



STATE OF DELAWARE



**Journal
of the
House of Representatives**

138th General Assembly

Convened
Tuesday, January 10, 1995
Dover, Delaware

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1995-1996



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
138th GENERAL ASSEMBLY

**NEW CASTLE COUNTY**

District

- 1 Orlando J. George, Jr., 4401 Whittier Road, Wilmington - resigned 7/04/95
- 1 Dennis P. Williams, 3414 N. Madison St., Wilmington - elected 8/12/95
- 2 Al O. Plant, Sr., 523 Eastlawn Ave., Wilmington
- 3 Arthur Scott, 513 Taylor Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18th Street, Wilmington
- 5 Casimir S. Jonkiert, 403 South Broom Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Road, Gordon Heights, Wilmington
- 7 Wayne A. Smith, 3 Richards Drive, Clair Manor, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Claymont
- 9 Oak M. Banning, Jr., 127 E. Main St., Middletown
- 10 Jane Maroney, 4605 Concord Turnpike, Wilmington
- 11 Philip D. Cloutier, 2404 Heather Road East, Wilmington
- 12 Deborah H. Capano, 1022 Oriente Ave, Wilmington
- 13 John F. Van Sant, 311 Troy Avenue, Woodcrest, Wilmington
- 14 Richard A. DiLiberto, Jr., 2 Philip Ct., Mill Race, Newark
- 15 Bruce C. Reynolds, 10 Heather Loft Court, Bear
- 16 William I. Houghton, 9 Varmar Drive, Swanwyck Gardens, New Castle
- 17 Jeffrey G. Mack, 28 The Strand, New Castle
- 18 Terry R. Spence, 26 Freeport Road, Stratford, New Castle
- 19 Robert F. Gilligan, 2628 Sherwood Drive, Sherwood Park 1, Wilmington
- 20 Roger Roy, 3 Citation Court, Limestone Hills, Wilmington
- 21 Pamela S. Maier, 12 Chadd Road, Newark
- 22 Joseph R. Petrilli, 12 High Meadow Lane, Newark
- 23 Timothy U. Boulden, 65 Hidden Valley Drive, Newark
- 24 William A. Oberle, Jr., 2 Danvers Way, Beechers Lot, Newark
- 25 Stephanie A. Ulbrich, 1018 Summit View Drive, Newark
- 26 Richard F. Davis, 6 Stallion Drive, Sherwood Forest, Newark
- 27 Vincent A. Lofink, 122 Savannah Drive West, Bear

**KENT COUNTY**

- 28 Bruce C. Ennis, 522 Smyrna/Clayton Road, Smyrna
- 29 Charles W. Welch, 5 Bunker Court, Dover
- 30 G. Robert Quillen, P.O. Box 38, Harrington
- 31 Nancy H. Wagner, 283 Troon Rd., Dover
- 32 Donna D. Stone, 1155 Woodsedge Road, Dover
- 33 G. Wallace Caulk, Jr., R.D. #2, Box 470, Frederica
- 34 Gerald A. Buckworth, 127 N. Old Mill Road, Dover

**SUSSEX COUNTY**

- 35 J. Benjamin Ewing, Jr., R.D. #1, Box 170, Bridgeville
- 36 V. George Carey, R.D. #1, Box 161, Milford
- 37 John R. Schroeder, 47 Edgewater Drive, Edgewater Estates, Lewes
- 38 George H. Bunting, Jr., P.O. Box 1497, Bethany Beach
- 39 Tina Fallon, Route 4, Box 219, Seaford
- 40 Clifford G. Lee, 705 S. Central Ave., Laurel
- 41 Charles P. West, R.D. 3, Box 241, Millsboro

**STAFF MEMBERS**  
**138th GENERAL ASSEMBLY**

JoAnn M. Hedrick - Chief Clerk  
Thomas J. McCarthy, Jr. - Majority Chief-of-Staff  
Sally Baker - Podium Secretary  
Roger Blevins - Page  
David A. Boswell - Majority Attorney  
Joan Breault - Secretary  
Carol Breslin - Financial Assistant  
Carolyn Buckmaster - Secretary

Kim Burdick - Caucus Liaison  
 Nelson Camper - Recorder  
 Albert Clark - Page  
 Deirdre Comer - Secretary  
 Josephine Conaty - Page  
 Kevin Coyle - Legislative Assistant  
 Bette Crystal - Secretary to the Speaker  
 Lori Davis - Leadership Secretary  
 Mary Anne Dill - Legal Secretary  
 Darlene Dillard - Secretary  
 Patricia Ellerman - Bill Stamping Clerk  
 Inga Emerson - Receptionist  
 Steven Engebretsen - Legislative Assistant  
 Janet Gardner - Page  
 Luisa Georgov - Secretary  
 Susan Gohn - Secretary  
 Regina Groff - Bill Prep Clerk  
 Rylene Harper - Minority Assistant  
 Flo Herrman - Secretary/Receptionist  
 Helen Hicks - Secretary  
 Barbara Holton - Page  
 Margaret Hood - Page  
 Ruth Joyce - Majority Head Page  
 Joelle Joyce - Page  
 Joyce Keeler - Secretary  
 Rose Keenan - Page  
 Kathy Kelly - Secretary  
 Mary Kidwell - Secretary  
 Janet Kilpatrick - Secretary  
 Peter Kirsch - Majority Attorney  
 Patricia Lamb - Secretary  
 Ruth Lane - Secretary  
 Eric Lehman - Secretary  
 Carole Lloyd - Receptionist  
 Stephanie Mantegna - Legislative Assistant  
 Joan Marvel - Leadership Secretary  
 Anita Messick - Page  
 Valerie Metzelaar - Legislative Assistant  
 Dolores Michels - Bill Stamping Clerk  
 Peggy Millman - Calendar Clerk  
 Richard Millman - Head Sergeant-at-Arms  
 Rosalie Millman - Bill Stamping Clerk  
 Margaret Moore - Assistant to the Speaker  
 Andrew Myer - Legislative Assistant  
 Frank Pileggi - Minority Attorney  
 Pamela Price - Research Assistant  
 Nelson Quillen - Page  
 Debra Rivard - Secretary  
 Barbara Rossiter - Head Bill Prep  
 Gina Rothermel - Journal Clerk  
 Edward Sadlowski - Page  
 Concetta Sadusky - Sergeant-at-Arms  
 Ayesha Sammander - Information Specialist  
 Arthur Santoro - Sergeant-at-Arms  
 Elizabeth Shalley - Secretary  
 Suzanne Sheffield - Legal Secretary  
 Brian Shirey - Minority Attorney  
 Ronald Smith - Senior Majority Attorney  
 Donna Snell - Bill Clerk  
 Margaret Stafford - Page



Alice Stark - Majority Attorney  
Arzella Stewart - Bill Prep Clerk  
Edith Sylvester - Page  
Lewis Trivits - Sergeant-at-Arms  
Jim Tull - Minority Administrative Assistant  
Helen Vincent - Secretary  
Lawrence Webber - Page  
Jane Welch - Communications Officer  
Mina Wells - Reading Clerk  
Mary-Margaret Williams - Minority Chief of Staff  
Janice Yerkes - Secretary  
Ellen Youngmans - Bill Prep Clerk

STANDING COMMITTEES  
OF THE  
HOUSE OF REPRESENTATIVES  
138th GENERAL ASSEMBLY

**AGRICULTURE & FARMLAND PRESERVATION & ASSESSMENT:** Representative G. Wallace Caulk, Jr. - Chairman; Representative V. George Carey; Representative Jeffrey G. Mack; Representative George H. Bunting; Representative John R. Schroeder.

**APPROPRIATIONS:** Representative Richard F. Davis - Chairman; Representative Gerald A. Buckworth; Representative Joseph G. DiPinto; Representative Jane Maroney; Representative Tina Fallon (Alternate); Representative John F. VanSant; Representative Charles P. West.

**BOND BILL:** Representative Roger Roy - Chairman; Representative V. George Carey; Representative Vincent A. Lofink; Representative William A. Oberle, Jr.; Representative Jeffrey G. Mack (Alternate); Representative Bruce C. Ennis; Representative Casimir S. Jonkiert.

**CORRECTIONS:** Representative Clifford G. Lee - Chairman; Representative Gerald A. Buckworth; Representative J. Benjamin Ewing; Representative William A. Oberle, Jr.; Representative Roger Roy; Representative Charles W. Welch; Representative Oakley M. Banning; Representative Richard A. DiLiberto; Representative Al O. Plant, Sr.

**DESEGREGATION:** Representative William A. Oberle, Jr. - Chairman; Representative Roger Roy; Representative Timothy U. Boulden; Representative Joseph R. Petrilli; Representative Wayne A. Smith; Representative Terry R. Spence; Representative Vincent A. Lofink; Representative David D. Brady; Representative John F. VanSant.

**ECONOMIC DEVELOPMENT, BANKING & INSURANCE:** - Representative David H. Ennis - Chairman; Representative Joseph G. DiPinto; Representative Wayne A. Smith; Representative Nancy H. Wagner; Representative Donna D. Stone; Representative Edward J. Bennett; Representative William I. Houghton; Representative Casimir S. Jonkiert; Representative Arthur L. Scott; Representative David D. Brady.

**EDUCATION:** Representative Bruce C. Reynolds - Chairman; Representative Philip D. Cloutier; Representative Stephanie A. Ulbrich; Representative Tina Fallon; Representative Jane Maroney; Representative Pamela S. Maier; Representative Timothy U. Boulden; Representative Richard A. DiLiberto, Jr.; Representative John R. Schroeder.

**ENVIRONMENTAL MANAGEMENT:** - Representative Jeffrey G. Mack - Chairman; Representative V. George Carey; Representative G. Wallace Caulk, Jr.; Representative George H. Bunting, Jr.; Representative John R. Schroeder.

**ETHICS:** Representative Joseph R. Petrilli - Chairman; Representative Terry R. Spence; Representative George Robert Quillen; Representative Orlando J. George, Jr; Representative Robert F. Gilligan.

**HEALTH & HUMAN DEVELOPMENT:** Representative Jane Maroney - Chairman; Representative Bruce C. Reynolds; Representative Philip D. Cloutier; Representative Stephanie A. Ulbrich; Representative Tina Fallon; Representative Pamela S. Maier; Representative Timothy U. Boulden; Representative Richard A. DiLiberto, Jr.; Representative John R. Schroeder.

**HOUSE ADMINISTRATION:** Representative Joseph R. Petrilli - Chairman; Representative Terry R. Spence; Representative George Robert Quillen; Representative Orlando J. George, Jr.; Representative Robert F. Gilligan.

**HOUSE RULES:** Representative Charles W. Welch - Chairman; Representative Joseph G. DiPinto, Representative Roger P. Roy; Representative Nancy H. Wagner; Representative Bruce C. Ennis; Representative Casimir S. Jonkiert.

**HOUSING AND COMMUNITY AFFAIRS:** Representative Joseph G. DiPinto - Chairman; Representative Deborah H. Capano; Representative David H. Ennis; Representative Wayne A. Smith; Representative Nancy H. Wagner; Representative Donna D. Stone; Representative William I. Houghton; Representative Casimir S. Jonkiert; Representative Arthur L. Scott; Representative David D. Brady.

**JUDICIARY:** Representative Roger Roy - Chairman; Representative Gerald A. Buckworth; Representative Charles W. Welch; Representative J. Benjamin Ewing, Jr.; Representative Clifford G. Lee; Representative William A. Oberle, Jr.; Representative Oakley M. Banning; Representative Richard A. DiLiberto, Representative Al O. Plant, Sr.

**LABOR:** Representative William A. Oberle, Jr. - Chairman; Representative Jeffrey G. Mack; Representative Bruce C. Reynolds; Representative Charles W. Welch; Representative Al O. Plant, Sr.; Representative Arthur L. Scott.

**PUBLIC SAFETY:** Representative J. Benjamin Ewing, Jr. - Chairman; Representative Gerald A. Buckworth; Representative Clifford G. Lee; Representative William A. Oberle, Jr.; Representative Roger Roy; Representative Charles W. Welch; Representative Oakley M. Banning; Representative Richard A. DiLiberto, Representative Al O. Plant, Sr.

**REVENUE AND FINANCE:** Representative Wayne A. Smith - Chairman; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Nancy H. Wagner, Representative Deborah H. Capano; Representative Donna D. Stone; Representative William I. Houghton; Representative Casimir S. Jonkiert; Representative Arthur L. Scott; Representative David D. Brady.

**SMALL BUSINESS:** Representative Nancy H. Wagner - Chairperson; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Wayne A. Smith; Representative Donna D. Stone; Representative Deborah H. Capano; Representative William I. Houghton; Representative Casimir S. Jonkiert; Representative Arthur L. Scott; Representative David D. Brady.

**SUBSTANCE ABUSE:** Representative Tina Fallon - Chairperson; Representative Jane Maroney; Representative Stephanie A. Ulbrich; Representative Bruce C. Reynolds; Representative Philip D. Cloutier; Representative Pamela S. Maier; Representative Timothy U. Boulden; Representative Richard A. DiLiberto; Representative John R. Schroeder.

**SUNSET:** Representative Stephanie A. Ulbrich, - Chairperson; Representative Philip D. Cloutier; Representative Pamela S. Maier; Representative Deborah H. Capano; Representative J. Benjamin Ewing; Representative Arthur L. Scott; Representative William I. Houghton.

**TRANSPORTATION & INFRASTRUCTURE:** Representative Vincent A. Lofink - Chairman; Representative Roger Roy; Representative Philip D. Cloutier; Representative Timothy U. Boulden; Representative Stephanie A. Ulbrich; Representative Bruce C. Ennis; Representative David D. Brady.

PERMANENT RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
138TH GENERAL ASSEMBLY  
1995-1996

HOUSE RESOLUTION NO. 49  
AS AMENDED BY HOUSE RESOLUTION NO. 59 AND  
HOUSE RESOLUTION NO. 69

**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 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 he may name a member as 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.

(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 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 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 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 as requested by a committee pursuant to Rule 35 (d). 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 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 acknowledgement 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.

#### **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 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 Chairman 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 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 complaint. 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 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 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 memorial shall be signed by the prime sponsor, the Speaker and the Chief Clerk. The Speaker, or his designee, shall cause to be read into the permanent record of the House such tributes and memoriams as have been filed with the Chief Clerk. Tributes and memoriams shall not require a vote; however, at the time such items are officially read into the record, any member may comment on the tribute or memorial. 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 question before the House.

##### **Rule 18 - Preparation and Custody**

(a) Each bill and resolution shall be introduced with as many backed copies as 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 Chairman 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 should 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 chairman 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 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, congratulation or other non-controversial subject matter 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 chairman 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 chairman 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, the 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 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 such 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 written consent.

#### **Rule 23 - Amendments**

(a) Amendments 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 may 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 45 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 shall, without debate or comments, answer "yes", "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 chairman and may designate a vice chairman who shall act as the chairman of the committee in the chairman'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) Bond bill
- (4) Corrections
- (5) Economic development, banking, and insurance
- (6) Education
- (7) Environment and natural resources
- (8) Hazardous waste management
- (9) House rules
- (10) Housing and community affairs
- (11) Human needs and development
- (12) Judiciary
- (13) Labor and human resources
- (14) Public safety
- (15) Revenue and finance
- (16) Small business
- (17) Substance abuse
- (18) Transportation and infrastructure
- (19) Sunset

(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 chairman 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 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 chairman 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**

A majority 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 shall not preclude the option of a committee chairman 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 chairman, or in his or her absence by the vice-chairman, if any, if the committee does not have an appointed vice-chairman, then the chairman 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 chairman may call an executive session at which no official action may be taken, in accordance with the provisions of Chapter 100, Title 29 of the Delaware Code. 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 full committee signing the backer. Bills and resolutions shall be voted out of a subcommittee by a majority vote of the subcommittee. A bill or resolution may be tabled in committee by a majority vote of the committee.

(b) The Chairman 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.

(c) If a bill is unacceptable to the committee, a Substitute Bill may be introduced or the committee chairman 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.

(d) 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 chairman 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 chairman 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 Chairman, 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 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 and 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 the measure 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. All bills or joint resolutions on a particular Consent Agenda shall have the same vote requirements.

(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 amendment to it is 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 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.

(d) Prior to the beginning of each legislative day, the Chief Clerk shall electronically post the agenda and currently pending committee meeting notices to the House of Representatives Home Page on the computer-based service known as the Internet."

## 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 of \$100.00 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 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. There shall be no charge for State agencies, nor for members of the General Assembly.

### **Rule 54 - Registration of Legislative Agents**

Legislative agents shall be registered by the Division of Research pursuant to Chapter 16, Title 29 of the Delaware Code. No legislative agent 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 it 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 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.

1st LEGISLATIVE DAY  
138TH GENERAL ASSEMBLY  
First Session  
January 10, 1995

Representative-Elect Oberle called the House to order at 2:15 p.m.

Representative-Elect Petrilli 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 Quillen and adopted by voice vote.

Representative-Elect Petrilli moved that Mrs. JoAnn Hedrick be made Temporary Chief Clerk until a Chief Clerk is elected. The motion was seconded by Representative-Elect Quillen 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 read the names of the members-elect of the House of Representatives of the 138th General Assembly.

Representative District No. 1 - Representative-Elect Orlando J. George, Jr.  
Representative District No. 2 - Representative-Elect Al O. Plant, Sr.  
Representative District No. 3 - Representative-Elect Arthur Scott  
Representative District No. 4 - Representative-Elect Joseph G. DiPinto  
Representative District No. 5 - Representative-Elect Casimir S. Jonkiert  
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 Oakley M. Banning, Jr.  
Representative District No. 10 - Representative-Elect Jane Maroney  
Representative District No. 11 - Representative-Elect Philip D. 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 Jeffrey G. Mack  
Representative District No. 18 - Representative-Elect Terry R. Spence  
Representative District No. 19 - Representative-Elect Robert F. Gilligan  
Representative District No. 20 - Representative-Elect Roger Roy  
Representative District No. 21 - Representative-Elect Pamela S. Maier  
Representative District No. 22 - Representative-Elect Joseph R. Petrilli  
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 Richard F. Davis  
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 George H. Bunting, Jr.  
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 Petrilli moved that a committee of two members be appointed by the Temporary Speaker to examine the Certificates of Election. The motion was properly seconded and adopted by voice vote.

Mr. Temporary Speaker Oberle appointed Representative-Elect Jeffrey G. Mack and Representative-Elect John F. VanSant to examine the Certificates of Election of the Members-Elect.

The University of Delaware Woodwind Quintet, consisting of five faculty members, entertained the House during the examination of the Certificates.

Representative-Elect Mack reported that the Certificates had been examined and found to be in order.

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

The State of Delaware  
New Castle County, ss.

Be It Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord One Thousand Nine Hundred Ninety-Four for New Castle County, according to the Constitution and 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 10th day of November, A.D. 1994.

Henry duPont Ridgely, President Judge

Vincent A. Bifferato, Resident Judge

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

Representative-Elect Petrilli moved that Judge Wayne Hanby administer the oath of Representative to Representative-Elect Oberle 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 10th day of January, A.D., 1995.

Wayne Hanby

Representative-Elect Petrilli moved that Judge Wayne Hanby administer the oath of office to the other forty Representatives-Elect.

Representative Oberle thanked family members of all Members-Elect for their support.

Representative Petrilli moved that the Temporary Chief Clerk call the roll. The motion was seconded by Representative Quillen and adopted by voice vote.

The roll call was taken and revealed:

Members Present: 40.

Member Absent: Representative Caulk.

Representative Petrilli moved that the roll as just called be adopted as the permanent roll of the House of Representatives of the 138th General Assembly. The motion was properly seconded and adopted by voice vote.

Representative Petrilli introduced and brought HR 1, jointly sponsored by Representative Quillen, 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 138th 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 138th General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representative Petrilli moved that Judge Hanby administer the oath of Speaker of the House to Representative Spence.

Judge Hanby then administered the oath of Speaker to Representative Spence as follows:

I, Terry R. Spence, do proudly swear to carry out the responsibilities of the office of the 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  
State Representative

Sworn and subscribed before me this 10th day of January, A.D., 1995.

Wayne Hanby  
Justice, State Supreme Court

Mr. Speaker Spence presented gifts from the House of Representatives to Judge Hanby and Reverend Reynolds.

Mr. Speaker Spence made brief remarks about the issues confronting the 138th General Assembly and thanked the Members for electing him as Speaker.

Representative William A. Oberle announced that the Majority Caucus has met and elected Representative Joseph R. Petrilli from the 22nd District as Majority Leader and Representative G. Robert Quillen from the 30th District as Majority Whip.

Representative Casimir S. Jonkiert announced that the Minority Caucus has met and elected Representative Orlando J. George, Jr. from the 1st District as Minority Leader and Representative Robert F. Gilligan from the 19th District as Minority Whip.

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

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 138th General Assembly of the State of Delaware that JoAnn M. Hedrick is to serve as Chief Clerk of the House of Representatives during the pleasure of the House.

HR 2 was adopted by voice vote.

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

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

HJR 1 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives and the Senate of the 138th General Assembly of the State of Delaware, with approval of the Governor, that Donna Snell, is elected to serve as Bill Clerk, during the pleasure of the House.

The roll call on HJR 1 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk -1.

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

Representative Petrilli introduced and brought HR 3, jointly sponsored by Representative Quillen, before the House for consideration.

HR 3 - Appointing a Committee to Notify the Governor That the House of Representatives is Organized.

HR 3 was adopted by voice vote.

Mr. Speaker Spence appointed Representative Roger Roy and Representative Casimir Jonkiert to notify the Governor that the House is organized and ready for business.

Representative Petrilli introduced and brought HR 4, jointly sponsored by Representative Quillen, before the House for consideration.

HR 4 - Appointing a Committee to Notify the Senate That the House of Representatives is Organized.

HR 4 was adopted by voice vote.

Mr. Speaker Spence appointed Representative Tina Fallon and Representative Al O. Plant, Sr. to notify the Senate that the House is organized and ready for business.

Each House member introduced family and friends who were in attendance.

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

Members continued to introduce guests.

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

Mr. Speaker introduced guests and made announcements.

Representatives Maroney, Maier & Scott were granted personal privilege of the floor for the introduction of guests.

The Majority Leader moved to recess to the call of the Chair at 3:40 p.m.

2nd LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 11, 1995

Mr. Speaker Spence called the House to order at 2:10 p.m.  
The Reading Clerk read the following communication into the record:  
The Senate wishes to inform the House that it has passed: SJR 1 & HJR 1,  
January 3, 1995

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives  
Dover, Delaware  
Dear Mr. Speaker:

I wish to let you know that I will be absent from session of the 138th General Assembly on January 10th and 11th as I will be out of town on business.

Sincerely,  
G. Wallace Caulk, Jr.  
State Representative  
33rd District

GWCjr/ral

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

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.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Caulk, Mack, Reynolds, Smith - 4.

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 1 - OBERLE - LABOR:** An Act to Amend Chapter 69, Title 29, Delaware Code Relating to the Award of Public Works Contracts.

Representative Maroney requested and was granted personal privilege of the floor to thank everyone for their expressions of sympathy on the death of her husband.

Representative Oberle introduced **HB 2**, jointly sponsored by Senator Vaughn.

**HB 2 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registrations.**

Mr. Speaker Spence assigned **HB 2** to the Public Safety Committee.

Representative Carey requested that he be marked present.

Representative Petrilli made an announcement.

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

Representative Petrilli introduced and brought **SJR 1**, sponsored by Senators Sharp, Cordrey & Marshall, before the House for consideration.

**SJR 1 - In Reference to Election of Officers.**

BE IT RESOLVED by the Senate and the House of Representatives of the 138th General Assembly of the State of Delaware, with the approval of the Governor, that Sean P. McCormick is elected to serve as Bill Clerk to the Senate during the pleasure of the Senate.

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

YES: 37.

ABSENT: Representatives Caulk, Mack, Reynolds, Smith - 4.

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

Mr. Speaker introduced guests and made comments.

Representative Brady was granted personal privilege of the floor for the introduction of a guest.

Representatives Petrilli, Spence, Gilligan & Ewing made comments.

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

3rd LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 12, 1995

Mr. Speaker Spence called the House to order at 2:35 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed: SJR 2 & SCR 1.

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: JoAnn M. Hedrick  
Chief Clerk of the House  
RE: Attendance Record  
DATE: January 11, 1995

For purposes of the official House record, I hereby certify that Representative Jeffrey G. Mack and Representative Bruce C. Reynolds were present for session today but did not have an opportunity to be recorded as being present.

JMH/gmr

Representatives Smith & Mack requested that they be marked present for the current legislative day.

Representative George announced Representative Gilligan has been appointed to Legislative Council.

Representative Ewing made an announcement.

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

The Majority Leader moved to adjourn at 2:40 p.m., thereby ending the current legislative day. The House reconvened at 2:41 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Banning, Caulk, B. Ennis - 3.

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

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

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

The following prefiled legislation was introduced:

HB 3 - OBERLE, ROY, BUCKWORTH - P/S: An Act to Amend Chapter 27, Title 21, Delaware Code Relating to License Qualifications, Suspension or Revocation of Licenses of Minors. .

HB 4 - OBERLE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 5 - OBERLE; SENATOR VAUGHN - SUBS ABUSE: An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Uniform Controlled Substances Act.

HB 6 - OBERLE - ECON DEV, B & I: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for Item Pricing In Retail Food Stores. (2/3 bill)

HB 7 - OBERLE - ECON DEV, B & I: An Act to Amend Chapter 91, Title 29, Delaware Code Establishing a State Planning and Coordination Act.

HB 8 - OBERLE & EWING - P/S: An Act to Amend Title 21 of the Delaware Code, Relating to Bumper Heights. (2/3 bill)

HB 9 - QUILLEN - JUD: An Act to Amend Title 10, Delaware Code Relating to Civil Liability and Equine Activities.

SCR 1 - SOKOLA & REPRESENTATIVE CLOUTIER; SENATORS MCBRIDE, CONNOR, SORENSON; REPRESENTATIVES D. ENNIS, MAIER, ROY, SPENCE - ECON DEV, B & I: Establishing a Task Force to Examine and Assess the Operation and Duties of Maintenance Associations in Delaware.

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

Representative Maroney introduced HJR 2, jointly sponsored by Senator Sokola & Representatives Petrilli, Buckworth, Carey, Smith, Welch, Oberle, Reynolds, Spence, Stone, Fallon, Maier, Davis, Cloutier, Wagner, Capano, DiPinto, D. Ennis, Boulden, Lee, Lofink, Ewing, Ulbrich, Banning, Houghton, DiLiberto, B. Ennis, & Plant & Senators Sorenson, Bair, Hauge, & Henry.

Representative Plant made a comment.

Representative Maroney moved to suspend the rules which interfere with introduction of HJR 2. The motion was properly seconded and adopted by voice vote.

HJR 2 - Creating a Public School Election Task Force to Study and Report on the Optimal Method for Conducting Elections of Public School Boards and School Tax Referenda.

Mr. Speaker Spence announced that the motion to suspend rules is not necessary.

Mr. Speaker Spence assigned HR 2 to the Education Committee.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SJR 2. The motion was seconded by Representative George and adopted by voice vote.

Representative Petrilli introduced & brought SJR 2, sponsored by Senators Cordrey, Sharp & Marshall, before the House for consideration.

SJR 2 - In Reference to Election of Officers.

Representative Petrilli made a comment.

The roll call on SJR 2 was taken and revealed:

YES: 37.

ABSENT: Representatives Banning, Carey, Caulk, B. Ennis - 4.

Therefore, having received a constitutional majority, SJR 2 was returned to the Senate.

Representative Jonkiert was granted personal privilege of the floor for the introduction of a guest.

Representative Petrilli introduced and brought HR 5, jointly sponsored by Representatives Quillen & Spence, before the House for consideration.

HR 5 - Relating to Temporary Rules of the House of Representatives of the 138th General Assembly of the State of Delaware.

Representative Petrilli made a comment.

HR 5 was adopted by voice vote.

Representative Petrilli introduced and brought HR 6, jointly sponsored by Representative Quillen, before the House for consideration.

HR 6 - Relating to Temporary Procedures of the House of Representatives of the 138th General Assembly of the State of Delaware for Ethics Violations.

Representative Petrilli made a comment.

HR 6 was adopted by voice vote.

Representative Welch made an announcement about the Rules Committee Meetings.

Representative Petrilli deferred to Representative Mack.

Representative Mack introduced HB 10, jointly sponsored by Senator Connor & Representatives Buckworth, Davis, Reynolds, Smith, Brady & Houghton.

HB 10 - An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes.

Mr. Speaker assigned HB 10 to the Education Committee.

The Majority Leader moved to recess to the call of the Chair at 2:58 p.m.

4TH LEGISLATIVE DAY  
138TH GENERAL ASSEMBLY  
First Session  
January 17, 1995

Mr. Speaker Spence called the House to order at 2:14 p.m.

Representatives B. Ennis & Banning requested that they be marked present for the current legislative day.

The Reading Clerk reading the following communication into the record:

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

The Majority Leader moved to adjourn at 2:16 p.m., thereby ending the current legislative day. The House reconvened at 2:17 p.m.

The Chief Clerk called the roll.

Members Present: 41.

Mr. Speaker announced that a member of the Legislative Hall housekeeping staff, Coletta Morton, has lost her husband.

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

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

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

The following prefiled legislation was introduced:

HB 11 - REPRESENTATIVES QUILLEN, DIPINTO; SENATOR CONNOR - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper, Frame Rail and Body Heights. (2/3 bill)

HB 12 - REPRESENTATIVES OBERLE, SPENCE, PETRILLI, DAVIS, DIPINTO, EWING, D. ENNIS; SENATOR MARSHALL - LABOR: An Act to Amend Title 19 of the Delaware Code by Creating a New Chapter to Provide for the Implementation of a Public Employee Occupational Safety and Health Act and Violations Thereof. (2/3 bill)

HB 13 - REPRESENTATIVE OBERLE; SENATORS MCBRIDE & REED - R & F: An Act to Amend Chapter 23, Title 30 of the Delaware Code Relating to the Occupational and Business Taxes; and Providing for a Ticket Sales Agent Tax.

**HB 14** - REPRESENTATIVE OBERLE; SENATOR VAUGHN; REPRESENTATIVES REYNOLDS, BOULDEN - SUBS ABUSE: An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to the Uniformed Controlled Substances Act and Anabolic Steroids.

**HB 15** - CAREY, QUILLEN, SPENCE, PETRILLI, LEE, BUCKWORTH, D. ENNIS, EWING, DAVIS, SMITH - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 16** - OBERLE, LEE, MACK, LOFINK, EWING, REYNOLDS - P/S: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Casualty Insurance and Chapter 21, Title 21, Delaware Code Relating to Registration of Motor Vehicles. (2/3 bill)

**HB 17** - VANSANT - JUD: An Act to Amend Chapter 5, Subchapter VII, Subpart E, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

**HB 18** - OBERLE; SENATORS REED, MCBRIDE - HOUSING & COM AFF: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Tenant Obligations and Landlord Remedies.

**HB 19** - OBERLE; SENATORS MCBRIDE, REED - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Offenses; and Providing for Prohibitions Against Ticket Scalping.

**HCR 1** - BUNTING & SCHROEDER - NAT RES: Creating a Task Force for Purposes of Identifying and Evaluating Economically Efficient and Environmentally Prudent Approaches to Replenishing the Eroding Beaches Along Delaware's Coastline.

**SB 1 w/SA 1** - CORDREY - R & F: An Act to Amend Title 30 of the Delaware Code Relating to the Public Utility Tax (F/N).

Representative Lee introduced and brought **HR 7**, before the House for consideration.

**HR 7** - Urging the Appointment of a Committee to Investigate Whether or Not Delaware Could Benefit From the Establishment of a "Boot Camp" Prison Alternative; and if So, Under What Circumstances Would a "Boot Camp" Alternative Be Feasible.

Representative Petrilli moved to lay **HR 7** on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The Majority Leader moved to recess for caucus at 2:35 p.m.

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

Representatives Roy, Brady, Gilligan, Carey, Reynolds, Roy, Mack, Caulk, Davis & Smith requested that they be marked present.

The Majority Whip moved to recess to the call of the Chair at 4:41 p.m.

5TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 18, 1995

Mr. Speaker Spence called the House to order at 2:05 p.m.

Mr. Speaker Spence introduced a guest.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SB 2, SCR 2 & SCR 3**.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the current Legislative Day. The House reconvened at 2:07 p.m.

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

Representative Smith made comments.

Representative D. Ennis was granted personal privilege of the floor for a comment.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Gilligan - 1.

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

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

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

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

The following prefiled legislation was introduced:

**HB 20** - OBERLE & EWING - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper Heights. (2/3 bill)

**HB 21** - EWING, LEE, B. ENNIS, VANSANT; SENATOR ADAMS - P/S: An Act to Amend Title 11, Chapter 83, Delaware Code, Relating to Post-Retirement Lump Sum Death Benefits for State Police and Survivors.

**HB 22** - BUNTING - H/ADM: An Act Proposing an Amendment to the Constitution of Delaware Relating to the Length of Legislative Sessions. (2/3 bill)

**HB 23** - BUNTING, SCHROEDER, GILLIGAN, GEORGE, JONKIERT, BANNING, B. ENNIS, PLANT, WEST; SENATOR VOSHELL - HOUSING & COMM AFF: An Act to Amend Chapter 70, Part IV, Title 25 of the Delaware Code Relating to Mobile Home Park Rental Agreements.

**HB 24** - PLANT, SCOTT - ED: An Act to Amend Chapter 41, Title 14, Delaware Code Relating to Permission of Nonsectarian, Nonproselytizing, Student-Initiated Voluntary Prayer on Public School Property, Other Public Property or Other Property at School-Related Activities, Including Student Sporting Events, Graduation or Commencement Ceremonies and Other Student Assemblies and Events.

**HB 25** - PLANT, SCOTT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of the Disadvantaged Children's Scholarship Fund.

**HB 26** - PLANT, SCOTT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of a "Senior Citizens Medical Expenses Assistance Fund".

**HB 27** - PLANT, SCOTT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of the Day-Care Assistance for Single Working Mothers Fund.

**SB 2** - ADAMS; REPRESENTATIVE CAREY; SENATORS CORDREY, VOSHELL, VENABLES, COOK, VAUGHN, BONINI, STILL; REPRESENTATIVES WEST, EWING, WELCH - AG: An Act to Amend Part II of Chapter 21, Title 21, Delaware Code Relating to Special Farm Vehicle Registration.

Representatives Brady, Maier, Lee, Welch, Cloutier, Ulbrich, Lofink, Scott, Boulden, Capano & Stone requested that they be marked present.

Representative Plant made comments.

Representative Caulk requested and was granted the privilege of the floor for the Officers of the Future Farmers of America including Mark Breeding, President, Travis Hagen, National Secretary from California & Jennafer Neufeld, Regional Vice-President from Kansas.

Representatives Caulk, Spence, Petrilli & George made comments.

Representatives Jonkiert & Reynolds requested that they be marked present.

Representative Houghton introduced **HB 28**, jointly sponsored by Representatives Brady, Bunting, Capano, Cloutier, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Lofink, Mack, Oberle, Petrilli, Reynolds, Scott, VanSant, Wagner, West & Spence & Senators Bair, Blevins, Connor, Henry, Sokola, Vaughn & Voshell.

**HB 28** - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to House Arrest for Adjudicated Juveniles.

Mr. Speaker assigned **HB 28** to the Corrections Committee.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Lee.

Representative Lee introduced **HCR 2**, jointly sponsored by Senator Voshell.

**HCR 2** - Urging the Appointment of a Committee to Investigate Whether or Not Delaware Could Benefit From the Establishment of a "Boot Camp" Prison Alternative; and If So, Under What Circumstances Would a "Boot Camp" Alternative Be Feasible.

Mr. Speaker Spence assigned **HCR 2** to the Corrections Committee.

Representative Smith was granted personal privilege of the floor for the introduction of a guest.

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

The House reconvened at 4:30 p.m.

Mr. Speaker Spence announced that Representatives Roy, Petrilli & VanSant have been appointed to serve on the Commission on Interstate Cooperation.

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

P/S: **HB 2** - 8M; **HB 11** - 7M.

JUD: **HB 4** - 8M; **HB 17** - 1F, 8M; **HB 19** - 8M.

NAT RES: **HCR 1** - 5F.

AG: **SB 2** - 2F, 2M.

Representative Mack requested that he be marked present.

Mr. Speaker Spence introduced a guest.

Representative Fallon requested that she be marked present.

Representative Lee moved to suspend the rules which interfere with action **HCR 2**. The motion was properly seconded and adopted by voice vote.

Representative Lee brought **HCR 2**, jointly sponsored by Senator Voshell, before the House for consideration.

**HCR 2** - Urging the Appointment of a Committee to Investigate Whether or Not Delaware Could Benefit From the Establishment of a "Boot Camp" Prison Alternative; and If So, Under What Circumstances Would a "Boot Camp" Alternative Be Feasible.

**HCR 2** was placed on Consent Calendar #1.

Representative George made comments.

The following prefiled Consent Calendar #1 was introduced:

**HR 8** - PLANT, D. ENNIS, SPENCE, GILLIGAN, PETRILLI, SCOTT, GEORGE - Extending Many, Many Thanks to William Rickman Sr., and William Rickman Jr., Owners of Delaware Park, for Their Generous and Charitable Contributions on Martin Luther King, Jr. Day at Delaware Park, Monday, January 16, 1995 in Which the Proceeds From 'Program Sales' Were Donated to Help Fight Sickle Cell Anemia.

**SCR 2** - BAIR, BLEVINS & REPRESENTATIVE MARONEY; SENATORS COOK, HAUGE, HENRY, REED, SORENSON; REPRESENTATIVES FALLON, CAPANO, MAIER, STONE, ULBRICH, WAGNER - Recognizing the Year 1995 as the 75th Anniversary of Women's Suffrage in the State of Delaware.

**SCR 3** - SHARP, CORDREY & MARSHALL - Providing That a Joint Session of the House and Senate be Convened for the Purpose of Having the Annual State of the State Address by the Honorable Thomas R. Carper, Governor of the State of Delaware.

Consent Calendar #1 was adopted by voice vote and **HCR 2** was sent to the Senate for concurrence and **SCR 2 & SCR 3** were returned to the Senate.

Representatives Lee & Plant made comments.

Mr. Speaker Spence made an announcement.

Representative Plant introduced **HB 29**, jointly sponsored by Representative Scott.

**HB 29** - An Act to Amend Chapter 21, Title 29 of the Delaware Code Relating to the Establishment Within the Executive Branch of State Government an Office of Employment Diversity to be Headed by a Director Appointed by the Governor With Consent of a Majority of the Members Elected to State Senate.

Mr. Speaker Spence assigned **HB 29** to the House Administration Committee.

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

ED - **HB 10** - 2F,6M,1U; **HJR 2** - 2F,7M.

R & F: **SB 1** - 9F.

Representative Fallon made a comment.

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

SUBS ABUSE - **HB 5** - 3F,5M.

Majority Leader moved to recess to the call of the Chair at 4:45 p.m.

6TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 19, 1995

Joint Session - Senate Chamber.

At 2:01 p.m. on motion of Senator Sharp, the Senate recessed to await the arrival of the House members for the Joint Session.

At 2:02 p.m. the Senate reconvened with Lt. Governor Minner presiding.

At 2:04 p.m. the Sgt. Of Arms announced the members of the House of Representatives and they were admitted to the Chamber for the Joint Session.

Lt. Governor Minner invited Representative Spence, Speaker of the House, and Senator Cordrey, President Pro Tempore, to be her guests on the rostrum.

The members of the Judiciary were announced and admitted to the Chamber.

The Statewide elected officials were announced and admitted to the Chamber.

The Governor's Cabinet Officials were announced and admitted to the Chamber along with the President of the University of Delaware and Delaware State University.

At 2:08 p.m. on motion of Senator Sharp, the Senate and the House of Representatives met for Joint Session.

On motion of Senator Sharp, Lt. Governor Minner presided over the Joint Session.

On motion of Senator Sharp, the Secretary of the Senate and the Chief Clerk of the House were appointed as Secretaries to the Joint Session.

On motion of Senator Sharp, the Lt. Governor appointed a committee of four to escort the Governor to the Chamber. There was no objection and the Lt. Governor appointed Senator Thurman Adams (spokesperson) and Senator Richard Hauge; Representative John F. Van Sant & Representative Nancy H. Wagner to escort the Governor to the Senate Chamber.

Lt. Governor Minner announced that the Joint Session will stand in a temporary recess until the Governor arrived.

The Joint Session reconvened and the Committee announced the arrival of Governor Thomas R. Carper to the Joint Session.

**“BUILDING DELAWARE’S FUTURE”**  
**GOVERNOR THOMAS R. CARPER**  
**STATE OF THE STATE ADDRESS**

Two years ago today, just a few feet from where we are gathered here, a new Governor and new Lt. Governor took their oaths of office and assumed the reins of leadership of our state.

That day, I pledged “to keep the best of Delaware secure, and make the good even better.” Since then, my Administration has worked closely with the General Assembly to do just that. Together, we’re Building Delaware’s Future -- making our state a better place to live and to work and raise a family.

Today, I am pleased to report to you on the state of our state, and to discuss with you the unique opportunities we have before us as Delaware prepares to greet a new 21st Century.

After a number of wrenching years of downsizing in the chemical industry, our economy has emerged as the strongest between Virginia and Maine.

Our unemployment rate is well below the national average. In a state of barely 700,000 people, over 360,000 people will go to work today. That’s 9,000 more than went to work last January 19th, and 15,000 more than went to work on the day of our inauguration, Ruth Ann.

Several large manufacturers, including Playtex and Johnson Controls, have a new lease on life in Delaware. Sunroc, the largest new manufacturer in Kent County in almost 20 years, begins production next month.

And thanks to two years of team work, we kept the General Motors plant from closing next year, and in the running to build a new car that will secure that plant’s future.

The state’s finances reflect our strong economy. Our budgets are balanced. Our Rainy Day Fund is full. We’ve cut business taxes to stimulate economic growth. Now, I am proposing that every Delawarean pay lower income taxes, starting this month. If revenues permit, we may be able to make further tax reductions later this year, and again next year.

New corporations have continued at a record pace for 23 consecutive months. As of last year, Delaware set another all-time record for new incorporations in a single year. Some of our Division of Corporations employees are with us today, and I want to ask you to join me in recognizing them.

Last year, in a victory for clean air and common sense, we convinced the EPA to back off its threat to cut Delaware’s federal transportation funds and impose a no-growth economic policy on our state.

This month, former Attorney General Charlie Oberly and I secured a Delaware v. New York settlement with 48 other states, thus ensuring that New York will pay us what we are owed. Just as important, a \$35 million annual revenue stream for Delaware from abandoned property will be protected well into the next century.

Our work has not gone unnoticed.

Delaware, the state that not too many years ago had the worst credit rating of any state in America. Today now enjoys the highest rating in our history.

Delaware is getting national attention in other areas as well. While Washington bickers about health care reform, Delaware is moving ahead. The number of Delawareans without health care coverage is shrinking. Ninety percent of Delawareans now enjoy health care coverage. With full implementation of our managed care for Medicaid program later more than 9,000 Delawareans will be served.

Wellness Centers are being established in each of our high schools. A series of Nemours Foundation pediatric health clinics throughout Delaware -- envisioned by my predecessor and his administration -- are opening for business.

I stand before you today more confident than ever that the dream of universal health care coverage for every child in Delaware will soon become a reality.

Parenting training is expanding dramatically, too. More newborns and their parents are now receiving home visits. Delaware is on its way to becoming one of only a handful of states to enable every four-year-old living in poverty to participate in a Head Start program. We are also taking decisive action to ensure that classrooms are safe places for students to learn by removing disruptive classmates and placing them in alternative learning programs.

And after years of talk, we’ve gone back to court to eliminate unnecessary federal court supervision of our New Castle County schools.

In the immortal words of James Brown, “I feel good” about all of this, and so do a lot of other Delawareans. Every Member of the General Assembly should, as well. Delaware is on a roll, and each of you has contributed to the success our state enjoys today.

#### CHALLENGES

Over the past year, many of you have heard me talk about the financial storm clouds on Delaware’s horizon. Some of those clouds are lifting. I’ve already spoken of our successful fight to keep our General Motors plant open, our settlement of the Delaware v. NY case, and turning back federal sanctions to preserve federal transportation dollars.



Yet, despite considerable good news, the future holds a number of new challenges that Delaware must be prepared to meet.

As a congressman, I understood the critical need for the federal government to put its financial house in order. As a governor, I understand the need to protect states' interests as Washington looks for ways to balance its budgets.

Even as we speak, the new Congress is beginning debate on a balance budget amendment to the Constitution. But that amendment does not contain the protections we need to avoid cost-shifting to the states.

Deep cuts in federal spending are planned, as well as changes that would make many entitlement programs block grants for states to implement. These changes could cost Delaware millions of dollars, especially during economic downturns.

Still another challenge from Washington comes from the interstate banking legislation signed into law last summer. Working with Delaware's banking community, we must decide this year how best to preserve our base of financial services and possibly to expand it.

Closer to home, we face enormous pressure over the next five years to keep up with the explosion of school construction in all three counties. This year alone, we have capital budget requests of \$45 million for schools. And over the next five years, state government will need to spend over \$200 million.

Our prison population continues to grow to the point where we are not debating whether we need more prison space, but how much. Every additional 100 prison beds cost about \$7 million to build and millions more to operate. We will also need to invest in better security at Gander Hill to ensure that the escape that occurred there in December doesn't happen again.

Finally, while construction of a new Ferris school has begun, the time has come for us to seriously consider a maximum security facility for violent juvenile offenders.

We are fortunate to have the revenue to meet these challenges. But that does not mean Delawareans will they tolerate large increases in government spending. The message from voters this past November was clear -- Delawareans want government that is cost-effective and that works for them. The operating budget I will present to you next week limits the growth of state government, while allowing us to pursue an aggressive agenda in 1995 that I believe works for all Delawareans.

#### 1995 AGENDA

This year, I will ask the General Assembly to work with me on several initiatives that are most important to Building Delaware's Future: cutting taxes responsibly; investing our Delaware v. NY windfall wisely; bolstering education; putting more cops on the street and more criminals behind bars; and keeping Delaware at the forefront of efforts to reform an outdated welfare system and curb teenage pregnancy.

#### TAXES AND THE ECONOMY

Well, there has been much discussion about the size and timing of a tax cut. I will not discuss it at length today. I have made my proposal and extended the offer to compromise with those who have different views. We have time to talk. We also have time to act.

Last year, we created the 21st Century Fund using the Delaware vs. NY settlement money. Now that our hard fought victory is secure, we have a unique opportunity to Build Delaware's Future. I have proposed that we use this \$220 million windfall to improve education and our economic competitiveness, to preserve our environment, and invest our communities and neighborhoods.

To strengthen our economy and create jobs, I propose to fund Advanced Technology Centers to attract and retain hi-tech jobs in our state.

I also propose investments to improve our State's only world-class shipping facility. Our Port is a vital economic asset -- generating 2,800 jobs, \$600 million worth of business, and more than \$8 million in state income taxes. The Port also attracts businesses to Delaware, General Motors being a key example. Competition from other regional ports is fierce. They are investing heavily to stay open. Just as we fought to secure the future of our GM plant, we must act now to secure the future of our Port into the next century.

To improve education and help students to meet world-class academic standards, I propose a \$40 million investment in education technology that will bring computer and telecommunications technology to every student in Delaware, transforming our schools into "learning places of the future."

To preserve our environment, I propose using the 21st Century Fund to continue acquiring open space for future generations to enjoy. And after many years of debate, I propose we fund the work of the Aglands Preservation Foundation to ensure our best cropland is preserved and the Delaware's largest industry continues to grow and thrive.

Finally, my investment strategy for the 21st Century fund seeks to assist communities by supporting housing rehabilitation and community redevelopment, as well as critical water and wastewater improvements.

When all of these 21st Century Fund investment strategy will preserve Delaware's natural beauty and unique way of life, while helping to support economic growth. But it's important that these investments be guided by a clear vision for Delaware's future.

-- a vision that preserves our farmland and open space;

- a vision that reinvigorates our sense our community;
- a vision that will enhance the quality of life in our state well into the next century.

Last March, I established the Cabinet Committee on State Planning. They have made significant strides in the past ten months to improve statewide planning, and develop a blueprint for the well-managed growth and development of our state. Their work will be critical in determining what our state will look like in the decades to come.

The 21st Century Fund investments must work in concert with the Committee's efforts. Later this year, I will recommend changes in the Quality of Life Act to improve coordination, increase public participation, and better ensure consistency between state and local planning efforts.

Closely related to the work of improving statewide planning, are our efforts at permit reform. Last year, I told you that a "new day had dawned" at our Department of Natural Resources and Environmental Control. Today, that department is implementing over 100 recommendations developed in partnership with both the environmental and business communities to cut red tape and eliminate obsolete permit requirements. DNREC will eliminate 200 air permits alone and greatly improve customer service, in part by making better use of technology.

Permitting reform is just one way that we are partnering with the private sector to help improve Delaware's ability to attract and retain jobs, while preserving the natural resources and beauty of our state.

For the past two years, my administration has worked with banks, manufacturing companies, local utilities and others to implement a comprehensive economic development strategy -- a strategy that will create a well-paying jobs into the next century. In its first year of operation, the Delaware Access Program loaned \$1.3 million to more than 30 small businesses. Delaware Venture Partners has secured more than \$12 million from local investors to ensure that high-risk, high-potential start-up companies have access to capital. Our new small business development centers served 75 percent more entrepreneurs in Kent and Sussex counties last year. The General Assembly quadrupled our state's Strategic Fund, allowing us to create or retain nearly 4,000 jobs.

Now, we're creating a privately-run Innovation Fund to provide grants to entrepreneurs in the early stages of product research and design.

With all of these critical programs in place, we're ready to partner with the private sector again to market Delaware throughout the region. Eighty-five percent of the hundreds of small businesses surveyed last year by the University of Delaware last year described Delaware as a good place to be in business. Why not let the rest of this region know that Delaware is smaller, quicker, and smarter:

#### EDUCATION

We can take justifiable pride in what we have accomplished to strengthen Delaware's economy, and look forward to doing more in 1995. But the future of our economy still rests largely on the workforce we are preparing today in our schools. Let me talk then to a subject about which there has been enormous confusion -- education reform in Delaware.

I want to explain today, as simply as I can, the reform effort called New Directions -- begun late in the Castle Administration and continued in this Administration. I want to tell you why I believe, this initiative, and other efforts, make sense, and why we must succeed in them if our children are to succeed later in life.

Effective education reform begins with making sure that more kids are ready to succeed when they enter our schools. How? By teaching parents to be more effective first teachers of their children, and dramatically expanding participation in Head Start as we are doing here in Delaware.

Education reform means making sure that kids are safe in our schools and that classrooms are places where teachers can teach and students can learn with fewer disruptions. It means transforming our classrooms, through technology, into classrooms of the future. Education reform means making it possible for kids who learn more slowly to keep up through additional learning time -- perhaps a longer school day or school on Saturday, or for part of the summer. It means enlisting an army of mentors -- business and professional people, retirees and others -- to invest an hour or two weekly in a school to work one-on-one with kids desperate for adult advocates and for positive role models.

The New Directions component of education reform means introducing rigorous standards of what students should know and be able to do at various grade levels in core subjects like math, science, English, and social studies; regularly assessing -- or measuring -- students performance to determine how close they come to meeting those rigorous standards; and overhauling our curriculum and lesson plans so that what teachers are teaching in classrooms coincides more closely with what graduates are expected to know and be able to do.

New Directions means holding schools accountable for improvement in the ability of their students to meet those higher standards. It means giving the teachers, principals, and parents at individual schools greater discretion in determining what works best in their own school to enable their students to meet the rigorous standards being set for kids.

While education reform in Delaware has many components, the central one is setting rigorous standards of what students should know and be able to do.

The difficult job of developing world-class standards has fallen on the shoulders of several hundred of our best teachers, scientists, businesspeople and parents throughout our state. We are in their debt. They have labored diligently for well over a year, developing consensus and producing the cornerstone of our education reform initiative -- standards -- what we expect students to know and be able to do in math, science, social studies and English. It is upon this foundation that the revitalization of our education system will now be built.

Not all of the several hundred Delawareans who have worked to build this consensus could be here today. Representing their colleagues are the co-chairs of the science standards commission, Rachel Woods, a science teacher from Small Delmar High School in Sussex County, and Joe Miller, a leading DuPont Company scientist.

We are blessed in Delaware with thousands of dedicated, hardworking, innovative teachers like Rachel Woods. They do their dead-level best every day to prepare young people to lead productive lives. They work with kids who have every opportunity in life, and they work with kids who endure lives of abuse and neglect. They welcome caring and concerned parents as partners in the education of their children, and they serve in many cases as surrogate parents, as role models, as mentors for kids who have no one else in their lives. Those teachers, each of them, have my fullest respect and my deepest thanks. I know they have yours, as well.

But, the world in which we compete has changed since many of us were in school. Our schools must also change in order to enable the next generation to survive in the 21st Century and to prosper in it.

As each of us knows, change is not easy. Soon our teachers will struggle in the months ahead as we raise expectations for what we expect their students to know and be able to do. Some teachers will find the way they were taught to teach may no longer be appropriate.

More and more, students will be expected to read challenging passages and to understand them. To solve practical, sometimes complex, problems and to solve them. To write narratives that are clear and concise, correctly spelled and properly punctuated.

Our state must support classroom teachers and principles in implementing the standards by involving them in curriculum and lesson development based on those standards; providing them with quality professional and staff development opportunities; and boosting funding for important classroom instructional materials and school technology. Helping our teachers implement the standards will help our students. Better teaching means better learning.

It seems to me that every five years or so, some new fad comes along in education in this country. After a while, it fades away and is replaced by another new fad.

There are no quick fixes in education. New Directions is no fad. The setting of rigorous standards of what students should know and be able to do in core subjects is no fad in education in Delaware. Nor is an emphasis on safety and discipline, on early childhood education, on parental involvement, technology, or monitoring or on easing the transition from school to work. They are all common sense.

The states which will enjoy the highest standards of living in the next century are those which develop the most productive workforce in this country so that businesses can compete effectively in a challenging world marketplace. Our employers want -- we want -- employees who can read, who can write, who can think, who are computer literate, and who will provide a day's work for a day's pay. We have an obligation to provide that workforce for Delaware, and that's exactly what we are going to do.

#### CRIME

Just as safe schools are a critical part of our good education system, safe communities are critical to our quality of life.

Delaware is fortunate to be a safer place to live than many other states. But crime is still a major concern that hinders our efforts to build strong communities where people can live without fear.

During the past two years, Delaware strengthened its ability to protect citizens against crime. With the help of you in the General Assembly, we increased mandatory sentences for criminals who commit crimes with guns. We made it harder to purchase handguns illegally, and we passed laws to keep guns out of the hands of children. The General Assembly enacted legislation to make sure that people with criminal records don't work in our schools, to ensure that school crimes get reported to the police, and to get disruptive students out of regular classrooms and into programs where they can receive special help.

To better ensure that when prisoners get out of jail they are less likely to commit more crime, over the past two years we've tripled in this the number of inmates earning their high school degrees. More prisoners are also receiving drug and alcohol treatment, and learning valuable job skills through an expanded Prison Industries program.

In 1995, my Administration will advocate further measures to fight crime and keep violent prisoners in jail where they belong.

In my budget next week, I will propose putting more police on the street and giving them modern crime fighting tools using advanced technology. I will propose using funds from the Biden Crime Bill and the State's capital budget to construct maximum security prison space to keep violent criminals behind bars. We should also build a tough boot camp to give first-time non-violent offenders a taste of no-frills incarceration, strict discipline, and effective drug treatment -- before they become hardened criminals.

My legislative agenda includes a bill to make violent criminals serve at least 85 percent of their sentence. It's time, also, to deter prisoners from filing frivolous lawsuits that waste thousands of hours or prosecutor time and taxpayer dollars. We also propose to crack down harder on drunk driving through legislation providing zero-tolerance for teenage drunk drivers and increases penalties for drunk drivers who have children in their car.

I look forward to working with the General Assembly this year to enact this strong anti-crime agenda.

#### WELFARE REFORM

The final part of Building Delaware's Future that I went to discuss with you today is welfare reform. We shouldn't be surprised that while most welfare recipients want to work, too many of them, when faced with a choice between remaining on welfare or accepting a minimum wage job, choose welfare.

Too often, a perverse system of incentives has led those "on the dole" to remain there.

Why work? To gain the right to pay income and social security taxes:

Why work? To lose your family's health care and, possible, food stamps:

Why work:

And to top it all off, who's going to take care of your kids while you're working:

For years, Delaware has been on the forefront of welfare reform efforts. Today, Delaware steps once again into the national stage with a bold new plan that will give true meaning to the phrase: ending welfare as we know it.

Our plan, called A Better Chance, has five key principles: 1) Work should pay more than welfare; 2) welfare recipients must act responsibly in exchange for benefits; 3) welfare should be a temporary measure to get a family back on its feet -- with real time limits; 4) both parents must be responsible for raising and supporting their children; and 5) the establishment and maintenance of two-parent families must be encouraged -- and teenage pregnancy strongly discouraged.

Making work pay more than welfare is critical. A Better Chance will allow welfare parents who take and entry-level job to keep part of their benefits. It encourages full use of the federal earned income tax credit, and addresses the two most critical barriers to private-sector employment for poor families -- access to child care and health care.

A Better Chance will help welfare recipients find jobs, too. Private sector jobs. The Departments of Labor and Economic Development and the new Delaware Workforce Development Council will work closely with the private sector to remove the training, transportation, and child care barriers that often impede the employment of welfare recipients.

Second, we will require welfare recipients to enter into a contract of mutual responsibility with the state and its taxpayers.

Delawareans are generous people. We want to extend a helpful hand to those who are struggling to become self-sufficient. But we need to make something very clear: We have a right to expect personal responsibility and accountability from all able-bodied citizens. That includes welfare recipients, too.

We expect welfare recipients to cooperate fully in establishing paternity, as well as to complete parenting classed and family planning that is offered. We expect them to take full advantage of the educational and job training opportunities we provide. Take the job that is offered, even it's minimum wage job. Work that job and prepare for a better-paying one. Make sure their kids are in school and immunized.

If welfare recipients do these things, we will help them succeed. Those who do less will bear the consequences of their own inaction. Real sanctions will discourage recipients from shirking their responsibilities.

A contract of mutual responsibility is closely linked to the third key element of A Better Chance -- that welfare should not become a way of life. Almost one-third of Delaware's welfare recipients collect benefits for more than five years.

By 1997, there will be a two-year time limit for every welfare recipient age 19 or older. If the recipient has not secured private-sector employment by the end of that time limit, the state will enable that person to take a workfare job and earn their welfare check for a maximum of two more years.

In 1999, the welfare system will be totally overhauled. At that time, new welfare applicants who can't find jobs will be permitted to work in workfare jobs for a maximum of two years, to earn their welfare check. No able-bodied person in Delaware will receive a welfare check if he or she refuses to work.

The fourth element of A Better Chance will hold both parents accountable for providing financial support for their children. Mothers must cooperate with paternity establishment as a condition of eligibility. Young fathers will be required to participate in job training, job search and parenting programs, and child support orders against them will be strengthened.

The final element of A Better Chance is the most controversial. It seeks to undo the perverse effect of the current welfare system that discriminates against two-parent families.

A Better Chance provides incentives for people to get married, pool their incomes, and share child-rearing responsibilities. In the short-term, we will eliminate federal welfare rules which penalize intact

families. In the long term, the current welfare system will be scripted in favor of a system that supports working two-parent families, through forward-funding of the EITC and help with child and health care.

However well-intended, current government policies have subsidized teen pregnancy. For that reason, our plan will end welfare payments to teen mothers. In 1999, we will continue to provide the child care, health care, and other services to keep teen mothers in school and finish their education. But cash benefits will end.

Even sooner, I propose to impose a family cap that will deny increased cash benefits to families that have additional children within ten months after they begin receiving welfare. How do we explain that a person who works every day at General Motors, Playtex, or at Perdue, and has baby gets no increase in their paycheck, but a welfare recipient who has another child does? It's a double-standard that should be changed, and we're going to change it.

Even with these steps, we still need to do far more to convince teenagers to postpone the age at which they become sexually active. Through an Alliance Against Teenage Pregnancy -- a new partnership of churches and synagogues, businesses, of community organizations, and of parents -- we will initiate a grassroots community and multimedia outreach campaign in 1995 and launch a sustained assault on teen pregnancy. Our goal: to convince teenagers to avoid becoming pregnant and, just as important, to avoid making someone pregnant.

Making "A Better Chance" work will require the support of this 138th General Assembly, and a comprehensive waiver from Washington. With that in mind, I will personally deliver this waiver request to President Clinton later this month in Washington, and ask for its swift approval.

CLOSE

Let me end by returning to the day I became your governor. I said then that we wanted "to leave as our legacy a state where the dedication to the pursuit of excellence is so strong that we are able to succeed where others have not."

\* \* \* \* \*

Lt. Governor Minner thanked Governor Carper for his speech and requested that the escort party that arrived with the Governor escort the Governor back to his executive office.

Senator Sharp moved that the Secretary of the Senate and the Chief Clerk of the House compare their journals to see if they agree.

The Secretary of the Senate announced that he and the Chief Clerk of the House compared their Journals and found that they agreed.

At 2:55 p.m. on motion of Senator Sharp, the Joint Session was adjourned and the two Houses separated to reconvene in their respective Chambers.

Mr. Acting Speaker Oberle called the House to order at 3:22 p.m.

The Majority Leader moved to adjourn at 3:23 p.m., thereby ending the current Legislative Day. The House reconvened at 3:24 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

Representative Fallon introduced guests.

The following prefiled legislation was introduced:

**HB 30** - DAVIS, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MARONEY, ULBRICH, BANNING, BRADY, BUNTING, GEORGE, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST; SENATORS SORENSON, BAIR, CONNOR, HAUGE, SOKOLA -

CORR: An Act to Amend Title 11 of the Delaware Code Relating to Inmate Furloughs.

**HB 31** - OBERLE, SMITH; SENATOR SHARP - R & F: An Act to Amend Title 30 of the Delaware Code, Relating to Personal Income Tax of Resident Individuals.

**HB 32** - OBERLE; SENATOR SHARP - LABOR: An Act to Amend Title 29, Delaware Code, by Adding Thereto a New Chapter Authorizing a Leave of Absence With Pay for State Employees Participating in Specialized Disaster Relief Services for the American Red Cross. (2/3 bill)

**HB 33** - OBERLE & SENATOR SHARP - JUD: An Act to Amend Chapter 3, Title 11 of the Delaware Code Relating to Proving and Disproving Criminal Guilt.

**HB 34** - OBERLE; SENATOR SHARP - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

**HB 35** - OBERLE; SENATOR SHARP - ED: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Reorganization of School Districts.

**HA 1 to HB 2** - WAGNER & EWING - AGENDA: Placed with the bill.

Representative DiLiberto requested that he be marked present.

The Majority Leader moved to recess for caucus at 3:28 p.m.

The House reconvened at 5:00 p.m. with Representative Quillen as Acting Speaker.

Representatives Gilligan, B. Ennis, Roy & Spence requested that they be marked present.

Mr. Acting Speaker Quillen reassigned SCR 1 to the Transportation & Infrastructure Committee.

Representative Reynolds requested that he be marked present.

Representative Petrilli deferred to Representative Smith.

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

Representative Smith brought SB 1 w/SA 1, sponsored by Senators Cordrey, Adams, Voshell, McBride, Cook, Vaughn & Bonini, before the House for consideration

SB 1 - An Act to Amend Title 30 of the Delaware Code Relating to the Public Utility Tax. (F/N)

Representatives Smith, Davis, George, Gilligan, Smith & Davis made comments.

Representative Smith requested and was granted the privilege of the floor for Sarah Jackson, Secretary of Finance.

Representative Gilligan made comments.

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

YES: 40.

ABSENT: Representative D. Ennis - 1.

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

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

Representative Petrilli deferred to Representative Oberle.

Mr. Speaker Spence resumed the Chair.

Representative Oberle brought HB 2, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 2 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registration.

Representative Oberle made comments.

Representative Wagner brought HA 1 to HB 2, jointly sponsored by Representative Ewing, before the House for consideration.

Representative Wagner made a comment.

HA 1 to HB 2 was adopted by voice vote.

Representatives Oberle, Bunting & Ewing made comments.

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

YES: 40.

NO: Representative Jonkiert - 1.

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

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HJR 2, jointly sponsored by Senator Sokola & Representatives Petrilli, Buckworth, Carey, Smith, Welch, Oberle, Reynolds, Spence, Stone, Fallon, Maier, Davis, Cloutier, Wagner, Capano, DiPinto, D. Ennis, Boulden, Lee, Lofink, Ewing, Ulbrich, Banning, Houghton, DiLiberto, B. Ennis & Plant & Senators Sorenson, Bair, Hauge & Henry, before the House for consideration.

HJR 2 - Creating a Public School Election Task Force to Study and Report on the Optimal Method for Conducting Elections of Public School Boards and School Tax Referenda.

Representative Maroney made comments.

The roll call on HJR 2 was taken and revealed:

YES: 40.

NOT VOTING: Representative Brady -1.

Therefore, having received a constitutional majority, HJR 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on HB 19 be Deferred to a Day Certain, Thursday, January 26, 1995.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 17 before the House for consideration.

HB 17 - An Act to amend Chapter 5, Subchapter VII, Subpart E. Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representative VanSant made a comment.

The roll call on HB 17 was taken and revealed:

YES: 41.

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

Representative Petrilli deferred to Representative Bunting.

Representative Bunting brought HCR 1, jointly sponsored by Representative Schroeder, before the House for consideration.

HCR 1 - Creating a Task Force for Purposes of Identifying and Evaluating Economically Efficient and Environmentally Prudent Approaches to Replenishing the Eroding Beaches Along Delaware's Coastline.

Representative Bunting made a comment.

HCR 1 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Caulk.

Representative Caulk deferred to Representative Carey.

Representative Carey brought SB 2, jointly sponsored by Senator Adams, Cordrey, Voshell, Venables, Cook, Vaughn, Bonini & Still & Representatives West, Ewing & Welch, before the House for consideration.

SB 2 - An Act to Amend Part II of Chapter 21, Title 21, Delaware Code Relating to Special Farm Vehicle Registration.

Representative Carey made a comment.

The roll call on SB 2 was taken and revealed:

YES: 40.

NOT VOTING: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 2 was returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 5, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 5 - An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Uniform Controlled Substances Act.

Representative Oberle made comments.

The roll call on HB 5 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 5 was sent to the Senate for concurrence.

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

HCR 3. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli introduced & brought HCR 3, jointly sponsored by Senator Sokola on Behalf of All Representatives and Senators, before the House for consideration.

HCR 3 - Urging Congress to Include as Part of Any Balanced Budget Amendment, Certain Constitutional Protections for the States.

Representatives Petrilli & DiPinto made comments.

HCR 3 was adopted by voice vote and sent to the Senate for concurrence.

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

Representatives Oberle, George & Gilligan made comments.

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

Representative D. Ennis made a comment.

Representative Welch was granted personal privilege of the floor for to announce a Rules Committee Meeting.

The Majority Leader moved to recess to the call of the Chair at 5:36 p.m.

7TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 24, 1995

Mr. Acting Speaker Quillen called the House to order at 2:11 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 3 & SB 12.

Representative Roy made an announcement.

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.

The Chief Clerk called the roll:

Members Present: 41.

Representatives VanSant & Carey requested that they be marked present.

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

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

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

The following prefiled legislation was introduced:

**HB 36** - DAVIS, BOULDEN, BUCKWORTH, CAPANO, CAREY, D. ENNIS, DIPINTO, FALLON, LOFINK, MACK, MARONEY, OBERLE, REYNOLDS, STONE, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, GEORGE, GILLIGAN, HOUGHTON, PLANT, SCHROEDER, VANSANT & WEST; SENATORS SOKOLA, BAIR, CONNOR, HAUGE, REED & SORENSON - SMALL BUS: An Act to Amend Title 21 of the Delaware Code Relating to Mobile Retail Businesses. (2/3 bill)

**HB 37** - DAVIS, D. ENNIS, DIPINTO, FALLON, LOFINK, MARONEY, SMITH, BRADY, BANNING, BUNTING, GEORGE, HOUGHTON, PLANT, WEST, SCOTT, SCHROEDER; SENATORS MCDOWELL, HENRY, REED - JUD: An Act Proposing an 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 38** - DAVIS, ULBRICH, MAIER, CAPANO, EWING, MARONEY, STONE, WELCH, LEE, SMITH, BUCKWORTH, LOFINK, REYNOLDS, SPENCE, DIPINTO, B. ENNIS, CAREY, QUILLEN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

**HB 39** - GILLIGAN & SENATOR SHARP - H/ADM: An Act to Amend Chapter 214, Volume 65, Laws of Delaware, as Amended, Being the Charter of the Town of Newport. (2/3 bill)

**HB 40** - WEST, EWING, HOUGHTON, LEE, CAULK, B. ENNIS, BUCKWORTH, PLANT, VANSANT, BANNING, DILIBERTO, QUILLEN, SCHROEDER, SPENCE; SENATORS ADAMS, VAUGHN, VOSHELL, CORDREY - NAT RES: An Act to Amend an Act to Amend §508 and §518, Title 7 of the Delaware Code Relating to License Fees for Nonresidents. (3/5 bill)

**HB 41** - WEST, BANNING, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, B. ENNIS, D. ENNIS, EWING, GILLIGAN, LEE, LOFINK, PLANT, REYNOLDS, SMITH, VANSANT - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code Relating to Dogs Crossing on Property of Others During a Hunt.

**HB 42** - BANNING, BOULDEN, BRADY, BUCKWORTH, CAREY, DAVIS, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, JONKIERT, LOFINK, PLANT, QUILLEN, STONE, VANSANT, WAGNER & WEST; SENATORS BLEVINS, COOK, HAUGE, HENRY, REED, VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 27, Title 25 of the Delaware Code Relating to Mechanics' Liens.

**HB 43** - DILIBERTO, BANNING, BOULDEN, BRADY, BUCKWORTH, BUNTING, CAPANO, CAULK, CLOUTIER, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, LEE, MAIER, WELCH, PLANT, QUILLEN, SCHROEDER, SCOTT, SMITH, ULBRICH, VANSANT, WEST; SENATORS AMICK, BLEVINS, BONINI, COOK, HAUGE, HENRY, MCDOWELL, REED, SOKOLA, SORENSON, VENABLES - JUD: An Act to Amend Chapter 92, Title 10 of the Delaware Code Relating to Justices of the Peace.

**HB 44** - VANSANT & SENATOR MCBRIDE; REPRESENTATIVE GILLIGAN - ED: An Act to Amend Section 1066, Chapter 10, Title 14 of the Delaware Code Relating to School Boards.

**HB 45** - BUNTING, CAULK, WELCH - H/ADM: An Act Proposing an Amendment to the Delaware Constitution Relating to Term Limitations for State and Federal Legislators and Other Elected State Officials. (2/3 bill)

**HA 1 to HB 3** - OBERLE: P/S: Placed with the bill.

**HA 1 to HB 16** - OBERLE: P/S: Placed with the bill.

**HA 1 to HB 19** - OBERLE: DEFERRED: Placed with the bill.

**HA 2 to HB 19** - OBERLE: DEFERRED: Placed with the bill.

**HA 3 to HB 19** - OBERLE: DEFERRED: Placed with the bill.

**SB 3** - CORDREY & STILL: P/S: An Act to Amend Title 21, Delaware Code Relating to Special License Plates.

**SB 12** - CORDREY, SHARP, MARSHALL, BAIR, CONNOR; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN; SENATORS MCDOWELL, HENRY, HAUGE, SORENSON, AMICK, REED, MCBRIDE, VAUGHN, COOK, STILL, VOSHELL, ADAMS, VENABLES; REPRESENTATIVES PLANT, DIPINTO, JONKIERT, D. ENNIS, SMITH, BRADY, BANNING, MARONEY, CLOUTIER, CAPANO, VANSANT, REYNOLDS, HOUGHTON, MACK, ROY, BOULDEN, OBERLE, ULBRICH, LOFINK, B. ENNIS, WELCH, WAGNER, STONE, BUCKWORTH, EWING, CAREY, SCHROEDER, BUNTING, FALLON, LEE, WEST - H/ADM: An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates.

Representative Wagner requested that she be marked present.

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

The House reconvened at 4:16 p.m.

Representatives Brady, West, Jonkiert, Oberle, Davis, George, Gilligan, Smith, Mack & Lofink requested that they be marked present.

The Reading Clerk read the following communication into the record:

January 24, 1995



**LEGISLATIVE ADVISORY #1**

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

1/23/95 - SJR 1, SJR 2 & HJR 1.

Representative Buckworth was granted personal privilege of the floor for the introduction of a guest.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 4 before the House for consideration.

HB 4 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure. (2/3 bill)

Representative Oberle introduced and brought HA 1 to HB 4 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

Representatives Oberle, Wagner, George, Oberle & Houghton made comments.

Representative Oberle requested and was granted the privilege of the floor for Dave Boswell, House

Attorney.

Representatives Houghton, Oberle & West made comments.

The roll call on HB 4 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 4 w/HA 1 was sent to the Senate for concurrence.

Representatives Reynolds & Spence requested that they be marked present during the roll call.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli deferred to Representative Quillen.

Representative Quillen brought HB 11, jointly sponsored by Representative DiPinto & Senator Connor, before the House for consideration.

HB 11 - An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper, Frame Rail and Body Heights. (2/3 bill)

Representative Quillen introduced and brought HA 1 to HB 11 before the House for consideration.

Representative Quillen made a comment.

HA 1 to HB 11 was adopted by voice vote.

Representatives Quillen, Ewing, Schroeder, Brady & B. Ennis made comments.

The roll call on HB 11 w/HA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Brady - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 11 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Mack.

Representative Mack brought HB 10, jointly sponsored by Senator Connor & Representatives Buckworth, Davis, Reynolds, Smith, Brady & Houghton, before the House for consideration.

HB 10 - An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes.

Representatives Mack, George, Wagner, Ewing, D. Ennis & DiPinto made comments.

The roll call on HB 10 was taken and revealed:

Representative Mack made a comment.

YES: 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority, HB 10 was sent to the Senate for concurrence.

Mr. Speaker Spence & Representatives Petrilli, Caulk & D. Ennis made announcements.

The Majority Leader moved to recess to the call of the Chair at 4:58 p.m.

8TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 25, 1995

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

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative George - 1.

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

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

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

The following prefiled legislation was introduced:

**HB 46** - DAVIS, SPENCE, PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DIPINTO, EWING, LEE, LOFINK, MACK, MAIER, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST; SENATORS COOK, VAUGHN, SORENSON, STILL - ECON DEV, B & I: An Act to Amend Title 16, Delaware Code, to Permit the Establishment and Maintenance of Medical Savings Accounts; to Provide Penalties and Remedies; to Exempt Contributions From Taxation; and to Prescribe the Requirements of and Restrictions On Medical Savings Accounts.

**HB 47** - GILLIGAN, BOULDEN, BUCKWORTH, BUNTING, CAULK, DAVIS, DIPINTO, EWING, HOUGHTON, JONKIERT, LOFINK, MACK, OBERLE, REYNOLDS, ROY, WELCH, WEST; SENATORS AMICK, HAUGE - P/S: An Act to Amend Section 4177, Title 21 of the Delaware Code, Relating to Penalties for a Third Conviction of Driving Under the Influence.

**HA 1 to HB 21** - EWING - P/S: Placed with the bill.

**HA 1 to HB 28** - HOUGHTON - CORR: Placed with the bill.

**HR 9** - WAGNER - SM BUS: Creating a Family Day Care Task Force to Study and Report on Proposals to Permit Family Day Cares in Residential Areas.

**SB 15 w/SA 1** - ADAMS, VAUGHN, SHARP & BAIR; REPRESENTATIVES SPENCE & EWING - P/S: An Act to Amend Chapter 43, Title 29 of the Delaware Code Relating to the Appointment of Notaries for Police Agencies.

**SB 31** - COOK & REPRESENTATIVE GEORGE; SENATORS HENRY & MCDOWELL; REPRESENTATIVE DIPINTO - H/ADM: An Act to Amend the Statutory Provisions of §106 (a), Title 13, of the Delaware Code Relating to the Marriage of Elizabeth Bingham and Scott Douglas.

Representatives Wagner & Quillen were granted personal privilege of the floor for the introduction of guests.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #1

DATE: January 25, 1995

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

| Number  | Sponsor  | Presentation Date | Type | Description                                                                  |
|---------|----------|-------------------|------|------------------------------------------------------------------------------|
| H138-1  | D. Ennis | 11/12/94          | T    | Mary L. Fulks/50 Yrs<br>Ded. Serv./Ladies Aux.                               |
| H138-2  | Carey    | 11/15/94          | T    | Brandywine Hundred Co.<br>David A. Espie, Jr. Gov./<br>KiwanisClubs/Visit    |
| H138-3  | Brady    | 11/16/94          | T    | Mary Ann Brady Kennedy<br>/50th Birthday                                     |
| H138-4  | Banning  | 11/19/94          | T    | Middletown High Football<br>Team/Flight "B"                                  |
| H138-5  | Fallon   | 11/14/94          | T    | John Burton/Friend of<br>Ed./ Seaford                                        |
| H138-6  | Fallon   | 12/04/94          | T    | Michael Lynch/Eagle Scout                                                    |
| H138-7  | West     | 11/29/94          | T    | Shawn E. Johnson/Young<br>Farmer Achievement Award                           |
| H138-8  | Quillen  | 11/29/94          | T    | Kristie Failing/95' DE<br>Farm Bureau Queen                                  |
| H138-9  | Quillen  | 11/29/94          | T    | DE Farm Bureau/50th<br>Anniv./1944-1994                                      |
| H138-10 | Carey    | 11/29/94          | T    | Rueben Ockels Family<br>/Family of Year/Farm Bureau                          |
| H138-11 | Caulk    | 11/29/94          | T    | Rep. Donald M. Clark/<br>/Serv. To Ag.                                       |
| H138-12 | VanSant  | 11/29/94          | M    | John Michael Dougherty,<br>Sr.                                               |
| H138-13 | B. Ennis | 11/12/94          | M    | Franklin E. Derrickson                                                       |
| H138-14 | B. Ennis | 11/17/94          | T    | Manny Martinez/Outstanding<br>Paralegal Award                                |
| H138-15 | Capano   | 12/5/94           | T    | Hon. Andrew G. Knox/<br>Distinguished Career                                 |
| H138-16 | Fallon   | 11/27/94          | T    | Elizabeth Phillips/Ruff<br>Written History/Blades<br>United Methodist Church |

T - Tribute

M - Memoriam

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

Representative Ulbrich introduced and brought **HCR 4**, jointly sponsored by Senator Bair & Representatives Spence, Petrilli, Quillen, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & Senators Adams, Blevins, Cook, Marshall, McBride, McDowell, Sokola, Vaughn, Venables, Voshell, Amick, Bonini, Connor, Hauge, Henry, Reed, Sorenson & Still, before the House for consideration.

**HCR 4** - Celebrating the 75th Anniversary of the League of Women Voters.

WHEREAS, February 14, 1995, marks the 75th Anniversary of the founding of the League of Women Voters of the United States; and

WHEREAS, the League of Women Voters was founded in 1920 to help 20 million new women voters carry out their new responsibilities of using their voice in the ballot box; and

WHEREAS, the history of the Delaware Chapter of the League of Women Voters began in 1921, when Mrs. A.D. Warner of Wilmington was President; and

WHEREAS, early in its history the Delaware Chapter achieved distinction through its support of new school construction throughout the State and through forcing the abolition of child labor within the State; and

WHEREAS, the League of Women Voters has provided nonpartisan information on candidates and issues for elections, encouraged voter registration and informed voting, helped generations of voters understand the structure and function of government, provided balanced information on public policy of citizens and worked to achieve government policies that promote public interest, and

WHEREAS, the League of Women Voters in Delaware was established and recognized by the National Chapter in 1958 to promote the National Chapter's goals within our First State;

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 138th General Assembly of the State of Delaware, the Senate concurring therein, that we recognize the contributions made by the League of Women Voters of the United States over the past 75 years and we offer heartiest congratulations to the members of this organization on the occasion of this anniversary and extend our best wishes for the continued success of the League in the future.

BE IT FURTHER RESOLVED that six suitably prepared copies of this Resolution be given to Carole Walsh, President, Delaware Chapter, League of Women Voters.

**HCR 4** was adopted by voice vote and sent to the Senate for concurrence.

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

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

The House reconvened at 4:34 p.m.

Representatives Mack & Oberle requested that they be marked present.

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

H/ADM: **HB 32** - 5M; **SB 31** - 4M.

JUD: **HB 43** - 4F,4M.

P/S: **HB 21** - 8M; **SB 3** - 8M; **SB 15 w/SA 1** - 7M.

NAT RES: **HB 40** - 3M; **HB 41** - 3M.

CORR: **HB 28** - 1F,6M; **HB 30** - 7M.

TRANS & INFRA: **SCR 1** - 3F,3M.

Mr. Speaker Spence introduced a guest.

Representative Reynolds requested that he be marked present.

Mr. Speaker Spence introduced a guest.

The following prefiled Consent Calendar #2 was introduced:

**HR 10** - JONKIERT & D. ENNIS - Extending the Date By Which the Task Force Established to Study the Problem of Uninsured Motorists in the State of Delaware is to Issue Its Written Report.

**HCR 5** - VANSANT & SENATORS MCBRIDE, BLEVINS & REPRESENTATIVES HOUGHTON, SCOTT, GILLIGAN - Congratulating Frank Lindell, Sr. Upon His Receipt of the Member of the Year Award From Five Points Fire Company, No. 1.

Consent Calendar #2 was adopted by voice vote and **HCR 5** was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon introduced **HB 48**, jointly sponsored by Senator Venables.

**HB 48** - An Act to Amend Title 14 of the Delaware Code Relating to Reading or Reciting Words From the Declaration of Independence as a Daily Classroom Activity in Public Schools. (2/3 bill)

Mr. Speaker assigned **HB 48** to the Education Committee.

Representative Petrilli introduced & brought **HJR 3**, jointly sponsored by Representatives Maroney, Roy & Senators Adams, Cordrey & Connor & Representatives Quillen, Spence, Boulden Buckworth, Capano, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Smith, Stone,

Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & Senators Blevins, Cook, Sokola, Vaughn, Venables, Voshell, Amick, Bair, Bonini, Hauge, Henry, Reed, Sorenson & Still, before the House for consideration.

HJR 3 - Calling for a Conference of the States to be Promoted and Convened by the Council of State Governments for the Purpose of Restoring Balance in the Federal System and Appropriating Monies Therefor. Representative Petrilli made a comment.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HJR 3. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli moved to place HJR 3 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 4:45 p.m.

9TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
January 26, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 29, SJR 3, SB 15 w/SA 1, SB 23, SB 31 & SJR 4.

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

SUBS ABUSE: HB 14 - 4F,3M.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current Legislative Day. The House reconvened at 2:30 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Jane Maroney, Tenth Representative District.

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

Representative Gilligan made comments.

The following communication was made a part of the record at the request of Representative Gilligan:

November 15, 1994

The Honorable Robert F. Gilligan

2628 Sherwood Drive

Sherwood Park

Wilmington, DE 19808

RE: David J. Trone

---

Dismissal of Pennsylvania Criminal Charges

Dear Bob:

I represent David J. Trone, the principal owner of Delaware's two Liquor World stores. As you may recall, either from newspaper accounts or discussions with me, in the spring of 1992 the Attorney General of Pennsylvania brought a number of criminal charges against Mr. Trone, his wife, and his brother, among others.

All of those criminal charges grew out of the relationships between Mr. Trone's consulting company, Retail Services & Systems, Inc. (RS & S), and the large, independently owned Pennsylvania retail beer distributors for which RS & S furnishes accounting and marketing services. The real reason underlying the charges, we believe, was the petty jealousy and fear of smaller but influential Pennsylvania retail beer distributors resistant to competition and change.

Throughout the course of the criminal case, Mr. Trone and his attorneys argued that the charges had no legal basis and were improperly motivated. After two and a half years and an enormous expenditure of Mr. Trone's and the Pennsylvania taxpayers' money, Dauphin County Court of Common Pleas Judge Joseph H. Kleinfelter, himself a former prosecutor, agreed. In a major decision on various pre-trial motions, Judge Kleinfelter dismissed the vast majority of the charges outright. He said that "...the [Attorney General's] strained interpretations of the law certainly amount to prosecutorial overreaching." Shortly after that decision on the pre-trial motions, Judge Kleinfelter entered an order dismissing all of the charges against all of the defendants. That order of dismissal was a complete vindication of Mr. Trone. Unfortunately, the improper and unsuccessful prosecution not only cost Mr. Trone enormous legal fees but also may have tarnished his reputation in the eyes of people like you who were concerned about the very pendency of the criminal charges.

Mr. Trone has been pleased that the Delaware Alcoholic Beverage Control Commission has dealt fairly with him. Moreover, he is especially gratified that the DABCC views its proper role as the regulation of alcohol, the product, and not alcohol, the business. The anti-competitive forces in Pennsylvania which led to

the baseless criminal charges should find no home in Delaware. In fact, the two Liquor World locations are growing steadily as they continually strive better to meet the needs of Delaware's consumers.

By the way, you may be interested to learn that Mr. Trone and his brother Robert were recently approved by the New Jersey Alcoholic Beverage Control Commission to open a huge (23,000 square feet) package store adjacent to the Cherry Hill Mall. That store opened today for the holiday season.

I have appreciated your interest in Mr. Trone and the charges lodged against him in Pennsylvania. The filing of the criminal charges got a lot of attention; their dismissal got almost none. I thought you might like to learn first hand about the end of that saga. If you have any questions, please feel free to give me or Mr. Trone (412/672-3036) a call.

In the meantime, we wish you a happy holiday season.

Very truly yours,

Richard D. Kirk

Morris, James, Hitchens & Williams

RDK:mh

cc: Mr. David J. Trone

The following prefiled legislation was introduced:

HB 49 - ROY - LABOR: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 50 - (Reserved)

HB 51 - BUCKWORTH, OBERLE; SENATORS BLEVINS, SOKOLA - JUD: An Act to Amend Chapter 2, Title 11, Delaware Code, Relating to Time Limitations for Certain Offenses.

HA 4 to HB 19 - OBERLE - AGENDA: Placed with the bill.

HA 5 to HB 19 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 35 - OBERLE - ED: Placed with the bill.

SB 23 - CORDREY, SHARP, MARSHALL & REPRESENTATIVES GEORGE, GILLIGAN; SENATORS ADAMS, BLEVINS, COOK, MCBRIDE, MCDOWELL, SOKOLA, VAUGHN, VENABLES, VOSHALL; REPRESENTATIVES BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, HOUGHTON, JONKIERT, SCHROEDER, SCOTT, VANSANT, WEST - R & F: An Act to Amend Title 30 of the Delaware Code With Regard to Personal Income Tax. (F/N)

SB 29 - BLEVINS; REPRESENTATIVE CLOUTIER; SENATOR MCBRIDE; REPRESENTATIVE PETRILLI - H/ADM - An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

SJR 3 - SHARP & SOKOLA & REPRESENTATIVES ROY & MAIER; SENATORS BLEVINS, MARSHALL, MCBRIDE, MCDOWELL, SORENSON; REPRESENTATIVES CAPANO, CLOUTIER, DIPINTO, PETRILLI, GEORGE, GILLIGAN, JONKIERT, PLANT, SCOTT, VANSANT - ED: Authorizing the Payment of a Reward of \$10,000 to Any Person or Persons Providing Information Resulting in the Arrest and Conviction of Those Responsible for the Recent Fire at John Dickinson High School.

SJR 4 - SHARP, COOK, AMICK, BAIR; REPRESENTATIVES DAVIS, GEORGE, GILLIGAN - R & F: Memorializing the Intent of the 138th General Assembly in the Matter Relating to Tax Cuts in FY 1995 and FY 1996.

The following prefiled legislation II was introduced:

HB 52 - QUILLEN - JUD: An Act to Amend Title 11 Delaware Code, Relating to Trading in Human Remains and Associated Funerary Objects. (2/3 bill)

HB 53 - OBERLE; SENATOR MARSHALL - LABOR: An Act to Amend Section 6903(a)(2), Title 29 of the Delaware Code Relating to Public Works Contracts.

HB 54 - CAREY, BUNTING & SENATOR ADAMS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, BUCKWORTH, CAPANO, CAULK, CLOUTIER, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, REYNOLDS, WELCH, BANNING, BRADY, B. ENNIS, HOUGHTON, JONKIERT, PLANT, SCHROEDER, WEST; SENATORS COOK, CORDREY, VAUGHN, VENABLES, AMICK, BONINI, STILL - AG: an Act to Amend Title 3 and Title 30 of the Delaware Code to Provide Additional Benefits to Owners of Real Property Who Place Qualifying Real Property Into Agriculture Preservation Districts, and a Recording Cost Exemption.

HB 55 - PETRILLI SPENCE, BOULDEN, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT & WEST; SENATORS MARSHALL, VAUGHN, BAIR, BONINI, CONNOR, HAUGE, HENRY, REED, SORENSON & STILL - H/ADM: An Act to Amend Title 29, Delaware Code Relating to Accountability and Establishing Priorities in the State Government Regulatory Process.

**HB 56** - PETILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, HOUGHTON, JONKIERT, PLANT, VANSANT & WEST; SENATORS SOKOLA, BONINI, HAUGE, HENRY, REED, SORENSON & STILL - R & F: An Act Proposing an Amendment to Article VIII of the Delaware Constitution of 1897, as Amended, Relating to Revenue and Taxation. (2/3 bill)

**HB 57** - OBERLE, BUCKWORTH, DAVIS, MARONEY, ROY, SMITH, WAGNER; SENATORS SOKOLA, AMICK, BAIR, SORENSON - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road. (2/3 bill)

**HB 58** - BUCKWORTH & SENATOR SOKOLA; REPRESENTATIVES SPENCE, EWING, REYNOLDS, WAGNER; SENATORS VOSHELL, BONINI - ED: An Act to Amend Title 11 and Title 14 of the Delaware Code Relating to Arrest Without Warrant and to Reporting of the Criminal Activity of Students.

**HB 59** - HOUGHTON, BANNING, BRADY, CAPANO, CAULK, CLOUTIER, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, JONKIERT, LOFINK, MACK, OBERLE, REYNOLDS, SCOTT, SPENCE, SMITH, VANSANT, WAGNER, WELCH, WEST; SENATORS ADAMS, BLEVINS, VAUGHN, VENABLES, VOSHELL - JUD: An Act to amend Chapter 9, Title 10 of the Delaware Code Relating to Privacy in Family Court Proceedings.

**HB 60** - ROY & SENATOR SHARP; REPRESENTATIVES SPENCE, DAVIS, BRADY; SENATORS VAUGHN, SOKOLA - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Earned Good time.

**HB 61** - SPENCE, QUILLEN, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, LEE, LOFINK, MACK, OBERLE, REYNOLDS, ROY, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, VANSANT, WEST; SENATOR CONNOR - An Act to Providing Salary Increases for Certain State Employees.

**HJR 4** - SPENCE & SENATOR SHARP - CORR: Creating a Task Force on Prison Facilities to Evaluate the Feasibility of Building a New Maximum Security Prison, and to Identify a Site or Sites Upon Which Such a Prison Might be Built.

**HCR 8** - QUILLEN, CAREY, EWING, WAGNER, WELCH, BUNTING, B. ENNIS, SCHROEDER, WEST; SENATORS VOSHELL, BONINI, STILL - APPRO: Urging the Joint Finance Committee to Re-Examine Its Formula for Allocations of Grant-in-Aid Funds for Senior Centers Within the State.

Representatives West & Quillen were granted personal privilege of the floor for the introduction of guests.

Mr. Speaker Spence introduced former Speaker Chuck Hebnr.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: January 26, 1995

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

| Number  | Sponsor             | Presentation Date | Type | Description                                              |
|---------|---------------------|-------------------|------|----------------------------------------------------------|
| H138-17 | D. Ennis            | 12/14/94          | T    | Paul & Martha Ridgaway<br>50th Wedding Anniversary       |
| H138-18 | Wagner              | 12/08/94          | M    | Miriam Morgan Hughes                                     |
| H138-19 | B. Ennis            | 12/02/94          | M    | Mari Jean Reynolds                                       |
| H138-20 | Banning             | 12/04/94          | M    | Elizabeth H. Jones                                       |
|         | cosponsor: B. Ennis |                   |      |                                                          |
| H138-21 | B. Ennis            | 12/02/94          | M    | Orie Lee Ranshaw, Sr.                                    |
| H138-22 | B. Ennis            | 11/26/94          | M    | Carol Lee Johnson                                        |
| H138-23 | B. Ennis            | 11/30/94          | M    | Louis Schafer, Jr.                                       |
| H138-24 | Fallon              | 12/03/94          | M    | Chief Norman Griffith                                    |
| H138-25 | Spence              | 12/10/94          | T    | DE Assoc. Blind Athletes/<br>15 Yrs. Ded Serv.           |
| H138-26 | Spence              | 12/12/94          | T    | Henry O. Thompson/84th<br>Birthday                       |
| H138-27 | Spence              | 12/13/94          | T    | Rosalie C. McKenna/80th<br>Birthday                      |
| H138-28 | B. Ennis            | 12/11/94          | M    | Gertrude Pippen Davis                                    |
| H138-29 | Gilligan            | 12/18/94          | T    | Keith B. McCallister/Eagle<br>Scout                      |
| H138-30 | Gilligan            | 1/08/95           | T    | Eric W. McCallister/Eagle<br>Scout                       |
| H138-31 | Caulk               | 1/06/95           |      | Jehu M. Davis, Sr./90th<br>Birthday                      |
| H138-32 | Wagner              | 11/30/94          | T    | Fran Hettinger/Dover Bus.<br>& Prof. Women's Woman of Yr |
| H138-33 | Wagner              | 12/30/94          | T    | Stephanie Young & Paul<br>Olchvary/Marriage              |

H138-34      Wagner      12/06/94      T      Sally & James Orth/25th Wedding Anniversary

#### HOUSE TRIBUTE ANNOUNCEMENT #3

DATE: January 26, 1995

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

| Number   | Sponsor                     | Presentation Date | Type | Description                                        |
|----------|-----------------------------|-------------------|------|----------------------------------------------------|
| H138-35  | Wagner                      | 12/18/94          | T    | Bonnie & Harvey Byrd/25th Wedding Anniversary      |
| H138-36  | Fallon                      | 12/07/94          | M    | Leroy Collins                                      |
| H138-37  | Fallon                      | 12/15/94          | T    | Norman Tate/President Emeritus/DE Vol. Firemen     |
| H138-38  | Oberle                      | 12/21/94          | T    | UAW Locals #1183 & #1212 Millionth A Body Car      |
| H138-39  | Carey                       | 12/29/94          | T    | Viola Clendaniel/90th Birthday                     |
| H138-40  | Wagner                      | 11/12/94          | T    | Michele M. McClary & Stephen Gordon/Marriage       |
| H138-41  | Wagner                      | 10/25/94          | T    | Socorro & Roy Shields/25th Wedding Anniversary     |
| Hf138-42 | B. Ennis cosponsor: Banning | 12/28/94          | T    | Dink Sawyer/Record 100th High School Wrestling Win |
| H138-43  | Fallon                      | 12/14/94          | M    | John Walker Maroney, M.D.                          |
| H138-45  | Fallon                      | 12/29/94          | M    | Mae Fleetwood                                      |
| H138-46  | Schroeder                   | 1/07/95           | T    | Harry & Mildred Crystal/50th Wedding Anniversary   |
| H138-47  | Carey                       | 1/12/95           | T    | Doris Mills Kemp Nugent /80th Birthday             |
| H138-48  | Mack                        | 1/14/95           | T    | Grover P. Ingle/Chief Emeritus/Goodwill Fire Co.   |
| H138-49  | Ewing                       | 1/12/95           | T    | John W. Whitby, Jr./Buick /Supervisor              |
| H138-50  | Fallon                      | 1/12/95           | T    | Sonya Carson/Inspiration to Others                 |

#### HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: January 26, 1995

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

| Number  | Sponsor   | Presentation Date | Type | Description                                       |
|---------|-----------|-------------------|------|---------------------------------------------------|
| H138-51 | Fallon    | 1/12/95           | T    | Dr. Benjamin Carson & USA Scholars/Youth Festival |
| H138-52 | Ewing     | 1/12/95           | T    | John Caldwell/Consultant/Recogn. Of Serv.         |
| H138-53 | Ewing     | 1/12/95           | T    | Jeffrey Grove/Excellence in Service               |
| H138-54 | Ewing     | 1/12/95           | T    | Lisa Stagg/Recogn/Excellence in Service           |
| H138-55 | Ewing     | 1/12/95           | T    | Wayne H. Adkins, Sr./Recogn./Excellence in Serv.  |
| H138-56 | DiPinto   | 1/16/95           | T    | Alice Briggs/Ex. Dir. Graham Senior Ctr./17 Yrs.  |
| H138-57 | Gilligan  | 12/16/94          | T    | Morris L. And Lola Askkanasi/50th Wedding Anniv.  |
| H138-58 | Buckworth | 1/22/95           | T    | Mary Louise Richardson/80th Birthday              |
| H138-59 | Fallon    | 1/12/95           | T    | BesTemps Resume' & Career Serv./Serv. to Com.     |
| H138-60 | B. Ennis  | 1/12/95           | T    | Senator William Torbert/Retire/13 Yrs.            |
| H138-61 | Fallon    | 2/12/95           | T    | U.S.A.F. Quintet/Methodist Manor House            |
| H138-62 | Carey     | 1/03/95           | T    | Sgt. Robert Miller/Police/Hall of Fame            |
| H138-63 | Welch     | 1/14/95           | T    | John L. Metheny/Serv. To Hartly Vol. Fire Company |
| H138-64 | Boulden   | 1/20/95           | T    | Deer Park Tavern/150th Anniversary of Raven       |
| H138-65 | Brady     | 2/10/95           | T    | James J. & Lillian M. Brady/45th Wedding Anniv.   |

#### HOUSE TRIBUTE ANNOUNCEMENT #5

DATE: January 26, 1995

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

| Number  | Sponsor  | Presentation Date | Type | Description                                       |
|---------|----------|-------------------|------|---------------------------------------------------|
| H138-66 | Gilligan | 1/18/95           | T    | James Jennings/First Team All-State Cross Country |
| H138-67 | Smith    | 1/26/95           | T    | Scott F. Travis/Eagle Scout                       |
| H138-69 | Houghton | 1/21/95           | T    | Wayne Lambert/Chief Emeritus/Minquadale           |
| H138-70 | Fallon   | 1/18/95           | T    | Denetra Field/NMH Employee of Year                |
| H138-71 | Oberle   | 1/13/95           | T    | Officer Patrick W. Fyock/Grad./NCC Police Academy |
| H138-72 | Oberle   | 1/25/95           | T    | Rosanne Samluk Brandau/DE School Nurse of Year    |
| H138-73 | Fallon   | 1/18/95           | T    | Kevin Reilly/Sought After Speaker                 |
| H138-74 | Welch    | 1/13/95           | M    | Grace McNulty                                     |
| H138-75 | Fallon   | 1/18/95           | T    | John Hollis/Contribution to Youth                 |
| H138-76 | Fallon   | 1/18/95           | T    | Curtis Pride/Top 10 Outstanding Young Americans   |
| H138-77 | Fallon   | 1/18/95           | T    | Elrod Hendrick/Orioles Award Established          |
| H138-78 | Fallon   | 1/18/95           | T    | Brenda Jarmon                                     |
| H138-79 | B. Ennis | 1/15/95           | T    | /Recognition/Never Say Die Chris Lyn Hilderbrand  |
| H138-80 | Fallon   | 1/19/95           | M    | /VisualArts Award Virginia S. Foulk               |
| H138-81 | Fallon   | 1/19/95           | T    | Tom Palmer/Barber Shopper of Year                 |
| H138-82 | Caulk    | 2/04/95           | T    | South Bowers Fire Co./Out-Standing Serv. To Comm. |

#### HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: January 26, 1995

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

| Number  | Sponsor   | Presentation Date | Type | Description                                                |
|---------|-----------|-------------------|------|------------------------------------------------------------|
| H138-83 | Fallon    | 1/24/95           | M    | Dorothy Barrows                                            |
| H138-84 | Wagner    | 12/09/94          | M    | Gertrude Hill McGuire                                      |
| H138-85 | Wagner    | 12/17/94          | M    | Ellen Mae Horn                                             |
| H138-86 | Wagner    | 12/31/94          | T    | Melynda S. Longmire & Robert Langrell/Marriage             |
| H138-87 | Wagner    | 12/16/94          | T    | Peter Thompson & Vicki Schneible /Marriage                 |
| H138-88 | Welch     | 1/03/95           | T    | Beatrice M. Opdyke/80th Birthday                           |
| H138-89 | Schroeder | 1/25/95           | T    | Mrs. Minnie Smith /Betterment/West                         |
| H138-90 | B. Ennis  | 1/25/95           | T    | Charles E. Nabb/Dir./Div. of Public Health/73-95           |
| H138-91 | Ewing     | 1/27/95           | T    | William Morgan Wright /Speedy Recovery                     |
| H138-92 | Ewing     | 1/01/95           | T    | Joseph Lewes/105th Birthday                                |
| H138-93 | Buckworth | 11/25/94          | T    | Star Hill Methodist Episcopal Church/Historic Register     |
| H138-94 | Buckworth | 11/25/94          | T    | Lion Methodist EpiscopalChurch/Historic Register           |
| H138-95 | Buckworth | 1/25/95           | T    | Suzanne Rohling /Outstanding Work/CAPD Patients/Renal Ctr. |
| H138-96 | Buckworth | 1/25/95           | T    | Janeen Holden/Outstanding Work/Patients/Renal Ctr.         |
| H138-97 | Fallon    | 1/16/95           | M    | William Henry Messick                                      |
| H138-98 | Fallon    | 1/18/95           | M    | Adele S. Blackwell                                         |
| H138-99 | Fallon    | 1/17/95           | M    | Melvin Franklin Givens                                     |

T - Tribute

M - Memoriam

Representative Petrilli deferred to Representative George.

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

Representatives Brady & Reynolds requested that they be marked present.

Representative Lee requested that HR 7 be stricken.

Representative George introduced HB 50, jointly sponsored by Representative Gilligan & Senators Cordrey, Sharp, Marshall & Cook.



**HB 50** - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1996; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

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

Representative Petrilli requested and was granted the privilege of the floor for Laurie Itkin, dPolicy Specialist, National Conference of State Legislatures.

Representative Petrilli deferred to Representative Roy.

Representative Roy introduced and brought **HCR 6**, jointly sponsored by Senator Sharp & Representatives Petrilli, Maier, VanSant, Capano, George, Cloutier & DiPinto & Senators Sokola, McBride & Sorenson, before the House for consideration.

**HCR 6** - Commending and Thanking the Entire Red Clay Consolidated School District Community for the Prompt and Efficient Formulation of a Response Plan to the Fire That Damaged the John Dickinson High School on Sunday, January 15, 1995.

Representative Roy made comments.

**HCR 6** was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan brought **HB 39**, jointly sponsored by Senator Sharp, before the House for consideration.

**HB 39** - An Act to Amend Chapter 214, Volume 65, Laws of Delaware, as Amended, Being the Charter of the Town of Newport. (2/3 bill)

Representative Gilligan made comments.

The roll call on **HB 39** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 39** was sent to the Senate for concurrence.

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

Representative Petrilli moved to lift **HJR 3** from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative D. Ennis requested that he be marked present.

Representative Petrilli brought **HJR 3**, jointly sponsored by Representatives Maroney & Roy & Senators Adams, Cordrey & Connor & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Smith, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant, & West & Senators Blevins, Cook, Sokola, Vaughn, Venables, Voshell, Amick, Bair, Bonini, Hauge, Henry, Reed, Sorenson & Still, before the House for consideration.

**HJR 3** - Calling for a Conference of the States to be Promoted and Convened by the Council of State Governments for the Purpose of Restoring Balance in the Federal System and Appropriating Monies Therefor.

Representatives Petrilli & Maroney made comments.

The roll call on **HJR 3** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

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

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with introduction of and action on **HCR 7**. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative DiPinto made comments.

Representative DiPinto introduced and brought **HCR 7**, jointly sponsored by Senator McDowell & Representatives Petrilli, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Banning, B. Ennis, Gilligan, Houghton, Plant & VanSant & Senators Adams, Vaughn, Bair, Connor & Still, before the House for consideration.

**HCR 7** - Urging the Governor to Lend His Active Support to the EPA Time Out Act of 1995.

Representatives DiPinto, Smith & George made comments.

**HCR 7** was adopted by voice vote and sent to the Senate for concurrence.

Representatives Petrilli & Spence made announcements.

Mr. Speaker Spence made an announcement.

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

The House reconvened at 4:51 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 14, SCR 5, SCR 6 & HCR 4.

Representative Wagner introduced HB 62, jointly sponsored by Representatives D. Ennis, Houghton, Jonkiert, Spence, Petrilli, Buckworth, Boulden, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Maier, Maroney, Quillen, Reynolds, Roy, Smith, Stone, Ulbrich, Welch, Banning, Bunting, B. Ennis, Gilligan, Plant, Schroeder, VanSant & West & Senators Cook, Venables, Bair, Bonini, Connor, Hauge, Henry, Sorenson & Still.

HB 62 - An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a Delaware Headquarters and Commercial Relocation Act.

Mr. Speaker Spence assigned HB 62 to the Revenue & Finance Committee.

Representative George was granted personal privilege of the floor for comments.

Representative Petrilli made comments.

Representative Oberle was granted personal privilege of the floor for comments regarding HB 19.

Representative Oberle requested that action on HB 19 be Deferred to a Day Certain, Thursday, March 23, 1995.

Representative Petrilli brought SB 31, sponsored by Senator Cook & Representative George & Senators Henry & McDowell & Representative DiPinto, before the House for consideration.

SB 31 - An Act to Amend the Statutory Provisions of §106 (a), Title 13, of the Delaware Code Relating to the Marriage of Elizabeth Bingham and Scott Douglas.

Representatives Petrilli & Fallon made comments.

The roll call on SB 31 was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

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

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought SB 15 w/SA 1, jointly sponsored by Senators Adams, Vaughn, Bair & Sharp & Representative Ewing, before the House for consideration.

SB 15 - An Act to Amend Chapter 43, Title 29 of the Delaware Code Relating to the Appointment of Notaries for Police Agencies.

Representatives Spence & B. Ennis made comments.

Representative Spence requested and was granted the privilege of the floor for Martin Johnson, Coordinator of Police Services for Delaware Police Chiefs Council.

Representative B. Ennis made comments.

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

Representatives B. Ennis, Houghton, Jonkiert & DiLiberto made comments.

The roll call on SB 15 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, SB 15 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink deferred to Representative Cloutier.

Representative Cloutier brought SCR 1, jointly sponsored by Senators Sokola, McBride, Connor & Sorenson & Representatives D. Ennis, Maier, Roy & Spence, before the House for consideration.

SCR 1 - Establishing a Task Force to Examine and Assess the Operation and Duties of Maintenance Associations in Delaware.

Representatives Cloutier, DiPinto & Gilligan made comments.

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

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

Representative Petrilli introduced and brought SB 14, sponsored by Senator Cordrey & Representative Spence, before the House for consideration.

SB 14 - An Act to Amend Chapter 358, Volume 69, Laws of Delaware Relating to Implementation Date of the State Register of Regulations.

Representative Petrilli made comments.

The roll call on SB 14 was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, SB 14 was returned to the Senate.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth introduced and brought SCR 5, jointly sponsored by Senators Bonini, Still, Cook, Vaughn & Voshell & Representatives Caulk, Ewing, Quillen, Stone, Wagner, Welch & B. Ennis & cosponsored by Senator Adams, before the House for consideration.

SCR 5 - In Memory of Herman Cubbage Brown, a Pre-Eminent Esquire and Former County and State GOP Chairman, Who Died on Wednesday, January 4, 1995 at the Age of 69.

Representative Buckworth made comments.

SCR 5 was adopted by voice vote and returned to the Senate.

The House observed a moment of silence in memory of Herman Cubbage Brown.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced and brought SCR 6, jointly sponsored by Senator Sharp & cosponsored by Senators Reed, Sokola & Representative Reynolds, before the House for consideration.

SCR 6 - Congratulating the Christiana High School Football Team for Winning the State Division I Championship.

Representatives Davis, Gilligan, Lofink & Reynolds made comments.

SCR 6 was adopted by voice vote and returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to reconsider HB 5. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 5, jointly sponsored Senator Vaughn, before the House for consideration.

HB 5 - An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Uniform Controlled Substances Act.

Representative Oberle introduced and brought HA 1 to HB 5 before the House for consideration.

Representative Oberle made a comment.

HA 1 to HB 5 was adopted by voice vote.

The roll call on HB 5 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

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

Representative Petrilli deferred to Representative D. Ennis.

Mr. Speaker Spence resumed the Chair.

Representative D. Ennis moved to suspend the rules which interfere with introduction of and action on SB 20 w/SA 1. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis introduced and brought SB 20 w/SA 1, jointly sponsored by Senators Cordrey & Adams, before the House for consideration.

SB 20 - An Act to Amend Chapters 1,7,9,11,22,23,27,29 and 32 of Title 5, Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

Representatives D. Ennis & Smith made comments.

The roll call on SB 20 w/SA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representatives Oberle, Stone, Welch - 3.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 20 w/SA 1 was returned to the Senate.

Representative Petrilli brought HJR 2 w/SA 1, jointly sponsored by Representative Maroney & Senator Sokola & Representatives Buckworth, Carey, Smith, Welch, Oberle, Reynolds, Spence, Stone, Fallon, Maier, Davis, Cloutier, Wagner, Capano, DiPinto, D. Ennis, Boulden, Lee, Lofink, Ewing, Ulbrich, Banning, Houghton, DiLiberto, B. Ennis & Plant & Senators Sorenson, Bair, Hauge & Henry, before the House for concurrence on SA 1.

HJR 2 - Creating a Public School Election Task Force to Study and Report on the Optimal Method for conducting Elections of Public School Boards and School Tax Referenda.

Representative Petrilli made comments.

The roll call on HJR 2 w/SA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Caulk, Ewing - 2.

Therefore, having received a constitutional majority, HJR 2 w/SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SJR 3, jointly sponsored by Senators Sharp & Sokola & Representative Maier & Senators Blevins, Marshall, McBride, McDowell & Sorenson & Representatives Capano, Cloutier, DiPinto, Petrilli, George, Gilligan, Jonkiert, Plant, Scott & VanSant & cosponsored by Senator Henry, before the House for consideration.

SJR 3 - Authorizing the Payment of a Reward of \$10,000 to Any Person or Persons Providing Information Resulting in the Arrest and Conviction of Those Responsible for the Recent Fire at John Dickinson High School.

Representatives Roy & Schroeder made comments.

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

Representatives Roy, Bunting, Reynolds, Davis, DiPinto, Oberle, Maroney, George & DiLiberto made comments.

Representative Roy moved to suspend the rules which interfere with action on SJR 3. The motion was seconded by Representative George and adopted by voice vote.

Representatives Reynolds, Lee, Mack, Roy & B. Ennis made comments.

The roll call on SJR 3 was taken and revealed:

YES: 23.

NO: Representatives Houghton, Lee - 2.

NOT VOTING: Representatives Boulden, Bunting, Davis, Fallon, Mack, Maroney, Quillen, Reynolds, Schroeder, Scott, Smith, Stone, Ulbrich, Wagner - 14.

ABSENT: Representatives Caulk, Ewing - 2.

Therefore, having received a constitutional majority, SJR 3 was returned to the Senate.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed: SB 20 w/SA 1, SB 21 w/SA 1 & HJR 2 w/SA 1.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:05 p.m.

10TH LEGISLATIVE DAY  
138TH GENERAL ASSEMBLY  
First Session  
March 14, 1995

Mr. Acting Speaker Quillen called the House to order at 2:14 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed: SB 10, HCR 6, SB 28, HB 39, HCR 1, HCR 2, HCR 3, HCR 5, HCR 7 & HJR 3.

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

The Chief Clerk called the roll:

Members Present: 41.

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

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

Representative West requested that he be marked present.

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

Representative Roy requested that he be marked present.

The following out-of-session prefiled legislation was introduced: 2/14/95 -

HS 1 to HB 37 - DAVIS, D. ENNIS, DIPINTO, FALLON, LOFINK, MARONEY, SMITH, BRADY, BANNING, BUNTING, GEORGE, HOUGHTON, PLANT, WEST, SCHROEDER, SCOTT; SENATORS MCDOWELL, HENRY, REED - JUD: An Act Proposing an 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 63 - WAGNER & D. ENNIS & SENATORS VENABLES & HAUGE & REPRESENTATIVES HOUGHTON & JONKIERT, SPENCE, PETRILLI, BUCKWORTH, BOULDEN, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, LOFINK, MAIER, MARONEY, QUILLEN, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WELCH, BANNING, BUNTING, B. ENNIS, GILLIGAN, PLANT, SCHROEDER, VANSANT, WEST; SENATORS COOK, BAIR, BONINI, CONNOR, HENRY, SORENSON & STILL - R & F: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a Delaware Headquarters and Commercial Relocation Act.

HB 64 - OBERLE & SENATOR VAUGHN - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmen's Compensation.

HB 65 - WELCH, OBERLE, SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, ULBRICH, WAGNER,

BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, SCOTT, VANSANT; SENATORS COOK, BONINI, HAUGE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HB 66** - ROY & SENATOR COOK; REPRESENTATIVE BRADY; SENATOR BAIR - TRANS & INFRA: An Act to Amend Titles 16 and 26 of the Delaware Code Relating to the Regulation of Public Water Suppliers. (2/3 bill)

**HB 67** - ROY & SENATOR COOK; REPRESENTATIVE BRADY; SENATOR BAIR - TRANS & INFRA: An Act to Amend Title 26 of the Delaware Code Relating to the Public Service Commission's Billing Procedures for Cable Television Systems. (3/5 bill)

**HB 68** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES PETRILLI, BUCKWORTH, CAPANO, CLOUTIER, D. ENNIS, MAIER, QUILLEN, REYNOLDS, SMITH, STONE, ULBRICH, WELCH; SENATORS COOK, MARSHALL, MCDOWELL, SHARP, HAUGE - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

**HB 69** - ROY & SENATOR COOK; REPRESENTATIVE BRADY; SENATOR BAIR - TRANS & INFRA: An Act to Amend Titles 26 and 29 of the Delaware Code Relating to the Regulation of Public Utilities.

**HB 70** - WELCH, OBERLE, SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, VANSANT; SENATORS COOK, BONINI, HAUGE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HB 71** - WELCH, OBERLE, SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MARONEY, REYNOLDS, ROY, SMITH, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, VANSANT; SENATORS COOK, BONINI, HAUGE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HB 72** - GILLIGAN - P/S: An Act to Amend Section 4183 of Title 21 of the Delaware Code Relating to Handicapped Persons' Parking Areas.

**HB 73** - GILLIGAN - JUD: An Act to Amend Chapter 95, Title 10 of the Delaware Code Relating to General Provisions and Procedure in Justice of the Peace Courts.

**SB 10** - VAUGHN; REPRESENTATIVE BANNING - H/ADM: An Act to Amend Chapter 128, Volume 33, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Middletown" to Give the Mayor the Limited Right to Vote. (2/3 bill)

**SB 21 w/SA 1** - VAUGHN, SHARP, COOK; REPRESENTATIVES LEE, B. ENNIS, WEST - CORR: An Act to Amend Chapter 9, Title 19, Delaware Code Relating to Exclusions From Minimum Wage.

**SB 28** - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS MARSHALL, MCDOWELL, CONNOR, HENRY, REED; REPRESENTATIVES OBERLE, HOUGHTON, VANSANT - LABOR: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

**SCR 4** - ADAMS, CORDREY, VENABLES & VOSHELL; REPRESENTATIVES CAREY, BUNTING, WEST, SCHROEDER, EWING, FALLON & LEE - ENVIR. MAN: Requesting That the Governor of Delaware Petition the Administrator of the Federal Environmental Protection Agency to Remove Sussex County From the Requirement to Sell Reformulated Gasoline.

The following prefiled legislation was introduced:

**HA 1 to HB 1** - OBERLE - LABOR: Placed with the bill.

**HA 1 to HB 13** - OBERLE - R & F: Placed with the bill.

**HA 1 to HB 32** - OBERLE - LABOR: Placed with the bill.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: March 14, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                      |
|----------|-----------|-------------------|------|--------------------------------------------------|
| H138-100 | Maier     | 1/08/95           | T    | Daniel M. Esterly/Eagle Scout                    |
| H138-101 | DiPinto   | 1/25/95           | M    | James L. Horgan                                  |
| H138-102 | Schroeder | 12/20/94          | T    | Joseph & Claudia Melson/50th Wedding Anniversary |
| H138-103 | VanSant   | 3/11/95           | T    | Michael James Britt/Eagle Scout                  |
| H138-104 | Carey     | 1/20/95           | T    | Milton Public Library/120 Yrs. Community Service |
| H138-105 | Fallon    | 2/02/95           | M    | Harold T. Holland                                |
| H138-106 | Fallon    | 2/00/95           | T    | William F. Wilkinson/81st Birthday               |

|          |                               |         |   |                                                               |
|----------|-------------------------------|---------|---|---------------------------------------------------------------|
| H138-107 | Fallon                        | 2/09/95 | T | Linda Alma Windsor/100th Birthday                             |
| H138-108 | Schroeder                     | 2/07/95 | T | Delema (Dee)Lott/DSEA's State-wide Ed. Support Person of Year |
| H138-109 | Capano                        | 2/08/95 | T | Ethel Meyer Finley/Trailblazer Award/Inspirational Leadership |
| H138-110 | Capano                        | 2/15/95 | M | W. Levis Phipps, Jr.                                          |
| H138-111 | Capano                        | 2/02/95 | T | Robert F. Harper/U.S. Citizen                                 |
| H138-112 | Quillen                       | 2/04/95 | T | Alice Holmes/80th Birthday                                    |
| H138-113 | Quillen                       | 2/18/95 | T | William C. "Dick" Haggerty/80th Birthday                      |
| H138-114 | B. Ennis                      | 2/05/95 | M | Linda G. Lightcap                                             |
| H138-115 | Banning                       | 2/06/95 | M | W. Paul Bradley                                               |
| H138-116 | cosponsor: B. Ennis<br>Capano | 2/15/95 | M | Dr. William F. Butler, Jr.                                    |
| H138-117 | Cosponsor: DiPinto<br>Smith   | 2/10/95 | T | Robert S. Duko/Eagle Scout                                    |
| H138-118 | B. Ennis                      | 2/18/95 | T | William C. Haggerty/80th Birthday                             |

## HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 14, 1995

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

| Number   | Sponsor                                  | Presentation Date | Type | Description                                                                                                                           |
|----------|------------------------------------------|-------------------|------|---------------------------------------------------------------------------------------------------------------------------------------|
| H138-119 | Capano                                   | 2/15/95           | T    | Mary Waters-Langrell/25 Yrs./Real Estate                                                                                              |
| H138-120 | Stone                                    | 1/20/95           | T    | Charles & Clara Dee/50th Wedding Anniversary                                                                                          |
| H138-121 | Stone                                    | 11/19/94          | T    | Jim Fields/DE/B.A.S.S./Fed./Man of Year/1994                                                                                          |
| H138-122 | Spence                                   | 2/15/95           | T    | James Morton/4 Nat. Records/220 Pound Powerlifting Class                                                                              |
| H138-123 | Spence                                   | 2/15/95           | T    | Det. Joseph Papili/"Officer of Yr./DE Assoc. Of Bankers                                                                               |
| H138-124 | Spence                                   | 2/15/95           | T    | Firefighters D. Beideman/D. Hitchens /G. Lamborn/C. Lamborn/G. Bledsoe /J. Hoban/B .Boulden & E. Clark/ Saving Life of Marjorie Arden |
| H138-125 | Roy                                      | 2/10/95           | T    | Ceil Stegura/Retire/ViceChair/ Christiana-Millcreek Region                                                                            |
| H138-126 | Roy                                      | 2/10/95           | T    | Jim Holman/Retire/Chair/ Christiana-Millcreek Region                                                                                  |
| H138-127 | Quillen                                  | 2/11/95           | T    | Hon. William V. Roth, Jr./ Appreciation/Yrs. Of Ded. Serv.                                                                            |
| H138-128 | cosponsors: All House Republicans<br>Roy | 2/18/95           | T    | Edward J. Gebhart, Sr./Retire/ 50 Yrs./Station 19/Hockessin                                                                           |
| H138-129 | Carey                                    | 3/19/95           | T    | Jim & Betty Reed/50th Wedding Anniversary                                                                                             |
| H138-130 | Fallon                                   | 2/15/95           | T    | Jackie Spence/'94 Employee of Yr./Seaford Retirement & Rehab.                                                                         |
| H138-131 | Carey                                    | 2/13/95           | T    | Richard D. Carmean/25 Yrs./Ded. Serv./Milford Police Dept.                                                                            |
| H138-132 | cosponsor: Carey<br>Brady                | 3/05/95           | T    | John C. Fannin, IV/Eagle Scout                                                                                                        |

## HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: March 14, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                  |
|----------|-----------|-------------------|------|--------------------------------------------------------------|
| H138-133 | DiPinto   | 2/18/95           | T    | Lt. Gen. William S. Duncan, M.D./65th Birthday               |
| H138-134 | DiLiberto | 2/07/95           | M    | John P. Muldoon, Sr.                                         |
| H138-135 | Fallon    | 2/11/95           | T    | Blades Vol. Fire Co./Com. Serv.                              |
| H138-136 | Fallon    | 2/11/95           | T    | Ladies Aux./Blades Vol. Fire Co./Com. Serv.                  |
| H138-137 | Fallon    | 2/11/95           | T    | Ladies Aux. Seaford Vol. Fire Depart./Com. Serv.             |
| H138-138 | Fallon    | 2/11/95           | T    | Seaford Vol. Fire Depart./94 Yrs. Com. Service               |
| H138-139 | Fallon    | 2/11/95           | T    | Donald Tull/President/Emeritus Seaford Vol. Fire Department  |
| H138-140 | B. Ennis  | 2/18/95           | T    | Jennifer Ann Pase/'95 Junior Miss Scholarship Program Winner |

|          |         |         |   |                                                                 |
|----------|---------|---------|---|-----------------------------------------------------------------|
| H138-141 | Caulk   | 2/25/95 | T | Henry Ceaser/Retire/Pres. Bd.<br>Of Dir./Frederica Adult Ctr.   |
| H138-142 | Wagner  | 2/08/95 | M | John G. Jarrell, Sr.                                            |
| H138-143 | Wagner  | 2/11/95 | T | Lu Smoot/Retire/25 Yrs./Cus-<br>tomer Service/City of Dover     |
| H138-144 | Davis   | 2/18/95 | T | Paul Burge/50 Yrs. Serv./Chris-<br>tiana Volunteer Fire Company |
| H138-145 | Davis   | 2/18/95 | T | Charlotte Bush/50 Yrs./Christiana Vol.<br>Fire Co./Ladies Aux.  |
| H138-146 | Ulbrich | 2/17/95 | T | Trash Mini Society/McVey Elem.<br>Sch./Clean Playground         |
| H138-147 | Quillen | 2/18/95 | T | Metropolitan United Methodist<br>Ded./Community of Harrington   |
| H138-148 | Quillen | 3/09/95 | T | W. M. Detweiler/Nat. Commander<br>/Amer. Leg./Welcome           |

T - Tribute  
M - Memoriam

February 8, 1995

#### LEGISLATIVE ADVISORY #2

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

2/1/95 - SB 15 aab SA 1. 2/3/95 - SB 1 aab SA 1, SB 2, HB 39, HJR 2 aab SA 1.

February 10, 1995

#### LEGISLATIVE ADVISORY #3

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

2/10/95 - SB 14, SB 20 aab SA 1, SB 31, SJR 3 & HJR 3.

February 23, 1995

Mrs. Joann M. Hedrick  
Chief Clerk of the House  
Legislative Hall  
Dover, DE

Dear Mrs. Hedrick:

The February 14 profile included three bills sponsored by Representative Roger Roy. In a recent conversation with Rep. Roy, I learned that it was his intent to hold a public hearing on the legislation during this recess. I certainly support his intention and realize that it would be much more convenient to have all three bills assigned to the same House Committee.

By way of publishing an amended profile cover sheet, please re-assign HB 66 and HB 67 to the Transportation and Infrastructure Committee as of this date.

Thank you for your cooperation.

Sincerely,  
Terry R. Spence  
Speaker of the House

TRS/rec

CC: Rep. Roger Roy

Representative Buckworth introduced guests.

Representative Wagner requested HB 62 be stricken.

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

The House reconvened at 4:35 p.m.

Representatives Welch, Oberle & Spence requested that they be marked present.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 30, jointly sponsored by Representatives Buckworth, Capano, Carey, Cloutier, DiPinto, D. Ennis, Fallon, Lee, Lofink, Maroney, Ulbrich, Banning, Brady, Bunting, George, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators Sorenson, Bair, Connor, Hauge & Sokola, before the House for consideration.

HB 30 - An Act to Amend Title 11 of the Delaware Code Relating to Inmate Furloughs.

Representative Davis made comments.

The roll call on HB 30 was taken and revealed:

YES: 38.

ABSENT: Representatives Maroney, Smith, West - 3.

Therefore, having received a constitutional majority, HB 30 was sent to the Senate for concurrence.

Representatives D. Ennis, Jonkiert, Reynolds, DiPinto, Mack & Brady requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Houghton.

Representative Houghton brought HB 28, jointly sponsored by Representatives Brady, Bunting, Capano, Cloutier, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Lofink, Mack, Oberle, Petrilli, Reynolds, Scott, VanSant, Wagner, West & Spence & Senators Bair, Blevins, Connor, Henry, Sokola, Vaughn & Voshell, before the House for consideration.

HB 28 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to House Arrest for Adjudicated Juveniles.

Representative Houghton brought HA 1 to HB 28 before the House for consideration.

Representative Houghton made a comment.

HA 1 to HB 28 was adopted by voice vote.

Representative Houghton made comments.

The roll call on HB 28 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 28 w/HA 1 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Houghton.

Mr. Speaker Spence resumed the Chair.

Representative Houghton moved to suspend the rules which interfere with introduction of and action on HB 74. The motion was properly seconded and adopted by voice vote.

Representative Houghton introduced and brought HB 74 before the House for consideration.

HB 74 - An Act to Amend an Act Being Chapter 291, Volume 69 Laws of Delaware, Entitled "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1995; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions" to Permit the Purchase of Equipment for Electronic Monitoring of Adjudicated Juveniles.

Representatives Houghton & Davis made comments.

Representative Houghton moved to lay HB 74 on the Speaker's Table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 14, jointly sponsored by Senator Vaughn & cosponsored by Representatives Reynolds & Boulden, before the House for consideration.

HB 14 - An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to the Uniform Controlled Substances Act and Anabolic Steroids.

Representatives Oberle & George made comments.

The roll call on HB 14 was taken and revealed:

YES: 41.

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

Representative Petrilli deferred to Representative West.

Representative West brought HB 40, jointly sponsored by Representatives Ewing, Houghton, Lee, Caulk, B. Ennis, Buckworth, Plant, VanSant, Banning, DiLiberto, Quillen, Schroeder & Spence & Senators Adams, Vaughn, Voshell & Cordrey, before the House for consideration.

HB 40 - An Act to Amend an Act to Amend §508 and §518, Title 7 of the Delaware Code Relating to License Fees for Nonresidents. (3/5 bill)

The roll call on HB 40 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 40 was sent to the Senate for concurrence.

Representative Oberle was granted personal privilege of the floor for comments.

Representative Petrilli deferred to Representative West.

Representative West brought HB 41, jointly sponsored by Representatives Banning, Brady, Buckworth, Bunting, Carey, Caulk, B. Ennis, D. Ennis, Ewing, Gilligan, Lee, Lofink, Plant, Reynolds, Smith & VanSant, before the House for consideration.

HB 41 - An Act to Amend Chapter 17, Title 7, Delaware Code Relating to Dogs Crossing on Property of Others During a Hunt.

Representative West introduced and brought HA 1 to HB 41, jointly sponsored by Representative DiLiberto, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 41 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 41 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Houghton.



Representative Houghton moved to lift HB 74 from the Speaker's Table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Houghton brought HB 74 before the House for consideration.

HB 74 - An Act to Amend an Act Being Chapter 291, Volume 69 Laws of Delaware, Entitled "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1995; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions" to Permit the Purchase of Equipment for Electronic Monitoring of Adjudicated Juveniles.

Representative Davis made comments.

The roll call on HB 74 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 74 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 43, jointly sponsored by Representatives Banning, Boulden, Brady, Buckworth, Bunting, Capano, Caulk, Cloutier, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Houghton, Jonkiert, Lee, Maier, Plant, Quillen, Schroeder, Scott, Smith, Ulbrich, VanSant & West & Senators Amick, Blevins, Bonini, Cook, Hauge, Henry, McDowell, Reed, Sokola, Sorenson & Venables & cosponsored by Representative Welch, before the House for consideration.

HB 43 - An Act to Amend Chapter 92, Title 10 of the Delaware Code Relating to Justices of the Peace.

Representative DiLiberto made a comment.

The roll call on HB 43 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 43 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 3, sponsored by Senator Cordrey & cosponsored by Senator Still, before the House for consideration.

SB 3 - An Act to Amend Title 21, Delaware Code Relating to Special License Plates.

Representatives Ewing & Davis made comments.

Representative Ewing requested and was granted the privilege of the floor for Dave Boswell, House Attorney.

Representatives Davis & Ewing made comments.

Representative Ewing moved to lay SB 3 on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Lofink made an announcement.

Representative Plant requested and was granted the privilege of the floor for Dr. William E. Lawson, Chairperson, Department of Philosophy, University of Delaware.

Representatives Plant & Gilligan made comments.

The House observed a moment of silence in memory of Senator Robert J. Berndt.

Representative DiPinto was granted personal privilege of the floor for the introduction of a guest and to make an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:34 p.m.

11TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 15, 1995

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

The Reading Clerk read the following communications into the record:

March 14, 1995

The Hon. Terry Spence  
Speaker of the House of Representatives  
Dover, DE

Dear Speaker Spence:

I expect to be absent from session on Wednesday, March 15, 1995. I will return to session on Thursday, March 16, 1995.

Thanking you for your indulgence at my absence, I remain,

Sincerely Yours,  
Wayne A. Smith  
State Representative  
Seventh District

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Brady, George, Smith - 3.

A prayer was offered by Representative Jane Maroney, Tenth Representative District.

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

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

The following prefiled legislation was introduced:

HB 75 - OBERLE; SENATOR MARSHALL - LABOR: An Act to Amend Section 6903, Title 29 of the Delaware Code Relating to Medical Coverage in Public Works Contracts.

HB 76 - QUILLEN - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 77 - QUILLEN - HEALTH & HUM NEEDS: An Act to Amend Title 4, Title 7, Title 10, Title 21, Title 28, and Title 29 of the Delaware Code Relating to Licenses; and Providing for the Withholding or Non-Renewal of Certain Licenses Under Certain Circumstances.

HB 78 - SCOTT - H/ADM: An Act to Amend Chapter 101, Title 29 of the Delaware Code Relating to General Provisions for Public Access to State Agencies.

HA 1 to HB 61 - WAGNER - LABOR: Placed with the bill.

HA 1 to HB 64 - OBERLE - LABOR: Placed with the bill.

HCR 9 - CAPANO; SENATOR BLEVINS - HEALTH & HUM NEEDS: Extending the Date That the Domestic Violence Coordinating Council's Annual Report is Due From March 15, 1995, to June 15, 1995.

SB 24 - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Chapter 9, Title 19, of the Delaware Code, Relating to the Minimum Wage.

Representatives Scott, DiPinto, Plant, Oberle & 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 24.

#### MEMORANDUM

TO: The Honorable Terry Spence, Speaker  
Delaware House of Representatives

FROM: Representative Wally Caulk

DATE: March 15, 1995

RE: ABSENCE FROM SESSION

Due to an agricultural meeting in West Virginia, I will not be in session tomorrow, March 16, 1995.

GWC/dlc

cc: JoAnn Hedrick

Chief Clerk

Representative Gilligan requested that HB 73 be stricken.

Representative Gilligan made a comment.

Representative Petrilli deferred to Representative Capano.

Representative Capano moved to suspend the rules which interfere with action on HCR 9. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Capano brought HCR 9, jointly sponsored by Senator Blevins, before the House for consideration.

HCR 9 - Extending the Date That the Domestic Violence Coordinating Council's Annual Report is Due From March 15, 1995, to June 15, 1995.

Representative Capano made a comment.

HCR 9 was adopted by voice vote and sent to the Senate for concurrence

The Majority Leader moved to recess for committee meetings at 2:16 p.m.

The House reconvened at 4:28 p.m.

Representative Roy requested that he be marked present.

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

JUD: HS 1/HB 37 - 5M; HB 52 - 7M; HB 59 - 7M.

CORR: HJR 4 - 7M; SB 21 w/SA 1 - 7M.

LABOR: HB 1 - 4M; HB 32 - 4M; HB 49 - 4M.

Representatives Jonkiert, West & Reynolds requested that they be marked present.

Representative D. Ennis requested that he be marked present.

Representative Petrilli made an announcement.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: March 15, 1995

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

| <u>Number</u> | <u>Sponsor</u>                          | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                           |
|---------------|-----------------------------------------|--------------------------|-------------|------------------------------------------------------------------------------|
| H138-149      | Wagner                                  | 3/18/95                  | T           | Judy J. Middleton & Joseph C. Zingaro/Marriage                               |
| H138-150      | Wagner                                  | 3/28/95                  | T           | Allen Hedgecock/Citizen of Year/<br>Dover Elks Lodge No. 193                 |
| H138-151      | DiPinto                                 | 2/23/95                  | T           | Monsignor Paul J. Taggart/Msgr. Reese Award/                                 |
| H138-152      | Cosponsors: Gilligan, George<br>Banning | 2/24/95                  | T           | Ronald E. Banning, Jr./Dean's List/<br>University of Delaware                |
| H138-153      | Carey                                   | 3/03/95                  | T           | Shannon Warnick/Teenager of Year                                             |
| H138-154      | Carey                                   | 3/03/95                  | T           | Jool N. Kang/Teenager of Year                                                |
| H138-155      | Carey                                   | 3/03/95                  | T           | Cory Warnick/Teenager of Year                                                |
| H138-156      | Carey                                   | 3/03/95                  | T           | Hayes E. Fountain/Good Neighbor of<br>Year                                   |
| H138-157      | Carey                                   | 3/03/95                  | T           | Carrie S. Bowman/Senior Citizen of<br>Year                                   |
| H138-158      | Carey                                   | 3/03/95                  | T           | Policeman of Year/Det. Corporal<br>Kenneth L. Brown/Milford                  |
| H138-159      | Carey                                   | 3/03/95                  | T           | William F. Warrington/Firemen of<br>Year                                     |
| H138-160      | Brady                                   | 4/10/95                  | T           | Woman's Club of Claymont/75th<br>Anniv.                                      |
| H138-161      | Capano                                  | 2/13/95                  | T           | Arlene & John A. Harkeli/50th<br>Wedding Anniversary                         |
| H138-162      | D. Ennis                                | 3/03/95                  | T           | Donal Hamill, Consul Gen. Of Ireland<br>/Rockwood Museum Irish Film Festival |
| H138-163      | D. Ennis                                | 3/03/95                  | T           | Mary Doran/Irish Film Assoc.,<br>/Rockwood Museum Irish Film Festival        |
| H138-164      | Wagner                                  | 3/25/95                  | T           | Beverly Naudine Isemann & Frank<br>Fox Hogate/Marriage                       |
| H138-165      | Wagner<br>cosponsor: Caulk              | 3/25/95                  | T           | Mrs. Patricia Ann Rodriquez/Mother<br>of Year/1995                           |

#### HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: March 15, 1995

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                         |
|---------------|----------------|--------------------------|-------------|------------------------------------------------------------|
| H138-166      | Wagner         | 5/27/95                  | T           | Caristina P. Austria & Timothy P. Bell<br>/Marriage        |
| H138-167      | Carey          | 5/20/95                  | T           | Amelia Beth Jackson/Bar Mitzvah                            |
| H138-168      | Maroney        | 3/15/95                  | T           | DE Theatre Company/DE Tomorrow<br>Award                    |
| H138-169      | Wagner         | 2/28/95                  | T           | Tim O'Brien/'94 DELDOT Employee<br>of Year                 |
| H138-170      | Petrilli       | 4/22/95                  | T           | Paul Kempski/13 Yrs. Vol. Serv./<br>Midway Little League   |
| H138-171      | Ewing          | 3/19/95                  | M           | Rev. Benny Hickman                                         |
| H138-172      | Maier          | 4/22/95                  | T           | Paul Williams/15 Yrs. Vol. Serv.<br>/Midway Little League  |
| H138-173      | Roy            | 4/22/95                  | T           | Jack Edmiston/12 Yrs. Vol. Serv./<br>Midway Little League  |
| H138-174      | Maier          | 4/22/95                  | T           | H.L. Farmer/10 Yrs. Vol. Serv./<br>Midway Little League    |
| H138-175      | Maier          | 4/22/95                  | T           | Bob Wilson/10 Yrs. Vol. Serv./<br>Midway Little League     |
| H138-176      | Maier          | 4/22/95                  | T           | Ed Walters/12 Yrs. Vol. Serv./<br>Midway Little League     |
| H138-177      | Maier          | 4/22/95                  | T           | John Tirrell/30 Yrs. Vol. Serv./<br>Midway Little League   |
| H138-178      | Maier          | 4/22/95                  | T           | Bill Gumprecht/30 Yrs. Vol. Serv./<br>Midway Little League |
| H138-179      | Maier          | 4/22/95                  | T           | Jack Agnew/25 Yrs. Vol. Serv./<br>Midway Little League     |
| H138-180      | Maier          | 4/22/95                  | T           | Dallas Walker/22 Yrs. Vol. Serv./<br>Midway Little League  |
| H138-181      | Maier          | 4/22/95                  | T           | Alice Walker/21 Yrs. Vol. Serv./<br>Midway Little League   |
| H138-182      | Maier          | 4/22/95                  | T           | Jerry Swarter/16 Yrs. Vol. Serv./<br>Midway Little League  |

T - Tribute

M - Memoriam

Representatives Petrilli & Maier made comments.

The Majority Leader moved to recess to the call of the Chair at 4:34 p.m.

12TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 16, 1995

Mr. Acting Speaker Oberle called the House to order at 2:03 p.m.

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

The Majority Whip moved to adjourn at 2:04 p.m., thereby ending the current Legislative Day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll:

Members Present: 40

Member Absent: Representative Caulk - 1.

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

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

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

The following prefiled legislation was introduced:

**SB 56** - VOSHELL, COOK, ADAMS & VAUGHN - JUD: An Act to Amend Title 12 of the Delaware Code Relating to the Accounting and Distribution of a Decedent's Property Without Grant of Letters.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SB 56, HCR 9**.

Representative Oberle requested and was granted the privilege of the floor to Valentina Zakharova, a Russian Exchange Student.

Representatives B. Ennis, Carey & Wagner requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:14 p.m.

The House reconvened at 4:19 p.m.

Representatives Plant, Scott, Jonkiert, Cloutier & Reynolds requested that they be marked present.

Representative Quillen brought **HB 52** before the House for consideration.

**HB 52** - An Act to Amend Title 11 Delaware Code, Relating to Trading in Human Remains and Associated Funerary Objects. (2/3 bill)

Representative Quillen made a comment.

Representatives Smith, Mack, Maroney & Spence requested that they be marked present.

The roll call on **HB 52** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 52** was sent to the Senate for concurrence.

Representatives George, Schroeder, Roy, Davis & D. Ennis requested that they be marked present during the roll call.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli introduced **HB 79**, jointly sponsored by Senator Sharp & Representatives Quillen, Spence, Boulton, Buckworth, Capano, Carey, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators Sokola, Vaughn, Voshell, Bair, Bonini, Connor, Henry, Reed & Sorenson & cosponsored by Senator McBride.

**HB 79** - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Establishment of the Delaware Center for Educational Technology.

Mr. Speaker assigned **HB 79** to the Education Committee.

Representative Mack introduced **HB 80**, jointly sponsored by Representatives Oberle & Reynolds & Senators Vaughn & Connor.

**HB 80** - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to the Clean Air Act Title V Operating Permit Program Fees. (3/5 bill)

Mr. Speaker assigned **HB 80** to the Environmental Management Committee.

Representative Banning introduced **HB 81**, jointly sponsored by Senator Vaughn & Representatives Brady, Bunting, Davis, B. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Plant, VanSant & West.

**HB 81** - An Act to Amend Title 9 of the Delaware Code Relating to School Impact Fees. (3/5 bill)

Mr. Speaker assigned **HB 81** to the Transportation & Infrastructure Committee.

Representative Gilligan was granted privilege of the floor for an announcement.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought **HB 1** before the House for consideration.

**HB 1** - An Act to Amend Chapter 69, Title 29, Delaware Code Relating to the Award of Public Works Contracts.

Representative Oberle moved to lay **HA 1** to **HB 1** before the House for consideration.

Representatives Oberle & George made comments.

Representative Oberle moved to lay **HA 1** on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle moved to lay **HB 1** on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought **HS 1** to **HB 37**, jointly sponsored by Representatives D. Ennis, DiPinto, Fallon, Lofink, Maroney, Smith, Brady, Banning, Bunting, George, Houghton, Plant, West & Schroeder & Senators McDowell, Henry & Reed & cosponsored by Representative Scott, before the House for consideration.

**HB 37** - An Act Proposing an 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)

Representatives Davis, Fallon, Jonkiert, Scott, Boulden, George, Plant, Ulbrich, Davis, Oberle, DiPinto, Scott, Gilligan, George, Cloutier, Davis, Ewing, Welch & Plant made comments.

The roll call on **HS 1** to **HB 37** was taken and revealed:

YES: 25.

NO: Representatives Boulden, Capano, Carey, Cloutier, B. Ennis, Ewing, Mack, Oberle, Petrilli, Quillen, Ulbrich, Welch, West, Mr. Speaker Spence - 14.

NOT VOTING: Representative Roy - 1.

ABSENT: Representative Caulk - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, **HS 1** to **HB 37** was declared defeated.

Representative Bunting made a comment.

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 33 w/SA 1**.

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

13TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 21, 1995

Mr. Acting Speaker Quillen called the House to order at 2:04 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **HB 2 w/HA 1 & SA 1**.

Mr. Acting Speaker Quillen reassigned **HB 57** to the Labor Committee.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the current Legislative Day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll:

Members Present: 41.

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

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

Representatives Bunting, Banning & Houghton requested that they be marked present.

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

The following prefilled legislation was introduced:

**HB 82** - DAVIS, PETRILLI, BUCKWORTH, CAREY, CLOUTIER, EWING, FALLON, LEE, SMITH, BUNTING, DILIBERTO, GEORGE, GILLIGAN, SCHROEDER, VANSANT - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Authority of the Division of Motor Vehicles, Department of Public Safety. (3/5 bill)

**HB 83** - MARONEY - HEALTH & HUM NEEDS: An Act to Amend Title 31 of the Delaware Code Relating to Child Welfare.

**HB 84** - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

**HB 85** - BUCKWORTH & SENATOR COOK; REPRESENTATIVE WAGNER; SENATORS STILL, BONINI - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Biting Dogs. (2/3 bill)

**HB 86** - ROY & SENATORS SHARP, MCBRIDE, CONNOR, AMICK, HAUGE, REED, SORENSON - H/ADM: An Act Proposing an Amendment to Article III, Section 22, and Article IV of the Delaware Constitution of 1897 Relating to the Appointment of a Recorder of Deeds in Each County and the Powers and Duties of Said Recorders of Deeds. (2/3 bill)

**HB 87** - SCOTT, BANNING, BRADY, BUNTING, CAPANO, DILIBERTO, DIPINTO, B. ENNIS, EWING, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, QUILLEN, SCHROEDER, ULBRICH, VANSANT, WEST; SENATORS ADAMS, HENRY, SORENSON, VAUGHN, VOSHALL - JUD: An Act to Amend Title 11, Delaware Code Relating to Enhanced Penalties for Offenses of Theft Committed Against Senior Citizens.

**HB 88** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, GILLIGAN, HOUGHTON, SCOTT, VANSANT, WEST, CAULK, EWING, LEE, LOFINK, SPENCE, WELCH - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Crime of Hindering Prosecution.

**HB 89** - VANSANT, BUNTING, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DILIBERTO, EWING, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, MAIER, PETRILLI, PLANT, QUILLEN, SCOTT, SPENCE, WELCH, WEST - P/S: An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

**HB 90** - BRADY, BANNING, BOULDEN, BUNTING, CAPANO, CAREY, CAULK, DILIBERTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, JONKIERT, MACK, OBERLE, PLANT, REYNOLDS, SCOTT, SMITH, VANSANT, WELCH, WEST; SENATORS AMICK, COOK, SORENSON, STILL, VAUGHN - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

**HA 2 to HB 1** - OBERLE - L.O.T.: Placed with the bill.

**HA 2 to HB 32** - OBERLE - AGENDA: Placed with the bill.

**HA 1 to HB 42** - BANNING - HOUSING & COM AFF: Placed with the bill.

**HA 1 to HJR 4** - GEORGE - AGENDA: Placed with the bill.

**HA 2 to HJR 4** - GEORGE - AGENDA: Placed with the bill.

**SB 33 w/SA 1** - BLEVINS & VOSHALL & REPRESENTATIVES EWING & CAPANO - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registration.

The Majority Leader moved to recess for caucus at 2:11 p.m.

The House reconvened at 4:27 p.m.

Representatives Brady & Jonkiert requested that they be marked present.

Representative Petrilli deferred to Representative Spence.

Representative Spence requested that he be marked present.

Representative Spence brought **HJR 4**, jointly sponsored by Senator Sharp, before the House for consideration.

**HJR 4** - Creating a Task Force on Prison Facilities to Evaluate the Feasibility of Building a New Maximum Security Prison, and to Identify a Site or Sites Upon Which Such a Prison Might be Built.

Representative Spence made a comment.

Representative George requested that he be marked present.

Representative George brought **HA 1 to HJR 4** before the House for consideration.

Representative George made a comment.

**HA 1 to HJR 4** was adopted by voice vote.

Representative George brought **HA 2 to HJR 4** before the House for consideration.

Representative George made a comment.

**HA 2 to HJR 4** was adopted by voice vote.

Representative Spence made comments.

Representative Schroeder requested that he be marked present.

Representatives Schroeder, Spence & Plant made comments.

The roll call on **HJR 4 w/HA 1 & 2** was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

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

Representatives Gilligan, Mack, Reynolds, Smith & D. Ennis requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Cloutier.

Representative Cloutier moved to restore **HS 1 to HB 37**. The motion was seconded by Representative Petrilli and adopted by voice vote.

**HB 37** - An Act Proposing an 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 Cloutier deferred to Representative Davis.

Representative Davis moved to lay HS 1 to HB 37 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Caulk.

Representative Caulk requested and was granted the privilege of the floor for Mark Breeding, State President of Future Farmers of America & Greg Vetter, National Vice-President of FFA.

Mr. Acting Speaker introduced a guest and made announcements.

Representative Davis introduced HB 91, jointly sponsored by Representatives Petrilli, Quillen, Buckworth, Capano, Carey, Cloutier, Ewing, Fallon, Maier, Lee, Smith, Wagner, Welch, Bunting, DiLiberto, George, Gilligan, Schroeder & VanSant & cosponsored by Representative Spence.

HB 91 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Underage Possession or Consumption of Alcohol, Drivers' Licenses, and Rules of the Road. (2/3 bill)

Mr. Acting Speaker assigned HB 91 to the Public Safety Committee.

Representative Houghton brought HB 59, jointly sponsored by Representatives Banning, Brady, Capano, Caulk, Cloutier, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lofink, Mack, Oberle, Reynolds, Scott, Spence, Smith, VanSant, Wagner, Welch & West & Senators Adams, Blevins, Vaughn, Venables & Voshell, before the House for consideration.

HB 59 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Privacy in Family Court Proceedings.

Representatives Houghton, DiLiberto & Plant made comments.

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

Representatives Plant & DiPinto made comments.

Representative DiPinto requested and was granted the privilege of the floor for Vincent Poppitti, Chief Judge, Family Court.

Representatives DiPinto, Plant, Ewing, D. Ennis, DiLiberto, Scott, VanSant, Welch, Plant & Smith made comments.

The roll call on HB 59 was taken and revealed:

YES: 39.

NOT VOTING: Representatives DiLiberto, Plant - 2.

Therefore, having received a constitutional majority, HB 59 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Wagner.

Representative Wagner requested that HB 63 be stricken.

Representative Wagner introduced HB 92, jointly sponsored by Representative D. Ennis & Senators Venables & Hauge & Representatives Petrilli, Quillen, Spence, Buckworth, Boulden, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Maier, Maroney, Reynolds, Roy, Smith, Stone, Ulbrich, Welch, Banning, Brady, Bunting, B. Ennis, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators Cook, Bair, Bonini, Connor, Henry, Sorenson & Still.

HB 92 - An Act to Amend Title 30 and Title 19 of the Delaware Code Relating to Tax Credits and Reductions Providing for a Delaware Headquarters and Commercial Relocation Act.

Mr. Acting Speaker assigned HB 92 to the Revenue & Finance Committee.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 32, jointly sponsored by Senator Sharp, before the House for consideration.

HB 32 - An Act to Amend Title 29, Delaware Code, by Adding Thereto a New Chapter Authorizing a Leave of Absence With Pay for State Employees Participating in Specialized Disaster Relief Services for the American Red Cross. (2/3 bill)

Representative Oberle requested that HA 1 to HB 32 be stricken.

Representative Oberle brought HA 2 to HB 32 before the House for consideration.

Representative Oberle made comments.

HA 2 to HB 32 was adopted by voice vote.

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

The roll call on HB 32 w/HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 32 w/HA 2 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:37 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:16 p.m.

Mr. Speaker Spence resumed the Chair.

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.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Representative D. Ennis - 1.

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

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

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

The following prefiled legislation was introduced:

**HB 93 - ROY - HEALTH & HUM NEEDS:** An Act to Amend Chapter 25, Title 24 of the Delaware Code Prohibiting Persons Licensed to Practice Medicine in the State of Delaware From Owning or Operating Pharmacies.

**HB 94 - OBERLE & WELCH & SENATOR SHARP - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses and Title 13 of the Delaware Code Relating to Domestic Relations. (2/3 bill)

**HB 95 - WAGNER & SENATOR CORDREY; REPRESENTATIVES BUCKWORTH, BANNING, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, MAIER, QUILLEN, REYNOLDS, STONE, ULBRICH, B. ENNIS, JONKIERT, PLANT, SCHROEDER, SCOTT, WEST; SENATORS ADAMS, VAUGHN, VENABLES, HENRY, STILL - LABOR:** An Act to Amend Title 29 of the Delaware Code Relating to State Classifications.

**HB 96 - WAGNER & SENATOR CORDREY; REPRESENTATIVES SPENCE, BUCKWORTH, BOULDEN, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, D. ENNIS, EWING, FALLON, MAIER, MARONEY, PETRILLI, QUILLEN, REYNOLDS, STONE, ULBRICH, BANNING, B. ENNIS, HOUGHTON, JONKIERT, LEE, PLANT, SCOTT, WEST - LABOR:** An Act to Amend Chapter 59, Title 29, Delaware Code, to Allow Vacant Positions in Paygrade 4 to be Filled by Agency Recruitment Efforts.

**HB 97 - GILLIGAN & VANSANT & SENATORS BLEVINS & SOKOLA; REPRESENTATIVES BANNING, BRADY, CAPANO, DIPINTO, EWING, JONKIERT, MAIER, PLANT, ROY, SMITH, WEST - ED:** An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to the Reorganization of School Districts.

**HB 98 - SCHROEDER & SENATOR VOSHALL; REPRESENTATIVES BUNTING, BUCKWORTH, CAPANO, CAREY, DAVIS, DILIBERTO, B. ENNIS, EWING, FALLON, HOUGHTON, LEE, MAIER, MARONEY, OBERLE, QUILLEN, REYNOLDS, SCOTT, SMITH, WAGNER, WELCH, WEST; SENATOR ADAMS - P/S:** An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

**HB 99 - SCHROEDER, BANNING, BRADY, BUCKWORTH, BUNTING, CLOUTIER, DAVIS, DILIBERTO, DIPINTO, D. ENNIS, HOUGHTON, JONKIERT, OBERLE, PLANT, REYNOLDS, SCOTT, SPENCE; SENATORS ADAMS, AMICK, BLEVINS, SOKOLA - NAT RES:** An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Recreational Gill Nets. (2/3 bill)

**HA 1 to HB 75 - OBERLE - LABOR:** Placed with the bill.

**SB 43 w/SA 1 - VOSHALL; REPRESENTATIVE EWING - P/S:** An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to License Qualifications.

**SB 46 w/SA 1 - VOSHALL; REPRESENTATIVE EWING - P/S:** An Act to Amend Title 21 of the Delaware Code Relating to Waiver of Inspections of Trucks.

**SB 47 w/SA 1 - VOSHALL; REPRESENTATIVE EWING - P/S:** An Act to Amend Chapter 7, Title 21, of the Delaware Code Relating to Enforcement; Arrest, Bail and Appeal.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 47 w/SA 1, SB 46 w/SA 1 & SB 43 w/SA 1** and requests the concurrence of the House.

#### MEMORANDUM

TO: The Honorable Terry Spence, Speaker  
Delaware House of Representatives

FROM: Representative Dave Ennis

DATE: March 21, 1995

RE: **ABSENCE FROM SESSION**

I will be out of town on legislative business tomorrow, March 22, 1995, and will be unable to attend session. I expect to be in session Thursday, March 23, 1995.

DHE/dlc

cc: JoAnn Hedrick  
Chief Clerk



Representative Smith requested that he be marked present.

Representatives Scott, Plant & DiLiberto requested that they be marked present.

Representative Smith requested that he be marked present.

Mr. Speaker Spence introduced a guest.

Representatives Scott & Plant were granted personal privilege of the floor for the introduction of guests.

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

The Chief Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #12

DATE: March 22, 1995

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

| Number   | Sponsor                                  | Presentation Date | Type | Description                                                   |
|----------|------------------------------------------|-------------------|------|---------------------------------------------------------------|
| H138-183 | Gilligan                                 | 4/22/95           | T    | Tom Brenneman/13 Yrs.<br>Midway Little League                 |
| H138-184 | Maroney                                  | 3/15/95           | T    | Edgar S. Woolard, Jr./<br>DE Tomorrow Award                   |
| H138-185 | Maroney                                  | 3/15/95           | T    | Phyllis E. Maxey/DE<br>Tomorrow Award                         |
| H138-186 | Carey                                    | 5/29/95           | T    | Ellendale Vol. Fire Co./75th<br>Anniv.                        |
| H138-187 | George                                   | 3/17/95           | T    | Lucille Dougherty Brady/<br>Friends of Ireland                |
| H138-188 | Fallon                                   | 2/19/95           | M    | Ashok Champaneria                                             |
| H138-189 | Fallon                                   | 2/16/95           | M    | Margaret B. Manlove                                           |
| H138-190 | Fallon                                   | 2/17/95           | M    | John Richard Miller                                           |
| H138-191 | Fallon                                   | 2/19/95           | M    | Catrina J. Mont/Daniel P.<br>Mont/Teresa L. Mont              |
| H138-192 | DiLiberto                                | 3/15/95           | T    | Corey Lesniczak/Super<br>Student                              |
| H138-193 | Gilligan<br>cosponsors: George, Cloutier | 3/16/95           | T    | Ann Gilligan/81st Birthday                                    |
| H138-194 | Capano                                   | 3/20/95           | M    | Frank L. Chaiken                                              |
| H138-195 | Carey                                    | 4/29/95           | T    | Dr. Frank Shavlik/20 Yrs.<br>Retire/People's Place II         |
| H138-196 | Wagner                                   | 3/17/95           | M    | Viola Lee Summers                                             |
| H138-197 | Wagner                                   | 3/14/95           | M    | Frances S. Schaefer                                           |
| H138-198 | Scott                                    | 3/21/95           | T    | Rev. Christopher A. Bullock<br>/1st Annual Nat. Baptist Conv. |
| H138-199 | Scott                                    | 3/29/95           | T    | Marguerite Barber/Retire<br>/20 Yrs./Ferris School            |

T - Tribute

M - Memoriam

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

The House reconvened at 4:47 p.m.

The Chief Clerk read the following communication into the record:

#### MEMORANDUM

TO: SPEAKER OF THE HOUSE, TERRY SPENCE  
FROM: REPRESENTATIVE PHILIP CLOUTIER  
RE: ABSENCE FROM SESSION  
DATE: MARCH 21, 1995

Please be advised that I will be absent from session on Tuesday and Wednesday, March 28 and 29.

Cc: JoAnn Hedrick, Chief Clerk

Representatives Jonkiert & Carey requested that they be marked present.

The following prefiled Consent Calendar #3 was introduced:

HR 11 - VANSANT - Recognizing Jim Corrado for His Unselfish Dedication in Working With Disabled Children.

HCR 10 - CAREY, EWING; SENATOR ADAMS - Celebrating the 75th Anniversary of the Founding of the Ellendale Fire Company.

HCR 11 - PETRILLI & SENATOR SORENSON; REPRESENTATIVES SPENCE, ROY, EWING, DAVIS, HOUGHTON, VANSANT; SENATOR SOKOLA - Honoring and Paying Tribute to David S. Tiberi for His Outstanding Service on Behalf of the Youths of New Castle County.

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

Consent Calendar #3 was adopted by voice vote and HCR 10 & HCR 11 were sent to the Senate for concurrence.

Representative Petrilli made a comment regarding HCR 11.

Mr. Speaker Spence introduced and granted the privilege of the floor to former Governor Russell Peterson.

Representatives Jonkiert & Quillen made comments.

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

P/S: HB 82 - 7M; HB 89 - 7M; HB 90 - 7M; SB 33 w/SA 1 - 6M.

H/ADM: HB 78 - 5M; SB 10 - 5M; SB 12 - 5M.

HOUSING & COM AFF: HB 42 - 6M.

SM BUS: HB 36 - 7M; HR 9 - 6M.

R & F: HB 38 - 8M; HB 56 - 7M.

ENV. MAN. HB 80 - 1F,1M,1U; SCR 4 - 1F,2M,1U.

ED: HB 58 - 5F,4M; HB 68 - 4F,5M.

The Majority Leader moved to recess to the call of the Chair at 4:58 p.m.

15TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 23, 1995

Madame Acting Speaker Ulbrich called the House to order at 2:07 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 58, SB 48 w/SA 1, HJR 4 w/HA 1 & 2 &

SCR 8.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Thomas Sharp, do hereby request that my name be removed as co-sponsor of HB 68.

DATE: March 22, 1995

SIGNED: Thomas Sharp

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Bob Marshall, do hereby request that my name be removed as co-sponsor of HB 68.

DATE: March 16, 1995

SIGNED: Bob Marshall

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

LABOR: HB 12 - 4M; HB 57 - 4M; HB 61 - 4M; HB 75 - 4M; SB 24 - 4M.

HB 38 was reported out of the Revenue & Finance Committee earlier today. The correct Committee

Report is:

ECON DEV, B & I: HB 38 - 8M.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

Mr. Speaker Spence resumed the Chair.

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

Representative Boulden requested that he be marked present.

Representative Gilligan was granted personal privilege of the floor for a comment.

Representatives Spence, Petrilli & George made comments.

Mr. Speaker assigned HB 12 to the Appropriations Committee.

The following prefiled legislation was introduced:

HB 100 - ROY & SENATOR SOKOLA; REPRESENTATIVES SPENCE, PETRILLI, BOULDEN, CAPANO, CLOUTIER, DIPINTO, D. ENNIS, LOFINK, STONE, ULBRICH, WAGNER, BANNING, HOUGHTON, JONKIERT; SENATORS VAUGHN, HAUGE, SORENSON - SM BUS: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HB 101 - OBERLE & SPENCE, WELCH; SENATOR MCBRIDE; REPRESENTATIVES DIPINTO, ROY, BANNING - LABOR: An Act to Amend Chapter 16 of Title 19 of the Delaware Code Relating to Fact-Finding for Police Officers and Firefighters.

HB 102 - SCHROEDER & SENATOR SOKOLA; REPRESENTATIVES BANNING, BOULDEN, BRADY, BUNTING, CAREY, DIPINTO, B. ENNIS, EWING, HOUGHTON, JONKIERT, LOFINK, PLANT, WELCH, WEST; SENATORS ADAMS, BAIR, BLEVINS, HENRY, REED, SORENSON, STILL, VAUGHN, VENABLES, VOSHELL - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to the Placement of Legal Notices for Activities Permitted by the Department of Natural Resources and Environmental Control.

**HB 103** - WEST, PLANT, BANNING, SCOTT, BUNTING, B. ENNIS, BRADY, HOUGHTON, GEORGE, GILLIGAN, SPENCE, SMITH, BUCKWORTH, D. ENNIS, REYNOLDS, MACK, LEE; SENATORS ADAMS, CORDREY, SHARP, BLEVINS, VENABLES, MCBRIDE, VAUGHN, MARSHALL, STILL, AMICK, SORENSON, BAIR, HAUGE, BONINI, HENRY - NAT RES: An Act Authorizing and Directing the Department of Natural Resources & Environmental Control, Division of Fish & Wildlife, to Issue a Commercial Gill Net Foodfishing Permit to Andrew M. Hickman, Age 85, of Dagsboro, Delaware Who is Presently Prohibited From Obtaining a Permit Under Delaware Finfishing Statutes.

**HB 104** - OBERLE, SPENCE, LOFINK, MAIER, CAULK, WAGNER, BRADY, JONKIERT, VANSANT; SENATORS MARSHALL, REED - ED: An Act to Amend Title 14 of the Delaware Code Relating to Limiting Local School Taxes for Senior Citizens on Fixed Incomes and Their Spouses. (2/3 bill)

**HA 1 to HB 57** - OBERLE, BUCKWORTH, DAVIS, MARONEY, ROY, SMITH, WAGNER; SENATORS SOKOLA, AMICK, BAIR, SORENSON - AGENDA: Placed with the bill.

**HA 1 to HB 66** - ROY - TRANS & INFRA: Placed with the bill.

**HA 1 to HB 77** - QUILLEN - HEALTH & HUM DEV: Placed with the bill.

**HA 1 to HB 89** - VANSANT - READY LIST: Placed with the bill.

**SB 48 w/SA 1** - VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Motor Vehicle Registrations. (F/N)

**SB 58** - MCBRIDE; REPRESENTATIVE B. ENNIS - P/S: An Act to Amend Chapter 70, Title 21, Delaware Code Relating to Fire Lanes.

Representative Maroney requested that she be marked present.

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

The House reconvened at 4:13 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 71, SCR 9 & SCR 10**.

Representatives Cloutier, Oberle, Scott & Mack requested that they be marked present.

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

Representative Wagner introduced **HJR 5**, jointly sponsored by Representatives West, Ewing, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, George, Houghton, Jonkiert, Lee, Lofink, Mack, Maier, Oberle, Plant, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Ulbrich, VanSant & Welch & Senator Voshell & cosponsored by Representatives Brady, Bunting & Boulden & Senators Cook, Vaughn, Venables, McBride, Bonini, Still & Adams.

Representative Jonkiert requested that he be marked present.

**HJR 5** - Designating and Naming the New Route 1 By-Pass That Commences at Dover Air Force Base and Terminates North of Smyrna, Together With Any New Extensions to be Added in the Future, as the 'Korean War Veterans Memorial Highway'.

Mr. Speaker assigned **HJR 5** to Transportation and Infrastructure Committee.

Representative Mack introduced **HR 12**, jointly sponsored by Representatives Oberle & Reynolds.

Representative Brady made comments.

Representative Plant requested that **HB 24** be stricken.

**HR 12** - Appointing a Committee to Investigate Star Enterprise's Proposal to Control Noxious Emissions.

Mr. Speaker assigned **HR 12** to the Environmental Management Committee.

Representative Wagner made a comment.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto introduced & brought **HR 13**, sponsored on Behalf of All Representatives, before the House for consideration.

**HR 13** - Extending Profound Gratefulness and Appreciation to Bishop Robert E. Mulvee, DD.JCD of the Wilmington Diocese for Not Only His Ecclesiastical Devotion and Dedication, But Also for His Leadership in the Community, and Further Invoking Upon Bishop Mulvee God-Speed and Success in His New Assignment in the Diocese of Providence, Rhode Island.

**HR 13** was adopted by voice vote.

Representative DiPinto requested and was granted the privilege of the floor for Bishop Robert E. Mulvee.

Representative DiPinto presented a House Tribute to Bishop Robert E. Mulvee.

Representative Spence made comments & presented gifts to the Bishop.

Representative Reynolds made comments.

Representative DiPinto was granted personal privilege of the floor for the introduction of a guest.

Representative Quillen made an announcement.

Representative D. Ennis requested that he be marked present.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought **HB 12**, jointly sponsored by Senators McBride & Reed, before the House for consideration.

HB 19 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Offenses; and Providing for Prohibitions Against Ticket Scalping.

Representative Oberle requested that HA 1, 2, 3, 4 & 5 to HB 19 be stricken.

Representative Oberle introduced and brought HA 6 to HB 19, before the House for consideration.

Representative Oberle made comments.

HA 6 was adopted by voice vote.

Representatives Smith & Oberle made comments.

Representative Oberle moved to place HB 19 w/HA 6 on the Speaker's Table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli brought HB 2 w/HA 1 & SA 1, sponsored by Representative Oberle & Senator Vaughn, before the House for concurrence on SA 1.

HB 2 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registrations.

Representative Petrilli made a comment.

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

YES: 41.

Therefore, having received a constitutional majority, HB 2 w/HA 1 & SA 1 was sent to the Governor.

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

Representative Petrilli deferred to Representative Ewing.

Representative Ewing moved to lift SB 3 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Ewing brought SB 3, sponsored by Senators Cordrey & Still, before the House for consideration.

SB 3 - An Act to Amend Title 21, Delaware Code Relating to Special License Plates.

Representative Ewing made comments.

Representative Ewing requested and was granted the privilege of the floor for Dave Boswell, House Attorney.

Representative Ewing made comments.

The roll call on SB 3 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 3 was returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on HB 57 be Deferred to a Day Certain, Thursday, March 30, 1995.

Representative Oberle requested that action on SB 24 be Deferred to a Day Certain, Thursday, March 30, 1995.

Representative Davis brought HB 36, jointly sponsored by Representatives Boulden, Buckworth, Capano, Carey, D. Ennis, DiPinto, Fallon, Lofink, Mack, Maroney, Oberle, Reynolds, Stone, Ulbrich, Wagner, Banning, Brady, Bunting, DiLiberto, George, Gilligan, Houghton, Plant, Schroeder, VanSant & West & Senators Sokola, Bair, Connor, Hauge, Reed & Sorenson, before the House for consideration.

HB 36 - An Act to Amend Title 21 of the Delaware Code Relating to Mobile Retail Businesses. (2/3 bill)

Representatives Davis & Oberle made comments.

The roll call on HB 36 was taken and revealed:

YES: 40.

NOT VOTING: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 36 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 42, jointly sponsored by Representatives Boulden, Brady, Buckworth, Carey, Davis, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Jonkiert, Lofink, Plant, Quillen, Stone, VanSant, Wagner & West & Senators Blevins, Cook, Hauge, Henry, Reed & Vaughn, before the House for consideration.

HB 42 - An Act to Amend Chapter 27, Title 25 of the Delaware Code Relating to Mechanics' Liens.

Representative Banning brought HA 1 to HB 42 before the House for consideration.

Representative Banning made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 42 w/HA 1 was taken and revealed:

YES: 39.

NO: Representative Cloutier - 1.

NOT VOTING: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 42 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto was granted personal privilege of the floor for the introduction of a guest.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HR 9 before the House for consideration.

HR 9 - Creating a Family Day Care Task Force to Study and Report on Proposals to Permit Family Day Cares in Residential Areas.

Representative Wagner made comments.

HR 9 was adopted by voice vote.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought SCR 10, jointly sponsored by Senators McDowell, Marshall & McBride, before the House for consideration.

SCR 10 - Congratulating the Greek-American Community of Delaware on the Occasion of Greek-Independence Day, March 25, 1995.

Representative DiPinto made comments.

SCR 10 was adopted by voice vote and returned to the Senate.

Representative Petrilli deferred to Representative Brady.

Representative Brady brought HB 90, jointly sponsored by Representatives Banning, Boulden, Bunting, Capano, Carey, Caulk, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Jonkiert, Mack, Oberle, Plant, Reynolds, Scott, Smith, VanSant, Welch & West & Senators Amick, Cook, Sorenson, Still & Vaughn, before the House for consideration.

HB 90 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representatives Brady, Davis & Petrilli made comments.

Representative Brady moved to lay HB 90 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 10, sponsored by Senator Vaughn & Representative Banning, before the House for consideration.

SB 10 - An Act to Amend Chapter 128, Volume 33, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Middletown" to Give the Mayor the Limited Right to Vote. (2/3 bill)

Representative Petrilli deferred to Representative Banning.

Representative Banning made a comment.

The roll call on SB 10 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 10 was returned to the Senate.

Representative Petrilli made an announcement regarding SB 29.

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

16TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 28, 1995

Mr. Acting Speaker Quillen called the House to order at 2:03 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 74 w/SA 2 & SA 4, SB 40 w/SA 1 & SB 41 w/SA 1.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current Legislative Day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Cloutier, West - 2.

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

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

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

Representative Carey requested that he be marked present.

The following prefiled legislation was introduced:

HB 105 - SPENCE & SENATOR SHARP - JUD: An Act to Amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Against Public Administration. (2/3 bill)

**HB 106 - MARONEY & SENATOR BLEVINS - HEALTH & HUM DEV:** An Act to Amend Title 31 of the Delaware Code Relating to the Bringing or Sending of Nonresident Children Into the State of Delaware.

**HB 107 - SMITH & SENATOR SOKOLA - LABOR:** An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to the Regulation of Private Employment Agencies.

**HB 108 - JONKIERT - JUD:** An Act to Amend Chapter 13, Title 10, Delaware Code Relating to Judges of the Court of Common Pleas.

**HB 109 - JONKIERT, BANNING, BOULDEN, BRADY, DIPINTO, LEE, LOFINK, REYNOLDS, SCOTT, WAGNER, SPENCE; SENATORS BLEVINS, MARSHALL, MCBRIDE, VAUGHN - H/ADM:** An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to Allowable Prizes and Promotional Giveaways in Connection With Bingo Games.

**HA 7 to HB 19 - SMITH - L.O.T.:** Placed with the bill.

**HA 1 to HS 1 to HB 37 - DAVIS - L.O.T.:** Placed with the bill.

**HA 1 to HB 69 - ROY - TRANS & INFRA:** Placed with the bill.

**HA 2 to HB 89 - VANSANT - AGENDA:** Placed with the bill.

**SB 40 w/SA 1 - MCBRIDE & REPRESENTATIVE MACK; SENATORS VOSHELL, AMICK, BAIR; REPRESENTATIVES CAREY, BUNTING, SCHROEDER, D. ENNIS - ENV MAN:** An Act to Amend Chapter 91, Title 7 of the Delaware Code Relating to the Delaware Hazardous Substance Cleanup Act. (F/N)

**SB 41 w/SA 1 - MCBRIDE & REPRESENTATIVES MACK, D. ENNIS - R & F:** An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to Business Tax Credits and Deductions. (F/N)

**SB 71 - CORDREY; REPRESENTATIVE D. ENNIS - ECON DEV., B & I -** An Act to Amend Title 5 of the Delaware Code Relating to the Activities and Taxation of Edge Act Corporations. (2/3 bill)

**SB 74 w/SA 2 & 4 - MCBRIDE & REPRESENTATIVE DIPINTO; SENATORS MCDOWELL, AMICK; REPRESENTATIVE DAVIS - ENV MAN:** An Act to Amend Title 7 of the Delaware Code Relating to the Clean Air Act Title V Operation Permit Program. (3/5 bill)(F/N)

**HA 1 to SB 21 - LEE - AGENDA:** Placed with the bill.

**SCR 9 - VOSHELL; REPRESENTATIVE EWING; SENATORS ADAMS, CORDREY, SOKOLA & VAUGHN; REPRESENTATIVE SCHROEDER - P/S:** Decrying the Recent Comments of Attorney Alan Dershowitz on National Television Alleging That Police Routinely Lie in Court and Are Trained to Do So, and Faulting the Media for Allowing Such InUnsubstantiated Remarks to Stand Without Appreciable Critical Comment.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: March 28, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                         |
|----------|-----------|-------------------|------|---------------------------------------------------------------------|
| H138-200 | B. Ennis  | 3/28/95           | T    | Dr. Vincent A. Marquez/'95<br>DE Merit Mother of Year               |
| H138-201 | B. Ennis  | 3/15/95           | M    | Glenn W. Langley Busker                                             |
| H138-202 | Maroney   | 3/22/95           | T    | Concord Chapter AARP/<br>Women's History Month                      |
| H138-203 | Bunting   | 3/19/95           | T    | Elizabeth Fleming/'95 DE<br>Spelling Bee (Grade 8)                  |
| H138-204 | Capano    | 3/29/95           | T    | J. Brendan Farley/'94 NSCAA<br>All American/ Soccer                 |
| H138-205 | DiPinto   | 3/23/95           | T    | Monsignor Rev. Robert E.<br>Mulvee/Fond Farewell                    |
| H138-206 | Petrilli  | 3/20/95           | T    | David Tiberi/'95 Wallace<br>Johnson Com. Serv. Award                |
| H138-207 | Buckworth | 3/23/95           | T    | Aaron Sick/'95 DE Spelling Bee<br>/State Championship               |
| H138-208 | Buckworth | 3/23/95           | T    | Morgan Duffy/1st Place/'95<br>DE Spelling Bee/Grade 4               |
| H138-209 | DiLiberto | 3/24/95           | T    | Shue Middle Sch. Band/Paul Hess,<br>Dir./Diamond Festivals          |
| H138-210 | Gilligan  | 3/22/95           | T    | John Gordon/"Player of<br>Year"/Basketball/St. Mark's               |
| H138-211 | Gilligan  | 3/22/95           | T    | Victoria Wollaston/6 Yrs. Ded.<br>Serv./Commissioner Newport        |
| H138-212 | Gilligan  | 3/22/95           | T    | Chris Devlin/All-State Swim<br>Team/Salesianum High School          |
| H138-213 | Gilligan  | 3/22/95           | T    | Paul F. Calistro, Jr./8 Yrs.<br>Ded. Serv./Mayor/Newport            |
| H138-214 | DiLiberto | 3/22/95           | T    | Henry DuPont Middle<br>Sch./Mark Donovan,Dir.<br>/Diamond Festivals |

T - Tribute

M - Memoriam

Representative Petrilli made an announcement.

Representative VanSant requested that he be marked present.

The Majority Leader moved to recess at for caucus at 2:10 p.m.

The House reconvened at 4:07 p.m. with Representative Quillen as Acting Speaker.

Representatives Banning, Plant, Oberle, Scott, Schroeder & Reynolds 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 63, SJR 8, SB 66 w/SA 1, SB 50 w/SA 1, SB 61 w/SA 1, HB 28 w/HA 1 & HB 74.

Representatives Spence, Maroney & Brady requested that they be marked present.

Representative Ewing introduced HB 110, jointly sponsored by Representatives Carey, Fallon, Lee & Schroeder & Senators Adams & Voshell.

HB 110 - An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to the Power of the Sussex County Government to Impose and Collect a Tax Upon the Placement of a Mobile Home.

Mr. Acting Speaker assigned HB 110 to the Housing & Community Affairs Committee.

Mr. Speaker Spence resumed the Chair.

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

Representative Petrilli deferred to Representative Ewing.

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

HCR 12.

Representative Ewing introduced & brought HCR 12, jointly sponsored by Representatives Welch, Wagner, Caulk, Carey, Bunting & Lee & Senators Vaughn, Bonini, Voshell & Cordrey & Representatives Quillen, Stone, Buckworth, Schroeder, Fallon & West & Senators Cook, Still, Adams & Venables, before the House for consideration.

HCR 12 - Requesting the Bond Bill Committee to Allocate 10 Million Dollars in the 1996 Bond Bill Toward Completion of Surfacing All Remaining Dirt Roads in the State.

Representative Petrilli moved to assign HCR 12 to committee. The motion was seconded by

Representative Jonkiert and adopted by voice vote.

Mr. Speaker Spence assigned HCR 12 to the Bond Bill Committee.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought SB 21 w/SA 1, jointly sponsored by Senators Vaughn, Sharp & Cook & Representatives B. Ennis & West, before the House for consideration.

SB 21 - An Act to Amend Chapter 9, Title 19, Delaware Code Relating to Exclusions From Minimum

Wage.

Representative Lee brought HA 1 to SB 21 before the House for consideration.

Representative Lee made a comment.

HA 1 was adopted by voice vote.

Representatives Lee & Plant made comments.

Representative Plant requested and was granted the privilege of the floor for Brian Shirey, House

Attorney.

Representative Plant made a comment.

The roll call on SB 21 w/SA 1 & HA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representatives Plant, Scott - 2.

ABSENT: Representatives Cloutier, West - 2.

Therefore, having received a constitutional majority, SB 21 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

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

Representative Petrilli deferred to Representative Oberle.

Representative Oberle made an announcement.

Representative Brady moved to lift HB 90 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Brady brought HB 90, jointly sponsored by Representatives Banning, Boulden, Bunting, Capano, Carey, Caulk, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Jonkiert, Mack, Oberle, Plant, Reynolds, Scott, Smith, VanSant, Welch & West & Senators Amick, Cook, Sorenson, Still & Vaughn, before the House for consideration.

HB 90 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representatives Brady, Davis & Ewing made comments.

The roll call on HB 90 was taken and revealed:

YES: 39.

ABSENT: Representatives Cloutier, West - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 90 was sent to the Senate for concurrence.

Representative Petrilli brought SB 12, jointly sponsored by Senators Cordrey, Sharp, Marshall, Bair & Connor & Representatives Spence, Quillen, George & Gilligan & Senators McDowell, Henry, Bonini, Hauge, Sorenson, Amick, Reed, McBride, Vaughn, Cook, Still, Voshell, Adams & Venables & Representatives Plant, DiPinto, Jonkiert, D. Ennis, Smith, Brady, Banning, Maroney, Cloutier, Capano, VanSant, Reynolds, Houghton, Mack, Roy, Boulden, Oberle, Ulbrich, Lofink, B. Ennis, Welch, Wagner, Stone, Buckworth, Ewing, Carey, Schroeder, Bunting, Fallon, Lee & West, before the House for consideration.

SB 12 - An Act to Amend Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates.

Representative Petrilli made a comment.

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 Lofink introduced & brought HR 14, jointly sponsored by Representative Gilligan, before the House for consideration.

HR 14 - Resolution Honoring the 30th Anniversary of Representative Bruce Reynolds' Greatest Athletic Accomplishment.

WHEREAS, in the winter of 1891, Dr. James Naismith of Massachusetts' Springfield College invented a new game - basketball - to keep his unmotivated football players in shape; and

WHEREAS, the game of basketball grew over the next one hundred years to become one of our great national games; played in gymnasiums, driveways, fieldhouses and in public parks; and

WHEREAS, Delawareans enthusiastically embraced this game and the First State produced many great basketball teams and players, and many memorable individual performances in basketball's 105 years; and

WHEREAS, 1965 - basketball's 75th year - saw basketball ascend to a place of national prominence with great professional players such as Wilt Chamberlain, Oscar Robertson, Jerry West and Elgin Baylor, while the college game revolved around Princeton's Bill Bradley, Michigan's Cazzie Russell, and UCLA's repeat as national champions; and

WHEREAS, on Friday, January 8, 1965 (ironically, Elvis Presley's 30th birthday), the Diamond State witnessed one of the greatest individual athletic accomplishments in its glorious sports history, as the William Penn Colonial boys' basketball team visited the Wilmington High Red Devils at Lancaster Avenue and DuPont Road in the fair city of Wilmington; and

WHEREAS, the underdog, William Penn Colonials, were led by a big, strong, quick, agile, mobile, handsome, quiet and shy 16-year-old Junior, Bruce Reynolds, who dazzled the basketball world that evening by scoring 32 points in a valiant, but losing effort, as Wilmington High won this hard-fought contest 60-51.

WHEREAS, after this one, brief and shining moment, young Bruce Reynolds was so disappointed at his team's loss that he became a fallen and forgotten hero- eventually fading into the work-a-day world as an obscure high school football coach in suburban New Castle County, Delaware.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 138th General Assembly of the State of Delaware that they attempt to lift Bruce Reynold's spirits in this, the 30th anniversary year of his greatest athletic accomplishment, by presenting this Resolution to him in honor of his 47th birthday!

BE IT FURTHER RESOLVED that a copy of this Resolution be suitably prepared and forwarded to the Delaware Sports Hall of Fame!

Representatives Petrilli & Lofink made comments.

HR 14 was adopted by voice vote.

Representatives Gilligan, Lofink, Boulden, DiPinto, Gilligan & Reynolds made comments.

Representative VanSant brought HB 82, jointly sponsored by Representatives Bunting, Buckworth, Capano, Carey, Cloutier, Davis, DiLiberto, Ewing, George, Gilligan, Houghton, Jonkiert, Lee, Lofink, Maier, Petrilli, Plant, Quillen, Scott, Spence, Welch & West, before the House for consideration.

HB 82 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representative VanSant brought HA 1 to HB 82 before the House for consideration.

Representative VanSant made a comment.

HA 1 was adopted by voice vote.

Representative VanSant brought HA 2 to HB 82 before the House for consideration.

Representative VanSant made a comment.

HA 2 was adopted by voice vote.

Representative VanSant made a comment.

The roll call on HB 82 w/HA 1 & 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Cloutier, West - 2.

Therefore, having received a constitutional majority, HB 82 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli made an announcement.

The Majority Leader moved to recess for caucus at 4:53 p.m.

The House reconvened at 5:55 p.m.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with action on SB 74 w/SA 2 & 4.

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

Representative DiPinto brought SB 74 w/SA 2 & 4, jointly sponsored by Senators McBride, McDowell & Amick & Representative Davis, before the House for consideration.

SB 74 - An Act to Amend Title 7 of the Delaware Code Relating to the Clean Air Act Title V Operating Permit Program. (F/N)(3/5 bill)

Representatives DiPinto & Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Christophe Tulou, Secretary, DNREC.

Representatives Oberle, Davis, Petrilli, DiPinto, Davis, Plant, Oberle, Lofink, Caulk, DiPinto, Petrilli, Caulk, DiPinto, Davis, George, Oberle & DiPinto made comments.



Mr. Speaker Spence declared a recess at 6:38 p.m. for the purpose of changing the recording tape. The House reconvened at 6:48 p.m.

Representative Mack introduced & brought HA 1 to SB 74 before the House for consideration.

Representatives Mack, DiPinto, Davis, Oberle, George, Mack, Boulden, Ulbrich & Mack made comments.

Mr. Speaker Spence declared a recess for caucus at 7:08 p.m.

The House reconvened at 7:53 p.m.

Representative Mack made comments.

The roll call on HA 1 was taken and revealed:

YES: Representatives Caulk, Davis, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Welch, Mr. Speaker Spence - 10.

NO: 20.

NOT VOTING: Representatives Brady, Buckworth, Bunting, D. Ennis, Ewing, Roy - 6.

ABSENT: Representatives Cloutier, Gilligan, Petrilli, Schroeder, West - 5.

Therefore, not having received a constitutional majority, HA 1 to SB 74 was declared defeated.

Mr. Speaker Spence introduced a guest.

Representative Lofink introduced and brought HA 2 to SB 74 before the House for consideration.

Representative Lofink made a comment.

Representative Lofink requested and was granted the privilege of the floor for June MacArtor, Advisory Committee Member.

Representative Mack made comments.

HA 2 was defeated by voice vote.

The roll call on SB 74 w/SA 2 & 4 was taken and revealed:

YES: 33.

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

ABSENT: Representatives Cloutier, Gilligan, Petrilli, Schroeder, West - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 74 w/SA 2 & 4 was returned to the Senate.

The Majority Whip moved to recess to the call of the Chair at 8:10 p.m.

17TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 29, 1995

Mr. Speaker Spence called the House to order at 2:07 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 7, SCR 11, HCR 11, HCR 10, SB 82 & SS 1 for SB 4.

Commonwealth of Virginia  
March 21, 1995

The Honorable Joann Hedrick  
Chief Clerk of the House  
109 Legislative Hall  
Dover, Delaware 19901

Dear Joann:

As directed by the 1995 General Assembly, I am enclosing Senate Joint Resolution No. 279, memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for state-initiated amendments to the Constitution.

The Patron of this resolution is Senator Virgil H. Goode, Jr., 124 Orchard Avenue, Rocky Mount, Virginia 24151.

The resolution was agreed to by the Senate on February 20, 1995, and the House of Delegates on February 16, 1995.

With kind regards, I am

Sincerely yours,  
Susan Clarke Schaar  
Clerk of the Senate

SCS/am  
Enclosure

CC: The Honorable Virgil H. Goode, Jr.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current Legislative Day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Cloutier, Gilligan, West - 3.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 111** - JONKIERT & SENATOR MARSHALL - H/ADM: An Act to Waive the Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Patricia Gallagher and Terry McCandlish.

**HB 112** - SMITH & SENATORS VOSHALL & BAIR - TRANS & INFRA: An Act to Amend Chapter 1, Title 17, Delaware Code Relating to Sale of Real Property.

**HB 113** - ROY, PETRILLI, SPENCE, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, SMITH, STONE, ULBRICH, WELCH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST; SENATORS BLEVINS, COOK, SOKOLA, VAUGHN, VENABLES, VOSHALL, BAIR, CONNOR, HAUGE, HENRY, STILL - JUD: An Act to Amend Title 11 of the Delaware Code by Creating the Offense of Home Improvement Fraud. (2/3 bill)

**HA 1 to HB 98** - SCHROEDER - P/S: Placed with the bill.

**SS 1 for SB 4** - CORDREY & AMICK - H/ADM: An Act to Amend Subchapter IV, Chapter 80, Title 15, Delaware Code Relating to Reports of Political Committees.

**SB 50 w/SA 1** - VAUGHN; REPRESENTATIVE LEE - CORR: An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to the Method and Imposition of Sentence of Death.

**SB 61 w/SA 1** - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA, VOSHALL & SORENSON; REPRESENTATIVES BUCKWORTH, CAREY, EWING, MAIER, OBERLE, QUILLEN, WAGNER, BANNING, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, SCOTT - HEALTH & HUM DEV: An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Psychology.

**SB 63** - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA & VOSHALL; REPRESENTATIVES MAIER, HOUGHTON, SCOTT - TRANS & INFRA: An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to the Board of Land Surveyors.

**SB 66 w/SA 1** - CORDREY, ADAMS, VENABLES & VOSHALL; REPRESENTATIVES WEST, SCHROEDER, BUNTING, EWING - ED: An Act to Amend Section 1068, Title 14 of the Delaware Code Relating to the Terms of Office of Indian River Board of Education Members. (F/N)

**SB 82** - CORDREY, ADAMS, HAUGE, BAIR; REPRESENTATIVES SPENCE, GEORGE, GILLIGAN, DIPINTO, CLOUTIER - HEALTH & HUM NEEDS - An Act to Amend the Laws of Delaware Related to Health Planning and Resources Management.

**SCR 7** - BLEVINS & REPRESENTATIVE ULBRICH; SENATOR VOSHALL; REPRESENTATIVE MAIER; SENATOR SOKOLA - H/ADM: Requesting an Opinion of the Supreme Court Regarding Article XV, §5.

**SJR 8** - CORDREY, SHARP, MARSHALL - H/ADM: In Reference to Election of Officers.

Representatives Scott, Lofink & Quillen requested that they be marked present.

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

**HR 15**. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle introduced and brought **HR 15** before the House for consideration.

**HR 15** - Requesting the Speaker of the House, the Governor, and the President of the City Council of Wilmington to Appoint a Commission to Explore Issues Related to the Future of the Port of Wilmington.

Representative Oberle made comments.

Representative George requested that he be marked present.

Representatives George & Oberle made comments.

Representative Oberle moved to lay **HR 15** on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representatives Buckworth, Ulbrich, Capano, DiLiberto, Jonkiert & Bunting requested that they be marked present.

Representative Smith introduced **HB 114**, jointly sponsored by Senator Venables & Representatives Davis & Brady & Senators Cordrey, Hauge & Bonini.

**HB 114** - An Act Proposing an Amendment to Article XV of the Delaware Constitution of 1897, as Amended, Relating to Prohibiting the Use of Discrimination Against or Preferential Treatment to Persons in Public Employment, Public Contracting, or Public Education, to be Known as the Delaware Civil Rights Initiative. (2/3 bill)

Mr. Speaker assigned HB 114 to the House Administration Committee.

Representative Ewing introduced HB 115, jointly sponsored by Senator Voshell.

Representative Roy requested that he be marked present.

HB 115 - An Act to Amend Title 21 of the Delaware Code Relating to Motor Carrier Safety.

Mr. Speaker assigned HB 115 to the Public Safety Committee.

Representative Plant was granted personal privilege of the floor for a comment.

Representative George made an announcement.

The House observed a moment of silence in memory of Representative Gilligan's father-in-law.

The Majority Leader moved to recess for committee meetings at 2:25 p.m.

The House reconvened at 4:53 p.m. with Representative Quillen as Acting Speaker.

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

JUD: HB 65 - 1F,7M; HB 70 - 1F,7M; HB 71 - 1F,6M; HB 87 - 8M; HB 88 - 7M; SB 56 - 1F,7M.

ENVIR MAN: HR 12 - 4F.

P/S: HB 91 - 5M; HB 98 - 6M; SB 43 w/SA 1 - 6M; SB 46 w/SA 1 - 6M; SB 47 w/SA 1 - 5M; SB 48 w/SA 1 - 6M; SB 58 - 5M; SCR 9 - 2F,5M.

SM BUS: HB 100 - 6M.

APPRO: HCR 8 - 4M.

HOUSING & COM AFF: HB 110 - 6M.

ECON DEV, B & I: SB 71 - 2F,5M.

TRANS & INFRA: HB 66 - 6M; HB 67 - 6M; HB 69 - 5M.

NAT RES: HB 85 - 3F,1M; HB 99 - 2F,2M; HB 102 - 2F,1M.

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

Representative DiLiberto was granted personal privilege of the floor for the introduction of a guest.

The following prefiled Consent Calendar #4 was introduced:

SCR 8 - BONINI, STILL, COOK, VAUGHN, VOSHELL, ADAMS, CORDREY;

REPRESENTATIVES BUCKWORTH, QUILLEN, CAULK, B. ENNIS, EWING, STONE, WAGNER,

WELCH - Celebrating the Life of Fred Fifer III and His Many Contributions to His Community and the State of Delaware.

SCR 11 - BAIR, CONNOR, CORDREY, SHARP, MARSHALL, ALL SENATORS;

REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN, ALL REPRESENTATIVES - Celebrating the Life and Service of the Honorable Robert J. Berndt.

Representative Petrilli requested that SCR 9, sponsored by Senator Voshell & Representative Ewing & Senators Adams, Cordrey, Sokola & Vaughn & Representative Schroeder, be added to Consent Calendar #4.

SCR 9 - Decrying the Recent Comments of Attorney Alan Dershowitz on National Television Alleging That Police Routinely Lie in Court and Are Trained to Do So, and Faulting the Media for Allowing Such Unsubstantiated Remarks to Stand Without Appreciable Critical Comment.

SCR 9 was placed on Consent Calendar #4.

Consent Calendar #4 was adopted by voice vote and SCR 8, SCR 9 & SCR 11 were returned to the Senate.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: March 28, 1995

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

| Number    | Sponsor                         | Presentation Date | Type | Description                                                                             |
|-----------|---------------------------------|-------------------|------|-----------------------------------------------------------------------------------------|
| H138-215  | DiLiberto<br>cosponsor: Mack    | 3/24/95           | T    | Gunning Bedford Middle /Steven Breffott, Performance/ Diamond Festivals                 |
| H138-216  | DiLiberto<br>cosponsor: Banning | 3/24/95           | T    | Redding Middle Joyce M. Hess, Performance/Diamond Festivals                             |
| H138-217  | Maroney                         | 3/20/95           | T    | DE Dietetic Association/Nat. Nutrition Month                                            |
| H138-218  | Fallon                          | 3/15/95           | M    | Pauline Donovan Murray                                                                  |
| H138-219  | VanSant                         | 3/31/95           | T    | Albert G. Abele & Betty M. Abele/ 50th Wedding Anniversary                              |
| H138-219a | Wagner<br>cosponsor: Stone      | 3/19/95           | M    | Devon Joseph Walker                                                                     |
| H138-220  | Carey<br>cosponsor: Quillen     | 3/24/95           | T    | Carrie P. Brown/Recogn./ Harrington Bus. & Prof.                                        |
| H138-221  | Ulbrich                         | 3/31/95           | T    | Women/Women's History Month Glasgow High Girls' Swim Team/1st Place/Blue Hen Conf.      |
| H138-222  | Ulbrich                         | 3/31/95           | T    | St. Marks High School Girls' & Boys' Swim Teams/Best Combined Perf./ State Championship |

|          |                              |         |   |                                                                                                                                       |
|----------|------------------------------|---------|---|---------------------------------------------------------------------------------------------------------------------------------------|
| H138-223 | Stone                        | 3/15/95 | M | Robert F. McDermott                                                                                                                   |
| H138-224 | Wagner                       | 3/23/95 | M | Nicole Lynn Mosley                                                                                                                    |
| H138-225 | Carey                        | 3/28/95 | T | Cub Scout Pack #116/29th Annual<br>Blue & Gold Banquet                                                                                |
| H138-226 | Wagner                       | 3/24/95 | M | Charles "Marion" Benton                                                                                                               |
| H138-227 | cosponsor: B. Ennis<br>Carey | 4/04/95 | T | Vlasic Foods, Inc./Partner/KSI                                                                                                        |
| H138-228 | cosponsor: Quillen<br>Carey  | 4/04/95 | T | Employment/People/Specialized Needs<br>Jefferson, Urian, Doane &<br>Sternner, PA /Partner/KSI/Employment<br>/People/Specialized Needs |
| H138-229 | cosponsor: Quillen<br>Carey  | 4/04/95 | T | Penn Fibre/Partner/KSI/<br>Employment/People/Specialized Needs                                                                        |

T - Tribute

M - Memoriam

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

ED: HB 72 - 7M.

HEALTH & HUM NEEDS: HB 83 - 6M.

The Majority Leader moved to recess to the call of the Chair at 5:00 p.m.

18TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
March 30, 1995

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m.

The Reading Clerk read the following communications into the record:

March 29, 1995

LEGISLATIVE ADVISORY #4

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 3/28/95 -  
SB 74 aab SA 2 & SA 4.

March 29, 1995

Representative Terry Spence  
Speaker of the House  
Legislative Hall  
Dover, DE 19901  
Dear Terry:

For personal reasons I will not be attending session on Thursday, March 30, 1995.

Sincerely,  
Roger Roy  
State Representatives  
20th District

Mr. Speaker assigned HB 61, HB 65, HB 71 & HB 79 to the Appropriations Committee.

Representative Caulk introduced HA 1 to SB 24. HA 1 was placed with the bill.

Representative Cloutier 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.

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Roy, West - 2.

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

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

The following prefiled legislation was introduced:

HB 116 - SMITH, PETRILLI, QUILLEN, BOULDEN, CAPANO, DAVIS, DIPINTO; SENATORS CORDREY, ADAMS, AMICK, BAIR, BONINI, REED, STILL - P/S: An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists.

HB 117 - MACK & SENATOR CONNOR - H/ADM: An Act to Amend Chapter 121, Volume 32, Laws of Delaware, as Amended, Entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle" Relating to the Secretary of the Board and the Salaries of the Commissioners. (2/3 bill)

HB 118 - OBERLE; SENATOR MARSHALL - LABOR: An Act to Amend §5201(a), Title 29 of the Delaware Code Relating to Health Care Insurance.

**HB 119 - OBERLE & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, DIPINTO, ROY, WELCH, BANNING - LABOR:** An Act to Amend Section 1602 of Title 19 of the Delaware Code Relating to the Police Officers and Firefighters Employment Relations Act.

**HB 120 - PETRILLI, D. ENNIS, EWING, FALLON, DAVIS, DIPINTO, LEE, ROY, ULBRICH, BANNING, B. ENNIS, GILLIGAN, PLANT, SCOTT; SENATORS BAIR, CONNOR, SORENSON - H/ADM:** An Act to Amend Volume 69, Chapter 291, Laws of Delaware, Establishing the Total Quality Improvement Fund.

**HJR 6 - OBERLE - APPRO:** Directing and Authorizing the State Employees Pension Benefits Review Committee to Study and Make Recommendations to Establish Criteria for Post-Retirement Supplements.

**HCR 13 - MAIER, SPENCE, PETRILLI, QUILLEN, BUCKWORTH, CAPANO, DAVIS, DIPINTO, EWING, ROY, STONE, CLOUTIER, SMITH, WAGNER; SENATOR SORENSON - APPRO:** Requesting the State Budget Office to Report to the General Assembly on Its Use of Performance Based Budgeting Including How Performance Criteria Are Set, How Success is Measured and Its Plans for Expanding Performance Based Budgeting.

**HCR 14 - WAGNER, SPENCE, PETRILLI, BUCKWORTH, CAREY, DAVIS, DIPINTO, EWING, MAIER, CAPANO, CLOUTIER, ROY, STONE, ULBRICH, BUNTING, GILLIGAN, PLANT, SCHROEDER; SENATORS BAIR, VENABLES - H/ADM:** Encouraging State Departments and Agencies to Expand the Use of Performance and Completion Incentives in Public Contracts.

**HCR 15 - CAPANO, SPENCE, PETRILLI, QUILLEN, EWING, BUCKWORTH, CLOUTIER, DAVIS, DIPINTO, LOFINK, MAIER, ROY, SMITH, STONE, WAGNER, WELCH, ULBRICH, BUNTING; SENATORS HAUGE, CONNOR, BAIR, VENABLES - H/ADM:** Creating a Privatization Task Force Consisting of Representatives From Government, Labor and Business to Evaluate Existing Privatized Government Services and to Explore and Recommend Other State Services for Privatization.

**HA 1 to HB 70 - WELCH & COSPONSORED BY REPRESENTATIVE MACK - READY LIST:** Placed with the bill.

**SB 13 w/SA 2 - VOSHELL, ADAMS, CORDREY, VENABLES; REPRESENTATIVES BUNTING, SCHROEDER, CAREY, WEST, EWING, FALLON, LEE - HOUSING & COM AFF:** An Act to Amend Chapter 68, Title 9, Delaware Code Regarding the Membership of the Sussex County Planning and Zoning Commission.

**SB 83 - MCDOWELL; REPRESENTATIVE D. ENNIS - HOUSING & COM AFF:** An Act to Amend Title 16, Chapter 76 of the Delaware Code Relating to County and Municipal Building, Plumbing, Electrical and Other Codes. (2/3 bill)

**HA 1 to SB 33 - EWING - READY LIST:** Placed with the bill.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Jane Maroney  
DATE: March 30, 1995  
RE: ABSENCE FROM SESSION

This memo is to respectfully request your permission to be absent from session on Thursday, April 6, 1995. I have been invited to become a member of the National Academy for State Health Policy and will be in Washington attending an orientation meeting on that day.

JM/scg

Copy: Mrs. JoAnn Hedrick, Chief Clerk

March 23, 1995

The Honorable Joann Hedrick, Chief Clerk of the House  
109 Legislative Hall  
Dover, DE 19901

Dear Mrs. Hedrick:

Oregon's Sixty-eighth Legislative Assembly has adopted Senate Concurrent Resolution 3 which declares sovereignty of the State of Oregon over the Federal Government and instructs the Federal Government to cease and desist immediately all mandates outside the scope of its constitutionally delegated authority.

This authenticated copy of SCR 3 is transmitted to you as directed.

Respectfully,  
Judy Hall  
Secretary of the Senate

JH:rw

Enclosure

Sponsored by Senator Johnson, Representatives Baum, Hayden, Oakley; Senators Adams, Baker, Derfler, Dwyer, Hannon, Kennemer, Kintigh, Lim, Miller, Shannon, Smith, Stull, Timms, Walden, Yih, Representatives Adams, Brain, Clarno, Corcoran, Fisher, Grisham, Johnson, Lewis, Lokan, Luke, Lundquist, Markham, Meek, Milne, Montgomery Norris, Parks, Qutub, Repine, Schoon, Snodgrass, Starr, Strobeck, Tarno, Tiernan, Vanleeuwen, Watt, Wells, Welsh

To the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States:

We, the Sixty-eighth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully declare as follows:

Whereas the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people", and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

Whereas the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

Whereas today, in 1995, the states are in fact treated as agents of the Federal Government; and

Whereas we declare that all Oregonians, when they form a social compact, are equal in right, that all power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety and happiness and that they have at all times a right to alter, reform or abolish their government in such manner as they may think proper; and

Whereas memorials have been forwarded to the Federal Government by the Oregon Legislative Assembly without any response or result from Congress or the Federal Government; and

Whereas many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas a number of proposals now pending from the present administration and from the previous Congress would further violate the United States Constitution; now, therefore,  
Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That the State of Oregon hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all other powers not otherwise enumerated and granted to the Federal Government by the United States Constitution.

(2) That the Federal Government, as our agent, is hereby instructed to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated power.

(3) That a copy of this resolution shall be sent to the President of the United States, the Speaker of the House of Representatives, the President of the Senate of the United States and each house of each state's legislature of the United States of America.

Adopted by Senate February 16, 1995

Readopted by Senate March 14, 1995

Judy Hall

Secretary of Senate

Curt Smith

President of Senate

Adopted by House March 9, 1995

Beverly Clarno

Speaker of the House

Representative Reynolds requested and was granted the privilege of the floor for Dr. Thomas S. Kubala, President, Delaware Technical & Community College and the First State Academic All Star Team.

Representatives Reynolds & George made comments.

Representative D. Ennis requested that he be marked present.

Representative D. Ennis made a comment.

Representative Maroney requested and was granted the privilege of the floor for Tracy Sinibaldi, representing the Delaware Dietetic Association who was presented with a House Tribute and Sue Rohebacher, Fifth Grade Teacher, Burnett Elementary School and her students.

Representatives Maroney & Spence made comments.

Representative Jonkiert requested that he be marked present.

Representative B. Ennis made a comment.

Representative Maroney requested that HB 106 be stricken.

Representative Oberle was granted personal privilege of the floor for a comment.

Representative Petrilli moved to suspend the rules which interfere with action on SJR 8. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought SJR 8, sponsored by Senators Cordrey, Sharp & Marshall, before the House for consideration.

SJR 8 - In Reference to Election of Officers.

Representative Petrilli made a comment.

The roll call on SJR 8 was taken and revealed:

YES: 36.

ABSENT: Representatives George, Mack, Roy, Smith, West - 5.

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

Mr. Speaker Spence introduced a guest.

Representative Buckworth introduced and brought HB 121, jointly sponsored by Senator Sokola & Representatives Spence, Ewing, Reynolds & Wagner & Senators Voshell & Bonini, before the House for consideration.

HB 121 - An Act to Amend Title 11 and Title 14 of the Delaware Code Relating to Arrest Without Warrant and to Reporting of Criminal Activity on School Property.

Representative Buckworth moved to place HB 121 on the Speaker's table. The motion was seconded by Representative Carey and adopted by voice vote.

The Majority Leader moved to recess for caucus at 2:46 p.m.

The House reconvened at 4:20 p.m.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Jonkiert, do hereby request that my name be removed as co-sponsor of HB 114.

DATE: 3/30/95

SIGNED: Casimir S. Jonkiert

#### MEMORANDUM

TO: The Honorable Terry Spence, Speaker  
Delaware House of Representatives

FROM: Representative Wally Caulk

DATE: March 30, 1995

RE: ABSENCE FROM SESSION

Due to a trip to California for an agricultural farm tour, I will not be in session next week (April 4-6, 1995.)

GWCjr/dlc

cc: JoAnn Hedrick

Chief Clerk

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

Representative Petrilli introduced guests.

Representative Petrilli deferred to Representative Oberle.

Representative Smith requested that he be marked present.

Representative Oberle moved to lift HB 19 w/HA 6 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HB 19 w/HA 6, jointly sponsored by Senators McBride & Reed, before the House for consideration.

HB 19 - Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Offenses, and Providing for Prohibitions Against Ticket Scalping.

Representative Oberle deferred to Representative Smith.

Representative Smith requested that HA 7 to HB 19 be stricken.

Representative Mack requested that he be marked present.

Representative Smith introduced and brought HA 8 to HB 19 before the House for consideration.

Representative Smith made a comment.

HA 8 was adopted by voice vote.

Representative Davis made a comment.

The roll call on HB 19 w/HA 6 & 8 was taken and revealed:

YES: 38.

ABSENT: Representatives Maroney, Roy, West - 3.

Therefore, having received a constitutional majority, HB 19 w/HA 6 & 8 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle made comments.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 68, jointly sponsored by Senator Sokola & Representatives Petrilli, Buckworth, Capano, Cloutier, D. Ennis, Maier, Quillen, Reynolds, Smith, Stone, Ulbrich & Welch & Senators Cook, McDowell & Hauge, before the House for consideration.

HB 68 - An Act to Amend Title 14 of the Delaware Code Relating to Education.

Representative Wagner moved to place HB 68 on the Speaker's Table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Gilligan made a comment.

Representative Buckworth requested that HB 58 be stricken.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth moved to lift HB 121 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representatives Buckworth, Plant & Reynolds made comments.

Representative Buckworth brought HB 121, jointly sponsored by Senator Sokola & Representatives Spence, Ewing, Reynolds & Wagner & Senators Voshell & Bonini, before the House for consideration.

HB 121 - An Act to Amend Title 11 and Title 14 of the Delaware Code Relating to Arrest Without Warrant and to Reporting of Criminal Activity on School Property.

Representative Buckworth moved to suspend the rules which interfere with action on HB 121. The motion was seconded by Representative Quillen and adopted by voice vote.

The roll call on HB 121 was taken and revealed:

YES: 38.

ABSENT: Representatives Maroney, Roy, West - 3.

Therefore, having received a constitutional majority, HB 121 was sent to the Senate for concurrence.

Representative Gilligan was granted personal privilege of the floor for comments.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis brought SB 71, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 71 - An Act to Amend Title 5 of the Delaware Code Relating to the Activities and Taxation of Edge Act Corporations. (2/3 bill)

Representatives D. Ennis & DiLiberto made comments.

The roll call on SB 71 was taken and revealed:

YES: 38.

ABSENT: Representatives Maroney, Roy, West - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 71 was returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 24, jointly sponsored by Senator Marshall, before the House for consideration.

SB 24 - An Act to Amend Chapter 9, Title 19, of the Delaware Code, Relating to the Minimum Wage.

Representatives Oberle, Jonkiert & Davis made comments.

Representative Caulk brought HA 1 to SB 24 before the House for consideration.

Representatives Caulk, Oberle, Ewing, Caulk, Oberle, Banning, Bunting, Boulden, Oberle, Ewing, Scott & Caulk made comments.

Representative Caulk moved to place HA 1 to SB 24 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Oberle made a comment.

Representative Oberle introduced & brought HA 2 to SB 24 before the House for consideration.

Representative Oberle made a comment.

HA 2 to SB 24 was adopted by voice vote.

Representative Smith requested and was granted the privilege of the floor for Xavier Teixido, Past President of the Delaware Restaurant Association, Board Member of the National Restaurant Association and owner of Harry's Savoy Grill.

Representatives Smith, Lee, Houghton, VanSant, Petrilli, Schroeder, Plant, Davis, Jonkiert & Cloutier made comments.

Representative Petrilli requested and was granted the privilege of the floor for Brian Shirey, House Attorney.

Representatives Davis & Oberle made comments.

Representative Caulk introduced and brought HA 3 to SB 24 before the House for consideration.

Representatives Caulk, Oberle & Plant made comments.

The roll call on HA 3 was taken and revealed:

YES: Representatives Bunting, Caulk, Cloutier, Lee, Petrilli, Quillen, Schroeder, Smith, Stone, Ulbrich, Welch - 11.

NO: 23.

NOT VOTING: Representatives Capano, DiPinto, D. Ennis, Wagner - 4.

ABSENT: Representatives Maroney, Roy, West - 3.



Therefore, not having received a constitutional majority, HA 3 to SB 24 was declared defeated.

Representative Schroeder requested and was granted the privilege of the floor for Susan Cerf, President, Rehoboth-Dewey Chamber of Commerce.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Ewing made comments.

Representative Petrilli deferred to Representative Capano.

Representative Capano requested and was granted the privilege of the floor for Cindy Waterman, Government Relations Director, New Castle County Chamber of Commerce.

Representatives Oberle, Plant, Houghton, Mack & Capano made comments.

Representative Petrilli deferred to Representative Boulden.

Representatives Boulden & Oberle made comments.

Representative Petrilli requested and was granted the privilege of the floor for Tom Dilworth, representing the Employment Policies Institute.

Representative Oberle moved to place SB 24 w/HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice.

Representative Petrilli deferred to Representative Oberle.

Mr. Acting Speaker Quillen introduced a guest.

Representative Oberle brought HB 57, jointly sponsored by Representatives Buckworth, Davis, Maroney, Roy, Smith & Wagner & Senators Sokola, Amick, Bair & Sorenson, before the House for consideration.

HB 57 - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road. (2/3 bill)(F/N)

Representative Oberle requested that HA 1 to HB 57 be stricken.

Mr. Speaker Spence resumed the Chair.

Representative Oberle introduced & brought HA 2 to HB 57, before the House for consideration.

Representative Oberle made a comment.

HA 2 was adopted by voice vote.

Representative Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Dr. Christopher Keenan, Pediatrician, Alfred I. DuPont Institute.

Representative Oberle requested and was granted the privilege of the floor for Sy Londoner, President, National Head Injury Foundation.

Representatives Houghton, Oberle, VanSant, Gilligan, Davis, Spence & Brady made comments.

The roll call on HB 57 w/HA 2 was taken and revealed:

YES: 35.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Boulden, DiPinto, Maroney, Roy, West - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 57 w/HA 2 was sent to the Senate for concurrence.

Mr. Speaker made a comment.

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

19TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
April 4, 1995

Mr. Speaker Spence called the House to order at 2:11 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 57 w/SA 1 & SB 60 w/SA 2.

Representative Roy requested that he 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.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Caulk - 1.

A prayer was offered by Representative Arthur Scott, Third Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 101 - OBERLE & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, DIPINTO, ROY, WELCH, BANNING - LABOR: An Act to Amend Chapter 16 of Title 19 of the Delaware Code Relating to Fact-Finding for Police Officers and Firefighters.

**HB 122** - EWING; SENATOR VOSHELL - P/S: An Act to Amend Title 21, Chapter 42 of the Delaware Code Relating to Accidents Involving Motor Vehicles and Reporting Limits.

**HB 123** - DAVIS, PETRILLI, QUILLEN, SPENCE, CAREY, CAULK, BOULDEN, BUCKWORTH, CAPANO, DIPINTO, EWING, FALLON, LEE, LOFINK, MACK, MAIER, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, GILLIGAN, VANSANT; SENATORS COOK, VAUGHN, AMICK, STILL - ECON DEV, B & I: An Act to Amend Chapter 79, Title 29 of the Delaware Code, Relating to Health Insurance.

**HB 124** - DIPINTO, PETRILLI, QUILLEN, SPENCE, BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, EWING, ROY, SMITH, ULBRICH, BANNING, B. ENNIS, GILLIGAN, HOUGHTON, PLANT, VANSANT; SENATORS CORDREY, MCBRIDE, SOKOLA - JUD: An Act to Amend Chapter 81 of Title 10 of the Delaware Code Relating to Limitations of Civil Liability for Certain Volunteers.

**HB 125** - DIPINTO & BUNTING & SENATOR MCBRIDE - ENV MAN: An Act to Amend Chapter 64, Title 7 of the Delaware Code to Eliminate the Requirement for Approval by the Department of Natural Resources and Environmental Control Prior to Disposal of Industrial Solid Waste at Delaware Solid Waste Authority Facilities.

**HB 126** - BUCKWORTH, OBERLE; SENATORS BLEVINS, SOKOLA - JUD: An Act to Amend Chapter 2, Title 11, Delaware Code, Relating to Time Limitations for Certain Offenses. (2/3 bill)

**HB 127** - CAREY & SENATOR MCBRIDE; REPRESENTATIVES BUNTING, SCHROEDER; SENATOR VENABLES - NAT RES: An Act to Amend Chapter 18, Title 7, Delaware Code, Relating to Commercial Eel Fishing.

**HB 128** - CAREY, BUNTING, SCHROEDER; SENATOR VENABLES - NAT RES: An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Size Limits for White Perch.

**HB 129** - CAREY, BUNTING, SCHROEDER; SENATOR VENABLES - NAT RES: An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

**HB 130** - CAREY & SENATOR VENABLES; REPRESENTATIVES CAULK, MACK, BUNTING, SCHROEDER - ENV MAN: An Act to Amend Chapter 60 and Chapter 74, Title 7 of the Delaware Code Relating to Stage 1 Vapor Recovery Permits.

**HB 131** - GILLIGAN, BANNING, BRADY, CAPANO, DAVIS, B. ENNIS, EWING, JONKIERT, SCOTT, SMITH, ULBRICH, WAGNER; SENATOR MARSHALL - R & F: An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to Lotteries; and Providing That Each Lottery Ticket Contain Certain Information.

**HA 2 to HS 1 to HB 37** - CLOUTIER, CAREY - L.O.T.: Placed with the bill.

**HA 1 to HB 71** - WELCH - APPRO: Placed with the bill.

**HA 1 to HB 88** - B. ENNIS - AGENDA: Placed with the bill.

**HA 1 to HB 99** - SCHROEDER - AGENDA: Placed with the bill.

**SB 57 w/SA 1** - MCDOWELL - H/ADM: An Act to Amend the Statutory Provisions of §106 (a), Title 13, of the Delaware Code Relating to the Marriage of Dana Balick and Paul Herdman.

**SB 60 w/SA 2** - MARSHALL & REPRESENTATIVE OBERLE; SENATORS BLEVINS, STILL, SOKOLA - LABOR: An Act to Amend Chapter 31 and Chapter 33, Title 19, of the Delaware Code Relating to Unemployment Compensation.

Representative Petrilli made an announcement.

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

The House reconvened at 4:04 p.m.

Representatives Oberle, Plant, Reynolds, DiLiberto, Brady, Mack & Gilligan requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: April 4, 1995

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

| Number   | Sponsor            | Presentation Date | Type | Description               |
|----------|--------------------|-------------------|------|---------------------------|
| H138-230 | Carey              | 4/04/95           | T    | Ag. Museum Employment     |
|          | cosponsor: Quillen |                   |      | /People/Specialized Needs |
| H138-231 | Carey              | 4/04/95           | T    | Eagle Group/Metal`        |
|          | cosponsor: Quillen |                   |      | Masters/KSI/Employment    |
| H138-232 | Carey              | 4/04/95           | T    | People/Specialized Needs  |
|          | cosponsor: Quillen |                   |      | DuPont Co./Seaford/KSI/   |
|          |                    |                   |      | Opportunities/People/     |
|          |                    |                   |      | Specialized Needs         |
| H138-233 | Carey              | 4/04/95           | T    | U. S. Cold Storage/KSI/   |
|          | cosponsor: Quillen |                   |      | Opportunities/People/     |
|          |                    |                   |      | Specialized Needs         |
| H138-234 | Carey              | 4/04/95           | T    | Playtex/KSI/Opportunities |
|          | cosponsor: Quillen |                   |      | /People/Specialized Needs |
| H138-235 | B. Ennis           | 4/05/95           | T    | Georgia E. Kopelen/80th   |

|                    |         |   |                                                  |
|--------------------|---------|---|--------------------------------------------------|
| H138-236 Fallon    | 3/11/95 | M | M. Fred Tidwell`                                 |
| H138-237 Buckworth | 4/04/95 | T | Michelle Tegen/Arbor Day<br>Poster Contest       |
| H138-238 Ulbrich,  | 3/31/95 | M | Mr. Alden Bugher                                 |
| cosponsor: Boulden |         |   |                                                  |
| H138-239 Stone     | 3/30/95 | T | Barbara Martin/DE All-<br>State Academic Team    |
| H138-240 Caulk     | 3/30/95 | T | Jason James, Sr./DE All-<br>State Academic Team  |
| H138-241 DiPinto   | 3/20/95 | T | David A. Cuocolo/DE All-<br>State Academic Team/ |
| H138-242 Houghton  | 3/30/95 | T | Jennifer Ashby/DE All-State<br>Academic Team/    |
| H138-243 D. Ennis  | 3/30/95 | T | Judy Thornton/DE All-State<br>Academic Team      |
| H138-244 Mack      | 3/30/95 | T | Kirstan Baxter/DE All-State<br>Academic Team     |
| H138-245 Banning   | 3/30/95 | T | Kelly Tuthill/DE All-State<br>Academic Team      |

T - Tribute

M - Memoriam

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 110, jointly sponsored by Representatives Carey, Fallon, Lee & Schroeder & Senators Adams & Voshell, before the House for consideration.

HB 110 - An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to the Power of the Sussex County Government to Impose and Collect a Tax Upon the Placement of a Mobile Home.

Representative Ewing made a comment.

Representative Ewing requested and was granted the privilege of the floor for Robert Stickels, Sussex County Administrator.

Representatives Ewing, Jonkiert, Lee, Ewing, B. Ennis, Schroeder & West made comments.

Representative Ewing requested and was granted the privilege of the floor for Marcene Gory, representing the Delaware Manufactured Housing Coalition.

The roll call on HB 110 was taken and revealed:

YES: 34.

NO: Representatives DiLiberto, Gilligan, Mack, VanSant - 4.

NOT VOTING: Representatives Brady, Jonkiert - 2.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 110 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative B. Ennis.

Representative B. Ennis brought HB 88, jointly sponsored by Senator Vaughn & Representatives Banning, Gilligan, Houghton, Scott, VanSant, West, Caulk, Ewing, Lee, Lofink, Spence & Welch, before the House for consideration.

HB 88 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Crime of Hindering Prosecution.

Representative B. Ennis brought HA 1 to HB 88 before the House for consideration.

Representative B. Ennis made a comment.

HA 1 was adopted by voice vote.

Representative B. Ennis made a comment.

The roll call on HB 88 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 88 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder brought HB 99, jointly sponsored by Representatives Banning, Brady, Buckworth, Bunting, Cloutier, Davis, DiLiberto, DiPinto, D. Ennis, Houghton, Jonkiert, Oberle, Plant, Reynolds, Scott & Spence & Senators Adams, Amick, Blevins & Sokola, before the House for consideration.

HB 99 - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Recreational Gill Nets. (2/3 bill)

Representative Schroeder brought HA 1 to HB 99 before the House for consideration.

Representative Schroeder made a comment.

HA 1 was adopted by voice vote.

Representatives Schroeder & Carey made comments.

Representative Schroeder requested and was granted the privilege of the floor for Charles Lesser, Administrator, DNREC.

Representatives Schroeder, Carey, West, VanSant, Schroeder, Bunting & Carey made comments.

The roll call on HB 99 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 99 w/HA 1 was sent to the Senate for concurrence

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 58, sponsored by Senator McBride & Representative B. Ennis, before the House for consideration.

SB 58 - An Act to Amend Chapter 70, Title 21, Delaware Code Relating to Fire Lanes.

Representative Ewing made a comment.

The roll call on SB 58 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 58 was returned to the Senate.

Representative Ewing brought SB 43 w/SA 1, jointly sponsored by Senator Voshell, before the House for consideration.

SB 43 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to License

Qualifications.

Representative Ewing made comments.

The roll call on SB 43 w/SA 1 was taken and revealed:

YES: 38.

NO: Representative Cloutier - 1.

NOT VOTING: Representative VanSant - 1.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 43 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Mack.

Representative Mack brought HR 12, jointly sponsored by Representatives Oberle & Reynolds, before the House for consideration.

HR 12 - Appointing a Committee to Investigate Star Enterprise's Proposal to Control Noxious Emissions.

Representatives Mack, Gilligan, Oberle, Mack, Gilligan & Jonkiert made comments.

Representative Gilligan requested and was granted the privilege of the floor for Christophe Tulou, Secretary, DNREC.

Representatives Gilligan, Cloutier, Petrilli & Mack made comments.

HR 12 was adopted by voice vote.

Representatives Petrilli & Oberle made comments.

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

20TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
April 5, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 7, SB 8 w/SA 1, SB 39, SB 77, HB 43, HB 17 & HB 59 w/SA 1.

Acting Majority Leader Oberle moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Caulk, Smith, West - 3.

A prayer was offered by Representative Jane Maroney, Tenth Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 12 - OBERLE, SPENCE, PETRILLI, DAVIS, DIPINTO, EWING, D. ENNIS;  
SENATOR MARSHALL - APPRO: An Act to Amend Title 19 of the Delaware Code by Creating a New Chapter to Provide for the Implementation of a Public Employee Occupational Safety and Health Act and Violations Thereof. (2/3 bill)

**HB 132** - SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT & WEST; SENATORS ADAMS, BONINI, CONNOR - HEALTH & HUM DEV: An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to the State Bureau of Identification and Background Checks by Sanatoria, Rest Homes, Nursing Homes, Boarding Homes, and Related Institutions.

**HB 133** - SPENCE & SENATOR MCBRIDE; REPRESENTATIVES BUCKWORTH, LOFINK, OBERLE, WELCH, BANNING, BRADY, DILIBERTO, GILLIGAN, JONKIERT, PLANT & SCOTT; SENATOR CONNOR - ED: An Act to Amend Title 14, Chapter 13 of the Delaware Code, Relating to School Employee Salaries.

**HB 134** - REYNOLDS & D. ENNIS, BUCKWORTH, EWING, LOFINK, MACK, STONE, WAGNER, BANNING, BRADY, HOUGHTON, PLANT; SENATORS MARSHALL, MCDOWELL, VAUGHN, VENABLES, VOSHELL, HENRY, STILL - ECON DEV, B & I: An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance.

**HB 135** - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MAIER, MARONEY, OBERLE, PETRILLI, ROY, SMITH, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT; SENATORS HAUGE, VOSHELL, AMICK, CONNOR, SORENSON - ED: An Act to Amend Title 14, Chapter 16, Relating to the Comprehensive School Discipline Program.

**HB 136** - LEE & QUILLEN, CAREY, CAULK, CLOUTIER, D. ENNIS, WAGNER, WELCH, BUNTING, B. ENNIS, JONKIERT, PLANT, WEST; SENATORS BAIR, BONINI, HAUGE, REED, SORENSON, STILL - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Election of Members of the School Boards of Reorganized Vocational-Technical School Districts in This State.

**HB 137** - OBERLE, SPENCE, BOULDEN, CAREY, CAULK, DAVIS, DIPINTO, EWING, LEE, LOFINK, MAIER, QUILLEN, SMITH, ULBRICH, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, HOUGHTON, GILLIGAN, JONKIERT, PLANT, SCHROEDER, SCOTT, VANSANT - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education. (2/3 bill)

**HB 138** - EWING; SENATOR VOSHELL - P/S: An Act to Amend Chapter 45, Title 21 of the Delaware Code Relating to Vehicle Size and Weight Limitations and Restrictions.

**HA 1 to HB 87** - EWING - READY LIST: Placed with the bill.

**HA 2 to HB 98** - SCHROEDER - READY LIST: Placed with the bill.

**HA 1 to HB 114** - PLANT & SCOTT - H/ADM: Placed with the bill.

**SB 7** - SHARP & REPRESENTATIVE ROY - JUD: An Act to Amend Chapter 13, Suchapter III, Title 30, Delaware Code, Relating to Inheritance Tax.

**SB 8 w/SA 1** - SHARP; REPRESENTATIVE ROY - JUD: An Act to Amend Chapter 23, Subchapter I, Title 12, Delaware Code Relating to Inheritance Tax.

**SB 39** - SHARP & AMICK, VAUGHN; REPRESENTATIVES ROY, EWING, DILIBERTO, CLOUTIER - JUD: An Act to Amend Title 6 of the Delaware Code by Providing for Certain Amendments to the Uniform Commercial Code.

**SB 77 w/SA 1** - SOKOLA & REPRESENTATIVE REYNOLDS; SENATORS BLEVINS, VOSHELL, HAUGE, REED, SORENSON; REPRESENTATIVES CLOUTIER, FALLON, MAIER, MARONEY, SMITH, B. ENNIS, GILLIGAN, SCHROEDER - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Criminal Background Checks.

Representatives Banning, Scott & VanSant requested that they be marked present.

Representative Fallon was granted personal privilege of the floor for the introduction of a guest.

Representatives Gilligan, Carey & B. Ennis requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:15 p.m.

The House reconvened at 4:45 p.m.

Representatives Wagner, Mack, DiPinto, Brady, Schroeder, DiLiberto, Maier, D. Ennis, Reynolds & George requested that they be marked present.

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

P/S: **HB 122** - 6M.

JUD: **HB 105** - 5M; **HB 108** - 5M; **HB 113** - 1F,4M; **HB 126** - 5M.

H/ADM: **HB 109** - 5M; **HB 111** - 5M; **HB 117** - 5M; **HCR 14** - 5M; **HCR 15** - 5M.

CORR: **SB 50 w/SA 1** - 5M.

NAT RES: **HB 128** - 3M; **HB 129** - 3F.

HEALTH & HUM DEV: **SB 61 w/SA 1** - 6M; **SB 82** - 2F,4M.

HOUSING & COM AFF: **SB 13 w/SA 2** - 5M.

APPRO: **HB 65** - 4M,2U.

ED: **SB 66 w/SA 1** - 3F,2M.

Representative Plant requested that he be marked present.  
The Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

21ST LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
April 6, 1995

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

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

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

ECON. DEV. B & I: HB 123 - 7M.

ENV. MAN.: SB 40 w/SA 1 - 3F.

LABOR: HB 53 - 5M; HB 64 - 5M; HB 95 - 5M.

TRANS & INFRA: HB 81 - 4M; HJR 5 - 4F,2M.

The Majority Whip moved to adjourn at 2:15 p.m., thereby ending the current Legislative Day. The House reconvened at 2:16 p.m.

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives Buckworth, Caulk, D. Ennis, Maroney - 4.

A prayer was offered by Representative Timothy Boulden, Twenty-Third Representative District.

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

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

The following prefiled legislation was introduced:

HB 139 - DAVIS, DIPINTO, BUCKWORTH; SENATORS COOK, VAUGHN, STILL - APPRO: An Act to Amend Title 29 of the Delaware Code Relating to Mileage Rates for Private Vehicles.

HB 140 - ROY & SENATOR SOKOLA; REPRESENTATIVES SPENCE, CLOUTIER, DIPINTO, LOFINK & WAGNER; SENATORS VAUGHN & AMICK - SM BUS: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HB 141 - PLANT - ED: An Act to Amend Chapter 27 of Title 14 of the Delaware Code Relating to School Attendance.

HB 142 - PLANT - CORR: An Act to Amend Chapter 89 of Title 29 of the Delaware Code Relating to the Department of Corrections.

HB 143 - SCOTT, BANNING, BUCKWORTH, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, PLANT, VANSANT, WEST; SENATORS ADAMS, BLEVINS, MARSHALL, STILL, VAUGHN, VOSHELL - JUD: An Act to Amend §1321 of Title 11 Relating to Crimes and Criminal Procedure.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Gerald A. Buckworth  
DATE: April 6, 1995  
RE: Absence from Session

I respectfully request that I be excused from session of the House of Representatives today, Thursday, April 6, 1995 because of illness.

Representatives Maier & Wagner requested that they be marked present.

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

Representatives DiPinto & DiLiberto requested that they be marked present.

The Majority Whip moved to recess for caucus at 2:21 p.m.

The House reconvened at 4:04 p.m. with Representative Quillen as Acting Speaker.

Representatives Ulbrich, Plant, Jonkiert, Mack & Petrilli requested that they be marked present.

Representative Petrilli brought SCR 4, sponsored by Senators Adams, Cordrey, Venables & Voshell & Representatives Carey, Bunting, West, Schroeder, Ewing, Fallon & Lee, before the House for consideration.

SCR 4 - Requesting That the Governor of Delaware Petition the Administrator of the Federal Environmental Protection Agency to Remove Sussex County From the Requirement to Sell Reformulated Gasoline.

Representative Petrilli moved to place SCR 4 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 82, jointly sponsored by Representatives Petrilli, Buckworth, Carey, Cloutier, Ewing, Fallon, Lee, Smith, Bunting, DiLiberto, George, Gilligan, Schroeder & VanSant, before the House for consideration.

HB 82 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Authority of the Division of Motor Vehicles, Department of Public Safety. (3/5 bill)

Representative Davis introduced & brought HA 1 to HB 82 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

Representatives Davis & Oberle made comments.

Representatives Gilligan & Brady requested that they be marked present.

Representatives Brady, Davis, Houghton, B. Ennis & Davis made comments.

Representative Reynolds requested that he be marked present.

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

YES: 34.

NOT VOTING: Representatives Brady, B. Ennis, Plant - 3.

ABSENT: Representatives Buckworth, Caulk, D. Ennis, Maroney - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 82 w/HA 1 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 91, jointly sponsored by Representatives Petrilli, Quillen, Buckworth, Capano, Carey, Cloutier, Ewing, Fallon, Maier, Lee, Smith, Wagner, Welch, Bunting, DiLiberto, George, Gilligan, Schroeder & VanSant & cosponsored by Representative Spence, before the House for consideration.

HB 91 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Underage Possession or Consumption of Alcohol, Drivers' Licenses, and Rules of the Road. (2/3 bill)

Representative Davis introduced and brought HA 1 to HB 91 before the House for consideration.

Representative Davis made comments.

Mr. Speaker Spence resumed the Chair.

Representatives Fallon, Davis & Ewing made comments.

HA 1 was adopted by voice vote.

Representatives Davis & Oberle made comments.

Representative Davis requested and was granted the privilege of the floor for Paul R. Wallace, Deputy Attorney General.

Representatives Oberle, Davis, Ewing, Houghton, Cloutier, Oberle, Ewing, Brady, Reynolds & Gilligan made comments.

Representative Davis moved to place HB 91 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Roy.

Representative Roy requested that action on HB 66, HB 67 & HB 69 be Deferred to a Day Certain, Tuesday, April 11, 1995.

Mr. Speaker Spence appointed Representative Jeffrey G. Mack, Chair; Representative Bruce C. Reynolds, Representative William A. Oberle, Jr., Representative Richard F. Davis & Representative Oakley M. Banning to the Task Force created by HR 12.

Representatives Mack & Brady made announcements.

Representative Boulden introduced guests.

The Majority Leader moved to recess to the call of the Chair at 5:08 p.m.

## 22ND LEGISLATIVE DAY 138th GENERAL ASSEMBLY

First Session  
April 11, 1995

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

Representative Carey requested that HB 127 be stricken.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current Legislative Day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Charles Welch, Twenty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 147** - SMITH, PETRILLI, CLOUTIER; SENATORS AMICK, BAIR, BONINI, HAUGE, REED, SORENSON, STILL - ED: An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to School District Contracting for Educational Services.

**HB 150** - OBERLE & SENATOR BLEVINS; REPRESENTATIVES PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAREY, CAPANO, EWING, LEE, LOFINK, MAIER, SMITH, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, VANSANT; SENATORS MARSHALL, MCDOWELL, MCBRIDE, SHARP, SOKOLA, VAUGHN, VOSHELL, AMICK, BAIR, COOK, HAUGE, REED, STILL - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Offenses of Stalking, Aggravated Harassment and Harassment.

**HB 151** - ROY, BANNING, BOULDEN, BUCKWORTH, CLOUTIER, DILIBERTO, B. ENNIS, GEORGE, JONKIERT, LEE, LOFINK, PETRILLI, PLANT, SCHROEDER, STONE, VANSANT, WELCH; SENATORS SHARP, VAUGHN, BAIR, AMICK - JUD: An Act to Amend Title 12 of the Delaware Code Related to Guardianships.

**HB 152** - SMITH & SENATOR SOKOLA - SM BUS: An Act to Amend Chapter 9 of Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages to Persons Under the Age of Twenty-One.

**HB 153** - OBERLE & SENATOR BLEVINS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAREY, CAULK, DAVIS, D. ENNIS, EWING, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, SMITH, ULBRICH, WAGNER, WELCH, GILLIGAN; SENATORS AMICK, HENRY, SORENSON - R & F: An Act to Amend Title 30 of the Delaware Code, Relating to Personal Income Tax.

**HB 154** - OBERLE, BANNING; SENATORS VAUGHN, REED - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Drivers Licenses. (2/3 bill)

**HB 155** - WAGNER, QUILLEN, BUCKWORTH, D. ENNIS, EWING, LEE, MAIER, MARONEY, STONE, WELCH; SENATORS HAUGE, SORENSON, STILL - TRANS & INFRA: An Act to Amend Title 2 of the Delaware Code to Create a New Part Relating to Independent Transportation Authorities and to Create a New Chapter Therein Relating to a New "State of Delaware Port Authority".

**HB 156** - CAREY & SENATOR MCBRIDE; REPRESENTATIVES BUNTING, SCHROEDER; SENATOR VENABLES - NAT RES: An Act to Amend Chapter 18, Title 7, Delaware Code, Relating to Eel Fishing. (2/3 bill)

**HB 157** - PLANT - HOUSING & COM AFF: An Act to Amend Chapter 53 of Title 25 of the Delaware Code Relating to Landlord Obligations and Tenant Remedies.

**HB 158** - BANNING & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAULK, B. ENNIS, EWING, HOUGHTON, JONKIERT, LOFINK, OBERLE, PLANT, REYNOLDS, SCOTT, ULBRICH, VANSANT; SENATORS ADAMS, BLEVINS, COOK, HENRY, SOKOLA, VOSHELL - TRANS & INFRA: An Act to Amend Chapter 5, Title 17 of the Delaware Code Relating to General Provisions for Standards and Approval of New Roads in New Subdivisions.

**HB 159** - B. ENNIS, WAGNER; SENATOR VOSHELL; REPRESENTATIVES BRADY, HOUGHTON, VANSANT, DILIBERTO, BUNTING, SCHROEDER, WEST, SCOTT, GILLIGAN, QUILLEN, D. ENNIS, LEE, EWING, CAPANO, SPENCE, WELCH, BOULDEN; SENATORS VAUGHN, MCBRIDE - P/S: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Equipment and Construction of Vehicles.

**HB 160** - SCHROEDER, BANNING, BOULDEN, BUCKWORTH, BUNTING, CAREY, DILIBERTO, B. ENNIS, D. ENNIS, GEORGE, GILLIGAN, LEE, LOFINK, PLANT, VANSANT, WEST; SENATORS ADAMS, HAUGE, HENRY, VENABLES, VOSHELL - ECON DEV, B & I: An Act to Amend Chapter 25 of Title 18 of the Delaware Code Relating to Rates and Rating Organizations.

**HB 161** - DILIBERTO, BANNING, BOULDEN, BUCKWORTH, CLOUTIER, B. ENNIS, D. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, PETRILLI, PLANT, ROY, SCHROEDER, STONE, VANSANT, WELCH; SENATORS ADAMS, AMICK, BAIR, CONNOR, COOK, HAUGE, HENRY, REED, SORENSON, STILL, VAUGHN - JUD: An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware to Provide for the Inclusion of the Family Court and the Court of Common Pleas as Courts Established by the Constitution of the State of Delaware. (2/3 bill)

**HA 1 to HB 54** - CAREY - AG & FP & A: Placed with the bill.

**HA 2 to HB 69** - CLOUTIER - AGENDA: Placed with the bill.

**HA 2 to HB 91** - DAVIS - AGENDA: Placed with the bill.

**HA 1 to HB 128** - CAREY - AGENDA: Placed with the bill.

**HA 1 to HB 136** - GEORGE & GILLIGAN - ED: Placed with the bill.

**SJR 9 w/SA 1** - CORDREY, SHARP, BAIR; REPRESENTATIVES SPENCE, PETRILLI, GEORGE & ROY - JUD: Continuing the Futures Commission, Known as "Commission on Delaware Courts 2000", Operating as a Task Force on Court Structure and Long Range Planning for the Court System in the State of Delaware.



Representatives Buckworth, Ulbrich & George requested that they be marked present.

The Reading Clerk read the following communications into the record:

April 4, 1995

#### LEGISLATIVE ADVISORY #5

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 4/03/95 - SB 3, SB 10, SB 12, HB 2 aab HA 1 & SA 1 & HJR 4 aab HA 1 & 2.

The Senate wishes to inform the House that it has passed: SCR 15, SCR 12, SJR 9 w/SA 1 & HB 32 w/HA 2.

Representatives Maier, DiPinto, Cloutier, Capano, Brady & Smith requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: April 11, 1994

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

| Number   | Sponsor                                  | Presentation Date | Type | Description                                                           |
|----------|------------------------------------------|-------------------|------|-----------------------------------------------------------------------|
| H138-246 | Schroeder                                | 4/01/95           | T    | Hazel D. Brittingham, /'95 Woman of Historic Note                     |
| H138-247 | VanSant cosponsor: Houghton              | 4/01/95           | T    | Carole Walton/ President/N.C.C. Ladies' Auxiliary                     |
| H138-248 | VanSant cosponsor: Houghton              | 4/01/95           | T    | John L. Mitchell, Sr./DVFA Lobbyist/N.C.C.                            |
| H138-249 | VanSant                                  | 4/01/95           | T    | William Walton, Sr./ N.C.C. Vol. Firemen's Association Award          |
| H138-250 | VanSant cosponsor: Houghton              | 4/01/95           | T    | Florence Wilkins/Ladies Auxiliary Member of Year                      |
| H138-251 | Buckworth                                | 4/06/95           | T    | H. B. Lynch/Pres./C.E.O/First Nat. Bank of Wyoming/40 Yrs. Service    |
| H138-252 | B. Ennis                                 | 3/27/95           | M    | Richard R. Honan, Sr.                                                 |
| H138-253 | West                                     | 3/30/95           | T    | Carl Echols/DE All-State Academic Team/DTCC                           |
| H138-254 | Wagner                                   | 4/01/95           | M    | Nancy Lynne Cairns                                                    |
| H138-255 | Wagner                                   | 4/01/95           | T    | Christina Nielson & Aaron Lanouette/Marriage                          |
| H138-256 | Wagner                                   | 4/29/95           | T    | Janet Langrell & Daniel Burns/Marriage                                |
| H138-257 | Maroney cosponsor: Capano                | 4/05/95           | T    | Bayard House/15th Anniversary                                         |
| H138-258 | Mack                                     | 3/31/95           | T    | Pete Parlett/Lifetime Achievement Award/DE Wrestling Officials Assoc. |
| H138-259 | Stone                                    | 3/31/95           | T    | William Schaubert/Rotarian of Year/Dover                              |
| H138-260 | Quillen                                  | 4/05/95           | T    | John Zimmerman, Jr. /World Hockey Tournament/Finland                  |
| H138-261 | Brady                                    | 4/08/95           | T    | Jacqueline A. Walls/President/Ladies Auxiliary/VFW                    |
| H138-262 | Quillen cosponsors: All Members of House | 4/12/95           | T    | Charles J. Anderson/ Appreciation/Phone System/Leg. Hall              |

T - Tribute

M - Memoriam

Representative Petrilli brought HB 59 w/SA 1, sponsored by Representatives Houghton, Banning, Brady, Capano, Caulk, Cloutier, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lofink, Mack, Oberle, Reynolds, Scott, Spence, Smith, VanSant, Wagner, Welch & West & Senators Adams, Blevins, Vaughn, Venables & Voshell, before the House for concurrence on SA 1.

HB 59 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Privacy in Family Court Proceedings.

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

The roll call on HB 59 w/SA 1 was taken and revealed:

YES: 34.

NOT VOTING: Representatives DiLiberto, Plant - 2.

ABSENT: Representatives Jonkiert, Mack, Maroney, Reynolds, West - 5.

Therefore, having received a constitutional majority, HB 59 w/SA 1 was sent to the Governor.

Representative West requested that he be marked.

Representative Boulden introduced HB 162, jointly sponsored by Representatives Welch, Fallon, Maier & Bunting & Senators Bonini & Hauge.

HB 162 - An Act Proposing an Amendment to the Delaware Constitution Relating to Term Limitations for State and Federal Legislators and Other Elected State Officials. (2/3 bill)

Mr. Speaker Spence assigned HB 162 to the House Administration Committee.

The Majority Leader moved to recess for caucus at 2:21 p.m.

The House reconvened at 4:04 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communication into the record:

April 11, 1995

#### LEGISLATIVE ADVISORY #6

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 4/07/95

- HB 28 aab HA 1, HB 74, SB 21 aab SA 1 & HA 1 & SJR 8.

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

Representative Ulbrich introduced HB 144, jointly sponsored by Senators Hauge & Sokola & Representatives Schroeder, Cloutier, Capano, Boulden, DiPinto, Smith, Maier, Ewing & Bunting & Senators Bair, Bonini, Connor, Henry, Reed, Sorensen & Still.

HB 144 - An Act to Amend Title 14 of the Delaware Code Relating to Choice in Public Education.

Mr. Speaker Spence assigned HB 144 to the Education Committee.

Representative Roy brought HB 66, jointly sponsored by Senator Cook & Representative Brady & Senator Bair, before the House for consideration.

HB 66 - An Act to Amend Titles 16 and 26 of the Delaware Code Relating to the Regulation of Public Water Suppliers..(2/3 bill)

Mr. Speaker Spence resumed the Chair.

Representative Roy brought HA 1 to HB 66, before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested that she be marked present during the roll call.

The roll call on HB 66 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Banning, B. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 66 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 67, jointly sponsored by Senator Cook & Representative Brady & Senator Bair, before the House for consideration.

HB 67 - An Act to Amend Title 26 of the Delaware Code Relating to the Public Service Commission's Billing Procedures for Cable Television Systems. (3/5 bill)

Representative Roy requested and was granted the privilege of the floor for Robert McMann, Chairman, Public Service Commission.

The roll call on HB 67 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 67 was sent to the Senate for concurrence.

Representative Roy brought HB 69, jointly sponsored by Senator Cook & Representative Brady & Senator Bair, before the House for consideration.

HB 69 - An Act to Amend Titles 26 and 29 of the Delaware Code Relating to the Regulation of Public Utilities.

Representative Roy brought HA 1 to HB 69, before the House for consideration. HA 1 was adopted by voice vote.

Representative Cloutier brought HA 2 to HB 69, before the House for consideration.

HA 2 was adopted by voice vote.

Representative Cloutier introduced and brought HA 3 to HB 69, before the House for consideration.

Representative Cloutier requested that HA 3 be stricken.

Representative Boulden announced that he will not be voting on HB 69 w/HA 1 & 2 because of a possible conflict of interest.

The roll call on HB 69 w/HA 1 & 2 was taken and revealed:

YES: 40.

NOT VOTING: Representative Boulden - 1.

Therefore, having received a constitutional majority, HB 69 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Buckworth brought HB 85, jointly sponsored by Senator Cook & Representatives Stone & Wagner & Senators Still & Bonini, before the House for consideration.

HB 85 - An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Biting Dogs. (2/3 bill)

Representative Buckworth moved to suspend the rules which interfere with introduction of and action on HA 1 to HB 85. The motion was properly seconded and adopted by voice vote.

Representative Buckworth introduced and brought HA 1 to HB 85, before the House for consideration.

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

Representative Buckworth requested and was granted the privilege of the floor for John T. Bailey, Postmaster, United States Postal Service, Dover.

Representative Buckworth moved to place HA 1 to HB 85 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth moved to place HB 85 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought SB 82, sponsored by Senators Cordrey, Adams, Hauge & Bair & Representatives Spence, George, Gilligan, DiPinto & Cloutier, before the House for consideration.

SB 82 - An Act to Amend the Laws of Delaware Related to Health Planning and Resources Management.

The roll call on SB 82 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 82 was returned to the Senate.

Representative Davis moved to lift HB 91 w/HA 1 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Davis brought HB 91 w/HA 1, jointly sponsored by Representatives Petrilli, Quillen, Buckworth, Capano, Carey, Cloutier, Ewing, Fallon, Maier, Lee, Smith, Wagner, Welch, Bunting, DiLiberto, George, Gilligan, Schroeder & VanSant & cosponsored by Representative Spence, before the House for consideration.

HB 91 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Underage Possession or Consumption of Alcohol, Drivers' Licenses, and Rules of the Road. (2/3 bill)

Representative Davis brought HA 2 to HB 91, before the House for consideration. HA 2 was adopted by voice vote.

Representative Davis requested and was granted the privilege of the floor for Jim Parks, representing DEL-ADD.

Representative Davis requested and was granted the privilege of the floor for Tricia Roberts, Director, Office of Highway Safety.

Representatives Plant, George, Houghton, Brady, Cloutier & Stone had questions and comments.

The roll call on HB 91 w/HA 1 & 2 was taken and revealed:

YES: 40.

NOT VOTING: Representative Brady - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 91 w/HA 1 & 2 was sent to the the Senate for concurrence.

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

23RD LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
April 12, 1995

Mr. Acting Speaker Quillen called the House to order at 2:24 p.m.

Mr. Acting Speaker Quillen reassigned HB 9 to the Agriculture & Farmland Preservation and Assessment Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 16, SCR 17, HB 90, HB 89 w/HA 1 & 2 & SA 2 & 3, SB 90, SB 88 & SB 65 w/SA 2.

Representatives Smith & Plant were granted personal privilege of the floor for comments.

Mr. Speaker Spence resumed the Chair.

Representatives Oberle, Plant, Smith & Cloutier were granted personal privilege of the floor for comments.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current Legislative Day. The House reconvened at 2:30 p.m.

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 146** - MAIER, PETRILLI, WAGNER, ULBRICH, DAVIS, CLOUTIER, BUCKWORTH, CAPANO, REYNOLDS; SENATORS AMICK, BAIR, CONNOR, HAUGE, REED, SORENSON, STILL - ED: An Act to Amend Title 14 of the Delaware Code Relating to School Attendance.

**HB 148** - SMITH & SENATOR BAIR; REPRESENTATIVES QUILLEN, PETRILLI, CAPANO, CLOUTIER, D. ENNIS, LEE, ROY, STONE, ULBRICH, WAGNER & WELCH; SENATORS VOSHELL, AMICK, BONINI & HAUGE - ED: An Act to Amend Title 14, Delaware Code, Relating to Creating a Department of Education and a Secretary of Education Position, Eliminating the State Board of Education and Eliminating the Position of Superintendent of Public Instruction.

**HB 149** - SMITH, PETRILLI, QUILLEN, D. ENNIS, CAPANO, CLOUTIER, LEE, ROY, DAVIS, BUNTING, WEST; SENATORS BONINI, HAUGE - APPRO: An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1995; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being Senate Bill No. 420 of the 137th General Assembly of the State of Delaware.

**HB 163** - SMITH & SENATOR HENRY - R & F: An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to Language Training.

**HB 164** - SMITH - JUD: An Act to Amend Title 11 of the Delaware Code, Relating to Offenses Relating to Children and Incompetents.

**HB 165** - MARONEY & SENATORS BAIR & HENRY; REPRESENTATIVES PETRILLI, SPENCE, BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, MAIER, OBERLE, ULBRICH; SENATOR SORENSON - HEALTH & HUM DEV: An Act to Amend Title 31 of the Delaware Code and the Laws of Delaware Relating to Welfare, Unemployment, and Other Areas of Public Assistance to Create the Delaware Full Employment Program. (3/5 bill)

**HB 166** - EWING & SENATOR VOSHELL - P/S: An Act to Amend Title 17 of the Delaware Code Relating to the Division of Communications and the Authority to Enter Into Contracts and Provide Services to County Government and Local Municipalities.

**HB 167** - WAGNER, SPENCE, PETRILLI, BOULDEN, DAVIS, D. ENNIS, LEE, MAIER, OBERLE, STONE, ULBRICH - LABOR: An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

**HB 168** - WAGNER, PETRILLI, BUCKWORTH, CLOUTIER, DAVIS, LEE, LOFINK, MAIER, ROY, STONE, ULBRICH - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to Investigations by the Division of Professional Regulation.

**HB 169** - EWING; SENATOR VOSHELL - P/S: An Act to Amend Chapter 26, Title 21 of the Delaware Code to Establish Out-Of-Service Penalties for Commercial Drivers.

**HA 1 to HB 107** - SMITH - LABOR: Placed with the bill.

**HA 1 to HB 129** - CAREY - AGENDA: Placed with the bill.

**HA 1 to HB 158** - BANNING - TRANS & INFRA: Placed with the bill.

**SB 65 w/SA 2** - VOSHELL, ADAMS, VENABLES, COOK, VAUGHN; REPRESENTATIVES BUCKWORTH, EWING, SCHROEDER - ED: An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to the Award and Transfer of School Transportation Contracts.

**SB 88** - VAUGHN; REPRESENTATIVE LEE - CORR: An Act to Amend Chapter 65, Title 11, Delaware Code Relating to the Duties and Responsibilities of the Commissioner.

**SB 90** - CORDREY & REPRESENTATIVE WEST - H/ADM: An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Millsboro", as Amended, Relating to the Imposition of Taxation Upon Real Estate Transfers Within the Town of Millsboro. (2/3 bill)

Representatives Reynolds & Gilligan requested that they be marked present.

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

The Reading Clerk read the following communication into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Oak Banning, Do Hereby Request That My Name be Removed as Co-Sponsor of **HB 159**.

DATE: April 12, 1995

SIGNED: Oak Banning

The Majority Leader moved to recess for committee meetings at 2:35 p.m.

The House reconvened at 5:02 p.m.

Representatives Jonkiert & Wagner requested that they be marked present.

The Reading Clerk read the following communication into the record:

**WITHDRAWAL OF SPONSORSHIP**

I, Pam Maier, Do Hereby Request That My Name be Removed as Co-Sponsor of **HB 61**.

DATE: April 12, 1995

SIGNED: Pam Maier

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

AG & F.P. & A: HB 54 - 4M.

CORR: HB 142 - 1F,4M,3U.

P/S: HB 116 - 5M; HB 154 - 9M.

NAT RES: HB 156 - 4M.

R & F: HB 131 - 7M.

ED: HB 133 - 4M,2U; HB 135 - 7M; HB 141 - 8M.

ENV. MAN.: HB 125 - 3M; HB 130 - 3M.

Mr. Speaker Spence assigned HB 133 & HB 135 to the Appropriations Committee.

Representative Brady requested that he be marked present.

Representative Plant introduced HB 170, jointly sponsored by Representative Scott.

HB 170 - An Act to Amend §303, Chapter 1, Title 26 of the Delaware Code Relating to Public Utilities.

Mr. Speaker Spence assigned HB 170 to the Housing & Community Affairs Committee.

Representative B. Ennis requested that he be marked present.

Representative Quillen requested and was granted the privilege of the floor for Charles J. Anderson, Customer Systems Engineer & Kay Buck, representing OIS/OTM who were presented with House Tributes.

Representative Quillen introduced guests.

The Reading Clerk read the House Tribute honoring Charles J. Anderson into the record:

STATE OF DELAWARE  
HOUSE OF REPRESENTATIVES  
TRIBUTE

Be it hereby known to all that the entire House of Representatives joins Representative G. Robert Quillen in  
expressing sincere appreciation to  
Charles J. Anderson

WHEREAS, the time had finally arrived when all agencies within Legislative Hall should have the same telephone system; and

WHEREAS, American Telephone & Telegraph, in its wisdom, selected Charles J. ("Charles") Anderson, a fine gentleman and very patient man, to be our Customer Service Engineer; and

WHEREAS, Charlie spent hours and hours daily for weeks operating out of a cramped Telephone Room not quite in the bowels of Legislative Hall installing our AT & T DEFINITY G-3 Telephone System with INTUITY AUDIX Voice Processor; and

WHEREAS, just when he thought he had done everything to our satisfaction, we would come up with a list of changes for Charlies to implement; and when he thought he had it right again, we would make yet more changes; and

WHEREAS, no one ever heard even a sigh from Charlie much less a complaint as he cheerfully when about his job.

NOW, THEREFORE, be it resolved that the House of Representatives extends sincerely gratefulness to Charles and directs this tribute be present

on this 12th day of April, 1995.

Representative Terry R. Spence, Speaker of the House

JoAnn M. Hedrick, Chief Clerk of the House

Representative G. Robert Quillen, Sponsor

Number #H138-262

Representative Mack made comments.

Mr. Speaker Spence & Representative Petrilli introduced guests.

Representative Petrilli introduced HS 1 for HB 79, jointly sponsored by Senator Sharp & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators McBride, Sokola, Vaughn, Voshell, Bair, Bonini, Connor, Henry, Reed & Sorenson.

HB 79 - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Establishment of the Delaware Center for Educational Technology.

Mr. Speaker Spence assigned HS 1 for HB 79 to the Education Committee.

The following prefiled Consent Calendar #5 was introduced:

HR 16 - WAGNER, MARONEY; ON BEHALF OF ALL KENT COUNTY REPRESENTATIVES - Honoring Dover Family Physician, Rhoslyn Bishoff, Upon His Retirement From Practice.

HR 17 - BUCKWORTH - Honoring the Men and Women Who Have Given of Themselves and Those Who Have Benefited From Organ Donation During Organ Donation Month, April 17-23.

HCR 16 - SPENCE ON BEHALF OF ALL REPRESENTATIVES; AND SENATOR CORDREY ON BEHALF OF ALL SENATORS - Honoring Those Individuals Who Have Been Selected as Recipients of the Delaware Award for Excellence and Commitment in State Service.

SCR 12 - VAUGHN, COOK & HENRY; REPRESENTATIVE B. ENNIS; SENATOR STILL - Commending Retiring Smyrna Mayor George C. Wright, Jr. On His Outstanding Record of Achievement During His Years of Government Service.

SCR 15 - SOKOLA; REPRESENTATIVE REYNOLDS & SENATOR CONNOR ON BEHALF OF ALL SENATORS AND REPRESENTATIVES - Proclaiming May Superstars! In Education Month in Delaware.

SCR 16 - VOSHELL & REPRESENTATIVES CAREY, MARONEY; SENATOR ADAMS & ALL SENATORS; REPRESENTATIVES CAULK, EWING - Thanking Dr. Frank Shavlik for the Invaluable Contributions He Has Made to the Residents of Kent and Sussex Counties During His 20 Years of Dedicated Service as Executive Director of People's Place II, Inc.

SCR 17 - CONNOR, CORDREY, SHARP, MARSHALL, BAIR ON BEHALF OF ALL SENATORS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN ON BEHALF OF ALL REPRESENTATIVES - Recognizing April 23 Through April 29 as Professional Secretaries Week, and Encouraging All Those Who Are Fortunate Enough to Have Secretaries to Honor These Unsung Heroes During This Week.

Consent Calendar #5 was adopted by voice vote and HCR 16 was sent to the Senate for concurrence and SCR 12, SCR 15, SCR 16 & SCR 17 were returned to the Senate.

Representative Buckworth made comments regarding HR 17.

Representative Petrilli deferred to Representative Capano.

Representative Capano brought HCR 15, jointly sponsored by Representatives Spence, Petrilli, Quillen, Ewing, Buckworth, Cloutier, Davis, DiPinto, Lofink, Maier, Roy, Smith, Stone, Wagner, Welch, Ulbrich & Bunting & Senators Hauge, Connor, Bair & Venables, before the House for consideration.

HCR 15 - Creating a Privatization Task Force Consisting of Representatives From Government, Labor and Business to Evaluate Existing Privatized Government Services and to Explore and Recommend Other State Services for Privatization.

Representative Capano made comments.

HCR 15 was adopted by voice vote and sent to the Senate for concurrence.

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

24TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
April 13, 1995

Mr. Acting Speaker Roy called the House to order at 2:03 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 64 w/SA 1 & 2, SCR 19 & SCR 21.

April 12, 1995

Dear Speaker Spence,

I will be unable to be present for House of Representative business on Thursday April 13, 1995 for personal reasons.

Thank you.

Very truly yours,  
Deborah H. Capano  
State Representative  
12th District

DHC:dmd

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current Legislative Day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Capano - 1.

A prayer was offered by Representative G. Robert Quillen, Thirtieth Representative District.

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

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

Mr. Speaker Spence & Representative Fallon introduced guests.

The following prefiled legislation was introduced:

HS 1 for HB 60 - ROY & SENATOR SHARP; REPRESENTATIVES SPENCE, DAVIS, BRADY; SENATORS VAUGHN, SOKOLA - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Earned Good Time.

**HB 171** - SPENCE & SENATORS SHARP, SOKOLA; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CLOUTIER, DAVIS, DIPINTO, EWING, MACK, STONE, WAGNER, BRADY, BUNTING, JONKIERT, PLANT, VANSANT; SENATORS ADAMS, VAUGHN, VOSHELL, CONNOR, HAUGE, STILL - JUD: An Act to Amend Title 11, Delaware Code, Relating to Crimes and Criminal Procedure. (2/3 bill)

**HB 172** - EWING; SENATOR VOSHELL - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mopeds and Tripeds. (3/5 bill)

**HA 1 to HB 83** - MARONEY - READY LIST: Placed with the bill.

**HA 2 to HB 85** - BUCKWORTH - L.O.T.: Placed with the bill.

**SB 64 w/SA 1 & 2** - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA & VOSHELL; REPRESENTATIVES MAIER, HOUGHTON, SCOTT - HOUSING & COM AFF: An Act to Amend Chapter 27, of Title 29 of the Delaware Code Relating to the Local Government Investment Pool.

**HA 1 to SS 1 for SB 4** - DAVIS - H/ADM: Placed with the bill.

Representative B. Ennis requested that he be marked present.

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

Representative Oberle introduced and brought **HCR 17**, jointly sponsored by Senator Sharp on Behalf of All Representatives & All Senators, before the House for consideration.

**HCR 17** - Recognizing April 28, 1995, as Workers Memorial Day on Behalf of Our Colleagues, Co-Workers, and Others Who Have Fallen Ill, Suffered Injuries, or Died on the Job.

Representative Oberle made comments.

**HCR 17** was adopted by voice vote and sent to the Senate for concurrence.

Representatives Caulk & Wagner requested that they be marked present.

Representative Petrilli deferred to Representative West.

Representative West moved to suspend the rules which interfere with introduction of and action on **HB 173**. The motion was properly seconded and adopted by voice vote.

Representative West introduced and brought **HB 173**, jointly sponsored by Representatives Ewing, Houghton, Lee, Caulk, B. Ennis, Buckworth, Plant, VanSant, Banning, DiLiberto, Quillen, Bunting, Schroeder & Spence & Senators Adams, Vaughn, Voshell & Cordrey, before the House for consideration.

**HB 173** - An Act to Amend Title 7 of the Delaware Code Relating to License Fees. (3/5 bill)

Representatives West, Petrilli, Boulden, Welch, West, Carey & Plant made comments.

The roll call on **HB 173** was taken and revealed:

YES: 34.

NOT VOTING: Representatives Stone, Welch - 2.

ABSENT: Representatives Capano, Davis, Lofink, Mack, Reynolds - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 173** was sent to the Senate for concurrence.

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

Representative Quillen introduced **HB 174**, jointly sponsored by Representative Smith & cosponsored by Representatives Carey, Bunting & Maier.

**HB 174** - An Act to Amend Title 30, Delaware Code Relating to the Gross Receipts Tax.

Mr. Acting Speaker Roy assigned **HB 174** to the Revenue & Finance Committee.

Representative Gilligan was granted personal privilege of the floor for the introduction of a guest.

Representative Petrilli deferred to Representative Banning.

Representative Banning introduced **HB 175**.

**HB 175** - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to School District Elections.

Mr. Acting Speaker Roy assigned **HB 175** to the Education Committee.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: April 13, 1995

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

| Number   | Sponsor                          | Presentation Date | Type | Description                           |
|----------|----------------------------------|-------------------|------|---------------------------------------|
| H138-263 | Quillen                          | 4/12/95           | T    | Kay R. Buck/Appreciation              |
|          | cosponsors: All Members of House |                   |      | Phone System/Leg. Hall                |
| H138-264 | Mack                             | 4/06/95           | T    | Darren C. Kelley/Wrestling            |
|          |                                  |                   |      | Champion/152 Pounds                   |
| H138-265 | Capano                           | 4/08/95           | M    | Suzanne Sutton Scott                  |
| H138-266 | DiPinto                          | 3//31/95          | M    | Veronica C. Farren                    |
|          | cosponsor: George                |                   |      |                                       |
| H138-267 | B. Ennis                         | 4/07/95           | T    | Jacqueline Wilson/Geographic Alliance |
|          |                                  |                   |      | Award                                 |
| H138-268 | DiPinto                          | 4/06/95           | M    | Dr. Peter J. Olivere, Sr.             |
| H138-269 | Capano                           | 4/11/95           | T    | Joe Amon/St. Wrestling                |
|          |                                  |                   |      | Champion/135 Pounds                   |

|          |           |         |   |                                                       |
|----------|-----------|---------|---|-------------------------------------------------------|
| H138-270 | Capano    | 4/11/95 | T | Debbie Gardecki/JTPA/Dist. Participant Award          |
| H138-271 | Buckworth | 4/06/95 | T | Mike Kijowski/Teacher of Yr./Star Hill                |
| H138-272 | Buckworth | 4/06/95 | T | Susan Evans/Teacher of Yr./W.B. Simpson               |
| H138-273 | Buckworth | 4/06/95 | T | Amy Hartmann/Teacher of Yr./Allen Frear               |
| H138-274 | Buckworth | 4/06/95 | T | Sandra Palmer/Teacher of Yr./Charlton School          |
| H138-275 | Buckworth | 4/06/95 | T | Valerie White/Teacher of Yr./W. Reily Brown           |
| H138-276 | Buckworth | 4/06/95 | T | Mary Bowden/Teacher of Yr./C.R. Junior High           |
| H138-277 | Buckworth | 4/06/95 | T | Elvina Knight/Teacher of Yr./Caesar Rodney High       |
| H138-278 | Wagner    | 3/31/95 | T | William Valentine/Employee of Yr./Child Mental Health |
| H138-279 | Carey     | 4/13/95 | T | Corp. Bernard Miller/Trooper of Yr.                   |

## HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: April 13, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                    |
|----------|-----------|-------------------|------|----------------------------------------------------------------|
| H138-280 | Mack      | 4/11/95           | T    | Joe Bond/Wrestling Champ/119 Pounds/<br>Most Valuable Wrestler |
| H138-281 | Spence    | 5/02/95           | T    | Paul W. Howard/DE Award for Excellence/Commitment              |
| H138-282 | Buckworth | 4/06/95           | T    | Patricia Killalea/Teacher of Yr./George S. Welch               |
| H138-283 | Buckworth | 4/06/95           | T    | Patricia DiAntonio/Teacher of Yr./Henry Arnold                 |
| H138-284 | Buckworth | 4/06/95           | T    | Dee Pribanic/Teacher of Yr./DAFB Middle Sch.                   |
| H138-285 | Banning   | 5/02/95           | T    | Tracie Maimone Atkinson/DE Award Excellence                    |
| H138-286 | DiPinto   | 3/31/95           | M    | Vincent Chominsky                                              |
| H138-287 | Carey     | 4/22/95           | T    | Albert Lank/Com. Serv. Award/Milton Chamber                    |
| H138-288 | Carey     | 4/22/95           | T    | Robert Stickles/Com. Serv. Award /Milton Chamber               |
| H138-289 | Carey     | 4/22/95           | T    | Tony Boyd-Heron/Com. Serv. Award/Milton Chamber                |
| H138-290 | Carey     | 4/22/95           | T    | Walter "Walt" Bryan/Dist. Serv. Award/Milton Chamber           |
| H138-291 | Carey     | 4/22/95           | T    | Julie Baxendell/Dist. Serv. Award/Milton Chamber               |
| H138-292 | Carey     | 4/22/95           | T    | Graphikos/Business of Yr./Milton Chamber                       |
| H138-293 | Carey     | 4/22/95           | T    | John "Jack" Hudson/Lifetime Achievement Award/Milton Chamber   |
| H138-294 | Carey     | 4/22/95           | T    | Charlotte West/Lifetime Achievement Award/Milton Chamber       |
| H138-295 | Carey     | 4/22/95           | T    | Nancy White/Citizen of Yr./Milton Chamber                      |
| H138-296 | Carey     | 4/22/95           | T    | Pauline Wilson/Hustler of Yr./Milton Chamber                   |

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:29 p.m.

The House reconvened at 3:55 p.m.

Mr. Speaker Spence resumed the Chair.

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

## PUBLIC EDITOR

An editorial on state House legislation concerning the control of hunting dogs incorrectly said the bill would absolve hunters of responsibility for property damages. It would not.

Representative West made comments.

Representative DiLiberto was granted personal privilege of the floor for a comment.



Representative Quillen introduced **HB 176**, jointly sponsored by Senator Sokola & Representative Spence & cosponsored by Representatives DiPinto & Maroney.

**HB 176** - An Act to Amend Title 14 of the Delaware Code Relating to Education.

Mr. Speaker Spence assigned **HB 176** to the Education Committee.

Representative Wagner introduced **HA 1** to **HB 92**. **HA 1** was placed with the bill.

Representative Roy introduced **HB 177**, jointly sponsored by Representatives Lofink & Schroeder & Senators Venables, Voshell, Cook & Amick.

**HB 177** - An Act to Amend Title 2, Delaware Code, by Adding Thereto a New Chapter Authorizing a Public-Private Initiatives Program in Transportation and Establishing a Revolving Loan Fund to Finance Such Program. (3/4 bill)

Mr. Speaker Spence assigned **HB 177** to the Transportation & Infrastructure Committee.

Representative Oberle was granted personal privilege of the floor to request a moment of silence for Bill Lawson.

Representatives Quillen, Gilligan & Reynolds were granted personal privilege of the floor for announcements.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder brought **HB 98**, jointly sponsored by Senator Voshell & Representatives Bunting, Buckworth, Capano, Carey, Davis, DiLiberto, B. Ennis, Ewing, Fallon, Houghton, Lee, Maier, Maroney, Oberle, Quillen, Reynolds, Scott, Smith, Wagner, Welch & West & Senator Adams, before the House for consideration.

**HB 98** - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs. (2/3 bill)

Representative Schroeder brought **HA 1** to **HB 98** before the House for consideration.

Representative Schroeder made a comment.

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

Representative Schroeder brought **HA 2** to **HB 98** before the House for consideration.

Representative Schroeder made a comment.

**HA 2** to **HB 98** was adopted by voice vote.

Representatives Schroeder & Oberle made comments.

Representative Schroeder requested and was granted the privilege of the floor for Paul Wallace, Deputy Attorney General.

Representatives Oberle, DiLiberto & Schroeder made comments.

Representative Schroeder moved to place **HB 98 w/HA 1 & 2** on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Quillen deferred to Representative Maroney.

Representative Maroney brought **SB 61 w/SA 1**, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola, Voshell & Sorenson & Representatives Buckworth, Carey, Ewing, Maier, Oberle, Quillen, Wagner, Banning, B. Ennis, Gilligan, Houghton, Jonkiert & Scott, before the House for consideration.

**SB 61** - An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Psychology.

Representative Maroney made comments.

Representative Davis requested that he be marked present.

Representatives Smith, Maroney & Davis made comments.

Representative Maroney requested and was granted the privilege of the floor for Dr. Dan Weintraub, Psychologist, representing the Delaware Psychological Association.

Representatives Davis, Maroney, B. Ennis & Ewing made comments.

Representative Maroney moved to place **SB 61 w/SA 1** on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli moved to suspend the rules which interfere with action on **SB 57 w/SA 1**. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought **SB 57 w/SA 1**, sponsored by Senator McDowell, before the House for consideration.

**SB 57** - An Act to Amend the Statutory Provisions of Section 106 (a), Title 13, of the Delaware Code Relating to the Marriage of Dana Balick and Paul Herdman.

Representative Petrilli made a comment.

The roll call on **SB 57 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, **SB 57 w/SA 1** was returned to the Senate.

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

Representative Quillen requested that **HCR 8** be stricken.

Representative Quillen made a comment.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert brought **HB 111**, jointly sponsored by Senator Marshall, before the House for consideration.

**HB 111** - An Act to Waive the Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Patricia Gallagher and Terry McCandlish.

Representative Jonkiert made a comment.

The roll call on HB 111 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, HB 111 was sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HB 105, jointly sponsored by Senator Sharp, before the House for consideration.

HB 105 - An Act to Amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Against Public Administration. (2/3 bill)

Representative Spence made comments.

The roll call on HB 105 was taken and revealed:

YES: 37.

ABSENT: Representatives Capano, Jonkiert, Spence, West - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 105 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 46 w/SA 1, jointly sponsored by Senator Voshell, before the House for consideration.

SB 46 - An Act to Amend Title 21 of the Delaware Code Relating to Waiver of Inspections of Trucks.

Representative Ewing made comments.

The roll call on SB 46 w/SA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Capano, Jonkiert - 2.

Therefore, having received a constitutional majority, SB 46 w/SA 1 was returned to the Senate.

Representative Gilligan introduced HB 178, jointly sponsored by Representatives Boulden, Buckworth, Bunting, Caulk, Davis, DiPinto, Ewing, Houghton, Jonkiert, Lofink, Mack, Oberle, Reynolds, Roy, Welch & West & Senators Amick, Hauge, Sokola & Voshell & cosponsored by Representative Spence.

HB 178 - 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 178 to the Public Safety Committee.

Representative Ulbrich introduced HR 19.

HR 19 - Urging the Secretary of Transportation to Proceed Posthaste With the Major Investment Study (MIS) for the Route 301 Corridor and to Rescind the Designation of Route 896 as Part of the Route 301 Corridor Until Completion of the MIS.

Mr. Acting Speaker assigned HR 19 to the Transportation & Infrastructure Committee.

Representative Buckworth introduced HB 179, jointly sponsored by Representatives Caulk & Jonkiert & Senator Bonini & Representatives Spence, Carey, Davis, DiPinto, D. Ennis, Ewing, Lofink, Maier, Welch, Brady & Bunting & Senators Marshall, Connor & Still.

HB 179 - An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code Relating to Notice of Abortions Performed on Minors.

Mr. Acting Speaker assigned HB 179 to the Judiciary Committee.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 128, jointly sponsored by Representatives Bunting & Schroeder & Senator Venables, before the House for consideration.

HB 128 - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Size Limits for White Perch. (2/3 bill)

Representative Carey brought HA 1 to HB 128 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative Carey made comments.

Representative Schroeder introduced and brought HA 2 to HB 128 before the House for consideration.

Representatives Schroeder & Carey made comments.

HA 2 was adopted by voice vote.

The roll call on HB 128 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 128 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Maroney moved to lift SB 61 w/SA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Maroney brought SB 61 w/SA 1, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola, Voshell & Sorenson & Representatives Buckworth, Carey, Ewing, Maier, Oberle, Quillen, Wagner, Banning, B. Ennis, Gilligan, Houghton, Jonkiert & Scott, before the House for consideration.

SB 61 - An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Psychology.

Representatives Maroney, Cloutier, Davis, Maroney & Welch made comments.

Representative Welch requested and was granted the privilege of the floor for Dave Boswell, House Attorney.

Representatives Welch, DiPinto & Maroney made comments.

Representative Maroney moved to place SB 61 w/SA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Schroeder moved to lift HB 98 w/HA 1 & 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Schroeder brought HB 98 w/HA 1 & 2, jointly sponsored by Senator Voshell & Representatives Bunting, Buckworth, Capano, Carey, Davis, DiLiberto, B. Ennis, Ewing, Fallon, Houghton, Lee, Maier, Maroney, Oberle, Quillen, Reynolds, Scott, Smith, Wagner, Welch & West & Senator Adams, before the House for consideration.

HB 98 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs. (2/3 bill)

Representative Schroeder introduced and brought HA 3 to HB 98 before the House for consideration.

Representative Schroeder made a comment.

HA 3 was adopted by voice vote.

The roll call on HB 98 w/HA 1.2 & 3 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 98 w/HA 1.2 & 3 was sent to the Senate for concurrence.

Representative Petrilli brought HB 89 w/HA 1 & 2 & SA 2 & 3, jointly sponsored by Representatives VanSant, Bunting, Buckworth, Capano, Carey, Cloutier, Davis, DiLiberto, Ewing, George, Gilligan, Houghton, Jonkiert, Lee, Lofink, Maier, Plant, Quillen, Scott, Spence, Welch & West, before the House for concurrence on SA 2 & 3.

HB 89 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representative Petrilli made a comment.

The roll call on HB 89 w/HA 1 & 2 & SA 2 & 3 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, HB 89 w/HA 1 & 2 & SA 2 & 3 was sent to the Governor.

Representative Petrilli moved to suspend the rules which interfere with action on SJR 9. The motion was properly seconded and adopted by voice vote.

Representative Petrilli brought SJR 9 w/SA 1, jointly sponsored by Senators Cordrey, Sharp & Bair & Representatives Spence, George & Roy, before the House for consideration.

SJR 9 - Continuing the Futures Commission, Known as "Commission on Delaware Courts 2000", Operating as a Task Force on Court Structure and Long Range Planning for the Court System in the State of Delaware.

Representatives Petrilli & Davis made comments.

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

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SJR 9 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich moved to suspend the rules which interfere with action on SB 64 w/SA 1 & 2. The motion was properly seconded and adopted by voice vote.

Representative Ulbrich brought SB 64 w/SA 1 & 2, jointly sponsored by Senators Blevins, Sokola & Voshell & Representatives Maier, Houghton & Scott, before the House for consideration.

SB 64 - An Act to Amend Chapter 27, of Title 29 of the Delaware Code Relating to the Local Government Investment Pool.

Representatives Ulbrich, Davis & Plant made comments.

The roll call on SB 64 w/SA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SB 64 w/SA 1 & 2 was returned to the Senate.

Representative Petrilli brought Consent Calendar #6 before the House for consideration.

**HR 18** - SMITH - Urging State Agencies Choosing to Invite Children to Work on April 27th to Participate in "Take Your Child to Work Day" So As to Allow All Children to Participate.

**SCR 19** - MCDOWELL, MARSHALL; REPRESENTATIVES JONKIERT, DIPINTO - Designating April 24, 1995 as a Day of Remembrance of "Man's Inhumanity to Man" for the Armenian Genocide of 1915-1923.

**SCR 21** - REED, BAIR, HENRY, COOK, VENABLES; REPRESENTATIVES FALLON, STONE, CAPANO, WAGNER; SENATORS SORENSON, BLEVINS, SOKOLA, AMICK; REPRESENTATIVES MARONEY, MAIER, ULBRICH.

Consent Calendar #6 was adopted by voice vote and **SCR 19 & SCR 21** were returned to the Senate.

Representative Petrilli moved to restore **HB 105**. The motion was properly seconded and adopted by voice vote.

Representative Petrilli brought **HB 105**, sponsored by Representative Spence & Senator Sharp, before the House for consideration.

**HB 105** - An Act to Amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Against Public Administration. (2/3 bill)

The roll call on **HB 105** was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 105** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:41 p.m.

25TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 2, 1995

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:05 p.m.

The Senate wishes to inform the House that it has passed: **SB 96, SCR 18, SCR 20, HB 173, HCR 16 & HCR 17.**

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the current Legislative Day. The House reconvened at 2:07 p.m.

The Chief Clerk called the roll:

Members Present: 39.

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

A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.

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

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

The following out-of-session prefiled legislation was introduced:

**HS 1 for HB 132** - SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT & WEST; SENATORS ADAMS, BONINI & CONNOR - HEALTH & HUM DEV: An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to the State Bureau of Identification and Background Checks by Sanatoria, Rest Homes, Nursing Homes, Boarding Homes, and Related Institutions.

**HB 145** - BUCKWORTH, PETRILLI, FALLON, EWING, LOFINK, DAVIS, DIPINTO; SENATORS BONINI, CONNOR, HAUGE, STILL - ED: An Act Proposing an Amendment to Article X of the Delaware Constitution of 1897, to Add a New Section Relating to Parental Rights in the Education of Their Children. (2/3 bill)

**HB 180** - OBERLE & SENATOR SOKOLA - LABOR: An Act to Amend Chapter 100, of Title 29, Delaware Code, Relating to the Definition of "Public Record" Under the Freedom of Information Act.

**HB 181** - MARONEY & SENATOR MCDOWELL - HEALTH & HUM DEV: An Act to Amend Chapter 1, Title 13, Delaware Code to Provide for the Establishment of a Marriage License Surcharge for the Delaware Children's Trust Fund. (3/5 bill)

**HB 182** - MARONEY & SENATOR BLEVINS; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BUCKWORTH, CAPANO, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, MAIER, REYNOLDS, STONE, ULBRICH, BANNING, BUNTING, B. ENNIS, HOUGHTON, VANSANT - HEALTH & HUM DEV: An Act Concurring in a Proposed Deletion of Article XII of the Delaware Constitution of 1897, as Amended, Relating to the State Board of Health. (2/3 bill)

**HB 183** - MARONEY & SENATOR BLEVINS; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BUCKWORTH, CAPANO, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, MAIER, REYNOLDS, STONE, ULBRICH, BANNING, BUNTING, B. ENNIS, HOUGHTON, VANSANT - HEALTH & HUM DEV: An Act to Amend Titles 16, 18, 21, 24, 28, and 29 of the Delaware Code, to Provide That Powers and Duties Vested in the State Board of Health Shall Now Be Vested in the Division of Public Health, Its Director or Designee Under the Direction and Control of the Department of Health and Social Services.

**HB 184** - MARONEY & SENATOR BLEVINS; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BUCKWORTH, CAPANO, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, MAIER, REYNOLDS, STONE, ULBRICH, BANNING, BUNTING, B. ENNIS, HOUGHTON, VANSANT - HEALTH & HUM DEV: An Act to Amend §7904, Chapter 79, Title 29 of the Delaware Code, to Establish the Division of Public Health Under the Direction and Control of the Department of Health and Social Services and to State the Mission of the Division.

**HB 185** - EWING; SENATOR VOSHELL - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Vehicle Size and Weight Limitations and Restrictions.

**HB 186** - VANSANT, BANNING, BRADY, BUNTING, B. ENNIS, DIPINTO, EWING, FALLON, GILLIGAN, WEST; SENATORS ADAMS, AMICK, BLEVINS, SORENSON, VAUGHN, VENABLES, VOSHELL - P/S: An Act to Amend Title 11 of the Delaware Code Relating to Sales of Firearms.

**HB 187** - BUNTING, BANNING, BRADY, BOULDEN, BUCKWORTH, CAREY, DIPINTO, B. ENNIS, EWING, FALLON, GILLIGAN, LEE, MAIER, PLANT, QUILLEN, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER; SENATOR AMICK - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

**HB 188** - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER - AG & FP & A: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forest Use.

**HB 189** - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER; SENATORS COOK, VAUGHN, VENABLES, STILL, BONINI - AG & FP & A: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agriculture, Horticultural or Forest Use.

**HB 190** - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER; SENATORS COOK, VAUGHN, VENABLES, STILL, BONINI - AG & FP & A: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to Valuation of Land Devoted to Agriculture, Horticultural or Forest Use.

**HR 20** - BUCKWORTH, PETRILLI, SMITH, STONE, BOULDEN, ULBRICH, LOFINK, WAGNER, MAIER, DIPINTO, DAVIS, CLOUTIER, CAPANO, WELCH; SENATORS AMICK, BAIR, BONINI, CONNOR, HAUGE, HENRY, REED, SORENSON, STILL - ED: Requesting the State Superintendent of Public Education to Appear Before an Education Forum for the Purpose of Reviewing Existing and Planned Educational Policies and Expenditures.

**SB 96** - VOSHELL & REPRESENTATIVE EWING; SENATORS ADAMS & BLEVINS; REPRESENTATIVES BUCKWORTH, MAIER, CAPANO, QUILLEN, WELCH, SMITH, FALLON, DIPINTO, MACK, CLOUTIER, DAVIS, GEORGE, VANSANT, GILLIGAN, LEE, CAREY, PETRILLI, REYNOLDS & SCHROEDER - P/S: An Act to Amend Chapter 27, Title 21 Relating to Civil Penalties for Unlawful Application for, or Use of, a Driver's License or Identification Card.

**SCR 18** - AMICK, SORENSON; REPRESENTATIVES ULBRICH, MAIER, PETRILLI, BOULDEN, LOFINK - TRANS & INFRA: Establishing a Task Force to Undertake a Cooperative Effort to Review and Coordinate Development Plans and Traffic Impact in the Newark Area and to Encourage Use of Multiple Passenger Transportation Options.

The following prefiled legislation was introduced:

**HA 1 to HB 95** - WAGNER - AGENDA: Placed with the bill.

Representatives Buckworth, Fallon & Carey requested that they be marked present.

The Reading Clerk read the following communications into the record:

### **MEMORANDUM**

TO: The Honorable Terry Spence, Speaker  
Delaware House of Representatives

FROM: Representative Dave Ennis

DATE: May 2, 1995

RE: **ABSENCE FROM SESSION**

I will be out of town on business on May 2, 1995, and will be unable to attend session. I expect to be in session Wednesday, May 3, 1995.

DHE/dlc

cc: JoAnn Hedrick  
Chief Clerk

May 2, 1995

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

Please excuse my absence from Session on Tuesday, May 2nd for personal reasons.  
 Thank you.

Sincerely,  
 Charles W. Welch  
 State Representative  
 29th District

CWW:mek

April 18, 1995

## LEGISLATIVE ADVISORY #7

The following legislation was signed by Governor Thomas R. Carper on the dates indicated: 4/12/95 - SB 71 & SB 82. 4/13/95 - SB 43 aab SA 1, SB 58, HB 17, HB 32 aab HA 2, HB 43, HB 59 aab SA 1, HB 90 & SB 57 aab SA 1.

April 27, 1995

## LEGISLATIVE ADVISORY #8

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 4/27/95 - HB 89 aab HA 1 & 2, SA 2 & 3, HB 173, SB 46 aab SA 1, SB 64 aab SA 1 & 2 & SJR 9 aab SA 1.

Representative Caulk requested and was granted the privilege of the floor for John Tarburton, Secretary of Agriculture.

Representatives Buckworth & B. Ennis were granted personal privilege of the floor for the introduction of guests.

Representative Boulden requested that he be marked present.

The Reading Clerk read the following communications into the record:

## HOUSE TRIBUTE ANNOUNCEMENT #19

DATE: May 2, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                       |
|----------|-----------|-------------------|------|-------------------------------------------------------------------|
| H138-297 | Gilligan  | 4/08/95           | T    | Yolanda & William Fischer/50th Wedding Anniversary                |
| H138-298 | Brady     | 4/13/95           | T    | Janice Hildebrand/Employed 20 Yrs./Opportunity Ctr., Inc.         |
| H138-299 | D. Ennis  | 4/13/95           | T    | Sheila Cuff/Employed 15 Yrs./Opportunity Center, Inc.             |
| H138-300 | D. Ennis  | 4/13/95           | T    | Rick Sarbora/Employed 20 Yrs./Opportunity Center, Inc.            |
| H138-301 | Roy       | 5/15/95           | T    | Linden Hill Elementary School /Redbook's Best School              |
| H138-302 | Stone     | 3/17/95           | T    | Lou Ann Carlson/'95 Teacher of Yr. Nellie Hughes Stokes Elem. Sch |
| H138-303 | Carey     | 4/22/95           | T    | Florence Balentine/Adm. Assist./Town of Milton/Employee of Year   |
| H138-304 | Spence    | 4/13/95           | T    | Lydia Lynne Garrett/Employed 10 Yrs./Opportunity Ctr., Inc.       |
| H138-305 | Oberle    | 4/13/95           | T    | Neva Pugh/Employed 20 Yrs./Opportunity Center, Inc.               |
| H138-306 | Fallon    | 4/10/95           | T    | Josephine Tull/100th Birthday                                     |
| H138-307 | D. Ennis  | 4/16/95           | T    | Dr. Renate Boer/60th Birthday                                     |
| H138-308 | Stone     | 4/07/95           | T    | Augusta & Harold Parker/50th Wedding Anniversary                  |
| H138-309 | Brady     | 5/13/95           | T    | Boy Scout Troop 62/60th Anniv.                                    |
| H138-310 | Scott     | 4/13/95           | T    | John Watson/Employed 5 Yrs./Opportunity Center, Inc.              |
| H138-311 | George    | 4/13/95           | T    | Charlie Felty/Employed 5 Yrs./Opportunity Center, Inc.            |
| H138-312 | George    | 4/13/95           | T    | Bob Dellock/Employed 10 Yrs./Opportunity Center, Inc.             |
| H138-313 | Schroeder | 4/14/95           | M    | Joseph Henry Prettyman                                            |
| H138-314 | Fallon    | 5/02/95           | T    | Mary E. Moore/DE Award/Excellence & Commitment/State Service      |

## HOUSE TRIBUTE ANNOUNCEMENT #20

DATE: May 2, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                             |
|----------|-----------|-------------------|------|-------------------------------------------------------------------------|
| H138-315 | Roy       | 5/02/95           | T    | Andrew Baker/Arbor Day Poster Contest/Kindergarten/N.C.C.               |
| H138-316 | Roy       | 5/02/95           | T    | Jackie Beverin/Arbor Day Poster Contest/1st & 2nd Grade/N.C.C.          |
| H138-317 | Petrilli  | 5/02/95           | T    | Aaron Kim/National Arbor Day Poster Contest From Delaware/Winner        |
| H138-318 | Quillen   | 5/02/95           | T    | Amanda Boyd/Arbor Day Poster Contest/3rd & 4th Grade/K.C.               |
| H138-319 | Ewing     | 5/02/95           | T    | Kirsten Winston/Arbor Day Poster /3rd & 4th Grade/ /State Winner        |
| H138-320 | Ewing     | 5/02/95           | T    | Mary Beth Lloyd/Arbor Day Poster Contest/1st & 2nd Grade/S.C.           |
| H138-321 | Ewing     | 5/02/95           | T    | Amanda M. Lloyd/Arbor Day Poster Contest/Kindergarten/S.C.              |
| H138-322 | Buckworth | 5/02/95           | T    | Michelle L. Tegen/Arbor Day Poster Contest/1st & 2nd Grade/K.C.         |
| H138-323 | Buckworth | 5/02/95           | T    | Joanna Simms/C.R. High Art Teacher/DE Art Teacher of Year               |
| H138-324 | Reynolds  | 6/02/95           | T    | Rev. Ronald W. Bergman/50th Anniv./Asbury United Methodist              |
| H138-325 | Reynolds  | 6/01/95           | T    | Rev. Dr. Thomas C. Short/50th Anniv. /Asbury Minquadle United Methodist |
| H138-326 | Reynolds  | 6/03/95           | T    | Rev. Norman Poultney/50th Anniv. /Asbury-Minquadle United Methodist     |
| H138-327 | Reynolds  | 6/04/95           | T    | Rev. Dr. Brooks E. Reynolds/50th Anniversary/Asbury United Methodist    |
| H138-328 | Brady     | 4/19/95           | T    | Herbert S. Eleuterio/'95 Carothers Award                                |
| H138-329 | B. Ennis  | 4/20/95           | T    | George C. Wright, Jr./Retire/ Mayor of Smyrna/1981-1995                 |
| H138-330 | B. Ennis  | 4/07/95           | M    | Donald Summers Johnson                                                  |
| H138-331 | B. Ennis  | 4/18/95           | T    | Kent County Assoc. Of DE State Fire Police/40th Anniversary             |

#### T - Tribute

#### M - Memoriam

Representative Jonkiert requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:20 p.m.

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

Representative Lee brought SB 50 w/SA 1, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 50 - An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to the Method and Imposition of Sentence of Death.

Representative Lee made comments.

The roll call on SB 50 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Jonkiert, Welch - 3.

Therefore, having received a constitutional majority, SB 50 w/SA 1 was returned to the Senate.

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

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 95, jointly sponsored by Senator Cordrey & Representatives Buckworth, Banning, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Maier, Quillen, Reynolds, Stone, Ulbrich, B. Ennis, Jonkiert, Plant, Schroeder, Scott & West & Senators Adams, Vaughn, Venables, Henry & Still, before the House for consideration.

HB 95 - An Act to Amend Title 29 of the Delaware Code Relating to State Classifications. (F/N)

Representative Wagner requested that action on HB 95 be Deferred to a Day Certain, Tuesday, May 9, 1995.

Representative Wagner brought HJR 5, jointly sponsored by Representatives West, Ewing, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, George, Houghton, Jonkiert, Lee, Lofink, Mack, Maier, Oberle, Plant, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Ulbrich, VanSant & Welch & Senators Voshell, Cook, Vaughn, Venables, McBride, Bonini & Still & cosponsored by Representatives Brady, Bunting, Boulden & Senator Adams, before the House for consideration.

HJR 5 - Designating and Naming the New Route 1 By Pass That Commences at Dover Air Force Base and Terminates North of Smyrna, Together With Any New Extensions to be Added in the Future, as the "Korean War Veterans Memorial Highway".

Representative Wagner made a comment.

The roll call on HJR 5 was taken and revealed:

YES: 38.

NO: Representative West - 1.

ABSENT: Representatives D. Ennis, Welch - 2.

Therefore, having received a constitutional majority, HJR 5 was sent to the Senate for concurrence.

Mr. Speaker Spence granted the privilege of the floor to Charles Farrell, Nick Poppov & Nick Tosques, representing the Korean War Veterans Association.

Representatives Brady, West, B. Ennis & Fallon made comments.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 129, jointly sponsored by Representatives Bunting & Schroeder & Senator Venables, before the House for consideration.

HB 129 - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

Representative Carey requested that HA 1 to HB 129 be stricken.

Representative Carey introduced and brought HA 2 to HB 129 before the House for consideration.

Representative Carey made a comment.

HA 2 was adopted by voice vote.

Representative B. Ennis requested and was granted the privilege of the floor for Charles Lesser, representing the Division of Fish & Wildlife.

Representative B. Ennis made comments.

The roll call on HB 129 w/HA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Welch - 2.

Therefore, having received a constitutional majority, HB 129 w/HA 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 116, jointly sponsored by Representatives Petrilli, Quillen, Boulden, Capano, Davis & DiPinto & Senators Cordrey, Adams, Amick, Bair, Bonini, Reed & Still, before the House for consideration.

HB 116 - An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists.

Representative Smith moved to place HB 116 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Davis.

Representative Davis moved to lift HS 1 to HB 37 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Davis brought HS 1 to HB 37, jointly sponsored by Representatives D. Ennis, DiPinto, Fallon, Lofink, Maroney, Smith, Brady, Banning, Bunting, George, Houghton, Plant, West & Schroeder & Senators McDowell, Henry & Reed & cosponsored by Representative Scott, before the House for consideration.

HB 37 - An Act Proposing an 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 Davis made a comment.

Representative Davis brought HA 1 to HS 1 to HB 37 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

Representative Cloutier brought HA 2 to HS 1 to HB 37, jointly sponsored by Representative Carey, before the House for consideration.

Representative Cloutier made a comment.

HA 2 was adopted by voice vote.

The roll call on HS 1 to HB 37 w/HA 1 & 2 was taken and revealed:

YES: 30.

NO: Representatives Capano, Ewing, Mack, Oberle, Petrilli, West, Mr. Speaker Spence - 7.

NOT VOTING: Representatives Banning, B. Ennis - 2.

ABSENT: Representatives D. Ennis, Welch - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 to HB 37 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 53, jointly sponsored by Senator Marshall, before the House for consideration.

HB 53 - An Act to Amend Section 6903(a)(2), Title 29 of the Delaware Code Relating to Public Works Contracts.



Representatives Oberle, George, DiPinto, Bunting, George, Oberle, Wagner, George, Oberle & Scott made comments.

Representative Oberle requested and was granted the privilege of the floor for Pete Peterson, President, AFL-CIO.

Representatives George, Roy & Bunting made comments.

The roll call on HB 53 was taken and revealed:

YES: 19.

NO: Representatives Boulden, Buckworth, Bunting, Capano, Carey, Cloutier, DiPinto, Fallon, George, Lee, Maier, Maroney, Petrilli, Quillen, Roy, Smith, Stone, Ulbrich - 18.

NOT VOTING: Representatives Schroeder, Wagner - 2.

ABSENT: Representatives D. Ennis, Welch - 2.

Therefore, not having received a constitutional majority, HB 53 was declared defeated.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 127. The motion was seconded by Representative Quillen and adopted by voice.

Representative Petrilli introduced and brought SB 127, sponsored by Senator Sharp & Representative Spence & cosponsored by Representative Jonkiert & Senator Marshall, before the House for consideration.

SB 127 - An Act to Amend Section 106 of Title 13, Delaware Code, Relating to the Solemnization of Marriages.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert made a comment.

The roll call on SB 127 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Welch - 2.

Therefore, having received a constitutional majority, SB 127 was returned to the Senate.

Representative Jonkiert made a comment.

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

HCR 18. The motion was seconded by Representative Petrilli.

Mr. Speaker Spence waived the vote on the motion.

Representative Reynolds introduced and brought HCR 18, jointly sponsored by Senator Sokola, before the House for consideration.

HCR 18 - Commending the Students Selected as State Superintendent's Scholars of 1995.

Representative Reynolds made comments.

HCR 18 was adopted by voice vote and 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 127.

Representative Petrilli made an announcement regarding SB 29.

The Majority Leader moved to recess to the call of the Chair at 5:34 p.m.

26TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 3, 1995

Mr. Acting Speaker Oberle called the House to order at 2:15 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 23.

Representative Maroney introduced HB 195.

HB 195 - An Act to Amend Titles 7,9,11,13,16,18,21,24,26,29, and 31 of the Delaware Code to Provide That Certain Powers and Duties Vested in the Board of Health Shall Now Be Vested in the Department of Health and Social Services, Its Secretary or His Designee.

Mr. Acting Speaker Oberle assigned HB 195 to the Health & Human Needs Committee.

The Majority Whip moved to adjourn at 2:16 p.m., thereby ending the current Legislative Day. The House reconvened at 2:17 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Mack - 1.

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

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

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

The following prefiled out-of-session legislation was introduced:

**HB 191** - PETRILLI, SPENCE, LEE, JONKIERT, VANSANT & SENATOR VAUGHN - R & F: An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Taxes on Alcoholic Liquor.

**HB 192** - QUILLEN - H/ADM: An Act to Amend Title 10, Title 24 and Title 29 of the Delaware Code Relating to Child Support Enforcement; and Providing for a Child Support-Professional and Occupational Responsibility Act.

**HB 193** - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER; SENATORS COOK, VAUGHN, VENABLES, STILL, BONINI - AG & FP & A: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to Valuation of Land Devoted to Agriculture, Horticultural or Forest Use.

**HB 194** - JONKIERT & SENATOR MARSHALL; REPRESENTATIVES BUNTING, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, B. ENNIS, EWING, FALLON, GILLIGAN, GEORGE, LEE, SMITH, ULBRICH - P/S: An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Traffic Laws.

**HA 1 to HB 9** - QUILLEN - AG & FP & A: Placed with the bill.

**HA 1 to HS 1 for HB 12** - OBERLE - APPRO: Placed with the bill.

**HA 1 to HB 38** - DAVIS - AGENDA: Placed with the bill.

**HA 2 to HB 54** - CAREY - READY LIST: Placed with the bill.

**HA 1 to HB 131** - GILLIGAN - AGENDA: Placed with the bill.

**HA 1 to HB 157** - PLANT - HOUSING & COM AFF: Placed with the bill.

**HA 1 to HB 174** - QUILLEN - R & F: Placed with the bill.

**HA 1 to HB 178** - GILLIGAN - P/S: Placed with the bill.

The Reading Clerk read the following communication into the record:

#### MEMORANDUM

TO: SPEAKER OF THE HOUSE, TERRY R. SPENCE  
 FROM: REPRESENTATIVE JEFFREY G. MACK  
 DATE: MAY 3, 1995  
 RE: ABSENCE FROM SESSION MAY 3  
 CC: JOANN HEDRICK, CHIEF CLERK OF THE HOUSE

Please be advised that I will be absent from session today, May 3, due to legislative business in New Castle County.  
 JGM/lg

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

Representatives Wagner & Oberle made comments.

Representative Petrilli made an announcement.

Representatives George & Plant made comments.

Representative Maroney requested and was granted the privilege of the floor for Mary Ann Poling, representing Kids Count in Delaware.

Representative Scott was granted personal privilege of the floor for the introduction of a guest.

Representative DiPinto made a comment.

Representative Plant was granted personal privilege of the floor for a comment.

Representatives Schroeder & Lee requested that they be marked present.

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

The House reconvened at 4:47 p.m. with Representative Quillen as Acting Speaker.

Representative Jonkiert requested that he be marked present.

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

P/S: **HB 166** - 6M; **HB 169** - 6M; **HB 172** - 6M; **HB 185** - 6M; **HB 186** - 6M; **HB 187** - 6M.

AG & FP & A: **HB 9** - 3F; **HB 189** - 3F; **HB 190** - 3F.

ED: **HB 144** - 7M; **HB 176** - 5M.

ECON DEV, B & I: **HB 134** - 8M; **HB 160** - 8M.

HEALTH & HUM NEEDS: **HB 181** - 1F, 4M.

SM BUS: **HB 140** - 7M; **HB 152** - 7M.

R & F: **HB 163** - 8M; **HB 153** - 8M.

P/S: **SB 96** - 5M.

Representatives Reynolds, D. Ennis, Brady & Spence requested that they be marked present.

The following prefiled Consent Calendar #7 was introduced:

**HR 21** - CAPANO - Extending Cordial Birthday Wishes to W. Laird Stabler, Jr. On His Sixty-Fifth Birthday, May 2, 1995 and Wishing Him Many More With the Best of Health and Happiness.

**HR 22** - SMITH, CLOUTIER, DIPINTO, D. ENNIS, MARONEY; SENATORS BAIR, HAUGE, SORENSON - Bidding a Fond Farewell to R. Jerry Martin as He Retires as the Chair of the Brandywine Region Republican Committee.

**SCR 20** - SOKOLA & REPRESENTATIVE PETRILLI ON BEHALF OF ALL SENATORS AND REPRESENTATIVES - Congratulating the Students, Faculty, Principal and Parents of Linden Hill Elementary

School in the Red Clay Consolidated School District for Being Named the Best Public Elementary School in Delaware by Redbook Magazine.

**SCR 23 - MARSHALL & SENATOR BAIR FOR ALL SENATORS; REPRESENTATIVES SPENCE & JONKIERT FOR ALL REPRESENTATIVES** - Extending to Rosalie Obara Our Best Wishes for a Speedy Recovery and a Swift Return to Her Rightful Place as Clerk of the Peace of New Castle County.

Consent Calendar #7 was adopted by voice vote and **SCR 20 & SCR 23** were returned to the Senate.

Representatives Capano, DiPinto, Fallon & Jonkiert made comments.

The Chief Clerk read the following committee report into the record: P/S: **HB 178** - 5M.

Mr. Speaker Spence resumed the Chair.

Representatives Roy & Brady were granted personal privilege of the floor for an announcement.

The Majority Whip moved to recess to the call of the Chair at 4:55 p.m.

## 27TH LEGISLATIVE DAY 138th GENERAL ASSEMBLY

First Session

May 4, 1995

Mr. Acting Speaker Quillen called the House to order at 2:07 p.m.

Mr. Acting Speaker assigned **HB 153 & HB 163** to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **HCRR 18**.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current Legislative Day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 196 - PETRILLI - H/ADM:** An Act to Amend Chapter 13, Title 9 of the Delaware Code Relating to Terms of Office for the New Castle County Board of Adjustment.

**HB 197 - WELCH - NAT RES:** An Act Authorizing and Directing the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, to Issue a Commercial Crab Pot License to John W. Hestera of 1829 Longridge Road, Clayton, Delaware, Who Is Presently Prohibited From Obtaining a Permit Under § 1918(a), Title 7 of the Delaware Code.

**HB 198 - ROY & SENATOR VOSHELL - P/S:** An Act to Amend Title 21 of the Delaware Code Relating to Size and Weight of Vehicles and Loads.

**HB 199 - WAGNER & DAVIS & MAIER - H/ADM:** An Act to Amend Title 29, Delaware Code, Relating to State Government Accountability.

**HB 201 - OBERLE & SENATOR MARSHALL - LABOR:** An Act to Amend § 2321, Title 19 of the Delaware Code Relating to Worker's Compensation.

**HB 202 - OBERLE & SENATOR MARSHALL - LABOR:** An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

**HB 203 - BOULDEN - CORR:** An Act to Amend Title 11 of the Delaware Code Relating to Classification of Offenses; Sentences.

**HB 204 - CAPANO - JUD:** An Act to Amend Chapters 19 and 21, Title 11 of the Delaware Code Relating to Domestic Violence.

**HA 1 to HB 150 - OBERLE - JUD:** Placed with the bill.

**HA 1 to HB 172 - EWING - P/S:** Placed with the bill.

The Reading Clerk read the following communication into the record:

### HOUSE TRIBUTE ANNOUNCEMENT #21

DATE: May 4, 1995

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

| Number   | Sponsor           | Presentation Date | Type | Description                                                                   |
|----------|-------------------|-------------------|------|-------------------------------------------------------------------------------|
| H138-332 | Wagner            | 4/23/95           | T    | Pat Lynn/Outstanding Service/<br>/Dover High/Dover City Council/Levy<br>Court |
| H138-333 | Smith             | 4/23/95           | T    | Craig Lanning/Eagle Scout                                                     |
| H138-334 | Buckworth         | 4/24/95           | T    | Virginia M. Foresman/Benjamin<br>Burton Foundation Humanitarian<br>Award      |
| H138-335 | Roy               | 4/24/95           | T    | Tom Lemon/St. Mark's Baseball<br>wsCoach/200th Career Victory                 |
|          | cosponsor: Lofink |                   |      |                                                                               |

|                    |         |   |                                                                      |
|--------------------|---------|---|----------------------------------------------------------------------|
| H138-336 Smith     | 4/22/95 | T | 101st Annual Encampment/Sons of Union Veterans/Civil War             |
| H138-337 Smith     | 4/22/95 | T | Kevin Bott/6th Grade/DE Elem. Math League Competition/1st Place      |
| H138-338 Smith     | 4/22/95 | T | 108th Annual Encampment/MD /Sons of Union Veterans/Civil War         |
| H138-339 DiPinto   | 4/26/95 | T | Willard Preston, M.D./Installation/St. Francis Hall of Fame/         |
| H138-340 DiPinto   | 4/26/95 | T | Mark G. Cohen, M.D. /Hall of Fame/Cardiology/St. Francis Hosp.       |
| H138-341 DiPinto   | 4/26/95 | T | Bayard R. Vincent, M.D./ Hall of Fame/St. Francis Hosp.              |
| H138-342 Wagner    | 4/29/95 | T | Richard P. McCall/30th Anniversary/ Pro/Maple Dale Country Club      |
| H138-343 Wagner    | 4/07/95 | M | Everett C. Matthews                                                  |
| H138-344 Wagner    | 4/17/95 | M | James E. Dragoo                                                      |
| H138-345 B. Ennis  | 4/30/95 | T | Anna O. Lloyd/85th Birthday                                          |
| H138-346 Buckworth | 5/01/95 | T | Mr. & Mrs. Clyde J. Bethard/ 66th Wedding Anniversary                |
| H138-347 Buckworth | 5/07/95 | T | First Pilgrim Baptist Church/Ded./ New Church Administration Complex |

T - Tribute

M - Memoriam

Representatives Plant & George requested that they be marked present.

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

Representative Caulk requested that HB 193 be stricken.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 111 & SCR 26.

May 4, 1995

#### LEGISLATIVE ADVISORY #9

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 5/04/95 - SB 127.

Representatives Jonkiert, Spence, Ulbrich, Capano, Boulden, Davis, Gilligan, Mack & Oberle requested that they be marked present.

Representative Spence moved to suspend the rules which interfere with introduction of and action on HB 205. The motion was properly seconded.

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

Representative Spence introduced and brought HB 205, jointly sponsored by Senator Sharp, before the House for consideration.

HB 205 - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Kris Deyerle and Joseph Cannatelli.

The motion was adopted by voice vote.

Representatives Roy & Smith requested that they be marked present during the roll call.

Representative Spence made a comment.

The roll call on HB 205 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HB 205 was sent to the Senate for concurrence.

Representative Spence moved to suspend the rules which interfere with introduction of and action on HB 206. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Spence introduced and brought HB 206, jointly sponsored by Senator Sharp, before the House for consideration.

HB 206 - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Megan Ballard and David Mazer.

Representative Spence made a comment.

The roll call on HB 206 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 206 was sent to the Senate for concurrence.

Representative Petrilli brought SCR 26, jointly sponsored by Senator Cordrey & Representative Spence & Senators Sharp, Cook, Bair & Connor & Representatives Quillen, George & Gilligan, before the House for consideration.

SCR 26 - In Reference to the Confirmation of William S. Montgomery as Director of Research of Legislative Council.

Representative Petrilli made a comment.

SCR 26 was adopted by voice vote and returned to the Senate.

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan brought HB 131, jointly sponsored by Representatives Banning, Brady, Capano, Davis, B. Ennis, Ewing, Jonkiert, Scott, Smith, Ulbrich & Wagner & Senator Marshall, before the House for consideration.

HB 131 - An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to Lotteries; and Providing That Each Lottery Ticket Contain Certain Information.

Representative Gilligan brought HA 1 to HB 131 before the House for consideration.

Representative Gilligan made a comment.

HA 1 to HB 131 was adopted by voice vote.

Representative Gilligan made a comment.

The roll call on HB 131 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 131 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced HB 207.

Representatives Ulbrich & Capano introduced guests.

HB 207 - An Act to Amend Title 11 of the Delaware Code Relating to Victim-Offender Mediation.

Mr. Acting Speaker Quillen assigned HB 207 to the Judiciary Committee.

Representative Davis brought HB 38, jointly sponsored by Representatives Ulbrich, Maier, Capano, Ewing, Maroney, Stone, Welch, Lee, Smith, Buckworth, Lofink, Reynolds, Spence, DiPinto, B. Ennis, Carey & Quillen, before the House for consideration.

HB 38 - An Act to Amend Title 18 of the Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

Representative Davis made a comment.

Representative Davis brought HA 1 to HB 38 before the House for consideration.

Representative Davis made a comment.

HA 1 to HB 38 was adopted by voice vote.

The roll call on HB 38 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Maroney, Roy, West - 4.

Therefore, having received a constitutional majority, HB 38 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Plant.

Representative Plant brought HB 141 before the House for consideration.

HB 141 - An Act to Amend Chapter 27 of Title 14 of the Delaware Code Relating to School Attendance.

Representatives Plant, Davis, Wagner & Reynolds made comments.

The roll call on HB 141 was taken and revealed:

YES: 36.

NOT VOTING: Representatives Mack, Reynolds - 2.

ABSENT: Representatives D. Ennis, Roy, West - 3.

Therefore, having received a constitutional majority, HB 141 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey requested that action on HB 54 be Deferred to a Day Certain, Tuesday, May 9, 1995.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on HB 154 be Deferred to a Day Certain, Thursday, May 11, 1995.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli deferred to Representative George.

Representative George introduced HB 208, jointly sponsored by Senators McDowell & Marshall & cosponsored by Representatives Scott, Oberle, Maier, Lofink & Plant.

Representatives Oberle & Reynolds were granted personal privilege of the floor for comments.

HB 208 - An Act to Amend Chapter 94, Title 11 of the Delaware Code Relating to the Rights of Victims.

Mr. Speaker Spence assigned HB 208 to the Judiciary Committee.

Representative George made an announcement.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 113, jointly sponsored by Representatives Petrilli, Spence, Quillen, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Smith, Stone, Ulbrich, Welch, Wagner, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators Blevins, Cook, Sokola, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Henry & Still, before the House for consideration.

HB 113 - An Act to Amend Title 11 of the Delaware Code by Creating the Offense of Home Improvement Fraud. (2/3 bill)

Representatives Roy & Ewing made comments.

The roll call on HB 113 was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 113 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Mack.

Representative Mack brought HB 117, jointly sponsored by Senator Connor, before the House for consideration.

HB 117 - An Act to Amend Chapter 121, Volume 32, Laws of Delaware, as Amended, Entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle" Relating to the Secretary of the Board and the Salaries of the Commissioners. (2/3 bill)

Representative Mack made a comment.

The roll call on HB 117 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 117 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Schroeder.

Mr. Speaker Spence assigned HB 135 to the Appropriations Committee.

Representative Schroeder brought HB 102, jointly sponsored by Senator Sokola & Representatives Banning, Boulden, Brady, Bunting, Carey, DiPinto, B. Ennis, Ewing, Houghton, Jonkiert, Lofink, Plant, Welch & West & Senators Adams, Bair, Blevins, Henry, Reed, Sorenson, Still, Vaughn, Venables & Voshell, before the House for consideration.

HB 102 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to the Placement of Legal Notices for Activities Permitted by the Department of Natural Resources and Environmental Control.

Representative Schroeder made a comment.

The roll call on HB 102 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 102 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert brought HB 108 before the House for consideration.

HB 108 - An Act to Amend Chapter 13, Title 10, Delaware Code Relating to Judges of the Court of Common Pleas.

Representatives Jonkiert, Davis, Petrilli, Welch & DiLiberto made comments.

The roll call on HB 108 was taken and revealed:

YES: Representatives Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott - 12.

NO: 23.

NOT VOTING: Representatives Maroney, Roy, Welch, Mr. Speaker Spence - 4.

ABSENT: Representatives DiPinto, D. Ennis - 2.

Therefore, not having received a constitutional majority, HB 108 was declared defeated.

Mr. Speaker assigned HB 75 & HB 87 to the Appropriations Committee.

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

LABOR: HB 107 - 4M; HB 118 - 4M.

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

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 25, HB 98 w/HA 1.2 & 3, HB 206, HB 205, SB 113 w/SA 1 & SB 51 w/SA 2 & SA 4.

Representative Quillen deferred to Representative Maier.

Representative Maier introduced & brought HCR 19 sponsored on Behalf of All Representatives & Senator Reed on Behalf of All Senators, before the House for consideration.

HCR 19 - Expressing Profound Grief to the Families of Victims of One of the Most Horrendous and Devastating Bomb Explosions in U.S. History in Oklahoma City on April 19, 1995, Inflicting Untimely Death Upon Innocent Children and Literally Hundreds of Oklahomans, and Further Extending to the Entire State of Oklahoma Delaware's Heartfelt Sympathy.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative Maier requested and was granted the privilege of the floor for Frances T. Quayle, representing Contact Delaware.

Representative Maier introduced guests.

The Majority Whip moved to adjourn at 2:27 p.m., thereby ending the current Legislative Day. The House reconvened at 2:28 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Namkha Tsering Tenzin, Member of the Tibetan Parliament.

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 200 - CAPANO & SENATORS BLEVINS & SORENSON; REPRESENTATIVES SPENCE, QUILLEN, CAREY, CAULK, DIPINTO, LOFINK, MAIER, STONE, ULBRICH, BUNTING, BRADY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, PLANT, SCOTT, VANSANT; SENATORS COOK, MARSHALL, MCDOWELL, VOSHELL, VENABLES, AMICK, BAIR, REED, HENRY - ECON DEV, B & I: An Act to Amend Section 2708, Title 18 of the Delaware Code Relating to Consent of Insured in Life Insurance.

HB 209 - OBERLE, SPENCE, BOULDEN, BUCKWORTH, CAPANO, CAREY, DAVIS, DIPINTO, EWING, LEE, LOFINK, MACK, WAGNER, BANNING, BRADY, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCOTT, VANSANT, WEST - SM. BUS: An Act to Amend Title 6 of the Delaware Code Relating to Motor Vehicle Repairs.

HB 210 - BUCKWORTH & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 1, Title 25, Delaware Code Relating to the Enforceability of Certain Leases and Documents Pertaining to Lands and Tenements.

HB 211 - BUCKWORTH & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25, Delaware Code Relating to Perfection of Security Interests in the Lessor's Interest in Leases or Rents Arising From Real Property.

HB 212 - ROY & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25, Delaware Code, Relating to Mortgages.

HB 213 - ROY & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25, Delaware Code Relating to Satisfaction of Mortgages on Real Estate.

HB 214 - ROY & SENATOR AMICK - SM BUS: An Act to Amend Subchapter II, Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HB 215 - CAULK & SENATOR BONINI - H/ADM: An Act to Amend Chapter 32, Volume 47, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Frederica", Relating to Eligibility Requirements for Elected Office, Voter Qualifications, Elections, Duties and Term of the Mayor, and Jurisdiction in the Justices of the Peace Court. (2/3 bill)

HB 216 - CAPANO, SMITH - R & F: An Act to Amend Chapter 14 of Title 30 of the Delaware Code Relating to Tax Returns for Gift Taxes.

HB 217 - MARONEY & SENATOR BLEVINS - HEALTH & HUM NEEDS: An Act to Amend Chapter 5, Title 16 of the Delaware Code Relating to Contagious Diseases and Immunization.

HB 218 - PLANT - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 222 - CAREY & SENATOR VOSHELL; REPRESENTATIVES PETRILLI, QUILLEN, BUCKWORTH, CAPANO, CAULK, DAVIS, D. ENNIS, LOFINK, MACK, MAIER, MARONEY, ULBRICH, WAGNER, BUNTING, HOUGHTON, PLANT, SCHROEDER; SENATORS CORDREY, VENABLES, AMICK, BAIR, SORENSON - NAT RES: An Act to Amend Title 7, Delaware Code, Creating the Oil Heat Commission Act. (2/3 bill)

HA 2 to HS 1 for HB 12 - OBERLE - APPRO: Placed with the bill.

HA 2 to HB 92 - WAGNER - R & F: Placed with the bill.

HA 1 to HB 175 - BANNING, CLOUTIER & SENATOR VAUGHN - ED: Placed with the bill.

HA 1 to HB 190 - CAULK - AGENDA: Placed with the bill.

SB 51 w/SA 2 & 4 - VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21, Delaware Code, Clarifying Laws Concerning Commercial Drivers.

SB 113 w/SA 1 - VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Habitual Motor Vehicle Offenders. (2/3 bill)

Representatives Bunting & Lofink were granted personal privilege of the floor for a comment.

Representative Oberle introduced guests.

Representative Oberle introduced and brought HR 23, sponsored on Behalf of All Representatives, before the House for consideration.

HR 23 - Welcoming to Delaware Delegates From the Assembly of Tibetan People's Deputies Who Are in This Country to Study the American Democratic Process.

WHEREAS, Mrs. Pema Dechen, Mr. T.T. Karma Chopel, Ms. Tenzin Choedon Gyalpo and Mr. Namkha Tsering Tenzin are duly elected members of the Assembly of Tibetan People's Deputies; and

WHEREAS, these delegates are representing their government on a three-week exchange with state and local governments in the United States including the Utah City Council, the Colorado Legislature, a visit to the Delaware Legislature and a visit to the U.S. Congress - an exchange designed to impart knowledge that they hope they can apply within the Tibetan Parliament; and

WHEREAS, the Tibetan parliament is a government in exile which was formed after the Dalai Lama escaped from the Chinese oppression of Tibet in 1959 and functions as the government hub for a refugee population that continues to flow from Tibet; and

WHEREAS, in 1991 the U.S. Congress recognized the efforts of Dalai Lama to promote and strengthen democracy and so recognized Tibet as an occupied country and the Dalai Lama and the Tibetan Government in Exile as the true representatives of the Tibetan people; and

WHEREAS, in recognition of the uncommon hardships associated with governing in exile, and in recognition of the Assembly of Tibetan People's Deputies abiding interest in the democratic process the Delaware General Assembly welcomes the Tibetan delegation to our capitol in the hope that their visit might improve their understanding of and appreciation for democratic government.

Representative Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Namkha Tenzin.

Mr. Speaker Spence presented gifts to the members of the Tibetan Assembly. Former Speaker Hebner presented a State Flag to the guests. Representatives DiPinto & Fallon presented House Tributes.

HR 23 was adopted by voice vote.

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

Representative Petrilli made a comment.

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

The House reconvened at 4:35 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 112 w/SA 1, SB 118 & SB 98.

Representative Petrilli deferred to Representative Banning.

Representative Banning introduced HB 219, cosponsored by Senator Vaughn & Representatives B. Ennis & Capano.

HB 219 - An Act to Amend Title 11 of the Delaware Code Relating to Restitution.

Mr. Speaker Spence assigned HB 219 to the Judiciary Committee.

Representative Smith moved to restore HB 53. The motion was seconded by Representative Oberle and adopted by voice vote.

HB 53 - An Act to Amend Section 6903(a)(2), Title 29 of the Delaware Code Relating to Public Works Contracts.

Representative Oberle moved to place HB 53 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

Representative Reynolds introduced and brought SCR 25, jointly sponsored by Senator Sokola on Behalf of All Senators and Representatives, before the House for consideration.

Representative Mack requested that he be marked present.

SCR 25 - Joining in Recognition of National Teacher Day, May 9, 1995, and Commending Delaware Teachers for Their Dedication in Performing the Significant Role of Educating Future Generations of Delawareans.

Representatives Reynolds, Wagner & Gilligan made comments.

SCR 25 was adopted by voice vote and returned to the Senate.

Representative Reynolds was granted personal privilege of the floor for the introduction of a guest.

Representative Reynolds requested and was granted the privilege of the floor for Earlene Gillian-Smith, representing Delaware State Education Association.



Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 95, jointly sponsored by Senator Cordrey & Representatives Buckworth, Banning, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Maier, Quillen, Reynolds, Stone, Ulbrich, B. Ennis, Jonkiert, Plant, Schroeder, Scott & West & Senators Adams, Vaughn, Venables, Henry & Still, before the House for consideration.

HB 95 - An Act to Amend Title 29 of the Delaware Code Relating to State Classifications. (F/N)

Representative Wagner made comments.

Representative Wagner brought HA 1 to HB 95, before the House for consideration.

Representative Wagner made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 95 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 95 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 54, jointly sponsored by Representative Bunting & Senator Adams & Representatives Spence, Petrilli, Quillen, Buckworth, Capano, Caulk, Cloutier, DiPinto, D. Ennis, Ewing, Lee, Lofink, Reynolds, Welch, Banning, Brady, B. Ennis, Houghton, Jonkiert, Plant, Schroeder & West & Senators Cook, Cordrey, Vaughn, Venables, Amick, Bonini & Still, before the House for consideration.

HB 54 - An Act to Amend Title 3 and Title 30 of the Delaware Code to Provide Additional Benefits to Owners of Real Property Who Place Qualifying Real Property Into Agricultural Preservation Districts and a Recording Cost Exemption. (F/N)

Representative Carey brought HA 1 to HB 54 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative Carey brought HA 2 to HB 54 before the House for consideration.

Representative Carey made a comment.

HA 2 was adopted by voice vote.

Representatives Carey & B. Ennis made comments.

Representative Carey requested and was granted the privilege of the floor for Steve Kubico, Legislative Analyst, Controller General's Office.

Representatives B. Ennis, West, Carey & DiLiberto made comments.

Representative DiLiberto requested and was granted the privilege of the floor for Frank Pileggi, House Attorney.

Representatives DiLiberto, Carey, Caulk, Petrilli & DiLiberto made comments.

Representative Wagner requested and was granted the privilege of the floor for Frank Pileggi, House Attorney.

Representatives Wagner & Petrilli made comments.

The roll call on HB 54 w/HA 1 & 2 was taken and revealed:

YES: 33.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Banning, Brady, DiLiberto, B. Ennis, VanSant, West - 6.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 54 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 123, jointly sponsored by Representatives Petrilli, Quillen, Spence, Carey, Caulk, Boulden, Buckworth, Capano, DiPinto, Ewing, Fallon, Lee, Lofink, Mack, Maier, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Gilligan & VanSant & Senators Cook, Vaughn, Amick & Still, before the House for consideration.

HB 123 - An Act to Amend Chapter 79, Title 29 of the Delaware Code, Relating to Health Insurance.

Representative Davis made a comment.

Representative Davis moved to place HB 123 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Plant.

Representative Plant brought HB 142 before the House for consideration.

HB 142 - An Act to Amend Chapter 89 of Title 29 of the Delaware Code Relating to the Department of Corrections.

Representative Plant made a comment.

The roll call on HB 142 was taken and revealed:

YES: 24.

NO: Representatives Boulden, Capano, Cloutier, Davis, DiPinto, Lofink, Mack, Maier, Maroney, Quillen, Roy, Smith, Stone, Wagner - 14.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representatives Banning, George - 2.

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

Representative Ulbrich was granted personal privilege of the floor for the introduction of a guest.

Representative VanSant introduced HB 220, jointly sponsored by Representatives Banning, Brady, B. Ennis, D. Ennis, Gilligan, Houghton, Mack, Oberle & West & Senators Vaughn & Voshell.

HB 220 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Mr. Speaker assigned HB 220 to the Small Business Committee.

Representative Petrilli deferred to Representative Caulk.

Representative Caulk brought HB 188, jointly sponsored by Senator Adams & Representatives Carey, Mack, Bunting & Schroeder & Senators Cook, Vaughn, Venables, Bonini & Still, before the House for consideration.

HB 188 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forest Use.

Representative Caulk made a comment.

The roll call on HB 188 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 188 was sent to the Senate for concurrence.

Representative Caulk brought HB 189, jointly sponsored by Senator Adams & Representatives Carey, Mack, Bunting & Schroeder & Senators Cook, Vaughn, Venables, Still & Bonini, before the House for consideration.

HB 189 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agriculture, Horticultural or Forest Use.

Representative Caulk made a comment.

The roll call on HB 189 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 189 was sent to the Senate for concurrence.

Representative Caulk brought HB 190, jointly sponsored by Senator Adams & Representatives Carey, Mack, Bunting & Schroeder & Senators Cook, Vaughn, Venables, Still & Bonini, before the House for consideration.

HB 190 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to Valuation of Land Devoted to Agriculture, Horticultural or Forest Use.

Representative Caulk brought HA 1 to HB 190 before the House for consideration.

Representative Caulk made a comment.

HA 1 was adopted by voice vote.

Representative Caulk made a comment.

The roll call on HB 190 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 190 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Banning.

Representative Banning moved to suspend the rules which interfere with introduction of and action on HJR 7. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Banning introduced and brought HJR 7, jointly sponsored by Senator Vaughn, before the House for consideration.

HJR 7 - Honoring and Remembering Susan Clapp Jamison, Delaware's Devoted Educator, Library Director, Public Servant and Scholar.

Representatives Banning & Maroney made comments.

The roll call on HJR 7 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HJR 7 was sent to the Senate for concurrence.

Representative Plant was granted personal privilege of the floor for a comment.

The Majority Leader moved to recess to the call of the Chair at 5:40 p.m.

29TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 10, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCN 19, SB 99, SB 106 & SB 125.

May 9, 1995

**LEGISLATIVE ADVISORY #10**

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 5/04/95 - HB 205, HB 206.

The Majority Whip moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives George, Gilligan, Mack, Petrilli - 4.

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

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

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

Representatives Smith, B. Ennis, DiPinto & Plant requested that they be marked present.

The following prefiled legislation was introduced:

HB 221 - MACK & SENATOR CONNOR; REPRESENTATIVES BUCKWORTH, DAVIS, REYNOLDS, SMITH, WELCH, BRADY, HOUGHTON - ED: An Act to Amend Chapter 19, Title 14 and Chapter 81, Title 9 of the Delaware Code Relating to Local School Taxes and State, County or Municipal Real Estate. (3/5 bill)

HB 223 - EWING & SENATOR ADAMS; REPRESENTATIVES PETRILLI, BOULDEN, BUCKWORTH, DIPINTO, FALLON, MAIER, SMITH; SENATORS CORDREY, BAIR, BONINI, SORENSON - JUD: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Counsel Fees in Negligence Actions.

HB 224 - CAULK - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Salaries and Working Conditions of School Employees.

HB 225 - MAIER, SMITH - H/ADM: An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Disclosure of Campaign Contributions and Expenditures.

HB 226 - WELCH, OBERLE & SPENCE; SENATOR VAUGHN; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, OBERLE, REYNOLDS, ROY, SMITH, STONE, WAGNER, BANNING, WEST; SENATORS ADAMS, COOK, SOKOLA, VOSHELL, BAIR, REED, STILL - JUD: An Act to Amend Chapter 42 of Title 11 Relating to Habitual Criminals.

HB 227 - ULBRICH, SPENCE, PETRILLI, BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, EWING, LEE, LOFINK, MAIER, OBERLE, REYNOLDS, ROY, SMITH, STONE, WELCH, BUNTING, HOUGHTON; SENATOR BLEVINS - CORR: An Act to Amend Title 11 of the Delaware Code Relating to the Department of Correction.

HB 228 - PLANT - P/S: An Act to Amend Chapter 82, Title 29 of the Delaware Code Relating to the Department of Public Safety.

HB 229 - PLANT - HOUSING & COM AFF: An Act to Amend Chapter 15, Title 25 of the Delaware Code Relating to Tort Liability of Property Owners.

HB 230 - PLANT, BANNING & HOUGHTON - LABOR: An Act to Amend Chapter 7, Title 19, Delaware Code, Relating to the Doctrine of Employment at Will.

HA 1 to HB 162 - WELCH - H/ADM: Placed with the bill.

HA 1 to HB 179 - BUCKWORTH - JUD: Placed with the bill.

SB 98 - MCBRIDE; REPRESENTATIVES MACK, CAREY, DIPINTO & DAVIS; SENATOR AMICK - NAT RES: An Act to Amend Title 29 of the Delaware Code Relating to Powers of the Secretary of the Department of Natural Resources and Environmental Control.

SB 99 - MCBRIDE & REPRESENTATIVE MACK - ENV MAN: An Act to Amend Title 7 of the Delaware Code to Extend the Existing Registration Requirement for Extremely Hazardous Substances From One to Three Years.

SB 106 - MCBRIDE & REPRESENTATIVE MACK - ENV MAN: An Act to Amend Title 7 of the Delaware Code Relating to the Temporary Storage of Hazardous Wastes.

SB 112 w/SA 1 - COOK; REPRESENTATIVE EWING - APPRO: An Act to Amend Title 11 of the Delaware Code to Provide Group Life Insurance for State Police Retirees and Survivors. (F/N)

**SB 118** - VAUGHN, SHARP; REPRESENTATIVES SPENCE, MACK - LABOR: An Act to Amend Chapter 23, Title 7, of the Delaware Code Relating to the Commercial Crab Pot License.

**SB 125** - CORDREY; REPRESENTATIVE PETRILLI; SENATORS CONNOR, VOSHELL; REPRESENTATIVES BUCKWORTH, FALLON, MACK, REYNOLDS & SCHROEDER - ED: An Act to Amend Title 29 of the Delaware Code Relating to Administrative Procedures.

Representative Lee requested and was granted the privilege of the floor for Laura Randa, Executive Director, Delaware Teachers Academy for Service Learning and Elvia Tapia, Ben Adams, Ilicia Garniel, Paris Parker, DeVore Hartage, Kate Bosco, Marianna Rodrigues, Mike Connor, Andrea Thomas, Insor Malick, Amanda Ball, Kelly Allen, Angela Anderson, Amy Culp, Greg Woodward, Matt Dawson & Lauren Culver.

Representatives Buckworth & Brady requested that they be marked present.

The Reading Clerk read the following communications into the record:

May 10, 1995

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

Please excuse my absence from session today as I will be away on personal business.

Thank you for your attention to this matter.

Sincerely,  
Joseph R. Petrilli  
House Majority Leader  
22nd Representative District

JRP/jm

#### MEMORANDUM

TO: SPEAKER OF THE HOUSE, TERRY R. SPENCE  
FROM: REPRESENTATIVE JEFFREY G. MACK  
DATE: MAY 10, 1995  
RE: ABSENCE FROM SESSION MAY 10  
CC: JOANN HEDRICK, CHIEF CLERK OF THE HOUSE

Please be advised that I will be absent from session today, May 10, due to legislative business in New Castle County.

JGM/lg

Representative Fallon made a comment.

Representatives Oberle & Jonkiert requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #22.

DATE: May 10, 1995

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

| Number   | Sponsor           | Presentation Date | Type | Description                                             |
|----------|-------------------|-------------------|------|---------------------------------------------------------|
| H138-348 | George            | 5/20/95           | T    | Jim & Marie Ficca/50th Wedding Anniversary              |
| H138-349 | B. Ennis          | 5/25/95           | T    | Geriatric Services of DE, Inc./25th Anniversary         |
| H138-350 | B. Ennis          | 5/25/95           | T    | Clarinda T. Marryat/81st Birthday                       |
| H138-351 | Buckworth         | 3/21/95           | T    | Joseph DiPinto/Dist. Legislative Service Award/DSBA     |
| H138-352 | Fallon            | 4/29/95           | T    | Roger & Mary Wick/Farewell/Exemplary Community Service  |
| H138-353 | Fallon            | 5/18/95           | T    | Bob Dowd/Member/20th Class of DE Sports Hall of Fame    |
| H138-354 | Fallon            | 4/13/95           | M    | Harry Nold Miller                                       |
| H138-355 | Stone             | 4/29/95           | T    | Patricia E. Stracar & Nicholas V. Sebastian/Marriage    |
| H138-356 | DiLiberto         | 5/01/95           | T    | Mr. Frank Strawser/Outstanding Service/"Men of Malvern" |
| H138-357 | Carey             | 5/10/95           | T    | Dominick A. Pulieri/Sm. Business Person of Year         |
| H138-358 | Carey             | 6/07/95           | T    | Joshua Michael Frick/Eagle Scout                        |
| H138-359 | Carey             | 6/07/95           | T    | Basil Germinal Marcial-Nieves/Eagle Scout               |
| H138-360 | Gilligan          | 4/12/95           | T    | Kathleen A. Tini/Jefferson Award                        |
|          | cosponsor: George |                   |      | News Journal                                            |

|                   |         |   |                                                                       |
|-------------------|---------|---|-----------------------------------------------------------------------|
| H138-361 Maroney  | 5/03/95 | T | Todd Hochheiser/Superintendent's Scholar                              |
| H138-362 Maroney  | 5/03/95 | T | Lisa Sandell/Superintendent's Scholar                                 |
| H138-363 B. Ennis | 5/06/95 | T | Fred Matthews/President/Del-Mar-Va Vol. Firemen's Association '94-'95 |
| H138-364 VanSant  | 5/21/95 | T | Harry & Claire Jackle/40th Wedding Anniversary/March 12               |
| H138-365 Wagner   | 6/10/95 | T | Christopher Hays Radnich/Eagle Scout                                  |
| H138-366 Wagner   | 6/10/95 | T | Kevin Logan Smith/Eagle Scout                                         |

T - Tribute

M - Memoriam

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

JUD: HB 179 - 7M.

Representative DiLiberto was granted personal privilege of the floor for the introduction of a guest.

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

The House reconvened at 5:20 p.m.

Mr. Speaker Spence assigned HB 179 & HB 150 to the Appropriations Committee.

Representative Stone requested that she be marked present.

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

R & F: HB 191 - 5F,5M; SB 41 w/SA 1 - 1F,7M.

APPRO: HB 87 - 5M; HB 153 - 4M; HJR 6 - 2F,2M.

NAT RES: HB 222 - 2F,1M.

LABOR: HS 1/HB 101 - 4M; HB 119 - 4M; HB 202 - 4M; SB 60 w/SA 2 - 4M.

HOUSING & COM AFF: SB 83 - 9M.

ED: HB 147 - 1F,5M,1U

JUD: HB 143 - 7M; HB 150 - 7M; HB 151 - 7M; HB 161 - 1F,6M; HB 171 - 7M; SB 7 - 7M; SB 8 w/SA 1 - 7M; SB 39 - 7M; SB 77 w/SA 1 - 7M; HB 208 - 7M.

HEALTH & HUM NEEDS: HB 182 - 1F,7M; HB 183 - 1F,6M; HB 184 - 1F,7M; HB 195 - 1F,7M.

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

Mr. Speaker Spence reassigned HB 197 to the Labor Committee.

The following prefiled Consent Calendar #8 was introduced:

HR 24 - DAVIS, PETRILLI, BUCKWORTH, CAREY, D. ENNIS, MAIER, MARONEY, SMITH, WAGNER, BANNING, BRADY, BUNTING, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, PLANT, SCOTT, VANSANT; SENATOR BAIR - Commending the U.S. House of Representatives for Its Passage of the Exclusionary Rules Reform Bill (HR 666) and Requesting Its Passage by the U.S. Senate.

HCR 20 - CAREY & SENATOR ADAMS; REPRESENTATIVES EWING, SCHROEDER, BUNTING, FALLON, LEE, WEST; SENATORS VOSHELL, CORDREY, VENABLES - Commending and Extending Profound Appreciation to Mr. Jack F. Owens, Vice-President and Campus Director of the Southern Campus, Delaware Technical and Community College for His Outstanding Years of Service and Dedication as the Campus' First Administrator, and Wishing Him the Best of Health and Happiness During His Impending Retirement.

Consent Calendar #8 was adopted by voice vote and HCR 20 was sent to the Senate for concurrence.

Representative Jonkiert made an announcement.

The Majority Whip moved to recess to the call of the Chair at 5:27 p.m.

30TH LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 11, 1995

Mr. Acting Speaker Quillen called the House to order at 2:15 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 27, SB 126, SB 141, HB 91 w/HA 1 & 2 & SA 1 & HJR 5.

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

TRANS & INFRA: HB 112 - 5M; HB 177 - 1F,6M; SCR 18 - 6M.

Mr. Acting Speaker assigned HB 191 to the Appropriations Committee.

Representative Carey introduced and brought SCR 27, jointly sponsored by Senator Cordrey, before the House for consideration.

**SCR 27** - Commending the Delaware Solid Waste Authority on Its Outstanding Efforts Over Two Decades of Service to the Citizens of Delaware and Establishing May 10, 1995 as "Recycle Delaware Day" in Recognition of Those Efforts.

**SCR 27** was adopted by voice vote and returned to the Senate.

Representative Carey made a comment.

The Acting Majority Whip moved to adjourn at 2:17 p.m., thereby ending the current Legislative Day. The House reconvened at 2:18 p.m.

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 231** - SMITH & SENATOR MARSHALL; REPRESENTATIVES CAPANO, DIPINTO, D. ENNIS, STONE, WAGNER, HOUGHTON, JONKIERT, SCOTT, BRADY - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)

**HB 232** - SMITH & SENATOR MARSHALL; REPRESENTATIVES CAPANO, DIPINTO, D. ENNIS, STONE, WAGNER, HOUGHTON, JONKIERT, SCOTT, BRADY - ECON DEV, B & I: An Act to Amend Chapter 11, Title 12 of the Delaware Code Relating to Escheat of Abandoned or Unclaimed Property.

**HB 233** - WELCH, WEST & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, PETRILLI, BOULDEN, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, LOFINK, BANNING, BUNTING, PLANT; SENATOR BONINI - APPRO: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

**HA 1 to HB 112** - SMITH - READY LIST: Placed with the bill.

**HA 1 to HB 180** - OBERLE - LABOR: Placed with the bill.

**HA 1 to HB 207** - DAVIS - JUD: Placed with the bill.

**SB 126 w/SA 1** - COOK & REPRESENTATIVE CAREY; SENATORS VAUGHN, MCBRIDE - NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Water Well Permits.

**SB 141** - BLEVINS; REPRESENTATIVES OBERLE, BANNING - JUD: An Act to Amend Title 11 of the Delaware Code to Increase the Jurisdiction of the Violent Crimes Compensation Board.

Representative Buckworth presented a House Tribute to Representative DiPinto.

Representative DiPinto made comments.

Representative Carey introduced guests.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #23

DATE: May 11, 1995

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                      |
|----------|----------|-------------------|------|------------------------------------------------------------------|
| H138-367 | Wagner   | 4/28/95           | M    | Taiwana R. Gray                                                  |
| H138-368 | Banning  | 5/03/95           | T    | Jennifer Moore/Middletown High Scholar/Class of 1995             |
| H138-369 | Jonkiert | 5/02/95           | T    | Douglas DeVoto/Arbor Day Poster Contest/3rd & 4th Graders/N.C.C. |
| H138-370 | Gilligan | 5/20/95           | T    | Charles Smallwood/Member of Year/Minquas Fire Co. No. 1/ Newport |
| H138-371 | Fallon   | 5/09/95           | T    | Namkha Tsering Tenzin/Visit to First State                       |
| H138-372 | Fallon   | 5/09/95           | T    | T. T. Karma Chopel/Visit to First State                          |
| H138-373 | DiPinto  | 5/09/95           | T    | Tenzin Choldon Gyalpo/Visit to First State                       |
| H138-374 | DiPinto  | 5/09/95           | T    | Pema Dechen/Visit to First State                                 |
| H138-375 | D. Ennis | 5/11/95           | T    | DE Bankers Assoc./100th Birthday                                 |
| H138-376 | Ulbrich  | 5/03/95           | T    | Glasgow High/Chairman's Award/Mesocosm Environ. Ed. Prog.        |
| H138-377 | Mack     | 5/10/95           | T    | Jeff Snow/St. Wrestling Champion/ 160 Pound Weight Class         |
| H138-378 | Wagner   | 5/09/95           | T    | Robert Berglund/Citizen of Year/Del-Mar-Va/Boy Scouts            |
| H138-379 | Oberle   | 5/09/95           | T    | Patricia Moeller/Citizenship Award /Christina Board of Education |
| H138-380 | Oberle   | 5/09/95           | T    | Marge Tansley/Citizenship Award/ Christina Board of Education    |
| H138-381 | Oberle   | 5/09/95           | T    | Susan Mitchell/Citizenship Award/ Christina Board of Education   |
| H183-382 | Oberle   | 5/09/95           | T    | Audrey Scott/Citizenship Award/ Christina Board of Education     |
| H138-383 | Oberle   | 5/09/95           | T    | Maureen & Pat Farrell/Citizenship                                |

H138-384 Oberle

5/09/95

T

Award/Christina Board of Ed.  
Alan Glassco/Citizenship Award/  
Christina Board of Education

T - Tribute

M - Memoriam

Representative B. Ennis was granted personal privilege of the floor for a comment.

The Acting Majority Whip moved to recess for caucus at 2:25 p.m.

The House reconvened at 4:35 p.m.

Representatives Spence & George requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

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

**HJR 8.** The motion was seconded by Representative Ulbrich and adopted by voice vote.

Representative Fallon introduced and brought **HJR 8**, jointly sponsored by Senator Adams, before the House for consideration.

**HJR 8** - Relating to the Second Sussex County Education and Economy Conference Promoting Collaborative Action by Stakeholders in the Education and Economy of Sussex County.

Representative Fallon made a comment.

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

Representatives Davis, Petrilli & Oberle requested that they be marked present.

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

YES: 38.

ABSENT: Representatives Brady, Buckworth, D. Ennis - 3.

Therefore, having received a constitutional majority, **HJR 8** was sent to the Senate for concurrence.

Representatives Gilligan, Mack, Maroney & Reynolds requested that they be marked present during the roll call.

Representative Quillen deferred to Representative Ewing.

Representative Ewing brought **HB 122**, jointly sponsored by Senator Voshell, before the House for consideration.

**HB 122** An Act to Amend Title 21, Chapter 42 of the Delaware Code Relating to Accidents Involving Motor Vehicles and Reporting Limits.

Representatives Ewing & Davis made comments.

The roll call on **HB 122** was taken and revealed:

YES: Representatives Banning, Boulden, Bunting, Capano, DiPinto, B. Ennis, Ewing, Fallon, Lee, Reynolds, Ulbrich - 11.

NO: 18.

NOT VOTING: Representatives D. Ennis, George, Mack, Maroney, Petrilli, Plant, Roy, Schroeder, Smith, Wagner, Mr. Speaker Spence - 11.

ABSENT: Representative Buckworth - 1.

Therefore, not having received a constitutional majority, **HB 122** was declared defeated.

Representative Ewing brought **SB 96**, jointly sponsored by Senators Voshell, Adams & Blevins & Representatives Buckworth, Maier, Capano, Quillen, Welch, Smith, Fallon, DiPinto, Mack, Cloutier, Davis, George, VanSant, Gilligan, Lee, Carey, Petrilli, Reynolds & Schroeder, before the House for consideration.

**SB 96** - An Act to Amend Chapter 27, Title 21 Relating to Civil Penalties for Unlawful Application for, or Use of, a Driver's License or Identification Card.

Representative Ewing made a comment.

The roll call on **SB 96** was taken and revealed:

YES: 41.

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

Therefore, having received a constitutional majority, **SB 96** was returned to the Senate.

Representatives Wagner & B. Ennis made comments.

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan requested that action on **HB 178** be Deferred to a Day Certain, Thursday, May 18, 1995.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced **HB 234**, jointly sponsored by Representatives Oberle, Ulbrich & VanSant & Senators Amick & Blevins.

**HB 234** - An Act to Amend Chapter 55, Title 30 of the Delaware Code Relating to Public Utilities Taxes.

Mr. Speaker assigned **HB 234** to the Revenue & Finance Committee.

Representative Davis brought **HB 91 w/HA 1 & 2 & SA 1**, jointly sponsored by Representatives Petrilli, Quillen, Buckworth, Capano, Carey, Cloutier, Ewing, Fallon, Maier, Lee, Smith, Wagner, Welch, Bunting, DiLiberto, George, Gilligan, Schroeder & VanSant & cosponsored by Representative Spence, before the House for concurrence on **SA 1**.

HB 91 - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Underage Possession or Consumption of Alcohol, Drivers' Licenses, and Rules of the Road. (2/3 bill)

Representatives Davis & Petrilli made comments.

The roll call on HB 91 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Brady - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 91 w/HA 1 & 2 & SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Quillen.

Representative Quillen brought HB 9, cosponsored by Representatives Caulk & Ewing, before the House for consideration.

HB 9 - An Act to Amend Title 10, Delaware Code Relating to Civil Liability and Equine Activities.

Representative Quillen brought HA 1 to HB 9 before the House for consideration.

Representative Quillen made a comment.

HA 1 was adopted by voice vote.

Representative Quillen made comments.

The roll call on HB 9 w/HA 1 was taken and revealed:

YES: 24.

NO: Representatives Cloutier, DiLiberto, George, Gilligan, Houghton, Jonkiert, Lofink, Mack, Oberle, Roy, Scott, Stone - 12.

NOT VOTING: Representatives Brady, B. Ennis, Plant, VanSant, Mr. Speaker Spence - 5.

Therefore, having received a constitutional majority, HB 9 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 154, jointly sponsored by Representative Banning & Senator Vaughn & cosponsored by Senator Reed, before the House for consideration.

HB 154 - An Act to Amend Title 21 of the Delaware Code Relating to Drivers Licenses. (2/3 bill)

Representative Oberle made a comment.

Representative Oberle introduced and brought HA 1 to HB 154 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 154 before the House for consideration.

Representative Oberle made comments.

HA 2 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Almarie Laird, widow of accident victim.

The roll call on HB 154 w/HA 1 & 2 was taken and revealed:

YES: 38.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives DiPinto, Petrilli - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 154 w/HA 1 & 2 was sent to the Senate for concurrence.

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

R & F: HB 92 - 6M.

Mr. Speaker Spence assigned HB 92 to the Appropriations Committee.

Representative Wagner was granted personal privilege of the floor for a comment.

Representative Cloutier introduced and brought HR 25, sponsored on Behalf of All Representatives, before the House for consideration.

HR 25 - Commending Former Governor Russell W. Peterson on Receiving the Prestigious Good Government Award Conferred by the Civic League for New Castle County.

Representative Cloutier made a comment.

HR 25 was adopted by voice vote.

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

31st LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 16, 1995

Mr. Speaker Spence called the House to order at 2:15 p.m.

The Reading Clerk read the following communications into the record:



The Majority Leader moved to adjourn at 2:16 p.m., thereby ending the current Legislative Day. The House reconvened at 2:17 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Mack - 1.

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

Representative Fallon introduced a guest.

Representative Gilligan requested that he be marked present.

Representative DiPinto introduced guests.

Representative George was marked present.

Representative Gilligan introduced guests.

The following prefiled legislation was introduced:

HS 1 for HB 83 - MARONEY - HEALTH & HUM NEEDS: An Act to Amend Title 31 of the Delaware Code Relating to Child Welfare.

HB 235 - PETRILLI, D. ENNIS, EWING, FALLON, DAVIS, DIPINTO, LEE, ROY, ULBRICH, BANNING, B. ENNIS, GILLIGAN, PLANT, SCOTT; SENATORS BAIR, BLEVINS, CONNOR, MARSHALL, MCDOWELL, SOKOLA, SORENSON, VENABLES, VOSHALL - H/ADM: An Act to Provide a Supplemental Appropriation to the Executive Department, Office of the Budget (10-02-04) for the Purpose of Establishing a Total Quality Improvement Fund.

HR 26 - WAGNER - ED: Creating a House Task Force to Investigate the Criteria and Means for Creating and Allocating Vocational-Technical Units for Children in the Three Counties of Delaware, to Coordinate the Development of Policies Thereon, to Monitor the Implementation of Any Policies, and to Report to the House of Representatives Thereon.

HA 2 to HB 61 - WAGNER - APPRO: Placed with the bill.

HA 1 to HB 116 - WAGNER - AGENDA: Placed with the bill.

HA 1 to HB 130 - CAULK - AGENDA: Placed with the bill.

HA 1 to HB 143 - SCOTT - AGENDA: Placed with the bill.

HA 2 to HB 179 - BANNING - APPRO: Placed with the bill.

HA 3 to HB 179 - BANNING - APPRO: Placed with the bill.

SB 87 w/SA 1 - SHARP, VAUGHN, BAIR & AMICK; REPRESENTATIVES ROY & DILIBERTO - JUD: An Act to Amend Title 11 to Provide for Appeals in the Court of Common Pleas. (2/3 bill)

SB 92 w/SA 1 - SHARP, VAUGHN, BAIR & AMICK; REPRESENTATIVES ROY & DILIBERTO - JUD: An Act to Amend Title 11 Delaware Code Relating to Classification of Crimes Involving Pecuniary Loss. (2/3 bill)

SB 93 w/SA 1 - MARSHALL & VENABLES & REPRESENTATIVES OBERLE & WAGNER; SENATORS ADAMS, BLEVINS, COOK, MCBRIDE, MCDOWELL, SHARP, SOKOLA, VAUGHN, VOSHALL, CONNOR, HENRY, STILL; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, PETRILLI, QUILLLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, VANSANT, WEST - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation. (F/N)

SB 109 - SHARP & REPRESENTATIVE ROY; SENATORS VAUGHN, ADAMS; REPRESENTATIVES EWING, PLANT - JUD: An Act to Amend Chapter 18, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Liability Companies and the Registration and Regulation of Foreign Limited Liability Companies. (3/5 bill)

SB 111 - SHARP & REPRESENTATIVE ROY; SENATORS VAUGHN, ADAMS; REPRESENTATIVES EWING, PLANT - JUD: An Act to Amend Chapter 15, Title 6 of the Delaware Code Relating to the Registration and Regulation of Registered Limited Liability Partnerships. (2/3 bill)

SB 114 - SHARP & REPRESENTATIVE ROY; SENATORS VAUGHN, ADAMS; REPRESENTATIVES EWING, PLANT - JUD: An Act to Amend Chapter 17, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

SB 130 w/SA 1 - SHARP, MARSHALL & REPRESENTATIVE OBERLE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Dangerous Crime Against a Child.

Representative West introduced and brought HCR 21, jointly sponsored by Senator Still & Representatives Smith, Banning, Brady, Boulden, Bunting, Capano, Carey, Caulk, Cloutier, Davis, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lee, Lofink, Mack, Maier, Plant, Quillen, Roy, Spence, Stone, Wagner & Welch & Senators Adams, Amick, Bair, Bonini, Connor, Hauge, Reed, Sokola, Sorenson, Vaughn, Venables & Voshall, before the House for consideration.

**HCR 21** - Calling Upon the Joint Finance Committee to Limit the Growth of Administrative Spending Within the Department of Public Instruction.

Representative West moved to place **HCR 21** on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Fallon made a comment.

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

Representative Plant made comments.

Representative DiPinto requested and was granted the privilege of the floor for Sharon Railing, Tina Wiggins-Bembry & Monica Light, representing Sarcoidosis Resource Center of Delaware, Inc., who addressed the House & received House Tributes.

Representatives Oberle & Smith requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: SPEAKER OF THE HOUSE, TERRY R. SPENCE  
 FROM: REPRESENTATIVE JEFFREY G. MACK  
 RE: ABSENCE FROM SESSION, MAY 16, 1995  
 DATE: MAY 16, 1995  
 CC: CHIEF CLERK, JOANN HEDRICK

Please be advised that due to personal business, I will be absent from session today, May 16, 1995.  
 HOUSE TRIBUTE ANNOUNCEMENT #24

DATE: May 16, 1995

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                       |
|----------|----------|-------------------|------|-------------------------------------------------------------------|
| H138-385 | Oberle   | 5/09/95           | T    | Bonnie Mucha/Citizenship Award/Christina Board of Education       |
| H138-386 | Roy      | 6/03/95           | T    | Nicholas Cohen/Eagle Scout                                        |
| H138-387 | Maier    | 5/09/95           | T    | Frances Quayle/Contributions/Oklahoma City Disaster Aid           |
| H138-388 | Gilligan | 5/12/95           | T    | Pete & Lorraine Peterson/50th Wedding Anniversary                 |
| H138-389 | Banning  | 5/09/95           | T    | Frank Henry/Elected Town Council/Townsend                         |
| H138-390 | Banning  | 5/09/95           | T    | Ms. Kaye Roscoe/Elected Town Council/Townsend                     |
| H138-391 | Banning  | 5/09/95           | T    | Sue Clark/Elected Town Council/Townsend                           |
| H138-392 | West     | 5/05/95           | T    | Mr. E.E. Carey, Jr./50 Years of Active Service/Millsboro Fire Co. |
| H138-393 | Reynolds | 5/18/95           | T    | Adelina Kostova/Visit to First State                              |
| H138-394 | Reynolds | 5/18/95           | T    | Dragomir Mladenov/Visit to First State                            |
| H138-395 | Reynolds | 5/18/95           | T    | Radoslav Tsonchev/Visit to First State                            |
| H138-396 | Reynolds | 5/18/95           | T    | Velizar Bakalov/Visit to First State                              |
| H138-397 | Reynolds | 5/18/95           | T    | Svetlana Alexandrova/Visit to First State                         |
| H138-399 | B. Ennis | 5/13/95           | T    | Alice R. Hohman/65th Birthday                                     |
| H138-400 | B. Ennis | 4/29/95           | T    | Amanda Masten/Memorial Award/Smyrna/Clayton Little Lass League    |
| H138-401 | B. Ennis | 5/06/95           | T    | Christ Merrill/Memorial Award/Smyrna Clayton Little League        |
| H138-402 | Fallon   | 5/06/95           | T    | Suzanne Marie Dressler & Thomas Allen Brown, II/Marriage          |
| H138-403 | Stone    | 5/05/95           | M    | Margaret M. "Peg" Stallings                                       |

T - Tribute

M - Memoriam

Representative DiPinto introduced and brought **HR 27** before the House for consideration.

**HR 27** - Commending the Sarcoidosis Resource Center of Delaware for Their Efforts to Educate the Public About and Bring Relief to Those Suffering From the Debilitating Disease Sarcoidosis.

**HR 27** was adopted by voice vote.

Representative Jonkiert requested that he be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SB 144**.

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

The House reconvened at 5:05 p.m.

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

Representative West requested and was granted the privilege of the floor for Letitia Pusey, Miss Delaware, 1995 & presented her with a House Tribute.

Representative Bunting introduced a guest.

Representative Gilligan was granted personal privilege of the floor for the introduction of a guest.  
 Representative D. Ennis requested that he be marked present.  
 The Reading Clerk read the following communications into the record:  
 May 15, 1995

#### LEGISLATIVE ADVISORY #11

The following legislation was signed by Governor Thomas R. Carper on the dates indicated: 5/12/95 - HJR 7 & HJR 8. 5/15/95 - SB 50 aab SA 1, HB 98 aab HA 1, 2, 3 & HB 111.

Representative Banning requested that action on HB 81 be Deferred to a Day Certain, Tuesday, May 30, 1995.

Representative Reynolds requested that action on HB 134 be Deferred to a Day Certain, Thursday, May 18, 1995.

Representative Carey requested that action on HB 222 be Deferred to a Day Certain, Thursday, June 1, 1995.

Representative Petrilli deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with action on SB 141. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy brought SB 141, sponsored by Senator Blevins & Representatives Oberle & Banning, before the House for consideration.

SB 141 - An Act to Amend Title 11 of the Delaware Code to Increase the Jurisdiction of the Violent Crimes Compensation Board.

Representative Roy deferred to Representative Oberle.

Representative Oberle made comments.

The roll call on SB 141 was taken and revealed:

YES: 40.

ABSENT: Representative Mack - 1.

Therefore, having received a constitutional majority, SB 141 was returned to the Senate.

Representative Oberle was granted personal privilege of the floor for comments.

Representatives Banning & DiLiberto made comments.

Representative Petrilli deferred to Representative Smith.

Representative Smith moved to lift HB 116 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith brought HB 116, jointly sponsored by Representatives Petrilli, Quillen, Boulden, Capano, Davis & DiPinto & Senators Cordrey, Adams, Amick, Bair, Bonini, Reed & Still, before the House for consideration.

HB 116 - An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists.

Representative Smith made comments.

Representative Wagner brought HA 1 to HB 116, jointly sponsored by Representative Stone, before the House for consideration. Representative Wagner moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith introduced and brought HA 2 to HB 116 before the House for consideration.

Representatives Smith, Oberle & Davis made comments.

HA 2 was adopted by voice vote.

Representative Smith introduced and brought HA 3 to HB 116 before the House for consideration.

Representatives Smith & Oberle made comments.

HA 3 was adopted by voice vote.

Representatives Smith & Oberle made comments.

Representative Oberle introduced and brought HA 4 to HB 116 before the House for consideration.

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

Representative Oberle moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Plant made a comment.

Representative Plant introduced and brought HA 5 to HB 116 before the House for consideration.

Representatives Plant, Smith & Oberle made comments.

Representative Plant moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representatives Oberle & Smith made comments.

Representative Oberle introduced and brought HA 6 to HB 116 before the House for consideration.

Representatives Oberle & Smith made comments.

Representative Oberle moved to place HA 6 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle introduced and brought HA 7 to HB 116 before the House for consideration.

Representative Oberle made comments.

Representative Smith rose on a point of order.

Representative George made a comment.

Mr. Speaker concurred.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HA 7 to HB 116. The motion was seconded by Representative Plant and adopted by voice vote.

Representative Oberle introduced & brought HA 7 to HB 116 before the House for consideration.

Representatives Smith, Oberle, VanSant, Jonkiert, Plant, Caulk, Oberle, Davis & DiLiberto made comments.

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

Representatives DiLiberto, Smith & Caulk made comments.

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

Representatives Smith, Banning, Carey, Smith, D. Ennis & Oberle made comments.

The roll call on HA 7 was taken and revealed:

YES: 15.

NO: Representatives Buckworth, Capano, Carey, DiPinto, Ewing, Lee, Maier, Maroney, Petrilli, Quillen, Smith, Ulbrich - 12.

NOT VOTING: Representatives Bunting, Caulk, Cloutier, Davis, D. Ennis, Fallon, George, Reynolds, Roy, Schroeder, Stone, Wagner - 12.

ABSENT: Representatives Boulden, Mack - 2.

Therefore, not having received a constitutional majority, HA 7 to HB 116 was declared defeated.

Representative Wagner moved to lift HA 1 to HB 116, jointly sponsored by Representative Stone, from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Wagner brought HA 1 to HB 116 before the House for consideration. Representative Wagner introduced and brought HA 1 to HA 1 before the House for consideration.

Representatives Wagner & Smith made comments.

HA 1 to HA 1 was adopted by voice vote.

Representatives Wagner, Bunting & Plant made comments.

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

Representatives Wagner & Stone made comments.

Representative Stone requested and was granted the privilege of the floor for Eric Doroshow, President, Delaware Trial Lawyers Association.

Representatives Roy, Gilligan, VanSant, George, Wagner, D. Ennis, Jonkiert, Gilligan & Smith made comments.

Representative Oberle rose on a point of order.

Representative Davis made a comment.

Mr. Speaker concurred.

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

Representative Oberle introduced and brought HA 8 to HB 116 before the House for consideration.

Representatives Oberle, Bunting & Smith made comments.

The roll call on HA 8 was taken and revealed:

YES: Representatives Banning, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Oberle, Plant, Reynolds, Scott, Stone, VanSant, West, Mr. Speaker Spence 16.

NO: 20.

NOT VOTING: Representatives Caulk, Cloutier, D. Ennis - 3.

ABSENT: Representatives Boulden, Mack - 2.

Therefore, not having received a constitutional majority, HA 8 to HB 116 was declared defeated.

Representative Plant moved to lift HA 5 to HB 116 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Plant brought HA 5 to HB 116 before the House for consideration.

Representatives Plant & Smith made comments.

HA 5 was adopted by voice vote.

The roll call on HB 116 w/HA 2,3 & 5 was taken and revealed:

YES: Representatives Buckworth, Bunting, Capano, Carey, Caulk, DiPinto, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Quillen, Roy, Smith, Ulbrich - 16.

NO: Representative Davis - 1.

NOT VOTING: 22.

ABSENT: Representatives Boulden, Mack - 2.

Therefore, not having received a constitutional majority, HB 116 w/HA 2,3 & 5 was declared defeated.

Representatives Cloutier, Ewing, Jonkiert, Plant & Quillen made comments.

The Majority Leader moved to recess to the call of the Chair at 7:08 p.m.

32nd LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 17, 1995

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 102 w/SA 1 & 4.

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current Legislative Day. The House reconvened at 2:20 p.m.

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 236 - REYNOLDS, SPENCE, CAULK, DAVIS, DIPINTO, MACK, OBERLE, STONE, BUNTING, GILLIGAN; SENATORS MCBRIDE, SOKOLA, CONNOR, REED, SORENSON, STILL - ED: An Act to Amend Title 14 of the Delaware Code by Adding Thereto a New Chapter 42 Relating to the Establishment of Community-Based Alternative Schools for Disruptive Students.

HB 237 - SMITH & SENATOR CORDREY; REPRESENTATIVES PETRILLI, BOULDEN, CAPANO, DIPINTO, EWING, ULBRICH; SENATORS ADAMS, BAIR, BONINI - JUD: An Act to Amend Part V, Title 10 of the Delaware Code Relating to Punitive Damages.

HB 238 - SCHROEDER, BANNING, BRADY, BUNTING, DAVIS, GEORGE, GILLIGAN, HOUGHTON, STONE, VANSANT; SENATORS ADAMS, BLEVINS, MARSHALL - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 239 - SCHROEDER, BUNTING, CAREY, CAULK, MACK; SENATORS AMICK, BAIR, VOSHELL - NAT RES: An Act to Amend Title 23 of the Delaware Code Relating to Boating Safety.

HJR 9 - SPENCE, PETRILLI; SENATORS SORENSON, MCBRIDE - H/ADM: Urging the Establishment of a State Athletic Commission, and Providing for an Athletic Commission Study Committee.

HR 28 - WELCH, WAGNER, ROY, DIPINTO, B. ENNIS, JONKIERT - RULES: Relating to Permanent Rules of the House of Representatives of the 138th General Assembly of the State of Delaware.

HA 1 to HB 81 - BANNING - DEFERRED: Placed with the bill.

HA 1 to HB 103 - SCHROEDER - NAT RES: Placed with the bill.

HA 2 to HB 130 - CAREY - AGENDA: Placed with the bill.

HA 1 to HB 159 - B. ENNIS - P/S: Placed with the bill.

SB 102 w/SA 1 & 4 - BLEVINS & REPRESENTATIVE MARONEY; SENATOR CORDREY & REPRESENTATIVE SPENCE; SENATORS ADAMS, AMICK, BAIR, BONINI, CONNOR, COOK, HAUGE, REED, SOKOLA, SORENSON, STILL, VENABLES, VOSHELL; REPRESENTATIVES BANNING, BRADY, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, VANSANT, MAIER, DAVIS, LOFINK, DIPINTO, CAPANO, OBERLE, ULBRICH, EWING - HEALTH & HUM DEV: An Act to Amend Title 31 of the Delaware Code Relating to Welfare Reform. (F/N)

SB 144 - ADAMS & REPRESENTATIVE CAREY; SENATORS CORDREY, COOK, VENABLES & VOSHELL; REPRESENTATIVES BUNTING, EWING, FALLON, SCHROEDER, LEE & WEST - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Delaware Technical and Community College.

HA 1 to SB 61 - MARONEY - AGENDA: Placed with the bill.

HA 2 to SB 61 - DAVIS - AGENDA: Placed with the bill.

Representative West moved to lift HCR 21 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative West brought HCR 21, jointly sponsored by Senator Still & Representatives Smith, Banning, Brady, Boulden, Bunting, Capano, Carey, Caulk, Cloutier, Davis, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lee, Lofink, Mack, Maier, Plant, Quillen, Roy, Spence, Stone, Wagner & Welch & Senators Adams, Amick, Bair, Bonini, Connor, Hauge, Reed, Sokola, Sorenson, Vaughn, Venables & Voshell, before the House for consideration.

HCR 21 - Calling Upon the Joint Finance Committee to Limit the Growth of Administrative Spending Within the Department of Public Instruction.

HCR 21 was adopted by voice vote and sent to the Senate for concurrence.

Representative Roy requested that he be marked present.

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

Representative Fallon requested and was granted the privilege of the floor for Dr. Julian R. Taplin, Director, Division of Child Mental Health Services.

Representatives Ulbrich, Lofink, Jonkiert, Scott, Caulk, DiPinto & Gilligan requested that they be marked present.

Mr. Speaker Spence introduced guests.

Representative Davis moved to restore HB 122. The motion was seconded by Representative Quillen and adopted by voice vote.

HB 122 - An Act to Amend Title 21, Chapter 42 of the Delaware Code Relating to Accidents Involving Motor Vehicles and Reporting Limits.

Representative Ewing moved to place HB 122 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

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

Representatives Cloutier & Jonkiert made comments.

Representative Plant was granted personal privilege of the floor for a comment.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #25

DATE: May 17, 1995

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

| Number   | Sponsor            | Presentation Date | Type | Description                                                                       |
|----------|--------------------|-------------------|------|-----------------------------------------------------------------------------------|
| H138-404 | Wagner             | 6/03/95           | T    | Paula Burchenal & Scott Pokorny/<br>Marriage                                      |
| H138-405 | Wagner             | 5/27/95           | T    | Erin Elizabeth Kingery & James<br>Earl White, Jr./Marriage                        |
| H138-406 | Wagner             | 6/10/95           | T    | Carey McDaniel & Michael Scott<br>Koppenhaver/Marriage                            |
| H138-407 | Fallon             | 5/06/95           | M    | Randy Messick                                                                     |
| H138-408 | Fallon             | 5/11/95           | T    | John Manlove/Ralph Helm Fellow-<br>ship Award                                     |
| H138-409 | Fallon             | 5/11/95           | T    | Ron Allen/Ralph Helm Fellowship<br>Award                                          |
| H138-410 | Fallon             | 5/11/95           | T    | Rex Mears/Ralph Helm Fellow-<br>ship Award                                        |
| H138-411 | Fallon             | 5/11/95           | T    | Chad Manlove/All American Trap<br>Shooting Team                                   |
| H138-412 | D. Ennis           | 5/17/95           | T    | Ladislav Bednar/Slovak Republic/<br>Soros Foundation Intern/Treasurer's<br>Office |
| H138-413 | Wagner             | 5/11/95           | T    | Mildred B. Nelson/Hon. Grand<br>Dame/Old Dover Days                               |
|          | cosponsor: Stone   |                   |      |                                                                                   |
| H138-414 | Lee                | 5/11/95           | T    | Johnny Janosik/Laurel's '95 Citizen<br>of Year                                    |
| H138-415 | Gilligan           | 5/23/95           | T    | Michael J. Capriglione, New-<br>port Police/Public Servant of Yr.                 |
|          | cosponsor: VanSant |                   |      | Kiwanis Club                                                                      |
| H138-416 | DiPinto            | 5/16/95           | T    | Sharon Railing/Support for Victims<br>of Sarcoidosis                              |
| H138-417 | DiPinto            | 5/16/95           | T    | Tina Wiggins Bernbry/Founding<br>Sarcoidosis Resource Center of DE                |
| H138-418 | Welch              | 3/01/95           | T    | Margaret W. King/98th Birthday                                                    |
| H138-419 | Welch              | 5/16/95           | T    | Robin W. Smith/Smyrna High<br>School Teacher of Year                              |
| H138-420 | Welch              | 3/19/95           | T    | Ashley M. Callahan/4th Grade/DE<br>Spelling Bee                                   |

T - Tribute

M - Memoriam

Representative Petrilli deferred to Representative Carey.

Representative Carey moved to suspend the rules which interfere with action on SB 144. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Carey brought SB 144, jointly sponsored by Senators Adams, Cook, Cordrey, Venables & Voshell & Representatives Bunting, Ewing, Fallon, Lee, Schroeder & West & cosponsored by Senator Cook, before the House for consideration.

SB 144 - An Act to Amend Title 14 of the Delaware Code Relating to the Delaware Technical and Community College.

Representative Carey made comments.

Representative George requested that he be marked present.

Representatives George, Fallon, Bunting, Quillen, D. Ennis, Brady, West, Fallon & Carey made comments.

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

The roll call on SB 144 was taken and revealed:

YES: 39.

ABSENT: Representatives DiLiberto, B. Ennis - 2.

Therefore, having received a constitutional majority, SB 144 was returned to the Senate.

Representatives Bunting, DiPinto, Fallon, Wagner, Reynolds, Gilligan & Ulbrich made comments.

Representative Cloutier introduced guests.

Representatives George, Plant, Fallon & West were granted personal privilege of the floor for comments.

Representative DiLiberto requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 3:11 p.m.

The House reconvened at 5:25 p.m.

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

NAT RES: HB 103 - 3M,1U; SB 98 - 4M; SB 126 w/SA 1 - 4M.

CORR: HB 203 - 6M; HB 227 - 6M; SB 88 - 6M.

HEALTH & HUM DEV: HB 217 - 6M.

R & F: HB 216 - 5F,2M; HB 231 - 4F,3M.

H/ADM: HB 114 - 4M; HB 162 - 3M; HB 215 - 5M; HB 235 - 4M; SS 1/SB 4 - 5M; SB 90 - 5M.

APPRO: HB 92 - 5M; HB 179 - 5M.

RULES: HR 28 - 6M.

P/S: HB 194 - 5M; HB 198 - 5M.

LABOR: HB 197 - 1F,3M; HB 230 - 4M; SB 93 w/SA 1 - 4M; SB 118 - 1F,3M.

ED: HS 1/HB 79 - 6M; HB 221 - 7M; HB 224 - 5M; SB 65 w/SA 2 - 5M.

Representative B. Ennis requested that he be marked present.

Mr. Speaker Spence introduced a guest.

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

33rd LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 18, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed: SB 140, SB 120, SB 121, SB 122, SB 135, SB 143 w/SA 1, HB 188 w/SA 1 & HB 189.

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.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 240 - D. ENNIS & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Chapter 35, Title 18 of the Delaware Code Relating to Group Health Insurance.

HB 241 - MACK - NAT RES: An Act to Amend Titles 7, 11, 18, 23 and 29 of the Delaware Code Relating to the Enforcement Personnel of the Department of Natural Resources and Environmental Control.

HB 242 - CAULK & SENATOR BONINI; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, DAVIS, LEE, LOFINK, WELCH, BANNING, BRADY, B. ENNIS - NAT RES: An Act to Amend Title 7, Delaware Code Relating to Well Drillers. (2/3 bill)

HA 1 to HB 104 - OBERLE - ED: Placed with the bill.

HA 1 to HB 177 - ROY - AGENDA: Placed with the bill.

SB 120 - ADAMS & REPRESENTATIVE CAULK; SENATORS VENABLES, VAUGHN, COOK, STILL & BONINI; REPRESENTATIVES CAREY, MACK, BUNTING & SCHROEDER - AG & FP & A: An Act to Amend Title 3, of the Delaware Code Relating to Dealers in Agricultural Products. (2/3 bill)

SB 121 - ADAMS & REPRESENTATIVE CAULK; SENATORS VENABLES, VAUGHN, COOK, STILL & BONINI; REPRESENTATIVES CAREY, MACK, BUNTING & SCHROEDER - AG & FPA & A: An Act to Amend Title 3, of the Delaware Code Relating to the Powers and Duties of the Department of Agriculture.

SB 122 - ADAMS & REPRESENTATIVE CAULK; SENATORS VENABLES, VAUGHN, COOK, STILL & BONINI; REPRESENTATIVES CAREY, MACK, BUNTING & SCHROEDER - AG & FP & A: An Act to Amend Title 3 of the Delaware Code Relating to the Powers of the Department of Agriculture.

**SB 135** - ADAMS & REPRESENTATIVE CAULK; SENATORS VENABLES, VAUGHN, COOK, STILL & BONINI; REPRESENTATIVES CAREY, MACK, BUNTING & SCHROEDER - AG & FP & A: An Act to Amend Title 6, of the Delaware Code Relating to Weights and Measures. (3/5 bill)(F/N)

**SB 140** - VAUGHN; REPRESENTATIVE PETRILLI - H/ADM: An Act to Amend Chapter 50A, Title 15, of the Delaware Code Relating to Electronic Voting Systems.

**SB 143 w/SA 1** - ADAMS & REPRESENTATIVE CAULK; SENATORS BONINI, COOK, STILL, VENABLES, VAUGHN; REPRESENTATIVES BANNING, BUNTING, CAREY, MACK & SCHROEDER - AG & FP & A: An Act to Amend Title 3 of the Delaware Code Relating to Noxious Weeds.

**HA 1 to SB 77** - ROY - READY LIST: Placed with the bill.

Mr. Speaker assigned **HB 203** to the Appropriations Committee.

Representatives Plant, DiPinto, George, Gilligan & West requested that they be marked present.

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

Representatives Roy & Wagner requested that they be marked present.

Representative Quillen introduced and brought **HCR 22**, jointly sponsored by Representatives Petrilli, Spence, George & Gilligan on Behalf of All Representatives & Senators Cordrey, Sharp, Marshall, Bair & Connor on Behalf of All Senators, before the House for consideration.

Representative Quillen made comments.

Representative Quillen requested and was granted the privilege of the floor for Angela Clammons, Future Homemakers of America; Valerie Hope Cale, Vocational Industrial Clubs of America; Dan Waddell, Technology Student Association; Dionne Snead, D.E.C.A.; Kecia Milbourne; Business Professionals of America & Fawn Hollembeak, F.F.A. President.

**HCR 22** - Extending "Many Thanks" to the Delaware Vocational Student Organizations of Delaware for the Geraniums Given, and Extending Best Wishes and Success to Each of You in Your Chosen Careers.

Representative Quillen made comments.

**HCR 22** was adopted by voice vote and sent to the Senate for concurrence.

Representative George made comments.

Representative Capano introduced guests.

Representatives Oberle, Davis, Buckworth, Schroeder, Stone, Petrilli & Brady requested that they be marked present.

Representative D. Ennis requested and was granted the privilege of the floor for presentation of a House Tribute to Adelina Kostova representing the New Bulgarian University.

Representative Davis was granted personal privilege of the floor for a comment.

Representative Petrilli introduced **HB 243**.

**HB 243** - An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Personal Actions and Abolishing the Economic Loss Doctrine.

Mr. Speaker assigned **HB 243** to the Judiciary Committee.

#### HOUSE TRIBUTE ANNOUNCEMENT #26

DATE: May 18, 1995

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                     |
|----------|-----------|-------------------|------|-----------------------------------------------------------------|
| H138-421 | Welch     | 5/16/95           | T    | Alfred J. Moor, Jr./2nd Place/Nat. Corn Yield Contest           |
| H138-422 | Welch     | 5/16/95           | T    | Teresa Whitaker/Belle Everett Award/Outstanding Dem./29th Dist. |
| H138-423 | Fallon    | 5/18/95           | T    | Ron MacArthur/Public Citizen of Yr./Nat. Assoc. Soc. Workers    |
| H138-424 | West      | 5/16/95           | T    | Letitia Pusey/Miss Delaware/Visit to General Assembly           |
| H138-425 | Maroney   | 5/17/95           | T    | YWCA of N.C.C./Centennial Celebration                           |
| H138-426 | B. Ennis  | 6/11/95           | T    | Ann & Robert Mitchell/20th Wedding Anniversary                  |
| H138-427 | Fallon    | 5/16/95           | T    | James A. Samans/Graduation/Widener Law School                   |
| H138-428 | Buckworth | 5/18/95           | T    | Don Olliver/Retire/Jan. 31, '95/DEL -DOT/41 Years/Road Design   |
| H138-429 | Wagner    | 5/17/95           | T    | Evelyn G. Thompson/Retire/Belk Hudson/Leggett/41 Years          |
| H138-430 | Boulden   | 5/16/95           | T    | Letonya Evette Washington/Newark Lions Club/Teenager of Year    |
| H138-431 | Boulden   | 5/16/95           | T    | Rosalyn Elizabeth Dukeman/Newark Lions Club/Teenager of Year    |
| H138-432 | DiPinto   | 4/30/95           | M    | James W. Gillespie                                              |
| H138-433 | George    | 5/26/95           | T    | Hilda B. Buckmaster/89th Birthday                               |
| H138-434 | Mack      | 5/10/95           | T    | Damien Craighton/St. Wrestling Champion/189 Weight Class        |



|                    |         |   |                                                                      |
|--------------------|---------|---|----------------------------------------------------------------------|
| H138-435 Bunting   | 5/17/95 | T | Scott W. Walls, Sr./Leadership of Oak Orchard Riverdale Civic Assoc. |
| H138-436 DiLiberto | 5/11/95 | M | Bernard B. "Ace" Kempinski                                           |
| H138-437 DiLiberto | 5/14/95 | M | Joseph S. Laznik                                                     |

T - Tribute  
M - Memoriam

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

The House reconvened at 5:00 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 142, HCR 22, SB 124 w/SA 1 & 2.

Representatives Maroney & Reynolds requested that they be marked present.

Representative Ewing brought HB 110 w/SA 1, jointly sponsored by Representatives Carey, Fallon, Lee & Schroeder & Senators Adams & Voshell, before the House for concurrence on SA 1.

HB 110 - An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to the Power of the Sussex County Government to Impose and Collect a Tax Upon the Placement of a Mobile Home.

Representative Ewing made a comment.

The roll call on HB 110 w/SA 1 was taken and revealed:

YES: 31.

NO: Representatives DiLiberto, Gilligan, Mack, VanSant - 4.

NOT VOTING: Representatives Brady, Jonkiert - 2.

ABSENT: Representatives Banning, B. Ennis, Lofink, Quillen - 4.

Therefore, having received a constitutional majority, HB 110 w/SA 1 was sent to the Governor.

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

Representative Petrilli brought Consent Agenda A, before the House for consideration.

HB 151 - ROY, BANNING, BUCKWORTH, DILIBERTO, GEORGE, LEE, PETRILLI, SCHROEDER, VANSANT; SENATORS SHARP, BAIR; REPRESENTATIVES BOULDEN, CLOUTIER, B. ENNIS, JONKIERT, LOFINK, PLANT, STONE, WELCH; SENATORS VAUGHN, AMICK - An Act to Amend Title 12 of the Delaware Code Related to Guardianships.

HB 134 - REYNOLDS, D. ENNIS, EWING, MACK, WAGNER, BRADY, PLANT; SENATORS MCDOWELL, VENABLES, HENRY; REPRESENTATIVES BUCKWORTH, LOFINK, STONE, BANNING, HOUGHTON; SENATORS MARSHALL, VAUGHN, VOSHELL, STILL - An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance. (F/N)

SB 13 w/SA 2 - VOSHELL, ADAMS, VENABLES; REPRESENTATIVES SCHROEDER, WEST, FALLON; SENATOR CORDREY; REPRESENTATIVES BUNTING, CAREY, EWING, LEE - An Act to Amend Chapter 68, Title 9, Delaware

Code Regarding the Membership of the Sussex County Planning and Zoning Commission.

The roll call on Consent Agenda A was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, HB 151 & HB 134 were sent to the Senate for concurrence & SB 13 w/SA 2 was returned to the Senate.

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

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan brought HB 178, jointly sponsored by Representatives Boulden, Buckworth, Bunting, Caulk, Davis, DiPinto, Ewing, Houghton, Jonkiert, Lofink, Mack, Oberle, Reynolds, Roy, Welch & West & Senators Amick, Hauge, Sokola & Voshell & cosponsored by Representative Spence, before the House for consideration.

HB 178 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representative Gilligan brought HA 1 to HB 178 before the House for consideration.

Representative Gilligan made a comment.

HA 1 was adopted by voice vote.

Representative Gilligan introduced and brought HA 2 to HB 178 before the House for consideration.

Representative Gilligan made a comment.

HA 2 was adopted by voice vote.

Representatives Gilligan & Wagner made comments.

Representative Gilligan requested and was granted the privilege of the floor for Paul Wallace, Deputy Attorney General.

Representatives VanSant, Houghton, DiLiberto, Bunting, Brady, Plant, B. Ennis & Wagner made comments.

The roll call on HB 178 w/HA 1 & 2 was taken and revealed:

YES: 35.

NO: Representatives B. Ennis, Scott - 2.

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

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, HB 178 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney moved to lift SB 61 w/SA 1 from the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Maroney brought SB 61 w/SA 1, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola, Voshell & Sorenson & Representatives Buckworth, Carey, Ewing, Maier, Oberle, Quillen, Wagner, Banning, B. Ennis, Gilligan, Houghton, Jonkiert & Scott, before the House for consideration.

SB 61 - An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Psychology.

Representative Maroney made comments.

Representative Maroney brought HA 1 to SB 61 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representative Maroney deferred to Representative Davis.

Representative Davis brought HA 2 to SB 61 before the House for consideration.

Representatives Davis, Ewing & Maroney made comments.

HA 2 was adopted by voice vote.

The roll call on SB 61 w/SA 1 & HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore having received a constitutional majority, SB 61 w/SA 1 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 161, jointly sponsored by Representatives Banning, Boulden, Buckworth, Cloutier, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jonkiert, Lee, Lofink, Mack, Petrilli, Plant, Roy, Schroeder, Stone, VanSant & Welch & Senators Adams, Amick, Bair, Connor, Cook, Hauge, Henry, Reed, Sorenson, Still & Vaughn, before the House for consideration.

HB 161 - An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware to Provide for the Inclusion of the Family Court and the Court of Common Pleas as Courts Established by the Constitution of the State of Delaware. (2/3 bill)

Representative DiLiberto made comments.

The roll call on HB 161 was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 161 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 60 w/SA 2, jointly sponsored by Senator Marshall & cosponsored by Senators Blevins, Sokola & Still, before the House for consideration.

SB 60 - An Act to Amend Chapter 31 and Chapter 33, Title 19, of the Delaware Code Relating to Unemployment Compensation.

Representatives Oberle & Smith made comments.

Representative Oberle requested and was granted the privilege of the floor for Thomas MacPherson, Director, Division of Unemployment Insurance.

Representatives Smith, Cloutier, Bunting & Houghton made comments.

The roll call on SB 60 w/SA 2 was taken and revealed:

YES: 39.

NO: Representative Capano - 1.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, SB 60 w/SA 2 was returned to the Senate.

Representative Oberle brought SB 93 w/SA 1, jointly sponsored by Senators Marshall & Venables & Representative Wagner & Senators Adams, Blevins, Cook, McBride, McDowell, Sharp, Sokola, Vaughn, Voshell, Connor, Henry & Still & Representatives Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West, before the House for consideration.

SB 93 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation. (F/N)

Representative Oberle introduced and brought HA 1 to SB 93 before the House for consideration.

Representatives Oberle & Davis made comments.

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

Representative Oberle made comments.

The roll call on **SB 93 w/SA 1 & HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **SB 93 w/SA 1 & HA 1** was returned to the Senate for concurrence on **HA 1**.

Representative Roy brought **HB 177**, jointly sponsored by Representatives Lofink & Schroeder & Senators Venables, Voshell, Cook & Amick, before the House for consideration.

**HB 177** - An Act to Amend Title 2, Delaware Code, by Adding Thereto a New Chapter Authorizing a Public-Private Initiatives Program in Transportation and Establishing a Revolving Loan Fund to Finance Such Program. (3/5 bill)

Representative Roy made comments.

Representative Roy brought **HA 1** to **HB 177** before the House for consideration.

Representatives Roy & Ewing made comments.

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

Representative Roy introduced and brought **HA 2** to **HB 177** before the House for consideration.

Representative Roy made a comment.

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

Representatives Ewing, Roy, Bunting, Davis, West, Wagner, Caulk & Gilligan made comments.

Representative Roy requested and was granted the privilege of the floor for Paul Morrill, representing Build Delaware & Kathy Karsnitz, representing the Department of Transportation.

Representatives Gilligan, Roy, Ewing & Gilligan made comments.

Representative Roy moved to place **HB 177 w/HA 1 & 2** on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert introduced **HB 244**, jointly sponsored by Representatives Oberle, Spence, Boulden, Buckworth, Cloutier, Davis, Lee, Lofink, Mack, Reynolds, Roy, Smith, Stone, Wagner, Welch, DiLiberto, Gilligan, Plant, Scott & VanSant.

**HB 244** - An Act to Amend Section 2118, Title 21 of the Delaware Code, Relating to Registration of Vehicles and Uninsured Motorists.

Mr. Speaker assigned **HB 244** to the Public Safety Committee.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis introduced **HB 245**, jointly sponsored by Senator Cordrey & Representatives Capano, DiPinto, Smith, Stone & Wagner & Senator Adams.

**HB 245** - An Act to Amend Chapter 5, Title 25, Delaware Code, Relating to the Rule Against Perpetuities.

Mr. Speaker assigned **HB 245** to the Economic Development, Banking & Insurance Committee.

Representative Petrilli deferred to Representative Smith.

Representative Smith introduced **HB 246**, jointly sponsored by Representatives Petrilli, Capano, DiPinto, D. Ennis, Stone & Wagner.

**HB 246** - An Act to Amend Title 30 of the Delaware Code With Regard to Personal Income Tax.

Mr. Speaker assigned **HB 246** to the Revenue & Finance Committee.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought **HB 92**, jointly sponsored by Representative D. Ennis & Senators Venables & Hauge & Representatives Petrilli, Quillen, Spence, Buckworth, Boulden, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Maier, Maroney, Reynolds, Roy, Smith, Stone, Ulbrich, Welch, Banning, Brady, Bunting, B. Ennis, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators Cook, Bair, Bonini, Connor, Henry, Sorenson & Still, before the House for consideration.

**HB 92** - An Act to Amend Title 30 and Title 19 of the Delaware Code Relating to Tax Credits and Reductions Providing for a Delaware Headquarters and Commercial Relocation Act. (F/N)

Representative Wagner requested that **HA 1** to **HB 92** be stricken.

Representative Wagner brought **HA 2** to **HB 92** before the House for consideration.

Representative Wagner made a comment.

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

The roll call on **HB 92 w/HA 2** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Fallon, Oberle, Quillen - 4.

Therefore, having received a constitutional majority, **HB 92 w/HA 2** was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey requested that action on HB 179 be Deferred to a Day Certain, Tuesday, June 6, 1995.

Representative Davis made a comment.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 131, SB 132 w/SA 1, SB 115, SB 117, SB 97, SB 145 w/SA 1, SB 123, SB 174, HB 88 w/HA 1 & 2 & SA 2 & HB 54 w/HA 1 & 2 & SA 1.

The Majority Leader moved to recess to the call of the Chair at 7:25 p.m.

34th LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 30, 1995

Mr. Speaker Spence called the House to order at 2:17 p.m.

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.

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 133 - SPENCE & SENATOR MCBRIDE; REPRESENTATIVES BUCKWORTH, LOFINK, OBERLE, WELCH, BANNING, BRADY, DILIBERTO, GILLIGAN, JONKIERT, PLANT & SCOTT; SENATOR CONNOR - APPRO: An Act to Amend Title 14, Chapter 13 of the Delaware Code, Relating to School Employee Salaries.

HB 247 - WELCH, SPENCE, PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, GEORGE, GILLIGAN, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, VANSANT, WEST - SUBS ABUSE: An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Trafficking in Phencyclidine.

HB 248 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, HOUGHTON, JONKIERT, VANSANT, EWING, LEE, CAULK, OBERLE, SPENCE, WAGNER - P/S: An Act to Amend Chapter 59, Title 29, of the Delaware Code Relating to Compensation for Unused Sick Leave.

HB 249 - BRADY, BANNING, BUNTING, CLOUTIER, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, LEE, MAIER, SCHROEDER, SCOTT, VANSANT, WAGNER; SENATORS ADAMS, AMICK, SOKOLA, STILL, VAUGHN, VOSHALL - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions.

HA 1 to HB 171 - SPENCE - READY LIST: Placed with the bill.

HA 1 to HB 188 - CAULK - RETURNED FROM SENATE: Placed with the bill.

HA 2 to HB 188 - BANNING - RETURNED FROM SENATE: Placed with the bill.

HA 1 to HB 237 - SMITH - JUD: Placed with the bill.

HA 1 to HJR 9 - SPENCE - H/ADM: Placed with the bill.

SB 97 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA & VOSHALL; REPRESENTATIVES MAIER, HOUGHTON, SCOTT - HEALTH & HUM DEV: An Act to Amend Chapter 7, Title 24 of the Delaware Code Relating to the Board of Chiropractic.

SB 115 - VOSHALL; REPRESENTATIVE EWING - JUD: An Act to Amend Title 4 of the Delaware Code Relating to the Applicability of the Delaware Responsible Alcoholic Beverage Server Training Program.

SB 117 - VOSHALL & REPRESENTATIVE EWING - SM BUS: An Act to Amend Title 4 of the Delaware Code Relating to a Voluntary Assessment Plan.

SB 123 - SOKOLA, BLEVINS, MARSHALL, SHARP, VENABLES, VOSHALL; REPRESENTATIVES SMITH, OBERLE, HOUGHTON, BRADY, JONKIERT - R & F: An Act to Amend Title 29 of the Delaware Code Regarding Identification of Vendors, Firms, and Subcontractors Reporting to the Division of Revenue.

SB 124 w/SA 1 & 2 - BLEVINS; REPRESENTATIVE MARONEY; SENATORS VOSHALL, MARSHALL, SOKOLA, SHARP, MCBRIDE, BAIR, CONNOR, SORENSON, BONINI, STILL, REED, AMICK, HENRY; REPRESENTATIVES SPENCE, QUILLEN, BUCKWORTH, BUNTING, BANNING, CAREY, ROY, MAIER, SCHROEDER, PLANT - HEALTH & HUM DEV: An Act to Amend Titles 10, 12, 13, and 19 of the Delaware Code Relating to Child Support Orders. (2/3 bill)

SB 131 - SHARP, SOKOLA, VAUGHN; REPRESENTATIVES SPENCE, OBERLE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Hate Crimes.

SB 132 w/SA 1 - SHARP, SOKOLA, VAUGHN; REPRESENTATIVES SPENCE, OBERLE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Hate Crimes. (2/3 bill)(F/N)

SB 142 - ADAMS & REPRESENTATIVE OBERLE; SENATORS CORDREY, SHARP; REPRESENTATIVE EWING - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 145 w/SA 1 - BLEVINS; REPRESENTATIVE CAPANO - SM BUS: An Act to Amend Title 4 of the Delaware Code Relating to the Determination of Liquor Licensing.

SB 174 - VOSHELL & REPRESENTATIVE EWING - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Reporting of Adjudications of Family Court to the Division of Motor Vehicles.

Mr. Speaker assigned HB 224 to the Appropriations Committee.

Representative Quillen requested that HB 77 be stricken.

Representative Maroney moved to suspend the rules which interfere with introduction of and action on HB 250. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney introduced and brought HB 250, jointly sponsored by Representative Buckworth, before the House for consideration.

HB 250 - An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Ron Forristal and Shellie Mersino, Non-Residents of the State of Delaware.

Representative Maroney moved to place HB 250 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representatives Brady & Buckworth requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:44 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 116 w/SA 1 & 2, SB 188, SB 156, SB 157, SB 158 & SCR 30.

May 24, 1995

#### LEGISLATIVE ADVISORY #12

The following legislation was signed by Governor Thomas R. Carper on the dates indicated: 5/18/95 - HB 91 aab HA 1 & 2 & SA 1 & SB 96. 5/23/95 - HB 57 aab HA 2 & HJR 5.

May 25, 1995

#### LEGISLATIVE ADVISORY #13

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 5/25/95 - HB 110 aab SA 1.

May 30, 1995

#### LEGISLATIVE ADVISORY #14

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 5/26/95 - SB 141, SB 144 & HB 189.

Representatives Davis, D. Ennis & Jonkiert requested that they be marked present.

Representative Roy requested and was granted the privilege of the floor for Sabine Hamer, Delegation Leader, German Legislators.

Representative D. Ennis presented House Tributes to Members of the Delegation & Speaker Spence presented gifts.

Representative Roy introduced and brought SCR 30, jointly sponsored by Senators Bair & Connor & Representative D. Ennis, before the House for consideration.

SCR 30 - Welcoming to Delaware the Delegation of German Legislators During Their Study Tour of American Legislatures Sponsored by the Partnership of Parliaments.

SCR 30 was adopted by voice vote and returned to the Senate.

The House observed a moment of silence for Memorial Day at the request of Representative Bunting.

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

Representative Mack made an announcement.

Representative Petrilli deferred to Representative Carey.

Representative Carey made comments.

Representative Carey brought HB 54 w/HA 1 & 2 & SA 1, jointly sponsored by Representative Bunting & Senator Adams & Representatives Spence, Petrilli, Quillen, Buckworth, Capano, Caulk, Cloutier, DiPinto, D. Ennis, Ewing, Lee, Lofink, Reynolds, Welch, Banning, Brady, B. Ennis, Houghton, Jonkiert, Plant, Schroeder & West & Senators Cook, Cordrey, Vaughn, Venables, Amick, Bonini & Still, before the House for concurrence on SA 1.

HB 54 - An Act to Amend Title 3 and Title 30 of the Delaware Code to Provide Additional Benefits to Owners of Real Property Who Place Qualifying Real Property Into Agricultural Preservation Districts, and a Recording Cost Exemption. (F/N)

The roll call on HB 54 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 54 w/HA 1 & 2 & SA 1 was sent to the Governor.

Representative B. Ennis brought HB 88 w/HA 1 & SA 2, jointly sponsored by Senator Vaughn & Representatives Banning, Gilligan, Houghton, Scott, VanSant, West, Caulk, Ewing, Lee, Lofink, Spence & Welch, before the House for concurrence on SA 2.

HB 88 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Crime of Hindering Prosecution.

Representative B. Ennis made a comment.

The roll call on HB 88 w/HA 1 & SA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 88 w/HA 1 & SA 2 was sent to the Governor.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney moved to lift HB 250 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought HB 250, jointly sponsored by Representative Buckworth, before the House for consideration.

HB 250 - An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Ron Forristal and Shellie Mersino, Non-Residents of the State of Delaware.

Representative Maroney made a comment.

The roll call on HB 250 was taken and revealed:

YES: 41.

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

Representative Petrilli deferred to Representative Davis.

Representative Davis moved to restore HB 116 w/HA 2,3 & 5.

Representative Oberle rose on a point of order.

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

HB 116 - An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists.

Representative Smith moved to place HB 116 w/HA 2,3 & 5 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 81, jointly sponsored by Senator Vaughn & Representatives Brady, Bunting, Davis, B. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Plant, VanSant & West, before the House for consideration.

HB 81 - An Act to Amend Title 9 of the Delaware Code Relating to School Impact Fees. (3/5 bill)

Representative Banning brought HA 1 to HB 81 before the House for consideration.

Representatives Banning & Davis made comments.

HA 1 was defeated by voice vote.

Representative Banning introduced and brought HA 2 to HB 81 before the House for consideration.

Representative Banning made a comment.

HA 2 was adopted by voice vote.

Representative Banning made a comment.

Representative Banning moved to place HB 81 w/HA 2 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Roy.

Representative Roy requested that action on HB 177 w/HA 1 & 2 be Deferred to a Day Certain, Thursday, June 1, 1995.

Representative Petrilli requested that action on HS 1 for HB 79 be Deferred to a Day Certain, Tuesday, June 6, 1995.

Representative Quillen brought HB 176, jointly sponsored by Senator Sokola & Representative Spence & cosponsored by Representatives DiPinto & Maroney, before the House for consideration.

HB 176 - An Act to Amend Title 14 of the Delaware Code Relating to Education.

Representatives Quillen, Mack, Stone, Reynolds, DiLiberto, Plant, Wagner, Maier, Ulbrich, Plant, Davis, West & VanSant made comments.

The Reading Clerk read the following communication at the request of Representative Quillen:

Representative Robert Quillen

Legislative Hall

Dover, DE 19903

May 16, 1995

Dear Representative Quillen,

I must apologize for not being able to attend the discussion concerning "A Public School Dress Code". I would like to go on record as a strong supporter for this bill. As a public school teacher and parent of public school children, in my opinion, this code is much needed. Students arrive to school everyday dressed in outfits that not only distracts those around them but also brings attention to themselves. Students must remember the true meaning of the public school system...a place for learning...not a fashion show. Many students follow "trends" no matter how bad in taste. This does not mean that the State should mandate styles of clothes that one must wear, unless we have a public school uniform system (which hopefully may one day happen). It does mean that the State should mandate what type of clothes students should not wear to a public school. In the sixties and seventies when I first attended public schools here in Delaware there was a dress code for all schools. Girls did not wear jeans, slacks or shorts. Boys could only wear slacks and jeans. No one wore sneakers unless it was for gym class. I survived eight years without harm. Then came the jeans, but we still had a code. No torn or baggy jeans of any kind were allowed. The hems of our skirts were allowed to be shorter, yet within a certain length. This code was enforced by the school districts. Which brings me to the biggest problem. Unless the school districts are REQUIRED to follow the dress code adopted by the State this procedure will be a waste of time. Many districts now have a dress code which is printed in all district handbooks but they do not enforce it. Teachers and parents welcome a dress code. Students should attend school dressed presentably. This to me means...CLEAN and dressed appropriately. What do I mean by appropriately...? NO jeans with torn holes and ragged edges. All jeans or slacks that are loose must be worn with a belt as not to hang below the waist. All blouses must cover the entire middle part of the body (no belly buttons shown). No off the shoulder sleeves. The hems of the skirts and dresses should be no shorter than 2 inches above the knee cap. No students should wear tee shirts with obscene or sexually suggestive language. This may seem like an impossible task. Yet, if the original dress code was enforced this would not be necessary. I do hope this has given a little insight of the importance of a dress code that is needed in the public school system in Delaware. This code also should apply to teachers without saying.

Thank you for allowing me to express my personal opinion regarding the Public School Dress Code. Once again I am sorry I cannot be in person to express my concerns.

Cynthia Christiansen  
714 Carol Street  
Dover, Delaware 19904

The roll call on HB 176 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 176 was sent to the Senate for concurrence. Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to lift HB 53 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HB 53, jointly sponsored by Senator Marshall, before the House for consideration.

HB 53 - An Act to Amend Section 6903(a)(2), Title 29 of the Delaware Code Relating to Public Works Contracts.

Representative Oberle made comments.

Representative George requested and was granted the privilege of the floor for Vincent Meconi, Secretary, Department of Administrative Services.

Representatives George, Smith, Cloutier, Oberle, B. Ennis, George, Oberle, Plant, Bunting, Boulden & Oberle made comments.

The roll call on HB 53 was taken and revealed:

YES: 28.

NO: Representatives Boulden, Capano, Cloutier, Lee, Maier, Maroney, Roy, Smith, Stone, Ulbrich -

10.

NOT VOTING: Representatives DiPinto, Fallon, Petrilli - 3.

Therefore, having received a constitutional majority, HB 53 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 130, jointly sponsored by Senator Venables & Representatives Caulk, Mack, Bunting & Schroeder, before the House for consideration.

HB 130 - An Act to Amend Chapter 60 and Chapter 74, Title 7 of the Delaware Code Relating to Stage 1 Vapor Recovery Permits.

Representative Carey brought HA 1 to HB 130, sponsored by Representative Caulk, before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative Carey brought HA 2 to HB 130 before the House for consideration.

Representative Carey made a comment.

HA 2 was adopted by voice vote.

Representative Carey made a comment.

The roll call on HB 130 w/HA 1 & 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 130 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Scott.

Representative Scott brought HB 143, jointly sponsored by Representatives Banning, Buckworth, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Lee, Lofink, Plant, VanSant & West & Senators Adams, Blevins, Marshall, Still, Vaughn & Voshell, before the House for consideration.

HB 143 - An Act to Amend Section 1321 of Title 11 Relating to Crimes and Criminal Procedure.

Representative Scott made a comment.

Representative Scott brought HA 1 to HB 143 before the House for consideration.

Representative Scott made comments.

HA 1 was adopted by voice vote.

Representatives Scott, Reynolds, Petrilli, Scott, Smith, Wagner, Plant, DiPinto & B. Ennis made comments.

The roll call on HB 143 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 143 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney introduced HB 251, jointly sponsored by Senators Bair, Henry, Blevins & McDowell.

HB 251 - An Act to Amend Title 31 of the Delaware Code and the Laws of Delaware Relating to the Employment of Welfare Recipients.

Representative Maroney made a comment.

Mr. Speaker assigned HB 251 to the Health & Human Development Committee.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth brought HB 126, jointly sponsored by Representative Oberle & Senators Blevins & Sokola, before the House for consideration.

HB 126 - An Act to Amend Chapter 2, Title 11, Delaware Code, Relating to Time Limitations for Certain Offenses.

Representative Buckworth introduced and brought HA 1 to HB 126 before the House for consideration.

Representative Buckworth made a comment.

HA 1 was adopted by voice vote.

Representative Buckworth made comments.

The roll call on HB 126 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 126 w/HA 1 was sent to the Senate for concurrence.

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

The Majority Leader moved to recess to the call of the Chair at 6:31 p.m.

35th LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
May 31, 1995

Mr. Acting Speaker Roy called the House to order at 2:09 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed: SB 165, SB 164, SB 161, SB 162, SB 166 & SB 167.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current Legislative Day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives Brady, D. Ennis, George, Houghton - 4.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

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

The following prefiled legislation was introduced:



**HB 252** - OBERLE & JONKIERT, VANSANT, DILIBERTO - P/S: An Act to Amend Title 21 of the Delaware Code Regarding Driving Vehicles While License is Suspended or Revoked.

**HB 253** - LEE & SENATOR BONINI; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LOFINK, REYNOLDS, SMITH; SENATORS ADAMS, AMICK, BAIR, CONNOR, HAUGE, REED, SORENSON, STILL, VAUGHN - JUD: An Act to Amend Chapter 68, Title 16 of the Delaware Code Relating to Exemptions From Civil Liability.

**HB 254** - WAGNER & STONE, BOULDEN, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, D. ENNIS, FALLON, LOFINK, SMITH - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Drivers' Licenses, Registration of Vehicles, and Insurance.

**HB 255** - CAPANO & SENATOR BAIR; ALL REPRESENTATIVES - JUD: An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to the Imposition of Fines, Costs and Restitution Upon Conviction for a Criminal Offense.

**HB 256** - SCHROEDER & SENATOR CORDREY - H/ADM: An Act to Amend Chapter 59, Volume 63, Laws of Delaware, as Amended, Being the Charter of the Town of Dewey Beach. (2/3 bill)

**HA 1 to HB 187** - B. ENNIS - READY LIST: Placed with the bill.

**HA 1 to HB 210** - BUCKWORTH - HOUSING & COM AFF: Placed with the bill.

**HA 1 to HB 211** - BUCKWORTH - HOUSING & COM AFF: Placed with the bill.

**SB 116 w/SA 1 & 2** - SOKOLA & REPRESENTATIVE LOFINK; SENATORS AMICK, BLEVINS, MCBRIDE, SORENSON, VOSHELL, STILL; REPRESENTATIVES CLOUTIER, DAVIS, GEORGE, GILLIGAN, MACK, OBERLE, PETRILLI, ROY & SCHROEDER - TRANS & INFRA: An Act to Amend Title 9 of the Delaware Code Relating to County, State, and Local Planning Efforts.

**SB 156** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Death Benefits.

**SB 157** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Penalties.

**SB 158** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Wagers.

**SB 161** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices.

**SB 162** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to the Council on Apprenticeship and Training. (F/N)

**SB 163** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to Prevailing Wage.

**SB 164** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 18 and Title 19 of the Delaware Code Relating to Making Said Titles Gender Neutral.

**SB 165** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 and Title 10 of the Delaware Code Relating to Child Labor.

**SB 166** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Wage Payment and Collection.

**SB 167** - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Discrimination in Employment.

**SB 188** - BLEVINS & REPRESENTATIVE VANSANT - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Unauthorized Parking at Retail Stores or Other Commercial Establishments.

**HA 1 to SB 99** - MACK - ENV. MAN: Placed with the bill.

Representative Ewing requested and was granted the privilege of the floor for Janet Rzewnicki, State Treasurer and Ladislav Bednar, Soros Foundation Management Intern from the Slovak Republic.

Representatives Bunting & B. Ennis requested that they be marked present.

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

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

The House reconvened at 4:33 p.m.

Representatives Carey, Jonkiert, Mack, Reynolds & DiLiberto requested that they be marked present.

Representative DiLiberto was granted personal privilege of the floor for the introduction of a guest.

Representative Lee requested that he be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #27

DATE: May 31, 1995

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

| Number   | Sponsor | Presentation Date | Type | Description                                   |
|----------|---------|-------------------|------|-----------------------------------------------|
| H138-438 | Roy     | 6/04/95           | T    | Amanda Keri Funk/Grad./St. Mark's High School |

|          |                            |         |   |                                                                |
|----------|----------------------------|---------|---|----------------------------------------------------------------|
| H138-439 | Stone                      | 4/19/95 | T | Swerre & Marion Eliassen/50th Wedding Anniversary              |
| H138-440 | Spence                     | 5/21/95 | T | Henrietta Valente/80th Birthday                                |
| H138-441 | VanSant                    | 5/21/95 | T | Alice Benson/Grandmother of Year                               |
| H138-442 | Quillen                    | 5/18/95 | T | Stephen Welch/Lake Forest School Bus Contractor of Year        |
| H138-443 | Boulden                    | 5/18/95 | T | Jim Lacey/Bluce Chip Enterprise Initiative/Rebound             |
| H138-444 | Wagner                     | 5/15/95 | M | Phyllis M. White Vetter                                        |
| H138-445 | Quillen                    | 5/19/95 | T | Gerald A. Buckworth/Retire C.R. Schools/33 Yrs.                |
| H138-446 | Scott                      | 5/23/95 | T | Raymond Metts/Com. Serv./Clean-up Quaker Hill                  |
| H138-447 | Fallon                     | 5/27/95 | T | Michael Cosgrove/Grad./U. of D.                                |
| H138-448 | Scott                      | 5/30/95 | T | James Jones/Pres./Hamilton Park Civic Assoc./Com. Serv.        |
| H138-449 | Scott                      | 5/30/95 | T | Beverly Bell/Com. Serv./Eastside Residents                     |
| H138-450 | D. Ennis<br>cosponsor: Roy | 5/30/95 | T | Sabine Hamer/Member of Parliament /Leader of German Delegation |
| H138-451 | D. Ennis<br>cosponsor: Roy | 5/30/95 | T | Eckhardt Barthel/House of Reps./German Delegation              |
| H138-452 | D. Ennis<br>cosponsor: Roy | 5/30/95 | T | Ulrich Karl Engel/Member of Parliament/ German Delegation      |
| H13-453  | D. Ennis<br>cosponsor: Roy | 5/30/95 | T | Wolfgang Fiedler/Member of Parliament/ German Delegation       |

## HOUSE TRIBUTE ANNOUNCEMENT #28

DATE: MAY 31, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk at the request of the sponsor:

| <u>Number</u> | <u>Sponsor</u>             | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                          |
|---------------|----------------------------|--------------------------|-------------|-------------------------------------------------------------|
| H138-454      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Friebert Grams/Member of Parliament /German Delegation      |
| H138-455      | D. Ennis                   | 5/30/95                  | T           | Harald Guller/Member of Parliament/ German Delegation       |
| H138-456      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Gunther Hatzsch/Member of Parliament/ German Delegation     |
| H138-457      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Roland Henz/Member of Parliament/ German Delegation         |
| H138-458      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Heniz Jansen/Member of Parliament/ German Delegation        |
| H138-459      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Ulrich F. Kruger/House of Reps./German Delegation           |
| H138-460      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Alexander Muller/Member of Parliament/ German Delegation    |
| H138-461      | D. Ennis                   | 5/30/95                  | T           | Uta-Brigitte Muller/Member of Parliament/ German Delegation |
| H138-462      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Michael Nafken/Member of Parliament/ German Delegation      |
| H138-463      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Reinhard Sager/Member of Parliament/ German Delegation      |
| H138-464      | D. Ennis<br>cosponsor: Roy | 5/30/95                  | T           | Peter Schowtka/Member of Parliament/ German Delegation      |
| H138-465      | Welch                      | 5/30/95                  | T           | Fulton & Madeline Lynch/66 Yrs./ Marriage                   |
| H138-466      | Lofink                     | 6/04/95                  | T           | April Durham/First State Constitutional Scholarship         |
| H138-467      | Capano                     | 5/30/95                  | T           | Mark Spalding/Eagle Scout                                   |

T - Tribute

M - Memoriam

The Chief Clerk read the following Committee Reports into the record:

AGRI & FP & A: SB 120 - 4M; SB 121 - 4M; SB 122 - 4M; SB 135 - 4M; SB 143 w/SA 1 - 4M.

ENVIR MAN: SB 92 - 1F,3M; SB 106 - 4M.

NAT RES: HB 239 - 2F,3M; HB 241 - 5M.

JUD: HB 124 - 6M; HB 164 - 5M,1U; HB 207 - 7M; HB 226 - 1F,5M; HB 243 - 5M.

P/S: HB 244 - 6M; HB 248 - 6M.

Representatives Quillen & Spence requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 250.

Withdrawal Of Sponsor Request

Delaware General Assembly

I, Rep. Terry Spence, Do Hereby Request That My Name Be Removed as Co-Sponsor of HB 222.

DATE: 5/31/95

SIGNED: Terry R. Spence

Representative Gilligan requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

Representatives Banning, VanSant, Buckworth & West requested that they be marked present.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich introduced HS 1 for HB 144, jointly sponsored by Senators Hauge & Sokola & Representatives Schroeder, Cloutier, Capano, Boulden, DiPinto, Smith, Maier, Ewing & Bunting & Senators Bair, Bonini, Connor, Henry, Reed, Sorenson & Still.

HB 144 - An Act to Amend Title 14 of the Delaware Code Relating to Choice in Public Education.

Mr. Speaker assigned HS 1 for HB 144 to the Appropriations Committee.

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

APPRO: HB 191 - 4M, 1U; HCR 13 - 4F,1M; SB 113 w/SA 1 - 4M.

HEALTH & HUM DEV: HS 1/HB 83 - 1F,3M; HB 251 - 5M; SB 102 w/SA 1 & 4 - 5M.

Mr. Speaker Spence assigned HB 194 to the Appropriations Committee.

Representatives Plant & Jonkiert made comments.

Representative Banning requested that HB 158 be stricken.

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

The Majority Whip moved to recess to the call of the Chair at 4:52 p.m.

### 36th LEGISLATIVE DAY 138th GENERAL ASSEMBLY

First Session

June 1, 1995

Mr. Speaker Spence called the House to order at 2:09 p.m.

Representatives Brady, D. Ennis & Houghton requested that they be marked present for the current Legislative Day.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current Legislative Day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative George - 1.

A prayer was offered by Representative Timothy U. Boulden, Twenty-Third Representative District.

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

The following prefiled legislation was introduced:

HB 257 - PETRILLI & SENATOR BLEVINS; REPRESENTATIVE CLOUTIER; SENATOR MCBRIDE - H/ADM: An Act Amending Chapters 3 and 28, Title 24, Delaware Code Relating to Architecture and Engineering, and Creating a Joint Advisory Panel.

HB 258 - OBERLE & JONKIERT & DILIBERTO & VANSANT - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Uninsured Motorists.

HB 259 - OBERLE, BUCKWORTH, CAPANO, DAVIS, DIPINTO, MARONEY, SMITH, STONE, WAGNER; SENATORS SOKOLA, SORENSON - LABOR: An Act to Amend Title 24 of the Delaware Code Relating to Optometry.

HA 1 to HS 1 for HB 144 - ULBRICH - APPRO: Placed with the bill.

HA 1 to HA 2 to HB 188 - CAULK - RETURNED FROM SENATE: Placed with the bill.

HA 1 to HB 201 - OBERLE - LABOR: Placed with the bill.

SB 159 - MARSHALL; REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Insurance Benefits.

SB 172 - MARSHALL & REPRESENTATIVE SMITH - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)

**SJR 11 - CONNOR & MCBRIDE & REPRESENTATIVE MACK; SENATORS SORENSON, VAUGHN; REPRESENTATIVES SPENCE, REYNOLDS, DAVIS - NAT RES:** Requiring the Department of Natural Resources and Environmental Control and the Department of Health and Social Services to Prepare and Submit a Plan and an Estimate of Associated Costs to Expand Existing Monitoring and Analysis Programs and to Develop New Programs to Monitor and Analyze the Environment and the Population to Better Understand the Interaction Between Environmental Toxicants and Public Health. (F/N)

Representative Maier requested that she be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 11, HB 102, HB 128 w/HA 1 & 2, HB 129 w/HA 2 & SA 1, SB 159 & SB 172.

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

The Majority Leader moved to recess for the dedication of the new wings at 2:15 p.m.

The House reconvened at 3:22 p.m.

Representative Quillen requested that HB 192 be stricken.

Representatives Capano, DiPinto, Ulbrich, DiLiberto, Schroeder & Buckworth requested that they be marked present.

Representative Bunting made a comment.

Representatives Scott & Oberle 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: SCR 28 & SCR 29.

#### MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE  
FROM: REPRESENTATIVE JOSEPH G. DIPINTO  
RE: ABSENCE FROM SESSION  
DATE: JUNE 1, 1995

I will be absent from the Legislative sessions on Tuesday and Wednesday, June 6 and 7, respectively.

As you know, I serve on the board of St. Francis Hospital, and will be a delegate to the annual meeting of the Catholic Health Association. As you might expect, the major topics of discussion will relate to health care reform at the State level. Therefore, this provides an important opportunity to participate in a meaningful dialogue.

JGD/scg

Copy: Mrs. JoAnn Hedrick

Chief Clerk

Representative Petrilli deferred to Representative Caulk.

Representative Caulk brought HB 188 w/SA 1, jointly sponsored by Senator Adams & Representatives Mack, Schroeder, Carey & Bunting & Senators Cook, Vaughn, Bonini, Still & Venables, before the House for concurrence on SA 1.

HB 188 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forest Use.

Representative Caulk moved to place HB 188 w/SA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought SCR 28, sponsored by Senator Bair & Representative Maroney & Senators Blevins, Henry & Reed, before the House for consideration.

SCR 28 - Celebrating National Intergenerational Week, May 21-27, 1995.

SCR 28 was adopted by voice vote and returned to the Senate.

Representative Petrilli brought SCR 29, sponsored by Senator Bair & Representative Cloutier & Senators Hauge, Sorenson & Henry & Representatives D. Ennis, Smith, Brady & Maroney, before the House for consideration.

SCR 29 - Recognizing the Winners of the Texaco Star Academic Challenge, Brandywine High School, as Delaware's 1995 Academic Challenge Champions, Brandywine Team Members Kay-Yuh Hsiao, Josh Lewes, Marc Lipschultz and Andrew Wang for Their Outstanding Academic Accomplishment and Coach Vincent M. Pro for Successfully Instructing and Guiding the Students Throughout the Competition.

SCR 29 was adopted by voice vote and returned to the Senate.

Representatives Reynolds, Jonkiert & Gilligan requested that they be marked present.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 222, jointly sponsored by Senator Voshell & Representatives Petrilli, Quillen, Buckworth, Capano, Caulk, Davis, D. Ennis, Lofink, Mack, Maier, Maroney, Ulbrich, Wagner, Bunting, Houghton, Plant & Schroeder & Senators Cordrey, Venables, Amick, Bair & Sorenson, before the House for consideration.

HB 222 - An Act to Amend Title 7, Delaware Code, Creating the Oil Heat Commission Act. (2/3 bill)

Representative Carey moved to place HB 222 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich requested that action on HB 227 be Deferred to a Day Certain, Tuesday, June 6, 1995.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 156, jointly sponsored by Senator McBride & Representatives Bunting & Schroeder & Senator Venables, before the House for consideration.

HB 156 - An Act to Amend Chapter 18, Title 7, Delaware Code, Relating to Eel Fishing. (2/3 bill)

Representative Carey made a comment.

The roll call on HB 156 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 156 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative West.

Representative West brought HB 103, jointly sponsored by Representatives Plant, Banning, Scott, Bunting, B. Ennis, Brady, Houghton, George, Gilligan, Spence, Smith, Buckworth, D. Ennis, Reynolds, Mack & Lee & Senators Adams, Cordrey, Sharp, Blevins, Venables, McBride, Vaughn, Marshall, Still, Amick, Sorenson, Bair, Hauge, Bonini & Henry, before the House for consideration.

HB 103 - An Act Authorizing and Directing the Department of Natural Resources & Environmental Control, Division of Fish & Wildlife, to Issue a Commercial Gill Net Foodfishing Permit to Andrew M. Hickman, Age 85, of Dagsboro, Delaware Who is Presently Prohibited From Obtaining a Permit Under Delaware Finfishing Statutes.

Representative Schroeder brought HA 1 to HB 103 before the House for consideration.

Representative Schroeder made a comment.

HA 1 to HB 103 was adopted by voice vote.

Representative West made a comment.

The roll call on HB 103 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Davis, Maier - 2.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 103 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 140, jointly sponsored by Senator Sokola & Representatives Spence, Cloutier, DiPinto, Lofink & Wagner & Senators Vaughn & Amick, before the House for consideration.

HB 140 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors. (F/N)

Representatives Roy, Davis, Ewing, Bunting, Roy, West, Gilligan, Roy, VanSant, Ewing, Boulden, Roy & Bunting made comments.

The roll call on HB 140 was taken and revealed:

YES: 20.

NO: Representatives Banning, Brady, Buckworth, Bunting, Carey, Caulk, Davis, DiLiberto, B. Ennis, Ewing, Fallon, Lee, Mack, Maier, Maroney, Reynolds, Schroeder, Smith, West - 19.

NOT VOTING: Representative D. Ennis - 1.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority, HB 140 was declared defeated.

Representative Roy brought HB 177 w/HA 1 & 2, jointly sponsored by Representatives Lofink & Schroeder & Senators Venables, Voshell, Cook & Amick, before the House for consideration.

HB 177 - An Act to Amend Title 2, Delaware Code, by Adding Thereto a New Chapter Authorizing a Public-Private Initiatives Program in Transportation and Establishing a Revolving Loan Fund to Finance Such Program. (3/5 bill)(F/N)

Representative Roy made a comment.

Representative Roy moved to lift HB 177 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HA 3 to HB 177. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy introduced and brought HA 3 to HB 177 before the House for consideration.

Representatives Roy, Caulk, Bunting, Ewing, Gilligan, Roy, West, Davis, VanSant, Maier & Roy made comments.

Representative Roy requested and was granted the privilege of the floor for Kathy Karsnitz, representing DELDOT.

Representatives Maier & Jonkiert made comments.

HA 3 was adopted by voice vote.

Representatives Caulk & Roy made comments.

The roll call on HB 177 w/HA 1,2 & 3 was taken and revealed:

YES: 38.

NO: Representative West - 1.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 177 w/HA 1,2 & 3 was sent to the Senate for concurrence.

Mr. Speaker Spence introduced a guest.

Representative Petrilli deferred to Representative Scott.

Representative Scott brought HB 87, jointly sponsored by Representatives Banning, Brady, Bunting, Capano, DiLiberto, DiPinto, B. Ennis, Ewing, George, Gilligan, Houghton, Jonkiert, Plant, Quillen, Schroeder, Ulbrich, VanSant & West & Senators Adams, Henry, Sorenson, Vaughn & Voshell, before the House for consideration.

HB 87 - An Act to Amend Title 11, Delaware Code Relating to Enhanced Penalties for Offenses of Theft Committed Against Senior Citizens. (F/N)

Representative Scott made comments.

Representative Ewing brought HA 1 to HB 87 before the House for consideration.

Representative Ewing made a comment.

HA 1 was adopted by voice vote.

Representative Scott made a comment.

The roll call on HB 87 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Oberle - 2.

Therefore, having received a constitutional majority, HB 87 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 107, jointly sponsored by Senator Sokola, before the House for consideration.

HB 107 - An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to the Regulation of Private Employment Agencies.

Representative Smith made a comment.

Representative Smith brought HA 1 to HB 107 before the House for consideration.

Representative Smith made a comment.

HA 1 was adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle made comments.

Representative Smith requested and was granted the privilege of the floor for Carol Ellis, Director, Division of Professional Regulation.

Representatives Oberle, Davis, DiLiberto & Smith made comments.

Representative Smith moved to place HB 107 w/HA 1 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 181, jointly sponsored by Senator McDowell, before the House for consideration.

HB 181 - An Act to Amend Chapter 1, Title 13, Delaware Code to Provide for the Establishment of a Marriage License Surcharge for the Delaware Children's Trust Fund.

Representative Maroney made comments.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representatives Fallon, Maroney & Houghton made comments.

Representative Maroney moved to place HB 181 on the Speaker's table. The motion was seconded by Representative Mack and adopted by voice vote.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 112, jointly sponsored by Senators Voshell & Bair, before the House for consideration.

HB 112 - An Act to Amend Chapter 1, Title 17, Delaware Code Relating to Sale of Real Property.

Representative Smith made a comment.

Representative Smith brought HA 1 to HB 112 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Smith, Davis, Gilligan, Welch, Smith & Boulden made comments.

The roll call on HB 112 w/HA 1 was taken and revealed:

YES: 26.

NO: Representatives Boulden, Caulk, Jonkiert, Welch - 4.

NOT VOTING: Representatives Bunting, Davis, DiLiberto, B. Ennis, Fallon, Gilligan, Houghton, Schroeder, VanSant - 9.

ABSENT: Representatives George, Quillen - 2.

Therefore, having received a constitutional majority, HB 112 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HB 171, jointly sponsored by Senators Sharp & Sokola & Representatives Boulden, Buckworth, Carey, Cloutier, Davis, DiPinto, Ewing, Mack, Stone, Wagner, Brady, Bunting, Jonkiert, Plant & VanSant & Senators Adams, Vaughn, Voshell, Connor, Hauge & Still, before the House for consideration.

HB 171 - An Act to Amend Title 11, Delaware Code, Relating to Crimes and Criminal Procedure.

(2/3)(F/N)

Representative Spence brought HA 1 to HB 171 before the House for consideration.

Representative Spence made a comment.

HA 1 was adopted by voice vote.

Representatives Spence & Caulk made comments.

Representative Spence requested and was granted the privilege of the floor for Steve Wood, representing the Department of Justice.

Representatives Caulk, Wagner, Davis, Plant, Spence & West made comments.

The roll call on HB 171 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Quillen - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 171 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Banning introduced HB 260, jointly sponsored by Representative B. Ennis & Senator Vaughn.

HB 260 - An Act to Amend Title 14 of the Delaware Code Relating to Additional State Funding for Local School Districts Experiencing Abnormal Student Enrollment Growth.

Mr. Speaker Spence assigned HB 260 to the Education Committee.

Representative Petrilli deferred to Representative Lee.

Representative Lee made comments regarding the Boot Camp Task Force report.

Representative Petrilli brought HB 66 w/HA 1 & SA 1, sponsored by Representative Roy & Senator Cook & Representative Brady & Senator Bair, before the House for concurrence on SA 1.

HB 66 - An Act to Amend Titles 16 and 26 of the Delaware Code Relating to the Regulation of Public Water Suppliers. (2/3 bill)

Representative Petrilli deferred to Representative Roy.

Representatives Roy & Davis made comments.

The roll call on HB 66 w/HA 1 & SA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representative Cloutier - 1.

ABSENT: Representatives George, Quillen, Oberle - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 66 w/HA 1 & SA 1 was sent to the Governor.

Representative Petrilli brought HB 129 w/HA 2 & SA 1, sponsored by Representatives Carey, Bunting & Schroeder & Senator Venables, before the House for concurrence on SA 1.

HB 129 - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

Representative Petrilli made a comment.

The roll call on HB 129 w/HA 2 & SA 1 was taken and revealed:

YES: 37.

NO: Representative West - 1.

ABSENT: Representatives George, Oberle, Quillen - 3.

Therefore, having received a constitutional majority, HB 129 w/HA 2 & SA 1 was sent to the Governor.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 66 w/HA 1 & SA 1 & HB 67.

Mr. Speaker Spence declared a recess at 5:30 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:34 p.m.

Representative Petrilli deferred to Representative Mack.

Representative Mack moved to restore HB 140. The motion was seconded by Representative Petrilli and adopted by voice vote.

HB 140 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors. (F/N)

Representative Roy moved to place HB 140 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Mr. Speaker Spence reassigned HB 260 to the Appropriations Committee.

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

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

LABOR: HB 84 - 5M; HB 167 - 5M; HB 201 - 5M; SB 142 - 5M.

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

37th LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
June 6, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 128 w/SA 1, SB 101, SB 168 w/SA 1, SB 151, SB 175, SJR 6, HB 113, HB 69 w/HA 1 & 2, SB 204, HB 52 & HB 105.

June 1, 1995

LEGISLATIVE ADVISORY #15

Governor Thomas R. Carper signed the following legislation on the date indicated: 6/01/95: SB 60 aab SA 2, SB 13 aab SA 2, HB 250.

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.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative DiPinto - 1.

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

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

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

The following prefiled legislation was introduced:

HB 261 - PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, BANNING, BRADY, BUNTING, B. ENNIS, HOUGHTON, JONKIERT, PLANT & WEST; SENATORS SOKOLA, BONINI, HAUGE, HENRY, REED, SORENSON, STILL - APPRO: An Act Proposing an Amendment to Article VIII of the Delaware Constitution of 1897, as Amended, Relating to Revenue and Taxation. (2/3 bill)

HB 262 - ROY, LOFINK & SENATOR SOKOLA - SM BUS: An Act to Amend Title 6 of the Delaware Code Relating to Residential Heating Systems.

HB 263 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES DAVIS, DILIBERTO - HEALTH & HUM DEV: An Act to Amend Chapters 11 and 51 of Title 16 of the Delaware Code, Relating to Mental Health.

HB 264 - D. ENNIS & SENATOR CORDREY; REPRESENTATIVES CAPANO, DIPINTO, SMITH, STONE, WAGNER; SENATOR ADAMS - ECON DEV, B & I: An Act to Amend Chapter 61, Title 12, Delaware Code, Relating to the Allocation of Trust Income and Principal.

HB 265 - RESERVED.

HB 266 - SMITH & STONE & JONKIERT & SENATOR MCDOWELL - R & F: An Act to Amend Chapter 55, Title 30 of the Delaware Code Relating to Public Utilities.

HB 267 - BANNING & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAULK, B. ENNIS, EWING, HOUGHTON, JONKIERT, LOFINK, OBERLE, PLANT, REYNOLDS, SCOTT, VANSANT; SENATORS ADAMS, BLEVINS, COOK, HENRY, SOKOLA, VOSHELL - TRANS & INFRA: An Act to Amend Chapters 30, 48 and 68, Title 9 of the Delaware Code Relating to Subdivisions and Roads.

HB 268 - LOFINK, OBERLE, SMITH; SENATORS VOSHELL, CONNOR - TRANS & INFRA: An Act to Amend Chapter 40, Title 7 of the Delaware Code Relating to Storm Water Plan Approvals for Work on or Adjacent to a State Right-of-Way. (3/5 bill)



HB 269 - LOFINK, OBERLE, SMITH; SENATORS VOSHELL, CONNOR - TRANS & INFRA: An Act to Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Carrier Fuel Tax Surety Bonds.

HB 270 - LOFINK, OBERLE, SMITH; SENATORS VOSHELL, CONNOR - TRANS & INFRA: An Act to Amend Chapters 30, 48 and 68, Title 9, Delaware Code, Providing for Rules and Regulations Governing Plan Approval and Maintenance of Public Streets in Subdivisions.

HB 271 - ROY, LOFINK, SMITH, OBERLE; SENATORS SOKOLA, VOSHELL, SORENSON - TRANS & INFRA: An Act to Amend Title 17 of the Delaware Code Relating to the Disposition of State-Owned Property.

HA 1 to HB 124 - DIPINTO - READY LIST: Placed with the bill.

HA 4 to HB 179 - ULBRICH - AGENDA: Placed with the bill.

HA 1 to HB 208 - GEORGE - AGENDA: Placed with the bill.

HA 1 to HB 221 - MACK - READY LIST: Placed with the bill.

HA 1 to HB 227 - ULBRICH - AGENDA: Placed with the bill.

HA 1 to HB 241 - MACK - AGENDA: Placed with the bill.

HA 1 to HB 245 - D. ENNIS & SENATOR CORDREY; REPRESENTATIVES CAPANO, DIPINTO, SMITH, STONE, WAGNER; SENATOR ADAMS - ECON DEV, B & I: Placed with the bill.

HA 1 to HB 246 - CLOUTIER - R & F: Placed with the bill.

HJR 10 - ROY & LOFINK - TRANS & INFRA: Urging the Governor to Lend His Support for the Passage of S. 733, the Intercity Rail Investment Act.

SB 101 - BAIR & REPRESENTATIVE CAREY & SENATOR MCBRIDE; REPRESENTATIVES D. ENNIS, CAULK, BRADY, SCHROEDER - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)(F/N)

SB 128 w/SA 1 - BLEVINS & SORENSON & REPRESENTATIVE CAPANO; SENATORS MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, VOSHELL, BAIR, AMICK, HENRY, HAUGE, REED; REPRESENTATIVES EWING, DILIBERTO, GEORGE, GILLIGAN, VANSANT, SCOTT, PLANT, HOUGHTON, B. ENNIS, BRADY, DAVIS, DIPINTO, LOFINK, MAJER, STONE, SMITH, SPENCE & WAGNER - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to the Unfair Insurance Practice of Discrimination by Insurance Companies Based on an Individual's Status as a Victim of Domestic Violence.

SB 151 - SHARP & REPRESENTATIVE DILIBERTO - JUD: An Act to Amend Title 6 of the Delaware Code to Provide for Voluntary Alternative Dispute Resolution.

SB 168 w/SA 1 - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Benefits.

SB 175 - SHARP & REPRESENTATIVE ROY; SENATORS VAUGHN, ADAMS; REPRESENTATIVES EWING, PLANT - JUD: An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

SB 204 - VAUGHN & SHARP; REPRESENTATIVES OBERLE & SPENCE; SENATORS MCBRIDE, STILL - LABOR: An Act to Amend Title 7 of the Delaware Code Relating to Shellfish Licenses. (2/3 bill)

SJR 6 - CONNOR, MARSHALL, VENABLES, VAUGHN, VOSHELL, COOK; REPRESENTATIVES SPENCE, DAVIS - TRANS & INFRA: Establishing a Task Force to Consider the Feasibility of Business Logo Signs on Delaware Highways.

Representative Ewing was granted personal privilege of the floor for a comment.

Representative Davis requested that he be marked present.

Mr. Speaker reassigned SB 101 to the Natural Resources Committee.

Representative Cloutier requested that he be marked present.

Representative Quillen introduced HB 272.

HB 272 - An Act to Amend Title 10, Title 21 and Title 29 of the Delaware Code Relating to Child Support Enforcement.

Mr. Speaker assigned HB 272 to the Health & Human Development Committee.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative J. B. Ewing, Do Hereby Request That My Name Be Removed as Co-Sponsor of HB 259.

Date: June 6, 1995

Signed: J. B. Ewing

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, V. George Carey, Do Hereby Request That My Name Be Removed as Co-Sponsor of HB 259.

Date: June 6, 1995

Signed: V. George Carey

HOUSE TRIBUTE ANNOUNCEMENT #29

DATE: June 6, 1995

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

| Number   | Sponsor  | Presentation Date | Type | Description                                         |
|----------|----------|-------------------|------|-----------------------------------------------------|
| H138-468 | Stone    | 5/18/95           | T    | E. Stuart Outten, Jr./Small Business Person of Year |
| H138-469 | Maier    | 5/15/95           | T    | Dwight Steele/50th Birthday                         |
| H138-470 | Scott    | 7/07/95           | T    | 10th Annual Haneef's African Festival & Parade      |
| H138-471 | Roy      | 6/14/95           | T    | Nora Knott/100th Birthday                           |
| H138-472 | B. Ennis | 6/08/95           | T    | Virgina M. Morris/60th Birthday                     |
| H138-473 | B. Ennis | 5/30/95           | T    | Virginia H. Kooker/<br>Employee of Month/Kent Cty.  |
| H138-474 | Carey    | 6/06/95           | T    | Richard McCarty/Devotion to Kent-Sussex Industries  |
| H138-475 | Carey    | 6/06/95           | T    | Ken Thompson/KSI/<br>/Employee of 4th Quarter/1994  |
| H138-476 | Carey    | 6/06/95           | T    | Cindy Millman/KSI<br>/Employee of 3rd Quarter/1994  |
| H138-477 | Carey    | 6/06/95           | T    | Lisa Littleton/KSI/Employee of 2nd Quarter/1994     |
| H138-478 | Carey    | 6/06/95           | T    | Betty Humphries/KSI<br>/Employee of Year/1994       |
| H138-479 | Carey    | 6/06/95           | T    | Anita Greenlee/KSI/<br>1994 Employee of Year        |
| H138-480 | Oberle   | 5/31/95           | M    | Joe Alton Lawson                                    |
| H138-481 | Carey    | 6/06/95           | T    | Tom Lyons/KSI/<br>Employee of Year/'94              |
| H138-482 | VanSant  | 6/02/95           | T    | Ciba-Geigy Ltd./World Environment Center Gold Medal |
| H138-483 | Wagner   | 6/01/95           | T    | Derek D. Parra/'94 Roller Skating Athlete of Year   |
| H138-484 | Fallon   | 5/21/95           | T    | Louise Amick/Teaching Award Washington College      |
| H138-485 | Brady    | 5/13/95           | T    | Melissa Lyn Sareyka/<br>Grad./Wilmington College    |

T - Tribute

M - Memoriam

Mr. Speaker introduced guests.

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

The House reconvened at 4:54 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 38, SB 186, SB 147, SB 180, SB 208, SB 37, SB 1 to SB 9 & HB 121.**

The following legislation was given it's first reading and assigned to the Economic Development, Banking & Insurance Committee:

**SB 180** - VAUGHN; REPRESENTATIVE B. ENNIS - An Act to Amend Title 18 of the Delaware Code Relating to the Investments of Domestic Insurers.

**SB 186** - VAUGHN; REPRESENTATIVES D. ENNIS, SCOTT - An Act to Amend Chapter 27, Title 18 of the Delaware Code Relating to Insurance Contracts to Require the Filing of Forms by Out of State Insurers Doing Business in Delaware.

Representatives Mack & Reynolds requested that they be marked present.

**SB 208** - VAUGHN; REPRESENTATIVE D. ENNIS - An Act to Amend Title 18, Chapter 69 of the Delaware Code Relating to the Authority of an Association or Industrial Insured Captive Insurance Company.

Representative Schroeder requested that he be marked present.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth requested that action on **HB 179** be Deferred to a Day Certain, Thursday, June 8, 1995.

Representative Petrilli brought **HS 1** for **HB 79**, jointly sponsored by Senator Sharp & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators McBride, Sokola, Vaughn, Voshell, Bair, Bonini, Connor, Henry, Reed & Sorenson, before the House for consideration.

**HB 79** - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Establishment of the Delaware Center for Educational Technology. (F/N)

Representative Petrilli made a comment.

Representative Davis introduced and brought **HA 1** to **HS 1** for **HB 79** before the House for consideration.

Representative Brady requested that he be marked present.

Representatives Davis, Gilligan, Petrilli & Bunting made comments.

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

Representative Petrilli introduced and brought HA 2 to HS 1 for HB 79 before the House for consideration.

Representative Petrilli made a comment.

HA 2 was adopted by voice vote.

Representatives Petrilli, George, Plant, Petrilli, Fallon, Bunting, Davis & Petrilli made comments.

Representative Petrilli requested and was granted the privilege of the floor for Sarah Jackson, Secretary of Finance.

Representative Petrilli made comments.

Representative Davis introduced and brought HA 3 to HS 1 for HB 79 before the House for consideration.

Representative Davis made a comment.

HA 3 was adopted by voice vote.

Representatives Banning, Smith, Wagner, Petrilli, Davis, George & Petrilli made comments.

Representative Petrilli moved to place HS 1 for HB 79 w/HA 1,2 & 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich brought HB 227, jointly sponsored by Representatives Spence, Petrilli, Boulden, Buckworth, Capano, Carey, Cloutier, Ewing, Lee, Lofink, Maier, Oberle, Reynolds, Roy, Smith, Stone, Welch, Bunting & Houghton & Senator Blevins, before the House for consideration.

HB 227 - An Act to Amend Title 11 of the Delaware Code Relating to the Department of Correction.

Representative Ulbrich brought HA 1 to HB 227 before the House for consideration.

Representatives Ulbrich, VanSant, Houghton & Jonkiert made comments.

Representative Ulbrich requested and was granted the privilege of the floor for Philip Morgan, Warden, Plummer Work Education Release Center.

Representatives Jonkiert, Ulbrich, Houghton, West, Davis, Jonkiert & VanSant made comments.

HA 1 was adopted by voice vote.

The roll call on HB 227 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 227 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HS 1 for HB 79 w/HA 1,2 & 3 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought HS 1 for HB 79 w/HA 1,2 & 3, jointly sponsored by Senator Sharp & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators McBride, Sokola, Vaughn, Voshell, Bair, Bonini, Connor, Henry, Reed & Sorenson, before the House for consideration

HB 79 - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Establishment of the Delaware Center for Educational Technology. (F/N)

Representative Gilligan introduced and brought HA 4 to HS 1 for HB 79 before the House for consideration.

Representatives Gilligan & Petrilli made comments.

HA 4 was adopted by voice vote.

The roll call on HS 1 for HB 79 w/HA 1,2,3 & 4 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HS 1 for HB 79 w/HA 1,2,3 & 4 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 102 w/SA 1 & 4, jointly sponsored by Senators Blevins & Cordrey & Representative Spence & Senators Adams, Amick, Bair, Bonini, Connor, Cook, Hauge, Reed, Sokola, Sorenson, Still, Venables & Voshell & Representatives Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, VanSant, Maier, Davis, Lofink, DiPinto, Capano, Oberle, Ulbrich & Ewing, before the House for consideration.

SB 102 - An Act to Amend Title 31 of the Delaware Code Relating to Welfare Reform. (F/N)

Representative Maroney made comments.

Representative Cloutier introduced and brought HA 1 to SB 102 before the House for consideration.

Representatives Cloutier & Smith made comments.

Representative Cloutier requested and was granted the privilege of the floor for Ruth S. Sokolowski, Executive Director, New Castle County YWCA.

Representatives Cloutier, Wagner, Davis & Cloutier made comments.

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

Representatives Houghton, Maroney & Smith made comments.

Representative Smith requested and was granted the privilege of the floor for Carmen Nazario, Secretary, Department of Health & Social Services.

Representatives Smith, Scott, Cloutier, Maroney, Fallon, Wagner, Cloutier & Banning made comments. HA 1 was defeated by voice vote.

Representative Plant requested and was granted the privilege of the floor for Carmen Nazario, Secretary, Department of Health & Social Services.

Representatives Plant, Smith & Scott made comments.

The roll call on SB 102 w/SA 1 & 4 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, SB 102 w/SA 1 & 4 was returned to the Senate.

Mr. Speaker introduced guests.

Representative Maroney brought brought HB 251, jointly sponsored by Senators Bair, Henry & Blevins & Senator McDowell, before the House for consideration.

HB 251 - An Act to Amend Title 31 of the Delaware Code and the Laws of Delaware Relating to the Employment of Welfare Recipients.

Representative Maroney made a comment.

The roll call on HB 251 was taken and revealed:

YES: 39.

NOT VOTING: Representative Scott - 1.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 251 was sent to the Senate for concurrence.

Representative Petrilli brought SCR 31, sponsored by Senators Still, Bonini & Cook & Representatives Wagner, Welch & Stone, before the House for consideration.

SCR 31 - Extending Congratulations and Best Wishes to Derek D. Parra of Dover, Delaware On His Achievements in the Pan Am Games.

SCR 31 was adopted by voice vote and returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 7:15 p.m.

38th LEGISLATIVE DAY  
138th GENERAL ASSEMBLY  
First Session  
June 7, 1995

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 189 w/SA 1, SB 104, SB 75, HB 178 w/HA 1 & 2 & SA 1 & SB 176 w/SA 2.

MEMORANDUM

TO: SPEAKER OF THE HOUSE TERRY R. SPENCE

FROM: REPRESENTATIVE BRUCE C. REYNOLDS

RE: ABSENCE FROM SESSION

DATE: JUNE 6, 1995

Please be advised that due to personal business, I will be absent from session June 8, 1995.

Mr. Speaker reassigned HB 261 to the Revenue & Finance Committee.

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

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

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives DiPinto, Ulbrich - 2.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 135 - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST; SENATORS MCBRIDE, CONNOR - APPRO: An Act to Amend Title 14 of the Delaware Code Relating to the Comprehensive School Discipline Program.

**HB 273** - ROY; SENATOR SOKOLA - SM BUS: An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors.

**HB 274** - ROY - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Unit Properties and Restrictions of the Display of Flags.

**HB 275** - REYNOLDS & SMITH - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Salaries and Working Conditions of School Employees.

**HB 276** - CAPANO; SENATOR BLEVINS - ECON DEV, B & I: An Act to Amend Section 2708, Title 18 of the Delaware Code, Relating to Consent of Insured in Life, Health Insurance.

**HB 277** - B. ENNIS & SENATOR BLEVINS; REPRESENTATIVES BANNING, BOULDEN, BRADY, BUCKWORTH, BUNTING, CAPANO, CAREY, CLOUTIER, DILIBERTO, DIPINTO, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, LOFINK, MACK, MAIER, OBERLE, PLANT, QUILLEN, EWING, REYNOLDS, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST; SENATORS BONINI, CONNOR, MCBRIDE, MCDOWELL, REED, SOKOLA, STILL, VAUGHN, VOSHELL - HEALTH & HUM DEV: An Act to Amend Chapters 97 and 98, Title 16, Delaware Code Relating to Emergency Medical Services and Paramedic Services.

**HA 1 to HB 93** - ROY - HEALTH & HUM DEV: Placed with the bill.

**HJR 11** - FALLON & SENATORS SORENSON, BAIR, HAUGE, AMICK, REED, CONNOR, STILL, BONINI - ED: Congratulating the 1995 First State Constitutional Scholarship Recipients.

**SS 1 to SB 9** - MCBRIDE & REPRESENTATIVE OBERLE - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Special Animal Welfare License Plates. (3/5 bill)(F/N)

**SB 37** - SORENSON & BLEVINS; REPRESENTATIVES CAPANO & MARONEY; SENATOR VOSHELL; REPRESENTATIVES ROY, EWING - JUD: An Act to Amend Chapter 21, Title 13 of the Delaware Code Relating to the Domestic Violence Coordinating Council.

**SB 38** - SORENSON & BLEVINS; REPRESENTATIVES CAPANO & MARONEY; SENATORS VOSHELL, BAIR, SOKOLA, MARSHALL; REPRESENTATIVES ROY, EWING, DIPINTO, WAGNER, BRADY, GILLIGAN, JONKIERT - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Assault in the Second Degree.

**SB 75** - HENRY, SOKOLA & MARSHALL, BAIR, STILL, REED, HAUGE, BONINI, SORENSON, BLEVINS, MCDOWELL; REPRESENTATIVES PLANT, SCOTT, MARONEY - ED: An Act Concurring in a Proposed Amendment to §2 Article X of the Delaware Constitution Relating to Eliminating the Unconstitutional Requirement of Racially Segregated Schools. (2/3 bill)

**SB 104** - AMICK, BAIR, REED, SORENSON, SOKOLA; REPRESENTATIVES WELCH, ULBRICH - JUD: An Act to Amend Title 13 of the Delaware Code Relating to Custody Disputes Between a Natural Parent and a Stepparent Upon the Death or Disability of the Custodial or Primary Placement Parent.

**SB 147** - VAUGHN & REPRESENTATIVE ROY - JUD: An Act to Amend Chapter 23, Title 12, Delaware Code, Relating to the Effect of Manslaughter or Murder on Intestate Succession, Wills, Joint Assets, Life Insurance and Beneficiary Designations.

**SB 176 w/SA 2** - BLEVINS & REPRESENTATIVE MARONEY; SENATORS MARSHALL, MCBRIDE, SOKOLA, VOSHELL, AMICK; REPRESENTATIVES CAPANO, MAIER, ULBRICH, BANNING, HOUGHTON, JONKIERT, SCOTT - HEALTH & HUM DEV: An Act to Amend Title 24, Chapter 17 of the Delaware Code Relating to the Board of Medical Practice. (2/3 bill)

**SB 189 w/SA 1** - SOKOLA & REPRESENTATIVE WAGNER; SENATOR BLEVINS; REPRESENTATIVES CLOUTIER, DIPINTO, EWING, MARONEY, ROY, STONE & SPENCE - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Arbitration of Homeowners' Insurance Claims. (F/N)

Representative Fallon was granted personal privilege of the floor for the introduction of a guest.  
Representative Lee requested that he be marked present.

Representative Welch was granted personal privilege of the floor for the introduction of a guest.  
The Reading Clerk read the following communication into the record:

June 7, 1995

Dear Speaker Spence,

I will be unable to be present for House of Representative business on Wednesday, June 7, 1995 due to a family medical emergency.

Thank you.

Sincerely,  
Stephanie A. Ulbrich  
State Representative  
25th District

SAU:dmd

cc: JoAnn Hedrick

Representative Petrilli deferred to Representative Carey.

Representative Carey requested that action on **HB 222** be Deferred to a Day Certain, June 8, 1995.

The Reading Clerk read the following communication into the record:  
HOUSE TRIBUTE ANNOUNCEMENT #30

DATE: June 7, 1995

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

| Number   | Sponsor | Presentation Date | Type | Description                                                       |
|----------|---------|-------------------|------|-------------------------------------------------------------------|
| H138-486 | Mack    | 6/16/95           | T    | Matthew C. Smith/Eagle Scout                                      |
| H138-487 | Mack    | 6/16/95           | T    | J. Jeffery Madonna/Eagle Scout                                    |
| H138-488 | VanSant | 6/10/95           | T    | Karl K. Kunkle/Eagle Scout                                        |
| H138-489 | Mack    | 6/16/95           | T    | Michael W. Kempista/Eagle Scout                                   |
| H138-490 | Capano  | 6/02/95           | T    | Diana Dickson-Witmer, M.D./95<br>Girls Incorporated Award         |
| H138-491 | Banning | 6/03/95           | T    | Amber Lynette Banning/<br>Graduation/Middletown High              |
| H138-492 | Banning | 6/02/95           | T    | Michael Alexander Banning/<br>Honor Roll/William Penn High        |
| H138-493 | Banning | 6/02/95           | T    | Ashely Banning/Grad.<br>/Kindergarten With Honors                 |
| H138-494 | Oberle  | 6/01/95           | T    | William Newell Fields/<br>Graduation/Glasgow High School          |
| H138-496 | Carey   | 6/17/95           | T    | Rev. Grace Batten/25 Yrs.<br>Service/Mt. Zion Holy Church         |
| H138-497 | Oberle  | 6/12/95           | T    | Bonnie Lauren Butkiewicz/<br>Graduation/Sterck School             |
| H138-498 | Oberle  | 6/12/95           | T    | Michael R. Hubbard/Graduation/<br>Margaret S. Sterck School       |
| H138-499 | Oberle  | 6/12/95           | T    | Donna Lewetta Miller/<br>Graduation/Sterck School                 |
| H138-500 | Oberle  | 6/12/95           | T    | Kai-ee D. El-Shabazz/Graduation/<br>Margaret S. Sterck School     |
| H138-501 | Fallon  | 5/25/95           | T    | Sue Wile/John A. Moore, Jr.<br>Community Service Award            |
| H138-502 | Fallon  | 5/25/95           | T    | Edith Villasenor/Athena Award/<br>Successful Prof. Business Woman |
| H138-503 | Quillen | 6/13/95           | T    | Judy Holmes/Lake Forest School<br>Bus Driver of Year              |
| H138-504 | VanSant | 6/16/95           | T    | Robert T. Turcol/Eagle Scout                                      |

T - Tribute

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

The House reconvened at 5:18 p.m.

Mr. Speaker assigned **HB 207** to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

June 7, 1995

Dear Speaker Spence,

I request to be excused from session on Wednesday, June 14th, and Thursday, June 15th. I will be at the University of North Carolina at a Leadership College for Legislators, sponsored by the National Foundation for Women Legislators.

Thank you.

Very truly yours,  
Deborah H. Capano  
State Representative  
12th District

DHC:dmd

cc: JoAnn Hedrick

Representatives Cloutier & George requested that they be marked present.

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

JUD: **HB 218** - 8M; **HB 219** - 8M; **SB 87 w/SA 1** - 8M; **SB 92 w/SA 1** - 8M; **SB 109** - 7M; **SB 111** - 7  
**SB 114** - 7M; **SB 151** - 7M; **SB 175** - 7M.

P/S: **HB 252** - 7M; **SB 51 w/SA 2 & 4** - 8M; **SB 113 w/SA 1** - 7M; **SB 188** - 7M.

H/ADM: **HB 168** - 5M; **HB 196** - 5M; **HB 256** - 5M; **HJR 9** - 5M; **SB 140** - 5M.

NAT RES: **SB 101** - 3F,1M; **SJR 11** - 2F,2M.

APPRO: **HS 1/HB 135** - 2F,2M; **HS 1/HB 144** - 1F,3M; **HB 194** - 1F,3M.