------------------------------|
| H140-357 | DiPinto                          | 3/11/1999 | T | Thomas P. Sweeney/Monsignor Reese Award Recipient                       |
| H140-358 | Stone                            | 3/9/1999  | M | Henry "Hank" Bierbaum                                                   |
|          | cosponsor: Wagner                |           |   |                                                                         |
| H140-359 | Carey                            | 4/18/1999 | T | William Haines/Eagle Scout                                              |
| H140-360 | VanSant                          | 3/27/1999 | T | Florence Wilkins/50 Year Member/Elsmere Fire Company Ladies Auxiliary   |
| H140-361 | VanSant                          | 3/27/1999 | T | Juanita McLane/Member of the Year/Elsmere Fire Company Ladies Auxiliary |
|          | cosponsor: Houghton              |           |   |                                                                         |
| H140-362 | VanSant                          | 3/27/1999 | T | Scott McLaren/Member of the Year/Elsmere Fire Company                   |
|          | cosponsor: Houghton              |           |   |                                                                         |
| H140-363 | Quillen                          | 3/16/1999 | T | Patrick Williams/Dover High Teacher of the Year                         |
|          | cosponsor: Wagner                |           |   |                                                                         |
| H140-364 | Capano                           | 2/14/1999 | T | Carlease & Willie Crump/60th Wedding Anniversary                        |
| H140-365 | Williams                         | 3/3/1999  | M | Sheila Jones                                                            |
| H140-366 | Williams                         | 3/4/1999  | M | Henry Capers                                                            |
| H140-367 | Williams                         | 3/5/1999  | M | John H. Gaines, Sr.                                                     |
| H140-368 | B. Ennis                         | 3/5/1999  | M | Randolph E. "Mickey" May                                                |
| H140-369 | B. Ennis                         | 3/13/1999 | M | Anne Wolfe Jacobs                                                       |
| H140-370 | Quillen                          | 4/26/1999 | T | Benjamin Oyerly/Eagle Scout                                             |
| H140-371 | Reynolds                         | 3/16/1999 | M | John Frayne                                                             |
|          | cosponsor: Spence                |           |   |                                                                         |
| H140-372 | Fallon                           | 3/24/1999 | T | Bill Gibbons/Founder and Chairman of HOSTS Corporation                  |
| H140-373 | Stone                            | 3/17/1999 | T | The Nuts Restaurant/Harry Thomas & Staff/27th Anniversary               |
|          | cosponsors: Quillen & Carey      |           |   |                                                                         |
| H140-374 | Oberle                           | 3/14/1999 | M | The Honorable Charles L. Hebner                                         |
|          | on behalf of All Representatives |           |   |                                                                         |
| H140-375 | Gilligan                         | 3/23/1999 | T | Betty Pasquale/Outstanding Service/St. John the Beloved Parish          |
| H140-376 | Wagner                           | 3/27/1999 | T | Charles Valentine Bates/Grand Exalted Ruler/Visit/Dover Elks            |
| H140-377 | VanSant                          | 2/12/1999 | T | Rosalie & David Iannone/50th Wedding Anniversary                        |

T- Tribute

M - Memoriam

Representatives Ulbrich & Brady requested that they be marked present.

Representative Smith deferred to Representative Carey.

Representative Carey brought HB 80, jointly sponsored by Senator Venables & Representatives Price & Schroeder & Senator Bunting, before the House for consideration.

HB 80 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION.

Representative Carey made a comment.

The roll call on HB 80 was taken and revealed:

YES: 37.

ABSENT: Representatives Fallon, Gilligan, Plant & West – 4.

Therefore, having received a constitutional majority, HB 80 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk brought HS 1 to HB 94, jointly sponsored by Senator Bunting &

Representatives Carey, Cathcart, Quillen, Price, Schroeder & West & Senators Adams, Cook, Simpson & Venables & cosponsored by Representative Ewing, before the House for consideration.

HB 94 – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE NORTHEAST INTERSTATE DAIRY COMPACT.

Representative Caulk made a comment.

Representative Caulk brought HA 1 to HS 1 to HB 94 before the House for consideration. HA 1 was adopted by voice vote.

Representative Caulk made comments.

Representative Stone requested and was granted privilege of the floor for Bill Cook, President, Dover Thriftway.

Representatives Stone, Maier, Caulk, Maier, Scott, Caulk Cathcart, Caulk, Oberle, Wagner, Caulk, Oberle, Wagner, B. Ennis, DiPinto & Caulk made comments.

Representative Caulk moved to place HS 1 to HB 94 w/HA 1 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative West requested that he be marked present.

Representative Smith deferred to Representative Brady.

Representative Brady moved to suspend the rules which interfere with action on HB 122. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Brady brought HB 122, jointly sponsored by Senator Bair, before the House for consideration.

HB 122 – An ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A), TITLE 13 OF THE DELAWARE CODE, AS IT RELATES TO THE MARRIAGE OF DAVID C. SULLIVAN AND PATRICIA M. LACOMBE, NONRESIDENTS OF THE STATE OF DELAWARE.

Representative Brady made a comment.

The roll call on HB 122 was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Plant – 2.

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

Representative Smith deferred to Representative Capano.

Representative Capano moved to suspend the rules which interfere with action on HB 86. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Capano brought HB 86, jointly sponsored by Senator Sorenson, before the House for consideration.

HB 86 – AN ACT RELATING TO THE WAIVER OF STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE CONCERNING THE SOLEMNIZATION OF MARRIAGES.

Representative Capano made a comment.

The roll call on HB 86 was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Plant – 2.

Therefore, having received a constitutional majority, HB 86 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 26, jointly sponsored by Representative DiLiberto & Senator Amick, before the House for consideration.

HB 26 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURY COMPENSATION AND REIMBURSEMENT.

Representative Welch made comments.

The roll call on HB 26 was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Plant – 2.

Therefore, having received a constitutional majority, HB 26 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 51, jointly sponsored by Representative Oberle & Senator Marshall, before the House for consideration.

HB 51 – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Representative Welch made comments.

The roll call on HB 51 was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Plant – 2.

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

Representative Smith deferred to Representative Caulk.

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

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

Representative Lofink made comments.

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

Representative Smith deferred to Representative Ewing.

Representative Ewing brought SB 26 w/SA 1, jointly sponsored by Senator Henry & Representative Oberle, before the House for consideration.

SB 26 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES.

Representative Ewing made a comment.

The roll call on SB 26 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Plant – 2.

Therefore, having received a constitutional majority, SB 26 w/SA 1 was returned to the Senate.

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

Mr. Speaker Spence made a comment.

Representative Smith deferred to Representative Stone.

Representative Stone brought SB 57, jointly sponsored by Senators Adams, Sharp, Sokola, & Sorenson & Representatives D. Ennis, Capano, Fallon, Carey, Brady, Houghton, Keeley & Scott, before the House for consideration.

SB 57 – AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (2/3 bill)

Representatives Stone & Welch made comments.

Representative Valihura announced that he will not be voting on SB 57 because of a possible conflict of interest.

Representative Stone requested and was granted privilege of the floor for Robert Glen, State Bank Commissioner.

Representatives Welch, Oberle, B. Ennis, Smith, Ulbrich, Smith, Oberle, Smith, Cathcart, Welch, Stone, Cathcart, Ulbrich, Oberle, Maier, Stone, Gilligan, D. Ennis, Oberle, D. Ennis, Oberle, Scott, Caulk, Ulbrich, Stone & B. Ennis made comments.

The roll call on SB 57 was taken and revealed:

YES: 28.

NO: Representatives Caulk, Cloutier, B. Ennis, Mulrooney, Oberle, Price, Scott, Viola, Welch & West – 10.

NOT VOTING: Representative Valihura – 1.

ABSENT: Representatives Fallon & Plant – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 57 was returned to the Senate.

Representative Smith introduced a guest.

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

The Majority Leader moved to recess to the call of the Chair at 6:28 p.m.

Mr. Speaker Spence called the House to order at 2:10 p.m. on March 31, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 39, SB 40, SB 41 w/SA 1 & SB 47 w/SA 1 and requests the concurrence of the House.

March 30, 1999

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Speaker Spence:

Due to a personal commitment that I have made, I will be in Arkansas on March 30<sup>th</sup>, March 31<sup>st</sup>, and April 1, 1999, and therefore, unable to attend Legislative Session on those dates.

Thank you.

Sincerely,

Al O. Plant, Sr.

State Representative

2nd District

Representatives Smith & Capano made announcements.

Representative Oberle requested that HB 35 be stricken.

Representative Keeley introduced HS 1 for HB 100, jointly sponsored by Representative Price.

HB 100 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE INVASION OF PRIVACY.

Mr. Speaker Spence assigned HS 1 for HB 100 to the Judiciary Committee.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Spence presented a House Tribute to John J. McMahon, Jr., Executive Vice-President, Delaware Contractors Association.

Representatives Oberle, Gilligan, D. Ennis & Ewing made comments.

Mr. McMahon addressed the House.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence introduced guests.

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

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.

16th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
March 31, 1999

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon & Plant - 2.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 33 - OBERLE & VANSANT & STONE & SENATORS VAUGHN & CONNOR - JUDICIARY - An Act to Amend Title 6 of the Delaware Code Relating to Sales of Goods.

HB 128 - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES BRADY, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, D. ENNIS, EWING, FALLON, HOUGHTON, LOFINK, MIRO, OBERLE, SPENCE, WAGNER, WEST, WILLIAMS; SENATOR SHARP - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Levy of Taxes by School Districts.

HB 129 - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES CAPANO, CAULK, CLOUTIER, HOUGHTON, KEELEY, LEE, MIRO, OBERLE, PLANT, PRICE, SPENCE, STONE, ULBRICH - EDUCATION - An Act to Amend Title 11 of the Delaware Code Relating to Possession of a Deadly Weapon on School Property or In a Safe Recreation Zone.

HB 130 - PRICE; B. ENNIS, KEELEY, QUILLEN, ULBRICH, VALIHURA, SCOTT, VIOLA; SENATORS CONNOR, DELUCA, HENRY, SOKOLA, WINSLOW - BUSINESS/ CORPORATIONS/ COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to the Determination of Applications for Licenses.

SB 39 - HENRY & REPRESENTATIVE EWING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Penalties for Operating a Motor Vehicle Without Insurance.

SB 40 - HENRY; REPRESENTATIVE EWING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to License Qualifications.

SB 41 w/SA 1 - HENRY & REPRESENTATIVE EWING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code to Clarify Commercial Driver's License (CDL) Information.

SB 47 w/SA 1 - MARSHALL & SENATORS DELUCA, MCBRIDE, SHARP; REPRESENTATIVE OBERLE - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Mileage Reimbursement for Employees.

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

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

Representative DiPinto made a comment.

Representative Keeley requested that she be marked present.

Representative Welch introduced HB 135, sponsored by Representatives Spence, Valihura & Boulden & Senator Sharp & Representatives Buckworth, Capano, Cathcart, Miro, Stone, Gilligan, Brady, B. Ennis, Price & West & Senators Blevins, Bunting, Henry, Marshall, Sokola, Bair, Connor & Sorenson & cosponsored by Representative Cloutier.

HB 135 - An ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF TELEMARKETING AND ESTABLISHING REGISTRATION AND STANDARDS OF CONDUCT FOR PERSONS ENGAGING IN TELEMARKETING IN THIS STATE. (3/5 bill)

Mr. Speaker Spence assigned HB 135 to the Telecommunications & Electric Utility Deregulation Committee.

The Majority Whip moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 4:20 p.m.

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

EDUCATION: HB 77 - 8M; HB 114 - 4F, 4M.

JUDICIARY: HS 1 to HB 100 - 1F, 4M; HB 105 - 1F, 5M.

PUBLIC SAFETY: HB 76 - 1F, 4M.

REVENUE & FINANCE: HB 99 - 3F, 2M; HB 111 - 3F, 1M, 1U.

Representative Smith introduced and brought the following prefiled Consent Calendar #4 before the House for consideration.

HR 18 - Capano, Valihura, DiPinto - MOURNING THE DEATH OF ONE OF DELAWARE'S MOST PROMINENT ATTORNEYS, S. SAMUEL ARSHT.

HCR 8 - Fallon & Senator Venables - ENCOURAGING CONGRESS TO GIVE PRIORITY TO STRENGTHENING THE SOCIAL SECURITY SYSTEM AND ENSURING THAT IT CONTINUE TO BE UNIVERSAL AND MANDATORY, WITH RISK POOLED AMONG ALL WORKERS.

Representative Smith requested that HCR 8 be removed from Consent Calendar #4.

Mr. Speaker Spence assigned HCR 8 to the House Administration Committee.

Consent Calendar #4 was adopted by voice vote.

Representatives Reynolds, Ulbrich, Miro, Brady & Lofink requested that they be marked present.

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

HOUSING & COMMUNITY AFFAIRS: HB 47 – 4F, 1M; HB 60 – 5M.

Representative Lee requested and was granted privilege of the floor to present House Tributes to Delegate Donald E. Murphy and Delegate Anthony J. O'Donnell, Members of the Maryland House of Delegates, who addressed the House.

Representatives Smith, Gilligan, Smith, D. Ennis, Quillen & Mr. Speaker Spence made comments.

The Majority Leader moved to recess to the call of the Chair at 4:32 p.m.

Mr. Acting Speaker Roy called the House to order at 2:21 p.m. on April 1, 1999.

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

APPROPRIATIONS: HB 92 – 4F; HS 1/HB 103 – 4F.

LABOR: HB 112 – 1F, 4M; HB 115 – 5M; SB 16 – 5M; SB 17 – 5M.

HOUSE ADMINISTRATION: HB 23 – 3M; HB 48 – 3M; HB 67 – 3M; HB 74 – 3M; HB 96 – 3M; HB 102 – 3M; HB 109 – 3M; HJR 3 – 3M; SB 9 w/SA 1 – 3M.

Representative Boulden requested that he be marked present for the current legislative day.

The Majority Whip moved to adjourn at 2:23 p.m., thereby ending the current legislative day. The House reconvened at 2:24 p.m.

17th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 1, 1999

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon & Plant – 2.

A prayer was offered by the Reverend Wayne Trout, Kent Christian Academy.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 91 - WAGNER & SPENCE & SENATOR SOKOLA & REPRESENTATIVES WELCH, CAPANO, CLOUTIER, D. ENNIS, STONE, ULBRICH, VALIHURA, WILLIAMS - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 14 of the Delaware Code Regarding Reorganization of School Districts.

HB 131 - OBERLE & MIRO & SENATORS MARSHALL & VENABLES - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 132 - ULBRICH & MIRO & REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, LEE, LOFINK, OBERLE, PLANT, PRICE, QUILLEN, ROY, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, WAGNER, WELCH - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 133 - WAGNER & SENATOR MCBRIDE & REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, D. ENNIS, EWING, LEE, STONE, ULBRICH, B. ENNIS, KEELEY, PRICE, SCHROEDER, SCOTT - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Prosecution of Criminal and Traffic Cases in the Justice of the Peace Court of the State of Delaware.

HB 134 - OBERLE & MAIER & SENATOR BLEVINS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Pharmacy. (3/5 bill)

HB 136 - CATHCART & SENATOR MARSHALL - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Criminal Statutes in which Age of Victim is an Element of an Offense or a Sentencing Enhancer.

HB 137 - SCOTT, BUCKWORTH, CAULK, B. ENNIS, EWING, KEELEY, PRICE, SPENCE, WILLIAMS; SENATOR MARSHALL - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Liens.

HA 1 to HB 75 - PRICE - Placed with the Bill.

HA 1 to HB 108 - BOULDEN - Placed with the Bill.

HA 1 to HB 116 - WAGNER - Placed with the Bill.

HA 1 to HB 124 - OBERLE - Placed with the Bill.

SB 38 - VAUGHN & REPRESENTATIVE WAGNER - PUBLIC SAFETY - An Act to Amend Section 2118 of Title 21 of the Delaware Code Relating to Proof of Motor Vehicle Insurance for Out-of-State Vehicles.

HA 1 to SB 2 - SMITH - Placed with the Bill.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 38 and requests the concurrence of the House & HB 9, HB 14 w/SA 1, HB 122 & HCR 2 w/HA 1 and is returning same to the House.

Representative Welch requested and was granted personal privilege of the floor to make a presentation to Reverend Trout.

Mr. Acting Speaker assigned HB 111, HB 112 & HB 115 to the Appropriations Committee.

Representatives Oberle, Williams, West & B. Ennis requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:34 p.m.

The House reconvened at 4:19 p.m. with Representative Welch as Acting Speaker.

Representatives Spence & Buckworth requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Welch.

Representative Welch brought SB 2 w/SA 1, jointly sponsored by Senator Marshall & Senators Blevins, DeLuca, Henry, McDowell & Connor & Representatives Mulrooney & Scott, before the House for consideration.

SB 2 – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO MINIMUM WAGE.

Representative Welch made a comment.

Representative Welch deferred to Representative Smith.

Representative Smith brought HA 1 to SB 2 before the House for consideration.

Representatives Smith, Welch, Smith, VanSant & DiLiberto made comments.

Representative Brady requested that he be marked present.

Representative Smith made a comment.

Representatives Lofink, B. Ennis, Reynolds & Schroeder requested that they be marked present.

Representative Welch made a comment.

The roll call on HA 1 was taken and revealed:

YES: Representatives Boulden, Buckworth, Capano, Carey, Cloutier, DiPinto, Ewing, Lee, Maier, Miro, Quillen, Roy, Smith, Stone, Valihura & Wagner – 16.

NO: 22.

ABSENT: Representatives Caulk, Fallon & Plant – 3.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

Representative Welch deferred to Representative Ulbrich.

Representative Ulbrich introduced and brought HA 2 to SB 2, jointly sponsored by Representative Cathcart, before the House for consideration.

Mr. Speaker Spence introduced a guest.

Representatives Ulbrich and Welch made comments. HA 2 was defeated by voice vote.

Representative Ulbrich introduced and brought HA 3 to SB 2, jointly sponsored by Representative Cathcart, before the House for consideration.

Mr. Speaker Spence introduced a guest.

Representatives Ulbrich, Schroeder, Ulbrich, Welch & Ulbrich made comments.

The roll call on HA 3 was taken and revealed:

YES: Representatives Buckworth, Capano, Carey, Cathcart, Cloutier, DiPinto, Ewing, Lee, Maier, Miro, Quillen, Smith, Stone, Ulbrich, Valihura & Wagner – 16.

NO: 21.

ABSENT: Representatives Boulden, Caulk, Fallon & Plant – 4.

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

Representative Ulbrich introduced and brought HA 4 to SB 2, jointly sponsored by Representative Cathcart, before the House for consideration.

Representative Ulbrich requested that HA 4 be stricken.

Mr. Speaker Spence introduced a guest.

Representative Smith made comments.

Representative Ulbrich introduced and brought HA 5 to SB 2, jointly sponsored by Representative Cathcart, before the House for consideration.

Representative Ulbrich made comments.

The roll call on HA 5 was taken and revealed:

YES: Representatives Buckworth, Carey, Cathcart, Caulk, Cloutier, DiPinto, Ewing, Lee, Maier, Miro, Quillen, Smith, Stone, Ulbrich, Valihura & Wagner – 16.

NO: 21.

ABSENT: Representatives Boulden, Capano, Fallon & Plant – 4.

Therefore, not having received a constitutional majority, HA 5 was declared defeated.

Representatives Welch, Buckworth, Welch, DiPinto & Valihura made comments.

Representative Valihura requested and was granted privilege of the floor for Mr. Ted VanName, President and CEO of Goodwill Industries in Delaware and Delaware County.

Representatives VanSant, Scott, West, Smith, Gilligan, Oberle, Miro, Ewing, West, Ewing, West & Welch made comments.

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

YES: 22.

NO: Representatives Buckworth, Capano, Carey, Caulk, Cloutier, DiPinto, Ewing, Lee, Maier, Miro, Quillen, Roy, Smith, Stone, Valihura & Wagner – 16.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, SB 2 w/SA 1 was returned to the Senate.

Representative Williams made a comment.

Representative Smith deferred to Representative Quillen.

Representative Quillen introduced and brought HR 20 before the House for consideration.

HR 20 – CONGRATULATING DAWN THOMPSON, LEGISLATIVE FELLOW, ON ACHIEVING FAME AND KEEPING THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE FOCUSED.

Representative Quillen made comments.

HR 20 was adopted by voice vote.

Representative Welch deferred to Representative Capano.

Representative Capano brought HS 1 to HB 103, jointly sponsored by Representative Spence & Representatives Smith, Cathcart, Cloutier, DiLiberto, D. Ennis, Lofink, Miro, Oberle, Reynolds, Roy, Stone, Valihura, Wagner, Gilligan, VanSant, Brady, B. Ennis, Houghton, Keeley, Williams & Ulbrich & Senators Sharp, Bair & Sorenson, before the House for consideration.

HB 103 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO RESEARCH AND DEVELOPMENT TAX CREDIT. (F/N)

Representative Capano introduced and brought HA 1 to HS 1 to HB 103 before the House for consideration. Representative Capano made a comment. HA 1 was adopted by voice vote.

Representatives Capano, DiPinto, Cloutier & Capano made comments.

The roll call on HS 1 to HB 103 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Representative Reynolds made comments.

Therefore, having received a constitutional majority, HS 1 to HB 103 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk moved to suspend the rules which interfere with lifting HS 1 to HB 94 w/HA 1 from the Speaker's Table. The motion was seconded by Representative Ewing and adopted by voice vote.

Representative Caulk brought HS 1 to HB 94 w/HA 1, jointly sponsored by Senator Bunting & Representatives Carey, Cathcart, Quillen, Price, Schroeder & West & Senators Adams, Cook, Simpson & Venables & cosponsored by Representative Ewing, before the House for consideration.

HB 94 – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE NORTHEAST INTERSTATE DAIRY COMPACT.

Representative Caulk made comments.

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

Representatives DiPinto & Caulk made comments.

The roll call on HS 1 to HB 94 w/HA 1 was taken and revealed:

YES: 36.

NO: Representatives Stone & Wagner – 2.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, HS 1 to HB 94 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Caulk made comments.

Representatives Ewing, Lofink & B. Ennis introduced guests.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 114, jointly sponsored by Representatives Spence, Boulden & Reynolds & Senator Sharp & cosponsored by Representatives Lofink, Viola, Ulbrich, Schroeder, Cloutier, Miro, Mulrooney & Price & Senators Connor & Sokola, before the House for consideration.

HB 114 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVY OF TAXES BY SCHOOL DISTRICTS.

Representatives Oberle, Smith & Oberle made comments.

The roll call on HB 114 was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, HB 114 was sent to the Senate for concurrence.

Representative Oberle made a comment.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 24, jointly sponsored by Senator Venables, before the House for consideration.

HB 24 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SALARIES OF JUSTICE OF THE PEACE, PROHIBITED ACTIVITIES AND EMPLOYMENTS. (F/N)

Representative Wagner made a comment.

The roll call on HB 24 was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, HB 24 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Scott.

Representative Scott brought HB 49, jointly sponsored by Representatives Boulden, Brady, Buckworth, Capano, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Lofink, Plant, Price, Quillen, Reynolds, Spence, VanSant, Wagner, West & Williams & cosponsored by Representative Valihura, before the House for consideration.

HB 49 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REQUIRED INFORMATION FOR DRIVER'S LICENSES.

Representatives Scott, Stone, Scott & Gilligan made comments.

The roll call on HB 49 was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, HB 49 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 68, jointly sponsored by Representative Oberle & Senator Blevins, before the House for consideration.

HB 68 – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION.

Representatives Welch, DiPinto & Welch made comments.

The roll call on HB 68 was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Fallon & Plant – 3.

Therefore, having received a constitutional majority, HB 68 was sent to the Senate for concurrence.

Representative Reynolds, Gilligan, Price, Oberle & Lofink made comments.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 72, jointly sponsored by Senator Henry & Representatives Boulden, Cathcart, Cloutier, DiPinto, Lofink, Roy, Stone, Ulbrich, Valihura, Wagner, Keeley & Price, before the House for consideration.

HB 72 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SALE AND DISTRIBUTION OF TOBACCO PRODUCTS.

Representative Capano introduced and brought HA 1 to HB 72 before the House for consideration. Representative Capano made comments. HA 1 was adopted by voice vote.

Representative Capano introduced and brought HA 2 to HB 72 before the House for consideration. Representative Capano made a comment. HA 2 was adopted by voice vote.

Representative Capano introduced and brought HA 3 to HB 72 before the House for consideration.

Representatives Capano, Gilligan, Capano, Gilligan, Houghton, Capano, Ewing, DiPinto, Capano, DiPinto, Capano, Smith, VanSant, Capano, Caulk, Houghton, Lee & Capano made comments.

Representative Capano requested and was granted privilege of the floor for John Brady, House Attorney.

Representatives Lee, Stone & Miro made comments. HA 3 was adopted by voice vote.

Mr. Speaker Spence introduced a guest.

Representative Keeley introduced and brought HA 4 to HB 72, jointly sponsored by Representatives DiLiberto & Williams, before the House for consideration. Representative Keeley made a comment. HA 4 was adopted by voice vote.

Representative Schroeder made comments.

Representative Capano requested and was granted privilege of the floor for John Brady, House Attorney.

Representatives Schroeder and Capano made comments.

Representative Capano moved to place HB 72 w/HA 1, 2, 3 & 4 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representatives Reynolds, Miro, Smith, Gilligan & Capano made comments.

Representative Carey requested and was granted personal privilege of the floor to present a House Tribute to Representative Schroeder.

Representatives Schroeder & Oberle made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced HB 141, jointly sponsored by Senator McDowell &

Representatives Spence, Welch, Buckworth, Cathcart, Cloutier, Lofink, D. Ennis, Lee, Ulbrich, Wagner, VanSant, B. Ennis, Houghton, DiLiberto, Keeley, Mulrooney, Price, Schroeder, Viola & Williams & Senators DeLuca, Henry, Bonini & Connor.

HB 141 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM.

Mr. Speaker Spence assigned HB 141 to the Labor Committee.

Mr. Speaker Spence introduced guests.

Representative Oberle introduced HB 88, jointly sponsored by Representatives Cathcart, D. Ennis, Fallon, Lofink, Reynolds & Roy & Senators Henry & Sokola.

HB 88 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT.

Mr. Speaker Spence assigned HB 88 to the Public Safety Committee.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich introduced HB 148, jointly sponsored by Representatives Cathcart, Spence, Smith, Carey, Maier, Oberle, Capano, Stone, Valihura, Miro, Buckworth, Cloutier, Lofink, Boulden, Lee, Welch & Ewing.

HB 148 – AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO LICENSE FEES AND GROSS RECEIPTS TAX.

Mr. Speaker Spence assigned HB 148 to the Revenue & Finance Committee.

Representative Smith deferred to Representative Stone.

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

Representative Ulbrich introduced HB 138, jointly sponsored by Senator Sokola.

HB 138 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DRIVER EDUCATION.

Mr. Speaker Spence assigned HB 138 to the Education Committee.

Representative Ulbrich introduced HB 149, jointly sponsored by Representatives Buckworth, Capano, Smith & Stone.

HB 149 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO MANUFACTURERS BUSINESS AND OCCUPATIONAL GROSS RECEIPTS TAXES.

Mr. Speaker Spence assigned HB 149 to the Revenue & Finance Committee.

Representative Smith made comments.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 73, jointly sponsored by Senator Sokola & Representatives Welch, Boulden, Cloutier, DiPinto, Lee, Lofink, Maier, Roy, Stone, Ulbrich, Valihura, Wagner & Keeley & Senator Sharp, before the House for consideration.

HB 73 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SALE AND DISTRIBUTION OF TOBACCO PRODUCTS. (2/3 bill)

Representative Capano introduced and brought HA 1 to HB 73 before the House for consideration. Representative Capano made a comment. HA 1 was adopted by voice vote.

Representative Ulbrich introduced and brought HA 2 to HB 73, jointly sponsored by Representative Smith, before the House for consideration.

Representative Ulbrich moved to place HA 2 on the Speaker's Table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Price introduced and brought HA 3 to HB 73, jointly sponsored by Representative Ulbrich, before the House for consideration.

Representative Price requested that HA 3 be stricken.

Representative Price introduced HA 4 to HB 73, jointly sponsored by Representative Ulbrich, before the House for consideration. Representative Price made comments. HA 4 was adopted by voice vote.

Representative Capano made comments.

The roll call on HB 73 w/HA 1 & 4 was taken and revealed:

YES: 33.

ABSENT: Representatives Boulden, Caulk, DiLiberto, B. Ennis, Ewing, Fallon & Plant.  
& Quillen – 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 73 w/HA 1 & 4 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought HB 14 w/SA 1, jointly sponsored by Senator Bonini, before the House for concurrence on SA 1.

HB 14 – AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 bill)

Representative Buckworth made a comment.

The roll call on HB 14 w/SA 1 was taken and revealed:

YES: 32.

ABSENT: Representatives Boulden, Carey, Caulk, DiLiberto, B. Ennis, Ewing, Fallon, Plant & Quillen – 9.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 14 w/SA 1 was sent to the Governor.

Representative Smith deferred to Representative Welch.

Representative Welch introduced and brought HR 19, jointly sponsored by Representatives B. Ennis, Spence, Buckworth, Capano, Carey, Cathcart, Caulk, D. Ennis, Ewing, DiPinto, Lee, Quillen, Brady, DiLiberto, Houghton, Keeley, Price, VanSant, West & Williams, before the House for consideration.

HR 19 - ESTABLISHING A PROTECTION FROM ABUSE REVIEW TASK FORCE TO REVIEW DELAWARE'S PROTECTION FROM ABUSE ORDER PROCESS AND ALL RECOMMENDATIONS BEING OFFERED TO IMPROVE THIS PROCESS AND TO MAKE RECOMMENDATIONS THEREON TO THE HOUSE OF REPRESENTATIVES.

Representative Welch made a comment.

HR 19 was adopted by voice vote.

Representative Smith made comments.

Representative Smith introduced and brought SCR 2, jointly sponsored by Senator Connor on behalf of all Senators and Representative Spence on behalf of All Representatives, before the House for consideration.

SCR 2 – RECOGNIZING THE WEEK OF APRIL 19 THROUGH APRIL 23, 1999, AS PROFESSIONAL SECRETARIES WEEK IN DELAWARE, AND PAYING TRIBUTE TO THESE INVALUABLE HEROES OF THE WORKPLACE.

SCR 2 was adopted by voice vote and was returned to the Senate.

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

NATURAL RESOURCES: HB 75 - 2F, 5M.

LABOR: HB 127 - 5M.

The Majority Leader moved to recess to the call of the Chair at 7:05 p.m.

Mr. Speaker Spence called the House to order at 2:23 p.m. on April 20, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 20 w/SA 1 & 2, SB 21, 23 w/SA 1 and requests the concurrence of the House & HJR 2 & HCR 2 and is returning same to the House.

#### WITHDRAWAL OF SOPONSORSHIP REQUEST

I, J. B. Ewing, do hereby request that my name be removed as co-sponsor of HB 129.

Date: 4/1/99. Signed: J. B. Ewing.

I, William I. Houghton, Do Hereby Request that my Name be Removed as co-sponsor of HB 72.

Date: 4/1/99. Signed: William I. Houghton

I, David D. Brady, do hereby request that my name be removed as co-sponsor of HB 129.

Date: 4/1/99. Signed: D. D. Brady

April 1, 1999

#### LEGISLATIVE ADVISORY #8

Governor Thomas R. Carper signed the following legislation on the date indicated: HB #10 aab HA 1, HA 1 to HA 2, HA 2 & SA 1, SA 1 & SA 2, 3, 5, 6 & 7 - 3/31/99.

The following out of session prefiled legislation was introduced:

April 15, 1999

HS 1 to HB 66 - SPENCE - APPROPRIATIONS - An Act to Provide a Compensation Increase for State Employees.

HB 139 - WEST & SENATOR BUNTING; REPRESENTATIVES SPENCE, BRADY, CAREY, CLOUTIER, CATHCART, CAULK, EWING, KEELEY, PRICE, SCHROEDER, VANSANT, VIOLA, WILLIAMS - APPROPRIATIONS - An Act to Change the State and Local Funding Share Associated with the Construction of the Selbyville Middle School in the Indian River School District.

HB 140 - WEST & SENATOR BUNTING; REPRESENTATIVES SPENCE, BRADY, BUCKWORTH, CAREY, CAULK, B. ENNIS, EWING, PRICE, VIOLA, WILLIAMS - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to School Construction Capital Improvements.

HB 142 - PRICE & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, CAPANO, B. ENNIS, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MULROONEY, SCHROEDER, SMITH, SPENCE, ULBRICH, VANSANT, VIOLA, WAGNER, WELCH, WILLIAMS; SENATORS SOKOLA, VENABLES - CORRECTIONS - An Act to Amend Chapter 21 of Title 29 of the Delaware Code Relating to the Governor's Authority to Proclaim Special Days.

HB 143 - LEE & SENATOR VAUGHN - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to Wiretapping and Electronic Surveillance.

HB 144 - LEE & SENATOR VENABLES - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Commissioners of the Superior Court and the Court of Common Pleas.

HB 145 - CAPANO & SENATOR HENRY; REPRESENTATIVES BOULDEN, CAULK, CLOUTIER, EWING, FALLON, LEE, LOFINK, QUILLEN, ROY, STONE, VALIHURA, GILLIGAN, KEELEY, MULROONEY, PLANT, PRICE, VIOLA, WEST; SENATOR SORENSON - HOUSE ADMINISTRATION - An Act to Amend the Delaware Code Relating to the Name of the Delaware Alcoholic Beverage Control Commission and the Division of Alcoholic Beverage Control.

HB 146 - MAIER; SENATOR SOKOLA; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, CLOUTIER, DIPINTO, D. ENNIS, EWING, LEE, OBERLE, ULBRICH, VALIHURA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to School Attendance.

HB 147 - CAPANO & SENATOR AMICK; REPRESENTATIVES SPENCE, SMITH, BUCKWORTH, CAREY, CATHCART, CLOUTIER, DIPINTO, D. ENNIS, EWING, LEE, STONE, ULBRICH, VALIHURA, GILLIGAN, HOUGHTON, KEELEY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special License Plates for Civil Air Patrol Members.

HB 150 - SPENCE & SENATOR MCDOWELL; REPRESENTATIVES SMITH, WELCH, BUCKWORTH, CAPANO, CAREY, CATHCART, CLOUTIER, D. ENNIS, EWING, FALLON, LEE, LOFINK, MIRO, OBERLE, QUILLEN, REYNOLDS, VALIHURA, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, MULROONEY, PLANT, PRICE, SCOTT, VIOLA, WEST, WILLIAMS; SENATORS BONINI, HENRY - CORRECTIONS - An Act to Amend Title 29 of the Delaware Code Relating to the Department of Corrections.

HB 151 - MAIER & SENATOR SHARP; REPRESENTATIVES CLOUTIER, MIRO - LABOR - An Act to Amend Chapter 55, Title 29 of the Delaware Code, Relating to Survivor's Eligibility for Pension Benefits.

HB 152 - OBERLE; REPRESENTATIVES CAULK, REYNOLDS, B. ENNIS, KEELEY, PRICE, SCOTT, VIOLA - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to Automated Service Branch.

HB 153 - QUILLEN - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

HB 154 - GILLIGAN, REPRESENTATIVES DILIBERTO, B. ENNIS, KEELEY, MULROONEY, PRICE, SCHROEDER, VANSANT, VIOLA; SENATOR SOKOLA - HOUSE ADMINISTRATION - An Act to Amend Title 29, Chapter 8 of the Delaware Code Relating to Composition and Reapportionment of the General Assembly.

HB 155 - LEE & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Plates.

HB 156 - STONE & REPRESENTATIVE SMITH & SENATOR ADAMS; REPRESENTATIVES BRADY, CAPANO, CAREY, D. ENNIS, FALLON, HOUGHTON, KEELEY, SCOTT; SENATORS SHARP, SOKOLA, SORENSON - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions. (3/5 bill)

HA 1 to HB 71 - CAPANO - Placed with the Bill.

HA 2 to HB 71 - WELCH & VANSANT - Placed with the Bill.

HA 3 to HB 71 - WELCH & REPRESENTATIVE VANSANT - Placed with the Bill.

HA 4 to HB 71 - WELCH & REPRESENTATIVE VANSANT - Placed with the Bill.

HA 5 to HB 71 - CAPANO - Placed with the Bill.

HA 1 to HB 109 - OBERLE - Placed with the Bill.

HJR 5 - WAGNER; REPRESENTATIVES LEE, B. ENNIS; SENATORS BUNTING, VAUGHN - PUBLIC SAFETY - Recognizing Wednesday, May 5, 1999, as Volunteer Firefighters Appreciation and Support Day.

SB 21 - MARSHALL, SENATOR BLEVINS; REPRESENTATIVES LOFINK, MAIER, SCOTT; SENATORS CONNOR, HENRY, MCDOWELL; REPRESENTATIVE SPENCE - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 31 of the Delaware Code Relating to Adult Protective Services. (2/3 bill)

SB 23 w/SA 1 - MARSHALL & SENATOR BLEVINS; REPRESENTATIVES MAIER, LOFINK, SCOTT; SENATORS MCDOWELL, HENRY, CONNOR; REPRESENTATIVE SPENCE - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code to Establish the Delaware Nursing Home Residents Quality Assurance Commission.

SB 20 w/SA 1 & 2 - MARSHALL & SENATOR BLEVINS; REPRESENTATIVES MAIER, LOFINK, SCOTT; SENATORS MCDOWELL, HENRY, CONNOR; REPRESENTATIVE SPENCE - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 Relating to Certified Nursing Assistants.

Representative Roy made an announcement.

Mr. Speaker Spence assigned HB 77 & HB 99 to the Appropriations Committee.

The Majority Whip moved to adjourn at 2:22 p.m., thereby ending the current legislative day. The House reconvened at 2:23 p.m.

18th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 20, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth - 1.

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

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

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

HB 157 - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, SMITH, WELCH, CAPANO, CLOUTIER, DILIBERTO, D. ENNIS, FALLON, LOFINK, REYNOLDS, ROY, ULBRICH, HOUGHTON, PRICE; SENATORS AMICK, BONINI, CONNOR, STILL - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Fines Payable by Mail.

HA 6 to HB 71 - WELCH & REPRESENTATIVE VANSANT - Placed with the Bill.

HA 7 to HB 71 - VANSANT & REPRESENTATIVE WELCH - Placed with the Bill.

HA 8 to HB 71 - VANSANT & REPRESENTATIVE WELCH - Placed with the Bill.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Jo Ann Hedrick, Chief Clerk of the House  
FROM: Representative Gerald A. Buckworth  
DATE: April 19, 1999  
RE: Absence from Session

Please excuse my absence from Session on Tuesday, April 20, 1999. I will be having a medical procedure performed and will be unable to attend.

April 5, 1999

LEGISLATIVE ADVISORY #9

Governor Thomas R. Carper signed the following legislation on the date indicated: 4/1/99 - HB 122  
April 15, 1999

LEGISLATIVE ADVISORY #10

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 4/12/99 - HJR 2, HB 9, HB 12 & HB 14 aab SA 1. 4/9/99 - SB 57. 4/13/99 - SB 2 aab SA 1. 4/9/99 - SB 10. 4/12/99 - SB 26 aab/SA 1.

April 16, 1999

LEGISLATIVE ADVISORY #11

Governor Thomas R. Carper vetoed SB 49 on the date indicated: 3/30/99.

Representatives Ulbrich & Gilligan requested that they be marked present.

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

The Majority Leader moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:13 p.m. with Representative Oberle as Acting Speaker.

Representatives Brady & Valihura requested that they be marked present.

Representative Smith introduced and brought HCR 10, jointly sponsored by Representative Buckworth & Representative Spence & Senators Sharp & Adams on behalf of All Representatives and All Senators, before the House for consideration.

HCR 10 – RECOGNIZING THE IMPORTANCE OF ORGAN AND TISSUE DONATION TO THE PRESERVATION AND IMPROVEMENT OF HUMAN LIFE AND MARKING THE OBSERVATION OF NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK.

Representative Smith made comments.

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

HCR 10 was adopted by voice vote and was sent to the Senate for concurrence.

The Reading Clerk read the following communications:

HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: April 21, 1999

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

| Number              | Sponsor   | Date      | Type | Description                                                    |
|---------------------|-----------|-----------|------|----------------------------------------------------------------|
| H140-378            | Mulrooney | 2/26/1999 | T    | M. Adele & Scott Reese, Jr./50th Wedding Anniversary           |
| H140-379            | Price     | 3/5/1999  | T    | Evelyn & William Clark/50th Wedding Anniversary                |
| H140-380            | Mulrooney | 2/26/1999 | T    | Pauline & Joseph Calhoun/50th Wedding Anniversary              |
| H140-381            | Mulrooney | 3/19/1999 | T    | Martha & Carl Book/50th Wedding Anniversary                    |
| H140-382            | Gilligan  | 2/26/1999 | T    | Edwin & Ann Dalecki/50th Wedding Anniversary                   |
| H140-383            | B. Ennis  | 4/20/1999 | T    | Hilda & William Cox/50th Wedding Anniversary                   |
| H140-384            | Spence    | 3/12/1999 | T    | Wilmington Manor Lions Club/56th Anniversary                   |
| H140-385            | Williams  | 3/24/1999 | T    | Lynne Frink/Induction/Hall of Fame/Delaware Women              |
| H140-386            | Cloutier  | 3/24/1999 | T    | Evelyn Burkle/Hall of Fame/Delaware Women                      |
| H140-387            | Carey     | 3/24/1999 | T    | Reverend Grace Batten/Hall of Fame/Delaware Women              |
| H140-388            | Cloutier  | 3/24/1999 | T    | Barbara Herr/Induction/Hall of Fame/Delaware Women             |
| H140-389            | VanSant   | 3/27/1999 | T    | Joshua Bartlett/Eagle Scout                                    |
| H140-390            | Ewing     | 3/17/1999 | M    | David W. "Dave" Longaberger                                    |
| H140-391            | Plant     | 3/18/1999 | T    | Grandmaster Maestro Robert "Jock" Taylor                       |
| cosponsor: Williams |           |           |      |                                                                |
| H140-392            | B. Ennis  | 3/15/1999 | M    | Lillian Luff                                                   |
| H140-393            | Buckworth | 3/24/1999 | T    | Richard Szvitch/Named Swimming Coach of the Year               |
| H140-394            | Welch     | 2/17/1999 | T    | Stephen Timothy Carroll/Birthday                               |
| H140-395            | Carey     | 3/27/1999 | T    | William Irwin/75th Birthday                                    |
| H140-396            | Fallon    | 1/9/1999  | T    | Theresa Slaughter/Earned Master of Instruction Degree          |
| H140-397            | Spence    | 3/24/1999 | T    | Kristin Mills/Scored 2000 Points/High School Basketball Career |
| H140-398            | Spence    | 2/27/1999 | M    | Captain Coleman Stoops                                         |
| H140-399            | Roy       | 4/15/1999 | T    | Darren Blakemore/Eagle Scout                                   |
| H140-400            | DiPinto   | 3/25/1999 | T    | Coach Lou Holtz/Keynote Speaker/CYO Annual Dinner              |
| H140-401            | Carey     | 3/27/1999 | T    | William A. Chandler/65 Years of Service/Carlisle Fire Company  |

HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: April 21, 1999

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

| Number   | Sponsor   | Date      | Type | Description                                                                                 |
|----------|-----------|-----------|------|---------------------------------------------------------------------------------------------|
| H140-402 | Carey     | 3/27/1999 | T    | Edward Morris/Ambulance Attendant of Year/Carlisle Fire Company                             |
| H140-403 | Carey     | 3/27/1999 | T    | Steve Ellingsworth/Fireman of Year/Carlisle Fire Company                                    |
| H140-404 | D. Ennis  | 3/27/1999 | T    | Isabelle Sattig/Farewell/Appreciation for State Service                                     |
| H140-405 | Wagner    | 3/18/1999 | T    | Larry McAllister/Economic Development Leadership Award/Central Delaware Chamber of Commerce |
| H140-406 | Schroeder | 3/18/1999 | T    | Elizabeth DeVilbiss/Governor's Youth Volunteer Service Award Recipient                      |
| H140-407 | B. Ennis  | 3/21/1999 | M    | James W. Jones                                                                              |
| H140-408 | Wagner    | 3/20/1999 | M    | Mabel H. Henry                                                                              |
| H140-409 | Keeley    | 3/28/1999 | T    | F. Betty Marroni/Retirement/Fraim Senior Center                                             |
| H140-410 | Wagner    | 3/23/1999 | M    | Rachel M. LeFevre                                                                           |
| H140-411 | Welch     | 3/23/1999 | T    | Ellen May Kreer/60th Birthday                                                               |
| H140-412 | Buckworth | 4/28/1999 | T    | Brian Malloy/Eagle Scout                                                                    |

|          |          |           |   |                                                                  |
|----------|----------|-----------|---|------------------------------------------------------------------|
| H140-413 | West     | 3/20/1999 | T | Melissa Morris/Second Runner-Up/Queen/Cotillion                  |
| H140-414 | West     | 3/20/1999 | T | Laricka Taylor/First Runner-Up/Queen/Cotillion Ball              |
| H140-415 | West     | 3/20/1999 | T | Lasonya Copes/Queen/Delaware Cotillion Ball                      |
| H140-416 | Quillen  | 4/17/1999 | T | Ernest Alexander/50 Years Service/Felton Volunteer Fire Company  |
| H140-417 | Wagner   | 4/10/1999 | T | Jennifer Neylan & Terence Brennan/ Marriage                      |
| H140-418 | B. Ennis | 3/24/1999 | M | Elizabeth M. Carey                                               |
| H140-419 | Caulk    | 5/15/1999 | T | Bowers Ladies Auxiliary/60th Anniversary                         |
| H140-420 | Carey    | 4/13/1999 | T | Vlasic Foods, Inc./Partnership Award/KSI                         |
| H140-421 | Carey    | 4/13/1999 | T | Playtex Apparel/Sub-Contract Appreciation Award                  |
| H140-422 | Carey    | 4/13/1999 | T | Dentsply/Caulk/Sub-Contract Award/KSI                            |
| H140-423 | Carey    | 4/13/1999 | T | Reichhold, Inc./Sub-Contract Appreciation Award                  |
| H140-424 | Carey    | 4/13/1999 | T | State of Delaware DNREC/Cartridge Service Appreciation Award/KSI |

HOUSE TRIBUTE ANNOUNCEMENT #19

DATE: April 21, 1999

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

| Number   | Sponsor                    | Date      | Type | Description                                                                                    |
|----------|----------------------------|-----------|------|------------------------------------------------------------------------------------------------|
| H140-425 | Carey                      | 4/13/1999 | T    | ILC Dover, Inc./Cartridge Service Appreciation Award Recipient/Kent-Sussex Industries          |
| H140-426 | Carey                      | 4/13/1999 | T    | Department of Education & The Science Resource Center/Industrial Work Crew Award Recipient/KSI |
| H140-427 | Carey                      | 4/13/1999 | T    | Greater Milford Boys & Girls Club/Custodial Work Crew Award Recipient/KSI                      |
| H140-428 | Carey                      | 4/13/1999 | T    | Olive Garden/Supported-Competitive Employment Award Recipient/KSI                              |
| H140-429 | Carey                      | 4/13/1999 | T    | Delmarva Wholesale Bakery/Competitive Placement Award Recipient/Kent-Sussex Industries         |
| H140-430 | Carey                      | 4/13/1999 | T    | Masten Home Centers/Competitive Placement Award Recipient/Kent-Sussex Industries               |
| H140-431 | Spence                     | 3/29/1999 | T    | Jerry Cain/Named Outstanding New Weichert Realtors Associate of the Year                       |
| H140-432 | Spence                     | 4/18/1999 | T    | Joseph Brobst/Eagle Scout                                                                      |
| H140-433 | D. Ennis                   | 4/20/1999 | T    | Girl Scout Council Chesapeake Bay Area #27/Contributions to Delaware Greenways                 |
| H140-434 | D. Ennis                   | 4/20/1999 | T    | Girl Scout Council Chesapeake Bay Area #25/Contributions to Delaware Greenways                 |
| H140-435 | D. Ennis                   | 4/20/1999 | T    | Girl Scout Council Chesapeake Bay Area #629/Contributions to Delaware Greenways                |
| H140-436 | Boulden                    | 3/22/1999 | M    | Sharon Bishop McCormick                                                                        |
| H140-437 | D. Ennis                   | 3/30/1999 | T    | Honorable Yolande Thibeault/Deputy Speaker/House of Commons/Ottawa/Welcome                     |
| H140-438 | Wagner<br>cosponsor: Stone | 3/24/1999 | M    | Lulu W. Spayd                                                                                  |
| H140-439 | Williams                   | 3/30/1999 | T    | Springfield College/Recognizing Youth Anti-Gun Awareness Project                               |
| H140-440 | Scott                      | 3/30/1999 | M    | Ted Blunt/Outstanding Community Service                                                        |
| H140-441 | Scott                      | 3/30/1999 | T    | James Baker/Outstanding Community Service                                                      |
| H140-442 | Smith                      | 3/31/1999 | T    | Delegate Donald Murphy/Maryland House/Welcome                                                  |
| H140-443 | Smith                      | 3/31/1999 | T    | Delegate Anthony O'Donnell/Maryland House/Welcome                                              |

T- Tribute

M - Memoriam

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

Representative Cathcart requested that he be marked present.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought HB 105, jointly by Representative Scott & Representatives DiPinto,

Plant & Williams & Senators Henry, Marshall & McDowell, before the House for consideration.

HB 105- AN ACT TO AMEND CHAPTER 71 OF TITLE 10 OF THE DELAWARE CODE

RELATING TO INJUNCTIONS AND ABATEMENT OF NUISANCES INVOLVING SOCIAL VICES.

Representative Keeley made comments.

The roll call on HB 105 was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Cathcart, Fallon & Wagner – 4.

Therefore, having received a constitutional majority, HB 105 was sent to the Senate for concurrence.

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

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 69, jointly sponsored by Representative Ulbrich & Senator Blevins, before the House for consideration.

**HB 69 – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF REAL ESTATE APPRAISERS.**

Representative Stone made a comment.

The roll call on HB 69 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & Ewing – 3.

Therefore, having received a constitutional majority, HB 69 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 65, jointly sponsored by Representative Ulbrich & Senator Blevins, before the House for consideration.

**HB 65 – AN ACT TO AMEND CHAPTER 29 OF TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE APPRAISERS.**

Representative Stone made a comment.

The roll call on HB 65 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & Ewing – 3.

Therefore, having received a constitutional majority, HB 65 was sent to the Senate for concurrence.

Representative Welch deferred to Representative Lee.

Representative Lee brought HB 104, jointly sponsored by Representative Welch & Senators McDowell & Vaughn, before the House for consideration.

**HB 104 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE GENERAL PROVISIONS CONCERNING OFFENSES.**

Representative Lee brought HA 1 to HB 104 before the House for consideration. Representative Lee made a comment. HA 1 was adopted by voice vote.

Representative Lee made comments.

The roll call on HB 104 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HB 104 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought HA 1 to HS 1 to HB 100, jointly sponsored by Representative Price, before the House for consideration.

**HB 100 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING OF INVASION OF PRIVACY.**

Representative Keeley introduced and brought HA 1 to HS 1 to HB 100 before the House for consideration. Representative Keeley made a comment. HA 1 was adopted by voice vote.

Representative Keeley made comments.

The roll call on HS 1 to HB 100 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HS 1 to HB 100 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 36, jointly sponsored by Senators Blevins & Winslow & Representatives Welch, Buckworth, Ulbrich & Wagner & Senators Connor & Sorenson, before the House for consideration.

**HB 36 – AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO PROPERTY.**

Representatives Capano & Oberle made comments.

The roll call on HB 36 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HB 36 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 37, jointly sponsored by Senators Blevins & Winslow & Representatives Welch, Buckworth, Ulbrich & Wagner & Senators Connor & Sorenson, before the House for consideration.

HB 37 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTIES.

Representative Capano made comments.

The roll call on HB 37 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HB 37 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 38, jointly sponsored by Senators Blevins & Winslow & Representatives Welch, Buckworth, Ulbrich & Wagner & Senators Connor & Sorenson, before the House for consideration.

HB 38 – AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO PROPERTY.

Representative Capano made a comment.

The roll call on HB 38 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HB 38 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 40, jointly sponsored by Senators Blevins & Winslow & Representatives Welch, Buckworth, Ulbrich & Wagner & Senators Connor & Sorenson, before the House for consideration.

HB 40 – AN ACT TO AMEND TITLES 9 AND 10 OF THE DELAWARE CODE RELATING TO COUNTIES AND COURTS AND JUDICIAL PROCEDURE.

Representative Capano made a comment.

The roll call on HB 40 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Ewing – 2.

Therefore, having received a constitutional majority, HB 40 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed SB 34 w/SA 1 and SB 83 and requests the concurrence of the House.

The Majority Leader moved to recess for caucus at 4:56 p.m.

The House reconvened at 6:03 p.m.

Representative Smith deferred to Representative Capano.

Representative Capano moved to suspend the rules which interfere with introduction of and action on HB 161. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Capano introduced and brought HB 161, jointly sponsored by Senator Blevins, before the House for consideration.

HB 161 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

Representatives Capano, Oberle, Capano, Welch & Price made comments.

Representative Welch introduced and brought HA 1 to HB 161, jointly sponsored by Representative VanSant, before the House for consideration.

Representatives Welch, Oberle, Welch, Oberle, Welch, Capano, Wagner, Welch, Capano, Welch, Oberle, Welch, Capano, Smith, Welch, Houghton, Welch, Williams, Welch, Gilligan & Capano made comments.

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

Representatives Welch, Capano, Williams, Welch & Capano made comments.

Representative Capano requested and was granted privilege of the floor for Joseph M. DellOlio, Executive Vice-President of Child, Inc.

Representative Welch made comments.

The roll call on HA 1 was taken and revealed:

YES: 21.

NO: Representatives Capano, Cloutier, D. Ennis, Keeley, Maier, Miro, Mulrooney, Plant, Price, Schroeder, Scott, Smith, Stone, Ulbrich, Viola, Wagner & Williams – 17.

ABSENT: Representatives Buckworth, Caulk & Ewing – 3.

Therefore, having received a constitutional majority, HA 1 was adopted.  
Representative Bouden requested and was granted personal privilege of the floor to introduce a guest.

Representative Welch introduced and brought HA 2 to HB 161, jointly sponsored by Representative VanSant, before the House for consideration. Representative Welch made a comment.  
HA 2 was adopted by voice vote.

Representative Price requested and was granted privilege of the floor for Mrs. Pamela Powell.

The roll call on HB 161 w/HA 1 & 2 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & Ewing – 3.

Therefore, having received a constitutional majority, HB 161 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Capano requested that HB 71 be stricken.

The Majority Leader moved to recess to the call of the Chair at 6:52 p.m.

Mr. Speaker Spence called the House to order at 2:17 p.m. on April 21, 1999.

The Reading Clerk read the following communications:

4/16/99

TO: The House Republican Caucus and Staff

Thank you for your get-well greetings and the beautiful basket of fruit. I am slowly improving and hope to be up and around soon.

Thank you again,  
James A. Joyce

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: John J. Viola  
State Representative  
DATE: April 20, 1999  
RE: Absence from Session

I will be absent from session on April 21. I will be out of town on Legislative business.

MEMORANDUM

TO: Terry R. Spence, Speaker  
House of Representatives  
DATE: April 20, 1999  
FROM: Representative Pamela Maier  
RE: Absence from session

I will not be able to attend session on April 21, 1999. Please excuse me for this absence.  
April 20, 1999

TO: Speaker Terry R. Spence  
FROM: Representative Donna D. Stone  
SUBJECT: Absence from Session

I will be absent from session on Wednesday and Thursday, April 21 and 22, 1999.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, J. B. Ewing, do hereby request that my name be removed as co-sponsor of HB 152.

Date: 4/20/99. Signed: J.B. Ewing

I, Catherine A. Cloutier, do hereby request that my name be removed as co-sponsor of HB 152.

Date: 4-20-99. Signed: Catherine A. Cloutier

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current legislative day. The House reconvened at 2:20 p.m.

19th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 21, 1999

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Maier, Stone & Viola - 3.

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

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

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

The following prefiled legislation was introduced:

HB 158 - WEST & REPRESENTATIVE WILLIAMS; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, MULROONEY, PLANT, PRICE, QUILLEN, SCHROEDER, SCOTT, SPENCE, STONE, ULBRICH, VANSANT, VIOLA, WAGNER & WELCH & SENATORS ADAMS & COOK - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to State Taxes.

HB 159 - WEST; REPRESENTATIVES BRADY, CAREY, CLOUTIER, DILIBERTO, D. ENNIS, EWING, GILLIGAN, KEELEY, MULROONEY, PLANT, PRICE, SCHROEDER, SCOTT, SPENCE, STONE, ULBRICH, VANSANT, VIOLA, WAGNER, WELCH, WILLIAMS; SENATORS ADAMS, BLEVINS, BUNTING, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, STILL, VAUGHN - APPROPRIATIONS - An Act to Grant a Military Service Bonus to Veterans Having Entered Active Military Duty from Delaware and Having Participated in Hostilities in Either Granada, Panama or the Persian Gulf.

HB 164 - MAIER & SENATORS MCDOWELL, HENRY; REPRESENTATIVE KEELEY; SENATOR BLEVINS - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 10 and Title 31 of the Delaware Code Relating to Proceedings in the Interest of a Child and Child Welfare.

HA 1 to HB 106 - OBERLE - Placed with the Bill.

HA 1 to HB 142 - PRICE - Placed with the Bill.

HA 2 to HB 106 - OBERLE - Placed with the Bill.

SB 34 w/SA 1 - VAUGHN & SENATORS ADAMS, BUNTING, STILL & REPRESENTATIVES CAREY, CAULK, QUILLEN, MULROONEY, PRICE - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 9 of the Delaware Code Relating to Counties and the Valuation, Assessment and Taxation of Property.

SB 83 - ADAMS & REPRESENTATIVE STONE - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 12, Delaware Code, Relating to Investments of Fiduciaries.

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

Representatives Plant, Smith, Fallon & Wagner made comments.

Representative Wagner requested that HB 101 be stricken.

Representatives Cathcart, B. Ennis & Ulbrich requested that they be marked present.

Representative Wagner & Mr. Speaker Spence made comments.

Mr. Speaker Spence reassigned HB 157 to the Revenue and Finance Committee.

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

The House reconvened at 4:16 p.m.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, J. B. Ewing, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 4/21/99. Signed: J. B. Ewing

I, Richard C. Cathcart, do hereby request that my name be removed as co-sponsor of HB 152.

Date: 4/21/1999. Signed: Richard C. Cathcart

April 21, 1999

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Speaker Spence:

I will be unable to attend legislative session on Thursday, April 22, 1999, due to a personal business commitment.

Thank you,

Sincerely,

Arthur L. Scott

State Representative

Representatives Brady & Buckworth requested that they be marked present.

Representative Fallon requested that HCR 6 be stricken.

Representative Smith introduced and brought the following prefiled Consent Calendar #5 before the House for consideration.

HCR 9 - Price & Senator Vaughn; Representatives Buckworth, Capano, B. Ennis, Gilligan, Houghton, Keeley, Lee, Lofink, Maier, Mulrooney, Schroeder, Smith, Spence, Ulbrich, VanSant, Viola, Wagner, Welch, Williams; Senators Sokola, Venables - RECOGNIZING MAY 1, 1999 AS "CORRECTIONAL OFFICERS MEMORIAL DAY".

HCR 11 – Spence on behalf of All Representatives - RECOGNIZING APRIL 18 THROUGH APRIL 24 AS PROFESSIONAL SECRETARIES WEEK AND ENCOURAGING ALL THOSE WHO ARE FORTUNATE ENOUGH TO HAVE SECRETARIES TO HONOR THESE UNSUNG HEROES DURING THIS WEEK.

HCR 12 - Price & Senator Vaughn - RECOGNIZING MAY 1, 1999 AS "CORRECTIONAL OFFICERS MEMORIAL DAY".

Consent Calendar #5 was adopted by voice vote and HCR 9, HCR 11 & HCR 12 were sent to the Senate for concurrence.

Mr. Speaker Spence made comments regarding HCR 11.

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

APPROPRIATIONS: HB 39 - 4F, 1M; HB 52 - 5F; HB 118 - 5M.

JUDICIARY: HB 106 - 8M; HB 124 - 8M; HB 126 - 7M, 1U.

PUBLIC SAFETY: HB 88 - 9M; SB 38 - 7M; SB 39 - 7M; SB 40 - 1F, 6M; SB 41 w/SA 1 - 6M.

Representative Plant made comments regarding HCR 11.

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

HOUSING & COMMUNITY AFFAIRS: HB 95 - 6M.

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: HB 121 - 1F, 6M.

ETHICS: HR 5 - 4F.

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

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

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m. on April 22, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HCR 4 and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as co-sponsor of HB 152.

Date: 4/21/99. Signed: Gerald A. Buckworth

I, Gerald A. Buckworth, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 4/21/99. Signed: Gerald A. Buckworth

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

BUSINESS/CORPORATIONS/COMMERCE: HB 85 - 6M; HB 130 - 1F, 5M.

EDUCATION: HS 1/HB 91 - 6M, 1U; SB 35 - 7M.

Mr. Acting Speaker reassigned HB 151 to the Revenue and Finance Committee.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the current legislative day. The House reconvened at 2:04 p.m.

20th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 22, 1999

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives DiPinto, Scott & Stone - 3.

A prayer was offered by Mr. Acting Speaker Quillen, Thirtieth Representative District.

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

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

The following prefiled legislation was introduced:

HB 162 - CLOUTIER; REPRESENTATIVES FALLON, LOFINK, MAIER, STONE, PLANT; SENATORS BLEVINS, HENRY, MARSHALL, BAIR, BONINI - HEALTH and HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Regulation of Midwifery in the State of Delaware.

HB 163 - B. ENNIS & REPRESENTATIVE SCHROEDER & SENATOR VAUGHN; REPRESENTATIVES BRADY, CAREY, CAULK, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, OBERLE, PLANT, PRICE, SPENCE, VANSANT, VIOLA, WELCH, WEST, WILLIAMS - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 5 and Title 30 of the Delaware Code Relating to the Retail Installment Sale of Motor Vehicles and Surety for Motor Vehicle Dealers.

HB 165 - WEST & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Eliminate the Requirement for a Practicing Physician from the Board of Health. (2/3 bill)

HA 1 to HB 130 - PRICE - Placed with the Bill.

Representative Smith requested and was granted personal privilege of the floor to introduce guests.  
Representative Ewing requested and was granted personal privilege of the floor to make a comment.  
Representative Price made a comment.  
Representative B. Ennis requested that he be marked present.  
Representatives B. Ennis, Smith & Williams made comments.  
Representative West requested that he be marked present.  
Representative Oberle made comments.  
Representatives Fallon & Caulk requested that they be marked present.  
Representative Maier requested and was granted personal privilege of the floor to introduce guests.  
Representatives Keeley, Wagner, Schroeder, Viola & Plant requested that they be marked present.  
Representative Plant requested and was granted personal privilege of the floor to make comments.  
Representative Price requested and was granted personal privilege of the floor to present a House  
Tribute to the Lord Baltimore Lions & Lionesses.

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

Representative DiLiberto requested that he be marked present.  
Representative D. Ennis requested and was granted personal privilege of the floor to make comments.  
Representative Lee requested that he be marked present.  
Representatives Lee, Ewing & Price made comments.  
Representative Wagner requested that HB 116 be stricken.  
Representative Smith requested and was granted personal privilege of the floor to make comments.  
The Reading Clerk read the following communication into the record:

**MEMORANDUM**

TO: Representative Terry Spence, Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: April 22, 1999  
RE: Absence from Session

I will be unable to attend session today April 22, 1999 because of illness. Please excuse this  
absence.

The Majority Leader moved to recess for caucus at 2:25 p.m.  
The House reconvened at 4:13 p.m. with Representative Oberle as Acting Speaker.  
The Reading Clerk read the following communications into the record:  
To House Republican Caucus and Staff

On behalf of the Ennis family, Thank you for your beautiful flowers sent in remembrance of  
Dick Ennis. The thoughts and prayers and flowers really starts the healing process for all of us. Thank you  
from the bottom of my heart.

Fondly, Dave

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Michael Mulrooney, do hereby request that my name be removed as co-sponsor of HB 152.

Date 4/22/99. Signed: Michael Mulrooney

Representatives Brady & Miro requested that they be marked present.

Representative Roy introduced and brought HCR 13, jointly sponsored by Senator Sokola, before the  
House for consideration.

HCR 13 – RECOGNIZING THE WEEK OF MAY 2-8, 1999 AS BRAIN TUMOR AWARENESS  
WEEK IN DELAWARE.

HCR 13 was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 60, jointly sponsored by Senator Adams, before the House for  
consideration.

HB 60 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO  
COUNTIES.

Representatives Ewing & West made comments.

Representative Boulden requested that he be marked present.

Representative Ewing requested and was granted privilege of the floor for Robert L. Stickels, Sussex  
County Administrator.

Representatives West, Price, Houghton & Schroeder made comments.

The roll call on HB 60 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

Therefore, having received a constitutional majority, HB 60 was sent to the Senate for concurrence.

Representatives Reynolds & Spence requested that they be marked present during the roll call.

Representatives Spence & Lee made comments.

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

Representative Smith deferred to Representative Miro.

Representative Miro brought HB 67, jointly sponsored by Representatives Spence, Smith, Maier, Roy, Capano, Carey, Cathcart, Cloutier, Oberle, Reynolds, Ulbrich, Valihura, Gilligan, Houghton & Mulrooney & Senators Sokola & Sorenson, before the House for consideration.

**HB 67 – AN ACT TO AMEND CHAPTER 11, TITLE 9, DELAWARE CODE RELATING TO RESIDENCY QUALIFICATIONS OF ELECTED OFFICIALS OF NEW CASTLE COUNTY'S GOVERNING BODY.**

Representatives Miro, Gilligan, Miro, Price, Plant, Miro, Spence, B. Ennis, Miro, DiLiberto, Miro, Wagner & Gilligan made comments.

The roll call on HB 67 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

Therefore, having received a constitutional majority, HB 67 was sent to the Senate for concurrence.

Mr. Acting Speaker Oberle made comments.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 87, jointly sponsored by Senator Vaughn & cosponsored by Representative Buckworth, before the House for consideration.

**HB 87 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HIV TESTING IN ASSAULT OR RELATED OFFENSES AGAINST LAW ENFORCEMENT OFFICERS.**

Representatives Ewing & B. Ennis made comments.

The roll call on HB 87 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

Therefore, having received a constitutional majority, HB 87 was sent to the Senate for concurrence.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought HB 96, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 96 – AN ACT TO AMEND CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF SMYRNA. (2/3 bill)**

Representative B. Ennis made a comment.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 96 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 96 was sent to the Senate for concurrence.

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

**SB 9 – AN ACT TO AMEND AN ACT, BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE” TO PROVIDE FOR INDEMNIFICATION OF OFFICERS, AGENTS AND EMPLOYEES. (2/3 bill)**

Representative Smith made a comment.

The roll call on SB 9 w/SA1 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

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

Representative Smith deferred to Representative VanSant.

Representative VanSant brought HB 82, jointly sponsored by Representative Welch, before the House for consideration.

**HB 82 – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO AUTHORIZED EMPLOYEES IN RETAIL LIQUOR ESTABLISHMENTS.**

Representatives VanSant, Price, VanSant, Welch, Price, Ewing, VanSant, Smith, Price & Reynolds made comments.

The roll call on HB 82 was taken and revealed:

YES: 29.

NO: Representatives DiLiberto, B. Ennis, Ewing, Maier, Price, Schroeder, Smith & Viola – 8.

NOT VOTING: Representative Keeley – 1.

ABSENT: Representatives DiPinto, Scott & Stone – 3.

Therefore, having received a constitutional majority, HB 82 was sent to the Senate for concurrence. Representative Smith made comments.

Representative Smith brought HR 5, jointly sponsored by Representative Welch, before the House for consideration.

**HR 5 – RELATING TO PERMANENT PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 140TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS.**

HR 5 was adopted by voice vote.

Mr. Speaker Spence introduced a guest.

Representative Welch made a comment.

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

TRANSPORTATION: HB 113 – 7M.

Representative Caulk made an announcement.

Mr. Speaker Spence & Representative Smith made comments.

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

Mr. Acting Speaker Welch called the House to order at 2:07 p.m. on April 27, 1999.

The Reading Clerk read the following communications into the record:

Dear Members of the General Assembly,

My heart is sad, but it is also full of appreciation for the gestures of love and memory shown by you at Chuck's death. My children and I found great comfort in the fact so many of you attended his memorial service. Nothing could have pleased him more than a scholarship in his name. As you know, his service to the Delaware House was the thing that meant the most to him in his career.

Although he never complained, I know his illness, which took his essence away from him broke his heart. I'm sure a part of him knows about your caring and that he is smiling.

Delaware is a special place and you all are especially special. Thank you again.

Sincerely,

Nancy Hebner

The Senate wishes to inform the House that it has passed HS/1 to HB 103 w/HA 1 and is returning same to the House, SB 63 w/SA 1 & SB 73 and requests the concurrence of the House.

April 20, 1999

TO: Speaker Terry R. Spence  
FROM: Representative Roger P. Roy  
SUBJECT: Absence from Session

I will be absent from session on Tuesday, April 27<sup>th</sup>, Wednesday, April 28<sup>th</sup> and Thursday, April 29<sup>th</sup>, 1999.

**MEMORANDUM**

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Robert F. Gilligan  
State Representative  
DATE: April 21, 1999  
RE: Absence from Session

I have been invited to join with a legislative delegation from Virginia, Maryland, West Virginia and Delaware to visit the Republic of China on Taiwan. I will be out of the country on Tuesday, Wednesday and Thursday, April 27, 28, 29, 1999, on this legislative related trip.

**MEMORANDUM**

TO: Representative Terry Spence, Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: April 22, 1999  
RE: Absence from Session

I will be out of the country on Tuesday, Wednesday, and Thursday, April 27, 28, and 29, 1999, on a legislative related trip and therefore will be unable to attend session on those days.

Please excuse this absence.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Tina Fallon, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 4/22/99

Signed: Tina Fallon

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Joseph Miro, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 4/22/99

Signed: Representative Joseph Miro

MEMORANDUM

TO: Thomas R. Carper, Governor  
Thomas B. Sharp, President Pro-Tempore  
Robert F. Gilligan, House Minority Leader  
Iris T. Metts, Secretary of Education  
William Montgomery, Director, Legislative Council  
JoAnn Hedrick, House Chief Clerk  
Bernard Brady, Secretary of the Senate

FROM: Terry R. Spence, Speaker of the House

DATE: April 22, 1999

RE: Appointment Dept. of Education – Equalization Committee

Representative Stephanie Ulbrich has agreed to serve on the Equalization Committee, which is to make recommendations for FY 2000. Rep. Ulbrich will be replacing Rep. Pam Maier who served last year, as my appointment.

Thank you.

TRS/rec

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

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

21st LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 27, 1999

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives DiPinto, Gilligan & Roy – 3.

A prayer was offered by Tony Maczynski, a House staff member.

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

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

The following prefiled legislation was introduced:

HB 166 - D. ENNIS & SENATOR VAUGHN - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.

HB 167 - SPENCE & REPRESENTATIVE OBERLE & SENATOR VAUGHN;  
REPRESENTATIVES SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CATHCART, CLOUTIER, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MIRO, QUILLEN, REYNOLDS, ROY, VALIHURA, GILLIGAN, VANSANT, BRADY, PRICE, VIOLA, STONE, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, SCHROEDER, SCOTT; SENATORS MCBRIDE, BONINI, SIMPSON, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to State Police.

HB 168 - SPENCE & SENATOR COOK - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Delaware National Guard Education Benefits.

HB 169 - OBERLE & SENATOR SHARP - HEALTH AND HUMANDEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Forfeitures.

HA 1 to HB 143 - LEE - Placed with the Bill.

HA 3 to HB 106 - OBERLE - Placed with the Bill.

SB 63 w/SA 1 – SOKOLA; SENATORS BLEVINS, DELUCA, SHARP; REPRESENTATIVES CAPANO, MAIER, WAGNER, DIPINTO, SPENCE & SENATOR BONINI - JUDICIARY - An Act to Amend Title 6 And Title 11 of the Delaware Code Relating to Tobacco Products and Prohibited Trade Practices. (2/3 bill)

SB 73 – SIMPSON; SENATORS AMICK, BAIR, BONINI, CONNOR, SORENSON, STILL, WINSLOW, ADAMS, BLEVINS; REPRESENTATIVES CAREY, CAULK - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Practice of Dentistry.

Mr. Acting Speaker assigned HB 121 to the Appropriations Committee.

The House observed a moment of silence in memory of Tangey Rain's brother at the request of Representative Quillen.

Representative Wagner made an announcement.

Representatives Fallon, Smith & Ewing made announcements.

Representatives D. Ennis, Oberle & Scott requested that they be marked present.

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

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

Representatives West & Lofink requested that they be marked present.

Representative Oberle made an announcement.

The Majority Leader moved to recess for caucus at 2:22 p.m.

The House reconvened at 4:15 p.m.

Representative Spence requested that he be marked present.

Representative Smith made comments.

Representative Smith requested and was granted privilege of the floor for Klara Sogindolska, a legislative fellow, who addressed the House.

Mr. Speaker Spence resumed the Chair.

Representative Smith made comments.

Representatives B. Ennis, Price, Miro & Brady requested that they be marked present.

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

Representatives Boulden & Schroeder requested that they be marked present.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought HB 5 before the House for consideration.

HB 5 – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMMISSION ON FAMILY LAW.

Representative Buckworth made a comment.

The roll call on HB 5 was taken and revealed:

YES: 35.

ABSENT: Representatives DiPinto, Gilligan, Lee, Roy, Smith & West – 6.

Therefore, having received a constitutional majority, HB 5 was sent to the Senate for concurrence.

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

Representative Welch deferred to Representative Wagner.

Representative Wagner brought HB 17, jointly sponsored by Senator Blevins, before the House for consideration.

HB 17 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO VICTIM'S BILL OF RIGHTS. (F/N)

Representative Wagner made a comment.

Representative Wagner moved to place HB 17 on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Welch deferred to Representative Wagner.

Representative Wagner requested that action on HB 92 be deferred to a Day Certain, Thursday, 4/29/99.

Representative Welch deferred to Representative Quillen.

Representative Quillen requested that HB 95 be stricken.

Representative Welch deferred to Representative Oberle.

Representative Oberle requested that action on HB 88 be deferred to a Day Certain, Thursday, 5/6/99.

Representative Welch deferred to Representative Oberle.

Representative Oberle brought HB 106, jointly sponsored by Representative Spence & Senator Blevins & cosponsored by Representatives Maier, Keeley, Buckworth & Scott, before the House for consideration.

HB 106 – AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO DEATH OR INJURY OF CHILDREN WHICH OCCURS THROUGH ABUSE OR NEGLECT. (F/N)

Representative Oberle requested that HA 1 to HB 106 be stricken.

Representative Oberle brought HA 2 to HB 106 before the House for consideration. Representative Oberle made comments. HA 2 was adopted by voice vote.

Representative Oberle brought HA 3 to HB 106 before the House for consideration.

Representatives Oberle & Capano made comments.

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

Representatives Oberle & Capano made comments.

Representative Oberle requested and was granted privilege of the floor for Theresa Allen, representing the Christian Science Committee on Publication.

Representatives Capano, Wagner, Fallon, Stone & Oberle made comments.

HA 3 was defeated by voice vote.

Representative Oberle deferred to Representative Reynolds.

Representative Reynolds made comments.

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

Representative Oberle made comments.

The roll call on HB 106 w/HA 2 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Roy & West – 4.

Therefore, having received a constitutional majority, HB 106 w/HA 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

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

Representative Oberle requested that action on HB 109 be deferred to a Day Certain, Thursday, 4/29/99.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 124, jointly sponsored by Representative Spence & Senators Blevins & Winslow & Representatives Welch, Capano, Ewing, Maier, Miro, Wagner, Gilligan, VanSant & B. Ennis & cosponsored by Representatives Ulbrich, Cloutier, Valihura, Price, Caulk, Keeley, Buckworth, Scott & Viola, before the House for consideration.

HB 124 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES. (F/N)

Representative Oberle made comments.

Representative Oberle brought HA 1 to HB 124 before the House for consideration. Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 124 before the House for consideration. Representative Oberle made comments. HA 2 was adopted by voice vote.

Representatives Oberle, Speaker Spence, Ewing, Oberle & DiLiberto made comments.

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

Representatives DiLiberto, Keeley, Oberle & B. Ennis made comments.

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

YES: 38.

ABSENT: Representatives DiPinto, Gilligan & Roy – 3.

Therefore, having received a constitutional majority, HB 124 w/HA 1 & 2 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #20

DATE: April 27, 1999

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

| <u>Number</u> | <u>Sponsor</u> | <u>Date</u> | <u>Type</u> | <u>Description</u>                                          |
|---------------|----------------|-------------|-------------|-------------------------------------------------------------|
| H140-444      | Carey          | 4/1/1999    | T           | Honorable John & Sue Schroeder/10th Wedding Anniversary     |
| H140-445      | Cathcart       | 4/5/1999    | T           | Honorable Ruth Laws/Retirement/Odessa Town Council/10 Years |
| H140-446      | Spence         | 4/25/1999   | T           | Pearl Parson/75th Birthday                                  |
| H140-447      | Valihura       | 3/31/1999   | T           | Michael P. Siefring/Eagle Scout                             |
| H140-448      | Valihura       | 3/31/1999   | T           | Stephen M. Replenski/Eagle Scout                            |
| H140-449      | Schroeder      | 4/25/1999   | T           | Wayne Keller, Jr./Eagle Scout                               |
| H140-450      | Lofink         | 3/13/1999   | T           | Terri Smith/Padua Academy Basketball/State Champions        |
| H140-451      | Lofink         | 3/13/1999   | T           | Monica Linge/Padua Academy Basketball/State Champions       |
| H140-452      | Lofink         | 3/13/1999   | T           | Kiera Manlove/Padua Academy Basketball/State Champions      |
| H140-453      | Lofink         | 3/13/1999   | T           | Nicole Igo/Padua Academy Basketball/State Champions         |
| H140-454      | Lofink         | 3/13/1999   | T           | Jennifer Spinelli/Padua Academy Basketball/State Champions  |
| H140-455      | Lofink         | 3/13/1999   | T           | Jessica Spinelli/Padua Academy Basketball/State Champions   |
| H140-456      | Lofink         | 3/13/1999   | T           | Lauren DiIenno/Padua Academy                                |

|          |                    |   |                                           |
|----------|--------------------|---|-------------------------------------------|
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-457 | Lofink 3/13/1999   | T | Michele Carty/Padua Academy               |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-458 | Lofink 3/13/1999   | T | Brianna Maloney/Padua Academy             |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-459 | Lofink 3/13/1999   | T | Brooke Johnson/Padua Academy              |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-460 | Lofink 3/13/1999   | T | Julie Dakunchak/Padua Academy             |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-461 | Lofink 3/13/1999   | T | Maria Panico/Padua Academy                |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-462 | Lofink 3/13/1999   | T | Lindsay Jamison/Padua Academy             |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-463 | Lofink 3/13/1999   | T | Lindsey Ganter/Padua Academy              |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-464 | Lofink 3/13/1999   | T | Erin Mills/Padua Academy Basketball/State |
|          | cosponsor: DiPinto |   | Champions                                 |
| H140-465 | Lofink 3/13/1999   | T | Maureen Faulkner/Assistant Coach/Padua    |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |
| H140-466 | Lofink 3/13/1999   | T | Chris Patton/Assistant Coach/Padua        |
|          | cosponsor: DiPinto |   | Basketball/State Champions                |

#### HOUSE TRIBUTE ANNOUNCEMENT #21

DATE: April 27, 1999

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

| Number   | Sponsor             | Date | Type                                                  | Description |
|----------|---------------------|------|-------------------------------------------------------|-------------|
| H140-467 | Lofink 3/13/1999    | T    | John Armstrong/Coach/Padua                            |             |
|          | cosponsor: DiPinto  |      | Basketball/State Champions                            |             |
| H140-468 | Lofink 3/13/1999    | T    | Jim Kane/Junior Varsity Coach/Padua                   |             |
|          | cosponsor: DiPinto  |      | Basketball/State Champions                            |             |
| H140-469 | Quillen 3/18/1999   | T    | Jennifer Crouse/Governor's Volunteer Service Award    |             |
| H140-470 | Quillen 3/18/1999   | T    | Jeffery Sullivan/Governor's Volunteer Service Award   |             |
| H140-471 | Wagner 12/31/1998   | T    | Glenn David Austin/10 Years Service/State of Delaware |             |
| H140-472 | Oberle 4/4/1999     | T    | Lord Mayor Danny Marshall/Newcastle, England          |             |
|          |                     |      | /Welcome                                              |             |
| H140-473 | Reynolds 3/13/1999  | T    | William Penn High/Boys Basketball Team/State          |             |
|          |                     |      | Champion                                              |             |
| H140-474 | Buckworth 4/1/1999  | M    | Gilbert Randy Quillen                                 |             |
|          | cosponsor: Wagner   |      |                                                       |             |
| H140-475 | B. Ennis 3/29/1999  | M    | Betty C. Plass                                        |             |
| H140-476 | Cloutier 4/27/1999  | T    | Barbara Miller/3000 Hours Volunteer Work/A. I.        |             |
|          | cosponsor: Capano   |      | duPont Hospital for Children                          |             |
| H140-477 | Fallon 4/8/1999     | T    | Terry Michaels, Ltd./National Recognition by Salon    |             |
|          |                     |      | Today Magazine                                        |             |
| H140-478 | Welch 3/3/1999      | T    | Thomas Patrick McCabe/Birth                           |             |
| H140-479 | Williams 4/3/1999   | M    | Milton L. Wright                                      |             |
| H140-480 | Williams 3/31/1999  | M    | Melvin Dean                                           |             |
| H140-481 | B. Ennis 4/7/1999   | T    | Angela Soares/70th Birthday                           |             |
| H140-482 | Schroeder 4/25/1999 | T    | Wayne G. Keller, Jr./Eagle Scout                      |             |
| H140-483 | Welch 4/17/1999     | T    | Dorothy Lawson/Benjamin F. Burton                     |             |
|          |                     |      | Humanitarian Award Recipient                          |             |
| H140-484 | B. Ennis 4/9/1999   | M    | Howard M. Sparks, Sr.                                 |             |
| H140-485 | Oberle 4/13/1999    | M    | Shirley B. Cowell                                     |             |
| H140-486 | D. Ennis 12/8/1998  | T    | Eva Sawicki/50 Years Service/Ladies                   |             |
|          |                     |      | Auxiliary/Brandywine Hundred Fire Company             |             |
| H140-487 | B. Ennis 4/14/1999  | T    | Albert Pendracky/80th Birthday                        |             |
| H140-488 | Ewing 4/30/1999     | T    | William & Rebecca Tiley/50th Wedding Anniversary      |             |
| H140-489 | Gilligan 5/8/1999   | T    | Elma Brittingham/72 Years Service/Mill Creek Fire     |             |
|          |                     |      | Company                                               |             |

T- Tribute

M - Memoriam

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HS 1 to HB 91, jointly sponsored by Representative Spence & Senator Sokola & Representatives Welch, Capano, Cloutier, D. Ennis, Stone, Ulbrich, Valihura & Williams, before the House for consideration.

**HB 91 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE REGARDING REORGANIZATION OF SCHOOL DISTRICTS.**

Representative Wagner introduced and brought HA 1 to HS 1 to HB 91 before the House for consideration. Representative Wagner made comments. HA 1 was adopted by voice vote.

Representatives Wagner & Miro made comments.

Representative Miro introduced and brought HA 2 to HS 1 to HB 91 before the House for consideration.

Representatives Miro, Smith, D. Ennis, Miro, Wagner, Miro, Oberle, Wagner, Miro & Mulrooney made comments.

The roll call on HA 2 was taken and revealed:

YES: 19.

NO: Representatives Boulden, Brady, Cloutier, B. Ennis, Ewing, Keeley, Oberle, Price, Schroeder, Smith, Stone, Valihura, VanSant, Wagner, Welch, West, Williams & Spence – 18.

NOT VOTING: Representative Caulk – 1.

ABSENT: Representative DiPinto, Gilligan & Roy – 3.

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

Representative Valihura made comments.

The roll call on HS 1 to HB 91 w/HA 1 was taken and revealed:

YES: 23.

NO: Representatives Brady, Buckworth, Carey, Caulk, DiLiberto, Ewing, Fallon, Houghton, Lee, Miro, Mulrooney, Plant, Reynolds, Schroeder & Viola – 15.

ABSENT: Representatives DiPinto, Gilligan & Roy – 3.

Therefore, having received a constitutional majority, HS 1 to HB 91 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 52, jointly sponsored by Representative Buckworth & cosponsored by Representatives Spence, Scott, Brady & Cloutier, before the House for consideration.

**HB 52 – AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO PENSION BENEFITS FOR PARAPLEGIC VETERANS. (F/N)**

Representative Ewing made a comment.

The roll call on HB 52 was taken and revealed:

YES: 36.

ABSENT: Representatives DiLiberto, DiPinto, B. Ennis, Gilligan & Roy – 5.

Therefore, having received a constitutional majority, HB 52 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 89, jointly sponsored by Senator Henry, before the House for consideration.

**HB 89 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO SPECIFY LICENSING REQUIREMENTS FOR MOTORCYCLES AND THREE-WHEELED VEHICLES.**

Representative Ewing made a comment.

The roll call on HB 89 was taken and revealed:

YES: 36.

ABSENT: Representatives DiPinto, B. Ennis, Gilligan, Roy & Scott – 5.

Therefore, having received a constitutional majority, HB 89 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought SB 38, sponsored by Senator Vaughn & Representative Wagner, before the House for consideration.

**SB 38 – AN ACT TO AMEND SECTION 2118 OF TITLE 21 OF THE DELAWARE CODE RELATING TO PROOF OF MOTOR VEHICLE INSURANCE FOR OUT-OF-STATE VEHICLES.**

Representative Ewing made comments.

The roll call on SB 38 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Gilligan & Roy – 3.

Therefore, having received a constitutional majority, SB 38 was returned to the Senate.

Representative Smith deferred to Representative Quillen.

Representative Quillen requested that HB 2 be stricken.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 74, jointly sponsored by Representatives Boulden, Brady, Buckworth, Capano, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton,

Keeley, Lee, Lofink, Maier, Plant, Price, Schroeder, Scott, Smith, Spence, Stone, Ulbrich, VanSant, Wagner, Welch, West & Williams & Senators Bonini, Bunting, McDowell, Sokola & Venables, before the House for consideration.

**HB 74 – AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO A RESIDENCY REQUIREMENT FOR THE SECRETARY OF STATE. (2/3 bill)**

Representative DiLiberto made a comment.

The roll call on HB 74 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Gilligan & Roy – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 74 was sent to the Senate for concurrence.

Representative Smith deferred to Representative West.

Mr. Speaker Spence introduced a guest.

Representative West brought HB 48, jointly sponsored by Representatives Boulden, Brady, Buckworth, Capano, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Keeley, Lee, Lofink, Maier, Mulrooney, Oberle, Plant, Price, Quillen, Schroeder, Scott, Spence, Stone, VanSant, Viola, Wagner & Williams, before the House for consideration.

**HB 48 – AN ACT TO AMEND TITLE 15, DELAWARE CODE RELATING TO VOTER REGISTRATION INFORMATION.**

Representative West introduced and brought HA 1 to HB 48 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 48 w/HA 1 was taken and revealed:

YES: 36.

NO: Representative Valihura – 1.

ABSENT: Representatives DiPinto, Gilligan, Oberle & Roy – 4.

Therefore, having received a constitutional majority, HB 48 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:30 p.m.

Mr. Acting Speaker Welch called the House to order at 2:10 p.m. on April 28, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SB 64 w/SA 1 & SB 74 and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, John VanSant, do hereby request that my name be removed as co-sponsor of HB 85.

Date: 4/27/99.

Signed: John VanSant

Representative Smith deferred to Representative Price.

Representative Price introduced HB 183, jointly sponsored by Representative Spence & Senator Bunting & Representatives Brady, Carey, DiPinto, B. Ennis, Gilligan, Keeley, Maier, Quillen, Ulbrich & Welch & Senators Simpson, Sokola & Still.

**HB 183 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF IGNITION INTERLOCK DEVICES.**

Mr. Acting Speaker assigned HB 183 to the Public Safety Committee.

Representatives Smith & Price made an announcement.

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

22nd LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 28, 1999

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives DiPinto, Gilligan, Roy & West – 4.

A prayer was offered by Representative Maier of the Twenty-first Representative District.

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

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

The following prefiled legislation was introduced:

**HB 170 - BOULDEN & SENATOR DELUCA - TRANSPORTATION - An Act to Amend Title 6 of the Delaware Code Relating to the Plane Coordinate System.**

HB 171 - CAPANO & SENATORS BLEVINS & WINSLOW - HOUSING AND COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Mortgages on Real Estate.

HB 172 - CAPANO; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, CLOUTIER, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, ROY, SMITH, ULBRICH, VALIHURA, WAGNER, WELCH; SENATORS AMICK, BAIR, BONINI, CONNOR, SIMPSON, SORENSON, STILL, WINSLOW - REVENUE AND FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Taxes on Personal Income.

HB 173 - ROY; REPRESENTATIVE VANSANT & SENATORS BLEVINS, COOK, WINSLOW - LABOR - An Act to Amend Title 19 of the Delaware Code Pertaining to Worker's Compensation.

HB 174 - BRADY; REPRESENTATIVES CAPANO, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, KEELEY, PLANT, PRICE, REYNOLDS, QUILLEN, SCHROEDER, SCOTT, SPENCE, VANSANT, WAGNER, WEST, WILLIAMS; SENATORS BUNTING & VAUGHN - HOUSE ADMINISTRATION - An Act to Amend Title 1 of the Delaware Code Relating to Legal Holidays.

HB 175 - GILLIGAN; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CATHCART, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LOFINK, MULROONEY, OBERLE, PLANT, PRICE, SCOTT, VANSANT, VIOLA, WEST, WILLIAMS - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Realty Transfer Tax.

HB 176 - WEST & REPRESENTATIVE EWING & REPRESENTATIVE PRICE; SENATOR BUNTING; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, B. ENNIS, D. ENNIS, FALLON, KEELEY, LEE, OBERLE, PLANT, REYNOLDS, SCHROEDER, SCOTT, SMITH, SPENCE, WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jury Service.

HB 177 - FALLON & SENATOR ADAMS; REPRESENTATIVES SPENCE, EWING & QUILLEN - JUDICIARY - An Act to Amend Titles 10 and 13 of the Delaware Code Relating to Attachment of Wages and Other Terms.

HB 178 - WELCH & SENATOR COOK; REPRESENTATIVES LEE, QUILLEN, PRICE; SENATORS ADAMS & VENABLES - TELECOMMUNICATIONS AND ELECTRIC UTILITY DEREGULATION - An Act to Amend Chapter 448, Volume 71 of the Laws of Delaware Entitled "An Act to Amend Title 12 and Title 26 of the Delaware Code Relating to Cooperative Electric Utilities."

HB 179 - DIPINTO; SENATOR DELUCA; REPRESENTATIVE ROY; REPRESENTATIVES SPENCE, SMITH, BUCKWORTH, CAPANO, CAREY, CATHCART, EWING, FALLON, LEE, MAIER, QUILLEN, REYNOLDS, STONE, ULBRICH, VALIHURA, PRICE, SCHROEDER, WAGNER - TRANSPORTATION - An Act to Amend Title 2 of the Delaware Code Relating to the Powers of the Delaware Transportation Authority.

HB 180 - CAPANO & SENATOR BLEVINS - REVENUE & FINANCE - An Act to Amend Title 29 of the Delaware Code Relating to the Delaware Tobacco Settlement Act of 1999.

HA 1 to HB 127 - BOULDEN - Placed with the Bill.

SB 64 w/SA 1 - VAUGHN; REPRESENTATIVES DIPINTO, FALLON, HOUGHTON, SCOTT - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the Requirement that Telephone Calls to Publicly Listed State Agency Telephone Numbers be Answered by a Person.

SB 74 - BLEVINS & REPRESENTATIVE DIPINTO; SENATORS ADAMS, BONINI, CONNOR, COOK, HENRY, MARSHALL, SIMPSON, SOKOLA, SORENSON, VENABLES; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, FALLON, GILLIGAN, HOUGHTON, MAIER, PRICE, QUILLEN, ROY, SCHROEDER, WAGNER - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Health Planning and Resources Management.

The Reading Clerk read the following communications into the record:

TO: Speaker Spence  
FROM: Representative Quillen  
DATE: April 28, 1999  
RE: Absence from session

Please excuse my absence from session on Thursday, April 29<sup>th</sup>. I will be out of state on personal business.

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Catherine Cloutier  
DATE: April 28, 1999  
RE: Absence from Session

Because of a scheduling conflict, I will be unable to attend session Wednesday, May 5, 1999. The Majority Leader moved to recess for committee meetings at 2:19 p.m.

The House reconvened at 4:15 p.m.

Representatives Reynolds, Stone & Williams requested that they be marked present.

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

JUDICIARY: HS 1 to HB 33 - 7M; HB 117 - 6M; HB 133 - 6M; HB 136 - 8M; HB 144 - 8M; SB 12

- 9M.

EDUCATION: HB 120 - 7M; HB 138 - 8M.

HOUSE ADMINISTRATION: HB 145 - 3M; HB 165 - 3M.

PUBLIC SAFETY: HB 147 - 7M; HB 155 - 7M; HB 167 - 7M; HB 183 - 7M; HJR 5 - 7M.

CORRECTIONS: HB 142 - 6M; HB 143 - 6M; HB 150 - 6M.

Representatives Lofink, Miro, Fallon, Brady, Capano, Spence, Plant, Valihura, Ewing, D. Ennis & Carey requested that they be marked present.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced HB 185, jointly sponsored by Representative Boulden & Representative Ulbrich & Senators Amick & Connor & Representatives Lofink & Reynolds.

HB 185 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING.

Mr. Acting Speaker assigned HB 185 to the Judiciary Committee.

Representative Ulbrich requested that she be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Oberle introduced and brought HR 21, sponsored on behalf of All Representatives, before the House for consideration.

HR 21 - IN OBSERVANCE OF WORKERS MEMORIAL DAY 1999.

Representatives Oberle, Smith, Oberle, Fallon & Smith made comments.

Representative Buckworth requested that they be marked present.

Representative Scott requested that HB 47 be stricken.

HR 21 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 4:31 p.m.

Mr. Speaker Spence called the House to order at 2:23 p.m. on April 29, 1999.

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

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: HB 156 - 4F, 3M; SB 83 - 4F, 3M.

LABOR: HB 123 - 3F, 2M; HB 131 - 4M; HB 132 - 4M; HB 141 - 4M; HB 153 - 6M; SB 47 w/SA

1 - 5M.

REVENUE & FINANCE: HB 42 - 6F, 1M; HB 151 - 2F, 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SB 82, SB 95 & SJR 2 w/SA 1 and requests the concurrence of the House.

Representative West requested that he be marked present for the current legislative day.

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.

23rd LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
April 29, 1999

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives DiPinto, Gilligan, Quillen & Roy - 4.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

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

Mr. Speaker Spence introduced a guest.

Representatives DiLiberto, Williams & Maier requested that they be marked present.

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

The following prefiled legislation was introduced:

HB 181 - B. ENNIS & REPRESENTATIVE MAIER; REPRESENTATIVES BRADY, CAREY, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, QUILLEN, SCHROEDER, SCOTT, VIOLA, WAGNER, WEST, WILLIAM; SENATORS ADAMS, BONINI, MARSHALL, WINSLOW - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Chapter 97, Title 16 of the Delaware Code Relating to Recognition and Implementation of Advanced Health-Care Directives by Emergency Medical Services Providers.

HB 182 - WELCH & SENATOR MCDOWELL; REPRESENTATIVES SPENCE, FALLON, REYNOLDS, BRADY, KEELEY, PRICE - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Mortgages.

HB 184 - SPENCE - HOUSE ADMINISTRATION - An Act Waiving the Statutory Provisions of §107(a), Chapter 1, Title 13 of the Delaware Code, as it Relates to the Marriage of Scott Paul Lascelles and Dana Marie DiSabatino, Nonresidents of the State of Delaware.

HB 186 - PRICE & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend Chapter 64, Volume 63, Laws of Delaware, As Amended, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware." (2/3 bill)

HB 187 - QUILLEN - POLICY ANALYSIS & GOVERNMENT ACCOUNT ABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Notification of Patients by a Physician or the Personal Representative of a Physician's Estate.

HB 188 - SCHROEDER & SENATOR SIMPSON - LAND USE AND INFRASTRUCTURE - An Act to Amend Chapter 108, Volume 62 of the Laws of Delaware Regarding the Boundaries of the Warner-Grant Trust Lands.

HA 1 to HB 169 - OBERLE - Placed with the Bill.

SB 82 - SHARP & REPRESENTATIVE SPENCE; SENATORS ADAMS, AMICK, BAIR, VAUGHN; REPRESENTATIVES GILLIGAN, SMITH, VANSANT, WELCH - HOUSE ADMINISTRATION - An Act to Amend Chapters 11 And 101, Title 29, Delaware Code, Relating to the Register of Regulations and Proposed and Promulgated Regulations.

SB 95 - BUNTING; REPRESENTATIVE WEST - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, As Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Correct an Error and to Clarify by Adding Authorization to Collect Penalties and Interest on Delinquent Taxes. (2/3 bill)

SJR 2 w/SA 1 - SHARP & REPRESENTATIVE SPENCE & SENATORS ADAMS, AMICK, BAIR, VAUGHN & REPRESENTATIVES GILLIGAN, SMITH, VANSANT, WELCH - HOUSE ADMINISTRATION - Creating the Delaware General Assembly Tricentennial Committee to Plan and Implement an Appropriate Commemoration for the 300th Anniversary of the State Legislature Which will be Observed in the Year 2004.

Representative Schroeder requested that he be marked present.

Representative Price requested that HB 119 be stricken.

Representative Smith deferred to Representatives Capano & Valihura.

Representatives Capano & Valihura presented House Tributes to a delegation of Members of Parliament and the Ministry of Finance in the Republic of Georgia, Russia.

Representative Smith made comments.

Representatives B. Ennis, Oberle, Miro, Wagner & Boulden requested that they be marked present.

Mr. Speaker Spence assigned HB 120, HB 132, HB 133, HB 150 & HB 151 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:43 p.m.

The House reconvened at 4:37 p.m.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 92, jointly sponsored by Representative Spence & Senators Blevins & McDowell & Representatives Buckworth, Capano, Carey, DiPinto, D. Ennis, Ewing, Lee, Lofink, Miro, Quillen, Roy, Stone, DiLiberto, B. Ennis, Plant, Price & West & Senators Amick & Cook, before the House for consideration.

HB 92 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO ADMINISTRATIVE PROVISIONS. (F/N)

Representative Wagner brought HA 1 to HB 92 before the House for consideration.

Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representatives Wagner, Schroeder, Wagner, Capano, Wagner, Smith, Scott, Wagner, Cathcart, Brady & Wagner made comments.

The roll call on HB 92 w/HA 1 was taken and revealed:

YES: 32.

NO: Representative Brady – 1.

NOT VOTING: Representatives Cathcart, Reynolds & Smith – 3.

ABSENT: Representatives DiPinto, Gilligan, Quillen, Roy & West – 5.

Therefore, having received a constitutional majority, HB 92 w/HA 1 was sent to the Senate for concurrence.

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

Mr. Speaker Spence introduced guests.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Smith deferred to Representative Spence.

Representative Spence brought HB 167, jointly sponsored by Representative Oberle & Senator Vaughn & Representatives Smith, Welch, Boulden, Buckworth, Capano, Carey, Cathcart, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Miro, Quillen, Reynolds, Roy, Valihura, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Schroeder, Scott & Senators McBride, Bonini, Simpson, Still & Winslow & cosponsored by Representatives Price, Viola & Stone, before the House for consideration.

**HB 167 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO STATE POLICE.**

Representatives Spence, Price, Ewing & Spence made comments.

The roll call on HB 167 was taken and revealed:

YES: 36.

ABSENT: Representatives DiPinto, Gilligan, Quillen, Roy & West – 5.

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

Representative Smith deferred to Representative Maier.

Representative Maier requested that action on HB 126 be deferred to a Day Certain, Tuesday, 5/11/99.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested that action on HB 127 be deferred to a Day Certain, Thursday, 6/3/99.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 102, jointly sponsored by Representatives Welch, Buckworth, Capano, Carey, Caulk, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Maier, Quillen, Ulbrich, Wagner, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Scott, West & Williams & Senators Adams, Bunting, Henry, Vaughn, Bair, Amick & Connor, before the House for consideration.

**HB 102 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO RESIDENCY REQUIREMENTS FOR CABINET SECRETARIES.**

Representative Stone made a comment.

The roll call on HB 102 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Quillen & Roy – 4.

Therefore, having received a constitutional majority, HB 102 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HJR 5, jointly sponsored by Senator Bunting & Representatives B. Ennis & Lee & Senator Vaughn, before the House for consideration.

**HJR 5 – RECOGNIZING WEDNESDAY, MAY 5, 1999, AS VOLUNTEER FIREFIGHTERS APPRECIATION AND SUPPORT DAY.**

Representative Wagner made a comment.

The roll call on HJR 5 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Quillen & Roy – 4.

Therefore, having received a constitutional majority, HJR 5 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Price.

Representative Price brought HB 130, jointly sponsored by Representatives B. Ennis, Keeley, Quillen, Ulbrich, Valihura & Viola & Senators Connor, DeLuca, Henry, Sokola & Winslow & cosponsored by Representative Scott, before the House for consideration.

**HB 130 – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE DETERMINATION OF APPLICATIONS FOR LICENSES.**

Representative Price brought HA 1 to HB 130 before the House for consideration. Representative Price made a comment. HA 1 was adopted by voice vote.

Representative Price introduced and brought HA 2 to HB 130 before the House for consideration. Representative Price made comments. HA 2 was adopted by voice vote.

Representatives Price, Smith, Price, Oberle, Scott, Price, Smith, Price & Wagner made comments.

Representative Price moved to place HB 130 w/HA 1 & 2 on the Speaker's Table. The motion was seconded by Representative Valihura and adopted by voice vote.

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

Mr. Speaker Spence resumed the Chair.

Representatives Cloutier, D. Ennis & Mr. Speaker Spence made comments.

Representative Smith introduced and brought SCR 6, jointly sponsored by Senators Bair, Winslow, Sorenson, Connor & Venables & Representatives Valihura, Cloutier, Brady, D. Ennis, Roy & Scott, before the House for consideration.

SCR 6 – EXTENDING A WARM WELCOME TO THE STUDENTS FROM JOE POLOWSKI HIGH SCHOOL OF TORGAU, GERMANY.

Representative Smith made a comment.

SCR 6 was adopted by voice vote and was returned to the Senate.

Representatives D. Ennis & Cathcart made comments.

Representative Price requested that HCR 9 be stricken.

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

Representative B. Ennis made a comment.

Representative Smith brought HB 87 w/SA 1, sponsored by Representative Ewing & Senator Vaughn & cosponsored by Representative Buckworth, before the House for concurrence on SA 1.

HB 87 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HIV TESTING IN ASSAULT OR RELATED OFFENSES AGAINST LAW ENFORCEMENT OFFICERS.

Representative Smith made a comment.

The roll call on HB 87 w/SA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Quillen & Roy – 4.

Therefore, having received a constitutional majority, HB 87 w/SA 1 was sent to the Governor.

Representative Smith brought HB 114 w/SA 1, sponsored by Representatives Oberle, Spence, Boulden, Reynolds & Senator Sharp & cosponsored by Representatives Cloutier, Lofink, Miro, Viola, Mulrooney, Ulbrich, Price & Schroeder & Senators Connor & Sokola, before the House for concurrence on SA 1.

HB 114 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVY OF TAXES BY SCHOOL DISTRICTS.

Representatives Smith & Brady made comments.

Representative Smith deferred to Representative Oberle.

Representatives Brady, Oberle, B. Ennis, Oberle, Cathcart, B. Ennis, Oberle, Cathcart, Reynolds, B. Ennis, Oberle, Miro, Plant, Smith & Miro made comments.

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

Representatives Plant, Cathcart, Price, B. Ennis, Fallon & Oberle made comments.

The roll call on HB 114 w/SA 1 was taken and revealed:

YES: 29.

NO: Representatives B. Ennis, Welch, West & Williams – 4.

NOT VOTING: Representatives DiLiberto, Price, Scott & VanSant – 4.

ABSENT: Representatives DiPinto, Gilligan, Quillen & Roy – 4.

Therefore, having received a constitutional majority, HB 114 w/SA 1 was sent to the Governor.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 109, jointly sponsored by Representative Spence & Senator Sharp & Representatives Smith, Welch, Gilligan, VanSant & Brady & Senators Adams, McDowell, Amick & Bair & cosponsored by Representative Brady on behalf of All Representatives & All Senators, before the House for consideration.

HB 109 – AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE TO ESTABLISH THE CHARLES L. “CHUCK” HEBNER MEMORIAL SCHOLARSHIP FUND AND ADMINISTRATION THEREFOR. (F/N)

Representative Oberle brought HA 1 to HB 109 before the House for consideration.

Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle deferred to Representative Schroeder.

Representative Schroeder introduced and brought HA 2 to HB 109 before the House for consideration.

Representative Schroeder moved to place HA 2 on the Speaker's Table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Schroeder introduced and brought HA 3 to HB 109, cosponsored by Representative Keeley, before the House for consideration. Representative Schroeder made comments.

HA 3 was adopted by voice vote.

Representatives Oberle, VanSant, Smith, D. Ennis, Speaker Spence, Oberle & Plant made comments.

The roll call on HB 109 w/HA 1 & 3 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, Gilligan, Quillen & Roy – 4.

Therefore, having received a constitutional majority, HB 109 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Price.

Representative Price brought HB 142, jointly sponsored by Senator Vaughn & Representatives Buckworth, Capano, B. Ennis, Gilligan, Houghton, Keeley, Lee, Lofink, Maier, Mulrooney, Schroeder, Smith, Spence, Ulbrich, VanSant, Viola, Wagner, Welch & Williams & Senators Sokola & Venables, before the House for consideration.

HB 142 – AN ACT TO AMEND CHAPTER 21 OF THE TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR’S AUTHORITY TO PROCLAIM SPECIAL DAYS.

Representative Price brought HA 1 to HB 142 before the House for consideration.

Representative Price made a comment. HA 1 was adopted by voice vote.

Representative Price made a comment.

The roll call on HB 142 w/HA 1 was taken and revealed:

YES: 35.

ABSENT: Representatives DiPinto, B. Ennis, Gilligan, Quillen, Roy & Williams – 6.

Therefore, having received a constitutional majority, HB 142 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 155, jointly sponsored by Senator Henry, before the House for consideration.

HB 155 – An Act to Amend Title 21 of the Delaware Code Relating to Plates.

Representative Lee introduced and brought HA 1 to HB 155 before the House for consideration.

Representative Lee made a comment. HA 1 was adopted by voice vote.

Representative Lee made a comment.

The roll call on HB 155 w/HA 1 was taken and revealed:

YES: 32.

ABSENT: Representatives Cathcart, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Quillen, Roy & Williams – 9.

Therefore, having received a constitutional majority, HB 155 w/HA 1 was sent to the Senate for concurrence.

Representative Smith made a comment.

Representative Smith deferred to Representative Price.

Representative Price brought HB 75, jointly sponsored by Representatives Schroeder, DiLiberto, Gilligan, Houghton, Keeley, Mulrooney, Plant, VanSant, Viola & Williams, before the House for consideration.

HB 75 – AN ACT TO AMEND TITLE 7 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ZONING, USE AND SALE OF STATE PARKS, OPEN SPACE AND PUBLIC LANDS.

Representative Price brought HA 1 to HB 75 before the House for consideration. Representative

Price made a comment. HA 1 was adopted by voice vote.

Representatives Price, Smith, West, Schroeder, Brady & Price made comments.

The roll call on HB 75 w/HA 1 was taken and revealed:

YES: 32.

ABSENT: Representatives Cathcart, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Quillen, Roy & Williams – 9.

Therefore, having received a constitutional majority, HB 75 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought SCR 7, jointly sponsored by Senator Sokola on behalf of All Senators & Representative Reynolds on behalf of All Representatives, before the House for consideration.

SCR 7 – COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION’S SCHOLARS OF 1999.

Representative Reynolds made a comment.

SCR 7 was adopted by voice vote and was returned to the Senate.

Representative Reynolds requested that HB 128 be stricken.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: The Honorable Bernard J. Brady  
Secretary of the Senate

FROM: JoAnn M. Hedrick  
Chief Clerk of the House

RE: HCR 9

DATE: April 28, 1999

It is necessary for me to recall HCR 9 from the Senate at the request of the prime sponsor, Representative Price.

Thank you for your anticipated cooperation.

April 29, 1999

TO: JoAnn M. Hedrick  
Chief Clerk of the House  
FROM: Bernard J. Brady  
Secretary of the Senate  
SUBJECT: HCR 9

Pursuant to your memo of April 28, herewith I am returning HCR 9 to the Chief Clerk's office.

The Senate wishes to inform the House that it has passed SB 56 and requests the concurrence of the House & HB 87 w/SA 1 & HB 114 w/SA 1 and is returning same to the House & SB 93 w/SA 1 & SCR 6 and requests the concurrence of the House & SCR 3, SCR 4, SCR 5, SCR 7 & SCR 8 and requests the concurrence of the House & HCR 12 & HCR 13 and is returning same to the House.

The Majority Leader moved to recess to the call of the Chair at 6:50 p.m.

Mr. Acting Speaker Welch called the House to order at 2:10 p.m. on May 4, 1999.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Nancy Wagner, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 4/29/99.

Signed: Nancy H. Wagner

Representatives Gilligan, Roy & DiPinto requested that they be marked present for the current Legislative Day.

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

24th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
May 4, 1999

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Wayne A. Smith of the Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 189 - WELCH & REPRESENTATIVE VANSANT & SENATOR BUNTING;

REPRESENTATIVES SMITH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIR, EWING, FALLON, LEE, LOFINK, MAIER, MIRO, REYNOLDS, STONE, ULBRICH, WAGNER, BRADY, B. ENNIS, HOUGHTON, PLANT, PRICE, SCHROEDER, SCOTT, WEST; SENATORS CONNOR & WINSLOW - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Department of Health and Social Services and Title 29 of the Delaware Code Relating to the Department of Services for Children, Youth and Their Families and Pertaining to State Procurement.

HB 190 - SPENCE - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions.

HB 191 - SMITH & SENATOR COOK; REPRESENTATIVES WELCH & VANSANT; SENATOR AMICK - JUDICIARY - An Act to Amend Title 29 of the Delaware Code Relating to D.N.A. Samples and Data Bank.

HB 192 - OBERLE & SENATOR COOK - HOUSE ADMINISTRATION - An Act to Amend Titles 14 and 29 of the Delaware Code Relating to Death Benefits and Group Life Insurance.

HB 193 - FALLON & REPRESENTATIVE WEST; SENATOR ADAMS - REVENUE & FINANCE - An Act Authorizing and Directing the Board of Pension Trustees to Grant Myrtle A. Thomas Credited Service Pursuant to Chapter 55, Title 29 of the Delaware Code for Service with the Sussex County Council from July 19, 1976 through April 15, 1985 and Appropriating Monies into the Special Pension Fund Created By Volume 61, Chapter 455, Laws of Delaware to Fund Such Credited Service.

HB 194 - WAGNER & SENATOR SOKOLA; REPRESENTATIVES CAULK, B. ENNIS, MAIER, REYNOLDS & STONE - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Expenditures of Division II Appropriations.

SB 56 - VAUGHN & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Section 927 of Title 10 of the Delaware Code Relating to the Jurisdiction of Family Court by Giving Concurrent Jurisdiction to the Justice of the Peace Court for Certain Crimes. (2/3 bill)

SB 93 w/SA 1 - COOK; REPRESENTATIVE DIPINTO; SENATORS HENRY, MCBRIDE, VAUGHN, SORENSON & WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, DILIBERTO & HOUGHTON - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Contracts with Public Library Systems.

HA 1 to SB 63 - WAGNER - Placed with the Bill.

SCR 3 - VENABLES; SENATORS ADAMS, BUNTING, MARSHALL, SOKOLA, STILL & WINSLOW; REPRESENTATIVES CLOUTIER, BRADY, DILIBERTO & WEST - JUDICIARY - Requesting that the Governor, the Attorney General and the Joint Finance Committee Address the Matter of Low Compensation for Delaware's Deputies Attorney General and Problems Resulting Therefrom.

SCR 8 - MARSHALL; REPRESENTATIVE MIRO; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, MAIER, PLANT, PRICE, REYNOLDS, SCOTT, SPENCE, STONE, ULBRICH, VALIHURA, WELCH & WEST - REVENUE & FINANCE - Memorializing the Delaware Congressional Delegation to Support Legislation to Strengthen Certain Oversight Powers and Authority of the Postal Rate Commission, and Requesting the Delaware Division of Revenue to Analyze the Impact of Lost Taxes and Fees as a Result of United States Postal Service Special Status.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Tina Fallon, do hereby request that my name be removed as co-sponsor of HB 129.

Date: 5/4/99

Signed: Representative Tina Fallon

Representative Smith introduced and brought HCR 14, jointly sponsored by Representative Spence on behalf of All Representatives & Senator Sharp on behalf of All Senators, before the House for consideration.

HCR 14 - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 1999 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE.

Representative Smith made a comment.

HCR 14 was adopted by voice vote and was sent to the Senate for concurrence.

Representatives Lofink, Stone & Williams requested that they be marked present.

Mr. Acting Speaker assigned HB 42 & HB 183 to the Appropriations Committee.

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

Representative Smith made a comment.

Representative Maier requested that she be marked present.

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

Representative Smith made comments.

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

The House reconvened at 4:57 p.m.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HCR 14 and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Clifford Lee, do hereby request that my name be removed as co-sponsor of HB 129.

Date: 5/4/99.

Signed: Representative Clifford G. Lee

May 4, 1999

LEGISLATIVE ADVISORY #12

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/3/99: HJR 4, SB 9 aab SA 1, SB 38, HB 114 aab SA 1, HB 87 aab SA 1 & HS 1 to HB 103 aab HA 1.

Representatives Oberle & Miro requested that they be marked present.

Representative Smith deferred to Representative Ewing.

Representative Ewing introduced and brought HCR 15, jointly sponsored by Representative Buckworth & Senator Adams & Representatives Spence, Smith, Welch, Boulden, Capano, Carey, Cathcart, Caulk, Cloutier, D. Ennis, Fallon, Lee, Lofink, Maier, Miro, Oberle, Reynolds, Stone, Wagner, Ulbrich, Valihura, VanSant, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola, West & Williams, before the House for consideration.

HCR 15 - URGING DELAWARE'S CONGRESSIONAL DELEGATION TO NOMINATE DAVE SANDERS FOR THE CONGRESSIONAL GOLD MEDAL.

HCR 15 was adopted by voice vote and was sent to the Senate for concurrence.

Representative Cathcart requested that he be marked present.

Representative Smith deferred to Representative Price.

Representative Price moved to lift HB 130 w/HA 1 & 2 from the Speaker's Table. The motion was seconded by Representative Keeley and adopted by voice vote.

Representative Price brought HB 130 w/HA1 & 2, jointly sponsored by Representatives B. Ennis, Quillen, Valihura, Keeley, Ulbrich & Viola & Senators Connor, Henry, Winslow, DeLuca & Sokola & cosponsored by Representative Scott, before the House for consideration.

**HB 130 – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE DETERMINATION OF APPLICATIONS FOR LICENSES.**

Representative Price introduced and brought HA 3 to HB 130 before the House for consideration.

Representative Boulden requested that he be marked present.

Representatives Price & Oberle made comments. HA 3 was adopted by voice vote.

Representative Price made a comment.

Representative Spence requested that he be marked present.

The roll call on HB 130 w/HA 1, 2 & 3 was taken and revealed:

YES: 37.

NO: Representative Roy – 1.

NOT VOTING: Representatives Boulden & B. Ennis – 2.

ABSENT: Representative Quillen – 1.

Therefore, having received a constitutional majority, HB 130 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Representatives Reynolds, Schroeder & B. Ennis requested that they be marked present during the roll call.

Representatives Smith & Price made comments.

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

Representative Scott requested that HB 137 be stricken.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought HB 138, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 138 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DRIVER EDUCATION.**

Representative Ulbrich made comments.

The roll call on HB 138 was taken and revealed:

YES: 40.

ABSENT: Representative Quillen – 1.

Therefore, having received a constitutional majority, HB 138 was sent to the Senate for concurrence.

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

Representative DiPinto requested and was granted personal privilege of the floor to make a comment.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 156, jointly sponsored by Representative Smith & Senator Adams & Representatives Brady, Capano, Carey, D. Ennis, Fallon, Houghton, Keeley & Scott & Senators Sharp, Sokola & Sorenson, before the House for consideration.

**HB 156 – AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (3/5 bill)**

Representative Stone made a comment.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 156 was taken and revealed:

YES: 38.

ABSENT: Representatives Cloutier, Quillen & West – 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 156 was sent to the Senate for concurrence.

Representative Welch deferred to Representative Stone.

Representative Stone brought SB 83, jointly sponsored by Senator Adams, before the House for consideration.

**SB 83 – AN ACT TO AMEND TITLE 12, DELAWARE CODE, RELATING TO INVESTMENTS OF FIDUCIARIES.**

Representative Stone made comments.

The roll call on SB 83 was taken and revealed:

YES: 37.

ABSENT: Representatives Cloutier, Quillen, Smith & West – 4.

Therefore, having received a constitutional majority, SB 83 was returned to the Senate.

Representative Welch deferred to Representative Lee.

Representative Lee brought HB 143, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 143 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE.**

Representative Lee brought HA 1 to HB 143 before the House for consideration. Representative Lee made a comment. HA 1 was adopted by voice vote.

Representative Lee made comments.

Representative DiLiberto introduced and brought HA 2 to HB 143 before the House for consideration. Representatives DiLiberto & Lee made comments. HA 2 was adopted by voice vote.

The roll call on HB 143 w/HA 1 & 2 was taken and revealed:

YES: 37.

ABSENT: Representatives Cloutier, Quillen, Smith & West – 4.

Therefore, having received a constitutional majority, HB 143 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Welch deferred to Representative Lee.

Representative Lee brought HB 144, jointly sponsored by Senator Venables, before the House for consideration.

**HB 144 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COMMISSIONERS OF THE SUPERIOR COURT AND THE COURT OF COMMON PLEAS.**

Representative Lee made a comment.

The roll call on HB 144 was taken and revealed:

YES: 37.

ABSENT: Representatives Cloutier, Quillen, Smith & West – 4.

Therefore, having received a constitutional majority, HB 144 was sent to the Senate for concurrence.

Representative Welch deferred to Representative Wagner.

Representative Wagner brought HB 117, jointly sponsored by Representatives Buckworth, Cathcart, Cloutier, D. Ennis, Ewing, Fallon, Lee, Quillen, Reynolds & Ulbrich & Senators Vaughn & Winslow, before the House for consideration.

**HB 117 – An Act TO AMEND CHAPTER 5 TITLE 11 OF THE DELAWARE CODE RELATING TO OFFICIAL MISCONDUCT OR RELATED CRIMINAL OFFENSES. (2/3 bill)**

Representative Wagner introduced and brought HA 1 to HB 117 before the House for consideration. Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 117 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Cloutier, Viola & West – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 117 w/HA 1 was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Maier.

Representative Maier requested that action on HB 39 be deferred to a Day Certain, Thursday, June 3, 1999.

Representatives Reynolds, DiPinto, Gilligan, Roy, Plant & B. Ennis made comments.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with action on HB 120. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Wagner brought HB 120, jointly sponsored by Senator Marshall, before the House for consideration.

**HB 120 – An ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ADOPTION LEAVE FOR TEACHERS AND STATE EMPLOYEES. (F/N)**

Representative Wagner introduced and brought HA 1 to HB 120 before the House for consideration. Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 120 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Cloutier – 1.

Therefore, having received a constitutional majority, HB 120 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought SB 12, jointly sponsored by Senator Marshall, before the House for consideration.

**SB 12- AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CRIME OF CARJACKING.**

Representatives Wagner & Oberle made comments.

Representative Wagner requested and was granted privilege of the floor for Paul Wallace, Deputy Attorney General.

Representatives Oberle & Wagner made comments.

The roll call on SB 12 was taken and revealed:

YES: 39.

ABSENT: Representatives Cloutier & West – 2.

Therefore, having received a constitutional majority, SB 12 was returned to the Senate.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart brought HB 136, jointly sponsored by Senator Marshall, before the House for consideration.

**HB 136 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL STATUTES IN WHICH AGE OF VICTIM IS AN ELEMENT OF AN OFFENSE OR A SENTENCING ENHANCER.**

Representative Cathcart deferred to Representative Oberle.

Representatives Oberle, Cathcart, Reynolds & Smith made comments.

Representative Cathcart requested and was granted privilege of the floor for Paul Wallace, Deputy Attorney General.

Representatives Reynolds, Oberle & Smith made comments.

The roll call on HB 136 was taken and revealed:

YES: 38.

NO: Representative Smith – 1.

ABSENT: Representatives Cloutier & West – 2.

Therefore, having received a constitutional majority, HB 136 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 147, jointly sponsored by Senator Amick & Representatives Buckworth, Carey, Cathcart, Cloutier, DiPinto, D. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Smith, Spence, Stone, Ulbrich & Valihura, before the House for consideration.

**HB 147 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR CIVIL AIR PATROL MEMBERS.**

Representative Capano made a comment.

The roll call on HB 147 was taken and revealed:

YES: 39.

ABSENT: Representatives Cloutier & West – 2.

Therefore, having received a constitutional majority, HB 147 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought HB 118, jointly sponsored by Senator Bunting & Representatives B. Ennis, Gilligan, Keeley, Price, Quillen & Spence & Senators Still & Henry & Representative West, before the House for consideration.

**HB 118 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO MILEAGE RATES FOR PRIVATE VEHICLES. (F/N)**

Representative Schroeder made a comment.

The roll call on HB 118 was taken and revealed:

YES: 39.

ABSENT: Representatives Cloutier & West – 2.

Therefore, having received a constitutional majority, HB 118 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 23, jointly sponsored by Senator Still, before the House for consideration.

**HB 23 – AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE DURATION OF TAX LIENS. (2/3 bill)**

Representative Stone made comments.

The roll call on HB 23 was taken and revealed:

YES: 37.

ABSENT: Representatives Cloutier, Miro, Price & West – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 23 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 70, jointly sponsored by Representatives Buckworth, B. Ennis, Quillen & Wagner & Senator Still, before the House for consideration.

**HB 70 – AN ACT TO AMEND CHAPTER 41, TITLE 9 OF THE DELAWARE CODE RELATING TO THE GOVERNMENT OF KENT COUNTY.**

Representatives Stone, Wagner, Stone, Caulk, DiPinto, Caulk, DiPinto & Stone made comments.

The roll call on HB 70 was taken and revealed:

YES: 36.

NO: Representatives Caulk & Welch – 2.

ABSENT: Representatives Cloutier, Price & West – 3.

Therefore, having received a constitutional majority, HB 70 was sent to the Senate for concurrence.

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

The following communication was read into the record at the request of Representative Scott:

If you ride almost anywhere in Wilmington, you will find that the police appear to ignore loitering.

And where you find loitering you find dirty streets, loud noise, disorderly conduct, drugs and decay. If the police would enforce the loitering law – making arrests in known drug areas, for example – an improvement would be seen in neighborhoods.

People with a long history of drug involvement continue to use city streets as their base of operations. They make large sums of money while the police ride by. The price is neighborhood deterioration and violence.

I know that loitering at corners can be reduced because only a few years ago two policemen assigned to the East Side did a tremendous job of clearing corners of those standing there for the sole purpose of illegal drug sales.

If you ride through the East Side, you do not need to know where drugs are sold. Note where people are congregated and you'll find illegal drug activities and violence.

Beverly Bell, president of the East Side Civic Association, and many others have complained about this problem for years.

The drug problem in Wilmington seems to be out of control. Individuals travel to Delaware from Philadelphia, New York, Baltimore and other cities because it appears to take police such a long time to apprehend suspects that substantial rewards can be reaped with very small penalties. Why should we allow people from other cities to come here to engage in illegal activity?

Penalties for loitering must be increased. Individuals who engage in illegal drug activities must be identified and homes used for illegal activities targeted. I plan to introduce legislation to allow Wilmington police to prohibit loitering in designated high-crime areas.

I believe this problem can be resolved if law enforcement works with businesses, probation and parole officers and city and state government.

I will ask for the views of the governor and other interested parties to hold a special summit to deal with this spiraling situation.

I plan to create a citizen task force, to work with the attorney general's office in order to give our communities back to the people who live there. I believe residents can mobilize to protect their investment in the homes for which they have worked long and hard – only to be destroyed by loiterers.

I will ask businesses to purchase walkie-talkies, for direct communication with police, as part of an incentive program to improve life.

Once we demonstrate we can regain control of our neighborhoods by working together, the methods we learn can be relayed to others and emulated to drive crime from all neighborhoods.

Representatives Scott, Plant, Speaker Spence, Plant & Smith made comments.

Representative Fallon made an announcement.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich made an announcement.

Representative Smith deferred to Representative Capano.

Representative Capano made an announcement.

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

HEALTH AND HUMAN DEVELOPMENT: HB 162 - 6M; SB 21 - 6M.

Representatives Ewing & Plant made announcements.

The Majority Leader moved to recess to the call of the Chair at 6:34 p.m.

Mr. Acting Speaker Welch called the House to order at 2:32 p.m. on May 5, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed HJR 5, HB 49 & HS 1 to HB 94 w/HA 1 and is returning same to the House. The Senate wishes to inform the House that it has passed SB 8 w/SA 1, 4, 5 & 6 and requests the concurrence of the House.

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.

25th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
May 5, 1999

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Cloutier, B. Ennis & D. Ennis - 3.

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

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

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

The following prefiled legislation was introduced:

HB 195 - BOULDEN & REPRESENTATIVE SCHROEDER & SENATOR SOKOLA & SENATOR SORENSON; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DILIBERTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, SCOTT, SPENCE, STONE, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS AMICK, BONINI, BUNTING, STILL - EDUCATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Public Education.

HB 196 - OBERLE & SENATOR SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Delaware Qualified Tuition Savings Program.

HB 197 - WAGNER & SENATOR MCDOWELL; REPRESENTATIVES WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CATHCART, CLOUTIER, EWING, LEE, LOFINK, MAIER, MIRO, OBERLE, B. ENNIS, KEELEY, PLANT, PRICE, SCHROEDER, VIOLA, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Pharmacy.

HB 198 - WAGNER & CAPANO & KEELEY & SENATORS HENRY, BONINI; REPRESENTATIVES QUILLEN, VANSANT; SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Hearings in Uncontested Divorces.

HB 199 - SMITH & REPRESENTATIVE PLANT & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, CLOUTIER, LEE, MAIER, REYNOLDS, ULBRICH - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Violation of Privacy.

HB 201 - REYNOLDS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Pertaining to Charter Schools to Require Students Who are Admitted to Charter Schools to Remain Enrolled Therein for the Entire School Year.

HB 203 - WELCH; SPENCE, OBERLE, LEE, BUCKWORTH, CATHCART, WAGNER, GILLIGAN & SENATORS MCDOWELL, SOKOLA, BONINI - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Worker's Compensation.

HB 204 - SMITH & SENATOR ADAMS; REPRESENTATIVES OBERLE & CAPANO - HOUSING & COMMUNITY AFFAIRS - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 205 - PLANT & REPRESENTATIVE WILLIAMS & SENATOR HENRY - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 22 of the Delaware Code Relating to Municipal Annexation.

HB 206 - PLANT & SENATOR HENRY & REPRESENTATIVES WELCH, WILLIAMS, LEE, SCHROEDER, VALIHURA, BRADY, DIPINTO, CLOUTIER, CAULK, CAREY, VANSANT, SCOTT, ULBRICH, B. ENNIS, KEELEY, PRICE, MULROONEY & BUCKWORTH - EDUCATION - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Nonsectarian, Nonproselytizing, Student-initiated Voluntary Prayer on Public School Property, Other Public Property or Other Property at School-related Activities, Including Student Sporting Events, Graduation or Commencement Ceremonies and Other Student Assemblies and Events.

HCR 16 - FALLON & SENATOR VENABLES - HOUSE ADMINISTRATION - Encouraging Congress to Give Priority to Strengthening the Social Security System and Ensuring That it Continue to be Universal and Mandatory, with Risk Pooled Among All Workers.

SB 8 w/SA 1, 4, 5 & 6 - BLEVINS & REPRESENTATIVE MAIER; SENATORS BAIR, BUNTING, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, STILL, VENABLES; REPRESENTATIVES GILLIGAN, HOUGHTON, PLANT, PRICE, SCHROEDER, VANSANT; SENATORS CONNOR, SIMPSON, SORENSON, & WINSLOW - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Regarding the Creation of the Delaware Health Fund. (F/N)

Representatives Ulbrich & Lee requested and were granted personal privilege of the floor to introduce guests.

Mr. Speaker Spence made comments.

Representatives Williams, Plant, Keeley & Miro requested that they be marked present.

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

Representative Smith deferred to Representative Maier.

Representative Maier made a comment.

Representative Maier introduced HB 213, jointly sponsored by Senator Sokola & Representatives Boulden, Buckworth, Capano, DiPinto, D. Ennis, Fallon, Lofink, Miro, Oberle, Reynolds, Stone, Ulbrich, Valihura, Wagner, Brady, Keeley, Plant, Price, Scott & Viola.

HB 213 – AN ACT TO AMEND TITLES 10, 11 AND 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

Mr. Acting Speaker assigned HB 213 to the Education Committee.

Representative Smith deferred to Representative Lee.

Representative Lee introduced a guest.

Representative Fallon made a comment.

Representative Boulden requested that he be marked present.

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

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

Representative Smith deferred to Representative Price.

Representative Price requested and was granted personal privilege of the floor for the introduction of guests.

Representative DiPinto requested that he be marked present.

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

The House reconvened at 4:35 p.m.

The Reading Clerk read the following communication into the record:

#### MEMORANDUM

TO: Mrs. JoAnn Hedrick

FROM: J.B. Ewing

DATE: May 5, 1999

I will be out of town on Thursday, May 6, 1999 attending to personal business.

Representative Wagner requested that she be marked present.

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

HEALTH AND HUMAN DEVELOPMENT: HB 181 - 6M; SB 20 w/SA 1 & 2 - 6M; SB 23 w/SA 1 - 6M.

PUBLIC SAFETY: HB 157 - 5M.

JUDICIARY: HB 176 - 7M; HB 177 - 7M; HB 185 - 9M; SB 63 w/SA 1 - 6M.

Representatives Reynolds & Gilligan requested that they be marked present.

Representative Smith introduced and brought the following prefiled Consent Calendar #6 before the House for consideration:

SCR 4 - McBride & Representative Quillen - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE FEDERAL OIL POLLUTION ACT AMENDMENTS OF 1990 AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION.

SCR 5 - Henry; Representatives Keeley & Viola - COMMENDING THE UNITED STATES CONGRESS FOR WORKING TO REFORM THE UNITED NATIONS, AND REQUESTING THAT CONGRESS PAY THE AMOUNTS OWED TO THE UNITED NATIONS.

Consent Calendar #6 was adopted by voice vote and SCR 4 & SCR 5 were returned to the Senate.

Representative Smith made comments regarding SCR 5.

Representative Brady requested that he be marked present.

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

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:09 p.m. on May 6, 1999.

Representatives Cloutier & D. Ennis requested that they be marked present for the current legislative day.

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

JUDICIARY: HB 93 - 7M.

BUSINESS/CORPORATIONS/COMMERCE: HB 84 - 7M.

EDUCATION: HB 90 - 7M.

APPROPRIATIONS: HB 99 - 1F, 5M.

TRANSPORTATION: HB 170 - 6M; HB 179 - 6M.

LAND USE AND INFRASTRUCTURE: HB 188 - 6M.

EDUCATION: HB 194 - 7M.

Mr. Speaker Spence reassigned HB 178 to the Revenue and Finance Committee.

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

26th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
May 6, 1999

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Buckworth & Maier – 2.

A prayer was offered by Reverend William Fitzhugh, Pastor Wesley United Methodist Church, Dover, Delaware.

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

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

The following prefiled legislation was introduced:

HB 160 - CATHCART & REPRESENTATIVES SCHROEDER, BRADY, B. ENNIS, LOFINK, MIRO, PRICE, SPENCE & VIOLA; SENATORS BAIR, BUNTING, SORENSON & STILL - LAND USE and INFRASTRUCTURE - An Act to Amend Title 9 of the Delaware Code Relating to County and Municipal Planning and Zoning Coordination.

HB 200 - WILLIAMS; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CATHCART, CLOUTIER, DILIBERTO, B. ENNIS, EWING, HOUGHTON, KEELEY, LOFINK, MULROONEY, OBERLE, PLANT, PRICE, REYNOLDS, SCHROEDER, SCOTT, SPENCE, ULBRICH, VANSANT, VIOLA, WAGNER, WELCH & WEST; SENATORS BUNTING, HENRY & CONNOR - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Public Notification of Property Contaminated by Hazardous Substances.

HB 207 - CAPANO & SENATOR BLEVINS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Definition of Neglect of a Child.

HB 208 - KEELEY; REPRESENTATIVES BRADY, B. ENNIS, HOUGHTON, OBERLE, PLANT, VANSANT & VIOLA; SENATORS AMICK, BLEVINS, BONINI, CONNOR, COOK, DELUCA, MARSHALL, MCBRIDE, SHARP, SIMPSON, SOKOLA, VAUGHN & WINSLOW - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Offenses Against Law Enforcement Animals.

HB 209 - STONE & REPRESENTATIVE EWING; REPRESENTATIVES SPENCE, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CATHCART, CAULK, CLOUTIER, DIPINTO, FALLON, LEE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, ULBRICH, VALIHURA, WAGNER, VANSANT, GILLIGAN, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, SCOTT, VIOLA & WEST; SENATORS BUNTING, HENRY, MCDOWELL, VAUGHN, VENABLES, AMICK, BONINI & STILL - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Computation of Gross Receipts Taxes.

HB 210 - PRICE & REPRESENTATIVE MIRO; REPRESENTATIVE KEELEY, & SENATOR MARSHALL; REPRESENTATIVES CAREY, B. ENNIS, MAIER, SPENCE & VANSANT; SENATORS SOKOLA & VENABLES - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to State Appropriations for Limited English Proficiency Students.

HB 211 - EWING & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Child Restraint in Motor Vehicles.

HB 212 - BRADY; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CATHCART, DILIBERTO, B. ENNIS, D. ENNIS, EWING, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, QUILLEN, SCOTT, STONE, VIOLA, WAGNER & WEST; SENATORS AMICK, BLEVINS, COOK, DELUCA, MCDOWELL & VENABLES - TRANSPORTATION - An Act to Amend Title 2, Chapter 13 of the Delaware Code Relating to Insurance Coverage for the Delaware Transit Corporation.

HB 215 - CAPANO & SENATOR MARSHALL - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Public Utilities Taxes. (3/5 bill)

HB 216 - CAPANO & SENATOR MARSHALL - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Taxes. (3/5 bill)

Representative Smith welcomed Governor Thomas R. Carper to the Chamber.

Mr. Speaker Spence welcomed members of the Judiciary and the Attorney General.

Chief Justice E. Norman Veasey addressed the House.

Mr. Speaker Spence, Governor Carper and Attorney General Brady made comments.

Mr. Speaker Spence declared a recess at 2:40 p.m.

The House reconvened at 2:43 p.m.

Representatives Schroeder, Ulbrich, Miro, Oberle, Boulden, Keeley & Williams requested that they be marked present.

Mr. Speaker Spence introduced a guest.

Representative Quillen made an announcement.

Mr. Speaker Spence introduced guests.

The Reading Clerk read the following communications into the record:

May 5, 1999

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19901  
Dear Speaker Spence:

It will be necessary for me to miss the Legislative Sessions on Tuesday, May 11th and Wednesday, May 12th. Because of my activities in Lions Club, I will be attending the Multiple District 22 Lions Convention in Ocean City, Maryland.

Thank you for your consideration in this matter.

Sincerely,  
Gerald A. Buckworth  
May 5, 1999

LEGISLATIVE ADVISORY #13

Governor Thomas R. Carper signed the following legislation on the date indicated: HJR 5 – 5/5/99.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry Spence, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 5/5/99 Signed: Terry R. Spence

The Senate wishes to inform the House that it has passed HB 26 & HB 74 and is returning same to the House.

MEMORANDUM

TO: Terry R. Spence, Speaker  
House of Representatives  
DATE: May 6, 1999  
FROM: Representative Pamela Maier  
RE: Absence from session

I will be absent from session on May 6, 1999, due to an out-of-state commitment. Thank you.

MEMORANDUM

TO: The Honorable Terry Spence  
Speaker of the House  
FROM: Representative Gerald A. Buckworth  
DATE: May 6, 1999  
RE: Absence from Session

Due to personal business I will not be able to attend session today, May 6, 1999.

MEMORANDUM

TO: Thomas R. Carper, Governor  
Thomas B. Sharp, President Pro-Tempore  
Robert Gilligan, House Minority Leader  
Gerald Buckworth, Representative, Chair  
JoAnn Hedrick, Chief Clerk of the House  
Bernard Brady, Secretary of the Senate  
William Montgomery, Director of Research  
FROM: Terry R. Spence, Speaker of the House  
DATE: May 6, 1999  
RE: Appointment – Family Law Commission

Pursuant to House Bill 699, June 14, 1984, establishing the Family Law Commission, it is with great pleasure that I appoint Rep. Shirley Price.

Rep. Price will be replacing Rep. John Schroeder.

Thank you!

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

The House reconvened at 4:22 p.m. with Representative Welch as Acting Speaker.

Mr. Acting Speaker assigned SB 63 to the Business/Corporations/ Commerce Committee.

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

REVENUE & FINANCE: SCR 8 – 5F.

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: HB 110 – 4M, 1U.

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: HB 134 - 3M; SB 73 - 3M.

Representative Smith deferred to Representative Fallon.

Representative Fallon requested that HCR 16 be stricken.

Representative Smith deferred to Representative Miro.

Representative Miro brought SCR 8, jointly sponsored by Senator Marshall & Representatives Brady, Buckworth, B. Ennis, Carey, Cloutier, DiPinto, Ewing, Fallon, Houghton, Keeley, Lee, Maier, Miro, Plant, Price, Reynolds, Scott, Spence, Stone, Ulbrich, Valihura, Welch & West, before the House for consideration.

SCR 8 – MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO STRENGTHEN CERTAIN OVERSIGHT POWERS AND AUTHORITY OF THE POSTAL RATE COMMISSION, AND REQUESTING THE DELAWARE DIVISION OF REVENUE TO ANALYZE THE IMPACT OF LOST TAXES AND FEES AS A RESULT OF UNITED STATES POSTAL SERVICE SPECIAL STATUS.

Representative Miro made comments.

SCR 8 was adopted by voice vote and was returned to the Senate.

The House observed a moment of silence in memory of Henry Stenta at the request of Representative Miro.

Representatives Miro, Gilligan, Wagner & DiPinto made comments.

Representative Brady requested that he be marked present.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested that action on HB 88 be deferred to a Day Certain, Tuesday,

5/11/99.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 33, jointly sponsored by Representatives VanSant & Stone & Senators Vaughn & Connor, before the House for consideration.

HB 33 – AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SALES OF GOODS.

Representative Oberle moved to place HS 1 to HB 33 on the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Lofink requested that he be marked present.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 93, jointly sponsored by Senator McBride, before the House for consideration.

HB 93 –AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING SPECIFIC OFFENSES.

Representative Wagner introduced and brought HA 1 to HB 93 before the House for consideration.

Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 93 w/HA 1 was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, Capano, Caulk, Ewing, Maier, Roy, Stone & West – 8.

Therefore, having received a constitutional majority, HB 93 w/HA 1 was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 185, jointly sponsored by Representatives Boulden & Ulbrich & Senators Amick & Connor & Representatives Lofink & Reynolds, before the House for consideration.

HB 185 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING. (F/N)

Representative Oberle brought HA 1 to HB 185 before the House for consideration.

Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle deferred to Representative Plant.

Representative Plant introduced and brought HA 2 to HB 185, jointly sponsored by Representative Oberle, before the House for consideration. Representatives Plant & Oberle made comments. HA 2 was adopted by voice vote.

Representative Oberle introduced and brought HA 3 to HB 185 before the House for consideration.

Representative Oberle made a comment. HA 3 was adopted by voice vote.

Representative Oberle introduced and brought HA 4 to HB 185 before the House for consideration.

Representatives Oberle, Schroeder & Oberle made comments. HA 4 was defeated by voice vote.

Representative Oberle made comments.

Representative Oberle deferred to Representative DiLiberto.

Representative DiLiberto introduced and brought HA 5 to HB 185, jointly sponsored by Representatives Keeley & VanSant, before the House for consideration.

Representatives DiLiberto, Oberle, DiLiberto, Oberle, Wagner & Oberle made comments.

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

Representatives Wagner, DiLiberto, Oberle, West, Smith, Ulbrich, DiLiberto, Oberle, Plant, Wagner, Oberle, Wagner, DiLiberto, DiPinto & Oberle made comments.

Representative DiLiberto moved to place HA 5 on the Speaker's Table. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Oberle moved to place HB 185 w/HA 1, 2 & 3 on the Speaker's Table. The motion was seconded by Representative Carey and adopted by voice vote.

Representative Smith introduced and brought HR 22, jointly sponsored by Representatives Spence, Buckworth & Ewing, before the House for consideration.

HR 22 – RECOGNIZING THURSDAY, MAY 6, 1999 AS THE 48TH ANNUAL NATIONAL DAY OF PRAYER IN DELAWARE.

Representative Smith made a comment.

HR 22 was adopted by voice vote.

Representative Smith introduced and brought HR 23, jointly sponsored by Representatives Gilligan, Spence, VanSant & Welch, before the House for consideration.

HR 23 – RECOGNIZING AND HONORING ALL MOTHERS IN DELAWARE.

WHEREAS Mother's Day will be observed across the nation this Sunday, May 9, 1999; and

WHEREAS Mother's Day was established at the suggestion and urging of two distinguished

American women; and

WHEREAS the call for an official Mother's Day was first issued by noted writer, reformer, and suffragist Julia Ward Howe in 1872, and this worthy cause was again taken up by Anna M. Jarvis, who organized the first American observance of Mother's Day in Philadelphia in 1907; and

WHEREAS Anna Jarvis's untiring efforts led to the passage of a joint resolution of the United States Congress, and its signing by President Woodrow Wilson, resulting in the first national observance of Mother's Day in May 1914.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 140th General Assembly that Sunday, May 9, 1999, is hereby recognized as a very special day for all mothers in the State of Delaware.

BE IT FURTHER RESOLVED that the members of the House of Representatives call on all Delawareans to reflect on the many selfless actions of their own mothers and to honor them in the original spirit of the day, as envisioned by Julia Ward Howe and Anna M. Jarvis, by giving each of them the priceless gift of love.

HR 23 was adopted by voice vote.

Representative Spence introduced HB 221, jointly sponsored by Representatives Boulden, Buckworth, B. Ennis, Cathcart, Caulk & Cloutier & Senators Bunting, McBride, Connor, Cook & DeLuca & Representatives DiLiberto, DiPinto, D. Ennis, Ewing, Fallon, Gilligan, Lee, Lofink, Miro, Oberle, Quillen, Roy, Smith, Stone, Valihura, VanSant, Wagner & Welch.

HB 221 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO POSTSECONDARY EDUCATION BENEFITS FOR ACTIVE VOLUNTEER FIREFIGHTERS.

Mr. Acting Speaker assigned HB 221 to the Education Committee.

Representative Spence introduced HJR 6, jointly sponsored by Senators Amick, Bair, Blevins & Bonini & Representatives Brady, Buckworth, B. Ennis, Capano, Cathcart & Cloutier & Senators Connor & DeLuca & Representatives DiLiberto, DiPinto, D. Ennis, Ewing, Gilligan, Houghton, Koeley, Lee, Lofink, Miro, Mulrooney, Oberle, Plant, Price, Roy, Schroeder & Scott & Senators Simpson & Henry & Representative Smith & Senators Sorenson & Still & Representatives Stone, Ulbrich, Valihura, VanSant, Viola, Wagner, Welch, West & Williams & Senator Winslow.

HJR 6 – ESTABLISHING THE PUBLIC SCHOOL BUILDING SAFETY AND STUDENT SAFETY TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS REGARDING PHYSICAL SAFETY OF PUBLIC SCHOOL STUDENTS IN DELAWARE SCHOOLS.

Mr. Acting Speaker assigned HJR 6 to the Education Committee.

Representative Spence made comments.

Representative Smith deferred to Representative Lee.

Representatives Lee & Wagner made comments.

Representative Smith deferred to Representative Plant.

Representative Plant brought HB 123, jointly sponsored by Representatives Houghton, Keeley, Oberle, Viola & Williams, before the House for consideration.

HB 123 – AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO THE DOCTRINE OF EMPLOYMENT AT WILL.

Representative Plant introduced and brought HA 1 to HB 123 before the House for consideration. HA 1 was adopted by voice vote.

Representative Plant made a comment.

Representative Plant deferred to Representative Oberle.

Representative Oberle introduced and brought HA 2 to HB 123, jointly sponsored by Representative Spence, before the House for consideration.

Representative Oberle made comments.

Representative DiPinto introduced and brought HA 1 to HA 2 to HB 123 before the House for consideration. Representative DiPinto made a comment. HA 1 to HA 2 was adopted by voice vote.

HA 2 w/HA 1 was adopted by voice vote.

Representative Plant made comments.

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

May 6, 1999

The Honorable Al O. Plant

Legislative Hall

Dover, DE 19901

Dear Representative Plant:

The Division of Industrial Affairs receives approximately 10,000 calls/visits each year from workers who believe they have been "fired unfairly". Some are eligible to file discrimination charges but the vast majority have no recourse under existing laws.

According to the Division of Unemployment Insurance, their office received 478 claims of "unfair discharge" in 1998. Some of these claims are duplicates of the files we received in Industrial Affairs because we refer "unfair discharge" cases to Unemployment Insurance.

According to Unemployment Insurance, 2849 of the claimants were found to have been eligible for benefits because the employer did not have "good cause" to discharge the employee.

I hope that this information is helpful to you.

Sincerely,

Karen E. Peterson

Director

Representatives Smith, Oberle, DiPinto & Plant made comments.

The roll call on HB 123 w/HA 1 & 2 & HA 1 to HA 2 was taken and revealed:

YES: 21.

NO: Representatives Boulden, Caulk, Cloutier, DiPinto, Loe, Miro, Quillen, Smith, Valihura & Wagner – 10.

NOT VOTING: Representative Scott – 1.

ABSENT: Representatives Buckworth, Capano, Ewing, Fallon, Maier, Roy, Schroeder, Stone & West – 9.

Therefore, having received a constitutional majority, HB 123 w/HA 1 & 2 & HA 1 to HA 2 was sent to the Senate for concurrence.

Representative Plant made comments.

Representative Smith deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with action on HJR 6. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Spence brought HJR 6, jointly sponsored by Representative Ulbrich & Senator Henry & Representatives Smith, Welch, Buckworth, Capano, Cathcart, Cloutier, DiPinto, D. Ennis, Ewing, Lee, Lofink, Miro, Oberle, Roy, Stone, Valihura, Wagner, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola, West & Williams & Senators Blevins, DeLuca, Amick, Bair, Bonini, Connor, Simpson, Sorenson, Still & Winslow, before the House for consideration.

**HJR 6 – ESTABLISHING THE PUBLIC SCHOOL BUILDING SAFETY AND STUDENT SAFETY TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS REGARDING PHYSICAL SAFETY OF PUBLIC SCHOOL STUDENTS IN DELAWARE SCHOOLS.**

Mr. Speaker Spence made a comment.

The roll call on HJR 6 was taken and revealed:

YES: 29.

ABSENT: Representatives Buckworth, Capano, Ewing, Fallon, Houghton, Maier, Oberle, Quillen, Roy, Schroeder, Stone & VanSant – 12.

Therefore, having received a constitutional majority, HJR 6 was sent to the Senate for concurrence.

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

HOUSE ADMINISTRATION: HB 174 - 3F, 1M; HB 184 - 4F; HB 186 - 2F, 2M; SB 95 - 2F, 2M.

Representative Smith deferred to Representative Miro.

Representative Miro introduced HB 222, jointly sponsored by Senator Winslow & Representatives Spence, Boulden, Cathcart, Cloutier, DiPinto, Oberle, Ulbrich, Valihura & Wagner.

**HB 222 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY.**

Mr. Acting Speaker assigned HB 222 to the House Administration Committee.

Representative Smith deferred to Representative Williams.

Representative Williams introduced HB 217, jointly sponsored by Representatives Brady, Buckworth, B. Ennis, Carey, Cathcart, Caulk, DiLiberto, D. Ennis & Ewing & Senator Henry & Representatives Houghton, Keeley, Plant, Price, Schroeder, Spence, VanSant, Viola & West

HB 217 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROTECTION OF WITNESSES.

Mr. Acting Speaker assigned HB 217 to the Judiciary Committee.

Representative Smith deferred to Representative B. Ennis.

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

The Majority Leader moved to recess to the call of the Chair at 6:10 p.m.

Mr. Acting Speaker Welch called the House to order at 2:10 p.m. on May 11, 1999.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SCR 10 & SCR 11 and requests the concurrence of the House. The Senate wishes to inform the House that it has passed SB 87 w/SA 1 & SCR 9 & SCR 12 and requests the concurrence of the House & HB 36, HB 37, HB 38, HB 40, HB 62 & HB 105 and HCR 15 and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, David H. Ennis, do hereby request that my name be removed as co-sponsor of HB 127.

Date: 5/6/99

Signed: David H. Ennis

MEMORANDUM

TO: Thomas R. Carper, Governor  
Thomas B. Sharp, President Pro-Tempore  
Robert Gilligan, House Minority Leader  
Steven Amick, Senate Minority Leader  
Robert J. McMahon, Chairman, Public Service Commission  
Bruce Burcat, Executive Director, Public Service Commission  
William Montgomery, Director of Research  
JoAnn Hedrick, House Chief Clerk  
Bernard Brady, Secretary of the Senate

FROM: Terry R. Spence, Speaker

DATE: May 6, 1999

RE: Appointment Consumer Education Working Group

Pursuant to Section 1014 (c) of the "Electric Utility Restructuring Act of 1999" 72 Del. Laws Ch.10 (March 31, 1999), I hereby appoint Representative Roger Roy, to the Consumer Education Working Group, to represent the House Majority Caucus.

Thank you.

Representatives Roy, Ewing & Capano requested that they be marked present for the current legislative day.

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

27th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
May 11, 1999

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth – 1.

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

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

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

The following prefiled legislation was introduced:

HB 214 - BRADY; REPRESENTATIVES CAREY, CATHCART, CAULK, DILIBERTO, B. ENNIS, D. ENNIS, KEELEY, PLANT, PRICE, SPENCE, VANSANT, WAGNER, WEST & WILLIAMS; SENATORS VAUGHN & VENABLES - ECONOMIC DEVELOPMENT BANKING & INSURANCE - An Act to Amend Title 6 of the Delaware Code Relating to Contracts for Medical Services.

HB 218 - CATHCART & SENATOR WINSLOW; REPRESENTATIVES SPENCE, WELCH, BOULDEN, CAPANO, CLOUTIER, EWING, LOFINK, MAIER, MIRO, OBERLE, REYNOLDS, VALIHURA, GILLIGAN, HOUGHTON, KEELEY, PLANT & VIOLA; SENATORS BLEVINS,

BUNTING, VAUGHN, CONNOR & SIMPSON – LAND USE and INFRASTRUCTURE – An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities.

HB 219 - MAIER & SENATOR BLEVINS; REPRESENTATIVES BOULDEN, D. ENNIS, LEE, MIRO, ULBRICH, KEELEY & PLANT; SENATORS MCDOWELL, MARSHALL & CONNOR - EDUCATION - An Act to Amend Titles 14 and 15 of the Delaware Code to Provide for a "School Board Accountability Act" Pertaining to the Qualifications, Elections, and Compensation for Members of School Boards of the State's Reorganized School Districts.

HB 220 - D. ENNIS & SENATOR MCBRIDE; REPRESENTATIVES DIPINTO & B. ENNIS - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to the Extremely Hazardous Substances Risk Management Act.

HB 223 - SMITH & SENATOR MCDOWELL - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the State Board of Education and School Board Members Compensation.

HB 224 - OBERLE & SENATOR SOKOLA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 225 - B. ENNIS & REPRESENTATIVE D. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CLOUTIER, DILIBERTO, EWING, GILLIGAN, HOUGHTON, KEELEY, MIRO, MULROONEY, OBERLE, PLANT, PRICE, SPENCE, VANSANT, VIOLA, WAGNER, WELCH, WEST & WILLIAMS - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Payroll Checks and Direct Deposit Advice.

HA 1 to HB 174 - BRADY - Placed with the Bill.

HA 1 to HB 199 - SMITH - Placed with the Bill.

HA 1 to HB 201 - REYNOLDS - Placed with the Bill.

SB 87 w/SA 1 - HENRY; REPRESENTATIVE STONE; SENATORS BLEVINS, DELUCA, MARSHALL, MCDOWELL, SHARP, SOKOLA, VENABLES, BAIR, SORENSON, & WINSLOW; REPRESENTATIVES CAPANO, CLOUTIER, OBERLE, WAGNER, KEELEY, PLANT, PRICE, & VIOLA - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Health Care Benefits & Equity Prescription Coverage.

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

The House reconvened at 3:56 p.m.

Representative Spence requested that he be marked present.

Mr. Acting Speaker Welch introduced a guest.

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

HOUSE ADMINISTRATION: SJR 2 w/SA 1 - 1F, 3M.

Mr. Speaker Spence resumed the Chair.

Representatives Lofink & Miro requested that they be marked present.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought HB 177, jointly sponsored by Senator Adams & Representatives Ewing, Quillen & Spence, before the House for consideration.

HB 177 – AN ACT TO AMEND TITLES 10 AND 13 OF THE DELAWARE CODE RELATING TO ATTACHMENT OF WAGES AND OTHER TERMS.

Representative Fallon made comments.

Representatives Williams, Brady & Quillen requested that they be marked present.

The roll call on HB 177 was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Caulk, Schroeder & West – 4.

Therefore, having received a constitutional majority, HB 177 was sent to the Senate for concurrence.

Representatives DiLiberto, B. Ennis, D. Ennis, Reynolds & Ulbrich requested that they be marked present during the roll call.

Representative Smith deferred to Representative Brady.

Representative Brady brought HB 174, jointly sponsored by Senator Bunting & Representatives B. Ennis, Capano, Carey, Cathcart, Caulk, DiLiberto, DiPinto, D. Ennis, Ewing, Keeley, Plant, Price, Quillen, Schroeder, Scott, Spence, VanSant, Vaughn, Wagner, West & Williams & cosponsored by Representative Reynolds, before the House for consideration.

HB 174 – AN ACT TO AMEND TITLE 1 OF THE DELAWARE CODE RELATING TO LEGAL HOLIDAYS.

Representative Brady brought HA 1 to HB 174 before the House for consideration. Representative Brady made a comment. HA 1 was adopted by voice vote.

Representatives Brady, Oberle, Smith, Capano & Brady made comments.

The roll call on HB 174 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & D. Ennis – 3.

Therefore, having received a constitutional majority, HB 174 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner made comments.

Representative Smith deferred to Representative West.

Representative West brought HB 165, jointly sponsored by Senator Bunting, before the House for consideration.

HB 165 – AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO”, TO ELIMINATE THE REQUIREMENT FOR A PRACTICING PHYSICIAN FROM THE BOARD OF HEALTH. (2/3 bill)

The roll call on HB 165 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & D. Ennis – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 165 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested and was granted personal privilege of the floor to make a comment.

Representative Oberle brought HB 131, jointly sponsored by Senator Marshall & Representative Miro & Senator Venables, before the House for consideration.

HB 131 – An ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Representative Oberle made comments.

The roll call on HB 131 was taken and revealed:

YES: 37.

ABSENT: Representatives Boulden, Buckworth, Caulk & D. Ennis – 4.

Therefore, having received a constitutional majority, HB 131 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 141, jointly sponsored by Senator Bonini & Representatives Buckworth, B. Ennis, Cathcart & Cloutier & Senators Connor & DeLuca & Representatives DiLiberto & D. Ennis & Senator Henry & Representatives Houghton, Keeley, Lee & Lofink & Senator McDowell & Representatives Mulrooney, Price, Schroeder, Spence, Ulbrich, VanSant, Viola, Wagner, Welch & Williams, before the House for consideration.

HB 141 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM.

Representatives Oberle & Price made comments.

The roll call on HB 141 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Caulk – 2.

Therefore, having received a constitutional majority, HB 141 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 88, jointly sponsored by Representatives Cathcart, D. Ennis, Fallon, Lofink, Reynolds & Roy & Senators Sokola & Henry, before the House for consideration.

HB 88 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT.

Representative Oberle introduced and brought HA 1 to HB 88 before the House for consideration.

Representative Oberle made a comment. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 88 before the House for consideration.

Representative Oberle made comments. HA 2 was adopted by voice vote.

Representative Oberle deferred to Representative Lee.

Representative Oberle requested that HA 3 to HB 88 be stricken.

Representative Oberle deferred to Representative Lee.

Representative Lee introduced and brought HA 4 to HB 88 before the House for consideration.

Representatives Lee, Ewing, Oberle, Lee, Oberle, Wagner, Oberle, Ewing, Williams, Price, West, Ulbrich & Oberle made comments. HA 4 was defeated by voice vote.

Representative Wagner introduced and brought HA 5 to HB 88 before the House for consideration.

Representatives Wagner & Oberle made comments.

Representative Price requested and was granted privilege of the floor for Brian Bushweller, Secretary, Department Public Safety.

Representatives Price, Ewing, Stone & Ewing made comments.

HA 5 was adopted by voice vote.

Representatives Oberle & Ewing made comments.

Representative Oberle introduced guests.

Representative Oberle requested and was granted privilege of the floor for Dr. Glenn Tinkoff, Director of Trauma Program, Christiana Care Health Systems.

Representative Oberle requested and was granted privilege of the floor for Krystle Eacho, a student at Dover High School.

Representatives Oberle, Wagner, Oberle, Wagner, Lee & Oberle made comments.

Mr. Speaker Spence declared a recess at 5:18 p.m.

The House reconvened at 5:36 p.m.

Representative Oberle requested and was granted privilege of the floor for Thomas McGonigle, Legal Counsel to the Governor.

Representative Oberle made a comment.

Mr. Speaker Spence ruled that HB 88 requires a simple majority vote.

Representatives Oberle, Keeley, Smith & Oberle made comments.

Representative Oberle requested and was granted privilege of the floor for Trish Roberts, Director, Office of Highway Safety.

Representatives Smith, Price & Oberle made comments.

Representative Oberle requested and was granted privilege of the floor for Trish Roberts, Director, Office of Highway Safety.

Representatives West, Oberle, Speaker Spence, Valihura & Ewing made comments.

Representative Ewing requested and was granted privilege of the floor for Trish Roberts, Director, Office of Highway Safety.

Representative Ewing made a comment.

The roll call on HB 88 w/HA 1, 2 & 5 was taken and revealed:

YES: 31.

NO: Representatives Brady, Carey, Caulk, B. Ennis, Houghton, Lee, Scott, Welch & West – 9.

ABSENT: Representative Buckworth – 1.

Therefore, having received a constitutional majority, HB 88 w/HA 1, 2 & 5 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought HB 126, jointly sponsored by Senator Henry & Representatives Brady, Buckworth, Carey, Cloutier, DiPinto, D. Ennis, Fallon, Houghton, Keeley, Lofink, Miro, Oberle, Plant, Price, Reynolds, Scott, Smith, Valihura, Viola, West & Williams & Senators Bunting, Connor, Blevins, McDowell, Simpson, Sokola, Sorenson & Venables, before the House for consideration.

**HB 126 – AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO QUALIFICATIONS FOR VOTING AND FORFEITURE OF RIGHT. (2/3 bill)**

Representative Maier made comments.

The roll call on HB 126 was taken and revealed:

YES: 35.

NO: Representative Welch – 1.

NOT VOTING: Representatives B. Ennis & Spence – 2.

ABSENT: Representatives Buckworth, Cathcart & West – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 126 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Fallon.

Representative Fallon made an announcement.

Representative Plant requested and was granted privilege of the floor to make comments regarding HB 126.

Representative Ewing made an announcement.

Representative Brady made comments.

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

**HOUSE ADMINISTRATION: HCR 8 - 5M.**

Mr. Speaker Spence assigned SB 63 to the Business/Corporations/Commerce Committee.

Mr. Speaker Spence assigned SB 20 to the Appropriations Committee.

Representative Stone made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:06 p.m.

The House was called to order by Mr. Speaker Spence at 2:35 p.m. on May 12, 1999.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #22**

DATE: May 11, 1999

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

| Number   | Sponsor                         | Date      | Type | Description                                                                  |
|----------|---------------------------------|-----------|------|------------------------------------------------------------------------------|
| H140-490 | Caulk                           | 4/17/1999 | M    | Lillian J. Littleton                                                         |
| H140-491 | Schroeder                       | 4/15/1999 | T    | Dr. Harriet Smith Windsor/Mother of the Year                                 |
| H140-492 | Fallon                          | 5/6/1999  | T    | Marian Stuart/Sussex County Distinguished Citizen                            |
| H140-493 | Welch                           | 2/3/1999  | T    | James & Kimberly Fotis/Marriage                                              |
| H140-494 | Carey                           | 4/23/1999 | T    | Howard Pyle/Arts and Humanities Lifetime Achievement Award Recipient         |
| H140-495 | Spence<br>& All Representatives | 4/24/1999 | T    | Marian Bau/Service to Needy Residents/Sussex County                          |
| H140-496 | Quillen                         | 5/1/1999  | T    | Viva Poore Scholarship/Harrington High                                       |
| H140-497 | Scott & Houghton                | 4/24/1999 | T    | Harvey "Hob" Ryan/Chief Emeritus Award                                       |
| H140-498 | Houghton & Scott                | 4/24/1999 | T    | James "Buck" Holloway Terrace Fire Company                                   |
| H140-499 | DiPinto                         | 4/21/1999 | T    | Jesse Ehrenfeld/Elected Vice President/College Republicans/Haverford College |
| H140-500 | Boulden                         | 4/8/1999  | T    | Bob & Patti Stahlsmith/New Son/Robert John                                   |
| H140-501 | D. Ennis                        | 4/26/1999 | T    | Molly Farneth/Prudential Spirit of Community Award                           |
| H140-502 | Oberle                          | 5/8/1999  | T    | Filipino Heritage and Arts Museum/Annual Symposium                           |
| H140-503 | Price                           | 4/22/1999 | T    | Lord Baltimore Lioness Club/Community Service                                |
| H140-504 | Brady                           | 4/24/1999 | T    | Kathleen Killen & Paul Veteri/Marriage                                       |
| H140-505 | West                            | 4/22/1999 | T    | Georgeanna Kitterman/Governors' Volunteer Service Award Recipient            |
| H140-506 | West                            | 4/22/1999 | T    | Donald Orendorf/Governors Volunteer Service Award                            |
| H140-507 | Gilligan                        | 4/25/1999 | T    | Chief Francis O'Neill/U.S.N. Retired/85th Birthday                           |
| H140-508 | Quillen                         | 5/3/1999  | T    | Ethel Colescott/100th Birthday                                               |
| H140-509 | Fallon                          | 5/1/1999  | T    | William & Josephine Backes/50th Wedding Anniversary                          |
| H140-510 | Fallon                          | 5/27/1999 | T    | Paul Villasenor/Earned Doctor of Medicine Degree                             |
| H140-511 | Welch                           | 6/19/1999 | T    | Gary Madden & Denise Fox/Marriage                                            |
| H140-512 | Caulk<br>& Wagner               | 4/27/1999 | T    | Matthew Platt/Second Place/American Legion Oratorical Contest                |
| H140-513 | Welch<br>& Buckworth            | 4/27/1999 | T    | Robert Adams/Named Distinguished Physics Teacher from Delaware               |

HOUSE TRIBUTE ANNOUNCEMENT #23

DATE: May 11, 1999

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

| Number   | Sponsor                            | Date      | Type | Description                                                         |
|----------|------------------------------------|-----------|------|---------------------------------------------------------------------|
| H140-514 | Schroeder<br>& All Representatives | 4/8/1999  | T    | John Burris/Distinguished Citizen Award Recipient/Boy Scouts        |
| H140-515 | Spence<br>& All Representatives    | 4/27/1999 | T    | Honorable Thomas R. Carper/Distinguished Leadership Award Recipient |
| H140-516 | Cathcart                           | 4/29/1999 | T    | Shawn Sovaik/Arrow of Light Badge Recipient                         |
| H140-517 | Cathcart                           | 4/29/1999 | T    | Jonathan Shaffner/Arrow of Light Badge Recipient/                   |
| H140-518 | Carey                              | 4/22/1999 | T    | Rose Roed/Governor's Outstanding Volunteer Award                    |
| H140-519 | Capano                             | 4/29/1999 | T    | Tamar Zaalishvili/Republic of Georgia/Welcome                       |
| H140-520 | Capano                             | 4/29/1999 | T    | Mevlud Tsiklauri/Republic of Georgia/Welcome                        |
| H140-521 | Capano                             | 4/29/1999 | T    | Zaza Sioridze/Republic of Georgia/Welcome                           |
| H140-522 | Capano                             | 4/29/1999 | T    | Vazha Nakhutsrishvili/Republic of Georgia /Welcome                  |
| H140-523 | Capano                             | 4/29/1999 | T    | Teimuraz Jashi/Republic of Georgia/Welcome                          |
| H140-524 | Capano                             | 4/29/1999 | T    | Medea Jokhia/Republic of Georgia/Welcome                            |
| H140-525 | Capano                             | 4/29/1999 | T    | Tamar Goderdzishvili/Republic of Georgia/Welcome                    |
| H140-526 | Capano                             | 4/29/1999 | T    | Grigol Gobejshvili/Republic of Georgia/Welcome                      |
| H140-527 | Capano                             | 4/29/1999 | T    | Levan Dzeladze/Republic of Georgia/Welcome                          |
| H140-528 | Schroeder                          | 4/2/1999  | T    | E. James Monihan/Fire Service Leadership Award                      |
| H140-529 | Price                              | 4/9/1999  | T    | Emma & Joseph Schroen/50th Wedding Anniversary                      |
| H140-530 | Quillen                            | 4/22/1999 | M    | Sergeant Anthony W. Brown                                           |
| H140-531 | West                               | 5/10/1999 | T    | Mr. & Mrs. Gene Campbell/50th Wedding Anniversary                   |
| H140-532 | West                               | 5/1/1999  | T    | Raymond Townsend/50 Years/Dedicated Service                         |
| H140-533 | West                               | 5/1/1999  | T    | Becky Brazier/Thirty Years Dedicated Service                        |
| H140-534 | Welch                              | 5/2/1999  | T    | Mamie A. Warren Center/Full Payment of Mortgage                     |
| H140-535 | Fallon                             | 4/29/1999 | T    | Dr. G. Thomas Holder/Distinguished Citizen Award                    |

H140-536 Spence 5/5/1999 T Delaware Safety Council/80th Anniversary  
T- Tribute  
M-Memoriam

Representative Welch deferred to Representative Wagner.

Representative Wagner made an announcement.

Representative Wagner introduced HB 230, jointly sponsored by Senator Sokola & Representatives Caulk, Maier, Reynolds, Stone & B. Ennis.

HB 230 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO UNIT OF PUPILS.

Mr. Speaker Spence assigned HB 230 to the Education Committee.

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

28th LEGISLATIVE DAY  
140th GENERAL ASSEMBLY  
First Session  
May 12, 1999

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives D. Ennis, Oberle, Smith & Williams - 4.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

The following prefilled legislation was introduced:

HB 202 - STONE & SENATOR VAUGHN - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Reinsurance.

HB 226 - HOUGHTON; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CATHCART, CLOUTIER, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, KEELEY, LEE, LOFINK, MAIER, MULROONEY, OBERLE, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SMITH, SPENCE, STONE, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WELCH & WEST; SENATORS ADAMS, BONINI, CONNOR, DELUCA, MCBRIDE, MCDOWELL, SHARP, SOKOLA, STILL, VAUGHN, VENABLES & WINSLOW - JUDICIARY - An Act to Amend Title 24 of the Delaware Code Relating to Bounty Hunters and Bail Enforcement Agents.

HB 227 - WELCH & REPRESENTATIVE GILLIGAN & SENATOR MCDOWELL - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance for Per Diem and Contractual Employees of the Delaware General Assembly.

HA 1 to HB 183 - PRICE - Placed with the Bill.

HA 7 to HB 185 - DILIBERTO & REPRESENTATIVE. OBERLE - Placed with the Bill.

HA 1 to HB 197 - WAGNER - Placed with the Bill.

HR 25 - SCOTT - EDUCATION - Urging the Delaware Department of Education to Study the Feasibility of Reforming Delaware's School District System.

SB 20 w/SA 1 & 2 - MARSHALL & SENATOR BLEVINS; REPRESENTATIVES MAIER, LOFINK & SCOTT; SENATORS MCDOWELL, HENRY & CONNOR; REPRESENTATIVE SPENCE - APPROPRIATIONS - An Act to Amend Title 16 Relating to Certified Nursing Assistants.

SB 63 w/SA 1 - SOKOLA; SENATOR BLEVINS, DELUCA & SHARP; REPRESENTATIVES CAPANO, MAIER, WAGNER & DIPINTO & SENATOR BONINI - BUSINESS/CORPORATIONS/ COMMERCE - An Act to Amend Title 6 and Title 11 of the Delaware Code Relating to Tobacco Products and Prohibited Trade Practices. (2/3 bill)

SB 99 w/SA 1 - SORENSON & BLEVINS; SENATORS BAIR, HENRY, SIMPSON, SOKOLA & WINSLOW; REPRESENTATIVES BUCKWORTH, KEELEY, MAIER, QUILLEN & VALIHURA - JUDICIARY - An Act to Amend Titles 10 and 11 of the Delaware Code Relating to Domestic Violence Protective Orders. (2/3 bill)

SB 100 - SOKOLA; REPRESENTATIVE REYNOLDS; SENATOR DELUCA & REPRESENTATIVE ULBRICH - EDUCATION - An Act to Amend Title 14 Relating to Charter Schools Regarding Special Education Requirements, Student Admissions, Number of Days Allowable to Review and Approve a New Charter School, Financial and Administrative Requirements for Future Charter Schools and Membership of a Charter School Board.

SB 116 - ADAMS; REPRESENTATIVE STONE - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 12 Section 3302 of the Delaware Code, Relating to Investment of Fiduciaries.

Representative Ulbrich made an announcement.

Mr. Speaker Spence introduced guests.

Mr. Speaker Spence granted privilege of the floor to Carolyn Nunnallee, National President of Mothers Against Drunk Drivers.

Representatives Schroeder, Capano & Lofink 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 99 w/SA 1, SB 100 & SB 116 and requests the concurrence of the House. The Senate wishes to inform the House that it has passed HB 18, HB 55, HB 86 & HB 156 and is returning same to the House.

May 11, 1999

The Hon. Terry R. Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Speaker Spence:

On Wednesday, May 12, 1999, I will be absent from session due to business obligations.

Thank you for your consideration of my attendance.

Sincerely,

Wayne A. Smith

MEMORANDUM

TO: Terry R. Spence, Speaker  
FROM: Representative Dave Ennis  
DATE: May 11, 1999  
RE: Absence from session

Please excuse my absence from Session tomorrow, May 12, 1999, as I have business to attend to in Wilmington.

Thank you.

Representative Boulden requested that he be marked present.

The Majority Whip moved to recess for committee meetings at 2:50 p.m.

The House reconvened at 4:45 p.m.

Representative Buckworth requested that he be marked present.

Representative Smith introduced and brought the following prefiled Consent Calendar #7 before the House for consideration:

HR 24 - Boulden & Representative Ulbrich - RECOGNIZING THE NEWARK UNITED METHODIST CHURCH ON ITS 200TH ANNIVERSARY.

HR 26 - Lofink & Representatives DiPinto, Gilligan & Scott, on behalf of All Representatives - MOURNING THE PASSING OF HENRY A. STENTA, JR. WHILE CELEBRATING THE ACCOMPLISHMENTS OF HIS LIFE.

HCR 8 - Fallon & Senator Venables - ENCOURAGING CONGRESS TO GIVE PRIORITY TO STRENGTHENING THE SOCIAL SECURITY SYSTEM AND ENSURING THAT IT CONTINUE TO BE UNIVERSAL AND MANDATORY, WITH RISK POOLED AMONG ALL WORKERS.

HR 17 - Lofink & Representatives DiPinto, Gilligan & Williams & Senators Marshall, McBride & Henry - CONGRATULATING REVEREND ROBERT D. KENNEY, O.S.F.S., ON HIS INDUCTION INTO THE DELAWARE SPORTS HALL OF FAME.

HCR 18 - Boulden & Representative Lofink & Senators Amick & Vaughn - CONGRATULATING UNIVERSITY OF DELAWARE'S BASEBALL COACH ROBERT HANNAH ON HIS ACCOMPLISHMENTS.

SCR 9 - Blevins & Representative Capano & Senator Sharp & Representative Gilligan - CELEBRATING THE LIFE AND MOURNING THE DEATH OF LUTHER J. PORTER, THE "UNOFFICIAL" MAYOR OF BELVEDERE.

SCR 10 - Venables on behalf of All Senators and All Representatives - HONORING THE GRADUATES AND ALUMNI OF THE NATIONAL GUARD OF THE STATE OF DELAWARE UPON THE OCCASION OF A VISIT TO LEGISLATIVE HALL OF A DISTINGUISHED DELEGATION FROM THIS GROUP, FOR THEIR SERVICE TO THE FIRST STATE AND TO THE NATION.

SCR 11 - Sokola on behalf of All Senators & Representative Reynolds on behalf of All Representatives - JOINING IN RECOGNITION OF NATIONAL TEACHER DAY, MAY 4, 1999, AND COMMENDING DELAWARE TEACHERS FOR THEIR DEDICATION AND PROFESSIONALISM IN PERFORMING THE CRITICAL FUNCTION OF EDUCATING FUTURE GENERATIONS OF DELAWAREANS.

SCR 12 - McBride & Senator Sokola & Representative Reynolds - REQUESTING THAT THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF PUBLIC SAFETY JOINTLY ESTABLISH A UNIFORM THREAT MANAGEMENT PLAN FOR ALL DELAWARE PUBLIC SCHOOLS.

Representative Cloutier requested that she be marked present.

Consent Calendar #7 was adopted by voice vote and HCR 8, HCR 17 & HCR 18 were sent to the Senate for concurrence and SCR 9, SCR 10, SCR 11 & SCR 12 were returned to the Senate.

Representative Reynolds requested that he be marked present.

Representative Gilligan & Mr. Speaker Spence made comments regarding HR 26.

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

REVENUE & FINANCE: HB 148 - 5F; HB 149 - 5F; HB 172 - 5F; HB 215 - 5F; HB 216 - 5F.

APPROPRIATIONS: HB 183 - 1F, 3M.

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: HB 163 - 4M, 1U; HB 166 - 1F, 4M.

EDUCATION: HB 195 - 4F; HB 196 - 9M, 5M; HB 206 - 9M; HB 213 - 9M.

JUDICIARY: HB 191 - 5M; HB 198 - 5M; HB 199 - 5M; HB 207 - 5M; SB 56 - 6M; SCR 3 - 2F,

4M.

PUBLIC SAFETY: HB 211 - 5M.

Representative Welch deferred to Representative Maier.

Representative Maier made comments.

Representative Maier introduced and brought HR 27, jointly sponsored by Representative Spence, on behalf of All Representatives, before the House for consideration.

HR 27 - RECOGNIZING MAY 12TH AS CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME (CFIDS) AWARENESS DAY.

HR 27 was adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 4:55 p.m.

The House was called to order by Mr. Speaker Spence at 2:17 p.m. on May 13, 1999.

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

EDUCATION: HB 230 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed SB 67 and requests the concurrence of the House. The Senate wishes to inform the House that it has passed HB 44 w/HA 1 & SA 1 and is returning same to House. The Senate wishes to inform the House that it has passed SB 103 and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Steven Amick, do hereby request that my name be removed as co-sponsor of HB 160.

Date: 5/12/99.

Signed: Steven Amick

Representatives Williams & Oberle requested that they be marked present for the current legislative day.

The Majority Whip moved to adjourn at 2:19 p.m., thereby ending the current legislative day. The House reconvened at 2:20 p.m.

#### 29th LEGISLATIVE DAY 140th GENERAL ASSEMBLY First Session May 13, 1999

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Al O. Plant, Sr., Second Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 to HB 39 - MAIER & REPRESENTATIVE SPENCE & SENATOR BAIR & SENATOR SORENSON & SENATOR MCDOWELL; REPRESENTATIVES CLOUTIER, CAPANO, DIPINTO, B. ENNIS, EWING, HOUGHTON, KEELEY, LEE, LOFINK, OBERLE, PLANT, PRICE, REYNOLDS, ROY, STONE, ULBRICH, WAGNER & WILLIAMS; SENATORS CONNOR, HENRY, SOKOLA & WINSLOW - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Titles 11, 16, and 29 of the Delaware Code Relating to the Creation of the Office of Child Advocate.

HB 228 - GILLIGAN & REPRESENTATIVE ROY; REPRESENTATIVES CAREY, HOUGHTON, KEELEY, PLANT, PRICE, SPENCE, VANSANT & VIOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Insurance on Motor Vehicles.

HB 229 - SCOTT - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Liens.

HB 231 - GILLIGAN; REPRESENTATIVES B. ENNIS, HOUGHTON, KEELEY, PLANT & WILLIAMS - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Penalties for Failure to Obtain Business Licenses. (3/5 bill)

HB 232 - VANSANT & REPRESENTATIVE KEELEY & REPRESENTATIVE BUCKWORTH - HEALTH AND HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Organ Donation.

HB 233 - PRICE & SENATOR DELUCA; REPRESENTATIVE KEELEY - BUSINESS/ CORPORATIONS/ COMMERCE - An Act to Amend Title 4 of the Delaware Code Related to Substantive Changes in Licenses or the Premises to Which They Apply.

HB 234 - ROY & SENATOR MCDOWELL - TELECOMMUNICATIONS & ELECTRIC UTILITY DEREGULATION - An Act to Amend Title 26 of the Delaware Code Relating to the Regulation of Cellular Telephone Service.

HB 235 - ROY - LABOR - An Act Awarding Special Surviving Spouse Workers' Compensation Benefits to Pauline R. Smith.

HB 236 - WELCH; REPRESENTATIVES SPENCE, BUCKWORTH, CAPANO, CAREY, MAIER, STONE, B. ENNIS, PRICE & WEST; SENATORS MCDOWELL, VENABLES & SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Requirement of Insurance for Motor Vehicles and Penalties.

HB 237 - PRICE; REPRESENTATIVES CATHCART, KEELEY & SCHROEDER; SENATORS VENABLES & WINSLOW - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation.

HB 238 - PRICE; REPRESENTATIVES CATHCART, KEELEY & SCHROEDER; SENATORS VENABLES & WINSLOW - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation.

HB 239 - ROY & SENATOR DELUCA - CAPITAL INFRASTRUCTURE - An Act to Amend Chapter 20, Title 2, Delaware Code, Relating to the Public-Private Initiatives Program.

HJR 7 - SPENCE & SENATOR SHARP, ON BEHALF of ALL REPRESENTATIVES & ON BEHALF of ALL SENATORS - HOUSE ADMINISTRATION - Commending Governor Pierre S. Du Pont IV on the Twentieth Anniversary of the Creation of Jobs for Delaware Graduates.

HJR 8 - SPENCE - HOUSE ADMINISTRATION - Commending Pfizer, Inc. as it Celebrates 150 Years of Service.

HA 1 to HB 46 - SCOTT - Placed with the Bill.

HA 1 to HB 173 - ROY - Placed with the Bill.

SB 67 - BLEVINS; SENATOR ADAMS; REPRESENTATIVES CAPANO & STONE - JUDICIARY - An Act to Amend Subchapter VI of Chapter 35, Title 12 of the Delaware Code Relating to Qualified Dispositions in Trust.

SB 103 - WINSLOW & REPRESENTATIVE CLOUTIER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Criminal Jurisdiction of Justice of the Peace Courts.

HA 1 to SB 35 - WELCH - Placed with the Bill.

Representative DiLiberto requested and was granted personal privilege of the floor to introduce guests and to present a House Tribute to Rose Coco.

Representative Williams made an announcement.

Representatives Scott, Miro, West & Boulden requested that they be marked present.

Mr. Speaker Spence introduced guests.

Representatives Gilligan, Stone, Valihura & B. Ennis requested that they be marked present.

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

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: SB 116 - 1F, 4M.

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

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

Representative Wagner requested that HB 194 be stricken.

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

Representative Welch requested and was granted privilege of the floor for Matthew C. Weber, President, Future Farmers of America, Jamarr Rayne, President, Business Professionals of America, Jennifer Sung, President, Distributive Education Clubs of America, Kristin A. Smith, President, Future Homemakers of America, Kayla Ulrich, President, Technology Students of America and Lisa Coverdale, Vice-president, Vocational Industrial Clubs of America.

Representative Roy requested that he be marked present.

Mr. Speaker Spence & Representatives Wagner, Fallon, Welch, B. Ennis & Quillen made comments.

Mr. Speaker Spence assigned HB 148, HB 149, HB 172 and HB 195 to the Appropriations Committee.

The Majority Whip moved to recess for caucus at 2:53 p.m.

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

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

JUDICIARY: HB 208 - 1F, 6M; HB 226 - 7M.

**NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: HB 220 - 4M.**

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

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis introduced and brought HCR 20, jointly sponsored by Senators Bair, Venables, Simpson, Winslow & Bonini & Representatives Buckworth, B. Ennis, Capano, DiLiberto, Gilligan, Houghton, Keeley, Maier, Miro, Mulrooney, Plant, Price, Schroeder, Scott, VanSant, Viola, Wagner, Welch & West, before the House for consideration.

**HCR 20 – COMMENDING THE INITIATIVE OF THE LEGISLATIVE FELLOW COMMITTEE ON HELP FOR THE KOSOVO REFUGEES IN ORGANIZING A CONFERENCE FOR KOSOVO HUMANITARIAN RELIEF.**

Representative D. Ennis made comments.

HCR 20 was adopted by voice vote and sent to the Senate for concurrence.

Representative Smith introduced and brought SCR 13, jointly sponsored by Senators Sharp, Adams, McDowell, Amick & Bair on behalf of All Senators & Representatives Spence, Welch, Gilligan & VanSant on behalf of All Representatives, before the House for consideration.

**SCR 13 – EXTENDING SINCERE THANKS TO THE VOCATIONAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE PRESENTATION OF THE BEAUTIFUL GERANIUMS AND EXTENDING BEST WISHES FOR MUCH SUCCESS TO EACH OF THESE EXEMPLARY STUDENTS.**

Representative Smith made a comment.

SCR 13 was adopted by voice vote and returned to the Senate.

Representative Smith moved to suspend the rules which interfere with introduction of and action on SJR 3. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith introduced and brought SJR 3, jointly sponsored by Senator McDowell on behalf of All Senators & All Representatives, before the House for consideration.

**SJR 3 – RECOGNIZING THE MONTH OF MAY 1999, AS “OLDER AMERICANS MONTH” IN DELAWARE AND RECOGNIZING 1999 AS “THE INTERNATIONAL YEAR OF THE OLDER PERSON.”**

The roll call on SJR 3 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Spence & West – 3.

Therefore, having received a constitutional majority, SJR 3 was returned to the Senate.

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

Mr. Acting Speaker Oberle made comments.

Representative Smith brought HB 44 w/HA 1 & SA 1, sponsored by Representative Spence & Senators Henry & Winslow, before the House for concurrence on SA 1.

**HB 44 – AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

Representative Smith made a comment.

The roll call on HB 44 w/HA 1 & SA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representative Brady – 1.

ABSENT: Representatives Cathcart, Spence & West – 3.

Therefore, having received a constitutional majority, HB 44 w/HA 1 & SA 1 was sent to the Governor.

Representative Smith deferred to Representative Capano.

Representative Capano moved to suspend the rules which interfere with introduction of and action on HS 1 to HB 72. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Capano introduced and brought HS 1 to HB 72, jointly sponsored by Senator Henry & Representatives Boulden, Cathcart, Cloutier, DiPinto, Keeley, Lofink, Price, Roy, Stone, Ulbrich, Valihura & Wagner, before the House for consideration.

**HB 72 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SALE AND DISTRIBUTION OF TOBACCO PRODUCTS.**

Representative Capano made comments.

Representative Capano requested and was granted privilege of the floor for Steve Martin, representing the Center for Drug and Alcohol Studies at the University of Delaware.

Representatives Reynolds, Gilligan, Capano, Reynolds, Ewing & Capano made comments.

Representative Ewing requested and was granted privilege of the floor for John Brady, House Attorney.

Representatives Ewing & Capano made comments.

The roll call on HS 1 to HB 72 was taken and revealed:

YES: 34.

NO: Representatives Brady, Ewing, Quillen & Welch – 4.

ABSENT: Representatives Caulk, Spence & West – 3.

Therefore, having received a constitutional majority, HS 1 to HB 72 was sent to the Senate for concurrence.

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

Representative Smith introduced HB 247, jointly sponsored by Representatives Boulden, Capano, Cathcart, D. Ennis, Fallon, Maier, Miro, Reynolds, Stone, Ulbrich & Valihura.

HB 247 – AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX.

Mr. Acting Speaker assigned HB 247 to the Revenue & Finance Committee.

Representative Smith deferred to Representative Lee.

Representative Lee introduced HB 97, jointly sponsored by Senator Vaughn & Representative Spence & Senator Sharp.

HB 97 – AN ACT TO AMEND CHAPTER 174, VOLUME 71, LAWS OF DELAWARE RELATING TO THE BOOT CAMP INMATE TRAINING PROGRAM.

Mr. Acting Speaker assigned HB 97 to the Corrections Committee.

Representative Lee made comments.

Representative Smith brought HB 184, sponsored by Representative Spence, before the House for consideration.

HB 184 – AN ACT WAIVING THE STATUTORY PROVISIONS OF §107(A), CHAPTER 1, TITLE 13 OF THE DELAWARE CODE, AS IT RELATES TO THE MARRIAGE OF SCOTT PAUL LASCELLES AND DANA MARIE DISABATINO, NONRESIDENTS OF THE STATE OF DELAWARE.

Representative Smith made a comment.

The roll call on HB 184 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Spence – 2.

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

Representative Smith brought SJR 2 w/SA 1, jointly sponsored by Senators Sharp, Adams, Vaughn, Amick & Bair & Representatives Gilligan, Spence, VanSant & Welch, before the House for consideration.

SJR 2 – CREATING THE DELAWARE GENERAL ASSEMBLY TRICENTENNIAL COMMITTEE TO PLAN AND IMPLEMENT AN APPROPRIATE COMMEMORATION FOR THE 300TH ANNIVERSARY OF THE STATE LEGISLATURE WHICH WILL BE OBSERVED IN THE YEAR 2004.

Representative Smith made comments.

The roll call on SJR 2 w/SA 1 was taken and revealed:

YES: 35.

ABSENT: Representatives Capano, D. Ennis, Lofink, Roy, Spence & West – 6.

Therefore, having received a constitutional majority, SJR 2 w/SA 1 was returned to the Senate.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced HB 250, jointly sponsored by Senators Adams, Cook, Bunting, Simpson, Bonini, Vaughn & Venables & Representatives Boulden, Brady, Buckworth, B. Ennis, Capano, Carey, Cathcart, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Scott, Smith, Spence, Ulbrich, Valihura, VanSant, Wagner, Welch, West & Williams.

HB 250 – AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO NUTRIENT MANAGEMENT.

Mr. Acting Speaker assigned HB 250 to the Agriculture Committee.

Representative Smith deferred to Representative Quillen.

Representative Quillen introduced HB 245, jointly sponsored by Senator Vaughn & Representatives Cathcart, Price & Schroeder & Senators Bunting, Venables & Connor.

HB 245 – AN ACT TO AMEND TITLES 7 AND 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A MARINE FISHERIES ADVISORY COUNCIL.

Mr. Acting Speaker assigned HB 245 to the Natural Resources and Environmental Management Committee.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 230, jointly sponsored by Senator Sokola & Representatives B. Ennis, Caulk, Maier, Reynolds & Stone, before the House for consideration.

HB 230 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO UNIT OF PUPILS.

Representative Wagner introduced and brought HA 1 to HB 230 before the House for consideration. Representative Wagner made comments. HA 1 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 230 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Spence – 2.

Therefore, having received a constitutional majority, HB 230 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 153 before the House for consideration.

HB 153 – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

Representative Quillen made a comment.

The roll call on HB 153 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Spence – 2.

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

Representative Carey brought SB 73, jointly sponsored by Senators Simpson, Adams, Amick, Bair, Blevins, Bonini, Connor, Sorenson, Still & Winslow & Representative Caulk, before the House for consideration.

SB 73 – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF DENTISTRY.

Representative Carey made a comment.

The roll call on SB 73 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Spence – 2.

Therefore, having received a constitutional majority, SB 73 was returned to the Senate.

Representative Smith deferred to Representative Capano.

Representative Capano introduced HB 248, jointly sponsored by Senator McBride & Representatives Cathcart, DiPinto & Valihura & Senators Connor, Simpson, Sorenson, Still & Winslow.

HB 248 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAX CREDITS.

Mr. Acting Speaker assigned HB 248 to the Revenue and Finance Committee.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis requested that action on HB 181 be deferred to a Day Certain, Tuesday, 6/1/99.

Representative Smith deferred to Representative Price.

Representative Price brought HB 183, jointly sponsored by Representative Spence & Senator Bunting & Representatives Brady, B. Ennis, Carey, DiPinto, Gilligan, Keeley, Maier, Quillen, Ulbrich & Welch & Senators Simpson, Sokola & Still, before the House for consideration.

HB 183 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF IGNITION INTERLOCK DEVICES. (F/N)

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

Representative Price made a comment. HA 1 was adopted by voice vote.

Representatives Price, Ewing & DiPinto made comments.

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

YES: 39.

ABSENT: Representatives D. Ennis & Spence – 2.

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

Mr. Acting Speaker Oberle appointed Representative Roy as Acting Speaker.

Representative Smith deferred to Representative Oberle.

Representative Oberle moved to lift HB 185 w/HA 1, 2 & 3 from the Speaker's Table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HB 185 w/HA 1, 2 & 3, jointly sponsored by Representatives Boulden & Ulbrich & Senators Amick, Connor & Representatives Lofink & Reynolds, before the House for consideration.

HB 185 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING. (F/N)

Representative Oberle made comments.

Representative Oberle deferred to Representative DiLiberto.

Representative DiLiberto made comments.