

HB 243 - An Act to Amend Chapter 9, Title 10, of the Delaware Code Relating to Exclusive Original Criminal Jurisdiction of the Family Court.

The roll call on HB 243 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Holloway, Roy - 3.

Therefore, having received a constitutional majority, HB 243 was sent to the Senate for concurrence. Representative Riddagh brought HB 245, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 245 - An Act to Amend Title 11, Section 1336 of the Delaware Code Relating to Wiretapping and Electronic Surveillance.

Representative Riddagh requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HB 245 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, George, Plant - 5.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 245 was sent to the Senate for concurrence. Representative Riddagh brought HB 246, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 246 - An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

Representative Riddagh requested and was granted the privilege of the floor for House Attorney Gerald Street.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 3:49 p.m. The House reconvened at 3:54 p.m.

The roll call on HB 246 was taken and revealed:

YES: Representative Riddagh - 1.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Holloway, Jester, Petrilli - 3.

Therefore, not having received a constitutional majority, HB 246 was declared defeated.

Representative Riddagh brought HB 248, jointly sponsored by Senator Vaughn, co-sponsored by Representatives Harrington & Buckworth, before the House for consideration.

HB 248 - An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Deadly Weapons and Dangerous Instruments.

Representative Riddagh brought HA 1 to HB 248 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 248 w/HA 1 was taken and revealed:

YES: Representatives Bennett, Buckworth, Burris, Cathcart, Corrozi, Darling, Edwards, Free, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Riddagh, Roy, Soles, Spence, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Brady, Cain, Campanelli, Cordrey, Derrickson, Dixon, Ennis, Gilligan, Plant, Powell, Sincock, Smith, Van Sciver, West - 15.

NOT VOTING: Representatives Barnes, Fallon, George - 3.

ABSENT: Representatives Holloway, Petrilli - 2.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

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

Therefore, having received a constitutional majority, HB 248 w/HA 1 was sent to the Senate for concurrence.

Representative Powell brought HB 196 before the House for consideration.

HB 196 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Definition of Resident Individual for Personal Income Tax Purposes, and to Clarify the Deduction for Taxes Paid to a Foreign Country.

The roll call on HB 196 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, - 37.

NO: Mr. Speaker Hebner - 1.

NOT VOTING: Representatives Bennett, Campanelli - 2.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 196 was sent to the Senate for concurrence. Representative Sincok brought HB 257 before the House for consideration.

HB 257 - An Act to Amend Section 7309, Chapter 73, Title 6 of the Delaware Code Relating to the Delaware Securities Act.

Representative Sincok brought HA 1 to HB 257 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 257 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 257 w/HA 1 was sent to the Senate for concurrence.

Representative Sincok brought HB 258 before the House for consideration.

HB 258 - An Act to Amend Chapter 73, Title 6 of the Delaware Code Relating to the Delaware Securities Act.

The roll call on HB 258 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Roy - 2.

Therefore, having received a constitutional majority, HB 258 was sent to the Senate for concurrence.

Representative Derrickson brought HB 253 before the House for consideration.

HB 253 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Passing Stopped School Busses. (2/3 bill)

The roll call on HB 253 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 253 was sent to the Senate for concurrence.

Representative Ennis requested that action on HB 291 be deferred to a Day Certain, Tuesday, June 9, 1981.

Representative Ennis brought HB 265, jointly sponsored by Representatives George, Maroney, Petrilli, Cathcart, Free, Brady, Smith, Edwards, Mack; Senators Berndt & Holloway, before the House for consideration.

HB 265 - An Act to Amend Chapter 18, Title 14, of the Delaware Code Relating to the Creation of an Educational Management Advisory Committee.

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

The roll call on HB 265 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Cain, Campanelli, Darling, Jester, Minner, Oberle, Soles - 8.

NOT VOTING: Representatives Bennett, Cordrey, Plant - 3.

ABSENT: Representatives Holloway, West - 2.

Therefore, having received a constitutional majority, HB 265 was sent to the Senate for concurrence.

Representative Brady moved to suspend the rules which interfere with introduction of and action on HR 62. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Brady introduced and brought HR 62, jointly sponsored by Representative Sincok, before the House for consideration.

HR 62 - Congratulating the Reverend Monsignor Paul J. Taggart, Vicar General of Wilmington and Pastor of St. Ann's Church, on the 30th Anniversary of His Ordination to the Priesthood.

HR 62 was adopted by voice vote.

Representative Oberle introduced HB 357, jointly sponsored by Representatives Gilligan, Cain, Cathcart, Powell, Anderson; Senators Sharp, Knox & Marshall.

HB 357 - An Act to Amend Chapter 13, Title 19, and Chapter 40, Title 14 and Chapter 85, Title 29 of the Delaware Code Relating to the Right of Public Employees to Organize for Purposes of Collective Bargaining.

Mr. Speaker assigned HB 357 to the Administrative Services Committee.

Mr. Speaker re-assigned HB 313 to the Administrative Services Committee.

Representative Powell requested that HB 188 be stricken.

Representative Plant requested that HB 315 be stricken.

Representative Barnes requested that HJR 17 be stricken.

Representative Petrilli moved to recess to the call of the Chair at 5:25 p.m.

38th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

June 9, 1981

The Speaker called the House to order at 1:47 p.m.

The Majority Leader moved to adjourn at 1:48 p.m., thereby ending the previous legislative day. The House reconvened at 1:49 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Buckworth, Edwards - 2.

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

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

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

The following prefiled legislation was introduced:

HB 358 - SPENCE, BARNES, CATHCART, CORROZI, ENNIS, DARLING, DIXON, JONKIERT; SENATORS ARNOLD, BERNDT, LITTLETON - ED: An Act to Amend Chapter 41, Title 14, Delaware Code, Relating to Balanced Treatment of Creation Science and Evolution Science in Public Schools of This State.

HB 359 - POWELL - R&F: An Act to Amend Chapter 52, Title 30, Delaware Code Relating to the Motor Carrier Fuel Purchase Law.

HB 360 - POWELL; SENATOR ADAMS - R&F: An Act to Amend Chapter 663, Volume 60, Laws of Delaware, as Amended by Chapter 400, Volume 62, Relating to Pension Benefits of Corrections Officers.

HB 361 - POWELL - R&F: An Act to Amend Chapter 52, Title 30, of the Delaware Code Relating to the Motor Carriers Fuel Purchase Law. (3/5 bill)

HB 362 - POWELL - R&F: An Act to Amend Chapter 51, Title 30, of the Delaware Code Relating to the Motor Fuel and Special Fuel Tax Law. (3/5 bill)

HB 363 - VAN SCIVER; SENATOR CITRO - R&F: An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to Withdrawal of Pension Contributions.

HB 364 - RIDDAGH, DERRICKSON, HARRINGTON, POWELL, SMITH; SENATORS SHARP, ARNOLD - R&F: An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

HB 365 - EDWARDS, MARONEY, GILLIGAN, MINNER; SENATORS HOLLOWAY, NEAL, MCBRIDE, LITTLETON - H/SS: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Nursing and Schools of Nursing.

HB 366 - BRADY; SENATOR MCDOWELL; REPRESENTATIVES BARNES, JONKIERT, SMITH, SOLES; SENATORS BAIR, CONNOR, MARSHALL, VAUGHN - H/ADM: An Act to Amend Titles 24 and 28 of the Delaware Code Implementing Recommendations of the Sunset Committee Relating to Certain State Boards and Commissions. (2/3 bill)

HB 367 - RIDDAGH; SENATOR COOK - JUD: An Act to Amend Chapter 87, Title 10 of the Delaware Code Relating to Court, County and Other Public Offices.

HA 1 to HB 233 - SINCOCK - Placed with the bill. (Agenda)

HA 2 to HB 233 - SINCOCK - Placed with the bill. (Agenda)

HA 1 to HB 295 - BENNETT - APPRO: Placed with the bill.

HA 2 to HB 307 - FALLON - Placed with the bill. (Agenda)

HA 1 to HB 325 - FALLON - Placed with the bill. (Ready List)

SB 152 w/SA 1 - LITTLETON; REPRESENTATIVE CORDREY - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Increase the Salary of the Mayor and Members of the Town Council and to Provide for Notice to Persons Whose Names are Removed From the Books of Registered Voters. (2/3 bill)

SB 238 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code, to Clarify and Refine the Definition of Family as Said Word is Used Within the Family Court Act.

SB 241 w/SA 1 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Section 1509, Title 13, Delaware Code, Relating to Preliminary Injunctions in Divorce and Annulment Proceedings.

SB 246 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Powers and Duties of the Chief Judge of the Family Court.

SB 247 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Section 925, Title 10, Delaware Code, Giving Family Court Concurrent Jurisdiction With the Court of Chancery to Appoint Guardians of the Person Over Minors Under 18 Years of Age.

SB 283 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Family Court of the State of Delaware and Methods for Acquiring Personal Jurisdiction Over Parties.

SB 284 - SHARP, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES, CITRO, BAIR; REPRESENTATIVE RIDDAGH - JUD: An Act to Permit Family Court to Order Children Under Fourteen Years of Age to Work and Make Restitution to Repay Their Victims.

The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: SB 238, SB 241 w/SA 1; SB 246, SB 247, SB 283, SB 284, SCR 58, SB 152 w/SA 1; HB 211 w/HA 1, SA 1.
June 3, 1981

TO: Representative Charles L. Hebner
Speaker of the House
FROM: Representative James F. Edwards
RE: Absence from the House

June 9, 1981

This is to inform you that business outside the State will prevent me from being in attendance on June 9th, 1981.

Jim Edwards

JFE:zlc

Representative Van Sciver requested that HB 73 be stricken.
Representative Van Sciver requested that HB 199 be stricken.
Representative Burris moved to recess for caucus at 1:59 p.m.
The House reconvened at 3:44 p.m.

Representative Ennis brought HB 291, jointly sponsored by Representatives Hebner, Smith; Senators Bair & Berndt; co-sponsored by Representative Holloway, before the House for consideration.

HB 291 - An Act to Amend Chapter 57, Title 25, of the Delaware Code to Permit a Summary Proceeding for Possession to be Maintained Only in That Justice of the Peace Court Which Handles Civil Cases and Which is in the Same County as and is Closest to the Leased Premises.

Representative Ennis brought HA 1 to HB 291 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 291 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Harrington - 1.

ABSENT: Representatives Buckworth, Edwards, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 291 w/HA 1 was sent to the Senate for concurrence.

Representative Sincok brought HB 233 before the House for consideration.

HB 233 - An Act to Amend Chapters 51 and 55 of the Delaware Code Relating to Metering and Charges for Utility Services by Landlords.

Representative Sincok brought HA 1 to HB 233 before the House for consideration. HA 1 was adopted by voice vote.

Representative Sincok brought HA 2 to HB 233 before the House for consideration. Representative Sincok requested that HA 2 be stricken.

Mr. Speaker Hebner appointed Representative McKay as Temporary Speaker.

The roll call on HB 233 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Hebner, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Acting Speaker McKay - 33.

NO: Representatives Campanelli, Jonkiert, Plant - 3.

NOT VOTING: Representatives Anderson, Harrington, Holloway - 3.

ABSENT: Representatives Buckworth, Edwards - 2.

Therefore, having received a constitutional majority, HB 233 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the Chair.

Representative Riddagh brought HB 324, jointly sponsored by Senator Cook, before the House for consideration.

HB 324 - An Act to Amend Chapter 5, Part I, Title 29 of the Delaware Code Relating to the Display and Distribution of the State Flag.

Representative Riddagh brought HA 1 to HB 324 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 324 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Buckworth, Edwards, Ennis - 3.

Therefore, having received a constitutional majority, HB 324 w/HA 1 was sent to the Senate for concurrence.

Representative Sincok requested that action on HB 269 be deferred to a Day Certain, Thursday, June 11, 1981.

Representative Cathcart brought HB 266, jointly sponsored by Representatives Mack, Oberle, Buckworth, Derrickson, Gilligan, Spence, Corrozi, Dixon, Jester, Van Sciver; Senators Connor & McBride, before the House for consideration.

HB 266 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Emergency Vehicles.

Representative Cathcart brought HA 1 to HB 266 before the House for consideration.

Mr. Speaker Hebner appointed Representative Powell as Temporary Speaker.

HA 1 was adopted by voice vote.

The roll call on HB 266 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Acting Speaker Powell - 39.

ABSENT: Representatives Buckworth, Edwards - 2.

Therefore, having received a constitutional majority, HB 266 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the Chair.

Representative Derrickson brought SB 106 w/SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 106 - An Act to Amend An Act, Being Chapter 197, Volume 54, Laws of Delaware, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Thereof and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" Relating to the Amount Which May be Borrowed Against Anticipated Revenues. (2/3 bill)

The roll call on SB 106 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Buckworth, Burris, Edwards - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 106 w/SA 1 was returned to the Senate.

Representative Riddagh brought SB 179, sponsored by Senator Hughes, before the House for consideration.

SB 179 - An Act to Amend Chapter 7, Title 21 of the Delaware Code to Prohibit the Payment of Motor Vehicle Fines by Mail for Minors.

Mr. Speaker Hebner appointed Representative Smith as Temporary Speaker.

Representative Riddagh moved to place SB 179 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Mr. Speaker Hebner resumed the Chair.

Representative Harrington brought HB 206, jointly sponsored by Senator Citro, before the House for consideration.

HB 206 - An Act to Amend Chapter 50, Title 18 of the Delaware Code Relating to Insurance Holding Companies.

The roll call on HB 206 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Buckworth, Edwards, Smith - 3.

Therefore, having received a constitutional majority, HB 206 was sent to the Senate for concurrence.

Representative Oberle brought HB 275, jointly sponsored by Representative Roy; Senators Arnold & Martin, before the House for consideration.

HB 275 - An Act to Amend Title 21, Chapter 21 of the Delaware Code Relating to the Issuance of Special Vanity Plates for Motorcycles.

Representative Oberle brought HA 1 to HB 275 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 275 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Buckworth, Edwards, Ennis, Jester, Smith - 5.

Therefore, having received a constitutional majority, HB 275 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Hebner appointed Representative George as Temporary Speaker.

Representative Jonkiert brought HB 215 before the House for consideration.

HB 215 - An Act to Amend Chapter 23 of Title 10, Delaware Code in Order to Permit the Prothonotary of Each County to Earn Maximum Interest on Certain Funds by Purchasing Certificates of Deposit.

The roll call on HB 215 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Acting Speaker George - 37.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Buckworth, Edwards, Smith - 3.

Therefore, having received a constitutional majority, HB 215 was sent to the Senate for concurrence. Mr. Speaker Hebner resumed the Chair.

Representative Fallon brought HB 307, jointly sponsored by Senator Adams, Representatives Anderson, Barnes, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Dixon, Ennis, Free, George, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Riddagh, Sincok, Smith, Spence, West; Senators Arnold, Cook, Hughes, Knox, Littleton, Neal & Vaughn, before the House for consideration.

HB 307 - An Act to Amend Title 3 of the Delaware Code Relating to the Powers and Duties of the Department of Agriculture by Providing for Agricultural Lands Preservation and to Amend Chapter 81 of Title 29 of the Delaware Code by Adding an Agricultural Lands Preservation Section.

Representative Fallon brought HA 1 to HB 307 before the House for consideration. HA 1 was adopted by voice vote.

Representative Fallon brought HA 2 to HB 307 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 307 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, - 32.

NO: Representatives Darling, Mr. Speaker Hebner - 2.

NOT VOTING: Representatives Cordrey, Jester, Minner, West - 4.

ABSENT: Representatives Buckworth, Edwards, Holloway - 3.

Therefore, having received a constitutional majority, HB 307 w/HA 1,2 was sent to the Senate for concurrence.

Representative Derrickson brought HB 352, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 352 - An Act to Incorporate the Town of Dewey Beach. (2/3 bill)

Representative Derrickson moved to place HB 352 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Spence introduced HB 368, jointly sponsored by Senator McBride; Representatives Oberle, Anderson, Dixon, Cathcart, Buckworth, Roy, Ennis, Campanelli, Mack, Minner, Jester, Barnes, Corrozi, Edwards, Darling, West; Senators Cordrey, Arnold & Cain.

HB 368 - An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to Education.

Mr. Speaker assigned HB 368 to the Education Committee.

Representative Burris moved to recess to the call of the Chair at 6:08 p.m.

39th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 10, 1981

The Speaker called the House to order at 2:09 p.m.

Representative Derrickson moved to lift HB 352 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, June 10, 1981.

Mr. Speaker Hebner appointed Representative Cathcart as Chairman of the House Bond Committee.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Holloway - 1.

A prayer was offered by Representative Kevin W. Free, Fourth District.

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

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

The following prefiled legislation was introduced:

HB 369 - HARRINGTON - R&F: An Act to Amend Chapter 39 of Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

HB 370 - ENNIS, SINCOCK, PETRILLI, FREE, VAN SCIVER, CORROZI, MACK, SOLES, DIXON - R&F: An Act to Amend Title 9 of the Delaware Code With Reference to the Assessment and Collection of Sewer Service Charges in New Castle County, by Establishing the Monition Method of Collection, Increasing the Penalties for Late Payment, Shortening the Period in Which a Statutory Lien Attaches, and Permitting the Collection of Delinquent Sewer Service Charges Through Wage Attachments.

HB 371 - PLANT, HOLLOWAY, CAMPANELLI, WEST, DIXON; SENATOR HOLLOWAY - H/ADM: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Conditions of State Employment.

HB 372 - VAN SCIVER, BRADY, BUCKWORTH, CATHCART, CORROZI, DIXON, ENNIS, FALLON, GILLIGAN, MACK, PETRILLI, SPENCE, POWELL; SENATORS ARNOLD, CITRO, LITTLETON, VAUGHN - JUD: An Act to Amend Chapter 23, Title 24, and Chapter 23, Title 30, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

HB 373 - MINNER, WEST - ED: An Act to Provide a Supplementary Appropriation to the State Board of Education to Increase the Division III Unit Allocation.

HB 374 - OBERLE; SENATOR SHARP - ADM/S: An Act to Amend Title 19 of the Delaware Code Providing for Inspection, Investigation and Compliance With the Compulsory Coverage of Workmen's Compensation and Further Providing for the Administrative Funding for Same.

HB 375 - OBERLE - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Jurisdiction of the Family Court Over Traffic Violations. (2/3 bill)

HB 376 - MACK, CATHCART, ENNIS, SPENCE, SINCOCK, PETRILLI, POWELL, SOLES, RIDDAGH, BRADY, ROY, MARONEY, PLANT, CORROZI, CORDREY, FREE, CAIN, WEST, VAN SCIVER, DIXON, MCKAY - H/ADM: An Act Proposing an Amendment to the Constitution of 1897 of the State of Delaware as Amended by Adding a New Section 11 to Article XV Incorporating Therein the Grant of Home Rule Power Previously Given to New Castle County by Statute. (2/3 bill)

HJR 20 - SPENCE - ED: Directing Delaware Public School Districts to Notify Parents of Enrollees When Certain Sex Education Programs Are to be Offered and Making Provision for Parent Response Including Temporary Removal of an Enrollee From a Proposed Program.

HA 1 to HB 269 - SINCOCK - Placed with the bill. (Agenda)

HA 1 to HB 283 - ENNIS - ADM/S: Placed with the bill.

HA 1 to HB 294 - JONKIERT - Placed with the bill. (Ready List)

HA 1 to HB 300 - JONKIERT - Placed with the bill. (Ready List)

HA 1 to HB 302 - JONKIERT - Placed with the bill. (Ready List)

HA 1 to HB 314 - CAMPANELLI - APPRO: Placed with the bill.

SB 120 w/SA 1 - SHARP, MCDOWELL, MARTIN - ADM/S: An Act to Amend Chapter I, Title 26 of the Delaware Code to Ban the Use of Construction Program Costs in Computing the Rate Base for Utilities.

SB 245 - BERNDT, MCBRIDE, HUGHES, ARNOLD, BAIR, CITRO, CONNOR, MARSHALL; REPRESENTATIVES VAN SCIVER, RIDDAGH, JESTER, GILLIGAN - JUD: An Act to Amend Chapter 5, Subchapter VII, Subpart C, Title 11 of the Delaware Code Providing Certain Punishments Upon Conviction for the Crime of Obscenity; and Relating to the Definition Thereof.

SB 256 - VAUGHN, CITRO; REPRESENTATIVES DARLING, RIDDAGH - JUD: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to the Issuance of Conditional Driver's License to Persons Who Receive Suspensions for Failure to Have Liability Insurance. (2/3 bill)

SB 264 - MCDOWELL, BERNDT, VAUGHN, MARSHALL, BAIR, CONNOR, ADAMS - ADM/S: An Act to Amend Chapter 4, Title 24 of the Delaware Code Relating to Barbers.

SCR 58 - MARSHALL, MCBRIDE, MCDOWELL, CITRO, BAIR; REPRESENTATIVE JONKIERT - H/SS: Urging the Nemours Foundation Incorporated to Use the Evaluation of the Performance of the Nemours Health Clinic Incorporated as a Springboard to Expanded Services for Delaware Senior Citizens.

HA 3 to SB 84 - HARRINGTON - R&F: Placed with the bill.

The following prefilled Consent Calendar was introduced:

HCN 67 - JONKIERT; SENATOR MARSHALL - Congratulating the Members of the Wilmington Mounted Patrol Drill Team Who Won Honors in the Police Competition at the Devon Horse Show.

HCN 68 - BARNES; SENATORS ADAMS, COOK - Congratulating the Woodbridge High School Track Team and Coach Ron Keiser on Winning the Division II Championship.

HCN 69 - SMITH, HEBNER, ENNIS, VAN SCIVER; SENATOR BAIR - Congratulating Susan McLaughlin, Department Chairman of Fine and Applied Arts at the Talley Junior High School, Claymont, Upon Her Selection as the Delaware Vocational Home Economics Association's Teacher of the Year.

HCN 70 - DERRICKSON; SENATOR CORDREY - Congratulating the United States Coast Guard Reserve Unit Indian River and Its Commanding Officer, Lieutenant Commander Richard W. Schneider, for Citations From the Commandant of the Coast Guard Singling Out Exceptional Service and Leadership Between June 4, 1977, and October 30, 1979.

HR 63 - CAMPANELLI - Requesting That the Weekend of June 13-14, 1981, be Designated as Spina Bifida Weekend.

SCR 18 - MARTIN - A Concurrent Resolution Requesting the Department of Transportation Study the Highway Signs Near and Surrounding the Christiana Mall.

SCR 19 - MARTIN - A Concurrent Resolution Requesting That the Governor Appoint a Commission to Study the Laws and Regulations of the State of Delaware Relating to Alcoholic Liquors and Recommend Revisions Where Necessary.

SCR 32 w/SA 1 - BAIR, CITRO, CONNOR, MARTIN, MCDOWELL, MARSHALL, NEAL, MCBRIDE; REPRESENTATIVE ENNIS - Requesting the Division of Housing to Study Current Problems in Apartment Living in Delaware.

SCR 39 - ARNOLD, VAUGHN; REPRESENTATIVES RIDDAGH, DIXON - Expressing the Will of the Delaware General Assembly That the United States Adopt a National Strategy of Peace Through Strength.

The Reading Clerk read the following communications into the record:
June 9, 1981

LEGISLATIVE ADVISORY #12

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 6, 1981 - HB 16 aab SA 1; HB 37 aab HA 1; SB 104, HCR 65.

The Senate wishes to inform the House that it has passed: SB 256, SB 245, HJR 8, SB 120 w/SA 1, SB 264.

Representative Smith requested that SCR 39 be removed from the Consent Calendar.

Representative Smith requested that SCR 18 be removed from the Consent Calendar.

Consent Calendar #19 was adopted by voice vote and HCR 67, HCR 68, HCR 69, & HCR 70 were sent to the Senate for concurrence and SCR 19 & SCR 32 w/SA 1 were returned to the Senate.

Representative Burris moved to suspend all rules which interfere with action on SCR 18. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SCR 18, sponsored by Senator Martin, before the House for consideration.

SCR 18 - A Concurrent Resolution Requesting the Department of Transportation Study the Highway Signs Near and Surrounding the Christina Mall.

The roll call on SCR 18 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, SCR 18 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on SCR 39. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SCR 39, sponsored by Senators Arnold, Vaughn; Representatives Riddagh & Dixon, before the House for consideration.

SCR 39 - Expressing the Will of the Delaware General Assembly That the United States Adopt a National Strategy of Peace Through Strength.

Representative Burris moved to place SCR 39 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson moved to lift HB 352 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Derrickson brought HB 352, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 352 - An Act to Incorporate the Town of Dewey Beach. (2/3 bill)

Representative Smith brought HA 1 to HB 352 before the House for consideration. HA 1 was adopted by voice vote.

Representative Darling requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HB 352 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 27.

NOT VOTING: Representatives Bennett, Campanelli, Cathcart, Cordrey, George, Gilligan, Jester, Jonkiert, Mack, Plant, Soles - 11.

ABSENT: Representatives Cain, Holloway, Petrilli - 3.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 352 w/HA 1 was declared defeated.

Mr. Speaker re-assigned HB 372 to the Revenue & Finance Committee.

Representative Burris moved to recess for caucus and committee meetings at 2:54 p.m.

The House reconvened at 5:20 p.m.

Representative West introduced HR 64.

HR 64 - Requesting the Governor to Report to the General Assembly on the Results of His Business Trips Abroad.

Mr. Speaker assigned HR 64 to the House Administration Committee.

Representative Sincok requested that HB 109, HB 110, & HB 269 be stricken.

Representative Burris moved to recess to the call of the Chair at 5:20 p.m.

40th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

June 11, 1981

The Speaker called the House to order at 1:46 p.m.

The Chief Clerk read the following Committee Reports into the record:

H/ADM: SB 92 - 4M; HB 376 - 5M; SB 152 w/SA 1 - 5M; HB 366 - 5M; HB 371 - 4M.

APPRO: SB 216 - 1F,3M,1UF; SB 195 - 1F,5M; SB 122 w/SA 2 - HA 1 - 1F,3M; SB 164 - 1F,4M; HB 126 - 3F,2M.

NR/AGRI: HB 225 - 3M; HB 268 - 1F,4M.

JUD: SB 86 - 3M; HB 367 - 4M; HB 348 - 4M; HB 323 - 4M; SB 284 - 4M; SB 283 - 4M; SB 247 - 5M; SB 246 - 5M; SB 238 - 5M.

ADM/S: SB 155 - 5M; HB 289 - 5M; HS 1 for HB 247 - 4M; HB 308 - 5M; HB 283 - HA 1 - 4M; HB 282 - 4M; SB 218 - 4M; HB 287 - 4M; HB 290 - 4M; HB 311 - 5M; HB 312 - HA 1 - 5M; HB 339 - 5M; HR 20 - 1F,4M; HB 340 - 1F,2M.

H/SS: SB 19 w/SA 1,2,3,4,5w/SA 1 - 2M,2UF; SB 102 - 3F,1M; SB 141 w/SA 1 - 4M; HR 53 - 2M,1UF; HCR 66 - 5M; HJR 14 - 4M; HB 317 - 5M.

ED: HB 338 - 4M; HJR 20 - 3M; HB 368 - 3M.

R&F: HB 369 - 2F,3M; HB 364 - 5M; HB 354 - 5M; SB 56 w/SA 1 - HA 1 - 1F,5M; HB 360 - 6M; SB 84 w/SA 2,3 - HA 1,2,3 - 1F,5M; HB 309 - 6M; SB 211 - 5M.

Representative Cain requested that HB 255 be stricken.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Mr. Richard Millman, Recorder, House of Representatives.

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

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

The following prefiled legislation was introduced:

HB 377 - SPENCE - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Issuance of Permanent Driver Licenses.

HB 378 - SPENCE - JUD: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Exemption of Title Requirements.

HB 379 - SPENCE - JUD: An Act to Amend Chapter 45, Title 21 of the Delaware Code, Relating to Size and Weights of Vehicles Being Towed by Tow Trucks.

HB 380 - SPENCE - JUD: An Act to Amend Chapter 45, Title 21, Delaware Code, Relating to Regulation of Weights or Exclusion of Classes of Vehicles.

HB 381 - SPENCE - JUD: An Act to Amend Chapter 23 and Chapter 25, Title 21 of the Delaware Code Relating to Notary Requirements on Certificates of Titles.

HB 382 - SPENCE - JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Reissuance of License Plates.

HB 383 - SPENCE - JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Vehicles Being Towed by Tow Trucks.

HB 384 - SPENCE - JUD: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Rear-Wheel Flaps.

HB 385 - CORROZI, PETRILLI, SINCOCK, BARNES, DARLING, CATHCART, MINNER, BUCKWORTH, RIDDAGH, FREE, ROY, MARONEY, POWELL, ENNIS, ANDERSON, MCKAY, BURRIS, JONKIERT, PLANT, DIXON, WEST - R&F: An Act to Amend Title 9 of the Delaware Code to Increase Rates of Interest and Penalties to be Levied for Late Payment of County Property Taxes and Other Assessments for Public Purposes.

HB 386 - CORROZI, PETRILLI, DARLING, SINCOCK, POWELL, DIXON, ENNIS, RIDDAGH, BRADY, ROY, FREE, SPENCE, CATHCART, MACK, BARNES, BUCKWORTH, EDWARDS, MARONEY, VAN SCIVER, WEST, HARRINGTON, MCKAY, BURRIS, JONKIERT, PLANT, JESTER, DERRICKSON, CORDREY - R&F: An Act to Amend Section 5917 of Title 11 of the Delaware Code to Permit the Several Counties and Municipalities to Establish Penalties for Violations of Their Ordinances, Codes and Regulations. (2/3 bill)

HB 387 - MACK, CATHCART, SPENCE, PETRILLI, BUCKWORTH, SINCOCK, POWELL, CORROZI, RIDDAGH, MARONEY, VAN SCIVER, ENNIS, CORDREY, SOLES, PLANT, ROY, CAIN, CAMPANELLI, FREE, WEST, DIXON, MCKAY - ADM/S: An Act to Amend Title 9, Delaware Code, Creating a New Subchapter XII in Chapter 13 of Title 9 for the Purpose of Codifying Certain Changes Already Implemented in New Castle County Relating to the Functions of the Department of Administrative Services.

HB 388 - BENNETT, RIDDAGH, DARLING, MINNER, GEORGE - JUD: An Act Proposing an Amendment to Section 28, Article IV of the Constitution of the State of Delaware Relating to Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

HA 1 to HB 225 - HEBNER - NR/AGRI: Placed with the bill.

HA 1 to HB 1 for HB 247 - DIXON - ADM/S: Placed with the bill.

HA 1 to HB 277 - DERRICKSON - Placed with the bill (Ready List).

HA 2 to HB 302 - JONKIERT - Placed with the bill. (Ready List).

HA 2 to HB 314 - CAMPANELLI - APPRO: Placed with the bill.

HA 1 to SB 101 - RIDDAGH - Placed with the bill. (Ready List).

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 31, HB 224 w/HA 1; HB 160 w/HA 1; HB 171 w/HA 1; HB 46 w/HA 1; SCR 60, HB 205 w/HA 1.

Representative Maroney brought HB 162 before the House for consideration.

HB 162 - An Act to Amend Chapter 5, Title 31 of the Delaware Code Relating to Public Assistance.

The roll call on HB 162 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Minner, Plant - 2.

Therefore, having received a constitutional majority, HB 162 was sent to the Senate for concurrence.

Representative Sincok brought SB 215, jointly sponsored by Senator Cook, co-sponsored by Senators Zimmerman, Murphy & Representative Harrington, before the House for consideration.

SB 215 - An Act to Amend Chapter 52, Title 29 of the Delaware Code to Correct an Inequity in Health Care Insurance Coverage for Retirees Over Age 65 and Extending an Appropriation Therefore.

Representative Sincok moved to place SB 215 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris brought SCR 23, jointly sponsored by Senators Neal, Cordrey; Representatives Hebner & Smith, before the House for consideration.

SCR 23 - Extending the Term of a Select Committee on Small Business to Develop Legislative Recommendations for State Policies to Encourage Small Business Development.

SCR 23 was adopted by voice vote and returned to the Senate.

Representative Burris brought SB 165, jointly sponsored by Senators Adams, Cordrey, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 165 - An Act to Amend Chapter 70, Title 9, of the Delaware Code Relating to the Intergovernmental Relations Powers of the Government of Sussex County.

The roll call on SB 165 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 165 was returned to the Senate.

Representative Burris brought SB 166, jointly sponsored by Senators Adams, Cordrey, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 166 - An Act to Amend Chapter 67, Title 9 of the Delaware Code Relating to Service Charges to Permit Borrowing of Funds Therefor by Sussex County.

Representative Burris requested and was granted the privilege of the floor for Mr. Joseph Conaway, Sussex County Administrator.

The roll call on SB 166 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SB 166 was returned to the Senate.

Representative Burris brought SB 167, jointly sponsored by Senators Adams, Cordrey, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 167 - An Act to Amend Chapter 91, Title 9, Delaware Code, Relating to Uniform Mileage Payments.

The roll call on SB 167 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Minner, Oberle, Plant, Powell, Sincok, Soles, Spence, West, Mr. Speaker Hebner - 27.

NO: Representatives Brady, Cathcart, Edwards, Free, Jonkiert, Mack, Maroney, McKay, Petrilli, Riddagh, Roy, Van Sciver - 12.

NOT VOTING: Representative Smith - 1.

ABSENT: Representative Campanelli - 1.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

Therefore, having received a constitutional majority, SB 167 was returned to the Senate.

Representative Burris brought SB 168, jointly sponsored by Senators Adams, Cordrey, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 168 - An Act to Amend Chapter 67, Title 9, of the Delaware Code Relating to the Intergovernmental Relations Powers of the Government of Sussex County.

Representative Burris requested and was granted the privilege of the floor for Mr. Joseph Conaway, Sussex County Administrator.

Representative Derrickson requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on SB 168 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Minner, Plant - 3.

Therefore, having received a constitutional majority, SB 168 was returned to the Senate.

Representative Burris brought SB 170, jointly sponsored by Senators Adams, Cordrey, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 170 - An Act to Amend Chapters 64 and 70 of Title 9 of the Delaware Code Relating to Pensions for Sussex County Employees.

Representative Burris requested and was granted the privilege of the floor for Mr. Joseph Conaway, Sussex County Administrator.

Mr. Speaker Hebner declared a recess at 3:13 p.m. for the purpose of changing the recording tape.

The House reconvened at 3:17 p.m.

The roll call on SB 170 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Edwards - 1.

Therefore, having received a constitutional majority, SB 170 was returned to the Senate.

Representative Burris moved to recess for caucus at 3:21 p.m.

The House reconvened at 5:43 p.m.

Representative Derrickson moved to suspend all rules which interfere with introduction of and action on HB 389. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson introduced and brought HB 389, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 389 - An Act to Incorporate the Town of Dewey Beach. (2/3 bill)

Representative Smith brought HA 1 to HB 389 before the House for consideration. HA 1 was adopted by voice vote.

Representative George brought HA 2 to HB 389 before the House for consideration. HA 2 was adopted by voice vote.

Representative Bennett brought HA 3 to HB 389 before the House for consideration. HA 3 was adopted by voice vote.

Representative Bennett brought HA 4 to HB 389 before the House for consideration. HA 4 was adopted by voice vote.

Representative Bennett brought HA 5 to HB 389 before the House for consideration. Representative Bennett requested that HA 5 be stricken.

The roll call on HB 389 w/HA 1,2,3,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Mack - 1.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 389 w/HA 1,2,3,4 was sent to the Senate for concurrence.

Representative Ennis moved to suspend the rules which interfere with introduction of and action on HR 65. The motion was seconded by Representative Van Sciver and adopted by voice vote.

Representative Ennis introduced and brought HR 65, jointly sponsored by Representatives Maroney, Hebner & Smith, before the House for consideration.

HR 65 - Commending Concord High Baseball Team and Their Coach James J. Thompson for Winning the Delaware High School Baseball Championship on Saturday, June 6, 1981.

HR 65 was adopted by voice vote.

Representative Oberle introduced HB 390, jointly sponsored by Senators Knox, Arnold & Sharp.

HB 390 - An Act to Amend Chapter 63 of Title 29, Delaware Code, Relating to Unemployment Insurance for State Employees and Other Employment Costs.

Representative Oberle requested that HA 25, HA 30, & HA 34 to HB 200 be stricken.

Mr. Speaker assigned HB 390 to the House Administration Committee.

Representative Jonkiert moved to suspend all rules which interfere with action on HJR 14. The motion was seconded by Representative George and adopted by voice vote.

Representative Jonkiert brought HJR 14, co-sponsored by Representatives Petrilli, Van Sciver, Edwards, Holloway, Corrozi, Cain, Bennett, West, Harrington, Cathcart, Hebner, George, Brady, Fallon, Free, Spence, Maroney, Buckworth & Smith, before the House for consideration.

HJR 14 - Designating the Week of June 21, 1981, as Senior Center Week.

The roll call on HJR 14 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Minner, Plant - 2.

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

Representative Burris moved to recess to the call of the Chair at 6:13 p.m.

41st LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 16, 1981

The Speaker called the House to order at 1:55 p.m.

Representative Burris moved to lift SCR 39 from the Speaker's table for the purpose of adding it to the Agenda for Tuesday, June 16, 1981.

Representative Soles requested that HB 202 be stricken.

Representative Barnes requested that HJR 18 be stricken.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

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

The following prefiled legislation was introduced:

HB 391 - CORROZI, SOLES, BARNES, MACK, ENNIS, EDWARDS, GILLIGAN - APPRO: An Act to Provide a Supplementary Appropriation to the Department of Health and Social Services and the Department of Corrections to Provide an Increase in the Local Salary Supplement of Professional Educators, and to Provide Funds Therefor.

HB 392 - MARONEY, VAN SCIVER, GILLIGAN, FALLON, HOLLOWAY, JESTER, BENNETT; SENATORS CONNOR, MARTIN, HOLLOWAY - H/SS: An Act to Amend Chapter 30, Title 14 of the Delaware Code Relating to a Professional Counselor Licensure Act.

HB 393 - OBERLE, DIXON; SENATOR ARNOLD - R&F: An Act to Amend Chapter 21 of Title 21, Delaware Code Relating to Minimum Insurance Coverage Requirements for All Motor Vehicles Registered in This State.

HB 394 - BARNES, BURRIS, GEORGE, JONKIERT, HARRINGTON, EDWARDS, DARLING, MARONEY, CORROZI, DERRICKSON, SINCOCK, MCKAY, RIDDAGH, ENNIS, POWELL, SPENCE, BUCKWORTH, CATHCART, MACK, FREE, FALLON, PLANT, SOLES, BENNETT, MINNER; SENATORS LITTLETON, CONNOR - ED: An Act to Amend Title 14, Chapter 10 of the Delaware Code to Provide for Indemnity of Members of School Boards of Education, Principals and Superintendents Against Damages, Losses and Expenses of Defense of Civil Actions.

HB 395 - DIXON, CAMPANELLI; SENATORS VAUGHN, HUGHES - R&F: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to the Use of Deductibility Clauses in the State Workmens' Compensation Act.

HB 396 - HOLLOWAY, ANDERSON, CAMPANELLI, CORDREY, DARLING, DIXON, ENNIS, GEORGE, MACK, MINNER, PLANT, VAN SCIVER, WEST; SENATOR HOLLOWAY - R&F: An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Insurance Rates.

HB 397 - WEST - NR/AGRI: An Act to Amend Chapter 66, Title 7, Delaware Code, Relating to Wetlands and Power of the Secretary of the Department of Natural Resources and Environmental Control.

HB 398 - BENNETT, MINNER - ADM/S: An Act Directing the Transfer of Oak Grove School Site of East Dover Hundred, Kent County Delaware to J. Ward Hurley and Mildred J. Hurley for a Fee.

HB 399 - RIDDAGH - ADM/S: An Act to Amend Chapter 19, Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for the Regulation of Certain Types of Sales Practices.

HB 400 - BURRIS, HEBNER, PETRILLI; SENATORS KNOX, ARNOLD - H/ADM: An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

HJR 21 - DARLING, CAIN, ANDERSON, BENNETT, CORDREY, MINNER, WEST, DIXON, JONKIERT, JESTER, OBERLE, CATHCART, BARNES, HARRINGTON, ROY, SINCOCK, BUCKWORTH; SENATORS SHARP, COOK, VAUGHN - JUD: Establishing an Ad Hoc Committee to Study Delaware's Capital Punishment Statute and to Recommend Remedial Solutions to Include Alternative Forms of Capital Punishment.

HA 1 to HB 334 - BRADY - Placed with the bill. (Ready List)

HA 1 to HB 353 - SOLES - Placed with the bill. (Ready List)

SB 265 - HOLLOWAY; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Practice of Medicine.

SB 298 w/SA 1 - HOLLOWAY, BERNDT - H/SS: An Act to Amend Title 24, Chapters 11 and 21 to Permit the Rendering of Dental and Optometric Services in Non-Profit Clinics Operated in Affiliation with Hospitals.

HA 1 to SB 141 - MARONEY - Placed with the bill. (Ready List)

HA 1 to SB 142 - MARONEY - Placed with the bill. (Special Agenda III)

HA 1 to SB 179 - BARNES - Placed with the bill. (L.O.T.)

HA 1 to SB 211 - DERRICKSON, POWELL, DIXON, HARRINGTON - Placed with the bill. (Ready List)

HA 1 to SB 215 - SINCOCK - Placed with the bill. (L.O.T.)

HA 1 to SB 230 - OBERLE - Placed with the bill. (Special Agenda II)

Representative Minner moved to suspend the rules which interfere with action on HB 212 w/HA 1,SA

1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Minner brought HB 212, jointly sponsored by Representatives Brady, Jonkiert, Mack & Spence, before the House for consideration.

HB 212 - An Act to Amend Title 21, Chapter 41, of the Delaware Code to Provide for a Penalty for Violation of a Conditional License. (2/3 bill)

The roll call on HB 212 w/HA 1,SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Darling, Free - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 212 w/HA 1,SA 1 was sent to the Governor.

Representative Roy brought SB 122 w/SA 2, sponsored by Senator Martin, before the House for consideration.

SB 122 - An Act to Amend Chapter 71, Title 29 of the Delaware Code Relating to the Use of State Vehicles by State Employees.

Representative Free brought HA 1 to SB 122 before the House for consideration. Representative Free requested that HA 1 be stricken.

Representative Roy brought HA 2 to SB 122 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Controller General Duane Olsen.

HA 2 was adopted by voice vote.

The roll call on SB 122 w/SA 2,HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 37.

NO: Representatives Campanelli, Minner, West - 3.

ABSENT: Representative Darling - 1.

Therefore, having received a constitutional majority, SB 122 w/SA 2,HA 2 was returned to the Senate.

Representative Roy brought SB 155, sponsored by Senator Sharp, before the House for consideration.

SB 155 - An Act to Amend Title 6, Section 2902 of the Delaware Code Pertaining to the Advertisement of Retail Motor Fuel Prices.

The roll call on SB 155 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representatives Ennis, Fallon, Powell - 3.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 155 was returned to the Senate.

Representative Sincoc brought SB 216, sponsored by Senator McDowell, before the House for consideration.

SB 216 - An Act to Provide for a Supplemental Appropriation to the Office of the Public Advocate and Providing Funds Therefor.

Representative George requested and was granted the privilege of the floor for Senator Harris B. McDowell.

The roll call on SB 216 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Dixon, George, Holloway, Jonkiert, Oberle, Plant, Roy, Soles, Van Sciver - 13.

NO: Representatives Barnes, Bennett, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Sincoc, Smith, Spence, West, Mr. Speaker Hebner - 27.

ABSENT: Representative Free - 1.

Therefore, not having received a constitutional majority, SB 216 was declared defeated.

Representative Riddagh brought SB 118 w/SA 1, sponsored by Senators Bair, Vaughn, Citro, Hughes, McDowell; Representatives Soles & Brady, before the House for consideration.

SB 118 - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Temporary Instruction Permits.

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

The roll call on SB 118 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cordrey, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representatives Cathcart, Darling, Edwards, Mack, Minner, Smith - 6.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, SB 118 w/SA 1 was returned to the Senate.

Representative Smith brought SB 39, sponsored by Senator Zimmerman, before the House for consideration.

SB 39 - An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Prohibited Hunting and Trapping Methods. (2/3 bill)

Representative Smith brought HA 1 to SB 39 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 39 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 39 w/HA 1 was returned to the Senate.

Representative Smith brought SB 40 w/SA 2, sponsored by Senator Zimmerman, before the House for consideration.

SB 40 - An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Red Foxes. (2/3 bill)

The roll call on SB 40 w/SA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 40 w/SA 2 was returned to the Senate.

Representative Barnes brought SB 44, jointly sponsored by Senator Adams, co-sponsored by Representative Minner, before the House for consideration.

SB 44 - An Act to Amend Chapter 25 and Chapter 67, Title 21, of the Delaware Code Relating to the Transfer and Selling of Salvages or Total Loss Motor Vehicles and Relating to the Responsibility of the Vehicle Owners. (2/3 bill)

The roll call on SB 44 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 44 was returned to the Senate.

Representative Free brought SB 219 w/SA 1,2,3, jointly sponsored by Senators Marshall, Citro; Representatives Cathcart, Edwards & Gilligan, before the House for consideration.

SB 219 - An Act to Amend Title 28, Delaware Code, to Provide for the Regulations and Control of Lotteries Conducted by Volunteer Fire Companies, Veteran Organizations, Religious or Charitable Organizations or by Fraternal Society and Authorizing the Bingo Control Commission to Implement Such Lotteries.

Representative Free moved to place SB 219 w/SA 1,2,3 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson moved to suspend the rules which interfere with action on HB 183 w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson brought HB 183 w/SA 1, jointly sponsored by Representative Gilligan; Senators Martin & Berndt, before the House for consideration.

HB 183 - An Act Amending Title 18 of the Delaware Code Providing for the Regulation of Dental Service Benefits by Dental Plan Organizations.

The roll call on HB 183 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 36.

NO: Representatives Campanelli, Edwards, West - 3.

ABSENT: Representatives Fallon, Smith - 2.

Therefore, having received a constitutional majority, HB 183 w/SA 1 was sent to the Governor.

Representative Burris moved to recess for caucus at 3:37 p.m.

The House reconvened at 4:58 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 69, HCR 70, SCR 61, HB 48 w/HA 1, SA 1; HB 159 w/HA 1; HB 216 w/HA 1; HB 212 w/HA 1, SA 1; HB 71, HB 183 w/SA 1; SB 298 w/SA 1; SB 265, HCR 67, HCR 68.

The Senate wishes to inform the House that it has defeated: HB 178 w/HA 1.

June 16, 1981

LEGISLATIVE ADVISORY #13

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/11/81 - HB 52, HB 103 aab HA 1 & 2; HB 224 aab HA 1; HJR 8; 6/15/81 - SB 42 aab SA 1 & HA 2 & 3; HB 108.
June 15, 1981

The Honorable Donald J. Van Sciver

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Representative Van Sciver:

The certified duplicate copy of House Resolution No. 61 was received just prior to the June 10th meeting of the Board of Directors of the Delaware Bankers Association.

It was considered at that meeting and the Board directed its distribution to the member banks together with the recommendation that it be given the fullest possible consideration by the individual banks.

As the trade association for our entire banking industry, the Delaware Bankers Association cannot, for obvious reasons, exert any direct influence on the lending policies of our member banks. However, the D.B.A. has a long tradition of support for actions calculated to improve the economy of our state and we are happy to cooperate to the extent possible in this instance, and do thank you very much for your interest and concern.

Sincerely,
James B. Jackson
Executive Vice President

cc: The Members of the General Assembly

The Member Banks

The Chief Clerk read the following Committee Reports into the record:

JUD: HB 254 - 4M; SB 241 w/SA 1 - 4M; SB 89 - 4M.

Representative Petrilli moved to lift HS 1 for HB 1 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Petrilli brought HS 1 for HB 1 w/HA 1,2,3, jointly sponsored by Representative Bennett, Senator McBride, Representatives Mack, Van Sciver, Spence, Roy, Minner, Dixon, Soles, Powell, Buckworth, Edwards, Corrozi, Oberle, Ennis, Fallon, Gilligan, Anderson, Jester; Senators Connor, Bair, Neal, Arnold, Citro, Littleton, Hughes, Murphy & Berndt, before the House for consideration.

HB 1 - An Act to Amend Delaware Code, Title 14, Relating to the Method of Calculating Pupil Units in Order to Determine the Amount of State Financial Support to the Public Schools.

Representative Petrilli brought HA 4 to HS 1 for HB 1 before the House for consideration. HA 4 was adopted by voice vote.

Representative Petrilli brought HA 5 to HS 1 for HB 1 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HS 1 for HB 1 w/HA 1,2,3,4,5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

NO: Representative McKay - 1.

Therefore, having received a constitutional majority, HS 1 for HB 1 w/HA 1,2,3,4,5 was sent to the Senate for concurrence.

Representative Petrilli brought HB 331, jointly sponsored by Representative Harrington, before the House for consideration.

HB 331 - An Act to Amend Title 18 of the Delaware Code to Require Insurers to Inform Their Claimant, in Writing, of the Applicable Statute of Limitations Period.

The roll call on HB 331 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Burris, George, Plant - 3.

Therefore, having received a constitutional majority, HB 331 was sent to the Senate for concurrence.

Representative Derrickson brought HB 211 w/HA 1,SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 211 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Passing Stopped School Buses. (2/3 bill)

Mr. Speaker Hebner requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 211 w/HA 1,SA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Bennett, Campanelli, Darling, Petrilli, West - 5.

NOT VOTING: Representatives Anderson, Cain, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles - 11.

ABSENT: Representative Jonkiert - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 211 w/HA 1,SA 1 was declared defeated.

Representative Petrilli moved to restore HB 211 w/HA 1,SA 1. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Derrickson moved to place HB 211 w/HA 1,SA 1 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Cathcart introduced HB 401, jointly sponsored by Representatives Corrozi, Roy, Spence, Buckworth, Oberle, Mack, Dixon, Minner; Senators Connor, Neal, Bair, Cook & Citro.

HB 401 - An Act to Aid Certain Fire Companies Which are Organized to Extinguish Fires or Maintain Ambulances or Rescue Trucks, by Making Appropriations Therefore. (3/4 bill)

Mr. Speaker assigned HB 401 to the Appropriations Committee.

The Chief Clerk read the following Committee Reports into the record:

H/SS: HB 392 - 3F,2M; SB 298 w/SA 1 - 4F,1M; SB 265 - 3F,2M.

Representative Burris moved to recess to the call of the Chair at 5:58 p.m.

42nd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

June 17, 1981

The Speaker called the House to order at 1:55 p.m.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the previous legislative day. The House reconvened at 2:07 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative James F. Edwards, Eighth District.

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

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

The following prefiled legislation was introduced:

HB 402 - ROY; SENATOR MURPHY - ADM/S: An Act to Amend Chapter 7, Title 21, Delaware Code Relating to the Authority and Duties of Delaware State Police Size and Weight Enforcement Technicians.

HB 403 - ROY; SENATOR MURPHY - ADM/S: An Act to Amend Chapter 45, Title 21, Delaware Code Relating to Increased Fines for Overweight Vehicles and the Imposition of a New Fine Schedule for Second and Subsequent Offenses.

HB 404 - BARNES - ADM/S: An Act to Provide for the Deaccession of a Silver Tea Service From the Delaware State Museum to Priscilla Hardesty Cleaver Merriken (Mrs. Wilbert L. Merriken).

HB 405 - SINCOCK, ANDERSON, CORROZI, DARLING, DIXON, DERRICKSON, ENNIS, FALLON, GILLIGAN, HEBNER, HOLLOWAY, JONKIERT, MINNER, PLANT, RIDDAGH, ROY, SMITH, SPENCE, WEST; SENATORS CITRO, HOLLOWAY - ED: An Act to Amend Title 14 Delaware Code Relating to the Abolishment of the State Board of Education and the Office of Superintendent of Education; and Further Establishing the Office of Secretary of Education; and Further Defining Its Organization, Powers, Duties and Functions; and Further Creating an Advisory Council on Education to the Secretary of Education.

HB 406 - DERRICKSON, MCKAY; SENATOR CORDREY - R&F: An Act to Amend Part II, of Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to a Tax Credit for Essential Volunteer Services.

HB 407 - ROY, POWELL, ENNIS - ED: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Salary Schedule for Substitute Teachers.

HB 408 - DIXON, CAMPANELLI - R&F: An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to the Use of Deductibility Clauses in the State Workmens' Compensation Act.

HB 409 - GEORGE, BURRIS - APPRO: An Act to Pay C.O.L.A. Benefits to Which Former Attorney General Richard R. Wier, Jr., is Entitled, and Providing the Funds Therefor.

HB 410 - DERRICKSON, SINCOCK, RIDDAGH, BUCKWORTH, BARNES, WEST, CORDREY, MINNER, DARLING, JESTER, BENNETT, HARRINGTON; SENATORS ADAMS, MURPHY, LITTLETON, ZIMMERMAN - H/SS: An Act to Amend §3313 of Chapter 33, §3504 and §3509 of Chapter 35, and §6306 of Chapter 63, Title 18 of the Delaware Code Relating to the Direct Payment of Hospital, Nursing, Medical and Surgical Services Under Health Insurance Contracts, Group Health Policies, Blanket Health Policies, and Health Service Corporation Contracts.

HR 67 - CAMPANELLI - ED: Requesting the Governor and the Members of the Delaware Congressional Delegation to Support the Retention of Categorical Programs for School Districts in Delaware.

HA 1 to HB 304 - SOLES - ADM/S: Placed with the bill.

HA 1 to HB 317 - EDWARDS - Placed with the bill. (Ready List)

HA 2 to HB 325 - ENNIS - Placed with the bill. (Agenda)

HA 1 to HB 368 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 370 - ENNIS - R&F: Placed with the bill.

HA 1 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 2 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 3 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 4 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 5 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 6 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 7 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 8 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 9 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 10 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 11 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 12 to SB 19 - MARONEY - Placed with the bill. (Special Agenda II)

HA 13 to SB 19 - DERRICKSON - Placed with the bill. (Special Agenda II)

HA 2 to SB 142 - MARONEY - Placed with the bill. (Special Agenda III)

HA 1 to SB 150 - BURRIS - H/ADM: Placed with the bill.

The following prefiled Consent Calendar was introduced:

HR 66 - SMITH, ANDERSON, FALLON, JESTER, MARONEY, MINNER, SOLES - Congratulating the Twelve Women Honored Recently at the New Castle County YWCA'S Fourth Annual Women and Industry Dinner.

HR 68 - CAMPANELLI, VAN SCIVER - Proclaiming the Week of August 31, 1981 as Carpenters Centennial Week and August 8, 1981 as Carpenters Centennial Day.

HR 69 - CORDREY, FALLON - Mourning the Death of Thelma L. Moyer, First Woman to be Elected to the Laurel School Board.

HCN 56 - VAN SCIVER, MARONEY, EDWARDS, WEST, CATHCART, MACK, BUCKWORTH, HOLLOWAY; SENATORS HOLLOWAY, CITRO - Requesting the State Board of Education and the School District Boards of Education to Include Aging Education at the Elementary, Intermediate and Secondary School Levels.

HCN 71 - SMITH, FALLON; SENATOR LITTLETON - Requesting the Division of Highways of the Department of Transportation to Cooperate With the Spade and Trowel Garden Club of Seaford in Designating Sections of U.S. 13 as a Blue Star Memorial Highway.

HCN 72 - BRADY - Mourning the Death of Jesse W. Stillman, Retired From the DuPont Company, Once Rated Among the Ten Outstanding Analytical Chemists in the Nation.

HCN 73 - BRADY; SENATOR KNOX - Wishing for a Speedy Recovery for Former Legislator Ralph S. Keenan.

HCN 74 - HARRINGTON, BUCKWORTH, RIDDAGH, MINNER, DARLING, BENNETT; SENATORS ZIMMERMAN, MURPHY, COOK - Wishing Edward S. Dennis, M.D., Dover's Only Black Physician, a Happy Retirement as He Takes Down His Shingle on June 30, 1981.

HCN 75 - JESTER; SENATOR NEAL - Requesting the Members of the Delaware Congressional Delegation to Give Their Full Support to the Solution of the Disappearance of the Poet, the Ship That was Lost in an Atlantic Storm on October 25, 1980.

SCR 60 - LITTLETON, ADAMS; REPRESENTATIVE FALLON - Welcoming the Delegation From Channel 64, Seaford, to Legislative Hall Today, June 10, 1981.

SCR 61 - NEAL, BAIR, MARTIN, VAUGHN; REPRESENTATIVE BRADY - Requesting the Department of Transportation to Undertake a Study of the Maximum Gross Weight Permitted Under Existing Law on Delaware Highways to Determine if the Weight Limits are Abusing Our Highways and to Report Their Findings and Recommendations to the Delaware General Assembly.

The Reading Clerk read the following communication into the record:

June 17, 1981

The Honorable Charles L. Hebner
Speaker of the House of Representatives

House of Representatives
Legislative Hall

Dover, Delaware 19901

Dear Mr. Speaker:

This is to advise you of two new additions to my staff. William B. Chandler, Esquire, is the new Legal Counsel to the Governor and Janet B. Timlin will serve as his Secretary. Battle Robinson will continue to serve on the Legal staff.

They will be in the Dover office when the General Assembly is in session. Please advise the members of the House and the House staff.

Sincerely yours,
Pierre S. du Pont, IV
Governor

PSduP/slm

The Chief Clerk read the following Committee Report into the record:

ADM/S: HB 313 - 2M, 1UF.

Representative Burris moved to suspend the agenda rules which interfere with action on SCR 39. The motion was seconded by Representative Riddagh and adopted by voice vote.

Representative Riddagh brought SCR 39, jointly sponsored by Senators Arnold, Vaughn & Representative Dixon, before the House for consideration.

SCR 39 - Expressing the Will of the Delaware General Assembly That the United States Adopt a National Strategy of Peace Through Strength.

SCR 39 was adopted by voice vote and returned to the Senate.

Representative Petrilli requested that HB 78 be stricken.

Representative Riddagh brought SB 101 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 101 - An Act to Amend Subchapter II, Chapter 5, Title 13, Delaware Code, Relating to Violations of Support Order. (2/3 bill)

Representative Riddagh brought HA 1 to SB 101 before the House for consideration. HA 1 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Gerald Street.

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

Representative Bennett requested and was granted the privilege of the floor for Senator Richard Cordrey.

The roll call on SB 101 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Burris - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 101 w/SA 1, HA 1 was returned to the Senate.

Representative Maroney brought SB 19 w/SA 1,2,3,4,5 w/SA 1, sponsored by Senator McBride, before the House for consideration.

SB 19 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

Representative Maroney moved to place SB 19 w/SA 1,2,3,4,5 w/SA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

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

Representative Cordrey brought SB 92, jointly sponsored by Senator Littleton, before the House for consideration.

SB 92 - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for Absentee Voting in the General Municipal Election. (2/3 bill)

The roll call on SB 92 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 92 was returned to the Senate.

Representative Burris brought SB 160, sponsored by Senators Murphy & Neal, before the House for consideration.

SB 160 - An Act to Amend Chapter 6 Title 29, Delaware Code, Relating to State Government by Requiring Notification of the Governor and General Assembly of Rules and Regulations Promulgated by State Agencies.

The roll call on SB 160 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Dixon, Ennis, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Powell, Soles - 20.

NO: Representatives Brady, Derrickson, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Sincok, Smith, Van Sciver - 14.

NOT VOTING: Representatives Cathcart, Plant, Roy, Spence, Mr. Speaker Hebner - 5.

ABSENT: Representatives Edwards, West - 2.

Therefore, not having received a constitutional majority, SB 160 was declared defeated.

Representative Oberle brought SB 230, jointly sponsored by Senators Sharp & Citro, before the House for consideration.

SB 230 - An Act to Amend Chapter 47, Part IV of Title 16 of the Delaware Code Pertaining to Unlawful Delivery of a Noncontrolled Substance.

Representative Oberle brought HA 1 to SB 230 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 230 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, SB 230 w/HA 1 was returned to the Senate.

Representative Burris brought SB 154, jointly sponsored by Senators Murphy, Cook, Vaughn, Zimmerman, McBride, Adams, Citro, Hughes, Berndt, Sharp, McDowell, Cordrey, Knox, Neal; Representatives Harrington, Powell, Gilligan, Corrozi, Cordrey, Buckworth, Cain, Cathcart, Derrickson, Oberle, Hebner, Roy, Petrilli, Minner, Darling, West, Soles & Dixon, before the House for consideration.

SB 154 - An Act to Amend Chapter 66, Title 18 of the Delaware Code to Provide Line-of-Duty Death Benefits for Parents of Certain Covered Persons and for Payment of Burial Expenses of Certain Covered Persons.

Representative Burris requested and was granted the privilege of the floor for Senator William Murphy.

Representative Burris moved to place SB 154 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Consent Calendar #20 was adopted by voice vote and HCR 56, HCR 71, HCR 72, HCR 73, HCR 74 & HCR 75 were sent to the Senate for concurrence and SCR 60 & SCR 61 were returned to the Senate.

Representative Gilligan moved to suspend all rules which interfere with introduction of and action on HR 70. The motion was properly seconded and adopted by voice vote.

Representative Gilligan introduced HR 70, jointly sponsored by All Members.

HR 70 - Congratulating Representative Marian (Grammy) P. Anderson as the Stork Strikes Again!

HR 70 was adopted by voice vote.

Representative Burris moved to lift SB 154 from the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

SB 154 - An Act to Amend Chapter 66, Title 18 of the Delaware Code to Provide Line-of-Duty Death Benefits for Parents of Certain Covered Persons and for Payment of Burial Expenses of Certain Covered Persons.

Representative Free requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on SB 154 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Petrilli, Smith - 3.

Therefore, having received a constitutional majority, SB 154 was returned to the Senate.

Representative Riddagh brought SB 195, jointly sponsored by Senators Vaughn, Sharp, Cook & Hughes, before the House for consideration.

SB 195 - An Act Making a Supplemental Appropriation to the Department of Correction for the Purpose of Paying Compensatory and Punitive Damages in Behalf of Wilbert Kee, Guard at the Delaware Correctional Center Facility in the Case of Courtland Pitts, Plaintiff, vs. Wilbert Kee, Defendant.

The roll call on SB 195 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Roy, Smith - 3.

Therefore, having received a constitutional majority, SB 195 was returned to the Senate.

Representative Derrickson brought SCR 28, jointly sponsored by Senator Adams & Representative Burris, before the House for consideration.

SCR 28 - Directing the Secretary of the Department of Natural Resources and Environmental Control to Investigate the Broadkill Channel for Recreational Boating Improvement.

The roll call on SCR 28 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Representative Minner brought HB 296, jointly sponsored by Representatives Darling, Burris, George, Harrington, Holloway, Dixon, Bennett, Soles, Sincok, Campanelli & Petrilli, before the House for consideration.

HB 296 - An Act to Amend Chapter 26, Title 14 of the Delaware Code Relating to the Power of County Vocational School Districts to Levy Taxes.

Representative Minner brought HA 1 to HB 296 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 296 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Smith, Van Sciver - 2.

ABSENT: Representatives Burris, Ennis, Petrilli - 3.

Therefore, having received a constitutional majority, HB 296 w/HA 1 was sent to the Senate for concurrence.

Representative Buckworth brought HB 319, jointly sponsored by Representatives Barnes, Harrington, Smith, Darling & Soles, before the House for consideration.

HB 319 - An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations. (2/3 bill)

The roll call on HB 319 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Bennett, Darling, Derrickson, Jonkiert - 4.

NOT VOTING: Representatives Anderson, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Minner, Soles, West - 10.

ABSENT: Representatives Burris, Cain, Campanelli, Plant - 4.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 319 was declared defeated.

Representative Derrickson moved to restore HB 319. The motion was properly seconded and adopted by voice vote.

Representative Buckworth moved to place HB 319 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Brady brought HB 190, jointly sponsored by Representatives Cain, Derrickson, Powell & Senator McDowell, before the House for consideration.

HB 190 - An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects. (3/5 bill)

The roll call on HB 190 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Harrington, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Mr. Speaker Hebner - 22.

NO: Representatives Darling, Free, Mack, Minner, Van Sciver - 5.

NOT VOTING: Representatives Anderson, Bennett, Cain, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Soles, West - 11.

ABSENT: Representatives Campanelli, Jonkiert, Plant - 3.
Therefore, not having received a constitutional majority of at least three-fifths Members of the House, HB 190 was declared defeated.

Representative Corrozi moved to suspend the rules which interfere with action on HB 326. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to recess for caucus at 4:01 p.m.

The House reconvened at 6:12 p.m.

Representative Corrozi brought HB 326, jointly sponsored by Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Darling, Dixon, Edwards, Free, Jester, Jonkiert, George, Gilligan, Holloway, Mack, Minner, Petrilli, Plant, Roy, Soles, Spence & West, before the House for consideration.

HB 326 - An Act to Amend Title 9, Title 14, Title 16, Title 22, and Title 29 of the Delaware Code Relating to Access to Public Land by Certain Public Agencies.

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

Representative Maroney moved to lift SB 19 w/SA 1,2,3,4,5 w/SA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney brought SB 19 w/SA 1,2,3,4,5 w/SA 1, sponsored by Senator McBride, before the House for consideration.

SB 19 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

Representative Maroney brought HA 1 to SB 19 before the House for consideration. Representative Maroney moved to place HA 1 on the Speaker's table.

Representative Maroney brought HA 2 to SB 19 before the House for consideration. Representative Maroney moved to place HA 2 on the Speaker's table.

Representative Maroney brought HA 3 to SB 19 before the House for consideration. Representative Maroney moved to place HA 3 on the Speaker's table.

Representative Maroney brought HA 4,5,6,7,8,9,10,11,12 to SB 19 before the House for consideration. Representative Maroney moved to place HA 4,5,6,7,8,9,10,11,12 to SB 19 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson brought HA 13 to SB 19 before the House for consideration. Representative Derrickson moved to place HA 13 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney brought HA 14 to SB 19 before the House for consideration.

Representative Maroney requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HA 14 to SB 19 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cordrey, Darling, Derrickson, Dixon, Ennis, Fallon, Free, Harrington, Holloway, Maroney, McKay, Petrilli, Powell, Riddagh, Sincock, Smith, Soles, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Cain, Edwards, George, Gilligan, Jester, Jonkiert, Mack, Minner, Oberle, Van Sciver, West - 12.

NOT VOTING: Representatives Brady, Campanelli, Cathcart, Corrozi, Plant, Spence - 6.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HA 14 to SB 19 was adopted.

Representative Maroney moved to place SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Jonkiert requested and was granted the privilege of the floor for Rev. William Smith, Delaware Right to Life.

Representative Burris moved to recess to the call of the Chair at 7:04 p.m.

43rd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

June 18, 1981

The Speaker called the House to order at 2:00 p.m.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SCR 58. The motion was seconded by Representative Van Sciver and adopted by voice vote.

Representative Burris withdrew the motion.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SJR 12. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker Hebner declared a recess at 2:02 p.m. for the purpose of adjusting the recording tape. The House reconvened at 2:04 p.m.

Representative Burris introduced and brought SJR 12, sponsored by Senators Vaughn, Zimmerman, Cook; Representatives Bennett & Buckworth; co-sponsored by Senator Murphy, before the House for consideration.

SJR 12 - Commending Edward R. "Pat" Knight on Being Elected to the Delaware Sports Hall of Fame and Congratulating Him for His Many Years of Dedication and Involvement in Delaware Sports.

The roll call on SJR 12 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 38.

ABSENT: Representatives Burris, Holloway, West - 3.

Therefore, having received a constitutional majority, SJR 12 was returned to the Senate.

Representative Oberle moved to reconsider SB 160. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle withdrew the motion.

Representative Derrickson introduced HB 422, jointly sponsored by Representative Powell & Senator Cordrey.

HB 422 - An Act to Amend Title 5, Chapter 21 of the Delaware Code Relating to Small Loan Companies.

Mr. Speaker assigned HB 422 to the Revenue & Finance Committee.

The Chief Clerk read the following Committee Report into the record:

ADM/S: HB 280 - 4M.

Mr. Speaker re-assigned HB 280 to the Appropriations Committee.

The Chief Clerk read the following Committee Report into the record:

R&F: HB 372 - 6M.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefilled legislation was introduced:

HB 411 - SINCOCK; SENATOR COOK; REPRESENTATIVES PETRILLI, BENNETT, ENNIS, GILLIGAN, CORROZI; SENATORS HOLLOWAY, BERNDT, MURPHY, LITTLETON, MCBRIDE - APPRO: An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

HB 412 - MCKAY, DERRICKSON - ED: An Act to Amend Delaware Code, Title 14, Relating to School District Taxes by Establishing a Maximum Authorized Tax Rate for Operating Expenses and a Procedure for Adjusting That Maximum Rate Following Countywide Reassessment.

HB 413 - BARNES; SENATOR ADAMS - NR/AGRI: An Act to Amend Title 3 of the Delaware Code by Adding a Chapter 76 Thereto Relating to Registration of Livestock Dealers.

HB 414 - BURRIS; SENATOR COOK - H/ADM: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Amount of Service or Disability Pension.

HB 415 - SINCOCK, BENNETT, GEORGE, MINNER, MCKAY; SENATORS COOK, MCBRIDE - H/ADM: An Act to Amend Chapter 19, Title 29 of the Delaware Code Relating to Fiscal Projections.

HB 416 - BRADY, MINNER, SOLES, FREE - H/SS: An Act to Amend Chapter 9 of Title 9 and Chapter 95 of Title 16 of the Delaware Code, Relating to Access to Commercial Establishments by Handicapped Persons.

HB 417 - BUCKWORTH; SENATOR MCDOWELL - R&F: An Act to Amend Delaware Code, Title 29, Chapter 55, Relating to the State Employees' Pension Plan; and Providing "Credited Service" Status to Individuals Who Have Served in the Armed Forces and Who Have Been Employed by the State of Delaware for Twenty Years.

HB 418 - OBERLE - ADM/S: An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 419 - PLANT, HOLLOWAY, JONKIERT, CAMPANELLI, WEST, DIXON; SENATOR HOLLOWAY - JUD: An Act to Amend Title 11, Delaware Code, by Punishing Certain Acts as Disorderly Conduct. (2/3 bill)

HB 420 - DARLING - JUD: An Act to Amend Subchapter I, Chapter I, Title 25, Delaware Code Relating to Certain Requirements Within Deeds Which Alienate or Convey Lands, Tenements or Hereditaments.

HB 421 - SINCOCK - ADM/S: An Act to Amend Titles 5 and 29 of the Delaware Code, Providing Reorganization of the Department of Administrative Services: By the Transfer of the State Bank Commissioner From the Department of Administrative Services to the Department of State; by the Reorganization of the Department of Administrative Services Through the Consolidation and Establishment of Divisions Within the Department; and by the Transfer of Responsibility for the State-Facilities Energy Management Plan to the Department of Administrative Services.

HA 1 to HB 252 - DARLING - R&F: Placed with the bill.

HA 1 to HB 262 - CAIN - Placed with the bill. (Agenda)

HA 1 to HB 336 - ANDERSON - Placed with the bill. (Agenda)

HA 1 to HA 1 to HB 353 - SOLES - Placed with the bill. (Ready List)

HA 1 to HB 357 - MCKAY - ADM/S: Placed with the bill.

HA 2 to HB 357 - MCKAY - ADM/S: Placed with the bill.

SB 270 w/SA 1 - SHARP, CITRO, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES; REPRESENTATIVES RIDDAGH, OBERLE, HARRINGTON, CATHCART, MACK, SPENCE, MINNER, JONKIERT - JUD: An Act to Amend Chapter 47, Title 16 of the Delaware Code to Create Enhanced Penalties for Drug Trafficking.

SB 271 - SHARP, CITRO, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES; REPRESENTATIVES RIDDAGH, OBERLE, HARRINGTON, CATHCART, MACK, SPENCE, MINNER, JONKIERT - JUD: An Act to Amend Chapter 41 of Title 14 of the Delaware Code Relating to Disturbing Schools or Destroying School Property.

SB 272 w/SA 1 - SHARP, CITRO, MCDOWELL, ZIMMERMAN, VAUGHN, HUGHES; REPRESENTATIVES RIDDAGH, OBERLE, HARRINGTON, CATHCART, SPENCE, MINNER, JONKIERT - JUD: An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware Relating to the Jurisdiction of the Supreme Court. (2/3 bill)

SB 282 - SHARP, CITRO, VAUGHN, HUGHES, CONNOR, BAIR, BERNDT, LITTLETON, ARNOLD; REPRESENTATIVES RIDDAGH, OBERLE, HARRINGTON, CATHCART, MACK, SPENCE, MINNER, JONKIERT - JUD: An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to the Creation of a Special Law Enforcement Assistance Fund.

HA 15 to SB 19 - DERRICKSON - Placed with the bill. (L.O.T.)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 270 w/SA 1; SB 271, SB 272 w/SA 1; SB 282, HB 273 w/HA 4, SA 2; HJR 14.

Representative Riddagh brought HB 298, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 298 - An Act to Amend Chapter 7, Title 21, Delaware Code, to Establish a Procedure When a Juvenile is Arrested for Multiple Traffic Offenses, Some of Which Fall Within the Jurisdiction of the Family Court While Others Fall Within the Jurisdiction of Other Courts.

Representative Riddagh brought HA 1 to HB 298 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Robert D. Thompson, Chief Judge, Family Court.

The roll call on HB 298 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Darling, Edwards, Jonkiert, Petrilli, West - 7.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Minner, Soles - 10.

ABSENT: Representative Plant - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 298 w/HA 1 was declared defeated.

Representative Riddagh brought HB 299, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 299 - An Act to Amend Chapter 27, Title 11, Delaware Code to Grant Justice of the Peace Courts Jurisdiction to Hear, Try and Finally Determine Additional Misdemeanors Than They Presently Have Jurisdiction to Hear, Try and Finally Determine. (2/3 bill)

The roll call on HB 299 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Darling, Jonkiert, Petrilli, West - 4.

NOT VOTING: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Soles, - 11.

ABSENT: Representatives Minner, Plant - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 299 was declared defeated.

Representative Riddagh brought HB 300, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 300 - An Act Proposing an Amendment to Article IV, Section 30, of the Constitution of the State of Delaware Relating to Justices of the Peace and Other Legislative Courts. (2/3 bill)

Representative Jonkiert brought HA 1 to HB 300 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Magistrate Norman Barron.

The roll call on HB 300 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Cain, Campanelli, Cordrey, Darling, George, Gilligan, Jester, Petrilli, West - 9.

NOT VOTING: Representatives Anderson, Bennett, Dixon, Holloway, Plant, Soles - 6.

ABSENT: Representatives Jonkiert, Minner - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 300 w/HA 1 was declared defeated.

Representative Riddagh brought HB 301, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 301 - An Act to Amend Chapter 41, Title 11 of the Delaware Code to Grant the Justices of the Peace Discretion Imposing a Sentence for Civil Contempt of Court Upon Those Defendants Who Fail to Comply With the Court's Work Referral Order.

The roll call on HB 301 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representatives Bennett, Plant - 2.

ABSENT: Representatives Cain, Campanelli, Gilligan, Minner - 4.

Therefore, having received a constitutional majority, HB 301 was sent to the Senate for concurrence.

Representative Riddagh brought HB 309, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 309 - An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Mail-In Fine Procedures and Penalties and to Further Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Fuel Tax Penalties. (2/3 bill)

Representative Riddagh brought HA 1 to HB 309 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 309 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Darling, Jonkiert, Petrilli, West - 4.

NOT VOTING: Representatives Anderson, Bennett, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, - 11.

ABSENT: Representatives Cain, Campanelli - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 309 w/HA 1 was declared defeated.

Representative Riddagh brought HB 302, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 302 - An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Costs in Proceedings Before Justices of the Peace.

Representative Jonkiert brought HA 1 to HB 302 before the House for consideration. Representative Jonkiert requested that HA 1 be stricken.

Representative Jonkiert brought HA 2 to HB 302 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Magistrate Norman Barron.

The roll call on HB 302 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jester, Jonkiert, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 32.

NO: Representatives Cain, Campanelli, George, Gilligan, Mack, Minner, West - 7.

NOT VOTING: Representatives Holloway, Plant - 2.

Therefore, having received a constitutional majority, HB 302 w/HA 2 was sent to the Senate for concurrence.

Representative Riddagh moved to suspend the rules which interfere with action on HB 292. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought HB 292, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 292 - An Act to Amend Chapter 92, of Title 10, of the Delaware Code Relating to Organization and Operation of the Justice of the Peace Courts.

The roll call on HB 292 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

NOT VOTING: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 292 was sent to the Senate for concurrence.

Representative Oberle moved to reconsider SB 160. The motion was seconded by Representative Petrilli and adopted by voice vote.

SB 160 - An Act to Amend Chapter 6 Title 29, Delaware Code, Relating to State Government by Requiring Notification of the Governor and General Assembly of Rules and Regulations Promulgated by State Agencies.

Representative Burris moved to place SB 160 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 238, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 238 - An Act to Amend Chapter 9, Title 10, Delaware Code, to Clarify and Refine the Definition of Family as Said Word is Used Within the Family Court Act.

The roll call on SB 238 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

NO: Representative Campanelli - 1.

ABSENT: Representative West - 1.

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

Therefore, having received a constitutional majority, SB 238 was returned to the Senate.

Representative Riddagh brought SB 241 w/SA 1, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 241 - An Act to Amend Section 1509, Title 13 Delaware Code, Relating to Preliminary Injunctions in Divorce and Annulment Proceedings.

Representative Riddagh requested and was granted the privilege of the floor for Robert D. Thompson, Chief Judge, Family Court.

The roll call on SB 241 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

NOT VOTING: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 241 w/SA 1 was returned to the Senate.

Representative Riddagh brought SB 246, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 246 - An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Powers and Duties of the Chief Judge of the Family Court.

Representative Riddagh requested and was granted the privilege of the floor for Robert D. Thompson, Chief Judge, Family Court.

The roll call on SB 246 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Free - 1.

Therefore, having received a constitutional majority, SB 246 was returned to the Senate.

Representative Derrickson brought SB 211, sponsored by Senators Cordrey, Berndt & Adams, before the House for consideration.

SB 211 - An Act to Amend Subchapter 1, Chapter 49, Title 10, of the Delaware Code Relating to Exemptions in Bankruptcy and Insolvency.

Representative Powell brought HA 1 to SB 211, jointly sponsored by Representatives Derrickson, Dixon & Harrington, before the House for consideration. HA 1 was adopted by voice vote.

Representative Derrickson requested and was granted the privilege of the floor for Mr. Samuel M. Simpson, Delaware Credit Union League.

Representative Powell requested and was granted the privilege of the floor for Christopher Giuliana, UAW Program Director.

The roll call on SB 211 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Riddagh, Roy, Smith, Spence, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Campanelli, Free, Gilligan, Holloway, Oberle, Plant, Poweell, Soles, Van Sciver, West - 11.

NOT VOTING: Representatives Cain, Cathcart - 2.

ABSENT: Representatives Brady, Petrilli, Sincok - 3.

Therefore, having received a constitutional majority, SB 211 w/HA 1 was returned to the Senate.

Representative Maroney moved to suspend all rules which interfere with introduction of and action on HR 71. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney introduced HR 71, jointly sponsored by Representatives Anderson, Fallon, Jester, Minner, Smith & Soles.

HR 71 - GREETINGS TO FATHER ON HIS DAY, SUNDAY, JUNE 21, 1981.

WHEREAS, the year has turned again and on Sunday, June 21, 1981, we shall observe Father's Day; and

WHEREAS, during the year the number of Mothers in the House of Representatives has increased by two to seven; and

WHEREAS, this piece of startling information may give our colleague Fathers in the House some concern as they wonder how long it will be before they are outnumbered; and

WHEREAS, it is hoped that this information will not be fed into the computer to change our reapportionment formula(s); and

WHEREAS, we as the Seven Sisters of the House in the 131st General Assembly hope to be able to continue to steady our Fathers so they will cooperate with us in the enactment of good legislation even if it takes 25 amendments; and

WHEREAS, all we are really saying is that we wish Fathers everywhere the best of Father's Days and as Mothers the seven of us are always ready to consult with our colleagues here and point the way to better service.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 131st General Assembly of Delaware salutes Fathers of the State on Father's Day, June 21, 1981.

BE IT FURTHER RESOLVED that we, Representative Jane Maroney, Marian Anderson, Tina Fallon, Katherine Jester, Ruth Ann Minner, Gwynne P. Smith and Ada Leigh Soles, also express our special good wishes for a happy day to our brothers in the House of Representatives.

HR 71 was adopted by voice vote.

Representative Sincok moved to suspend the rules which interfere with lifting SB 215 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok brought SB 215, jointly sponsored by Senator Cook; co-sponsored by Senators Zimmerman, Murphy & Representative Harrington, before the House for consideration.

SB 215 - An Act to Amend Chapter 52, Title 29 of the Delaware Code to Correct an Inequity in Health Care Insurance Coverage for Retirees Over Age 65 and Extending an Appropriation Therefore.

Representative Sincok brought HA 1 to SB 215 before the House for consideration. Representative Sincok requested that HA 1 be stricken.

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

Representative McKay requested and was granted the privilege of the floor for Mr. Donald McArdle, Pension Administrator, State of Delaware.

Representative Burris requested and was granted the privilege of the floor for Mr. Dennis Sullivan, Secretary of Finance.

The roll call on SB 215 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, - 39.

NO: Mr. Speaker Hebner - 1.

ABSENT: Representative Powell - 1.

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

Representative Burris moved to recess to the call of the Chair at 6:14 p.m.

44th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 23, 1981

The Speaker called the House to order at 2:04 p.m.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: HB 357 - 3M; SB 128 - 3M.

H/ADM: SB 150 - 5M; SB 224 - 5M; SB 223 - 5M; SB 171 - 5M; SB 169 - 5M; HB 390 - 5M.

R&F: HB 422 - 5F, 1M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 112 w/HA 1; HB 219, HB 218, HB 169, HB 389 w/HA 1,2,3,4; SB 268, HB 131 w/HA 1; HB 132, HB 147, SB 276 w/SA 1, SB 208 w/SA 1; SB 295 w/SA 1; SB 287, HB 148, SB 130, SB 222 w/SA 1; HB 191, HB 259, HB 161, HCR 73, HCR 74, SB 66, SB 268 w/SA 1; SB 292 w/SA 1; SCR 64, SCR 63, HB 120 w/HA 1, SA 1; SB 307, SB 294, SB 177, SB 316 w/SA 1, SB 255, SB 248, SB 151, SB 259, SB 297, SB 291 w/SA 1, SB 299.

June 18, 1981

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/16/81 - HB 15; 6/18/81 - SCR 39.

The Majority Leader moved to adjourn at 2:11 p.m., thereby ending the previous legislative day. The House reconvened at 2:12 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

The Speaker led those present in a pledge of allegiance to the Flag.
 The minutes of the previous calendar day were approved as posted.
 The following prefiled legislation was introduced:

HB 423 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Amend An Act Being Chapter 197, Volume 54, Laws of Delaware, As Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" to Increase the Amount Which May be Spent for Materials or Services Without Requiring Competitive Bidding. (2/3 bill)

HB 424 - DARLING, MINNER, CORDREY, WEST, RIDDAGH - JUD: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Sentence for Rape in the First Degree.

HB 425 - CAIN - JUD: An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to the Delivery of Fire Prevention Services to Certain Types of Multi-Unit Residential Buildings; and Providing a Financial Means of Support for Fire Companies and Fire Departments Servicing Such Buildings.

HB 426 - ROY - JUD: An Act to Amend Chapter 37, Title 10 of the Delaware Code Relating to Wrongful Death Actions.

HB 427 - CAIN - H/ADM: An Act to Amend Chapter 66, Part VI, Title 16 of the Delaware Code Relating to Fire Protection; and Providing for an Assessment to be Collected Prior to the Recordation of Certain Documents. (3/5 bill)

HA 1 to HB 271 - BUCKWORTH - Placed with the bill. (Ready List)

HA 1 to HB 313 - BENNETT, ROY - Placed with the bill. (Ready List)

HA 1 to HB 320 - SMITH - Placed with the bill. (Agenda)

HA 1 to HB 340 - JONKIERT - Placed with the bill. (Ready List)

HA 3 to HB 357 - OBERLE, ROY, CATHCART - APPRO: Placed with the bill.

HA 4 to HB 357 - MCKAY - APPRO: Placed with the bill.

HA 5 to HB 357 - MCKAY - APPRO: Placed with the bill.

HA 1 to HB 372 - VAN SCIVER - Placed with the bill. (Ready List)

SB 66 - MARTIN - ADM/S: An Act to Amend Title 4, Del. C. to Authorize Delaware Liquor Retailers to Purchase Supplies From Out-of-State Wholesalers and Manufacturers.

SB 130 - MARSHALL - H/ADM: An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to Professions and Occupations; and Providing for a Public Member on the Governing Body of Certain Boards, Commissions and Other Agencies.

SB 151 - ADAMS, CORDREY, VAUGHN, LITTLETON; REPRESENTATIVES WEST, BARNES, FALLON, CORDREY - JUD: An Act to Amend Chapter 83, Title 11, Delaware Code Relating to State Police Stations.

SB 177 - SHARP - JUD: An Act Amending Chapter 19, Title 10 of the Delaware Code Relating to Admission of Attorneys.

SB 208 w/SA 1 - MCDOWELL; REPRESENTATIVE BRADY - JUD: An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware Relating to the Judiciary and Permitting Certain Former State Judges and Former Justices of the Supreme Court to Return to Active Judicial Duty Under Certain Circumstances. (2/3 bill)

SB 222 w/SA 1 - MARSHALL - ADM/S: An Act to Amend Chapter 51, Title 15, Delaware Code, Relating to the Right of Employees to Vote.

SB 248 - ZIMMERMAN, BERNDT; REPRESENTATIVES SMITH, MINNER - NR/AGRI: An Act to Amend Subsection 103 (f), Chapter 1, Title 7 of the Delaware Code Relating to Forfeiture of Property Used in Connection With the Illegal Hunting or Possession of Deer.

SB 255 - MCDOWELL - R&F: An Act to Amend Chapter 43, Title 30, Delaware Code, Relating to the Exemption of the Lease Tax on Lessors' of Motor Vehicles.

SB 259 - NEAL, MARTIN; REPRESENTATIVES PETRILLI, ANDERSON, SOLES, JESTER - H/ADM: An Act to Amend Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by Removing the Prohibition Against Political Activity by Persons Holding Unpaid Appointive City Positions. (2/3 bill)

SB 266 - COOK, BAIR; REPRESENTATIVES MINNER, FALLON - R&F: An Act to Amend Chapter 86, Title 29 of the Delaware Code Relating to the Establishment of the Delaware Commission for Women.

SB 268 w/SA 1 - VAUGHN, COOK, CITRO, HUGHES; REPRESENTATIVES RIDDAGH, MACK - JUD: An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

SB 276 w/SA 1 - HOLLOWAY - ADM/S: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Skilled Maintenance Personnel in Reorganized School Districts.

SB 287 - VAUGHN; REPRESENTATIVE RIDDAGH - H/ADM: An Act to Amend Chapter 138, Volume 41, Laws of Delaware, as Amended Being "An Act to Reincorporate the Town of Clayton" by Permitting the Town of Clayton to Levy a Separate Garbage Assessment. (2/3 bill)

SB 291 w/SA 1 - VAUGHN, SHARP, COOK, HUGHES, CITRO; REPRESENTATIVES RIDDAGH, SPENCE, MACK, JONKIERT, MINNER - JUD: An Act to Amend Chapter 41, Title 11, of the Delaware Code Relating to Criminal Procedures; and Providing for Restitution for Property Damage or Loss Sustained by Victims of Crimes.

SB 292 w/SA 1 - HOLLOWAY; REPRESENTATIVE CAIN - H/SS: An Act to Amend Chapter 33 of Title 18, Chapter 23 of Title 19, and Chapter 5 of Title 31 of the Delaware Code Relating to Payment for the Services of Licensed Clinical Social Workers as Mental Health Providers.

SB 294 - NEAL, HOLLOWAY, ZIMMERMAN, SHARP, MCDOWELL, BERNDT, COOK, LITTLETON, ADAMS, MARTIN, CONNOR, BAIR, MARSHALL, HUGHES, VAUGHN, CITRO, ARNOLD, KNOX, MCBRIDE, MURPHY; REPRESENTATIVES HOLLOWAY, ROY, HARRINGTON, FALLON, BENNETT, ANDERSON, BRADY, FREE, PLANT, MARONEY, VAN SCIVER, CORROZI, GILLIGAN, CAIN, SOLES, BARNES, SPENCE, OBERLE, HEBNER, WEST, RIDDAGH, CATHCART, MINNER, DARLING, JESTER, CORDREY, EDWARDS, ENNIS, CAMPANELLI, DERRICKSON, GEORGE, BUCKWORTH, POWELL, DIXON, PETRILLI, MCKAY - ED: An Act to Amend Delaware Code, Title 14, as It Relates to the Funding of Educational Services for Persons Who Are Autistic.

SB 295 w/SA 1 - ADAMS; REPRESENTATIVE SPENCE - JUD: An Act to Amend Chapter 44, Title 21 of the Delaware Code Relating to the Removal of Abandoned Vehicles.

SB 297 - HUGHES, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, HOLLOWAY, KNOX, LITTLETON, MARTIN, MURPHY, SHARP, VAUGHN, ZIMMERMAN; REPRESENTATIVES MCKAY, SINCOCK - H/ADM: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to the State Employees Pension Plan.

SB 299 - COOK; REPRESENTATIVE SPENCE - ADM/S: An Act to Amend Chapter 71, Title 7 of the Delaware Code to Provide for Additional Exemptions From the Noise Control Law.

SB 307 - CORDREY; REPRESENTATIVE DARLING - JUD: An Act to Amend Title 11, Delaware Code, Section 475, Relating to Immunity as An Affirmative Defense.

SB 316 w/SA 1 - CORDREY, COOK, MCDOWELL, MCBRIDE, ADAMS, MARTIN, HOLLOWAY, HUGHES, CITRO, CONNOR, BAIR, BERNDT, NEAL, KNOX; REPRESENTATIVES DERRICKSON, BURRIS, PETRILLI, SINCOCK, ENNIS, HARRINGTON, MARONEY, FALLON, POWELL, ROY, BRADY, GEORGE, MINNER, GILLIGAN, SOLES, DARLING, ANDERSON, PLANT, BENNETT, DIXON, MCKAY, CATHCART, OBERLE - R&F: An Act to Amend Titles 5, 9, 10, 12, 14, 18, 23, 29 and 31 Relating to Provisions Within Said Titles Dealing Specifically With the Farmers Bank of the State of Delaware and to Make Provisions for the Disposition of Money Previously Deposited With the Farmers Bank of the State of Delaware.

HA 1 to SB 160 - DERRICKSON - Placed with the bill. (L.O.T.)

SCR 64 - HOLLOWAY - JUD: Requesting That Vehicle Rental Agencies Do Not Discriminate Against Drivers Over 70 Years of Age.

Mr. Speaker re-assigned HB 410 to the Revenue & Finance Committee.

Representative Burris moved to suspend the rules which interfere with action on **SCR 58**. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Burris brought **SCR 58**, sponsored by Senators Marshall, McBride, McDowell, Citro, Bair & Representative Jonkiert; co-sponsored by Representatives Corrozi, Van Sciver & Ennis, before the House for consideration.

SCR 58 - Urging the Nemours Foundation Incorporated to Use the Evaluation of the Performance of the Nemours Health Clinic Incorporated as a Springboard to Expanded Services for Delaware Senior Citizens.

SCR 58 was adopted by voice vote and returned to the Senate.

Representative Maroney brought **SB 298 w/SA 1**, sponsored by Senators Holloway & Berndt, before the House for consideration.

SB 298 - An Act to Amend Title 24, Chapters 11 and 21 to Permit the Rendering of Dental and Optometric Services in Non-Profit Clinics Operated in Affiliation With Hospitals.

The roll call on **SB 298 w/SA 1** was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, **SB 298 w/SA 1** was returned to the Senate.

Representative Roy brought **SB 96**, sponsored by Senator McBride, before the House for consideration.

SB 96 - An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to Professional Land Surveyors.

Representative Roy requested and was granted the privilege of the floor for Senator David B. McBride.

Representative Roy moved to place **SB 96** on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney brought **SB 86**, jointly sponsored by Senators Citro, Bair, Hughes, McBride; Representatives Petrilli & Oberle, before the House for consideration.

SB 86 - An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Location of Adult Entertainment Establishments.

Representative Maroney requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on **SB 86** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SB 86 was returned to the Senate.
Representative Maroney brought SB 142, jointly sponsored by Senator Holloway, before the House for consideration.

SB 142 - An Act to Amend Chapter 31, Title 16, of the Delaware Code, Relating to the Registration of Births, Deaths, Marriages, Divorces, Annulments, and Adoptions.

Representative Maroney brought HA 1 to SB 142 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney brought HA 2 to SB 142 before the House for consideration.
Representative Maroney requested that HA 2 be stricken.

The roll call on SB 142 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 142 w/HA 1 was returned to the Senate.

Representative Edwards brought SB 153 w/SA 2, jointly sponsored by Senators McDowell, Marshall, McBride, Knox, Berndt, Neal, Connor; Representatives Brady, Gilligan, Riddagh, Maroney & Anderson, before the House for consideration.

SB 153 - An Act to Amend Chapter 22, Title 16, Delaware Code, Relating to the Uniform Alcoholism and Intoxication Treatment Act.

The roll call on SB 153 w/SA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 153 w/SA 2 was returned to the Senate.

Representative Holloway brought SB 218, jointly sponsored by Senators Holloway & McDowell, before the House for consideration.

SB 218 - An Act to Authorize the Department of Highways and Transportation to Convey Certain Lands to the Delaware Center for Contemporary Arts, Inc.

Representative Holloway requested and was granted the privilege of the floor for Senator Herman M. Holloway, Sr.

The roll call on SB 218 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representatives Edwards, Mack, Oberle - 3.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SB 218 was returned to the Senate.

Representative Harrington brought SB 133, jointly sponsored by Senators Zimmerman, Adams, Arnold, Berndt, Cook, Knox, Murphy, Vaughn; Representatives Barnes, Fallon, Minner & West, before the House for consideration.

SB 133 - An Act to Amend Chapter 79, Title 3, Delaware Code, Relating to Impoundment and Disposition of Animals.

The roll call on SB 133 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Powell - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 133 was returned to the Senate.

Representative Riddagh brought SB 247, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 247 - An Act to Amend Section 925, Title 10, Delaware Code, Giving Family Court Concurrent Jurisdiction With the Court of Chancery to Appoint Guardians of the Person Over Minors Under 18 Years of Age.

The roll call on SB 247 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority, SB 247 was returned to the Senate.

Representative Riddagh brought SB 283, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 283 - An Act to Amend Chapter 9, Title 10, Delaware Code, Relating to the Family Court of the State of Delaware and Methods for Acquiring Personal Jurisdiction Over Parties.

Representative Riddagh requested and was granted the privilege of the floor for Robert D. Thompson, Chief Judge, Family Court.

The roll call on SB 283 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 36.

ABSENT: Representatives Cathcart, Free, Jonkiert, Sincok, West - 5.

Therefore, having received a constitutional majority, SB 283 was returned to the Senate.

Representative Riddagh brought SB 284, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 284 - An Act to Permit Family Court to Order Children Under Fourteen Years of Age to Work and Make Restitution to Repay Their Victims.

Representative Riddagh requested and was granted the privilege of the floor for Robert D. Thompson, Chief Judge, Family Court.

Representative Burris moved to place SB 284 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Roy brought SJR 6 w/SA 1, jointly sponsored by Senators Bair, Neal, Knox, McBride, Vaughn; Representatives Smith, Soles, Jester, Ennis & Corrozi, before the House for consideration.

SJR 6 - Directing the Public Schools in the State of Delaware to Adopt Energy Conservation as an Official Policy.

The roll call on SJR 6 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derrickson, Dixon, Jonkiert - 3.

Therefore, having received a constitutional majority, SJR 6 w/SA 1 was returned to the Senate.

Representative Burris moved to recess for caucus at 3:55 p.m.

The House reconvened at 6:34 p.m.

The Chief Clerk read the following Committee Report into the record:

ADM/S: SB 276 w/SA 1 - 2F,3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 280, SB 342, SS 1 for SB 190 w/SA 1; SB 303 w/SA 1; SB 300 w/SA 1,2; SB 325, SB 229 w/SA 1; SB 249.

Mr. Speaker re-assigned HB 317 to the Appropriations Committee.

The Chief Clerk read the following Committee Report into the record:

APPRO: HB 411 - 1F,4M.

Representative Corrozi moved to suspend the rules which interfere with lifting HB 326 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Corrozi brought HB 326, jointly sponsored by Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Darling, Dixon, Edwards, Free, Jester, Jonkiert, George, Gilligan, Holloway, Mack, Minner, Petrilli, Plant, Roy, Soles, Spence & West, before the House for consideration.

HB 326 - An Act to Amend Title 9, Title 14, Title 16, Title 22, and Title 29 of the Delaware Code Relating to Access to Public Land by Certain Public Agencies.

The roll call on HB 326 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 38.

NOT VOTING: Representative West - 1.

ABSENT: Representatives Campanelli, Cordrey - 2.

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

Representative Fallon brought HB 328, co-sponsored by Representative Van Seiver, before the House for consideration.

HB 328 - An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Sick Leave and Absences For Other Reasons.

Representative Fallon brought HA 1 to HB 328 before the House for consideration. HA 1 was adopted by voice vote.

Representative Brady requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative Free rose on a point of order. Mr. Speaker concurred.
 The roll call on HB 328 w/HA 1 was taken and revealed:
 YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.
 NO: Representatives Brady, Edwards, Riddagh - 3.
 NOT VOTING: Representative Smith - 1.
 ABSENT: Representatives Burris, George, Jonkiert - 3.
 Therefore, having received a constitutional majority, HB 328 w/HA 1 was sent to the Senate for concurrence.

Representative Ennis brought HB 325, jointly sponsored by Representatives Hebner, Mack, Holloway, Cathcart, Plant, Campanelli, McKay, Minner, Soles, Barnes, Van Seiver, Free, Cordrey, Buckworth, Spence, Anderson, Dixon, Corrozi, Jester, Darling, Cain, Fallon, Riddagh, West, George, Roy; Senators Citro, Adams, Bair & Arnold, before the House for consideration.
HB 325 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Absentee Voting in School Elections.
 Representative Fallon brought HA 1 to HB 325 before the House for consideration.
 Representative Fallon requested and was granted the privilege of the floor for House Attorney Bruce Hudson.
 The roll call on HA 1 to HB 325 was taken and revealed:
 YES: Representatives Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, Oberle, Plant, Powell, Sincok, Spence, Van Seiver, West, Mr. Speaker Hebner - 28.
 NO: Representatives Anderson, Bennett, Cain, George, McKay, Petrilli, Riddagh, Roy, Smith, Soles - 10.
 ABSENT: Representatives Barnes, Jonkiert, Minner - 3.
 Therefore, having received a constitutional majority, HA 1 to HB 325 was adopted.
 Representative Ennis brought HA 2 to HB 325 before the House for consideration. Representative Ennis requested that HA 2 be stricken.
 Representative Riddagh requested that his name be removed as a joint sponsor of HB 325.
 Representative Ennis requested and was granted the privilege of the floor for House Attorney Bruce Hudson.
 Representative Petrilli rose on a point of order. Mr. Speaker concurred.
 Representative Holloway rose on a point of order. Mr. Speaker concurred.
 Representative Roy requested that HB 325 w/HA 1 be assigned to Committee.
 Mr. Speaker re-assigned HB 325 w/HA 1 to the Education Committee.
 Representative Smith brought HB 320, jointly sponsored by Representatives Buckworth, Harrington, Minner; Senators Berndt & Zimmerman, before the House for consideration.
HB 320 - An Act to Amend Chapters 6 and 71, Title 29 of the Delaware Code Relating to Enforcement Vehicles of the Department of Natural Resources and Environmental Control.
 Representative Smith brought HA 1 to HB 320 before the House for consideration. HA 1 was adopted by voice vote.
 The roll call on HB 320 w/HA 1 was taken and revealed:
 YES: The roll call on HB 320 w/HA 1 was taken and revealed:
 YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 35.
 NO: Representatives Campanelli, Cordrey, Darling, Jester, West - 5.
 NOT VOTING: Representative Roy - 1.
 Therefore, having received a constitutional majority, HB 320 w/HA 1 was sent to the Senate for concurrence.

Representative Roy rose on a point of order. Mr. Speaker concurred.
 Representative Free brought HB 279, jointly sponsored by Representatives Brady, Van Seiver, Buckworth, Mack, Soles, Fallon, Spence, Gilligan, Jester; Senators Neal, Bair, Connor & Martin, before the House for consideration.
HB 279 - An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards.
 Representative Roy requested and was granted the privilege of the floor for Controller General Duane Olsen.
 The roll call on HB 279 was taken and revealed:
 YES: Representatives Brady, Buckworth, Cain, Derrickson, Ennis, Fallon, Free, Gilligan, Jester, Soles, Van Seiver, Mr. Speaker Hebner - 12.
 NO: Representatives Bennett, Burris, Darling, Harrington, Jonkiert, Maroney, McKay, West - 8.
 NOT VOTING: Representatives Anderson, Barnes, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Edwards, George, Holloway, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Spence - 21.
 Therefore, not having received a constitutional majority, HB 279 was declared defeated.

Representative Derrickson brought HB 422, jointly sponsored by Representative Powell & Senator Cordrey, before the House for consideration.

HB 422 - An Act to Amend Title 5, Chapter 21 of the Delaware Code Relating to Small Loan Companies.

Representative Derrickson brought HA 1 to HB 422 before the House for consideration.

Representative Derrickson requested and was granted the privilege of the floor for House Attorney Gerald Street.

HA 1 to HB 422 was adopted by voice vote.

The roll call on HB 422 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Soles, Spence, Mr. Speaker Hebner - 35.

NO: Representatives Minner, Oberle, Van Sciver, West - 4.

ABSENT: Representatives Holloway, Smith - 2.

Therefore, having received a constitutional majority, HB 422 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Hebner appointed Representative Petrilli Acting Speaker.

Representative Hebner brought HB 225, jointly sponsored by Senator Bair, before the House for consideration.

HB 225 - An Act to Amend Title 7 of the Delaware Code Relating to Falconry Licensing.

Representative Hebner brought HA 1 to HB 225 before the House for consideration. HA 1 was adopted by voice vote.

Representative Hebner brought HA 2 to HB 225 before the House for consideration. HA 2 was adopted by voice vote.

Representative Hebner requested and was granted the privilege of the floor for Mr. Paul Burns, Division of Fish & Wildlife.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 225 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Buckworth, Darling, Edwards, Free, Harrington, Hebner, Spence, Van Sciver - 9.

NO: Representatives Anderson, Bennett, Brady, Cathcart, Corrozi, Derrickson, Dixon, Ennis, Fallon, George, Gilligan, Jester, Mack, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Sincoc, Smith, Soles, West, Acting Speaker Petrilli - 24.

NOT VOTING: Representatives Campanelli, Cordrey - 2.

ABSENT: Representatives Burris, Cain, Holloway, Jonkiert, Plant, Roy - 6.

Therefore, not having received a constitutional majority, HB 225 w/HA 1,2 was declared defeated.

Mr. Speaker Hebner resumed the Chair.

Representative Cathcart brought HB 330, jointly sponsored by Representatives Cain, Mack, Free, Oberle, Gilligan, Jonkiert; Senators Holloway, Knox & McDowell, co-sponsored by Representative Petrilli, before the House for consideration.

HB 330 - An Act to Amend Chapter 21, Title 10 of the Delaware Code Relating to the Office of Sheriff.

The roll call on HB 330 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Jester - 1.

NOT VOTING: Representative Minner - 1.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, HB 330 was sent to the Senate for concurrence.

Representative Oberle brought HB 273 w/HA 4, SA 2, jointly sponsored by Senator Marshall; Representatives Sincoc, Roy, Buckworth, Barnes, Petrilli, Burris; Senators Hughes, Bair, Knox, Berndt, Connor, Citro, Arnold, Murphy & Adams, before the House for consideration.

HB 273 - An Act to Amend Title 19 of the Delaware Code to Modify Unemployment Insurance Tax Rates, Provide for Benefits Based Upon Annual Wage Histories, Extend the Present Level of Maximum Benefits, and Related Provisions for the Purpose of Improving the Solvency of the Unemployment Compensation Trust Fund. (3/5 bill)

Representative Campanelli introduced HA 6 to HB 273. Representative Burris moved to place HA 6 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Soles, Van Sciver, West - 16.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Cathcart, Petrilli - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 6 to HB 273 was placed on the Speaker's table.

The roll call on HB 273 w/HA 4, SA 2 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 28.

NO: Representatives Cain, Campanelli, Cordrey, Darling, Gilligan, Holloway, Jester, Jonkiert, Plant, West - 10.

NOT VOTING: Representatives Anderson, George, Minner - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 273 w/HA 4, SA 2 was sent to the Governor.

The Chief Clerk read the following Committee Reports into the record:

NR/AGRI: SB 248 - 1F, 2M.

JUD: SB 208 w/SA 1 - 4M; SB 256 - 1F, 3M; SB 282 - 2F, 2M; SB 245 - 2F, 2M; SB 272 w/SA 1 - 2F, 2M; SB 271 - 2F, 2M; SB 270 - 2F, 2M.

R&F: HB 410 - 2F, 2M, 1UF; SB 316 w/SA 1 - 5F, 1M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 344, SB 346, SB 277 w/SA 1; SB 182.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, R. W. Riddagh, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 325.

Date: 6/22/81.

Signed: Robert W. Riddagh.

June 23, 1981

LEGISLATIVE ADVISORY #15

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 22, 1981 - SB 106 aab SA 1; HB 31.

The following are Constitutional Amendments on their 1st Leg which were received by the Governor June 22, 1981. The Governor's Signature is not required: HB 191, HB 218.

The Governor signed the following legislation on June 23, 1981 - SB 165, SB 166, SB 167, SB 168, SB 170, SB 187 aab SA's 1, 5, 6, HA 1; HB 205 aab HA 1; HB 160 aab HA 1; HB 171 aab HA 1; HB 46 aab HA 1.

Representative Sincok introduced HS 1 for HB 250, jointly sponsored by Senator Cook; Representatives Bennett, Corrozi, Ennis, Gilligan, Petrilli; Senators Berndt, Holloway, Littleton, McBride & Murphy.

HB 250 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative Petrilli moved to recess to the call of the Chair at 9:20 p.m.

45th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 24, 1981

The Speaker called the House to order at 1:58 p.m.

Mr. Speaker assigned HS 1 for HB 250 to the Appropriations Committee.

Representative Petrilli moved to reconsider HB 298 w/HA 1. The motion was seconded by Representative Riddagh and adopted by voice vote.

HB 298 - An Act to Amend Chapter 7, Title 21, Delaware Code, to Establish a Procedure When a Juvenile is Arrested for Multiple Traffic Offenses, Some of Which Fall Within the Jurisdiction of the Family Court While Others Fall Within the Jurisdiction of Other Courts.

Representative Riddagh moved to place HB 298 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli moved to reconsider HB 299. The motion was seconded by Representative McKay and adopted by voice vote.

HB 299 - An Act to Amend Chapter 27, Title 11, Delaware Code to Grant Justice of the Peace Courts Jurisdiction to Hear, Try and Finally Determine Additional Misdemeanors Than They Presently Have Jurisdiction to Hear, Try and Finally Determine. (2/3 bill)

Representative Riddagh moved to place HB 299 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli moved to reconsider HB 300 w/HA 1. The motion was seconded by Representative Riddagh and adopted by voice vote.

HB 300 - An Act Proposing an Amendment to Article IV, Section 30, of the Constitution of the State of Delaware Relating to Justices of the Peace and Other Legislative Courts. (2/3 bill)

Representative Riddagh moved to place HB 300 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Petrilli moved to reconsider HB 309 w/HA 1. The motion was seconded by Representative Riddagh and adopted by voice vote.

HB 309 - An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Mail-In Fine Procedures and Penalties and to Further Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Fuel Tax Penalties. (2/3 bill)

Representative Riddagh moved to place HB 309 w/HA 1 on the Speaker's table. The motion was seconded by Representative Ennis and adopted by voice vote.

Representative Free moved to reconsider HB 190. The motion was seconded by Representative Sincok and adopted by voice vote.

HB 190 - An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects. (3/5 bill)

Representative Brady moved to place HB 190 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Roy moved to lift SB 96 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Roy brought SB 96, sponsored by Senator McBride, before the House for consideration.

SB 96 - An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to Professional Land Surveyors.

The roll call on SB 96 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, SB 96 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with lifting SB 160 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Oberle brought SB 160, sponsored by Senators Murphy & Neal, before the House for consideration.

SB 160 - An Act to Amend Chapter 6 Title 29, Delaware Code, Relating to State Government by Requiring Notification of the Governor and General Assembly of Rules and Regulations Promulgated by State Agencies.

Representative Derrickson brought HA 1 to SB 160 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Smith - 2.

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

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative James F. Edwards, Eighth District.

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

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

The following prefiled legislation was introduced:

HB 428 - VAN SCIVER, FALLON, MARONEY, EDWARDS, CORROZI, BARNES, DIXON, MACK, RIDDAGH; SENATORS CONNOR, CITRO, HOLLOWAY - ED: An Act to Amend Delaware Code, Chapter 17, Title 14 as it Relates to the Educational Services to Persons Who Are Deaf-Blind.

HB 429 - DERRICKSON, OBERLE - R&F: A Bill to Amend Title 18, Delaware Code by Adding Section 2525(e) Requiring Insurers Licensed in This State to Write Property or Casualty Insurance to Submit a Loss and Expense Experience Report With Its Annual Statement.

HB 430 - BUCKWORTH, DARLING - H/ADM: An Act to Reincorporate the Town of Woodside. (2/3 bill)

HB 431 - JONKIERT, DIXON, PLANT, ROY, CORROZI, CAMPANELLI, POWELL - R&F: An Act to Amend Title 28, Delaware Code by Adding Thereto a New Chapter 12 Relating to the Authorization, Collection, Disposition and Enforcement of License Fees and Taxes on Certain Forms of Racing With Pari-Mutuel Wagering Thereon. (3/5 bill)

HB 432 - ANDERSON; SENATOR MARTIN - APPRO: An Act to Provide the Brookside Community Inc. With an Appropriation for One-Time Expenses for Repairing the Swimming Pool. (3/4 bill)

HB 433 - POWELL, RIDDAGH - R&F: An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties; and Providing for an Amount of Interest to be Charged on Certain Assessments.

HB 434 - POWELL - R&F: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to the Motor Fuel and the Special Fuel Tax Law. (3/5 bill)

HB 435 - SMITH - NR/AGRI: An Act to Amend Subchapter II, Chapter 31, Title 20 of the Delaware Code Relating to the Emergency Powers of the Governor During a Drought Warning, a Severe Continuing Drought, or Other Types of Temporary Conditions of Failure or Inadequacy of the Supply of Water.

HB 436 - POWELL; SENATOR HOLLOWAY; REPRESENTATIVES CAIN, HEBNER, JESTER; SENATORS BERNDT, HUGHES, VAUGHN - R&F: An Act to Amend Chapter 55, Title 30, Delaware Code, Relating to Public Utility Taxes, by Setting a Ceiling on Gas and Electricity Taxes Imposed After June 30, 1982, and by Exempting Electricity Used in Electrolytic and Electrochemical Processes.

HA 1 to HB 210 - OBERLE; SENATOR NEAL - NR/AGRI: Placed with the bill.

HA 1 to HB 274 - EDWARDS - Placed with the bill. (Agenda)

HA 2 to HB 280 - JONKIERT, DIXON, PLANT, ROY, CORROZI, CAMPANELLI, POWELL - APPRO: Placed with the bill.

HA 3 to HB 280 - CATHCART, JONKIERT, CORROZI, CAMPANELLI - APPRO: Placed with the bill.

HA 1 to HB 289 - ENNIS - Placed with the bill. (Ready List)

HA 2 to HB 313 - BENNETT, ROY - Placed with the bill. (Ready List)

HA 6 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 7 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 8 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 9 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 10 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 11 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 12 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 13 to HB 357 - BRADY - APPRO: Placed with the bill.

HA 14 to HB 357 - SINCOCK - APPRO: Placed with the bill.

HA 15 to HB 357 - VAN SCIVER - APPRO: Placed with the bill.

HA 1 to HB 366 - BRADY - Placed with the bill. (Ready List)

SB 182 - ARNOLD - ADM/S: An Act Concurring in a Proposed Amendment to Article XV of the Constitution of the State of Delaware Relating to the Award of Contracts. (2/3 bill)

SS 1 for SB 190 w/SA 1 - MURPHY, NEAL, SHARP, MCDOWELL, KNOX, CITRO, CONNOR; REPRESENTATIVE BENNETT - R&F: An Act to Amend Part X, Title 29 of the Delaware Code Providing for Regulatory Exceptions for Individuals and Small Businesses.

SB 229 w/SA 1 - LITTLETON; REPRESENTATIVE CORDREY - APPRO: An Act Awarding Special Pension Benefits to Mary Mears, Widow of Henry Dale Mears, Sr., a Former State Employee; Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 249 - ZIMMERMAN, BERNDT; REPRESENTATIVES SMITH, MINNER - NR/AGRI: An Act to Amend Chapter 80, Title 29, Delaware Code, Relating to the Membership of the Council on Game and Fish.

SB 277 w/SA 1 - CONNOR - R&F: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to Personal Income Tax; and Providing for an Artistic Contributions Tax Deduction Act.

SB 280 - MCBRIDE - JUD: An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Assaults Upon Persons Rendering Emergency Care.

SB 300 w/SA 1,2 - MARTIN, ADAMS, HOLLOWAY, VAUGHN, LITTLETON; REPRESENTATIVES JESTER, MINNER, CATHCART, OBERLE, ROY - ADM/S: An Act to Amend Chapter 69, Title 21 of the Delaware Code Relating to the Removal of Motor Vehicles From Public Highways by Police or by Others Upon Police Direction.

SB 303 w/SA 1 - BAIR, SHARP, BERNDT, ARNOLD, KNOX, CITRO, HUGHES; REPRESENTATIVE ENNIS - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Equalization Funding.

SB 325 - MARSHALL; REPRESENTATIVE FREE; SENATOR BAIR - ADM/S: An Act to Authorize and Direct the Transfer of Certain Department of Correction Property to Child, Inc.

SB 342 - ADAMS; REPRESENTATIVE BARNES - NR/AGRI: An Act to Amend Title 3, Delaware Code Relating to Biological Products for Poultry and Animal Diseases.

SB 344 - MCDOWELL, SHARP, COOK, MURPHY, NEAL, CONNOR; REPRESENTATIVES GEORGE, CAIN, MINNER, FALLON - H/ADM: An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to the Requirement That Each Department, Agency, Commission or Authority of This State Adopt a Forms Management Plan Which Meets Certain Criteria; Providing for a Forms Management Officer in Each Agency; Requiring Each Agency to Use Only Forms Approved Under Its Forms Management Plan; Requiring Each Agency to File Its Plan With the Bureau of Archives and Records; Providing for the Approval and Monitoring of Each Plan by the Bureau of Archives and Records.

SB 346 - MCBRIDE, BERNDT, CITRO, VAUGHN, LITTLETON, CONNOR; REPRESENTATIVES SPENCE, OBERLE, CATHCART, MACK, CORROZI, DIXON - JUD: An Act to Amend Title 11 and Title 24 of the Delaware Code Relating to Obscenity and Adult Entertainment Establishments.

HA 4 to SB 84 - HARRINGTON - Placed with the bill. (Ready List)

HA 2 to SB 141 - VAN SCIVER - Placed with the bill. (Ready List)

HA 1 to SB 284 - BRADY - Placed with the bill. (L.O.T.)

The following prefiled Consent Calendar was introduced:

HR 72 - SPENCE, CATHCART, PLANT, CORDREY, CORROZI, BUCKWORTH, MACK, FREE, WEST, VAN SCIVER, FALLON, MARONEY, DARLING, EDWARDS, BARNES, SMITH, MCKAY, DERRICKSON, PETRILLI, POWELL, SINCOCK, HARRINGTON, BRADY, ENNIS, RIDDAGH, MINNER, JESTER, DIXON, BENNETT, SOLES, ANDERSON, HOLLOWAY, GILLIGAN, OBERLE, BURRIS, HEBNER, ROY, CAIN - Commending the Totally Blind and the Legally Blind for Winning Gold Medals and Setting National Records in the Fifth Annual U.S. Association for Blind Athletes National Championship Held at Southeastern Missouri State University.

HR 73 - MARONEY, FALLON, SMITH, SOLES, JESTER, ANDERSON - Respectfully Requesting President Ronald Reagan to Accept the Opportunity to be the First President to Appoint a Qualified Woman to the Supreme Court of the United States.

HCR 76 - WEST - Mourning the Death of Joseph B. Walls, of Lewes, a Member of the House of Representatives for Four Sessions of the General Assembly.

HCR 77 - BURRIS, HEBNER, PETRILLI; SENATORS KNOX, ARNOLD - Requesting the Delaware Delegation to Support President Reagan's Economic Recovery Program.

HCR 78 - VAN SCIVER, FREE, CORROZI, MACK, WEST, EDWARDS, HOLLOWAY, MARONEY; SENATORS CITRO, HOLLOWAY - Requesting That Emergency Buttons be Installed in Each Unit of All Senior Housing Projects.

SCR 63 - CORDREY; REPRESENTATIVES DERRICKSON, BENNETT - Congratulating E. James Monihan, of Lewes, Upon His Election to a Third Consecutive Two-Year Term as Chairman of the National Volunteer Fire Council.

Representative Jester requested that HB 157 be stricken.

Representative Bennett requested that HCR 78 be removed from the Consent Calendar.

Representative Campanelli requested that HCR 77 be removed from the Consent Calendar.

Consent Calendar #21 was adopted by voice vote and HCR 76 was sent to the Senate for concurrence and SCR 63 was returned to the Senate.

Representative Burris moved to recess for caucus at 2:38 p.m.

The House reconvened at 5:20 p.m.

Mr. Speaker assigned HCR 77 & HCR 78 to the House Administration Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 327 w/SA 1; SB 328, SB 329, SB 330, SB 331 w/SA 1; SB 285 w/SA 1; SB 323 w/SA 1.

The Chief Clerk read the following Committee Reports into the record:

NR/AGRI: SB 249 - 4M; HB 435 - 1F,2M.

R&F: HB 252 - 2F,3M.

JUD: SB 280 - 5M; SB 346 - 5M; SB 307 - 5M; SB 268 w/SA 1 - 5M; SB 151 - 1F,4M; SB 177 - 5M; SB 291 w/SA 1 - 5M; SB 295 w/SA 1 - 5M; SCR 64 - 5M; HB 381 - 4M,1UF; HB 382 - 5M; HB 383 - 4M.

APPRO: HB 280 - 4M; HB 357 - 2M,4UF; SB 67 w/SA 1 - 6F; HS 1 for HB 250 - 5F,1M.

Representative Sincock moved to suspend the rules which interfere with action on HS 1 for HB 250. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincock brought HS 1 for HB 250, jointly sponsored by Senator Cook; Representatives Bennett, Corrozi, Ennis, Gilligan, Petrilli; Senators Berndt, Holloway, Littleton, McBride & Murphy before the House for consideration.

HB 250 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative Darling brought HA 1 to HS 1 for HB 250, jointly sponsored by Representatives Cordrey, Minner, Jonkiert, Jester & West before the House for consideration. Representative Burris moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

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

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddag, Sincock, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Gilligan, Jester, Jonkiert, Minner, Plant, West - 12.

NOT VOTING: Representatives Dixon, George, Holloway, Soles - 4.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to HS 1 for HB 250 was placed on the Speaker's table.

Representative Minner brought HA 2 to HS 1 for HB 250 before the House for consideration. Representative Burris moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Darling moved to lift HA 1 to HS 1 for HB 250 from the Speaker's table. The motion was seconded by Representative Cordrey.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, George, Gilligan, Jester, Mack, Minner, West - 12.

NO: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Holloway, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NOT VOTING: Representatives Dixon, Plant, Soles - 3.

ABSENT: Representative Jonkiert - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated.

The roll call on HS 1 for HB 250 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

NO: Representatives Campanelli, Darling, Jester, Mack, McKay, Minner - 6.

NOT VOTING: Representative Cordrey - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HS 1 for HB 250 was sent to the Senate for concurrence.

Representative Derrickson moved to suspend all rules which interfere with introduction of and action on HCR 79. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Derrickson introduced HCR 79.

HCR 79 - Requesting the State Department of Labor to Curtail Enforcement Activities Pertaining to a Provision of State Law.

The roll call on HCR 79 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Free, Oberle, Van Sciver - 3.

ABSENT: Representatives Holloway, Jonkiert - 2.

Therefore, having received a constitutional majority, HCR 79 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with lifting SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney brought SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14, sponsored by Senator McBride, before the House for consideration.

SB 19 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

Representative Maroney requested and was granted the privilege of the floor for Attorney Thomas Herlihy.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

Representative Edwards rose on a point of order. Mr. Speaker did not concur.

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

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

Representative Van Sciver requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Van Sciver requested that SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14 be re-assigned to Committee. Mr. Speaker did not concur.

Representative Derrickson brought HA 15 to SB 19 before the House for consideration.

Representative Van Sciver requested and was granted the privilege of the floor for House Attorney Gerald Street.

HA 15 was adopted by voice vote.

Representative Van Sciver requested and was granted the privilege of the floor for House Attorney Gerald Street.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 8:20 p.m.

The House reconvened at 8:22 p.m.

The roll call on SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14,15 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Cordrey, Darling, Fallon, Minner, Petrilli, Powell, Riddagh, Sincok, Soles - 12.

NO: Representatives Brady, Burris, Cain, Campanelli, Corrozi, Edwards, Free, George, Gilligan, Harrington, Jonkiert, Mack, McKay, Oberle, Spence, Van Sciver West - 17.

NOT VOTING: Representatives Anderson, Cathcart, Derrickson, Dixon, Ennis, Maroney, Plant, Roy, Mr. Speaker Hebner - 9.

ABSENT: Representatives Holloway, Jester, Smith - 3.

Therefore, not having received a constitutional majority, SB 19 w/SA 1,2,3,4,5 w/SA 1; HA 14,15 was declared defeated.

Representative Edwards brought HB 274, jointly sponsored by Representative Maroney, before the House for consideration.

HB 274 - An Act to Amend Title 16 of the Delaware Code Relating to Licensing of Drug Abuse Prevention, Control, Treatment and Education Programs.

Representative Edwards brought HA 1 to HB 274 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 274 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Campanelli, Holloway - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 274 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker re-assigned HB 342 to the Education Committee.

Representative Spence brought HB 368, jointly sponsored by Senator McBride; Representatives Oberle, Anderson, Dixon, Cathcart, Buckworth, Roy, Ennis, Campanelli, Mack, Minner, Jester, Barnes, Corrozi, Edwards, Darling, Cain, West; Senators Cordrey & Arnold, before the House for consideration.

HB 368 - An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to Education.

Representative Cathcart brought HA 1 to HB 368 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to place HB 368 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson brought HB 277 before the House for consideration.

HB 277 - An Act to Amend Title 4 of the Delaware Code Relating to Employment of Persons Eighteen Years of Age or Older in Liquor Stores.

Representative Derrickson brought HA 1 to HB 277 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 277 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Bennett - 1.

ABSENT: Representatives Holloway, Sincoc - 2.

Therefore, having received a constitutional majority, HB 277 w/HA 1 was sent to the Senate for concurrence.

Representative Corrozi brought HB 236, jointly sponsored by Representative Cain; Senators Arnold & Sharp, before the House for consideration.

HB 236 - An Act to Amend Chapter 13, Title 2, Delaware Code Relating to the Authority to Locate Facilities for the Collection of Tolls on the Delaware Turnpike.

Representative Corrozi moved to place HB 236 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy moved to suspend the rules which interfere with action on HB 114. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Roy brought HB 114, jointly sponsored by Representatives Oberle, Hebner, Gilligan; Senator Neal, before the House for consideration.

HB 114 - An Act to Amend Chapter 52, Title 29, of the Delaware Code Relating to Health Care Insurance.

The roll call on HB 114 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Barnes, Sincoc, Smith - 3.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 114 was sent to the Senate for concurrence.

Representative Cathcart brought HB 312 before the House for consideration.

HB 312 - An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to the Regulation of Outdoor Advertising.

Representative Cathcart brought HA 1 to HB 312 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 312 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 312 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess at 9:05 p.m.

The House reconvened at 9:48 p.m.

The Chief Clerk read the following Committee Report into the record:

ADM/S: HB 418 - 5M.

Representative Derrickson brought HB 410, jointly sponsored by Representatives Sincok, Riddagh, Buckworth, Barnes, West, Cordrey, Minner, Darling, Jester, Bennett, Harrington; Senators Adams, Murphy, Littleton & Zimmerman, before the House for consideration.

HB 410 - An Act to Amend §3313 of Chapter 33, §3504 and §3509 of Chapter 35, and §6306 of Chapter 63, Title 18 of the Delaware Code Relating to the Direct Payment of Hospital, Nursing, Medical and Surgical Services Under Health Insurance Contracts, Group Health Policies, Blanket Health Policies, and Health Service Corporation Contracts.

Representative Gilligan requested and was granted the privilege of the floor for W. Michael Ireland, Blue Cross & Blue Shield of Delaware, Inc.

Representative Burris moved to place HB 410 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Powell brought HB 360, jointly sponsored by Senator Adams, before the House for consideration.

HB 360 - An Act to Amend Chapter 663, Volume 60, Laws of Delaware, as Amended by Chapter 400, Volume 62, Relating to Pension Benefits of Corrections Officers.

The roll call on HB 360 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 360 was sent to the Senate for concurrence.

Representative Powell brought HB 252, jointly sponsored by Senator Cook, before the House for consideration.

HB 252 - An Act to Amend Chapter 13, Subchapter 1, Title 30, Delaware Code Relating to the Estate Tax Treatment of Survivor Benefits Awarded by a State or Political Subdivision Thereof.

Representative Darling brought HA 1 to HB 252 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 252 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 252 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 11:40 p.m.

46th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 25, 1981

The Speaker called the House to order at 3:14 p.m.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: SB 325 - 3M; HB 80 - 3M; SB 299 - 3M.

R&F: HB 386 - 1F,3M; HB 362 - 4M; SB 266 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS1 for SB 203, HS 1 for HB 3 w/HA 1; HB 94 w/HA 1, HCR 76.

Representative Oberle moved to suspend the rules which interfere with action on HB 48 w/HA 1, SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HB 48 w/HA 1, SA 1, jointly sponsored by Senator Sharp, before the House for consideration.

HB 48 - An Act to Amend Chapter 33, Title 16 of the Delaware Code Relating to Adulteration and Misbranding of Drugs. (2/3 bill)

The roll call on HB 48 w/HA 1, SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 48 w/HA 1, SA 1 was sent to the Governor.

Representative Oberle moved to suspend the rules which interfere with action on HB 120 w/HA 1, SA 1. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Oberle brought HB 120 w/HA 1, SA 1, jointly sponsored by Representative Edwards & Senator Sharp, co-sponsored by Representatives Spence & Corrozi, before the House for consideration.

HB 120 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Adjudication Procedure in the Interest of a Child. (2/3 bill)

The roll call on HB 120 w/HA 1, SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representatives Darling, Minner - 2.

ABSENT: Representatives Derrickson, Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 120 w/HA 1, SA 1 was sent to the Governor.

Representative Spence moved to lift HB 368 w/HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Spence brought HB 368 w/HA 1, jointly sponsored by Senator McBride; Representatives Oberle, Anderson, Dixon, Cathcart, Roy, Ennis, Campanelli, Mack, Minner, Jester, Barnes, Corrozi, Edwards, Darling, Cain, West; Senators Cordrey & Arnold, before the House for consideration.

HB 368 - An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to Education.

Representative Anderson brought HA 2 to HB 368 before the House for consideration. HA 2 was defeated by voice vote.

Representative Cathcart brought HA 3 to HB 368 before the House for consideration.

Representative Spence requested and was granted the privilege of the floor for Alex von Koch, Newark Police Department.

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

Representative Cathcart requested and was granted the privilege of the floor for House Attorney Gerald Street.

HA 3 to HB 368 was adopted by voice vote.

Representative Spence requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Burris moved to place HB 368 w/HA 1, 3 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Gilligan moved to suspend the rules which interfere with lifting HB 164 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Gilligan brought HB 164, jointly sponsored by Representative Burris; Senators Holloway & Connor, before the House for consideration.

HB 164 - An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of Minors to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization.

Representative Gilligan brought HA 1 to HB 164 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 164 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Ennis - 1.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 164 w/HA 1 was sent to the Senate for concurrence.

Representative Burris requested and was granted the privilege of the floor for Marcie Bierlein, Department of Labor.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on HB 448. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart introduced and brought HB 448, jointly sponsored by Representatives George, Harrington, Minner; Senators Berndt, Cook, Littleton & Martin, before the House for consideration.

HB 448 - A Bond Act of the State of Delaware Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority Payable From Motor Fuel Tax Revenues, Pledging Such Revenues to the Support of All Bonds Issued by the Delaware

Transportation Authority, Authorizing the Transfer From the Delaware Transportation Authority to the State General Fund a Sum Equal to Motor Fuel Tax Revenues Levied at Nine Cents Per Gallon, Changing the Motor Fuel Tax From Nine Cents Per Gallon to Eleven Cents Per Gallon and Then to a Percentage of the Wholesale Price, Creating a Road Improvement Fund to Finance Road Improvements With Available Motor Fuel Tax Revenues, Making Necessary Changes to the Statutes Under Which the Delaware Transportation Authority May Levy Tolls, Collect and Disburse Income, and Operate Its Subsidiaries, Appropriating Sums in Certain Special Fund Accounts and Placing Certain Conditions on Those Appropriations, and Making Certain Additional Changes to the Delaware Code Applicable to the Issuance of Bonds by the State and the Delaware Transportation Authority. (3/4 bill)

Representative Burris moved to recess for caucus at 5:05 p.m.

The House reconvened at 8:15 p.m.

Representative Burris requested and was granted the privilege of the floor for Acting Secretary of Community Affairs & Economic Development, Nathan Hayward.

Representative Burris moved to place HB 448 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

The Majority Leader moved to adjourn at 8:19 p.m., thereby ending the previous legislative day. The House reconvened at 8:20 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

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

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

The following prefiled legislation was introduced:

HB 437 - OBERLE; SENATOR SHARP; REPRESENTATIVES EDWARDS, MACK - JUD: An Act to Amend Part III, Subchapter IX, Chapter 41, Title 21, Delaware Code, Relating to Mandatory Revocation of Driver's License for Possession of Controlled Substances While Operating a Vehicle. (2/3 bill)

HB 438 - OBERLE; SENATOR MARTIN - NR/AGRI: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Dogs.

HB 439 - ANDERSON; SENATOR MARTIN - APPRO: An Act to Provide the Brookside Community Inc. With an Appropriation for One-Time Expenses for Repairing the Swimming Pools. (3/4 bill)

HB 440 - MARONEY, BARNES, BENNETT, BUCKWORTH, CATHCART, FREE, MINNER - H/SS: An Act to Amend Chapters 21 and 41 of Title 21 Delaware Code, Relating to Special License Plates, Parking ID Cards, and Parking for the Handicapped. (2/3 bill)

HB 441 - ENNIS - ADM/S: An Act to Amend Title 9 of the Delaware Code With Reference to the Assessment and Collection of Sewer Service Charges in New Castle County, by Establishing the Monition Method of Collection, Increasing the Penalties for Late Payment and Providing for a Minimum Delinquency and Shortened Waiting Period for Institution of the Monition Procedure.

HB 442 - POWELL, FALLON, SPENCE, CORROZI, CAMPANELLI, JONKIERT; SENATORS ZIMMERMAN, MURPHY, SHARP, CONNOR - ED: An Act Governing the Procedure for Cancellation of Pupil Transportation Contracts Due to Decreased Enrollment.

HB 443 - HARRINGTON - R&F: An Act to Amend Chapter 42, Title 18, Delaware Code Relating to the Scope of the Delaware Insurance Guarantee Association Act.

HB 444 - BRADY; SENATOR ADAMS - R&F: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Credited Service.

HB 445 - VAN SCIVER, EDWARDS, MARONEY, MACK, CORROZI, BARNES, DIXON, RIDDAGH; SENATORS CONNOR, HOLLOWAY, CITRO - ED: An Act to Amend Delaware Code, Chapter 13, Title 14 as It Relates to the Salary Schedule of Educational Services to Persons Who are Deaf-Blind.

HB 446 - ANDERSON - R&F: An Act to Amend the Delaware Code Relating to Prohibition of Increases in Certain School Taxes on Real Property Owned by Certain Persons Over 65 Years of Age.

HB 447 - DERRICKSON; SENATOR CORDREY - ADM/S: An Act to Amend Chapter 5, Title 19, of the Delaware Code Relating to Child Labor Laws and Hours of Work.

HA 4 TO HB 280 - SINCOCK, BENNETT - Placed with the bill. (Ready List)

HA 5 TO HB 280 - CAMPANELLI - Placed with the bill. (Ready List)

HA 16 TO HB 357 - MCKAY - Placed with the bill. (Ready List)

HA 2 TO HB 368 - ANDERSON - Placed with the bill. (L.O.T.)

HA 1 TO HB 393 - OBERLE - R&F: Placed with the bill.

HA 1 TO HB 418 - OBERLE - Placed with the bill. (Ready List)

HA 1 TO HB 421 - SINCOCK - ADM/S: Placed with the bill.

SB 285 w/SA 1 - LITTLETON, ADAMS; REPRESENTATIVE CORDREY - R&F: An Act Awarding Special Pension Benefits to Frances W. Farlow, Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 323 w/SA 1 - COOK, BAIR, KNOX, HUGHES - ADM/S: An Act to Amend Volume 62 Delaware Laws Chapter 301, Chapter 3, Chapter 4 and Chapter 5, Title 28 Delaware Code Relating to Horse Racing and Harness Racing and to Re-Establish and Reorganize the Delaware Racing Commission and Delaware Harness Racing Commission.

SB 327 w/SA 1 - MCDOWELL, MARSHALL, VAUGHN, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Title 28 and Title 30 of the Delaware Code Relating to the Regulation of Certain Sports and Amusements; and Providing for a Delaware Gaming Control Board.

SB 328 - MCDOWELL, MARSHALL, VAUGHN, BAIR, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Title 16, Title 28, and Title 29 of the Delaware Code Relating to the Regulation of Certain Sports.

SB 329 - MCDOWELL, MARSHALL, VAUGHN, BAIR, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Title 5 and Title 24 of the Delaware Code Relating to the Regulation of Businesses and Occupations Which Perform Certain Services; and Providing for a State Board of Services.

SB 330 - MCDOWELL, MARSHALL, VAUGHN, BAIR, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to the Licensing of Audiologists, Speech Pathologists and Hearing Aid Dealers. (2/3 bill)

SB 331 w/SA 1 - MCDOWELL, MARSHALL, VAUGHN, BAIR, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Title 24 of the Delaware Code Relating to the Regulation of Those Businesses and Occupations Which Perform Certain Services; and Providing for a Board of Personal Services.

The following prefilled Consent Calendar was introduced:

HR 74 - MARONEY, BURRIS, EDWARDS - Requesting the Department of Health and Social Services to Investigate the Advantages to be Gained, If Any, in Transferring the Operation and Supervision of Certain State Institutions to Private Enterprise.

HR 75 - BRADY - Requesting Governor Pierre S. du Pont IV to Form a Committee to Evaluate Sick Leave Practices of State Employees and Provide Recommendations.

HCR 80 - SMITH, ENNIS; SENATORS BERNDT, BAIR - Congratulating Elizabeth Ellen Mintz and Marc W. Spiegelman Upon Their Appointments as Delaware's Presidential Scholars.

HCR 81 - ENNIS; SENATOR BERNDT; REPRESENTATIVES SMITH, BRADY, MARONEY, FREE, EDWARDS, PETRILLI, GEORGE; SENATOR HOLLOWAY - Requesting Local School Districts to Consider the Utilization of Ad Hoc Management Advisory Committees.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 65, HB 93, HB 22 w/HA 1; HB 99 w/HA 1,SA 1; SJR 19, HCR 79, SB 273 w/SA 1,3.

The Chief Clerk read the following Committee Reports into the record:

APPRO: HB 306 - 5M,1UF.

H/ADM: SB 259 - 5M; SB 287 - 5M; HB 430 - 5M; HB 423 - 5M; HB 303 - 3M; SB 297 - 5M.

ADM/S: SB 222 w/SA 1 - 3M; HB 421 - 3M.

Consent Calendar #22 was adopted by voice vote and HCR 80 & HCR 81 were sent to the Senate for concurrence.

Representative Maroney introduced HJR 22, jointly sponsored by Representatives McKay, Derrickson & Senator Holloway.

HJR 22 - Providing for the Definition of Hospice as Recommended by the Hospice Task Force and Requesting the Task Force to Submit Legislation to the 131st General Assembly Before February 1, 1982, Setting Standards for Hospice Programs.

Representative Maroney moved to suspend the rules which interfere with action on HJR 22. The motion was seconded by Representative Free and adopted by voice vote.

The roll call on HJR 22 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddag, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

ABSENT: Representatives Anderson, Burris, Derrickson, Edwards, Holloway, Jester, Jonkiert, Plant - 8.

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

Representative Burris moved to suspend the rules which interfere with introduction and action on SJR 19. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SJR 19, jointly sponsored by Senator Cordrey, before the House for consideration.

SJR 19 - Authorizing the Governor and the Farmers Bank Commission to Enter in Amendments to the 1976 Assistance Agreement Among the Farmers Bank, the State and the Federal Deposit Insurance Corporation.

The roll call on SJR 19 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddag, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Anderson, Edwards, Holloway, Jester, Jonkiert, Plant - 6.

Therefore, having received a constitutional majority, SJR 19 was returned to the Senate.

Representative Cathcart moved to suspend the rules which interfere with lifting HB 448 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Cathcart brought HB 448, jointly sponsored by Representatives George, Harrington, Minner; Senators Berndt, Cook, Littleton & Martin, before the House for consideration.

HB 448 - A Bond Act of the State of Delaware Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority Payable From Motor Fuel Tax Revenues, Pledging Such Revenues to the Support of All Bonds Issued by the Delaware Transportation Authority, Authorizing the Transfer From the Delaware Transportation Authority to the State General Fund a Sum Equal to Motor Fuel Tax Revenues Levied at Nine Cents Per Gallon, Changing the Motor Fuel Tax From Nine Cents Per Gallon to Eleven Cents Per Gallon and Then to a Percentage of the Wholesale Price, Creating a Road Improvement Fund to Finance Road Improvements With Available Motor Fuel Tax Revenues, Making Necessary Changes to the Statutes Under Which the Delaware Transportation Authority May Levy Tolls, Collect and Disburse Income, and Operate Its Subsidiaries, Appropriating Sums in Certain Special Fund Accounts and Placing Certain Conditions on Those Appropriations, and Making Certain Additional Changes to the Delaware Code Applicable to the Issuance of Bonds by the State and the Delaware Transportation Authority. (3/4 bill)

Representative Anderson introduced HA 1 to HB 448, jointly sponsored by Representative Campanelli. Representative Burris moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Cathcart and adopted by voice vote.

The roll call on HB 448 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincovek, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hehner - 35.

NO: Representative Edwards - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Holloway, Jonkiert, Plant, West - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 448 was sent to the Senate for concurrence.

Representative Burris moved to recess at 9:12 p.m.

The House reconvened at 9:46 p.m.

Representative Burris moved to recess to the call of the Chair at 9:48 p.m.

47th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 29, 1981

The Speaker called the House to order at 10:42 a.m.

The Chief Clerk read the following Committee Reports into the record:

H/ADM: SB 335 - 3M.

ADM/S: SB 333 - 3M; SB 327 w/SA 1 - 4M; SB 328 - 4M; SB 329 - 4M; SB 330 - 4M; SB 331 w/SA 1 - 4M; SB 323 w/SA 1 - 4M.

Representative Mack moved to suspend all rules which interfere with introduction of and action on HR 76. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Mack introduced and brought HR 76, jointly sponsored by Representatives Oberle & Van Seiver, before the House for consideration.

HR 76 - Requesting the Secretary of Finance and Director of Personnel to Investigate Alternatives to Make a More Equitable Program of Salary Adjustment for State Employees.

HR 76 was adopted by voice vote.

The Majority Leader moved to adjourn at 10:46 a.m., thereby ending the previous legislative day.

The House reconvened at 10:47 a.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Robert W. Starrett, Wyoming United Methodist Church, Wyoming, Delaware.

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

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

The following prefiled legislation was introduced:

HB 449 - DERRICKSON - R&F: An Act to Amend Title 30, and Title 5, Delaware Code, Relating to the Establishment of Individual Housing Accounts; Providing That Contributions to an Account Which are Used Exclusively in Connection With the Purchase of a First Principal Residence are Deductible and Providing Tax Penalties Therefor; and Further Empowering Mutual Savings Banks, Commercial Banks, Savings and Loan Associations and Credit Unions in Delaware to be Trustees or Custodians of Individual Housing Accounts.

HB 450 - BRADY; SENATOR ADAMS - R&F: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Credited Service and Eligibility Under the Pension Laws.

HB 451 - JONKIERT - ADM/S: An Act to Amend Chapter 1, Title 4 of the Delaware Code Redefining the Word "Restaurant".

HB 452 - CAIN - R&F: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing a Method for the Collection of Debts Owed to the State.

HB 453 - MINNER - ED: An Act Making a Supplemental Appropriation to the State Treasurer for the Purpose of Funding Certain Employment Costs in Each School District.

HCR 82 - VAN SCIVER, FREE, CORROZI, MACK, WEST, EDWARDS, HOLLOWAY, MARONEY; SENATORS CITRO, HOLLOWAY - H/ADM: Requesting That Emergency Buttons be Installed in Each Unit of All Senior Housing Projects.

HA 1 to HB 369 - JONKIERT - Placed with the bill. (Ready List)

HA 1 to HB 430 - DARLING - Placed with the bill. (Special Agenda V)

SS 1 for SB 8 w/SA 2 - HOLLOWAY - JUD: An Act to Amend Chapter 15, Title 13, Delaware Code Relating to an Award of Alimony in Divorce and Annulment Actions.

SB 273 w/SA 1,3 - COOK, BERNDT, ZIMMERMAN; REPRESENTATIVES SINCOCK, HARRINGTON, POWELL, ROY, MARONEY, DIXON, CAMPANELLI, SOLES - R&F: An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Health Care Benefits for State Employees and Pensioners.

SB 333 - CORDREY; REPRESENTATIVE BURRIS - ADM/S: An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware Relating to Private Subdivision Streets Being Reconstructed to State Standards Prior to Their Acceptance for Maintenance. (2/3 bill)

SB 335 - CONNOR; REPRESENTATIVE MACK - H/ADM: An Act to Amend Chapter 216, Volume 27, Laws of Delaware Relating to "An Act Amending, Revising and Consolidating the Charter of the City of New Castle." (2/3 bill)

SB 353 - VAUGHN, SHARP, COOK, HUGHES - H/ADM: An Act to Authorize and Empower the Governor and Commissioner of Corrections to Transfer Certain Lands Situated in Blackbird Hundred, New Castle County, State of Delaware, to the Veteran Affairs Commission for the Purpose of Establishing a Veterans Cemetery.

SCR 65 - CORDREY - NR/AGRI: Directing the Secretary of the Department of Natural Resources and Environmental Control to Investigate the Wilson Creek for Recreational Boating Improvement.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 333, SS 1 for SB 8 w/SA 2; SB 335, HB 90 w/HA 1,2; HS 1 for HB 1 w/HA 1,2,3,4,5; SB 353, HB 152, HB 196, HB 137 w/HA 2,3,4; HB 189, HB 179.

June 26, 1981

LEGISLATIVE ADVISORY #16

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 24, 1981 - HJR 14; The Governor signed the following legislation on June 25, 1981 - HB 159 aab HA 1; HB 183 aab SA 1; HB 216 aab HA 1; SB 39 aab SA 1 & HA 1; SB 40 aab SA 2; SB 44, SB 92.

June 24, 1981

TO: Representative Hebner, Speaker of the House

FROM: Representative Gerald A. Buckworth

RE: HOUSE BILL NO. 368

I respectfully request my name be stricken from House Bill 368.

Gerald A. Buckworth

GAB:db

Representative Ennis brought HB 289, jointly sponsored by Representatives Hebner, Smith; Senators Bair & Berndt, before the House for consideration.

HB 289 - An Act to Amend Section 6503, Chapter 65, Title 25, of the Delaware Code With Reference to Landlord-Tenant Relationships; Providing for the Creation of Rental Units for the Exclusive Use of Senior Citizens.

Representative Ennis brought HA 1 to HB 289 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Jester, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, West, Mr. Speaker Hebner - 33.

NOT VOTING: Representatives Harrington, McKay - 2.

ABSENT: Representatives Anderson, Bennett, Holloway, Jonkiert, Minner, Van Seiver - 6.

Therefore, having received a constitutional majority, HB 289 w/HA 1 was sent to the Senate for concurrence.

Representative Smith brought HB 318, jointly sponsored by Representatives Buckworth, Darling, Minner & Soles, before the House for consideration.

HB 318 - An Act to Amend Chapter 63, Title 7 of the Delaware Code Relating to the Management of Hazardous Wastes.

The roll call on HB 318 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 35.

ABSENT: Representatives Anderson, Holloway, Jonkiert, Minner, Plant, West - 6.

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

Representative Riddagh brought HB 232, jointly sponsored by Representative Minner, before the House for consideration.

HB 232 - An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to Special License Plates; and Providing for Issuance of Such Plates to Owners of Commercial Vehicles.

The roll call on HB 232 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Anderson, Holloway, Jonkiert, Plant, Van Sciver - 5.

Therefore, having received a constitutional majority, HB 232 was sent to the Senate for concurrence.

Representative Smith brought HB 323, jointly sponsored by Representatives Buckworth & Harrington, before the House for consideration.

HB 323 - An Act to Amend Chapter 66, of Title 7, Delaware Code, to Provide for Enforcement by Civil Penalty and to Add a Lesser Criminal Penalty.

Representative Smith brought HA 1 to HB 323 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 323 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Darling, Jonkiert, Minner, Plant, West - 5.

NOT VOTING: Representatives Campanelli, Cordrey, Derrickson, Mack, Oberle, Spence - 6.

ABSENT: Representatives Anderson, Holloway - 2.

Therefore, having received a constitutional majority, HB 323 w/HA 1 was sent to the Senate for concurrence.

Representative Powell brought SB 54, sponsored by Senator Murphy, before the House for consideration.

SB 54 - An Act to Amend Chapter 31, Title 18 of the Delaware Code Relating to Group Life Insurance.

The roll call on SB 54 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Holloway, Jester, Smith - 3.

Therefore, having received a constitutional majority, SB 54 was returned to the Senate.

Representative Powell brought SB 56 w/SA 1, sponsored by Senator Murphy, before the House for consideration.

SB 56 - An Act to Amend Chapter 32, Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

Representative Brady brought HA 1 to SB 56, jointly sponsored by Representative Dixon, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 56 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority, SB 56 w/SA 1, HA 1 was returned to the Senate.

Representative Smith brought HB 435 before the House for consideration.

HB 435 - An Act to Amend Subchapter II, Chapter 31, Title 20 of the Delaware Code Relating to the Emergency Powers of the Governor During a Drought Warning, a Severe Continuing Drought, or Other Types of Temporary Conditions of Failure or Inadequacy of the Supply of Water.

Representative Smith brought HA 1 to HB 435 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 435 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 31.

NO: Representatives Anderson, Cordrey, Darling, Jester, Minner, Oberle - 6.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Campanelli, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 435 w/HA 1 was sent to the Senate for concurrence.

Representative Spence moved to lift HB 368 w/HA 1,3 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Spence brought HB 368 w/HA 1,3, jointly sponsored by Senator McBride; Representatives Oberle, Anderson, Dixon, Cathcart, Roy, Ennis, Campanelli, Mack, Minner, Jester, Barnes, Corrozi, Edwards, Darling, Cain, West; Senators Cordrey & Arnold, before the House for consideration.

HB 368 - An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to Education.

Representative Spence brought HA 4 to HB 368 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 368 w/HA 1,3,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jonkiert, Mack, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Darling, Minner, West - 3.

NOT VOTING: Representatives Bennett, Brady, Cain, Cordrey, George, Maroney, Plant, Powell - 8.

ABSENT: Representatives Jester, McKay - 2.

Therefore, having received a constitutional majority, HB 368 w/HA 1,3,4 was sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with action on HB 411. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok brought HB 411, jointly sponsored by Senator Cook, Representatives Petrilli, Bennett, Ennis, Gilligan, Corrozi; Senators Holloway, Berndt, Murphy, McBride & Littleton, before the House for consideration.

HB 411 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

The roll call on HB 411 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 411 was sent to the Senate for concurrence.

Representative Roy brought HB 308, jointly sponsored by Representatives Edwards, Soles, Corrozi, Spence, Buckworth, Smith, Ennis & Free; co-sponsored by Representative Jonkiert, before the House for consideration.

HB 308 - An Act to Amend Chapter 1, Title 4 of the Delaware Code Relating to General Provisions About Alcoholic Liquors.

The roll call on HB 308 was taken and revealed:

YES: Representatives Brady, Buckworth, Cain, Campanelli, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Cathcart, Cordrey, Darling, George, Gilligan, Jester, Mack, Minner - 9.

NOT VOTING: Representatives Barnes, Bennett, Holloway, Plant - 4.

ABSENT: Representatives Burris, McKay - 2.

Therefore, having received a constitutional majority, HB 308 was sent to the Senate for concurrence. Representative Riddagh brought HB 329 before the House for consideration.

HB 329 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices and Polygraph Examinations.

Representative Riddagh requested and was granted the privilege of the floor for Paula K. O'Donnell, Delaware Retail Association.

Representative Spence brought HA 1 to HB 329 before the House for consideration.

Representative Spence requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Spence requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HA 1 to HB 329 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.

NO: Representatives Bennett, Oberle - 2.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representatives Campanelli, Ennis, Fallon, Smith - 4.

Therefore, having received a constitutional majority, HA 1 to HB 329 was adopted.

The roll call on HB 329 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Spence, Van Seiver, West, Mr. Speaker Hebner - 33.

NO: Representatives George, Soles - 2.

NOT VOTING: Representatives Edwards, Maroney - 2.

ABSENT: Representatives Campanelli, Derrickson, Minner, Smith - 4.

Therefore, having received a constitutional majority, HB 329 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess for lunch at 12:57 p.m.

The House reconvened at 2:25 p.m.

The Reading Clerk read the following communications into the record:

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Representative Corrozi, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 280.

Date: 6/29/81.

Signed: Philip J. Corrozi.

The Senate wishes to inform the House that it has passed: HB 178 w/HA 1.

The Chief Clerk read the following Committee Reports into the record:

APPRO: HB 409 - 1M,5UF.

ED: HB 428 - 5M; SB 294 - 5M; HB 356 - 3M; HB 351 - 3M.

Representative West moved to suspend all rules which interfere with introduction of and action on HCR 83. The motion was seconded by Representative Powell and adopted by voice vote.

Representative West introduced and brought HCR 83, co-sponsored by Representatives Sinecock, Campanelli, George, Anderson & Barnes, before the House for consideration.

HCR 83 - Mourning the Death of Walter J. Hoey, of Milford, a Former Member of Both the House of Representatives and the Senate of the Delaware General Assembly.

HCR 83 was adopted by voice vote and sent to the Senate for concurrence.

The Chief Clerk read the following Committee Report into the record:

R&F: SB 273 w/SA 1,3 - 2F,2M.

Representative Plant brought HB 371, jointly sponsored by Representatives Holloway, Campanelli, West, Dixon & Senator Holloway, before the House for consideration.

HB 371 - An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Conditions of State Employment.

Representative Cain moved to waive the rules which require a synopsis. The motion was seconded by Representative Holloway and defeated by voice vote.

Representative Plant requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 371 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Roy, Soles, Spence, West, Mr. Speaker Hebner - 31.

NO: Representatives Barnes, Buckworth, Edwards, Harrington, Mack, Riddagh, Van Seiver - 7.

NOT VOTING: Representatives Powell, Sinecock, Smith - 3.

Therefore, having received a constitutional majority, HB 371 was sent to the Senate for concurrence.

Representative Spence brought HB 381 before the House for consideration.

HB 381 - An Act to Amend Chapter 23 and Chapter 25, Title 21 of the Delaware Code Relating to Notary Requirements on Certificates of Titles.

Representative Spence moved to place HB 381 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Bennett brought HB 337, jointly sponsored by Representatives Anderson, Darling, Dixon, George, Jester, Riddagh, West & Senator Vaughn, before the House for consideration.

HB 337 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Escapes by Prisoners From the Custody of the Department of Health and Social Services or the Department of Corrections.

The roll call on HB 337 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Darling - 1.

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

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

June 29, 1981

Honorable Marian P. Anderson
Delaware House of Representatives
Legislative Hall
Dover, DE 19901

Dear Representative Anderson:

I am writing in reference to Section 35 of H.B. 448 which would allow tolls at the Route 896 Interchange for vehicles with 3 or more axles. You have expressed concern for those commercial vehicles which use this Interchange frequently serving the Newark area. This toll would be instituted to eliminate the economic incentive which now exists for through traffic to bypass our barrier toll facility by way of Route 896. We have no desire to penalize commercial traffic which must use the Route 896 Interchange to service the local area.

I have researched the Trust Agreement between the Delaware Transportation Authority and Wilmington Trust Company and find that we may establish special toll rates and make provisions for the use of commutation or other tickets for privileges based upon frequency or volume in the case of an Interchange.

Since discounts or free tickets, tokens, script, etc. offer opportunities for misuse our Traffic Consultants recommend that we adopt a system of coded decals that would be affixed to those vehicles legitimately entitled to special passage. These could be automatically read by an optical scanning device at the gates to permit passage without tolls.

This detail is given as an example only. I write this letter to assure you that the Department has the ability and the determination to design and administer a system which addresses your concern. We will not institute tolls until such a system is completely researched and coordinated with those involved.

Sincerely,
Kermit H. Justice
Secretary

KHJ:jwd

cc: Honorable Thomas B. Sharp
Honorable Roger A. Martin
Honorable Nancy W. Cook
Honorable Richard S. Cordrey
Honorable Andrew G. Knox
Honorable Charles L. Hebner
Honorable John M. Burris
Honorable Orlando J. George, Jr.

Representative Soles brought HB 353, jointly sponsored by Senator McBride; Representative Ennis & Senator Bair, before the House for consideration.

HB 353 - An Act to Amend Title 14 and Title 7 of the Delaware Code to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease.

Representative Soles brought HA 1 to HA 1 to HB 353 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Soles brought HA 1 w/HA 1 to HB 353 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ennis brought HA 2 to HB 353 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 353 w/HA 1 w/HA 1, HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 353 w/HA 1 w/HA 1, HA 2 was sent to the Senate for concurrence.

Representative Oberle brought HB 390, jointly sponsored by Senators Knox, Arnold & Sharp, before the House for consideration.

HB 390 - An Act to Amend Chapter 63 of Title 29, Delaware Code, Relating to Unemployment Insurance for State Employees and Other Employment Costs.

Representative Oberle brought HA 1 to HB 390 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey and Mr. William Remington, Department of Finance.

The roll call on HB 390 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Mack - 1.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority, HB 390 w/HA 1 was sent to the Senate for concurrence.

Representative West brought HB 254 before the House for consideration.

HB 254 - An Act to Amend Chapter 45, Title 11 of the Delaware Code Relating to Convictions Before Alderman or Mayor. (2/3 bill)

Representative Anderson brought HA 1 to HB 254 before the House for consideration.

Representative Brady requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative West moved to place HB 254 - HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Dixon brought HS 1 for HB 247, jointly sponsored by Representatives Cordrey, Spence; Senators Hughes, Vaughn & Zimmerman, before the House for consideration.

HB 247 - An Act to Direct the Department of Transportation to Post Signs Notifying Drivers Entering Delaware That Littering is Subject to Fines up to \$250.

Representative Dixon brought HA 1 to HS 1 for HB 247, co-sponsored by Representatives Cordrey, Spence; Senators Hughes, Vaughn & Zimmerman, before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Assistant Secretary of Transportation John Davis.

The roll call on HS 1 for HB 247 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Derrickson, Plant, West - 3.

Therefore, having received a constitutional majority, HS 1 for HB 247 w/HA 1 was sent to the Senate for concurrence.

Representative Campanelli brought HB 80, co-sponsored by Representative Dixon, before the House for consideration.

HB 80 - An Act to Amend Chapter 9, Part I, Title 19 of the Delaware Code Relating to Increases in the Minimum Wage Rate.

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

Representative Harrington requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on HB 80 was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Oberle, Plant, Roy, Soles, Spence, Van Sciver, West - 19.

NO: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Darling, Derrickson, Edwards, Ennis, Fallon, Harrington, Maroney, McKay, Minner, Powell, Riddagh, Sincok, Smith, Mr. Speaker Hebner - 19.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Corrozi, Petrilli - 2.

Therefore, not having received a constitutional majority, HB 80 was declared defeated.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SJR 20. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Sincok introduced and brought SJR 20, jointly sponsored by Senators Cordrey, Berndt & Representative George, before the House for consideration.

SJR 20 - Revising the Official Estimate of General Fund Revenues for Fiscal Year 1981.

The roll call on SJR 20 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Corrozi - 1.

Therefore, having received a constitutional majority, SJR 20 was returned to the Senate.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SJR 21. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought SJR 21, jointly sponsored by Senators Cordrey, Berndt & Representative George, before the House for consideration.

SJR 21 - The Official Estimate of General Fund Revenues for Fiscal Year 1982.

The roll call on SJR 21 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SJR 22. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought SJR 22, jointly sponsored by Senators Cordrey, Berndt & Representative George, before the House for consideration.

SJR 22 - Making an Appropriation From the Budget Reserve Account. (3/5 bill)

Representative Sincok requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative George requested and was granted the privilege of the floor for Secretary of Finance Dennis Sullivan.

Representative Burris moved to recess at 5:14 p.m.

The House reconvened at 5:25 p.m.

The roll call on SJR 22 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative McKay - 1.

ABSENT: Representatives Campanelli, Jonkiert - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SJR 22 was returned to the Senate.

Representative Ennis moved to suspend the rules which interfere with action on HB 441. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Ennis brought HB 441 before the House for consideration.

HB 441 - An Act to Amend Title 9 of the Delaware Code With Reference to the Assessment and Collection of Sewer Service Charges in New Castle County, by Establishing the Monition Method of Collection, Increasing the Penalties for Late Payment and Providing for a Minimum Delinquency and Shortened Waiting Period for Institution of the Monition Procedure.

Representative Ennis requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Van Sciver moved to place HB 441 on the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Burris moved to recess for caucus at 6:14 p.m.

The House reconvened at 8:50 p.m.

The Chief Clerk read the following Committee Reports into the record:

H/SS: SCR 24 - 1M,4UF.

NR/AGRI: HB 413 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 66, SJR 20, SJR 21, SJR 22, SCR 68, HB 360, HB 233 w/HA 1; HB 307 w/HA 1,2; HCR 80, HCR 81, SB 334 w/SA 1; SB 288, HB 116, HB 121, HB 242, HB 243, HB 245, HB 330.
June 29, 1981

LEGISLATIVE ADVISORY #17

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/26/81 - HB 71, HB 212 aab HA 1 & SA 1; SB 122 aab SA 2 & HA 2; 6/29/81 - SB 155, HB 389 aab HA 1,2,3 & 4.

The Governor vetoed the following legislation on the June 29, 1981: SB 118 aab SA 1.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, B. Bradford Barnes, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of SCR 62.

Date: June 29, 1981.

Signed: B. Bradford Barnes.

Representative Roy moved to suspend the agenda rules which interfere with action on SB 276 w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Roy brought SB 276 w/SA 1, sponsored by Senator Holloway, before the House for consideration.

SB 276 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Skilled Maintenance Personnel in Reorganized School Districts.

Representative McKay brought HA 1 to SB 276 before the House for consideration.

The roll call on HA 1 to SB 276 was taken and revealed:

YES: Representatives Darling, Derrickson, Edwards, Maroney, McKay, Minner, Riddagh, Sincok, Smith, Soles - 10.

NO: Representatives Anderson, Burris, Cain, Campanelli, Corrozi, Ennis, George, Gilligan, Holloway, Jester, Jonkiert, Oberle, Plant, Powell, Roy, Van Sciver, West, Mr. Speaker Hebner - 18.

NOT VOTING: Representatives Barnes, Bennett, Brady, Buckworth, Cathcart, Cordrey, Dixon, Fallon, Harrington, Mack, Petrilli, Spence - 12.

ABSENT: Representative Free - 1.

Representative Maroney requested and was granted the privilege of the floor for House Attorney Gerald Street.

Five Members rose for the purpose of cutting off the debate on SB 276 w/SA 1.

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

The roll call on the motion was taken and revealed:

YES: Representatives Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representatives Edwards, Holloway, Mack, Minner - 4.

NOT VOTING: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on SB 276 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Corrozi, Dixon, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Plant, Powell, Roy, Spence, Van Sciver, West - 24.

NO: Representatives Darling, McKay, Riddagh, Soles - 4.

NOT VOTING: Representatives Barnes, Bennett, Buckworth, Burris, Cordrey, Derrickson, Edwards, Harrington, Minner, Petrilli, Sincok, Smith, Mr. Speaker Hebner - 13.

Therefore, having received a constitutional majority, SB 276 w/SA 1 was returned to the Senate.

Representative Jonkiert brought HB 280, jointly sponsored by Representatives Campanelli, Plant, Dixon, Roy & Powell, before the House for consideration.

HB 280 - An Act to Amend Title 28 of the Delaware Code Relating to Sports and Amusements by Authorizing and Providing for the Regulation, Control and Licensing of, and Pari-Mutuel Betting on, Greyhound Dog Racing in the State of Delaware.

Representative Campanelli brought HA 1 to HB 280 before the House for consideration. Representative Campanelli requested that HA 1 be stricken.

Representative Jonkiert brought HA 2 to HB 280, jointly sponsored by Representatives Dixon, Plant, Roy, Corrozi, Campanelli & Powell, before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for Attorney David Swayze.

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

Representative Van Sciver requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Petrilli moved to place HA 2 to HB 280 on the Speaker's table. The motion was seconded by Representative Bennett.

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

Mr. Speaker Hebner declared that HA 2 is invalid.

Representative Burris moved to recess at 9:48 p.m.

The House reconvened at 9:50 p.m.

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

Representative Petrilli moved to place HB 280 on the Speaker's table. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Burris moved to suspend all rules which interfere with action on HB 400. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, West - 15.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority the motion was adopted and the rules were suspended.

Representative Burris brought HB 400, jointly sponsored by Representatives Hebner, Petrilli; Senators Knox & Arnold, before the House for consideration.

HB 400 - An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

Representative Burris brought HA 1 to HB 400, jointly sponsored by Representatives Hebner & Petrilli, before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for Technical Director of Representative District Reapportionment Richard Templeton.

Five members rose for the purpose of cutting off the debate on HA 1 to HB 400.

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

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

Representative Burris moved to recess for caucus at 10:07 p.m.

The House reconvened at 10:32 p.m.

Representative Roy withdrew the motion to cut off debate on HA 1 to HB 400.

Five members rose for the purpose of cutting off the debate on HA 1 to HB 400.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 15.

ABSENT: Representative Bennett - 1.

Representative Jonkiert rose on a point of order. Mr. Speaker did not concur.

Representative Anderson rose on a point of order. Mr. Speaker did not concur.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

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

Representative Darling rose on a point of order. Mr. Speaker did not concur.

The roll call on HA 1 to HB 400 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, West - 15.

Therefore, having received a constitutional majority, HA 1 to HB 400 was adopted.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 10:55 p.m.

The House reconvened at 10:57 p.m.

The roll call on HB 400 w/HA 1 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Barnes, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 17.

Therefore, having received a constitutional majority, HB 400 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 11:23 p.m.

48th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

June 30, 1981

The Speaker called the House to order at 11:28 a.m.

Representative Van Seiver requested that HCR 78 be stricken.

The Chief Clerk read the following Committee Report into the record:

H/ADM: SB 130 - 2M, 2UF.

Representative Riddagh requested that HB 333 be stricken.

Representative Ennis moved to lift HB 441 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Ennis brought HB 441 before the House for consideration.

HB 441 - An Act to Amend Title 9 of the Delaware Code With Reference to the Assessment and Collection of Sewer Service Charges in New Castle County, by Establishing the Monition Method of Collection, Increasing the Penalties for Late Payment and Providing for a Minimum Delinquency and Shortened Waiting Period for Institution of the Monition Procedure.

Representative Van Seiver brought HA 1 to HB 441 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 441 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Ennis, Fallon, Free, George, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Cordrey, Darling, Edwards, Gilligan, Jester, Minner, Soles, West - 9.

NOT VOTING: Representatives Bennett, Cain, Dixon, Oberle - 4.

ABSENT: Representatives Brady, Campanelli, Holloway, Jonkiert, Plant - 5.

Therefore, having received a constitutional majority, HB 441 w/HA 1 was sent to the Senate for concurrence.

Representative Burris brought Special Agenda V - Consent before the House for consideration.
Representative Derrickson requested that HB 303 be removed from Special Agenda V - Consent.
Representative Burris requested that HB 430 be removed from Special Agenda V - Consent.

HB 344 - CORDREY; SENATOR LITTLETON - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Reporting of Motor Vehicle Accidents, Equipment on Motor Vehicles, the Removal and Disposition of Abandoned Motor Vehicles, to Make Provision for Stolen, Unauthorized Use and Damage to Motor Vehicles, and for Removal of Motor Vehicles From Public Streets. (2/3 bill)

HB 345 - CORDREY; SENATOR LITTLETON - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Grant the Alderman Jurisdiction for Certain Criminal Offenses. (2/3 bill)

HB 346 - CORDREY; SENATOR LITTLETON - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Determination of Other Income to the Town and for the Fixing of the Time of Assessment of Taxes. (2/3 bill)

HB 347 - CORDREY; SENATOR LITTLETON - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Appointment of an Alderman and an Associate Alderman; to Establish Limits of Jurisdiction; to Permit the Removal of the Alderman and Associate Alderman and Providing for Disposition of Books and Records Upon Removal. (2/3 bill)

SB 45 - CORDREY - An Act to Amend Chapter 143, Volume 57, Laws of Delaware, Relating to an Act Entitled: "An Act to Incorporate the Town of South Bethany;" and Providing Certain Amendments Thereto. (2/3 bill)

SB 200 - CORDREY; REPRESENTATIVE DERRICKSON - An Act to Amend an Act, Being Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Amount Which May Be Raised From the Taxation of Real Estate. (2/3 bill)

HB 423 - DERRICKSON; SENATOR CORDREY - An Act to Amend An Act Being Chapter 197, Volume 54, Laws of Delaware, As Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" to Increase the Amount Which May Be Spent for Materials or Services Without Requiring Competitive Bidding. (2/3 bill)

SB 259 - NEAL, MARTIN; REPRESENTATIVES PETRILLI, ANDERSON, SOLES, JESTER - An Act to Amend Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by Removing the Prohibition Against Political Activity by Persons Holding Unpaid Appointive City Positions. (2/3 bill)

SB 287 - VAUGHN; REPRESENTATIVE RIDDAGH - An Act to Amend Chapter 138, Volume 41, Laws of Delaware, as Amended Being "An Act to Reincorporate the Town of Clayton" by Permitting the Town of Clayton to Levy a Separate Garbage Assessment. (2/3 bill)

SB 152 w/SA 1 - LITTLETON; REPRESENTATIVE CORDREY - An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Increase the Salary of the Mayor and Members of the Town Council and to Provide for Notice to Persons Whose Names are Removed From the Books of Registered Voters. (2/3 bill)

The roll call on Special Agenda V - Consent was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Campanelli, Fallon, Holloway, Jonkiert, Plant - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 344, HB 345, HB 346, HB 347, HB 423 were sent to the Senate for concurrence and SB 45, SB 200, SB 259, SB 287, SB 152 w/SA 1 were returned to the Senate.

Representative Buckworth moved to suspend the rules which interfere with action on HB 430. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Buckworth brought HB 430, jointly sponsored by Representative Darling, before the House for consideration.

HB 430 - An Act to Reincorporate the Town of Woodside. (2/3 bill)

Representative Darling brought HA 1 to HB 430 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 430 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Campanelli, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 430 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 12:02 p.m., thereby ending the previous legislative day. The House reconvened at 12:03 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 454 - SINCOCK, GEORGE; SENATORS COOK, BERNDT - APPRO: An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Division of Social Services for the Purpose of an Emergency Concerning Medicaid Funds for State and Non-State Institutions and to Provide for a Supplemental Appropriation to the State Treasurer for the Purpose of an Emergency Concerning Attorneys' Fees for Desegregation Litigation. (3/5 bill).

HB 455 - HARRINGTON, BUCKWORTH, RIDDAGH - H/ADM: An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to Kent County Levy Court Districts.

HA 1 to HB 455 - HARRINGTON, BUCKWORTH, RIDDAGH - H/ADM: Placed with the bill.

HB 456 - MARONEY - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Custody, Care and Treatment of Delinquent and Dependent Children.

HB 457 - SMITH; SENATOR ZIMMERMAN - NR/AGRI: An Act to Amend Chapter 19, Title 23, Delaware Code, Relating to the Regulation and Supervision of Dams and Reservoirs by the Department of Natural Resources and Environmental Control; Providing for Emergency Action; and Providing for Enforcement of This Act.

HB 458 - MCKAY; SENATOR CONNOR - R&F: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Eligibility for Approved Leave.

HB 459 - OBERLE - JUD: An Act to Amend Chapter 39, Title 10 of the Delaware Code Relating to Liability of Minors and Their Parents for Damage to Persons or Property Due to Willful or Malicious Destruction. (2/3 bill).

HB 460 - OBERLE - JUD: An Act to Amend Chapter 67, Title 16, Delaware Code Relating to the Authority of Fire Police and the Disposition of Fines Accruing From Violations.

HB 461 - BRADY - JUD: An Act to Amend Title 10 of the Delaware Code Providing for Comparative Negligence as the Standard for Allocating Fault in an Action Based on Fault.

HB 462 - SMITH - JUD: An Act to Amend Chapter 31, Title 20 of the Delaware Code Relating to Penalties for Violation of Declarations of State of Emergencies. (2/3 bill).

HA 1 to HB 413 - BARNES - Placed with the bill. (Ready List).

SB 288 - ADAMS; REPRESENTATIVE BRADY - R&F: An Act to Amend Chapter 56, Title 29 of the Delaware Code Relating to the State Judiciary Pension Plan.

SB 334 w/SA 1 - SHARP; REPRESENTATIVE BURRIS - R&F: An Act to Amend Chapter 1, Title 8, Delaware Code, Also Being Chapter 25, 63 Laws of Delaware, Relating to the General Corporation Law. (2/3 bill)

HA 1 to SB 292 - MARONEY - H/SS: Placed with the bill.

HA 1 to SB 342 - BARNES - NR/AGRI: Placed with the bill.

The following prefiled Consent Calendar was introduced:

HR 77 - MARONEY - Congratulating Jodi Graham, of Brandywine College, Upon Her Selection as Miss Delaware 1981.

HR 78 - OBERLE, ANDERSON - Urging the Motor Wheel Corporation to Clarify Its Intentions Regarding the Timing and Nature of the Disposition of Its Newark Manufacturing Facility.

HR 79 - PLANT, HOLLOWAY - Commending Certain Persons from New Castle, Kent and Sussex Counties for Their Volunteer Work With the Delaware Association for Adult and Community Education, Better Known as DAACE.

SCR 66 - BERNDT, MCBRIDE; REPRESENTATIVE ENNIS - Requesting President Reagan to Reconsider His Decision on the Issue of Selling Military Arms to Saudi Arabia.

SCR 68 - ADAMS, MURPHY, COOK, HUGHES; REPRESENTATIVES WEST, MINNER, BURRIS - Mourning the Death of Walter J. Hoey, of Milford, a Former Member of Both the House of Representatives and the Senate of the Delaware General Assembly.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HC 83.

Representative Sincok moved to suspend the rules which interfere with action on HB 454. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok brought HB 454, jointly sponsored by Representative George; Senators Cook & Berndt, before the House for consideration.

HB 454 - An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Division of Social Services for the Purpose of an Emergency Concerning Medicaid Funds for State and Non-State Institutions and to Provide for a Supplemental Appropriation to the State Treasurer for the Purpose of an Emergency Concerning Attorneys' Fees for Desegregation Litigation. (3/5 bill).

The roll call on HB 454 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Campanelli, Cathcart, Ennis - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 454 was sent to the Senate for concurrence.

Representative Burris brought Consent Calendar #23 before the House for consideration. Representative Edwards requested that SCR 66 be removed from the Consent Calendar. Consent Calendar #23 was adopted by voice vote and SCR 68 was returned to the Senate. Representative Burris brought SB 103 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 103 - An Act to Amend Chapter 79, Title 29 of the Delaware Code to Provide That the Governor Shall Appoint Senior Citizens to Certain Units.

Representative Burris brought HA 1 to SB 103 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker assigned SCR 66 to the House Administration Committee.

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

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

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

Representative Roy brought SB 128, sponsored by Senators Martin & Neal, before the House for consideration.

SB 128 - An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Aquisition and Sale of Real Property by the Department of Transportation.

The roll call on SB 128 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 128 was returned to the Senate.

Representative Maroney brought SB 146 w/SA 1, jointly sponsored by Senator Holloway, before the House for consideration.

SB 146 - An Act to Amend Chapter 94, Title 16 of the Delaware Code Relating to the State Advisory Council for the Coordination of Services to the Handicapped.

The roll call on SB 146 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 146 w/SA 1 was returned to the Senate.

Representative Burris brought SB 169, jointly sponsored by Senators Cordrey, Adams, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 169 - An Act to Amend Chapter 23, Title 10, of the Delaware Code Relating to the Deposit of Monies by the Prothonotary.

The roll call on SB 169 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 169 was returned to the Senate.

Representative Burris brought SB 171, jointly sponsored by Senators Cordrey, Adams, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 171 - An Act to Amend Chapter 65, Title 9, of the Delaware Code Relating to Grants From Federal, State or Interstate Agencies to Sussex County to Permit Borrowing in Anticipation of the Receipt Thereof.

The roll call on SB 171 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Roy - 2.

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

Representative Burris brought SB 223, sponsored by Senator Adams, co-sponsored by Senators Cordrey & Littleton, before the House for consideration.

SB 223 - An Act to Amend Section 2510, Title 12, Delaware Code, Relating to Charges of the Register of Wills, in and for Sussex County.

The roll call on SB 223 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Spence - 2.

Therefore, having received a constitutional majority, SB 223 was returned to the Senate.

Representative Burris brought SB 224, sponsored by Senator Adams, co-sponsored by Senators Cordrey & Littleton, before the House for consideration.

SB 224 - An Act to Amend Title 9, Chapter 96, as It Relates to the Recorder of Deeds, in and for Sussex County.

The roll call on SB 224 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 224 was returned to the Senate.

Representative Riddagh brought SB 245, jointly sponsored by Senators Berndt, McBride, Hughes, Arnold; Representatives Van Sciver, Jester & Gilligan; co-sponsored by Representative Spence; Senators Bair, Citro, Connor & Marshall; before the House for consideration.

SB 245 - An Act to Amend Chapter 5, Subchapter VII, Subpart C, Title 11 of the Delaware Code Providing Certain Punishments Upon Conviction for the Crime of Obscenity; and Relating to the Definition Thereof.

Representative Riddagh brought HA 1 to SB 245 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 245 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Plant, Powell - 2.

ABSENT: Representatives Campanelli, Roy - 2.

Therefore, having received a constitutional majority, SB 245 w/HA 1 was returned to the Senate.

Representative Riddagh brought SB 271, jointly sponsored by Senators Sharp, Citro, McDowell, Zimmerman, Vaughn, Hughes; Representatives Oberle, Harrington, Cathcart, Mack, Spence, Minner & Jonkiert, before the House for consideration.

SB 271 - An Act to Amend Chapter 41 of Title 14 of the Delaware Code Relating to Disturbing Schools or Destroying School Property.

Representative Riddagh brought HA 1 to SB 271 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 271 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Cain, Smith - 2.

Therefore, having received a constitutional majority, SB 271 w/HA 1 was returned to the Senate.

Representative Darling brought SB 256, jointly sponsored by Senators Vaughn, Citro & Representative Riddagh, before the House for consideration.

SB 256 - An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to the Issuance of Conditional Driver's License to Persons Who Receive Suspensions for Failure to Have Liability Insurance. (2/3 bill)

Representative Holloway rose on a point of order. Mr. Speaker did not concur.

Representative Darling requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Darling moved to place SB 256 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Cathcart brought HB 311 before the House for consideration.

HB 311 - An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Creation of an Access to a State-Maintained Highway.

The roll call on HB 311 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Bennett, Darling, Derrickson, Jonkiert, Smith - 5.

Therefore, having received a constitutional majority, HB 311 was sent to the Senate for concurrence. Representative Mack brought SB 335, jointly sponsored by Senator Connor, before the House for consideration.

SB 335 - An Act to Amend Chapter 216, Volume 27, Laws of Delaware Relating to "An Act Amending, Revision and Consolidating the Charter of the City of New Castle." (2/3 bill)

Representative Petrilli requested and was granted the privilege of the floor for Senator Robert T. Connor.

The roll call on SB 335 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Bennett, George - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 335 was returned to the Senate.

Representative Burris moved to recess for lunch at 2:12 p.m.

The House reconvened at 4:00 p.m.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: SB 220 w/SA 1 - 2M, 1UF.

R&F: HB 458 - 1F, 4M; SB 285 w/SA 1 - 5M; SB 277 w/SA 1 - 5M.

APPRO: SB 229 w/SA 1 - 5M.

H/SS: SB 292 w/SA 1 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 341 w/SA 1; SB 350, SB 340, SB 339 w/SA 1; SB 361, HB 209 w/HA 1; HB 324 w/HA 1; HJR 22, SB 337, SB 318, SCR 62 w/SA 1, 2; HB 422 w/HA 1; HB 277 w/HA 1; SB 338 w/SA 1.

Representative Smith moved to suspend the rules which interfere with action on HB 99 w/HA 1, SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought HB 99 w/HA 1, SA 1, jointly sponsored by Representatives Anderson, Ennis, Gilligan, Maroney, Minner, Riddagh, Soles; Senators Martin, Arnold, Connor, Knox, Littleton, McBride & Neal, before the House for consideration.

HB 99 - An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

Representative Cathcart brought HA 2 to HB 99 before the House for consideration.

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

Representative Oberle requested and was granted the privilege of the floor for Senate Attorney G. Thomas Sandbach.

Representative Smith moved to place HA 2 to HB 99 on the Speaker's table. The motion was seconded by Representative Anderson.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, McKay, Petrilli, Riddagh, Sincok, Smith, Soles, Mr. Speaker Hebner - 18.

NO: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Holloway, Jonkiert, Mack, Maroney, Minner, Oberle, Plant, Powell, Roy, Spence, Van Sciver, West - 21.

NOT VOTING: Representatives Derrickson, Free - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 2 to HB 99 remained before the House.

Representative Cathcart requested and was granted the privilege of the floor for Russell Larson, Office of the Controller General.

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

The roll call on HA 2 to HB 99 was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Mack, Oberle, Powell, Roy, Spence, Van Sciver - 15.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Derrickson, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Riddagh, Sincok, Smith, Soles, West, Mr. Speaker Hebner - 23.

ABSENT: Representatives Free, Jonkiert, Plant - 3.

Therefore, not having received a constitutional majority, HA 2 to HB 99 was declared defeated.

Representative Oberle brought HA 3 to HB 99 before the House for consideration.

Representative Smith moved to place HA 3 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Corrozi, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Petrilli, Riddagh, Sincok, Smith, Soles, Mr. Speaker Hebner - 22.

NO: Representatives Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Jonkiert, Mack, Minner, Oberle, Roy, Spence, Van Sciver, West - 14.

NOT VOTING: Representative Bennett - 1.
 ABSENT: Representatives Burris, Derrickson, Plant, Powell - 4.
 Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HB 99 was placed on the Speaker's table.
 Representative Oberle brought HA 4 to HB 99 before the House for consideration.
 The roll call on HA 4 was taken and revealed:
 YES: Representatives Bennett, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Free, Holloway, Jonkiert, Mack, Oberle, Spence, Van Sciver, West - 15.
 NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Mr. Speaker Hebner - 22.
 ABSENT: Representatives Burris, Derrickson, Plant, Powell - 4.
 Therefore, not having received a constitutional majority, HA 4 to HB 99 was declared defeated.
 Representative Bennett brought HA 5 to HB 99 before the House for consideration. Mr. Speaker Hebner ruled that HA 5 to HB 99 is invalid.
 Representative Cathcart brought HA 6 to HB 99 before the House for consideration.
 The roll call on HA 6 was taken and revealed:
 YES: Representatives Bennett, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Jonkiert, Mack, Oberle, Spence, Van Sciver, West, Mr. Speaker Hebner - 15.
 NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Edwards, Ennis, Fallon, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Riddagh, Roy, Sincok, Smith, Soles - 20.
 ABSENT: Representatives Buckworth, Derrickson, Free, George, Plant, Powell - 6.
 Therefore, not having received a constitutional majority, HA 6 to HB 99 was declared defeated.
 Representative Cathcart moved to place HB 99 w/HA 1, SA 1 on the Speaker's table. The motion was seconded by Representative Oberle.
 The roll call on the motion was taken and revealed:
 YES: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Free, Holloway, Jonkiert, Mack, Oberle, Plant, Spence, Van Sciver, West - 17.
 NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Mr. Speaker Hebner - 22.
 ABSENT: Representatives Derrickson, Powell - 2.
 Therefore, not having received a constitutional majority, the motion was declared defeated and HB 99 w/HA 1, SA 1 remained before the House.
 Five members rose for the purpose of cutting off the debate on HB 99 w/HA 1, SA 1.
 The roll call on the motion was taken and revealed:
 YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Corrozi, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Maroney, McKay, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, Mr. Speaker Hebner - 23.
 NO: Representatives Bennett, Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Powell, Spence, West - 16.
 ABSENT: Representatives Derrickson, George - 2.
 Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.
 Representative Van Sciver rose on a point of order. Mr. Speaker concurred.
 The roll call on HB 99 w/HA 1, SA 1 was taken and revealed:
 YES: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 25.
 NO: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Jonkiert, Mack, Oberle, Plant, Van Sciver, West - 15.
 ABSENT: Representative Derrickson - 1.
 Therefore, having received a constitutional majority, HB 99 w/HA 1, SA 1 was sent to the Governor.
 Representative Sincok moved to suspend the rules which interfere with action on SB 316. The motion was seconded by Representative Riddagh.
 Representative Burris moved to recess at 5:37 p.m.
 The House reconvened at 5:42 p.m.
 Representative Sincok withdrew the motion.
 Representative Powell moved to suspend the agenda rules which interfere with action on SB 316 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.
 Representative Powell brought SB 316 w/SA 1, jointly sponsored by Senators Cordrey, Cook, McDowell, McBride, Adams, Martin, Holloway, Hughes, Citro, Connor, Bair, Berndt, Neal, Knox; Representatives Derrickson, Burris, Petrilli, Sincok, Ennis, Harrington, Maroney, Fallon, Roy, Brady, George, Minner, Gilligan, Soles, Darling, Anderson, Plant, Bennett, Dixon, McKay, Cathcart & Oberle, before the House for consideration.
SB 316 - An Act to Amend Titles 5, 9, 10, 12, 14, 18, 23, 29 and 31 Relating to Provisions Within Said Titles Dealing Specifically With the Farmers Bank of the State of Delaware and to Make Provisions for the Disposition of Money Previously Deposited With the Farmers Bank of the State of Delaware.

The roll call on SB 316 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Edwards, Minner - 2.

Therefore, having received a constitutional majority, SB 316 w/SA 1 was returned to the Senate.

Mr. Speaker Hebner appointed Representative Roy as Temporary Speaker.

Representative Maroney brought SB 67 w/SA 1, jointly sponsored by Senator Zimmerman, before the House for consideration.

SB 67 - An Act to Amend Title 14, Delaware Code by Establishing the Board of Trustees of the Delaware Institute of Dental Education and Research for the Purpose of Promoting the Dental Residency Program at Any General Hospital in the State of Delaware With an Accredited General Practice Residency in Dentistry.

Representative Sincok brought HA 1 to SB 67 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 67 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, Acting Speaker Roy - 31.

NO: Representatives Anderson, Bennett, Campanelli, Cathcart, Cordrey, Darling, Jonkiert, Mack, West - 9.

ABSENT: Representative Edwards - 1.

Therefore, having received a constitutional majority, SB 67 w/SA 1, HA 1 was returned to the Senate.

Representative Maroney brought SB 141 w/SA 1, jointly sponsored by Senator Holloway, before the House for consideration.

SB 141 - An Act to Amend Chapter 33 of Title 16 of the Delaware Code Relating to the Purity of Food and Drugs. (2/3 bill)

Representative Maroney brought HA 1 to SB 141 before the House for consideration. HA 1 was adopted by voice vote.

Representative Van Sciver brought HA 2 to SB 141 before the House for consideration.

Representative Van Sciver requested that HA 2 be stricken.

The roll call on SB 141 w/SA 1, HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Acting Speaker Roy - 36.

ABSENT: Representatives Barnes, Burris, Campanelli, George, Smith - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 141 w/SA 1, HA 1 was returned to the Senate.

Representative Maroney brought SB 145 w/SA 1, jointly sponsored by Senator Holloway, before the House for consideration.

SB 145 - An Act to Amend Subchapter 1, Title 16, Delaware Code, Relating to Neglect of Duty. (2/3 bill)

The roll call on SB 145 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cain, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Hebner, Holloway, Jester, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, Acting Speaker Roy - 28.

NO: Representatives Cathcart, Darling, Jonkiert, Mack, West - 5.

NOT VOTING: Representatives Cordrey, Harrington, Petrilli - 3.

ABSENT: Representatives Barnes, Burris, Campanelli, Derrickson, George - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 145 w/SA 1 was returned to the Senate.

Mr. Speaker Hebner resumed the Chair.

Representative Oberle brought HB 418 before the House for consideration.

HB 418 - An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation.

Representative Oberle brought HA 1 to HB 418 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Mr. Samuel Houes, Director, Division of Unemployment Insurance.

The roll call on HB 418 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cordrey, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Darling, Minner - 2.

ABSENT: Representatives Burris, Cathcart, Derrickson, George - 4.

Therefore, having received a constitutional majority, HB 418 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 313, jointly sponsored by Representative Roy, before the House for consideration.

HB 313 - An Act to Amend Title 29, Delaware Code Relating to Public Works Contracts.

Representative Bennett brought HA 1 to HB 313, jointly sponsored by Representative Roy, before the House for consideration. Representative Bennett requested that HA 1 be stricken.

Representative Bennett brought HA 2 to HB 313, jointly sponsored by Representative Roy, before the House for consideration. HA 2 was adopted by voice vote.

Representative Roy brought HA 3 to HB 313 before the House for consideration. HA 3 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Bennett moved to place HB 313 w/HA 2,3 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Spence brought SB 295 w/SA 1, jointly sponsored by Senator Adams, before the House for consideration.

SB 295 - An Act to Amend Chapter 44, Title 21 of the Delaware Code Relating to the Removal of Abandoned Vehicles.

The roll call on SB 295 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Bennett, George, Holloway - 3.

Therefore, having received a constitutional majority, SB 295 w/SA 1 was returned to the Senate.

Representative Burris brought SB 150, sponsored by Senator Adams, before the House for consideration.

SB 150 - An Act to Amend An Act Entitled "An Act to Incorporate the Town of Slaughter Beach", 37 Delaware Laws Chapter 167, As Amended, by Providing for the Closing of Streets, Vacating or Abandonment of Streets (Including the Award of Compensation Therefore), Municipal Tax Liens, and Revising the Limitations on the Town's Taxing Power. (2/3 bill)

Representative Burris brought HA 1 to SB 150 before the House for consideration. Representative Burris requested that HA 1 be stricken.

Representative Burris brought HA 2 to SB 150 before the House for consideration.

Representative Burris moved to suspend the rules which interfere with action on HA 2 to SB 150. The motion was seconded by Representative Harrington and adopted by voice vote.

HA 2 to SB 150 was adopted by voice vote.

Representative Burris moved to place SB 150 w/HA 2 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 6:53 p.m.

The House reconvened at 7:00 p.m.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 80. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Burris introduced and brought HR 80, sponsored by Representative Burris on Behalf of All House Members, before the House for consideration.

HR 80 - Commemorating the Date That Marks the Momentous Debut of Janice Donovan, Our Delightful, Dexterous and Undaunted Chief Clerk Upon This Earth.

HR 80 was adopted by voice vote.

The Reading Clerk read the following communication into the record:

PROCLAMATION

WHEREAS, Janice Donovan has for two years served as Chief Clerk of the Delaware House of Representatives; and

WHEREAS, when not ensconced on the podium, Janice can be found checking the roadways between Dover and Dewey Beach; and

WHEREAS, she is known to all by her long-legged good looks and blond hair; and
WHEREAS, her risque laugh and hearty jokes (or is it hearty laugh and risque jokes?) are appreciated by all - well, most all; and

WHEREAS, this Chief Clerk has gone to great lengths to become proficient in her profession - some say as far as Canada; and

WHEREAS, she is well renowned for her high humor from Dover to Newport; and

WHEREAS, the staff of the House appreciate the unusual qualities in this gal:

NOW THEREFORE:

BE IT RESOLVED that the said Janice Donovan know that her many, many friends here wish her only the best in the year ahead.

BE IT FURTHER RESOLVED, that I, Governor Pete du Pont, do hereby declare that the employees of Legislative Hall give a rousing cheer to Janice Donovan on the occasion of her birthday.

Pierre S. du Pont
Governor

6/30/81

Representative Burris moved to recess at 7:07 p.m.

The House reconvened at 9:46 p.m.

The following prefiled legislation was introduced:

HB 464 - FALLON, DERRICKSON - APPRO: An Act Making a Supplemental Appropriation to the Department of Public Instruction to Provide for Career Guidance Counselors Programs in Certain School Districts.

SB 318 - ZIMMERMAN; REPRESENTATIVE SMITH - NR/AGRI: An Act to Amend Chapter 73, Title 7 of the Delaware Code to Specify Terms of Office for the Members of the Delaware Natural Areas Advisory Council.

SB 337 - ADAMS, CORDREY; REPRESENTATIVE MCKAY - R&F: An Act to Amend Chapter 33, Title 12 of the Delaware Code to Permit Banks or Trust Companies Authorized to Establish Common Funds for the Collective Investment of Funds Held in a Fiduciary Capacity to Acquire Fractional Interests of Participation in Such Funds With Property Other Than Cash.

SB 338 w/SA 1 - CORDREY, SHARP, MCDOWELL; REPRESENTATIVES GEORGE, CAIN - H/ADM: An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

SB 399 w/SA 1 - MCBRIDE; REPRESENTATIVE ROY; SENATORS MARSHALL, MCDOWELL, BAIR, CONNOR; REPRESENTATIVE CATHCART - ADM/S: An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Award of Contracts for Public Works.

SB 340 - MCBRIDE; REPRESENTATIVE ROY; SENATORS MARSHALL, MCDOWELL, BAIR, CONNOR; REPRESENTATIVE CATHCART - ADM/S: An Act to Amend Chapter 69 of Title 29 of the Delaware Code Relating to Procurement of Materiel and Award of Contract for Public Works by State Agencies as it Applies to New Castle County.

SB 341 w/SA 1 - CORDREY; REPRESENTATIVE DERRICKSON - R&F: An Act to Amend Chapter 21, Title 6, Delaware Code Relating to Delaware Anti-Trust Law.

SB 350 - COOK; REPRESENTATIVE HARRINGTON - R&F: An Act Awarding Special Pension Benefits to Jeannette V. G. Legates, a Former State Employee, and Authorizing a Transfer of Appropriation Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 361 - VAUGHN, MCDOWELL, MARSHALL, BAIR, CONNOR; REPRESENTATIVES BRADY, BARNES, SMITH, JONKIERT, SOLES - ADM/S: An Act to Amend Chapter 6, Title 24 of the Delaware Code Relating to Cosmetology "Instructor" Licenses.

SCR 62 w/SA 1,2 - CONNOR, MCDOWELL, CITRO, NEAL; REPRESENTATIVES ANDERSON, BUCKWORTH, CAMPANELLI, CATHCART, DIXON, EDWARDS, ENNIS, JESTER, OBERLE, SPENCE - ADM/S: Relating to a Utility Consumer Bill of Rights.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 75, SB 184 w/SA 1; SCR 69.

The Chief Clerk read the following Committee Report into the record:

ADM/S: SB 182 - 3M.

Representative Bennett moved to lift HB 313 w/HA 2,3 from the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Bennett brought HB 313 w/HA 2,3, jointly sponsored by Representative Roy, before the House for consideration.

HB 313 - An Act to Amend Title 29, Delaware Code Relating to Public Works Contracts. (2/3 bill)

Representative Bennett brought HA 1 to HA 2 to HB 313 before the House for consideration. HA 1 to HA 2 was adopted by voice vote.

The roll call on HB 313 w/HA 2 w/HA 1; HA 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Cathcart, Holloway, Mack, Smith - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 313 w/HA 2 w/HA 1; HA 3 was sent to the Senate for concurrence.

Representative Burris moved to lift SB 150 w/HA 2 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris brought SB 150, sponsored by Senator Adams, before the House for consideration.

SB 150 - An Act to Amend An Act Entitled "An Act to Incorporate the Town of Slaughter Beach", 37 Delaware Laws Chapter 167, As Amended, by Providing for the Closing of Streets, Vacating or Abandonment of Streets (Including the Award of Compensation Therefore), Municipal Tax Liens, and Revising the Limitations on the Town's Taxing Power. (2/3 bill)

Representative Burris requested and was granted the privilege of the floor for Mr. Frank Newton, Sussex County Council.

The roll call on SB 150 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Harrington, Holloway - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 150 w/HA 2 was returned to the Senate.

Representative Burris brought SB 333, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 333 - An Act Proposing an Amendment to Article II of the Constitution of the State of Delaware Relating to Private Subdivision Streets Being Reconstructed to State Standards Prior to Their Acceptance for Maintenance. (2/3 bill)

The roll call on SB 333 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Holloway, Sincok - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 333 was returned to the Senate.

Representative Burris brought SB 220 w/SA 1, jointly sponsored by Senators Cordrey, Adams, Littleton; Representatives Derrickson, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 220 - An Act to Amend Chapter 1, Title 17, and Chapter 5, and 96, Title 9, Delaware Code Relating to the Jurisdiction, Powers and Duties of the Department of Transportation Over Roads and Streets Within the Counties Not Dedicated to the Public Use and to the Recording of Deeds to Real Estate Fronting on Such Streets and Roads.

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

Representative Burris moved to suspend the rules which interfere with action on SB 220 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought HA 1 to SB 220 before the House for consideration.

Representative Burris moved to place HA 1 to SB 220 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Darling, Derrickson, Dixon, Fallon, Harrington, Holloway, Jester, Jonkiert, Minner, Plant, Sincok, Soles, West - 21.

NO: Representatives Cain, Campanelli, Corrozi, Ennis, Gilligan, Mack, Oberle, Petrilli, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 13.

NOT VOTING: Representatives Edwards, Free, Maroney, McKay, Powell, Riddagh - 6.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to SB 220 was placed on the Speaker's table.

The roll call on SB 220 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Plant, Riddagh, Soles, West - 29.

NO: Representatives Cathcart, Gilligan, Mack, Oberle, Petrilli, Powell, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 11.

ABSENT: Representative Sincok - 1.

Therefore, having received a constitutional majority, SB 220 w/SA 1 was returned to the Senate.

Representative Free brought SB 325, jointly sponsored by Senators Marshall & Bair, before the House for consideration.

SB 325 - An Act to Authorize and Direct the Transfer of Certain Department of Correction Property to Child, Inc.

The roll call on SB 325 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Derrickson, Plant - 3.

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

Therefore, having received a constitutional majority, SB 325 was returned to the Senate.

Representative George brought HB 409, jointly sponsored by Representative Burris, before the House for consideration.

HB 409 - An Act to Pay C.O.L.A. Benefits to Which Former Attorney General Richard R. Wier, Jr., is Entitled, and Providing the Funds Therefor.

The roll call on HB 409 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Derrickson, Dixon, George, Harrington, Holloway, Jester, Riddagh, Soles, Mr. Speaker Hebner - 15.

NO: Representatives Bennett, Campanelli, Cathcart, Corrozi, Darling, Edwards, Jonkiert, McKay, Minner, Oberle, Petrilli, Van Sciver - 12.

NOT VOTING: Representatives Ennis, Fallon, Gilligan, Mack, Maroney, Powell, Roy, Spence - 8.

ABSENT: Representatives Cordrey, Free, Plant, Sincok, Smith, West - 6.

Therefore, not having received a constitutional majority, HB 409 was declared defeated.

Representative Derrickson brought SB 102, sponsored by Senator Cordrey, co-sponsored by Senator Littleton, before the House for consideration.

SB 102 - An Act to Amend Chapter 408, Volume 62, Laws of Delaware, to Transfer Funds From the Kent County Rape Crisis Center to the Rape Crisis Center of Sussex County. (3/4 bill)

The roll call on SB 102 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

ABSENT: Representatives Free, West - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 102 was returned to the Senate.

Representative Riddagh brought SB 291 w/SA 1, jointly sponsored by Senators Vaughn, Sharp, Cook, Hughes, Citro; Representatives Spence, Mack, Jonkiert & Minner, before the House for consideration.

SB 291 - An Act to Amend Chapter 41, Title 11, of the Delaware Code Relating to Criminal Procedures: and Providing for Restitution for Property Damage or Loss Sustained by Victims of Crimes.

The roll call on SB 291 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 38.

ABSENT: Representatives Burris, Plant, West - 3.

Therefore, having received a constitutional majority, SB 291 w/SA 1 was returned to the Senate.

Representative Brady brought HB 366, jointly sponsored by Senator McDowell; Representatives Barnes, Jonkiert, Smith, Soles; Senators Bair, Connor, Marshall & Vaughn, before the House for consideration.

HB 366 - An Act to Amend Titles 24 and 28 of the Delaware Code Implementing Recommendations of the Sunset Committee Relating to Certain State Boards and Commissions. (2/3 bill)

Representative Brady brought HA 1 to HB 366 before the House for consideration. HA 1 was adopted by voice vote.

Representative Brady brought HA 2 to HB 366 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 366 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 366 w/HA 1,2 was sent to the Senate for concurrence.

Representative Burris moved to recess for caucus at 11:12 p.m.

The House reconvened at 11:54 p.m.

Representative Brady introduced HB 465, jointly sponsored by Representatives Barnes, Jonkiert, Smith, Soles; Senators McDowell, Bair, Connor, Marshall & Vaughn.

HB 465 - An Act to Amend Chapter 87 of Title 11 of the Delaware Code, Reorganizing the Delaware Criminal Justice Planning Commission and Transferring Certain Functions and Duties.

Representative Brady moved to place HB 465 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Harrington moved to suspend the rules which interfere with action on SB 350. The motion was properly seconded and adopted by voice vote.

Representative Harrington brought SB 350, jointly sponsored by Senator Cook, before the House for consideration.

SB 350 - An Act Awarding Special Pension Benefits to Jeannette V. G. Legates, a Former State Employee, and Authorizing a Transfer of Appropriation Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on SB 350 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 35.

NO: Representative McKay - 1.

NOT VOTING: Representatives Holloway, Van Sciver - 2.

ABSENT: Representatives Anderson, Plant, Powell - 3.

Therefore, having received a constitutional majority, SB 350 was returned to the Senate.

Representative Burris moved to adjourn the First Session of the 131st General Assembly at 12:00 midnight.

1st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Special Session

July 1, 1981

The Speaker called the House to order at 12:01 a.m.

The Reading Clerk read the following communication into the record:

TO: MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 131ST
GENERAL ASSEMBLY
FROM: PRESIDENT OF THE SENATE, MICHAEL N. CASTLE
SPEAKER OF THE HOUSE, CHARLES L. HEBNER
DATE: TUESDAY, JUNE 30TH, 1981, 12 MIDNIGHT
RE: DECLARATION OF SPECIAL SESSION

Pursuant to Article II, Section 4 of the Constitution of the State of Delaware, you are hereby notified that the House of Representatives and the Senate of the 131st General Assembly of the State of Delaware are recalled into special session on July 1, 1981, at 12:01 a.m.

Michael N. Castle
President of the Senate
Charles Hebner
Speaker of the House

The Chief Clerk called the roll.

Members Present: 41.

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

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

Representative Jonkiert brought HB 348, jointly sponsored by Representatives Barnes, Brady, Smith, Soles; Senators Marshall, McDowell, Vaughn, Bair & Connor, before the House for consideration.

HB 348 - An Act Proposing an Amendment to Section 9, Article III of the Constitution of the State of Delaware Relating to Certain Gubernatorial Appointments. (2/3 bill)

The roll call on HB 348 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 348 was sent to the Senate for concurrence.

Representative Brady brought SB 327 w/SA 1, jointly sponsored by Senators McDowell, Marshall, Vaughn, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 327 - An Act to Amend Title 28 and Title 30 of the Delaware Code Relating to the Regulation of Certain Sports and Amusements; and Providing for a Delaware Gaming Control Board.

The roll call on SB 327 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 327 w/SA 1 was returned to the Senate.

Representative Brady brought SB 328, jointly sponsored by Senators McDowell, Marshall, Vaughn, Bair, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 328 - An Act to Amend Title 16, Title 28, and Title 29 of the Delaware Code Relating to the Regulation of Certain Sports.

Representative Brady brought HA 1 to SB 328 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 328 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Burris, George - 2.

Therefore, having received a constitutional majority, SB 328 w/HA 1 was returned to the Senate.

Representative Brady brought SB 329, jointly sponsored by Senators McDowell, Marshall, Vaughn, Bair, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 329 - An Act to Amend Title 5 and Title 24 of the Delaware Code Relating to the Regulation of Businesses and Occupations Which Perform Certain Services; and Providing for a State Board of Services.

The roll call on SB 329 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 38.

NO: Representatives Bennett, Mack, Van Sciver - 3.

Therefore, having received a constitutional majority, SB 329 was returned to the Senate.

Representative Brady brought SB 330, jointly sponsored by Senators McDowell, Marshall, Vaughn, Bair, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 330 - An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to the Licensing of Audiologists, Speech Pathologists and Hearing Aid Dealers. (2/3 bill)

Representative Brady brought HA 1 to SB 330 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 330 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 40.

NO: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 330 w/HA 1 was returned to the Senate.

Representative Brady brought SB 331 w/SA 1, jointly sponsored by Senators McDowell, Marshall, Vaughn, Bair, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 331 - An Act to Amend Title 24 of the Delaware Code Relating to the Regulation of Those Businesses and Occupations Which Perform Certain Services; and Providing for a Board of Personal Services.

Representative Anderson brought HA 1 to SB 331 before the House for consideration. Representative Anderson moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

The roll call on SB 331 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representatives Fallon, Minner - 2.

ABSENT: Representatives Burris, Maroney - 2.

Therefore, having received a constitutional majority, SB 331 w/SA 1 was returned to the Senate.

Representative Roy brought SB 323 w/SA 1, sponsored by Senators Cook, Bair, Knox & Hughes, before the House for consideration.

SB 323 - An Act to Amend Volume 62 Delaware Laws Chapter 301, Chapter 3, Chapter 4 and Chapter 5, Title 28 Delaware Code Relating to Horse Racing and Harness Racing and to Re-Establish and Reorganize the Delaware Racing Commission and Delaware Harness Racing Commission.

The roll call on SB 323 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Corrozi, Darling, Derrickson, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 27.

NO: Representatives Anderson, Campanelli, Cathcart, Cordrey, Dixon, Edwards, Gilligan, Jonkiert, Mack, Sincok, Spence - 11.

NOT VOTING: Representatives Bennett, Plant, Powell - 3.

Therefore, having received a constitutional majority, SB 323 w/SA 1 was returned to the Senate.

Representative Brady moved to suspend the rules which interfere with lifting HB 465 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Brady brought HB 465, jointly sponsored by Representatives Barnes, Jonkiert, Smith, Soles; Senators McDowell, Bair, Connor, Marshall & Vaughn, before the House for consideration.

HB 465 - An Act to Amend Chapter 87 of Title 11 of the Delaware Code, Reorganizing the Delaware Criminal Justice Planning Commission and Transferring Certain Functions and Duties.

The roll call on HB 465 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representatives Gilligan, Minner, Oberle - 3.

ABSENT: Representatives Burris, George, Holloway, Plant - 4.

Therefore, having received a constitutional majority, HB 465 was sent to the Senate for concurrence.

Representative Brady moved to suspend the rules which interfere with action on SB 361. The motion was seconded by Representative Jonkiert and adopted by voice vote.

Representative Brady brought SB 361, jointly sponsored by Senators Vaughn, McDowell, Marshall, Bair, Connor; Representatives Barnes, Smith, Jonkiert & Soles, before the House for consideration.

SB 361 - An Act to Amend Chapter 6, Title 24 of the Delaware Code Relating to Cosmetology "Instructor" Licenses.

The roll call on SB 361 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 36.

NO: Representative Van Sciver - 1.

NOT VOTING: Representative George - 1.

ABSENT: Representatives Holloway, Plant, West - 3.

Therefore, having received a constitutional majority, SB 361 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 84. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 84 before the House for consideration.

HR 84 - Directing the Delaware Sunset Committee to Study the Feasibility and Desirability of Removing the Regulation of Hearing Aid Dealers From the Board of Examiners of Speech Pathology and Audiology, or Its Successor; Repealing Any Legislation Established for Such Joint Regulation; and Placing Responsibility for the Regulation of Hearing Aid Dealers Under the Board of Services.

HR 84 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess at 1:02 a.m.

The House reconvened at 1:36 a.m.

Representative Anderson moved to suspend all rules which interfere with introduction of and action on HR 81. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Anderson introduced and brought HR 81, jointly sponsored by Representative Cain, before the House for consideration.

HR 81 - Urging County Council of New Castle County to Create the Position of Budget Analyst.

HR 81 was adopted by voice vote.

Representative Darling moved to lift SB 256 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Darling brought SB 256, jointly sponsored by Senators Vaughn, Citro & Representative Riddagh, before the House for consideration.

SB 256 - An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to the Issuance of Conditional Driver's License to Persons Who Receive Suspensions for Failure to Have Liability Insurance. (2/3 bill)

Representative Darling brought HA 1 to SB 256, jointly sponsored by Representative Derrickson, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 256 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Soles, Spence, West, Mr. Speaker Hebner - 35.

NO: Representatives Mack, Van Sciver - 2.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Free, Jonkiert, Riddagh - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 256 w/HA 1 was returned to the Senate.

Representative Derrickson moved to suspend the rules which interfere with action on HB 211 w/HA 1, SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson brought HB 211 w/HA 1, SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 211 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Passing Stopped School Buses. (2/3 bill)

The roll call on HB 211 w/HA 1, SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, West - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 211 w/HA 1, SA 1 was sent to the Governor.

Representative Soles moved to suspend all rules which interfere with introduction of and action on SB 184 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Soles introduced and brought SB 184 w/SA 1, sponsored by Senators Martin & Neal, before the House for consideration.

SB 184 - An Act to Amend the City Charter for the City of Newark, Delaware. (2/3 bill)

The roll call on SB 184 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 184 w/SA 1 was returned to the Senate.

Representative Riddagh moved to suspend all rules which interfere with action on SB 270 w/SA 1. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Riddagh introduced and brought SB 270 w/SA 1, jointly sponsored by Senators Sharp, Citro, McDowell, Zimmerman, Vaughn, Hughes; Representatives Oberle, Harrington, Cathcart, Mack, Spence, Minner & Jonkiert, before the House for consideration.

SB 270 - An Act to Amend Chapter 47, Title 16 of the Delaware Code to Create Enhanced Penalties for Drug Trafficking.

The roll call on SB 270 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SB 270 w/SA 1 was returned to the Senate.

Representative Riddagh moved to suspend the rules which interfere with action on SB 282. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 282, jointly sponsored by Senators Sharp, Citro, McDowell, Zimmerman, Vaughn, Hughes; Representatives Oberle, Harrington, Cathcart, Mack, Spence, Minner & Jonkiert, before the House for consideration.

SB 282 - An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to the Creation of a Special Law Enforcement Assistance Fund.

The roll call on SB 282 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, SB 282 was returned to the Senate.

Representative Spence moved to suspend all rules which interfere with action on SB 299. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Spence brought SB 299, jointly sponsored by Senator Cook, before the House for consideration.

SB 299 - An Act to Amend Chapter 71, Title 7 of the Delaware Code to Provide for Additional Exemptions From the Noise Control Law.

The roll call on SB 299 was taken and revealed:

YES: Representatives Barnes, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Riddagh, Roy, Spence, Van Sciver, West, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Darling, Derrickson, Mack, McKay, Minner, Oberle, Sincok, Smith, Soles - 11.

NOT VOTING: Representatives Brady, Fallon, Maroney, Petrilli, Plant, Powell - 6.

ABSENT: Representatives Burris, Campanelli, Holloway - 3.

Therefore, having received a constitutional majority, SB 299 was returned to the Senate.

Representative Derrickson moved to suspend the rules which interfere with action on SB 172. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson brought SB 172, jointly sponsored by Senators Cordrey, Adams, Littleton; Representatives Burris, Barnes, Fallon, Cordrey & West, before the House for consideration.

SB 172 - An Act to Amend Chapter 23, Title 10, Delaware Code to Provide for the Compensation of Deputies and Clerks.

The roll call on SB 172 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Cathcart, Holloway - 2.

Therefore, having received a constitutional majority, SB 172 was returned to the Senate.

Representative Cain moved to suspend the rules which interfere with action on SB 292 w/SA 1. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Cain brought SB 292 w/SA 1, jointly sponsored by Senator Holloway, before the House for consideration.

SB 292 - An Act to Amend Chapter 33 of Title 18, Chapter 23 of Title 19, and Chapter 5 of Title 31 of the Delaware Code Relating to Payment for the Services of Licensed Clinical Social Workers as Mental Health Providers.

Representative Maroney brought HA 1 to SB 292 before the House for consideration. Representative Maroney moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson brought HA 2 to SB 292 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 292 w/SA 1, HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Darling - 1.

NOT VOTING: Representative Derrickson - 1.

ABSENT: Representative Cathcart - 1.

Therefore, having received a constitutional majority, SB 292 w/SA 1, HA 2 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on SB 334 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 334 w/SA 1, jointly sponsored by Senator Sharp, before the House for consideration.

SB 334 - An Act to Amend Chapter 1, Title 8, Delaware Code, Also Being Chapter 25, 63 Laws of Delaware, Relating to the General Corporation Law. (2/3 bill)

The roll call on SB 334 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 334 w/SA 1 was returned to the Senate.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on SB 339 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Cathcart introduced and brought SB 339 w/SA 1, jointly sponsored by Senator McBride; Representative Roy; Senators Marshall, McDowell, Bair & Connor, before the House for consideration.

SB 339 - An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Award of Contracts for Public Works.

The roll call on SB 339 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Bennett, Campanelli, Gilligan, Minner - 4.

ABSENT: Representatives Burris, Plant - 2.

Therefore, having received a constitutional majority, SB 339 w/SA 1 was returned to the Senate.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on SB 340. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Cathcart introduced and brought SB 340, jointly sponsored by Senator McBride; Representative Roy; Senators Marshall, McDowell, Bair & Connor, before the House for consideration.

SB 340 - An Act to Amend Chapter 69 of Title 29 of the Delaware Code Relating to Procurement of Materiel and Award of Contract for Public Works by State Agencies As It Applies to New Castle County.

Representative Cathcart requested and was granted the privilege of the floor for Irene May, Executive Assistant, New Castle County.

The roll call on SB 340 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 34.

NO: Representatives Minner, West - 2.

NOT VOTING: Representatives Bennett, Campanelli, Oberle - 3.

ABSENT: Representatives Holloway, Sincok - 2.

Therefore, having received a constitutional majority, SB 340 was returned to the Senate.

Representative Riddagh moved to suspend the rules which interfere with action on SB 268 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 268 w/SA 1, jointly sponsored by Senators Vaughn, Cook, Citro, Hughes & Representative Mack, before the House for consideration.

SB 268 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

Representative Riddagh moved to place SB 268 w/SA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Brady moved to suspend the rules which interfere with action on SB 208 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Brady brought SB 208 w/SA 1, jointly sponsored by Senator McDowell, before the House for consideration.

SB 208 - An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware Relating to the Judiciary and Permitting Certain Former State Judges and Former Justices of the Supreme Court to Return to Active Judicial Duty Under Certain Circumstances. (2/3 bill)

The roll call on SB 208 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Corrozi, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Powell, Sincok, Smith, Soles, Mr. Speaker Hebner - 27.

NO: Representatives Campanelli, Cathcart, Darling, Jonkiert, Mack, Oberle, Riddagh, Roy, Spence, Van Sciver, West - 11.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representative Cordrey - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 208 w/SA 1 was declared defeated.

Mr. Speaker Hebner appointed Representative Petrilli as Acting Speaker.

Representative Powell brought SB 273 w/SA 1,3, jointly sponsored by Senators Cook, Berndt, Zimmerman; Representatives Sincok, Harrington, Roy, Maroney, Dixon, Campanelli & Soles, before the House for consideration.

SB 273 - An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Health Care Benefits for State Employees and Pensioners.

The roll call on SB 273 w/SA 1,3 was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Darling, Dixon, Ennis, George, Gilligan, Holloway, Jester, Mack, Minner, Oberle, Plant, Powell, Riddagh, Soles, West - 19.

NO: Representatives Barnes, Brady, Buckworth, Burris, Cordrey, Corrozi, Derrickson, Edwards, Fallon, Jonkiert, Mack, Maroney, McKay, Sincok, Smith, Spence, Acting Speaker Petrilli - 17.

NOT VOTING: Representatives Free, Van Sciver - 2.

ABSENT: Representatives Cathcart, Hebner, Roy - 3.

Therefore, not having received a constitutional majority, SB 273 w/SA 1,3 was declared defeated.

Representative Roy moved to restore SB 208. Representative Roy withdrew the motion.

Representative Derrickson moved to suspend the rules which interfere with introduction of and action on SB 341 w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson introduced and brought SB 341 w/SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 341 - An Act to Amend Chapter 21, Title 6, Delaware Code Relating to the Delaware AntiTrust Law.

The roll call on SB 341 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Fallon, Harrington, Hebner, Minner, Sincok, Spence, West - 16.

NO: Representatives Anderson, Bennett, Brady, Cain, Campanelli, Corrozi, Ennis, Free, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Smith, Soles, Van Sciver - 21.

NOT VOTING: Representatives George, Holloway, Plant, Acting Speaker Petrilli - 4.

Therefore, not having received a constitutional majority, SB 341 w/SA 1 was declared defeated.

Representative Riddagh moved to suspend the rules which interfere with lifting SB 268 w/SA 1 from the Speaker's table. The motion was seconded by Representative Mack and adopted by voice vote.

Representative Riddagh brought SB 268 w/SA 1, jointly sponsored by Senators Vaughn, Cook, Citro, Hughes & Representative Mack; co-sponsored by Senator Zimmerman, before the House for consideration.

SB 268 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

Representative Brady brought HA 1 to SB 268 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Lieutenant Bracken, State Bureau of Identification.

Five members rose for the purpose of cutting off the debate on SB 268 w/SA 1,HA 1.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Powell, Roy, Spence, Van Sciver, Acting Speaker Petrilli - 27.

NO: Representatives Anderson, Harrington, Riddagh, Sincok, Smith, Soles, West - 7.

NOT VOTING: Representatives Burris, Holloway, McKay, Plant - 4.

ABSENT: Representatives Campanelli, Fallon, Hebner - 3.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on SB 268 w/SA 1,HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, Acting Speaker Petrilli - 29.

NO: Representatives Anderson, Jonkiert, Smith, Soles - 4.

NOT VOTING: Representatives Fallon, Holloway, Plant - 3.

ABSENT: Representatives Campanelli, Cathcart, Derrickson, Hebner, West - 5.

Therefore, having received a constitutional majority, SB 268 w/SA 1,HA 1 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SB 338 w/SA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris introduced and brought SB 338 w/SA 1, sponsored by Senators Cordrey, Sharp, McDowell; Representatives George & Cain, before the House for consideration.

SB 338 - An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

Representative Burris brought HA 1 to SB 338, jointly sponsored by Representatives Hebner & Petrilli, before the House for consideration.

Mr. Speaker Hebner resumed the Chair.

Representative Burris brought HA 1 to HA 1 to SB 338, jointly sponsored by Representatives Hebner, Petrilli, Senators Knox & Arnold, before the House for consideration.

HA 1 to HA 1 to SB 338 was adopted by voice vote.

Five members rose for the purpose of cutting off the debate on HA 1 w/HA 1 to SB 338.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on HA 1 w/HA 1 to SB 338 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

NOT VOTING: Representative Barnes - 1.

Therefore, having received a constitutional majority, HA 1 w/HA 1 to SB 338 was adopted.

The roll call on SB 338 w/SA 1, HA 1 w/HA 1 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Barnes, Cain, Cordrey, Darling, George, Jester, Jonkiert, Minner, Plant, West - 11.

NOT VOTING: Representatives Bennett, Campanelli, Dixon, Free, Gilligan, Holloway, Soles - 7.

Therefore, having received a constitutional majority, SB 338 w/SA 1, HA 1 w/HA 1 was returned to the Senate.

Representative Burris moved to recess at 4:42 a.m.

The House reconvened at 5:45 a.m.

Representative McKay brought SB 294, jointly sponsored by Senators Neal, Holloway, Zimmerman, Sharp, McDowell, Berndt, Cook, Littleton, Adams, Martin, Connor, Bair, Marshall, Hughes, Vaughn, Citro, Arnold, Knox, McBride, Murphy; Representatives Holloway, Roy, Harrington, Fallon, Bennett, Anderson, Brady, Free, Plant, Maroney, Van Sciver, Corrozi, Gilligan, Cain, Soles, Barnes, Spence, Oberle, Hebner, West, Riddagh, Cathcart, Minner, Darling, Jester, Cordrey, Edwards, Ennis, Campanelli, Derrickson, George, Buckworth, Powell, Dixon & Petrilli, before the House for consideration.

SB 294 - An Act to Amend Delaware Code, Title 14, as it Relates to the Funding of Educational Services for Persons Who are Autistic.

Representative McKay brought HA 1 to SB 294, jointly sponsored by Senator Neal, before the House for consideration. HA 1 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for Senator James P. Neal.

Five members rose for the purpose of cutting off the debate on SB 294.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jester, Mack, Maroney, McKay, Petrilli, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Darling, George, Gilligan, Holloway, Jonkiert, Minner, Plant, Soles, West - 11.

ABSENT: Representatives Oberle, Powell - 2.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on SB 294 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representative Bennett - 1.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Oberle, Powell - 2.

Therefore, having received a constitutional majority, SB 294 w/HA 1 was returned to the Senate.

Representative Harrington moved to suspend the rules which interfere with action on HB 455. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Harrington brought HB 455, jointly sponsored by Representatives Buckworth & Riddagh, before the House for consideration.

HB 455 - An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to Kent County Levy Court Districts.

Representative Harrington brought HA 1 to HB 455, jointly sponsored by Representatives Buckworth & Riddagh, before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington brought HA 1 to HA 1 to HB 455, jointly sponsored by Representatives Buckworth & Riddagh, before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

The roll call on HB 455 w/HA 1 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, George, Gilligan, Jester, Jonkiert, Minner, Soles, West - 13.

NOT VOTING: Representatives Dixon, Holloway, Plant - 3.

ABSENT: Representatives Oberle, Powell - 2.

Therefore, having received a constitutional majority, HB 455 w/HA 1 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 6:12 a.m.

2nd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Special Session

July 7, 1981

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

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Maroney - 1.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

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

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

The following prefiled legislation was introduced:

HB 463 - GEORGE, SINCOCK, MCKAY, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, CAIN, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FALLON, FREE, GILLIGAN, HARRINGTON, HOLLOWAY, JESTER, JONKIERT, MACK, MARONEY, MINNER, OBERLE, PLANT, POWELL, RIDDAGH, SMITH, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ADAMS, BAIR, BERNDT, HOLLOWAY, HUGHES, LITTLETON, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MURPHY, SHARP, VAUGHN - APPRO: An Act to Require the Executive Branch of Government to Prepare and Submit to the General Assembly Beginning With the Fiscal Year 1983 a Budget Bill for All Proposed Expenditure of State Special Funds, Excluding Federal Grants and Non-Federal Grants and Gifts, Bequests, Tuition Receipts and the Proceeds of Debt Instruments by State Agencies, and to Amend Chapter 76, Title 29, Delaware Code, by Designating the Joint Finance Committee as the Delaware State Clearinghouse Committee.

HB 466 - RESERVED

HB 467 - RESERVED

HB 468 - WEST - JUD: An Act to Amend Title 11, Delaware Code, Relating to Transfers of Criminal Cases From Justice of the Peace Courts, Mayor's Courts or Alderman's Courts to the Court of Common Pleas. (2/3 bill)

HB 469 - OBERLE - R&F: An Act to Amend Chapter 11, Part II of the Delaware Code Relating to Modifications of the Delaware Personal Income Tax.

HB 470 - OBERLE - R&F: An Act to Amend §3313(f), Title 19 of the Delaware Code Relating to Compensation Benefits.

SB 360 - MURPHY - R&F: An Act to Amend Chapter 39, Title 18, of the Delaware Code Relating to the Casualty Insurance Contracts for Motor Vehicles.

SB 363 - COOK, ADAMS, BERNDT, CITRO, CORDREY, HOLLOWAY, HUGHES, LITTLETON, MURPHY, VAUGHN, ZIMMERMAN; REPRESENTATIVES BENNETT, BRADY, CAIN, CAMPANELLI, CORDREY, CORROZI, DARLING, DERRICKSON, FALLON, GEORGE, GILLIGAN, HARRINGTON, HOLLOWAY, JONKIERT, MINNER, PLANT, POWELL, ROY, SPENCE - 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, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware.

SJR 23 - BERNDT, CONNOR, SHARP, HOLLOWAY, LITTLETON, HUGHES, CITRO, MURPHY, ZIMMERMAN, MARSHALL, BAIR; REPRESENTATIVES BENNETT, CAIN, GILLIGAN, HOLLOWAY, PLANT, DARLING, MACK, CATHCART, SINCOCK, BUCKWORTH, POWELL, VAN SCIVER, CORDREY, WEST, OBERLE - NR/AGRI: Establishing a Litter Study Committee Appointed by the Governor to Study All Aspects of the Litter Problem in Delaware and the Potential Benefits and Impact of Various Anti-Litter Programs, Including Mandatory Container Deposits.

The following prefiled Consent Calendar was introduced:

HR 82 - FALLON, MCKAY, VAN SCIVER, ENNIS, SMITH, BARNES, PETRILLI, BUCKWORTH, CATHCART, POWELL, FREE, CORROZI, SINCOCK, SPENCE - Let the Silver Bells Ring for Representative Jane Maroney and Her Physician Husband, John W., As They Celebrate Their 25th Wedding Anniversary Today, July 7, 1981.

HR 83 - FALLON, PETRILLI, FREE, CORROZI, SINCOCK, POWELL, SMITH - Congratulating President Ronald Reagan on His Appointment of Judge Sandra D. O'Connor, of the Arizona Court of Appeals, to the Supreme Court of the United States, the First Woman to be Named to Our Highest Bench.

The Reading Clerk read the following communications into the record:

TO: The Honorable Charles L. Hebner

FROM: Representative Jane Maroney

DATE: 7 July 1981

RE: Absence

I will be unable to attend the 7 July 1981 special session of the House of Representatives.

JM/hfk

The Senate wishes to inform the House that it has passed: SB 363, HB 423, HB 226, HS 1 for HB 250, SB 360, HB 311, HB 312 w/HA 1, SA 1; HB 20 w/HA 1; HB 318, HB 252 w/HA 1; HB 266 w/HA 1; HB 328 w/HA 1; SJR 23, HB 337, HB 326, HB 215, HB 133 w/HA 1; HB 257 w/HA 1; HB 441 w/HA 1; HB 258, HB 296 w/HA 1; HB 465.

June 30, 1981

LEGISLATIVE ADVISORY #18

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the June 30, 1981 - HB 112 aab HA 1; HB 131 aab HA 1; HB 132, HB 147, HB 148, HB 161, HB 169, HB 219, HB 259, SB 86, SB 101 aab SA 1 & HA 1; SB 154, SB 230 aab HA 1; SB 238, SB 241 aab SA 1; SB 246, HB 273 aab HA 4 & SA 2; SB 350, SB 102, SB 215, SJR 21.

The Governor signed the following legislation on the July 1, 1981 - HS 1 for HB 250, SB 211 aab HA 1.

The Governor vetoed the following legislation on July 1, 1981: SB 195, SB 218.

M E M O R A N D U M

TO: WHOM IT MAY CONCERN

FROM: Office of Counsel to the Governor

DATE: June 29, 1981

RE: Legislative Advisory # 16

Please be advised that Senate Bill No. 39 was not amended by Senate Amendment No. 1 as stated on the above-referenced advisory. The bill should read:

"SB # 39 aab HA # 1". . . .

Thank you for your prompt attention to this matter.

Consent Calendar #24 was adopted by voice vote.

Representative Roy moved to reconsider SB 208. The motion was seconded by Representative Ennis and adopted by voice vote.

Representative Roy brought SB 208 w/SA 1, sponsored by Senator McDowell & Representative Brady, before the House for consideration.

SB 208 - An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware Relating to the Judiciary and Permitting Certain Former State Judges and Former Justices of the Supreme Court to Return to Active Judicial Duty Under Certain Circumstances. (2/3 bill)

The roll call on SB 208 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 33.

NO: Representatives Darling, Jonkiert, Mack, Oberle, West - 5.

ABSENT: Representatives Anderson, Maroney, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 208 w/SA 1 was returned to the Senate.

Representative Van Sciver moved to suspend the rules which interfere with action on HB 428. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Van Sciver brought HB 428, jointly sponsored by Representatives Fallon, Maroney, Edwards, Corrozi, Barnes, Dixon, Mack, Riddagh; Senators Connor, Citro & Holloway, before the House for consideration.

HB 428 - An Act to Amend Delaware Code, Chapter 17, Title 14 as It Relates to the Educational Services to Persons Who Are Deaf-Blind.

Representative Van Sciver requested and was granted the privilege of the floor for Ms. Sheila Gorrafa, Delaware Program for the Deaf-Blind.

The roll call on HB 428 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jonkiert, Maroney - 2.

Therefore, having received a constitutional majority, HB 428 was sent to the Senate for concurrence. Representative Sincok moved to suspend the rules which interfere with action on HB 421. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok brought HB 421 before the House for consideration.

HB 421 - An Act to Amend Titles 5 and 29 of the Delaware Code, Providing Reorganization of the Department of Administrative Services: By the Transfer of the State Bank Commissioner From the Department of Administrative Services to the Department of State; by the Reorganization of the Department of Administrative Services Through the Consolidation and Establishment of Divisions Within the Department; and by the Transfer of Responsibility for the State-Facilities Energy Management Plan to the Department of Administrative Services.

Representative Sincok brought HA 1 to HB 421 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to place HB 421 w/HA 1 on the Speaker's table. Representative Burris withdrew the motion.

The roll call on HB 421 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 29.

NO: Representatives Bennett, Campanelli, Cordrey, Darling, Gilligan, Jester, Jonkiert, Minner, West - 9.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HB 421 w/HA 1 was sent to the Senate for concurrence.

Representative Derrickson introduced HB 466, jointly sponsored by Representatives Smith, Powell, Burris & Hebner.

HB 466 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Representative Derrickson moved to place HB 466 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Minner moved to suspend the rules which interfere with action on SB 300 w/SA 1,2. The motion was seconded by Representative George and adopted by voice vote.

Representative Minner brought SB 300 w/SA 1,2, jointly sponsored by Senators Martin, Adams, Holloway, Vaughn, Littleton; Representatives Jester, Cathcart, Oberle & Roy, before the House for consideration.

SB 300 - An Act to Amend Chapter 69, Title 21 of the Delaware Code Relating to the Removal of Motor Vehicles From Public Highways by Police or by Others Upon Police Direction.

The roll call on SB 300 w/SA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SB 300 w/SA 1,2 was returned to the Senate.

Representative Burris moved to recess at 3:27 p.m.

The House reconvened at 3:33 p.m.

Representative Derrickson moved to lift HB 466 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Derrickson brought HB 466, jointly sponsored by Representatives Smith, Powell, Burris & Hebner before the House for consideration.

HB 466 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Representative Burris moved to recess for caucus at 3:34 p.m.

The House reconvened at 9:52 p.m.

Representative Derrickson moved to place HB 466 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Derrickson introduced HS 1 for HB 466, jointly sponsored by Representatives Smith, Powell, Burris & Hebner.

HB 466 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Representative Derrickson moved to place HS 1 for HB 466 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart moved to suspend the rules which interfere with action on HB 312 w/HA 1,SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Cathcart brought HB 312 w/HA 1,SA 1 before the House for consideration.

HB 312 - An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to the Regulation of Outdoor Advertising.

The roll call on HB 312 w/HA 1,SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Darling, Maroney - 2.

Therefore, having received a constitutional majority, HB 312 w/HA 1,SA 1 was sent to the Governor.

Representative McKay moved to reconsider SB 341 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative McKay brought SB 341 w/SA 1, sponsored by Senator Cordrey & Representative Derrickson, before the House for consideration.

SB 341 - An Act to Amend Chapter 21, Title 6, Delaware Code Relating to Delaware the Anti-Trust Law.

Representative Derrickson moved to place SB 341 w/SA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on HB 467. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Sincok introduced and brought HB 467, jointly sponsored by Representatives Burris & Petrilli, before the House for consideration.

HB 467 - 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, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, and to Provide an Appropriation to the Department of Natural Resources and Environmental Control to be Used for the Construction and Maintenance of Watershed and Tax Ditches.

Representative Sincok brought HA 1 to HB 467 before the House for consideration.
The roll call on HA 1 to HB 467 was taken and revealed:
YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.
NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.
ABSENT: Representatives Barnes, Maroney - 2.
Therefore, having received a constitutional majority, HA 1 to HB 467 was adopted.
Representative Minner brought HA 2 to HB 467, jointly sponsored by Representatives Soles, Anderson, Bennett, Darling, Dixon, Gilligan, Jester & West, before the House for consideration.
Representative Smith rose on a point of order. Mr. Speaker concurred.
The roll call on HA 2 to HB 467 was taken and revealed:
YES: Representatives Anderson, Bennett, Buckworth, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Riddagh, Soles, West - 17.
NO: Representatives Barnes, Brady, Cain, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Mack, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 20.
NOT VOTING: Representatives Fallon, McKay - 2.
ABSENT: Representatives Burris, Maroney - 2.
Therefore, not having received a constitutional majority, HA 2 to HB 467 was declared defeated.
Representative Brady brought HA 3 to HB 467 before the House for consideration. HA 3 was adopted by voice vote.
Representative West brought HA 4 to HB 467, jointly sponsored by Representatives Holloway & Plant, before the House for consideration.
The roll call on HA 4 to HB 467 was taken and revealed:
YES: Representatives Anderson, Barnes, Bennett, Buckworth, Campanelli, Cordrey, Darling, Dixon, Edwards, Fallon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Plant, Riddagh, Soles, Van Sciver, West - 22.
NO: Representatives Brady, Burris, Cathcart, Corrozi, Derrickson, Ennis, Free, Harrington, McKay, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Spence, Mr. Speaker Hebner - 17.
NOT VOTING: Representative Cain - 1.
ABSENT: Representative Maroney - 1.
Therefore, having received a constitutional majority, HA 4 to HB 467 was adopted.
The roll call on HB 467 w/HA 1,3,4 was taken and revealed:
YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Harrington, Mack, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 21.
NO: Representatives Anderson, Bennett, Campanelli, Cordrey, Darling, Dixon, George, Holloway, Jester, Jonkiert, McKay, Minner, Plant, Riddagh, Soles, West - 16.
NOT VOTING: Representatives Cain, Free, Gilligan - 3.
ABSENT: Representative Maroney - 1.
Therefore, having received a constitutional majority, HB 467 w/HA 1,3,4 was sent to the Senate for concurrence.
Representative Oberle moved to suspend the rules which interfere with action on SJR 23. The motion was seconded by Representative Bennett.
SJR 23 - Establishing a Litter Study Committee Appointed by the Governor to Study All Aspects of the Litter Problem in Delaware and the Potential Benefits and Impact of Various Anti-Litter Programs, Including Mandatory Container Deposits.
The roll call on the motion was taken and revealed:
YES: Representatives Bennett, Buckworth, Cain, Cathcart, Cordrey, Darling, Dixon, Gilligan, Jester, Jonkiert, Mack, Oberle, Plant, Powell, Roy, Sincok, Spence, Van Sciver, West - 19.
NO: Representatives Anderson, Barnes, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, McKay, Minner, Petrilli, Riddagh, Smith, Soles, Mr. Speaker Hebner - 15.
NOT VOTING: Representative Brady - 1.
ABSENT: Representatives Burris, Campanelli, Corrozi, George, Holloway, Maroney - 6.
Therefore, not having received a constitutional majority, the motion was declared defeated.
Representative Petrilli rose on a point of order. Mr. Speaker concurred.
The following prefilled legislation was introduced:
HB 471 - SMITH - NR/AGRI: An Act to Amend Chapter 68, Title 16 of the Delaware Code Relating to Exemptions From Civil or Criminal Liability for Food Donations.
HB 472 - SMITH - NR/AGRI: An Act to Amend Title 7, Delaware Code, Relating to the Management of Hard Mineral Resources of the State.
HB 473 - POWELL - R&F: An Act to Amend Sections 2911 and 2913 of Title 18 of the Delaware Code Relating to Life Insurance Policy Loans.
HB 474 - SMITH - NR/AGRI: An Act to Amend Chapter 61, Title 7, Delaware Code, Relating to the Management of Oil, Gas and Related Mineral Resources of the State.
HB 475 - POWELL - R&F: An Act to Amend Chapters 11 and 29, Title 18, Delaware Code.
HA 1 to HB 469 - OBERLE - R&F: Placed with the bill.
SCR 69 - BAIR, MCDOWELL, VAUGHN, MARSHALL; REPRESENTATIVE BRADY, SMITH, SOLES, JONKIERT - H/ADM: Requesting the Joint Sunset Committee to Follow-Up Its Investigation of Boards and Commissions.
HA 1 to SB 264 - ROY - ADM/S: Placed with the bill.

Representative Petrilli moved to recess at 11:22 p.m.

The House reconvened at 1:38 a.m.

Representative Derrickson moved to lift HS 1 for HB 466 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson brought HS 1 for HB 466, jointly sponsored by Representatives Smith, Powell, Burris & Hebner, before the House for consideration.

HB 466 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

The roll call on HS 1 for HB 466 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 24.

NO: Representatives Darling, Holloway, Jonkiert, West - 4.

NOT VOTING: Representatives Anderson, Bennett, Cain, Dixon, Gilligan, Jester, Minner, Soles - 8.

ABSENT: Representatives Campanelli, Cordrey, George, Maroney, Plant - 5.

Therefore, not having received a constitutional majority of at least three-fourths Members of the House, HS 1 for HB 466 was declared defeated.

Representative Sinecock moved to rescind the roll call on HB 467 w/HA 1,3,4. The motion was seconded by Representative Burris and adopted by voice vote.

HB 467 - 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, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, and to Provide an Appropriation to the Department of Natural Resources and Environmental Control to be Used for the Construction and Maintenance of Watershed and Tax Ditches.

Representative Sinecock brought HA 5 to HB 467 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HB 467 w/HA 1,3,4,5 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Darling, Jester, Soles, West - 6.

NOT VOTING: Representatives McKay, Minner - 2.

ABSENT: Representatives Cain, Campanelli, Cordrey, Dixon, George, Gilligan, Holloway, Jonkiert, Maroney, Plant - 10.

Therefore, having received a constitutional majority, HB 467 w/HA 1,3,4,5 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 1:50 a.m.

1st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Special Session

July 23, 1981

The Speaker called the House to order at 10:42 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 370, SB 371, SCR 71, SJR 24, SJR 25, HB 400 w/HA 1, SA 2,4,5; HB 454, SB 364 w/SA 1; HB 411.

July 9, 1981

LEGISLATIVE ADVISORY #19

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 7, 1981 - HB 22 aab HA 1; HB 48 aab HA 1 & SA 1; HB 90 aab HA 1 & 2; HB 93, HB 116, HB 120 aab HA 1 & SA 1; HB 121, HB 152, HB 179, HB 189, HB 242, HB 243, HB 245, HB 277 aab HA 1; HB 330, HB 360, SB 45, SB 54, SB 56 aab SA 1 & HA 1; SB 96, SB 103 aab SA 1 & HA 1; SB 128, SB 133, SB 142 aab HA 1; SB 146 aab SA 1; SB 152 aab SA 1; SB 153 aab SA 2; SB 160 aab HA 1; SB 200, SB 245 aab HA 1; SB 259, SB 283, SB 287, SB 298 aab SA 1; SB 335, HS 1 for HB 3 aab HA 1; HB 307 aab HA 1 & 2.

The following is a Constitutional Amendment on its 1st leg and does not require the Governor's signature: SB 333.

The Governor signed the following legislation on July 9, 1981 - HS 1 for HB 1 aab HA 1,2,3,4 & 5; SJR 6 aab SA 1; SJR 19, HJR 22.

The Governor vetoed the following legislation on July 8, 1981: SB 271 aab HA 1; HB 137 aab HA 2,3,4.

July 8, 1981

To the House of Representatives
of the 131st General Assembly
of the State of Delaware

On June 28, 1981, I received House Bill No. 137, as amended by House Amendment Nos. 2, 3, and 4, which is entitled:

"AN ACT TO AMEND CHAPTER 69, TITLE 29, DEL. C., BY PROVIDING FOR
THE USE OF UNITED STATES PRODUCED STEEL IN STATE CONTRACTS."

Last year I vetoed a virtually identical bill, Senate Bill No. 603 for three reasons: difficulty in identifying the origin of much steel used in state construction projects; the substantial added costs to the

State of Delaware in the purchase of steel; and the absence of an expiration date, which obligated the state indefinitely to an expensive, experimental program.

Although House Amendment No. 4 to House Bill No. 137 corrects the latter deficiency by limiting the bill to three fiscal years, I nevertheless return House Bill No. 137, as amended, without my signature.

First, enforcement of the bill would be difficult, often unfair, and in some instances, virtually impossible. For example, a manufacturer of steel partitions receives the steel product from a fabricator, who, in turn receives it from a firm that rolls steel into sheets, who in turn received the steel from one or more steel manufacturers. In such an instance, it would be well-nigh impossible for the partition manufacturer to identify the origin of any piece of steel and unfair to enforce the provisions of this bill against him.

Second, the bill will clearly impose added costs to the State of Delaware when steel is purchased. Not only does the bill require the purchase of more costly domestic steel, but also the Department of Administrative Services advises that the State can anticipate a further price increase in the range of five to ten percent by contractors in order to handle the requirements imposed by the bill. To be sure, if action taken unilaterally by the State of Delaware could have an appreciable impact on the price differential between domestic and foreign steel, I am sure the additional costs would willingly be borne by Delaware taxpayers. But the reasons for this difference are deep and complex and far exceed the ability of a single small state to resolve. I therefore believe Delawareans should not shoulder this additional financial responsibility, however worthy the motive.

Finally, a healthy American economy requires aggressive competition in the international marketplace rather than withdrawal behind tariff barriers. The advantage supposedly conferred by this legislation upon American steel producers is illusory, for protection of the domestic steel industry against foreign competition will ultimately mean obsolescence in the industry and the loss of the very jobs this bill is designed to protect.

In summary, because the bill is difficult to enforce, imposes added costs upon the people of Delaware, discourages competition, and will ultimately cost the steelworkers of America jobs, I am returning House Bill No. 137, as amended by House Amendment Nos. 2, 3, and 4, without my signature.

Respectfully submitted,
Pierre S. du Pont, IV
Governor

Attachment
PSduP/brs
July 10, 1981

LEGISLATIVE ADVISORY #20

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 9, 1981 - HCR 74, SJR 20, HB 94 aab HA 1; HB 196, HB 233 aab HA 1; HB 422 aab HA 1; SB 67 aab SA 1 & HA 1; SB 145 aab SA 1; SB 150 aab HA 2; SB 171, SB 172, SB 220 aab SA 1; SB 223, SB 224, SB 247, SB 270 aab SA 1; SB 325, SB 340, SB 361.

The Governor vetoed the following legislation on the dates indicated: 7/9/81 - HB 178 aab HA 2; SB 169, SB 276 aab SA 1. 7/10/81 - SJR 22.

July 9, 1981

To the House of Representatives
of the 131st General Assembly
of the State of Delaware

On June 30, 1981, I received House Bill No. 178, as amended by House Amendment No. 1, which is entitled:

"AN ACT TO AMEND CHAPTER 59, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR A PROHIBITION AGAINST THE IMPOSITION OF NON-COMPENSATED WORK AS A DISCIPLINARY MEASURE."

Because this legislation is confusing and contradictory, and may jeopardize effective discipline within the classified service of the State, I am returning House Bill No. 178, as amended by House Amendment No. 1 without my signature.

The bill amends the existing provisions of the Delaware Code which deal with disciplinary measures applicable to State employees. Although the bill retains the provision that the merit rules "shall provide for the imposition. . . of a fine of not more than ten days' pay. . .", it adds a new provision that State employees shall not be required to work without compensation. However, it is not clear if this new provision conflicts with an agency's authority, reaffirmed by the bill, to subject employees to a fine of not more than 10 days' pay. Such a conflict would be unfortunate, because an agency's ability to fine an employee is crucial to maintaining an efficient and disciplined work force. Without this tool, agencies could only suspend employees without pay, to the detriment of the State and the employees alike.

I would have no objection to the legislation, if it were made clear that a fine under subsection (a) is not in conflict with subsection (c).

For these reasons, I am returning House Bill No. 178, as amended by House Amendment No. 1, without my signature.

Respectfully submitted,
Pierre S. du Pont, IV
Governor

Attachment
PSduP/brs

July 14, 1981

LEGISLATIVE ADVISORY #21

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 13, 1981 - HB 423, SB 184 aab SA 1; SB 282, SB 291 aab SA 1; SB 316 aab SA 1; SB 323 aab SA 1; SB 327 aab SA 1; SB 329, SB 331 aab SA 1.

The Governor vetoed the following legislation on July 13, 1981 - SB 295 aab SA 1; SB 299.
July 14, 1981

LEGISLATIVE ADVISORY #22

FROM: Office of Counsel to the Governor

The following is a Constitutional Amendment on its 2nd Leg and does not require the Governor's signature: SB 208 aab SA 1.

The Governor signed the following legislation on July 14, 1981 - SB 141 aab SA 1 & HA 1; SB 256 aab HA 1; SB 328 aab HA 1; SB 330 aab HA 1; SB 334 aab SA 1; SB 339 aab SA 1; HB 20 aab HA 1; HB 114, HB 133 aab HA 1; HB 211 aab HA 1 & SA 1; HB 215, HB 252 aab HA 1; HB 257 aab HA 1; HB 258, HB 266 aab HA 1; HB 311, HB 318, HB 324 aab HA 1; HB 326, HB 328 aab HA 1; HB 337, HB 441 aab HA 1; HB 465, HB 226, HB 296 aab HA 1; SB 300 aab SA 1 & 2; HB 99 aab HA 1 & SA 1; HB 209 aab HA 1; HB 411.

The Governor signed the following legislation on July 13, 1981 - SB 294 aab HA 1.

The Governor vetoed the following legislation on July 14, 1981 - HB 454.

July 14, 1981

To the House of Representatives
of the 131st General Assembly
of the State of Delaware

On July 7, 1981, I received House Bill No. 454, which is entitled:

"AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR STATE AND NON-STATE INSTITUTIONS AND TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE STATE TREASURER FOR THE PURPOSE OF AN EMERGENCY CONCERNING ATTORNEY'S FEES FOR DESEGREGATION LITIGATION."

The bill sets forth a declaration of emergency and appropriates \$11,430,000 to the Department of Health and Social Services for Medicaid disbursements and \$500,000 to the State Treasurer for attorney's fees for desegregation litigation.

I am returning this bill without my signature because it was obviously intended to appropriate an amount between 98 and 100 percent of the estimated State General Fund revenue as provided in Article VIII, §6(c), of the Delaware Constitution. Legislation has not yet been enacted, however, to reach the ninety-eight percent constitutional limit. Accordingly, this bill should be reconsidered once the ninety-eight percent limit is reached through other appropriations.

Respectfully submitted,
Pierre S. du Pont, IV
Governor

Attachment
PSduP/dss

The Majority Leader moved to adjourn the First Special Session of the 131st General Assembly at 10:52 p.m. The House reconvened at 10:53 p.m.

The Reading Clerk read the following communication into the record:

July 23, 1981

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, in accordance with the powers granted to me by Article III, Section 16, of the Constitution of the State of Delaware, do hereby call the 131st General Assembly of the State of Delaware to convene in Special Session on Thursday, July 23, 1981 at 2:00 p.m., for the purpose of acting on emergency legislation concerning the Fiscal Year 1982 Capital Improvement Bond Bill, the 1982 Grants-in-Aid Bill, the 1982 Emergency Appropriations Measure and for the transaction of such other business as may properly come before the General Assembly.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of said State to be hereunto affixed at Dover this 22nd day of July, in the year of our Lord, the One Thousand Nine Hundred and Eighty-First, and of the Independence of the United States of America, the Two Hundred and Fifth.

Pierre S. du Pont
Governor
Bruce M. Tobey
Assistant Secretary of State

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Powell, Sincok - 2.

A prayer was offered by Representative Donald J. Van Seiver, Sixteenth District.

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

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

Representative Burris moved to suspend the rules which interfere with introduction of and action on SJR 24. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SJR 24, sponsored by Senators Cordrey & Cook, before the House for consideration.

SJR 24 - Revising the Official Estimate of General Fund Revenues for Fiscal Year 1981.

Representative George requested and was granted the privilege of the floor for Dennis Sullivan, Secretary of Finance.

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Burris moved to place SJR 24 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to suspend all rules which interfere with introduction of and action on SB 371. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SB 371, sponsored by Senators Cordrey & Cook, before the House for consideration.

SB 371 - An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Division of Social Services for the Purpose of an Emergency Concerning Medicaid Funds for State and Non-State Institutions. (3/5 bill)

The roll call on SB 371 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Darling, Gilligan, Jonkiert, West - 4.

NOT VOTING: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Dixon, George, Holloway, Jester, Minner, Plant, Soles - 12.

ABSENT: Representatives Powell, Sincok - 2.

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, SB 371 was declared defeated.

Representative Jonkiert moved to restore SB 371. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Jonkiert moved to place SB 371 on the Speaker's table. The motion was seconded by Representative Holloway and adopted by voice vote.

Representative Petrilli moved to recess at 11:17 p.m.

The House reconvened at 6:14 a.m.

Representative Burris moved to suspend all rules which interfere with action on HB 400 w/HA 1, SA 2,4,5. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HB 400 w/HA 1, SA 2,4,5, jointly sponsored by Representatives Hebner, Petrilli, Senators Knox & Arnold, before the House for consideration.

HB 400 - An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

Representative Burris brought HA 2 to HB 400, jointly sponsored by Representative George, before the House for consideration.

Representative Burris brought HA 1 to HA 2 to HB 400 before the House for consideration.

The roll call on HA 1 to HA 2 to HB 400 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West - 13.

NO: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Plant, Smith, Soles, Van Sciver, West - 24.

NOT VOTING: Mr. Speaker Hebner - 1.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, not having received a constitutional majority, HA 1 to HA 2 to HB 400 was declared defeated.

The roll call on HA 2 to HB 400 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 33.

NO: Representatives Anderson, Minner, West - 3.

NOT VOTING: Representatives Brady, Free - 2.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, having received a constitutional majority, HA 2 to HB 400 was adopted.

The roll call on HB 400 w/HA 1,2; SA 2,4,5 was taken and revealed:

YES: Representatives Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Fallon, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Barnes, Bennett, Brady, Campanelli, Darling, Ennis, Free, Jester, Minner, Riddagh, West - 12.

NOT VOTING: Representative Cordrey - 1.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, having received a constitutional majority, HB 400 w/HA 1,2; SA 2,4,5 was sent to the Senate for concurrence.

Representative Burris moved to lift SB 371 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 371, sponsored by Senators Cordrey & Cook, before the House for consideration.

SB 371 - An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Division of Social Services for the Purpose of an Emergency Concerning Medicaid Funds for State and Non-State Institutions. (3/5 bill)

The roll call on SB 371 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 371 was returned to the Senate.

Representative Burris moved to lift SJR 24 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SJR 24, sponsored by Senators Cordrey & Cook, before the House for consideration.

SJR 24 - Revising the Official Estimate of General Fund Revenues for Fiscal Year 1981.

The roll call on SJR 24 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, George, Holloway, Jester, Jonkiert, Petrilli, Plant, Smith, Soles, Spence, Mr. Speaker Hebner - 25.

NO: Representatives Brady, Edwards, Free, Gilligan, Harrington, Maroney, Minner, Oberle, Riddagh, Roy, Van Sciver, West - 12.

NOT VOTING: Representative Mack - 1.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, having received a constitutional majority, SJR 24 was returned to the Senate.

Representative Burris moved to recess at 6:35 a.m.

The House reconvened at 7:26 a.m.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HB 476. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, Oberle, Petrilli, Riddagh, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 15.

ABSENT: Representatives McKay, Powell, Sincok - 3.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Burris introduced and brought HB 476, jointly sponsored by Representatives Hebner & Petrilli, before the House for consideration.

HB 476 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Representative Burris moved to place HB 476 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with action on HB 448 w/SA 1,2,3,4. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HB 448 w/SA 1,2,3,4, sponsored by Representatives Cathcart, George, Harrington, Minner, Senators Berndt, Cook, Littleton & Martin, before the House for consideration.

HB 448 - A Bond Act of the State of Delaware Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority Payable From Motor Fuel Tax Revenues, Pledging Such Revenues to the Support of All Bonds Issued by the Delaware Transportation Authority, Authorizing the Transfer From the Delaware Transportation Authority to the State General Fund a Sum Equal to Motor Fuel Tax Revenues Levied at Nine Cents Per Gallon, Changing the Motor Fuel Tax From Nine Cents Per Gallon to Eleven Cents Per Gallon and Then to a Percentage of the Wholesale Price, Creating a Road Improvement Fund to Finance Road Improvements With Available Motor Fuel Tax Revenues, Making Necessary Changes to the Statutes Under Which the Delaware Transportation Authority May Levy Tolls, Collect and Disburse Income, and Operate Its Subsidiaries, Appropriating Sums in Certain Special Fund Accounts and Placing Certain Conditions on Those Appropriations, and Making Certain Additional Changes to the Delaware Code Applicable to the Issuance of Bonds by the State and the Delaware Transportation Authority. (3/4 bill)

The roll call on HB 448 w/SA 1,2,3,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Ennis, Fallon, Free, Harrington, Mack, Maroney, Oberle, Petrilli, Riddagh, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 22.

NO: Representatives Bennett, Darling, George, Jonkiert, Plant, West - 6.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, Dixon, Gilligan, Holloway, Jester, Minner, Soles - 9.

ABSENT: Representatives Edwards, McKay, Powell, Sincok - 4.

Therefore, not having received a constitutional majority of at least three-fourths Members of the House, HB 448 w/SA 1,2,3,4 was declared defeated.

Representative Burris moved to lift HB 476 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HB 476, jointly sponsored by Representatives Hebner & Petrilli, before the House for consideration.

HB 476 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Representative Burris moved to recess at 7:56 a.m.

The House reconvened at 10:10 a.m.

Representative Burris moved to place HB 476 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SB 375 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SB 375 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 375 - An Act to Amend Chapter 80, Volume 63, Laws of Delaware, Being an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions."

The roll call on SB 375 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Mack, Oberle, Powell, Sincok, Spence - 5.

Therefore, having received a constitutional majority, SB 375 w/SA 1 was returned to the Senate.

Representative Gilligan moved that HB 448 w/SA 1,2,3,4 be restored. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Burris brought HB 448 w/SA 1,2,3,4, sponsored by Representatives Cathcart, George, Harrington, Minner, Senators Berndt, Cook, Littleton & Martin, before the House for consideration.

HB 448 - A Bond Act of the State of Delaware Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority Payable From Motor Fuel Tax Revenues, Pledging Such Revenues to the Support of All Bonds Issued by the Delaware Transportation Authority, Authorizing the Transfer From the Delaware Transportation Authority to the State General Fund a Sum Equal to Motor Fuel Tax Revenues Levied at Nine Cents Per Gallon, Changing the Motor Fuel Tax From Nine Cents Per Gallon to Eleven Cents Per Gallon and Then to a Percentage of the Wholesale Price, Creating a Road Improvement Fund to Finance Road Improvements With Available Motor Fuel Tax Revenues, Making Necessary Changes to the Statutes Under Which the Delaware Transportation Authority May Levy Tolls, Collect and Disburse Income, and Operate Its Subsidiaries, Appropriating Sums in Certain Special Fund Accounts and Placing Certain Conditions on Those Appropriations, and Making Certain Additional Changes to the Delaware Code Applicable to the Issuance of Bonds by the State and the Delaware Transportation Authority. (3/4 bill)

The roll call on HB 448 w/SA 1,2,3,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derriekson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 31.

NO: Representatives Bennett, Darling, Edwards, Jonkiert, Minner, West - 6.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Powell, Sincok - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 448 w/SA 1,2,3,4 was sent to the Governor.

Representative Roy introduced HB 477, jointly sponsored by Representatives Oberle, Hebner, Gilligan, Buckworth; Senators Neal & Arnold.

HB 477 - An Act to Amend Chapter 155, Volume 63, Laws of Delaware, Being an Act Entitled "An Act to Amend Chapter 52, Title 29 of the Delaware Code Relating to Health Care Insurance".

Mr. Speaker assigned HB 477 to the Revenue & Finance Committee.

Representative Oberle introduced HR 84, jointly sponsored by Representatives Mack, Spence, Roy, George, Plant & Senator Holloway.

HR 84 - Requesting the School Boards of the Newly Reorganized School Districts in New Castle County to Consider a Continuation of the Consortium of Skilled Maintenance Workers.

HR 84 was adopted by voice vote.

Representative Maroney introduced HR 85, jointly sponsored by Representative Hebner.

HR 85 - Congratulating the American Youth Jazz Band of Delaware on a Successful Tour of the Continent.

HR 85 was adopted by voice vote.

Representative Fallon introduced HR 86, co-sponsored by Representative Barnes.

HR 86 - Expressing Our Condolences to the Family of Shirlee Manlove Yolton, Formerly of Seaford and Co-Founder of Chords for Christ, Killed in a Traffic Accident on July 11, 1981.

HR 86 was adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SS 1 for SB 372. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SS 1 for SB 372, sponsored by Senators McDowell, Arnold; Representatives Petrilli & Cain, before the House for consideration.

SB 372 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

The roll call on SS 1 for SB 372 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Powell, Sincock - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SS 1 for SB 372 was returned to the Senate.

Representative Burris moved to recess to the call of the Chair at 10:38 a.m.

1st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Third Special Session

October 1, 1981

The Speaker called the House to order at 1:26 p.m.

The Majority Leader moved to adjourn the Second Special Session at 1:27 p.m., thereby ending the previous legislative day. The House reconvened at 1:28 p.m.

The Reading Clerk read the following communication into the record:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, in accordance with the powers granted to me by Article III, Section 16, of the Constitution of the State of Delaware, do hereby call the 131st General Assembly of the State of Delaware to convene in Special Session on Thursday, October 1, 1981, at 1:00 p.m. for the purpose of acting on legislation authorizing the sale of the State's interest in the Farmer's Bank and dealing with other matters related thereto; legislation which provides for the reorganization of agencies of the executive branch responsible for economic development in the State; House Bill No. 418 dealing with unemployment compensation; legislation providing for the apportionment of the Kent County Levy Court Districts; legislation making technical amendments to House Bill No. 400, as amended, which provides for the reapportionment of State Legislative Districts; and for the transaction of such other business as may properly come before the General Assembly.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of said State to be hereunto affixed at Dover this 22nd day of September, in the Year of our Lord, the One Thousand Nine Hundred and Eighty-First, and of the Independence of the United States of America, the Two Hundred and Sixth.

Pierre S. du Pont
Governor

ATTEST:

Glenn C. Kenton
Secretary of State

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative James F. Edwards, Eighth District.

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

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

The following prefiled legislation was introduced:

HB 478 - WEST - APPRO: An Act Making an Appropriation to the Department of Natural Resources and Environmental Control for the Purchase of the Rosedale Beach Hotel Inc. Property and Preparation of the Tract for Public Recreational Use.

HB 479 - HEBNER, PETRILLI, OBERLE, SMITH - H/ADM: An Act to Amend Chapter 7, Title 29 of the Delaware Code Relating to Remuneration of Members of the General Assembly From Grant-in-Aid Funds.

HB 480 - POWELL, SENATOR CORDREY, REPRESENTATIVES BURRIS, PETRILLI, SPENCE, BENNETT, GEORGE, HARRINGTON, MARONEY, FALLON, DERRICKSON, HEBNER, BUCKWORTH, EDWARDS, MCKAY, SINCOCK, BRADY, BARNES, CORROZI, ROY, DIXON; SENATORS ADAMS, LITTLETON, CITRO, ARNOLD, BAIR, BERNDT, CONNOR, KNOX - R&F: An Act to Authorize and Approve the State's Proposed Sale of Its Preferred and Common Stock in the Farmers Bank of the State of Delaware, and to Provide for the Use of the Funds From Such Sale and to Amend Title 5 of the Delaware Code to Provide for the Acquisition by Out-of-State Bank Holding Companies of Stock, Assets and Interests in Banks Located in Delaware to Which the State Has Provided Financial Assistance Resulting in the State Obtaining Stock in the Bank.

HA 2 to HB 126 - OBERLE - Placed with the bill. (Ready List)

HA 2 to HB 271 - BUCKWORTH - Placed with the bill. (Ready List)

HA 1 to HB 431 - JONKIERT, DIXON, PLANT, ROY, CAMPANELLI, POWELL, CATHCART - R&F: Placed with the bill.

SB 364 w/SA 1 - COOK, ZIMMERMAN, MURPHY, VAUGHN; REPRESENTATIVES MINNER, BENNETT, DARLING - H/ADM: An Act to Amend Chapter 41, Title 9, Delaware Code Relating to the Government of Kent County.

SB 370 - CORDREY, COOK - APPRO: An Act to Amend Chapter 80, Volume 63, Laws of Delaware, Being An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions."

SJR 25 - CORDREY, COOK - APPRO: Revising the Official Estimate of General Fund Revenues for Fiscal Year 1982.

SCR 71 - ZIMMERMAN, MURPHY, COOK; REPRESENTATIVES BENNETT, HARRINGTON - H/SS: Expressing the Resolve of the General Assembly That Health Care Insurers Honor Assignments of Benefits by Their Insureds to Hospitals in Payment for Health Care Services Rendered by the Hospitals.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 400 w/HA 1,2; SA 2,4,5; HB 448 w/SA 1,2,3,4; SB 375 w/SA 1; SS 1 for SB 372.
July 24, 1981

LEGISLATIVE ADVISORY #23

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 23, 1981: - SJR 12, HB 312 aab HA 1 & SA 1.

Please note the following corrections on Legislative Advisory #22: HB 411 - should read "Chapter 176" rather than Chapter 175. - SB 294 aab HA 1 - should read "Chapter 177" rather than Chapter 176.
July 24, 1981

LEGISLATIVE ADVISORY #24

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 24, 1981 - HB 448 aab SA 1,2,3,4.
July 30, 1981

LEGISLATIVE ADVISORY #25

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 29, 1981 - SJR 24, SB 375 aab SA 1.
August 5, 1981

LEGISLATIVE ADVISORY #26

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on July 31, 1981 - SB 371, SS 1 for SB 372.
August 17, 1981

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on August 12, 1981 - HB 400 aab HA 1 & 2 & SA 2,4, & 5.

The Chief Clerk read the following Committee Report into the record:

R&F: HB 480 - 5F.

Representative Powell moved to suspend the rules which interfere with action on HB 480. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Powell introduced and brought HB 480, jointly sponsored by Senator Cordrey, Representatives Burris, Petrilli, Spence, Bennett, George, Harrington, Maroney, Fallon, Derrickson, Hebner, Buckworth, Edwards, McKay, Sincok, Brady, Barnes, Corrozi, Roy, Dixon; Senators Adams, Littleton, Citro, Arnold, Bair, Berndt, Connor & Knox; before the House for consideration.

HB 480 - An Act to Authorize and Approve the State's Proposed Sale of Its Preferred and Common Stock in the Farmers Bank of the State of Delaware, and to Provide for the Use of the Funds From Such Sale and to Amend Title 5 of the Delaware Code to Provide for the Acquisition by Out-of-State Bank Holding Companies of Stock, Assets and Interests in Banks Located in Delaware to Which the State Has Provided Financial Assistance Resulting in the State Obtaining Stock in the Bank.

The Reading Clerk read the following communications into the record at the request of Representative Powell:

DELAWARE TRUST COMPANY

Wilmington, Delaware 19899

September 24, 1981

Dear Representative Powell:

Thank you for giving us the opportunity to present our position on the proposed legislation required to consummate the sale of Farmers Bank to Girard, and for your courteous reception at the recent joint legislative hearing in Dover.

We remain convinced that non-preferential legislation with appropriate safeguards, which among things would protect FCDA banks and prevent unfriendly takeovers of Delaware financial institutions, would be in the long-range best interests of the citizens of our State. However, we recognize the apparent legislative sentiment to act immediately on the sale of Farmers Bank only. Thus it seems appropriate to postpone to a later date further efforts to obtain fair and equal treatment for all Delaware banks.

Representative Derrickson's request for Governor duPont to appoint a blue ribbon committee to study the question of interstate retail banking brought on by the admission of Girard, as well as other related issues confronting all financial intermediaries in Delaware, has our whole-hearted support. The problem is already compounded by the de facto interstate banking activities of Merrill Lynch, American Express, Sears Roebuck and other institutions which escape banking regulations but are performing functions that traditionally have been regarded as proper subjects of banking regulation.

The General Assembly is to be congratulated for its unique knowledge of the many problems facing banking today, and we recommend that the committee make its report promptly to you and the Governor since a delay might permit Federal legislation on this subject to pre-empt the field on a basis less favorable to Delaware citizens than could be devised in Dover.

Sincerely
J. H. Tyler McConnell
Chairman and Chief Executive Officer
September 30, 1981

The Honorable Richard S. Cordrey
Chairman, Senate Banking Committee
Legislative Hall
Dover, Delaware 19901
The Honorable Robert S. Powell
Chairman, Committee on Revenue and Finance
Legislative Hall
Dover, Delaware 19901
Dear Senator Cordrey and Representative Powell,

On October 1 the General Assembly will meet to consider, among other things, the sale of the State's interest in the Farmers Bank. I compliment you and your respective committees on the careful attention given to this important matter.

The legislation before you has been proposed by the Farmers Bank Commission and is the result of the diligence and high sense of public duty shared by that group. I endorse that legislation and urge its favorable consideration.

At the same time I am aware of the concern raised by some members of the Delaware banking community that a broader form of amendment to our banking laws should be considered. While agreeing that it is appropriate to postpone such consideration, Mr. McConnell of the Delaware Trust Company, as well as Representative Derrickson, have urged the appointment of a blue ribbon committee to study several significant issues facing the Delaware banking industry. I agree with that proposal and will act upon it in the coming months. In so doing I hasten to add that the fundamental mandate of such a committee will be to study various developments and proposals concerning banking in Delaware with the objective of preserving and building upon the benefits already acquired through the enactment of the Financial Center Development Act. That Act, carefully considered by the Administration and General Assembly, has been a tremendous boon to economic development in Delaware, and in considering new directions we must proceed cautiously in order to ensure that our ability to improve Delaware's economy is maintained.

I will be conferring soon with you and your colleagues, as well as State and national business leaders, about the manner in which this important study should proceed.

Sincerely,
Pierre S. du Pont, IV

PSduP/wmb

cc: Tyler McConnell

The Honorable Harry E. Derrickson
Representative Powell requested and was granted the privilege of the floor for State Bank Commissioner John Malarkey.

Representative Free brought HA 1 to HB 480, jointly sponsored by Representative McKay, before the House for consideration.

Representative McKay requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

Representative Plant brought HA 2 to HB 480 before the House for consideration. Representative Burris moved to place HA 2 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Campanelli, Cordrey, Darling, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, Soles, West - 15.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HB 480 was placed on the Speaker's table.

The roll call on HB 480 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Cain, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 480 was sent to the Senate for concurrence.

Representative Burris moved to recess for caucus at 3:01 p.m.

The House reconvened at 4:35 p.m.

Representative Smith moved to suspend the rules which interfere with action on HB 471. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Smith brought HB 471 before the House for consideration.

HB 471 - An Act to Amend Chapter 68, Title 16 of the Delaware Code Relating to Exemptions From Civil or Criminal Liability for Food Donations.

The roll call on HB 471 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Free, Maroney, Plant - 3.

Therefore, having received a constitutional majority, HB 471 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules which interfere with introduction of and action on HB 481. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Minner introduced and brought HB 481 before the House for consideration.

HB 481 - An Act to Amend Chapter 29, Title 14 of the Delaware Code to Expand the Group of Individuals and Businesses to Whom Expiring Transportation Contracts Shall be Open to and to Permit and Regulate the Transfer of Transportation Contracts.

The roll call on HB 481 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Free - 1.

Therefore, having received a constitutional majority, HB 481 was sent to the Senate for concurrence.

Representative Mack moved to suspend the rules which interfere with introduction of and action on HB 482. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Mack introduced and brought HB 482, jointly sponsored by Representatives Dixon, Cathcart & Senator Connor, before the House for consideration.

HB 482 - An Act to Amend An Act Entitled "A Bond Act of the State of Delaware Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority Payable From Motor Fuel Tax Revenues, Pledging Such Revenues to the Support of All Bonds Issued by the Delaware Transportation Authority, Authorizing the Transfer From the Delaware Transportation Authority to the State General Fund a Sum Equal to Motor Fuel Tax Revenues Levied at Nine Cents per Gallon, Changing the Motor Fuel Tax From Nine Cents per Gallon to Eleven Cents per Gallon and Then to a Percentage of the Wholesale Price, Creating a Road Improvement Fund to Finance Road Improvements With Available Motor Fuel Tax Revenues, Making Necessary Changes to the Statutes Under Which the Delaware Transportation Authority May Levy Tolls, Collect and Disburse Income, and Operate Its Subsidiaries, Appropriating Sums in Certain Special Fund Accounts and Placing Certain Conditions on Those Appropriations, and Making Certain Additional Changes to the Delaware Code Applicable to the Issuance of Bonds by the State and the Delaware Transportation Authority," Being House Bill No. 448, as Amended, of the 131st General Assembly of the State of Delaware to Provide for Different Matching Conditions With Respect to Improvements to the New Castle Town Wharf. (3/4 bill)

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

TRUSTEES OF NEW CASTLE COMMON

P. O. Box 453

New Castle, Delaware 19720

September 29, 1981

Mayor and Council of New Castle
Delaware Street
New Castle, Delaware 19720

Re: Delaware Street Wharf Project

Gentlemen:

Pursuant to your request, the Trustees of New Castle Common agree to provide to the City of New Castle \$142,000 for the stabilization of and site improvements to the Delaware Street Wharf as generally outlined in the May 1980 feasibility study prepared by Edward H. Richardson Associates, Inc. This agreement and commitment are irrevocable, subject to the receipt of a like amount from the State of Delaware during the current fiscal year ending June 30, 1982. The commitment of the Trustees to this project is limited to the amount of \$142,000.

In providing the foregoing commitment, it is the understanding of the Trustees that subject to the availability of an aggregate of \$284,000 from the Trustees and the State of Delaware, the City has committed itself to complete the project utilizing the third alternate for stabilization of the Wharf as set out in the Richardson report and completing the deck surfacing phase of the site improvement as

soon as practicable. Additional improvements are to be made by the City as soon as funds become available for that purpose. Finally, the Trustees understand that the project will be completed substantially as outlined in the Richardson report except to the extent that engineering requirements necessitate the making of changes. In this regard, we understand that the City may or may not continue to use the services of the engineers who prepared the feasibility study.

Very truly yours,
R. James Quillen, Jr.
President

The roll call on HB 482 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

NO: Representative Edwards - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 482 was sent to the Senate for concurrence.

The following Consent Calendar #25 was introduced:

HR 87 - HARRINGTON, RIDDAGH, POWELL, SINCOCK, MARONEY, BENNETT, DERRICKSON - Mourning the Death of Arthur W. Dobberstein, of Dover, a Member of the House of Representatives in the 126th General Assembly.

HR 88 - BURRIS, MINNER, ENNIS, SINCOCK, MARONEY - Expressing Our Sorrow at the Death of Elouiza C. (Cassie) Blizzard, 109 Years Old, Believed to be Delaware's Oldest Citizen.

HR 89 - EDWARDS, POWELL, MARONEY - Welcoming Arthur J. Fellwock, National Commander of the Veterans of Foreign Wars, to Delaware.

HR 90 - OBERLE, SINCOCK, MARONEY, RIDDAGH, PETRILLI - Expressing our Best Wishes for a Happy Birthday for Mrs. Mary L. Jenifer, of Newark, Who Will be 100 Years Old on November 15, 1981.

HR 91 - OBERLE, SINCOCK, MARONEY, RIDDAGH, PETRILLI - Congratulating Ella Forwood, of Chestnut Hill Estates, on Her 101st Birthday on September 10, 1981.

HCR 85 - BARNES, ADAMS, FALLON, SMITH, CORDREY - Mourning the Death of Nancy T. Stokes, of Georgetown, an Advocate of Participation in Public Affairs.

HCR 86 - BARNES, WEST, ADAMS, CORROZI, ENNIS, SINCOCK, DERRICKSON, CORDREY - Congratulating the Georgetown Senior Little League Team on Winning the World Series and Bringing the Championship Back to the United States for the First Time in Ten Years.

HCR 87 - BARNES - Marking October 7, 1981, as National Guard Day to Honor These Citizen-Soldiers Upon Whom We Depend in Our Emergencies.

HCR 88 - WEST - Authorizing the Town of Dagsboro to Erect Information Signs North and South of the Town of Dagsboro in the Parkway of U.S. 13.

HCR 89 - BARNES, ADAMS, BURRIS - Mourning the Death of Victor R. Adams, of Bridgeville, a Member of the Former Sussex County Levy Court and a Troubadour of the First State.

HCR 90 - GILLIGAN, POWELL, MCKAY, ROY, PETRILLI, SPENCE; SENATORS ARNOLD, KNOX, MARTIN, SHARP - Commending Mill Creek Volunteer Fire Company on Winning the Governor's Cup for the Fourth Consecutive Year.

HCR 91 - RIDDAGH; SENATOR COOK - Mourning the Death of Andrew F. Everett, of Downes Chapel, a Member of the House of Representatives in the 110th General Assembly.

Representative Roy requested that HCR 88 be removed from the Consent Calendar.

Consent Calendar #25 was adopted by voice vote and HCR 85, HCR 86, HCR 87, HCR 89, HCR 90 & HCR 91 were sent to the Senate for concurrence.

Representative West moved to suspend the rules which interfere with action on HCR 88. The motion was seconded by Representative Burris and adopted by voice vote.

Representative West brought HCR 88 before the House for consideration.

HCR 88 - Authorizing the Town of Dagsboro to Erect Information Signs North and South of the Town of Dagsboro in the Parkway of U.S. 13.

HCR 88 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on HB 483. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought HB 483, jointly sponsored by Senator Cook, before the House for consideration.

HB 483 - An Act Amending 31 Del. C. §505 to Clarify That the Purpose of Section 505 is to Allow Provision of Certain Welfare Services by the State Rather Than Mandate the Provision of Such Services.

The roll call on HB 483 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Holloway, Plant - 2.

Therefore, having received a constitutional majority, HB 483 was sent to the Senate for concurrence.

Representative Smith introduced HR 92 on Behalf of All Representatives.

HR 92 - Wishing Anna E. Redding, Assistant Chief Clerk of the House of Representatives, a Very Happy Birthday.

HR 92 was adopted by voice vote.

Representative Darling moved to suspend the rules which interfere with introduction of and action on SCR 73. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Darling introduced and brought SCR 73, jointly sponsored by Senator Cook & Representative Bennett, before the House for consideration.

SCR 73 - Mourning the Death of George H. Exley, of Harrington, a Former Member of the House of Representatives.

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

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

Representative Burris introduced and brought SCR 74, jointly sponsored by Senators Zimmerman, Cordrey, Adams, Murphy, Vaughn, Cook, Littleton; Representatives Riddagh, Buckworth, Minner, Barnes, Cordrey, Fallon, Harrington, Darling, Derrickson & West; co-sponsored by Representative Bennett, before the House for consideration.

SCR 74 - Urging the Nemours Foundation Inc. to Open One or More Downstate Offices to Dispense Dentures, Eye Glasses, and Pharmaceutical Assistance to Needy Senior Citizens.

SCR 74 was adopted by voice vote and returned to the Senate.

Representative West moved to suspend the rules which interfere with introduction of and action on HCR 92. The motion was seconded by Representative McKay and adopted by voice vote.

Representative West introduced and brought HCR 92, jointly sponsored by Senator Cordrey, before the House for consideration.

HCR 92 - Authorizing the Town of Dagsboro to Erect Information Signs North and South of The Town of Dagsboro in the Parkway of U.S. 113.

HCR 92 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess at 6:17 p.m.

The House reconvened at 9:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 73, SCR 74, HB 480, HB 418 w/HA 1; SB 268 w/SA 1,3 & HA 1; HB 481, HB 483, HCR 85, HCR 86, HCR 89, HCR 90.

Representative Riddagh brought SB 268 w/SA 1,3 & HA 1, jointly sponsored by Senators Vaughn, Cook, Citro, Hughes, Zimmerman & Representative Mack, before the House for consideration.

SB 268 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Law Enforcement Administration; and Providing for the Reorganization of Certain Law Enforcement Agencies.

Representative Riddagh requested and was granted the privilege of the floor for Lieutenant Jay R. Brackin, State Bureau of Identification.

The roll call on SB 268 w/SA 1,3 & HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 32.

NO: Representatives Campanelli, Cordrey, Gilligan, West - 4.

ABSENT: Representatives Barnes, Holloway, Jonkiert, McKay, Plant - 5.

Therefore, having received a constitutional majority, SB 268 w/SA 1,3 & HA 1 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 93. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 93, sponsored by All Representatives, before the House for consideration.

HR 93 - Mourning the Death of Lillian Louisa Hebner, Mother of the Speaker of the House, Representative Charles L. Hebner.

HR 93 was adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HB 484. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HB 484, jointly sponsored by Representatives Hebner, Petrilli, George, Cain; Senators Cordrey, Sharp, McDowell, Knox & Arnold, before the House for consideration.

HB 484 - An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Reapportionment of the State Legislative Districts.

The roll call on HB 484 was taken and revealed:

YES: Representatives Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Holloway, Mack, Maroney, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Campanelli, Darling, Jester, Minner, West - 7.

NOT VOTING: Representatives Brady, Cordrey, Free, Oberle - 4.

ABSENT: Representatives Barnes, Fallon, Jonkiert, McKay, Plant - 5.

Therefore, having received a constitutional majority, HB 484 was sent to the Senate for concurrence. Representative Minner moved to suspend the rules which interfere with action on SB 364 w/SA 1.

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

Representative Minner brought SB 364 w/SA 1, jointly sponsored by Senators Cook, Zimmerman, Murphy, Vaughn; Representatives Bennett & Darling, before the House for consideration.

SB 364 - An Act to Amend Chapter 41, Title 9, Delaware Code Relating to the Government of Kent County.

Representative Burris brought HA 1 to SB 364 before the House for consideration. Representative Burris moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Harrington brought HA 2 to SB 364, jointly sponsored by Representative Buckworth, before the House for consideration. Representative Harrington moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to recess for caucus at 10:15 p.m.

The House reconvened at 10:58 p.m.

Representative Burris moved to recess to the call of the Chair at 11:00 p.m.

1st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Fourth Special Session

October 9, 1981

The Speaker called the House to order at 3:42 p.m.

The Majority Whip moved to adjourn the Third Special Session at 3:43 p.m., thereby ending the previous legislative day. The House reconvened at 3:44 p.m.

The Reading Clerk read the following communication into the record:

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, PIERRE S. du PONT, IV, Governor of the State of Delaware, in accordance with the powers granted to me by Article III, Section 16, of the Constitution of the State of Delaware do hereby call the 131st General Assembly of the State of Delaware to convene in Special Session on Friday, October 9, 1981, at 1:00 p.m. for the purpose of acting on Senate Substitute No. 1 for Senate Bill No. 250, together with Senate Bill 368, providing for the reorganization of agencies of the Executive branch responsible for economic development in the State; Senate Bill No. 383, providing additional contingency funds to each county election department to cover expenses incident to reapportionment; and Senate Bill No. 364, providing for the apportionment of the Kent County Levy Court Districts.

IN WITNESS WHEREOF, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of said State to be hereunto affixed at Dover this 5th day of October, in the Year of our Lord, the One Thousand Nine Hundred and Eighty-First, and of the Independence of the United States of America, the Two Hundred and Sixth.

Pierre S. du Pont
Governor

ATTEST:

Bruce M. Tobey
Assistant Secretary of State

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Burris, Harrington, McKay - 3.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

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

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 76, SCR 77, HCR 87, HCR 91, SB 383, SB 382, HB 482, SB 381, HB 484.

Mr. Speaker Hebner announced that the following Representatives have been appointed to the Ad Hoc Grant-in-Aid Committee: Representative Gwynne P. Smith, Chairman; Representative Ada Leigh Soles, Co-Chairman; Representative Edward J. Bennett, Representative Casimir S. Jonkiert, Representative Philip J. Corrozi and Representative Harry E. Derrickson.

The following prefiled legislation was introduced:

HB 485 - HOLLOWAY - JUD: An Act to Amend Chapter 1, Title 22, Delaware Code Relating to the Mandatory Requirement That Organizations Conducting Social Functions in Which the Public is Attracted Must Have a Bona Fide Police Officer on Duty to Maintain Order On and Off Premises After Five Consecutive Complaints to Proper Law Enforcement Authorities by Residents of the Area. (2/3 bill)

HB 486 - HOLLOWAY - JUD: An Act to Amend Subchapter II, Subpart A of Chapter 5, Title 11, Delaware Code Relating to Offenses Against the Elderly and the Physically Handicapped.

SB 381 - CORDREY, CITRO; REPRESENTATIVES SINCOCK, POWELL, DERRICKSON, DIXON, ANDERSON, GEORGE - 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, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, Chapter 80 of Volume 63, Delaware Laws.

SB 382 - MARSHALL; REPRESENTATIVE JONKIERT - H/ADM: An Act to Make a Supplementary Appropriation for Certain Grant-in-Aid. (3/4 bill)

SB 383 - SHARP, MCBRIDE, MCDOWELL; REPRESENTATIVES GEORGE, CAIN - APPRO: An Act to Amend Chapter 180, Volume 63, Laws of Delaware, Being An Act Entitled "An Act to Amend Chapter 80, Volume 63, Laws of Delaware, Being An Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.'"

HA 1 to SB 303 - SINCOCK - ED: Placed with the bill.

The following prefiled Consent Calendar was introduced:

HR 94 - PETRILLI - Congratulating Sara Oberle, Daughter of Our Esteemed Colleague and Mrs. William A. Oberle, Jr., Upon Her Victory in the 35th Pushmobile Derby at Milford Crossroads on August 22, 1981.

HR 95 - SINCOCK - Congratulating Representative John P. (Jack) McKay and Mrs. McKay on Their 35th Wedding Anniversary on October 12, 1981.

HR 96 - ENNIS - Expressing Condolences to the Family of the Late Wilmer G. Smith.

HCR 93 - PETRILLI, HEBNER - Expressing Our Shock at the Assassination of Anwar Sadat, for 11 Years President of Egypt, on October 6, 1981.

Representative Minner moved to suspend the rules which interfere with action on SB 364 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Minner brought SB 364 w/SA 1, jointly sponsored by Senators Cook, Zimmerman, Murphy, Vaughn; Representatives Bennett & Darling, before the House for consideration.

SB 364 - An Act to Amend Chapter 41, Title 9, Delaware Code Relating to the Government of Kent County.

Representative Buckworth brought HA 3 to SB 364 before the House for consideration. Representative Petrilli moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Minner and adopted by voice vote.

Representative Petrilli brought HA 4 to SB 364 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on SB 364 w/SA 1, HA 4 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Maroney, Minner, Petrilli, Plant, Powell, Roy, Sincock, Soles, Spence, West - 29.

NO: Representatives Barnes, Buckworth, Edwards, Mack, Oberle, Riddagh, Smith, Van Sciver, Mr. Speaker Hebner - 9.

ABSENT: Representatives Burris, Harrington, McKay - 3.

Therefore, having received a constitutional majority, SB 364 w/SA 1, HA 4 was returned to the Senate.

Representative Jonkiert introduced SCR 76, jointly sponsored by Senator Marshall.

SCR 76 - Commending the "Aid to Poland" Drive and Urging Delawareans to Participate.

SCR 76 was placed on Consent Calendar #26.

Representative Jonkiert introduced SCR 77, jointly sponsored by Senator Marshall.

SCR 77 - Commemorating the 202nd Anniversary of the Death of Revolutionary War Hero Casimir Pulaski and Urging the State to Honor This Hero at the Pulaski Day Parade in Wilmington on October 11, 1981.

SCR 77 was placed on Consent Calendar #26.

Representative Corrozi introduced HCR 94, jointly sponsored by Representatives Campanelli, George, Petrilli & Senator Citro.

HCR 94 - Commemorating the Historic Landing of Christopher Columbus on October 12, 1492, the Event Which Led to the Development of the Americas.

HCR 94 was placed on Consent Calendar #26.

Consent Calendar #26 was adopted by voice vote and HCR 93 & HCR 94 were sent to the Senate for concurrence and SCR 76 & SCR 77 were returned to the Senate.

Representative George moved to suspend the rules which interfere with action on SB 381. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative George brought SB 381, jointly sponsored by Senators Cordrey, Citro; Representatives Sincock, Powell, Derrickson, Dixon & Anderson, before the House for consideration.

SB 381 - 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, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, Chapter 80 of Volume 63, Delaware Laws.

Representative George brought HA 1 to SB 381, jointly sponsored by Representatives Hebner, Cain & Petrilli, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 381 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Burris, Harrington, Jonkiert, McKay, Plant - 5.

Therefore, having received a constitutional majority, SB 381 w/HA 1 was returned to the Senate.

Representative Petrilli moved to recess for caucus at 4:46 p.m.

The House reconvened at 5:27 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 93, HCR 94, SS 1 for SB 250 w/SA 2,3; SB 368 w/SA 1,2.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SS 1 for SB 250 w/SA 2,3. The motion was seconded by Representative Derrickson and adopted by voice vote.

Representative Petrilli introduced and brought SS 1 for SB 250 w/SA 2,3, sponsored by Senator Cordrey, before the House for consideration.

SB 250 - An Act to Amend Title 29, of the Delaware Code by Establishing a New Chapter 50 and Redesignating the Division of Economic Development as the Office of Economic Development Directly Responsible to the Governor, and Amend Title 29, Chapter 86, Transferring All Duties and Functions of the Division of Economic Development to the Office of Economic Development and All Duties and Responsibilities of the Secretary of the Department of Community Affairs and Economic Development to the Director of the Office of Economic Development and to Amend Title 29, Chapter 86, Abolishing Subchapter II, State Development.

Representative Oberle brought HA 1 to SS 1 for SB 250 before the House for consideration. Representative Petrilli moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Derrickson.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Mack, Maroney, Petrilli, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Oberle, Soles, West - 15.

ABSENT: Representatives Burris, Harrington, Jonkiert, McKay, Plant, Smith - 6.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to SS 1 for SB 250 was placed on the Speaker's table.

The roll call on SS 1 for SB 250 w/SA 2,3 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Bennett, Campanelli, Cordrey, Darling, Jester, Jonkiert, Minner, Smith, West - 10.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Burris, Harrington, McKay - 3.

Therefore, having received a constitutional majority, SS 1 for SB 250 w/SA 2,3 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 368 w/SA 1,2. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Petrilli introduced and brought SB 368 w/SA 1,2, sponsored by Senator Cordrey, before the House for consideration.

SB 368 - An Act Amending Titles 7, 14, 16, and 29 of the Delaware Code by Transferring to the Department of Natural Resources and Environmental Control Responsibility for the Administration of the State's Coastal Zone Act and Coastal Management Program, Transferring to the Budget Office Responsibility for Providing Support to the Delaware State Clearinghouse Committee, Creating a Cabinet Committee on State Planning Issues and an Advisory Panel on Intergovernmental Planning and Coordination, Amending an Act Entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions," Being House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, and Making Other Necessary Conforming Amendments to the Laws of Delaware and the Delaware Code.

The roll call on SB 368 w/SA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Bennett, Campanelli, Cordrey, Darling, Jester, Jonkiert, Minner, West - 8.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Burris, Harrington, Holloway, McKay - 4.

Therefore, having received a constitutional majority, SB 368 w/SA 1,2 was returned to the Senate.

Representative Petrilli moved to recess to the call of the Chair at 5:55 p.m.

1st LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

Second Session

January 12, 1982

The Speaker called the House to order at 3:20 p.m.

The Majority Leader moved to adjourn at 3:21 p.m., thereby ending the previous Special Session. The House reconvened at 3:22 p.m.

The Secretary called the roll.

Members Present: 41.

A prayer was offered by Deacon Jean Linderman, Cathedral Church of St. John, Wilmington, Delaware.

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

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

Mr. Speaker Hebner announced that all House Committee assignments will remain the same as the 1981 session.

Representative Riddagh announced that HB 89, HB 207, HB 217, HB 377, HB 378, HB 379, HB 380, HB 384 & HB 437 are re-assigned to the Public Safety Subcommittee.

Representative Burris introduced and brought HR 97, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 97 - In Reference to Election of Officers.

HR 97 was adopted by voice vote.

The following prefiled legislation was introduced:

SPECIAL OUT-OF-SESSION PREFILE

December 10, 1981

HB 487 - BENNETT - ED: An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to the Expenditure of Appropriated Funds for Exceptional Children.

HB 488 - BENNETT - H/ADM: An Act to Amend Chapter 187, Volume 63, Laws of Delaware, Relating to the Reapportionment of the State Legislative Districts by Making Changes in the 31st and 32nd Representative Districts.

HB 489 - BENNETT, BURRIS - R&F: An Act to Amend Chapter 25, Title 18 of the Delaware Code to Require Certain Insurers to Submit a Loss and Expense Experience Report With Their Annual Statement.

HB 490 - MINNER - JUD: An Act to Amend Chapter 5, Subchapter III, Subpart I, of Title 11 of the Delaware Code, to Make it a Crime to Fraudulently Convey or Receive Public Lands.

HB 491 - MINNER - H/ADM: An Act to Amend Chapter 45 of Title 7 of the Delaware Code to Allow for Title or Interest in Public Lands to be Obtained Only by Deed or Written Instrument.

HB 492 - FALLON, CAMPANELLI, JESTER - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to the Salaries of School Secretaries and Clerks and Making a Supplementary Appropriation Therefor.

HB 493 - MCKAY - H/ADM: An Act to Amend Article 2, Section 2 of the Constitution of the State of Delaware by Limiting the Number of Terms a Member Can be Elected to the House of Representatives or to the Senate. (2/3 bill)

HA 1 to SB 383 - SINCOCK - APPRO: Placed with the bill.

SPECIAL OUT-OF-SESSION PREFILE

December 16, 1981

HB 494 - JESTER - NR/AGRI: An Act to Amend Title 7 and Title 26 of the Delaware Code Relating to Fees and Charges Imposed by the Delaware Solid Waste Authority.

HB 495 - JESTER, DARLING, MINNER, BENNETT - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Reapportionment of State Legislative Districts. (2/3 bill)

HB 496 - BUCKWORTH, HARRINGTON, RIDDAGH; SENATORS KNOX, ARNOLD - H/ADM: An Act to Amend Chapter 55, Title 15, Delaware Code, Relating to Absentee Voting.

HS 1 for HB 343 - JESTER, CAMPANELLI, SOLES, FALLON, FREE; SENATORS BAIR, VAUGHN, MCDOWELL - ED: An Act to Amend Delaware Code, Title 14, Relating to Unpaid Leaves of Absence.

Representative Plant introduced HB 497.

HB 497 - An Act to Amend Chapter 9, Title 5, Delaware Code Relating to the Requirement That Banks be Closed for Business on January 15, the Birthday of Martin Luther King, Jr.

Mr. Speaker assigned HB 497 to the Revenue & Finance Committee.

Representative Plant introduced HB 498.

HB 498 - An Act to Amend Chapter 7, Title 4, Delaware Code, Relating to the Requirement That Liquor Stores be Closed for Business on January 15th, the Birthday of Martin Luther King Jr.

Mr. Speaker assigned HB 498 to the Administrative Services Committee.

Representative Burris introduced and brought HR 98, jointly sponsored by Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Hebner, Mack, McKay, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence & Van Seiver before the House for consideration.

HR 98 - Mourning the Death of Frederick A. Millman, of Ellendale, an Officer of the House of Representatives.

HR 98 was adopted by voice vote.

Representative West requested that HCR 88 be stricken.

Representative McKay requested that HB 412 be stricken.

Representative Darling requested that HB 420 be stricken.

Representative Minner requested that HB 201 be stricken.

Representative Roy requested that HB 139 & HB 56 be stricken.

Representative Anderson requested that HB 74 be stricken.

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

January 11, 1982

Mr. Benjamin L. Hooks, Executive Director

NAACP

1790 Broadway

New York, New York 10019

Dear Mr. Hooks:

We have noted with alarm and dismay the recent ruling by President Reagan that private schools may retain their tax-exempt status even if they practice racial discrimination.

To those of us who have followed Mr. Reagan's public statements and positions, this is clear, and further, evidence that he is a dedicated racist and believes in racism with all his heart. Since this latest act is unconstitutional, I can only conclude that, having sworn to uphold the Constitution of the United States, he has broken the law (and lost public confidence, if any) - and is therefore impeachable. If I as an elected official stated that I would act to protect only black people and would refuse to act for other races, I would be equally subject to impeachment.

I therefore suggest that the NAACP, or I as an individual, or any combination of organizations and individuals you prefer, should forthwith institute an impeachment suit against President Reagan. Your careful consideration of this matter, with a response as soon as possible, will be greatly appreciated.

Sincerely yours,
Al O. Plant Sr., Representative
2nd Representative District.

The Reading Clerk read the following communications into the record:
October 13, 1981

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 10/5/81 - HB 481, HB 483, HCR 90; 10/9/81 - HB 480, HB 484.

October 27, 1981

LEGISLATIVE ADVISORY #29

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 10/21/81 - SB 268 aab SA 1, 3 & HA 1; 10/23/81 - SS 1 for SB 250 aab SA 2 & 3; SB 364 aab SA 1 & HA 4; SB 368 aab SA 1 & 2; HB 418 aab HA 1; HB 482.

January 12, 1982

The Honorable Charles L. Hebner
Speaker of the House
House of Representatives
Legislative Hall
Dover, DE 19901
Dear Mr. Speaker:

As required by Article VII, Section 1 of the Delaware Constitution, I am hereby transmitting to the General Assembly copies of all reprieves, pardons and remissions granted by me in 1981.

I would appreciate your advising the members of the House that this transmittal has been received and making it available to them. I would also appreciate your reading this communication into the Journal, as formal acknowledgement of receipt.

Sincerely yours,
Pierre S. du Pont, IV
Governor

Attachments
PSduP/slm

Representative Burris moved to recess to the call of the Chair at 4:02 p.m.

2nd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

January 19, 1982

The Speaker called the House to order at 2:15 p.m.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the previous legislative day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative John P. McKay, Thirteenth District.

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

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

The following prefiled legislation was introduced:

HB 499 - WEST - ADM/S: An Act to Amend Chapter 64, Title 7 of the Delaware Code Relating to Powers of the Solid Waste Authority.

HB 500 - WEST - R&F: An Act to Amend Chapter 29, Title 6, Delaware Code, Relating to the Independence of Retail Dealers.

HB 501 - BENNETT - ED: An Act Directing the State Board of Education to Develop a Program for Distribution of Unused Textbooks and to Require Public Schools to Share Such Books Between Districts.

HA 1 to HB 364 - DIXON, BENNETT - Placed with the bill. (Agenda)

SJR 26 - MCDOWELL - APPRO: Providing for Start-Up Funding for the 1982 Delaware Low-Income Home Energy Assistance Program Administered by the Office of Economic Opportunity.

The following prefiled Consent Calendar was introduced:

HR 99 - CORDREY - Mourning the Death of Walter L. Conaway, of Concord, a Member of the House of Representatives in the 114th General Assembly.

HR 100 - FALLON, SMITH, BURRIS, DERRICKSON, BARNES - Mourning the Death of Charlotte T. (Mrs. Joseph S.C.) Mach, of Seaford, Outstanding Woman in All Aspects.

HR 101 - HARRINGTON, BUCKWORTH, BENNETT - Mourning the Death of John B. Carson, a Member of the Dover City Council for Five Years.

HR 102 - FALLON - Commending Shawn West of Seaford, Delaware for Using His Boy Scout Skills in Rescuing Viet Lee on December 28th From Drowning.

HR 103 - BUCKWORTH - Mourning the Death of C. Fred Fifer, a Leader in the Business and Community Life of Kent County for Many Years, and a Former Member of the House of Representatives.

HR 104 - FALLON, BARNES - Congratulating the Seaford High School Football Team on Winning Its First State Football Championship.

HR 105 - BARNES - Congratulating Daniel W. Vanderwende, of Bridgeville, Upon His Selection by the Delaware Jaycees as Delaware's Outstanding Young Farmer.

HR 106 - MARONEY - Commending Mrs. Thomas E. (Judy) Gallagher, Jr., Upon Her Selection by the National Association for Retarded Citizens as Teacher of the Year.

HR 107 - BENNETT, RIDDAGH - Commending Sergeant George J. Pyott, Jr. on His Selection as Delaware State Trooper of the Year.

HCR 95 - BUCKWORTH - Requesting the Delaware Congressional Delegation to Support Senate Joint Resolution 117 of the United States Senate Asking President Ronald Reagan to Designate the Week of January 17, 1982, as National Jaycee Week.

HCR 96 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - Marking the 53rd Birthday of the Reverend Dr. Martin Luther King, Jr., Civil Rights Leader and Humanitarian, on January 15, 1982.

HCR 97 - SMITH - Congratulating Clayton M. Hoff, of Wilmington, on His Selection for the 1981 Friend of Recreation Award of the Delaware Recreation and Parks Society.

SCR 75 - ZIMMERMAN; REPRESENTATIVES BENNETT, HARRINGTON, RIDDAGH - Mourning the Death of Arthur W. Dobberstein, of Dover, a Member of the House of Representatives in the 126th General Assembly.

Representative Burris moved to suspend all rules which interfere with introduction of and action on HJR 23. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HJR 23, jointly sponsored by Representative Petrilli, before the House for consideration.

HJR 23 - In Reference to Election of Officers.

The roll call on HJR 23 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

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

Representative Burris introduced and brought HR 108, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 108 - Authorizing the Chief Clerk to Purchase Postage Stamps for the Second Session of the 131st General Assembly.

HR 108 was adopted by voice vote.

Representative Buckworth requested that HCR 95 be stricken.

Consent Calendar #27 was adopted by voice vote and HCR 96 & HCR 97 were sent to the Senate for concurrence and SCR 75 was returned to the Senate.

Representative Derrickson requested that HB 303 be stricken.

Representative Burris moved to recess for caucus and committee meetings at 2:32 p.m.

The House reconvened at 4:44 p.m.

Representative West introduced and brought HCR 98, jointly sponsored by Representative Cordrey & Senators Cordrey & Littleton, before the House for consideration.

HCR 98 - Wishing Joe Ben Hudson, of Mission, Sussex County, a Happy Birthday as He Reaches Number 108 on January 26, 1982.

HCR 98 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker Hebner announced that Representative Derrickson has been appointed to the Appropriations Committee to replace Representative Ennis. Representative Ennis has been appointed to the Revenue & Finance Committee.

Mr. Speaker re-assigned HB 357 to the Education Committee.

Representative Riddagh requested that action on HB 364 - HA 1 be deferred to a Day Certain, Thursday, January 21, 1982.

Representative Smith brought HB 321, jointly sponsored by Representatives Buckworth & Darling, before the House for consideration.

HB 321 - An Act to Amend Titles 25 and 7 of the Delaware Code Relating to Requiring Notice That a Building Lot is Suitable for On-Site Sewage Disposal Before the Transfer Thereof.

Representative Smith requested and was granted the privilege of the floor for Thomas P. Eichler, Director, Division of Environmental Control.

Representative Smith moved to place HB 321 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Harrington introduced and brought HR 109, jointly sponsored by Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West & Hebner, before the House for consideration.

HR 109 - Directing the Speaker to Appoint a Special Committee to be Known as the Small Business Committee.

HR 109 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Harrington as Chairman and Representatives Edwards, Barnes, Dixon & Bennett to the Small Business Committee.

Representative Smith introduced HJR 25, jointly sponsored by Representative Soles & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, West & Senators Adams, Arnold, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn & Zimmerman.

HJR 25 - Establishing Changes in the Process for Awarding Grants-in-Aid.

Mr. Speaker assigned HJR 25 to the Appropriations Committee.

Representative Soles introduced HB 503, jointly sponsored by Representative Smith & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, West & Senators Arnold, Bair, Cook, Connor, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn & Zimmerman.

HB 503 - An Act to Amend Chapter 63, Title 29, Delaware Code, to Provide for a Definition of Grants-in-Aid, and to Amend Chapter 65, Title 29, Delaware Code, to Limit Appropriations to 1.2 Percent of the Estimated Net State General Fund Revenue for Grants-in-Aid.

Mr. Speaker assigned HB 503 to the Appropriations Committee.

Representative Smith introduced HB 504, jointly sponsored by Representative Soles & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, West & Senators Arnold, Bair, Connor, Hughes, Knox, Littleton, Martin, McBride, Torbert & Vaughn.

HB 504 - An Act Proposing Amendments to Article VIII, Section 4 of the Constitution of 1897 of the State of Delaware to Provide for a Definition of Grants-in-Aid, and Proposing an Amendment to Article VIII, Section 6 of the Constitution of 1897 of the State of Delaware by Limiting Appropriations to 1.2 Percent of the Estimated Net State General Fund Revenue for Grants-in-Aid. (2/3 bill)

Mr. Speaker assigned HB 504 to the Appropriations Committee.

Representative Burr moved to recess to the call of the Chair at 5:50 p.m.

3rd LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

Second Session

January 20, 1982

The Speaker called the House to order at 2:11 p.m.

Representative Van Sciver introduced HA 1 to HJR 24, jointly sponsored by Representative Campanelli.

Mr. Speaker re-assigned HB 494 to the Administrative Services Committee.

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

Representative Riddagh requested that HB 88 be stricken.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the previous legislative day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Members Absent: Representative Barnes - 1.

A prayer was offered by Representative Jeffrey G. Mack, Nineteenth District.

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

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

The following prefiled legislation was introduced:

HB 502 - HEBNER, RIDDAGH, SPENCE, MACK, JONKIERT, MINNER - JUD: An Act to Amend Title 9, Title 14, and Title 21 of the Delaware Code Relating to School Crossing Guards; and Providing for Reporting of Certain Offenses and Infractions.

HA 1 to HB 502 - HEBNER - JUD: Placed with the bill.

HB 505 - VAN SCIVER, RIDDAGH, CORROZI, OBERLE; SENATOR CITRO - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Carrying a Concealed Deadly Weapon by Adding a New Section to be Designated 1442A.

HB 506 - RIDDAGH, HEBNER; SENATORS VAUGHN, ARNOLD - JUD: An Act to Amend Chapter 21, Title 11 of the Delaware Code to Permit a Court to Hold an Operator's License as Security for the Appearance for Trial, or for Sentencing of a Person Charged With a Violation of Delaware's Traffic or Criminal Laws.

HB 507 - RIDDAGH, HEBNER; SENATORS VAUGHN, ARNOLD - JUD: An Act to Amend Chapter 41, Title 11 of the Delaware Code to Permit a Court to Hold an Operator's License as Security for the Payment of Fines, Costs, Restitution and for the Victims Compensation Fund Assessment.

HB 508 - ROY - ADM/S: An Act to Amend Subchapter 1, Chapter 1, Title 13, Delaware Code Relating to Solemnization of Marriages.

HB 509 - BENNETT; SENATOR TORBERT - H/ADM: An Act to Amend Title 29, Delaware Code, to Require Financial Disclosure for Certain State Officials and Employees of the Legislative, Executive, and Judicial Branches of Government.

HB 510 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - H/ADM: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

HB 511 - SPENCE - ADM/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Registration Plates for the Handicapped.

HJR 24 - SINCOCK, SMITH, ENNIS; SENATOR BERNDT - ED: Congratulating Polly Elizabeth Gongwer, of Liftwood Estates, for Earning the St. Cecilia Award, the Highest Honor Given a Girl Chorister by the Royal School of Church Music.

HS 1 for HB 415 - SINCOCK, BENNETT, GEORGE, MINNER, MCKAY; SENATORS COOK, MCBRIDE - APPRO: An Act to Amend Chapter 19, Title 29, of the Delaware Code Relating to Fiscal Projections.

HA 1 to HB 367 - RIDDAGH; SENATOR COOK - Placed with the bill. (Ready List)

SJR 27 - CORDREY - NR/AGRI: Requesting the Chief of Engineers, U.S. Army Corps of Engineers to Issue a Permit to the Department of Natural Resources and Environmental Control Forthwith for Emergency Dredging at Indian River Inlet.

HA 1 to SS 1 for SB 32 - SINCOCK - APPRO: Placed with the bill.

Representative Van Sciver requested that HA 1 to HJR 24 be stricken.

Representative Burris moved to recall the vote on HR 108. The motion was seconded by Representative Petrilli.

Representative Burris requested that the motion be stricken.

Representative Burris moved to reconsider HR 108. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris requested that HR 108 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 26, SCR 75, HCR 92, SCR 79, SJR 27, HJR 23.

January 19, 1982

TO: Charles Hebner, Speaker of the House

FROM: Rep. B. Bradford Barnes

I wish to inform you that I will be absent from sessions on January 20 and 21 due to business.

Respectfully submitted,

B. Bradford Barnes

BBB/ep

The Chief Clerk read the following Committee Reports into the record:

JUD: HB 419 - 5M; HB 424 - 5M; HJR 21 - 5F.

Representative Burris moved to recess for committee meetings at 2:34 p.m.

The House reconvened at 5:24 p.m.

The following prefiled Consent Calendar was introduced:

HR 110 - SMITH - Congratulating Eight Adult Volunteers Who Have Received the Boy Scout Silver Beaver Award for Their Service to Youth and the Community.

HR 111 - BURRIS - Expressing Our Condolences to the Family of Kenneth W. Turner, Former Deputy Administrative Director of the Sussex County Department of Elections.

HCR 99 - SMITH; SENATOR BAIR - Grieving for the Late Delbert G. (Del) Jacoby Who Exemplified the Golden Rule.

HCR 100 - SINCOCK, ENNIS; SENATOR BERNDT - Mourning the Death of Former Representative T. Lees Bartleson.

HCR 101 - RIDDAGH, BUCKWORTH, HARRINGTON, BENNETT, DARLING, MINNER; SENATORS COOK, TORBERT, ZIMMERMAN - Congratulating East Wind Industries Inc., of Clayton, Upon Being Named Employer of the Year by the National Association for Retarded Citizens and the President's Committee on Employment of the Handicapped.

HCR 102 - FALLON; SENATORS LITTLETON, ADAMS - Commending Woodrow W. Crosby, Seaford City Manager, on His Retirement and His Long Years of Dedicated Service to the People of Seaford.

HCR 103 - MARONEY - Mourning the Death of Victor F. Hanson, Inventor and Retired Chief of Engineering Physics Research for the Dupont Company.

HCR 104 - GEORGE; SENATOR MCBRIDE - Honoring Raoul Wallenberg for His Contributions to the Quest for Human Rights and Dignity.

HCR 105 - RIDDAGH; SENATOR COOK - Congratulating Eddie Davis, of Smyrna, the First Delawarean to Win the North American Harness Driving Dash-Wins Championship.

HR 106 - VAN SCIVER, CORROZI, ROY, SPENCE, CATHCART, MACK, EDWARDS, DIXON, SOLES, JESTER; SENATORS CITRO, MCBRIDE, CONNOR - Commending the Delaware State Police for Their Conscientious Effort to Reduce Traffic Deaths.

HCR 107 - ANDERSON, JONKIERT; SENATORS MARTIN, MARSHALL - Praising Leon J. Turulski, Jr., of Brookside, for the Bravery and Presence of Mind He Demonstrated in Saving His Mother and Sister From a Fire in Their Home on Monday, January 18, 1982.

HCR 108 - MARONEY, VAN SCIVER, BUCKWORTH, FALLON, CATHCART, ENNIS, SMITH, DERRICKSON, JESTER, SOLES, BRADY, SPENCE, MINNER, ANDERSON, WEST; SENATORS COOK, CONNOR, BAIR - Designating March 7-13 as Women's History Week and Requesting Educational Institutions Throughout the State to Give Special Attention to This Subject During That Time.

SCR 79 - CORDREY, SHARP; REPRESENTATIVES BURRIS, PETRILLI - Providing That a Joint Session of the House of Representatives and the Senate be Convened to Hear the Presentation of the Governor's Annual State of the State Address.

Consent Calendar #28 was adopted by voice vote and HCR 99, HCR 100, HCR 101, HCR 102, HCR 103, HCR 104, HCR 105, HCR 106, HCR 107, & HCR 108 were sent to the Senate for concurrence and SCR 79 was returned to the Senate.

The Chief Clerk read the following Committee Reports Into the record:

APPRO: HB 503 - 6F; HB 504 - 6F; HJR 25 - 6F.

ED: HJR 24 - 5F; HB 445 - 5M; HB 487 - 5M; HB 501 - 5M.

Representative Soles moved to suspend the agenda rules which interfere with action on HB 503. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Soles brought HB 503, jointly sponsored by Representative Smith & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Spence, Van Sciver, West & Senators Arnold, Bair, Cook, Connor, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn & Zimmerman, before the House for consideration.

HB 503 - An Act to Amend Chapter 63, Title 29, Delaware Code, to Provide for a Definition of Grants-in-Aid, and to Amend Chapter 65, Title 29, Delaware Code, to Limit Appropriations to 1.2 Percent of the Estimated Net State General Fund Revenue for Grants-in-Aid.

The roll call on HB 503 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Barnes, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 503 was sent to the Senate for concurrence.

Representative Smith moved to suspend the agenda rules which interfere with action on HB 504. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Smith brought HB 504, jointly sponsored by Representative Soles & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Spence, Van Sciver, West & Senators Arnold, Bair, Connor, Hughes, Knox, Littleton, Martin, McBride, Torbert & Vaughn, before the House for consideration.

HB 504 - An Act Proposing Amendments to Article VIII, Section 4 of the Constitution of 1897 of the State of Delaware to Provide for a Definition of Grants-in-Aid, and Proposing an Amendment to Article VIII, Section 6 of the Constitution of 1897 of the State of Delaware by Limiting Appropriations to 1.2 Percent of the Estimated Net State General Fund Revenue for Grants-in-Aid. (2/3 bill)

The roll call on HB 504 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Free - 1.

ABSENT: Representatives Barnes, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 504 was sent to the Senate for concurrence.

Representative Smith moved to suspend the Agenda rules which interfere with action on HJR 25. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought HJR 25, jointly sponsored by Representative Soles & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Spence, Van Sciver, West & Senators Adams, Arnold, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn & Zimmerman.

HJR 25 - Establishing Changes in the Process for Awarding Grants-in-Aid.

Representative McKay introduced HA 1 to HJR 25, jointly sponsored by Representative Campanelli.

Representative Burris moved to recess to the call of the Chair at 6:22 p.m.

4th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

January 21, 1982

The Speaker called the House to order at 1:25 p.m.

Representative McKay moved to place HA 1 to HJR 25 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Smith moved to place HJR 25 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

The Majority Leader moved to adjourn at 1:27 p.m., thereby ending the previous legislative day. The House reconvened at 1:28 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Barnes, Fallon - 2.

A prayer was offered by Reverend Theodore E. Olson, Our Lady of Fatima Parish, New Castle, DE.

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

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

The following prefiled legislation was introduced:

HB 512 - RIDDAGH, JONKIERT, SPENCE, MINNER, MACK, BENNETT, BARNES, ROY, HARRINGTON; SENATORS SHARP, ARNOLD, VAUGHN, HUGHES, LITTLETON, CITRO, COOK - JUD: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Bail for Persons Accused of Crime. (2/3 bill)

HB 513 - RIDDAGH, HARRINGTON - JUD: An Act to Amend Title 13 and Title 16 of the Delaware Code Relating to the Abuse of Family Members; and Providing for a Domestic Violence Prevention Act.

HB 514 - SPENCE - JUD: An Act to Amend Chapter 43, Part III, Title 21 of the Delaware Code Relating to the Equipment and Construction of Vehicles; and Providing for a Prohibition on the Use of Devices on Motor Vehicles to Detect the Presence of Radar Upon Highways. (2/3 bill)

HB 515 - EDWARDS; SENATOR HOLLOWAY - H/SS: An Act to Amend Chapter 3, Title 31 of the Delaware Code by Adding a New Subchapter Relating to Infanticide.

HB 516 - JESTER - H/ADM: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Sick Leave and Absences for Other Reasons.

HCR 109 - GEORGE - H/SS: Requesting the Joint Legislative Finance Committee to Refuse to Consider Any New Applications for Grants in Aid for Fiscal 1983.

HCR 110 - VAN SCIVER, EDWARDS, CATHCART, FREE, ANDERSON, MACK, GILLIGAN, CORROZZI; SENATOR CITRO - ADM/S: Requesting That New Castle County Council Act on Ordinance No. 79-263.

*HB 353 w/HA 1 w/HA 1, HA 2, SA 3 - SOLES, SENATOR MCBRIDE, REPRESENTATIVE ENNIS, SENATOR BAIR - ED: An Act to Amend Title 14 and Title 7 of the Delaware Code to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease. *(Returned from Senate with Amendment.)

HA 1 to HB 268 - SMITH - Placed with the bill. (Agenda)

HA 1 to HB 319 - BUCKWORTH - Placed with the bill. (Agenda)

HA 1 to HB 332 - SPENCE - Placed with the bill. (Agenda)

HA 1 to HB 365 - EDWARDS, MARONEY - H/SS: Placed with the bill.

HA 2 to HB 372 - VAN SCIVER - Placed with the bill. (Agenda)

HA 1 to HJR 21 - DARLING - JUD: Placed with the bill.

SB 116 - MCBRIDE, MURPHY, ZIMMERMAN, TORBERT, VAUGHN; REPRESENTATIVES OBERLE, BUCKWORTH - ADM/S: An Act to Amend Subchapter 11, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits.

Representative Burris moved to recess for Joint Session at 1:36 p.m.

The Sergeant-at-Arms announced the Speaker and Members of the House. They were admitted and seated. The President invited Speaker Hebner and President Pro Tempore Cordrey to a seat on the rostrum.

JOINT SESSION
SENATE CHAMBER

Senator Sharp moved that the Senate and the House convene in Joint Session. The motion prevailed.

Senator Sharp moved that the President of the Senate preside over the Joint Session. The motion prevailed.

Senator Sharp moved that the Secretary of the Senate and Chief Clerk of the House act as secretaries of the Joint Session. The motion prevailed.

The President appointed Representative Maroney, Representative Dixon, Senator Hughes & Senator McBride to escort the Governor to the Chamber.

The Sergeant-at-Arms admitted the Governor and the duly appointed committee to the Senate Chamber. The President invited the Governor to the rostrum and introduced him to the Joint Session. The Governor addressed the Members of the General Assembly as follows:

Mr. Speaker, Lieutenant Governor Castle, Mr. President Pro Tempore, Members of the 131st General Assembly, Members of the Judiciary, Honored Guests, Ladies and Gentlemen.

As has been my privilege and duty for the past five years, I come before you today to report on the State of the State. With considerable wisdom and foresight, the Framers of Delaware's Constitution called upon the Governor to pause and reflect each year upon Delaware's progress and problems, her past and her future. I welcome this constitutional duty: to look beyond the issues and demands of the moment, and to share with my fellow citizens a view of the First State's well-being. I am pleased to report today that the state of the state is good, and we have every reason to expect that it will continue to improve.

In my Inaugural Address a year ago, I began a second term in office saying that we must apply the goodwill and cooperation that had been so helpful in the past, as we addressed the problems of the future.

In the past five years that cooperative spirit has helped us instill a new standard of professionalism in state government, and achieve substantial progress — in financial management and education; in equality of opportunity; in corrections and highway rehabilitation; in spending control and tax reduction and, perhaps most important of all, in bringing new employment opportunities to Delaware.

That progress has been achieved through partnerships — partnerships between the executive and legislative branches of government but, more importantly, between the public and private element of our community. We must continue to involve all elements of Delaware life, and all our citizens in those partnerships, for clearly, government alone cannot effectively respond to all the challenges we face. If we continue united as a community in addressing our problems and opportunities, I am confident that continuing success will result.

Just as a physician observes his patient's temperature and blood pressure in performing an annual check up, those who would determine a state's health will look to her economic vital signs.

Delaware's underlying economic structure is sound. Statistics indicate that we enjoyed strong growth in personal income and employment in 1981. While we are proud of our record, we must remember that our State is not immune to the effects of the recession currently gripping the nation's economy. Clearly, America's economic health is not what it should be; nevertheless, compared to other states, Delaware's economy is strong.

As Delaware has improved its economic health during the past four years, those partnerships to which I have referred have produced budgets which have yielded surpluses each year, a carefully prescribed set of spending and borrowing limits, a decrease in personal income taxes, and a "rainy day fund" to protect against unforeseen and insurmountable revenue losses. In addition, because of legislative, administration and private efforts, Delaware sold last month its interest in the former Farmers Bank, increasing interest income to the State from almost nothing in 1977 to an estimated \$23 million next year.

Perhaps no single event in the past year promises greater enhancement of our economic health than the passage by the General Assembly of the Financial Center Development Act. In less than a year's time, ten major financial institutions have joined our community to provide thousands of new jobs for Delaware citizens and to build a strong spoke in the wheel of economic activity in Delaware. We expect that several other companies will bring further opportunity and growth in the years ahead. I applaud the careful consideration of that legislation by the General Assembly; each of its members can take pride in the fact that Delaware was able to act with the wisdom and dispatch displayed by very few of our sister states.

But while it is fitting that we observe with pride these accomplishments, no one believes that the task of improving our economy is complete. Too many people remain unemployed, too many families have yet to realize the full measure of economic opportunity. Too much remains to be done.

Last October the General Assembly indicated the need to strengthen our effort when it approved the creation of the Delaware Development Office and charged it with the responsibility for charting Delaware's course to further economic growth.

The Development Office is continuing to direct the state's participation in the Christina Gateway Corporation — a partnership between Wilmington and the State created to return an important part of center city Wilmington to productive use. Just two weeks ago the American Life Insurance Company announced plans to build the first major office building on that site. The office will continue to work with the First National Bank of Maryland in the multi-million dollar renovation of the NCR facility in Millsboro, and assist a financial institution which presently plans to bring its operations here to Dover. These latter two developments are particularly encouraging since they provide concrete evidence that each of Delaware's three counties will share in our new prosperity.

It is no accident that private investment in expansion projects in Delaware is approaching \$1 billion. It is, instead, an expression of confidence in the partnership struck between Delaware's political leadership and the business community.

But if Delaware is going to continue a healthy economic expansion, we must also aggressively seek out opportunities in diverse sectors of the economy. We have targeted five areas which look especially promising and in which Delaware has a strong competitive advantage. These include insurance, printing and publishing, electronics, communications, and pharmaceutical and medical technology. If we apply the same ingenuity and effort, and the same successful private/public partnership to these endeavors as we have to others, expanded economic opportunities will continue to be realized.

It is my strong belief that if state government fails to nurture an environment offering real economic opportunity to each of its citizens, so that families can prosper and dreams may be realized, then the taxpayer has not received the freedom and opportunity that is the basis of self-government. In providing the economic fabric into which those dreams can be woven, those of us who direct the levy and expenditure of tax dollars should constantly ask whether the price being paid by our people is too high. As I have said in the past, I believe it is.

Although there was a reduction of the personal income tax in 1978, Delawareans continue to be saddled with taxes that are among the highest in the nation and are the single greatest deterrent to further economic development in Delaware. Like a ship dragging an anchor, our voyage to economic

prosperity has been slowed dramatically. Even with all the progress achieved in the last few years in attracting businesses and employment opportunities to Delaware, our ability to compete with our sister states remains impeded.

The question, then, is not whether to seek further reduction in the state personal income tax, but when. I believe many of us here today were hopeful, even confident, that anticipated revenues for fiscal year 1983 would be sufficient to provide at least part of the funds necessary for a tax cut. Although the current national recession has clouded that confidence, we should not yet conclude that this critical decision should be postponed for another year. Tax reduction must be the first priority use for increased revenues beyond those already forecast for the coming fiscal year.

While the current national economic situation has limited estimated revenues in fiscal year 1983, President Reagan's recent and welcome federal tax reduction has had the effect of reducing state revenues as well. While I applaud any change in federal or state laws which reduce taxes, I believe that we should carefully consider the impact of federal tax reductions on state revenues. If we decide to reallocate those reductions, it should be done expressly in the interest of cutting personal income taxes — not for new spending programs.

I remain hopeful that we will soon begin to see the first indications of a rebounding economy. When we do, I intend to submit a personal income tax reduction package to the General Assembly based upon three priorities: to cut income taxes across the board for the average taxpayer; to further reduce the top rates; and to target special tax reductions to the working poor. Such a program will pay dividends in terms of jobs and additional revenues far beyond the immediate cost of the reductions.

In addition to inquiring whether the price paid by the taxpayer for the operation of state government is too high, I believe that government must also devote constant attention to the improvement of the process by which these dollars are spent. In my State of the State message a year ago, I addressed the problem of grants-in-aid with these words: "the authorization, auditing, and use of these funds is almost without control." I suggested three specific corrective actions: capping the total dollars allocated; as careful a review of grants expenditures as other budget decisions; and the submission of an annual audit by all grantees.

None of these measures were adopted, and we have paid a price — in dollars and trust — for not having done so. Events of the past few months remind us that the controls we place on the private expenditure of public funds are insufficient to insure their proper use. It is time for immediate, comprehensive reform. A committee of the House under the leadership of Representatives Smith and Soles has taken a first positive step in introducing a package of bills. With the addition of conflict of interest provisions, that legislation should be enacted.

We should also enact, as I have urged in years past, a comprehensive ethics bill. I do not believe the people of Delaware are satisfied with the laws governing the ethical standards of public officials; I do not believe we should be either. It is past time to come to grips with the most basic, bi-partisan governmental responsibility: maintaining the public trust by insuring the integrity of the governmental process. Former Senator Everett Hale of Newark worked many years to produce an excellent bill, now sponsored by Senator Neal. We must unite in a legislative partnership to face this challenge, and promptly enact Senate Bill 49.

Along with economic opportunity and a proper accounting for tax dollars, the taxpayer justifiably demands a secure community — one in which people may pursue livelihoods free from violence to their persons and property. The new maximum security facility in Smyrna and the 360 bed prison at Gander Hill, both scheduled to open in 1982, demonstrate that progress is continuing toward a stable and secure correction system. The bricks and mortar cost of these facilities has been enormous — nearly \$30 million. Similarly, the operating budget for the Department of Corrections is now 226% larger than it was in 1977. Clearly an investment of this magnitude cannot be made every four years.

In the past year, the Delaware Sentencing Reform Commission has addressed the problem of a spiraling prison population, and developed interim recommendations including expansion of facilities designed for offenders who do not require the rigid custody of a traditional prison setting. Such facilities will provide a stronger and more carefully structured transition for the offender moving from custodial institutions to the community. Two such half-way houses should be funded and opened in the next fiscal year.

Beyond its primary duty to provide security to the community at large, a correction system must attempt to return individuals to the community who share the notion that hard work is better than criminal conduct. I emphasize the word "attempt" because no modern penal system has yet been devised which has broken completely the pattern of recidivism with which we are all too familiar. But promising steps to that end are being taken in Delaware.

Through a partnership with the National Alliance for Business and private industry councils, the Department of Correction is developing a systematic program for employability screening and job placement. In the last half of 1981, thirty-four inmates were placed in positive employment through this program — a good beginning towards solving one of our most difficult problems.

Beyond a prosperous and safe environment, Delaware taxpayers purchase with their dollars the preservation and enhancement of our resources — both natural and human.

For Delawareans engaged in our largest industry — agriculture — the land itself is the most enduring and precious asset. A year ago, I received a report and recommendation of the Governor's Advisory Committee on Farmland Preservation. Based on that report, my proposed budget for fiscal year 1983 reflects funds sufficient to establish an agricultural land preservation section within the Department of Agriculture. We also will be appointing the State Agricultural Lands Preservation Board to provide counsel to the Department in this effort.

Perhaps none of Delaware's natural resources are more precious and in need of greater protection than its surface and groundwater supplies. Much of our attention in 1981 was drawn to the need to conserve this resource in the face of drought conditions. Together, Delawareans have successfully begun voluntary water conservation efforts. But as a community, we are faced with an equally serious challenge: the cleanup of those areas where water supplies are threatened by improper disposal of wastes. We must, as stipulated in the "Superfund" legislation enacted by Congress in 1980, include our \$100,000 share of the funding in the annual bond bill to speed the cleanup of the Tybouts Corner Landfill site.

Steps must also be taken to prevent negligent disregard of our valuable water resources in the future. Although the state's ability to replace federal funds is limited, water quality is deserving of special attention. In my proposed fiscal year 1983 budget, state funds will be included to enable the Department of Natural Resources and Environmental Control to continue its supervision of the disposal of solid and industrial wastes.

In addition, I have asked the Solid Waste Authority to examine its statutory and technical capability to provide for the disposal of industrial wastes. It is not enough for government to simply say to industry "Do not pollute." A responsible government must also work with industry in finding ways to dispose of industrial wastes in a safe manner. I am confident that, with the cooperation of all concerned, Delaware can continue to harmonize economic growth with environmental concerns.

Finally, I turn to Delaware's most important resource of all - her children. There is, perhaps, no more important stewardship demanded of state government than the education of, and care for, our younger citizens. Just as a parent might carefully examine his child's report card, let us examine Delaware's "report card" on public education.

The marks are high, and recent studies display some encouraging statistics. The performance of our public school children, in nationally standardized tests in all subjects, not only exceeds national averages but continues to improve. Our children seeking entrance to the nation's colleges and universities have, for the past ten years, consistently exceeded national averages on entrance examinations. Further, in 1981 Delaware and Connecticut ranked first in the nation in terms of eligibility among our high school seniors for National Merit Scholarships.

The reasons for this good performance are varied; but the high level of state support must be among the most significant factors. Traditionally, Delawareans have directed nearly half of their tax dollars toward our educational system. Two-thirds of all funds for public schools are provided by the State, placing Delaware among the nation's leaders in the commitment of state government to local education.

But while Delaware's financial commitment to public education is strong and growing, and while the resulting performance of our school children is encouraging, I am convinced that we must do more. As we expand our economic base and create new employment opportunities we must also be able to develop qualified applicants for those jobs. There can be no economic progress without educational progress as well. Now is the time to recognize that truth, and to devote more of our attention, more of our resources, more of our community effort to improving our educational system.

We are all aware of the national attention that has been given to improving student performance in the basic skills - reading, writing and mathematics. That has been the major emphasis of my Administration in the field of education: basic skills at the grade school level; competency based promotion from grade to grade; diplomas granted upon educational ability rather than the mere passage of time.

Our first priority must remain an emphasis on basic skills through providing state funds to replace lost federal dollars.

A second critical component of educational progress is reduced class size. Last Spring's worsening financial picture forced the suspension of our six year class size reduction program. Next year it must be resumed; I will allocate an additional \$1.5 million in my budget to permit progress to continue.

But no matter what the class size, nor what basic skills are being taught, no student can learn without the quiet order so necessary for concentration. All too frequently a few disruptive students destroy the learning opportunity for the others by destroying the educational atmosphere of the classroom. It is time uncooperative students were removed to a more disciplined setting; it is time to establish alternative classrooms for disruptive students so that others may learn. Next year we must begin such a program in every school district, so that we create an atmosphere in which teachers can teach, students can learn and parents can be confident that their children are being educated in a safe and positive environment.

If Delaware's most valuable resource is its youth, then we must be mindful of the fact that preparing children to be productive adults is only partially the responsibility of our public education system. Health and social service agencies, as well as the correctional and judicial systems, are constantly called upon to serve children who have needs in addition to the need for a quality education.

These youth may include runaways, truants, children with serious mental illnesses, or adolescents who exhibit serious behavior and/or emotional problems - some of whom commit criminal acts.

Over the past year, a special Cabinet committee on children has been meeting to consider how Delaware might better serve these children. While the committee has not completed its work, the first report highlights the difficult and complex problems of these young people, problems requiring another partnership - between educators, public and private agencies, and the community at large.

We should focus upon three specific recommendations from that report. One is for a common intake program with diagnostic capability to help the Division of Social Services and Family Court make appropriate placement decisions. This could go a long way towards reducing duplication of service and pointing the way to better treatment. While much of this work can be done in the community, several in-patient beds might also be required. I have asked the Departments of Health and Social Services, Correction, Public Instruction, and the Family Court to pursue this option, and to commit staff and available resources to this project.

Another recommendation is to provide a community-based extension of the services available at Governor Bacon Health Center, in order to avoid prolonged or unnecessary institutionalization. I am requesting funds in the budget to establish 10 residential placements in the community to implement this recommendation.

The report also recommends that a pilot case management project be initiated by public and private agencies involved with children, so that we can better coordinate state and community services, and improve the delivery of those services to children in need. The simplistic reorganization of government services and shuffling of bureaucratic structures already suggested by some, is not the answer. This pilot case management study should help us focus upon real improvements in child services, and how those services can better be delivered by the public and private agencies involved. I have asked Secretary Schramm and the Cabinet Committee on Youth to undertake this project without delay.

I have outlined this afternoon some of the progress we have achieved in the past few years, and what we hope to achieve in the year ahead. Our government has played an important role in our accomplishments; it will continue to do so. But there is more to life in Delaware than what government provides or regulates. There exists outside these halls a vast reservoir of talent, of energy, of intellectual and material resource awaiting our call to help address and solve our common problems.

In recent years government has become so massive, so pervasive, so central in our expectations that we have come to regard it as the sole provider, and the sole response to all of our needs. But the fundamental lesson of the 1980's may well be that this philosophy cannot continue; we cannot afford it, financially or philosophically.

Nor need we rely solely upon it, for government has no monopoly upon the resources necessary to better our way of life; they exist as well in the minds and the hearts and the capability of our people and our community institutions. We must bring together all of those public and private resources in a partnership for progress in every field of endeavor.

In recognition of this American spirit of self reliance, President Reagan has established a Task Force on Private Sector Initiatives, on which I am honored to serve. Its premise is simple: the greatness of America lies in the ingenuity of her people, the strength of her institutions, and the willingness of her citizens to work together. The task force seeks to help American communities identify and promote public and private sector partnerships at work across this nation — partnerships that are solving problems more effectively than government could solve them alone.

In the coming months I will convene in Delaware, and will ask each of my fellow governors to convene in their states, a statewide Task Force on Private/Public Partnership Initiatives. Working with the President's Task Force, it will help harness the resources of our private sector and direct those boundless energies toward meeting the needs of the community that cannot and should not, be met by government alone. Be it individual volunteers, corporate resources, or community determination to confront and solve a common problem, however it is defined, Americans and Delawareans stand ready and willing to enthusiastically work for the common good.

President Reagan's continuing commitment to a renewed federalism will return to state and local government the responsibility and the authority to craft Delaware solutions to Delaware's problems. We will accept that responsibility; we will build upon the generous and compassionate spirit of our citizens; we will build new partnerships for tomorrow just as we successfully built the partnerships of yesterday that have served us so well. And with that common determination born of a belief in ourselves, our heritage, and our spirit, we will continue to work for a better future for our neighbors, our children, and our children's children.

Representative Maroney, Representative Dixon, Senator Hughes & Senator McBride escorted the Governor from the Chamber.

Senator Sharp moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals.

The Secretary of the Senate and the Chief Clerk of the House compared their journals, found them to agree, and so notified the President.

Senator Sharp moved that the two Houses now separate to reconvene in their respective Chambers. The motion prevailed.

The House reconvened at 3:47 p.m.

Representative Smith moved to lift HJR 25 - HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HJR 25 - Establishing Changes in the Process for Awarding Grants-in-Aid.

Representative McKay requested that HA 1 to HJR 25 be stricken.

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

Representative McKay introduced HA 2 to HJR 25, jointly sponsored by Representative Campanelli.

Representative Soles requested and was granted the privilege of the floor for Controller General Duane Olsen.

Mr. Speaker Hebner requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative McKay moved to place HA 2 to HJR 25 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Burris moved to recess for caucus at 4:37 p.m.

The House reconvened at 5:01 p.m.

Representative McKay moved to lift HA 2 to HJR 25 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative George introduced HA 1 to HA 2 to HJR 25, jointly sponsored by Representatives Cain, Dixon, Anderson, Jester & Holloway. Representative Burris moved to place HA 1 to HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli.

Representative George rose on a point of order.

The roll call on the motion was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

ABSENT: Representatives Barnes, Fallon - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to HA 2 to HJR 25 was placed on the Speaker's table.

Representative George introduced HA 2 to HA 2 to HJR 25, jointly sponsored by Representative Bennett.

Representative George requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Burris moved to place HA 2 to HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

ABSENT: Representatives Barnes, Fallon, Harrington - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 to HA 2 to HJR 25 was placed on the Speaker's table.

Representative Gilligan introduced HA 3 to HA 2 to HJR 25. Representative Burris moved to place HA 3 to HA 2 on the Speaker's table. The motion was seconded by Representative McKay.

The roll call on the motion was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sinecock, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Bennett, Cain, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Roy, Soles, West - 16.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Barnes, Fallon - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HA 2 to HJR 25 was placed on the Speaker's table.

Representative Gilligan introduced HA 4 to HA 2 to HJR 25. Mr. Speaker concurred.

Representative Campanelli introduced HA 4 to HA 2 to HJR 25. Representative Burris moved to place HA 4 to HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

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

Representative George rose on a point of order.

Representative George requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative McKay requested that HA 2 to HJR 25 be stricken.

Representative McKay brought HA 3 to HJR 25 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HJR 25 w/HA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representatives Darling, Minner, Plant - 3.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Barnes, Fallon, Jonkiert - 3.

Therefore, having received a constitutional majority, HJR 25 w/HA 3 was sent to the Senate for concurrence.

Representative Ennis moved to suspend the rules which interfere with introduction of and action on HR 112. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Ennis introduced and brought HR 112, jointly sponsored by Representatives Edwards, Smith, Sinecock & Hebner, before the House for consideration.

HR 112 - Congratulating the Mount Pleasant High School Team and Coach Dave Needs Upon Winning the State Division II Title for the First Time.

HR 112 was adopted by voice vote.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 96, HCR 97, HCR 98, SB 116, HB 353 w/HA 1 w/HA 1, HA 2, SA 3; HCR 99, HCR 100, HCR 101, HCR 102, HCR 103, HCR 104, HCR 105, HCR 107, HCR 108, SB 352 w/SA 1; SB 267 w/SA 1; SCR 80.

Representative West introduced HR 113.

HR 113 - Requesting President Ronald Reagan to Fire Paul A. Volcker, Chairman of the Board of Governors of the Federal Reserve System.

Mr. Speaker assigned HR 113 to the House Administration Committee.
Representative Burris moved to recess to the call of the Chair at 6:15 p.m.

5th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

January 26, 1982

The Speaker called the House to order at 2:52 p.m.

The Reading Clerk read the following communication into the record:

TO: Representative Charles Hebner
Speaker of the House

FROM: Representative Kevin Free

DATE: 21 January 1982

RE: Absence from session

I will be absent from the session on Tuesday, 26 January 1982 because I will be out of State that day.
KF/hfk

Representative Maroney moved to lift HB 154 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, January 27, 1982.

The Majority Leader moved to adjourn at 2:55 p.m., thereby ending the previous legislative day. The House reconvened at 2:56 p.m.

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Brady, Campanelli, Fallon, Free, Holloway - 5.

A prayer was offered by Representative Donald J. Van Sciver, Sixteenth District.

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

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

The following prefilled legislation was introduced:

HB 517 - PETRILLI, BENNETT, MCKAY, CORROZI, ENNIS, BRADY, SMITH, POWELL, BURRIS, OBERLE, ROY, RIDDAGH, MACK, HARRINGTON, CATHCART, SINCOCK, SPENCE, BUCKWORTH, FREE, FALLON, MARONEY, VAN SCIVER, DIXON, CAMPANELLI, JESTER, JONKIERT, ANDERSON, MINNER, DARLING, CAIN, SOLES, GILLIGAN; SENATORS SHARP, ARNOLD, COOK, HOLLOWAY, MCBRIDE, BERNDT, NEAL, KNOX, CONNOR, MARTIN - R&F: An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Crediting of Interest to Local School District Funds.

HB 518 - MINNER, DARLING, CORDREY, OBERLE, BRADY, POWELL; SENATOR ZIMMERMAN - JUD: An Act to Amend Chapter 474 of 61 Laws of Delaware Relating to Operation of Vehicle While Under the Influence of Intoxicating Liquor or Drugs.

HB 519 - VAN SCIVER, EDWARDS, MACK, BUCKWORTH, CATHCART, CORROZI, GILLIGAN, WEST, FALLON, SPENCE; SENATOR CITRO - JUD: An Act to Amend Title 11 of the Delaware Code to Increase the Penalty for Assault on Medical Personnel. (2/3 bill)

HA 1 to HB 501 - BENNETT - Placed with the bill. (Ready List)

SB 267 w/SA 1 - MCDOWELL, BAIR, BERNDT, CONNOR, HOLLOWAY, MARSHALL, MARTIN, NEAL; REPRESENTATIVES SMITH, ANDERSON, BARNES, CORROZI, DARLING, ENNIS, SOLES - ADM/S: An Act to Amend Chapter 76, Part VII, Title 16 of the Delaware Code to Establish a Lighting Energy Efficiency Code for New and Existing Non-Residential Buildings. (2/3 bill)

SB 352 w/SA 1 - BERNDT, ZIMMERMAN; REPRESENTATIVES MINNER, SMITH - NR/AGRI: An Act to Amend Chapter 11, Title 12, Chapter 80, Title 29 and Chapter 13, Title 23 of the Delaware Code Relating to the Disposition of Lost, Abandoned or Stolen Property, Money, Boats Adrift, and Abandoned Vessels by the Department of Natural Resources and Environmental Control.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 421 w/HA 1.

Representative Riddagh introduced HJR 26, jointly sponsored by Representatives Spence, Minner, Mack, Jonkiert, Sincock, Cathcart, Bennett, Roy, Smith, Dixon, Powell, Barnes, Corrozi, Oberle, Edwards, Harrington, Fallon, Buckworth, Maroney, Soles, Derrickson, Van Sciver & Campanelli & Senators Vaughn, Sharp, Arnold, Littleton, Cook, Citro, Hughes, Neal, Holloway, Torbert & McBride.

HJR 26 - Proposing a "Bill of Rights" for Delaware Residents Who are Victims of Crime.

Mr. Speaker assigned HJR 26 to the Judiciary Committee.

Representative Riddagh brought HB 364, jointly sponsored by Representatives Derrickson, Harrington, Powell & Smith & Senators Sharp & Arnold, before the House for consideration.

HB 364 - An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

Representative Riddagh moved to place HB 364 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Buckworth moved to lift HB 319 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Buckworth brought HB 319, jointly sponsored by Representatives Barnes, Harrington, Smith, Darling & Soles, before the House for consideration.

HB 319 - An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations. (2/3 bill)

Representative Buckworth brought HA 1 to HB 319 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 319 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, George, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

ABSENT: Representatives Brady, Burris, Campanelli, Derrickson, Fallon, Free, Harrington, Holloway, Plant - 9.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 319 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought SB 284, jointly sponsored by Senators Sharp, McDowell, Zimmerman, Vaughn, Hughes & Citro, before the House for consideration.

SB 284 - An Act to Permit Family Court to Order Children Under Fourteen Years of Age to Work and Make Restitution to Repay Their Victims.

The roll call on SB 284 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Corrozi, Darling, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

ABSENT: Representatives Brady, Burris, Campanelli, Cordrey, Derrickson, Fallon, Free, Holloway - 8.

Therefore, having received a constitutional majority, SB 284 was returned to the Senate.

Representative Buckworth brought HB 271, jointly sponsored by Representative Smith, before the House for consideration.

HB 271 - An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Penalties for Violation of Certain Fish and Game Statutes; Prohibition of Hunting on Sundays; Spotlighting Deer and Prohibition of Selling and Transporting Skunks and Raccoons. (2/3 bill)

Representative Buckworth moved to place HB 271 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought HB 268, jointly sponsored by Representative Spence & Senator Berndt, before the House for consideration.

HB 268 - An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Payment for Damages Caused to Livestock or Poultry by Dogs Running at Large.

Representative Smith brought HA 1 to HB 268 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith brought HA 2 to HB 268 before the House for consideration. HA 2 was adopted by voice vote.

Representative Smith moved to place HB 268 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Spence brought HB 332, jointly sponsored by Representatives Corrozi, Ennis, Fallon, Cathcart, Roy, Barnes, Buckworth, Darling, Cordrey, Jester, Holloway, West & Senator Holloway, before the House for consideration.

HB 332 - An Act to Amend Chapter 41 and Chapter 70, Title 21 of the Delaware Code Relating to Issuance of Mail-In Summons for Certain Parking Violations, and Appropriate Fines for Violations. (2/3 bill)

Representative Spence brought HA 1 to HB 332 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 332 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Cain, Campanelli, Fallon, Free, Holloway - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 332 w/HA 1 was sent to the Senate for concurrence.

Representative Spence brought HJR 20 before the House for consideration.

HJR 20 - Directing Delaware Public School Districts to Notify Parents of Enrollees When Certain Sex Education Programs Are to be Offered and Making Provision for Parent Response Including Temporary Removal of an Enrollee from a Proposed Program.

Representative Van Sciver brought HA 1 to HJR 20 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Barnes, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Gilligan, Harrington, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Spence, Van Sciver, West, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Buckworth, Burris, Cordrey, Darling, George, Jester, McKay, Sincok, Smith, Soles - 12.

ABSENT: Representatives Brady, Campanelli, Fallon, Free, Holloway - 5.

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

Representative Van Sciver requested that action on HB 372 be deferred to a Day Certain, Wednesday, January 27, 1982.

Representative Smith brought SB 248, jointly sponsored by Senators Zimmerman, Berndt & Representative Minner, before the House for consideration.

SB 248 - An Act to Amend Subsection 103 (f), Chapter 1, Title 7 of the Delaware Code Relating to Forfeiture of Property Used in Connection With the Illegal Hunting or Possession of Deer.

Representative Smith requested and was granted the privilege of the floor for William C. Wagner, Division of Fish & Wildlife.

The roll call on SB 248 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Campanelli, Cathcart, Fallon, Free, Holloway - 6.

Therefore, having received a constitutional majority, SB 248 was returned to the Senate.

Mr. Speaker Hebner announced that Representative Fallon has been replaced on the Education Committee by Representative Petrilli.

Representative Smith moved to lift HB 268 w/HA 1,2 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, January 27, 1982.

Mr. Speaker re-assigned HCR 109 to the Appropriations Committee.

Representative Burris moved to recess to the call of the Chair at 4:37 p.m.

6th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

January 27, 1982

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

The Chief Clerk read the following Committee Reports into the record:

JUD: HB 502 - HA 1 - 2F,3M.

ED: HB 353 w/HA 1w/HA 1,HA 2,SA 3 - 3M.

Mr. Speaker Hebner announced that HB 353 w/HA 1w/HA 1,HA 2,SA 3 has been added to the Agenda for Wednesday, January 27, 1982.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Fallon - 1.

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

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

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

The following prefiled legislation was introduced:

HB 520 - MINNER, CAIN, ANDERSON - R&F: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Reasons for Cancellation or Nonrenewal of Automobile Insurance.

HB 521 - MCKAY, BENNETT; SENATORS KNOX, ADAMS, TORBERT - H/ADM: An Act Proposing an Amendment to Article III, Section 19 of the Constitution of the State of Delaware Relating to the Qualifications and Duties of the Lieutenant Governor. (2/3 bill)

HB 522 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes," by Amending the Procedure for Making Appointments to the Police Force. (2/3 bill)

HB 523 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 197, Volume 54, Laws of Delaware, As Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor, and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach," to Amend the Interest Rate Collected on Delinquent Taxes. (2/3 bill)

HA 1 to HB 154 - MARONEY - Placed with the bill. (Agenda)

HA 2 to HB 365 - EDWARDS - H/SS: Placed with the bill.

HA 3 to HB 372 - VAN SCIVER - Placed with the bill. (Agenda)

SB 308 - SHARP, MCDOWELL, ARNOLD; REPRESENTATIVES PETRILLI, GILLIGAN - H/SS: An Act to Amend Part VIII, Title 16 of the Delaware Code Relating to Hospitals and Other Health Facilities; and Providing for the Establishment of Health Maintenance Organizations.

SB 399 - SHARP - ADM/S: An Act Concurring in a Proposed Amendment to Article III, Section 22, of the 1897 Constitution of the State of Delaware Relating to the Term of the Office of Sheriff. (2/3 bill)

SCR 81 - ZIMMERMAN - ADM/S: Relating to State Icy and Dangerous Primary and Secondary Roads.

The following prefiled Consent Calendar was introduced:

HR 114 - OBERLE - Requesting the Department of Commerce to Place the Harp Seal on the Threatened and Endangered Species List to End the Annual Slaughter of the Pups.

HR 115 - EDWARDS - Praising Kathy Roman, 7, a Pupil at Maple Lane Elementary School in Claymont, for Her Part in Saving the Lives of Seven Persons Threatened by a House Fire in Wilmington on January 6, 1982.

HR 116 - POWELL - Offering Our Congratulations to Robert and Violette Sebastian, of Mill Creek, as They Celebrate Their 50th Wedding Anniversary on Sunday, January 24, 1982.

HR 117 - BRADY, FREE, GEORGE, HOLLOWAY, JONKIERT, PLANT - Congratulating Wilmington Patrolman Donald R. Roberts for Winning the Kiwanis Club's 1981 Policeman-of-the-Year Award.

HCR 111 - MACK, SPENCE, DIXON, CATHCART; SENATORS CONNOR, MCBRIDE - Congratulating the William Penn High School Football Team and Coach Bruce Reynolds for Winning the Blue Hen Conference Flight A Championship for the 1981 Season.

HCR 112 - SINCOCK, SMITH, ENNIS; SENATOR BERNDT - Congratulating Polly Elizabeth Gongwer, of Liftwood Estates, for Earning the St. Cecilia Award, the Highest Honor Given a Girl Chorister by the Royal School of Church Music.

HCR 113 - BENNETT, ANDERSON, CAIN, CORDREY, DARLING, DIXON, GEORGE, GILLIGAN, JESTER, JONKIERT, MINNER, PLANT, SOLES, WEST - Marking the 100th Anniversary of the Birth of Franklin Delano Roosevelt, the 32nd President of the United States, on January 30, 1982.

HCR 114 - JESTER; SENATOR VAUGHN - Mourning the Death of Martha Regina Givens.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 308, SB 399, SCR 81.

Representative Roy introduced HR 118, jointly sponsored by Representatives Gilligan, Jonkiert, Corrozi, Van Seiver & Dixon.

HR 118 - Observing the Week of January 31 Through February 6 as Catholic Schools Week and Congratulating the Schools for Their Contribution to Education in the First State.

Mr. Speaker Hebner added HR 118 to Consent Calendar #29.

Consent Calendar #29 was adopted by voice vote and HCR 111, HCR 112, HCR 113 & HCR 114 were sent to the Senate for concurrence.

Representative Brady requested that HA 1 to SB 284 be stricken.

Representative Roy requested that HB 51, HB 138 & HB 261 be stricken.

Representative Campanelli requested that HA 11, HA 14, HA 15, HA 16, HA 20, & HA 27 to HB 200 be stricken.

Representative Smith moved to lift HB 60 - HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker re-assigned HB 60 - HA 1 to the Administrative Services Committee.

Representative Burris moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 4:36 p.m.

Representative Van Seiver brought HB 372, jointly sponsored by Representatives Brady, Buckworth, Cathcart, Corrozi, Dixon, Ennis, Fallon, Gilligan, Mack, Petrilli, Spence & Powell & Senators Arnold, Citro, Littleton & Vaughn, before the House for consideration.

HB 372 - An Act to Amend Chapter 23, Title 24, and Chapter 23, Title 30, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

Representative Van Seiver brought HA 1 to HB 372 before the House for consideration. HA 1 was adopted by voice vote.

Representative Van Seiver brought HA 2 to HB 372 before the House for consideration. HA 2 was adopted by voice vote.

Representative Van Seiver brought HA 3 to HB 372 before the House for consideration. HA 3 was adopted by voice vote.

Representative Powell brought HA 4 to HB 372, jointly sponsored by Representative Dixon, before the House for consideration. HA 4 was adopted by voice vote.

Representative George requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Van Seiver moved to place HB 372 w/HA 1,2,3,4 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Maroney moved to lift HB 154 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney brought HB 154, jointly sponsored by Representatives Free, Cathcart, Ennis, Oberle & Senator Knox, before the House for consideration.

HB 154 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

Representative Maroney brought HA 1 to HB 154 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for House Attorney Christine Whitehead.

Representative Cathcart brought HA 2 to HB 154 before the House for consideration.

Representative Cathcart requested and was granted the privilege of the floor for House Attorney Christine Whitehead.

Representative Cathcart requested that HA 2 to HB 154 be stricken.

Representative Roy requested and was granted the privilege of the floor for House Attorney Christine Whitehead.

Representative Maroney read the following communication into the record:

January 22, 1982

The Honorable Jane Maroney
Delaware State Representative
Room 101
Legislative Hall
Dover, Delaware 19901
Dear Representative Maroney:

It is my understanding that on Wednesday, January 27, 1981 you will bring H.B. 154, regarding mandatory usage of child restraints, onto the floor for a vote. In anticipation of that move, I am writing to lend my personal support and that of the Division of State Police.

The Delaware State Police Traffic Section has worked very closely with the Delaware Safety Council in the preparation of this piece of legislation and we feel that the safety offered our children by this legislation is long overdue. On a daily basis we see the needless carnage inflicted upon our youth and we realize that the simple use of an approved safety device can prevent this unnecessary waste.

Thank you for your sponsorship and support of this bill and if there is anything that I or my staff can do to help in its passage, please do not hesitate to call my office.

Very truly yours,
Colonel Norman V. Cochran
Superintendent

NVC:EWM:CWL:lj

Representative Maroney requested and was granted the privilege of the floor for Austin C. Chidester, Jr of the Delaware Safety Council.

Representative Burris moved to recess to the call of the Chair at 6:06 p.m.

7th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

January 28, 1982

The Speaker called the House to order at 1:50 p.m.

Representative Maroney moved to place HB 154 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

The Reading Clerk read the following communications into the record:

January 28, 1982

Representative Charles Hebner, Speaker of the House
Legislative Hall

Dover, Delaware 19901

Dear Mr. Speaker:

I am sorry to report that business activities will require that I be out of the state on Thursday, January 28, 1982 and unable to be in attendance at the regular session of the 131st General Assembly.

Sincerely,
David H. Ennis
7th District Representative

DHE/sw

The Senate wishes to inform the House that it has passed: HB 503, HB 504, HJR 25 w/HA 3, SA 4,5 & 6.

The Reading Clerk read the following Committee Reports into the record:

JUD: HB 377 - 5M; HB 378 - 5M; HB 379 - 4M; HB 380 - 5M; HB 384 - 5M; HB 388 - 1F,3M; HB 425 - 4M; HB 426 - 4M; HB 437 - 5M; HB 456 - 4M; HB 462 - 5M; HB 505 - 1F,3M; HB 506 - 2F,3M; HB 507 - 2F,3M; HJR 26 - 2F,3M; SS 1 for SB 8 w/SA 2 - 2F,3M.

ED: HS 1 for HB 343 - 4M; HB 394 - 4M; HB 407 - 5M; HB 453 - 4M.

H/ADM: HB 414 - 2F,3M; HB 427 - 2F,3M; HB 496 - 2F,3M; HB 522 - 5M; HB 523 - 5M; HCR 82 - 5M; SB 353 - 1F,4M.

ADM/S: SB 399 - 5M.

R&F: HB 395 - 1F,4M; HB 429 - 1F,4M; HB 450 - 5M; HB 517 - 3F,2M; SB 176 - 1F,4M; SB 337 - 1F,4M.

Representative Corrozi requested that HB 170 be stricken.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Buckworth, Ennis, Fallon - 3.

A prayer was offered by Reverend Robert Starrett, Wyoming Methodist Church, Wyoming, Delaware.

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

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

The following prefiled legislation was introduced:

HB 524 - BENNETT - H/ADM: An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Reapportionment of the State Legislative Districts.

HB 525 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - APPRO: An Act to Amend Title 19, Delaware Code, Relating to the Establishment of a Statewide Public Works Program and Providing the Funding Therefor.

HB 526 - EDWARDS - ED: An Act to Amend Chapter 29, Title 14 of the Delaware Code to Permit the Transportation of Certain Children Living More Than One-Half Mile From School.

HB 527 - OBERLE, BARNES, EDWARDS, RIDDAGH, ROY, SPENCE, VAN SCIVER; SENATORS HUGHES, LITTLETON, HOLLOWAY - JUD: Amending §4177 of Title 21 by Lowering the Blood Alcohol Test Level for Intoxication to .08% and Requiring Drivers to Take the Breathalyzer Test.

HS 1 for HB 72 - VAN SCIVER, DIXON, SPENCE, ENNIS, CAMPANELLI, BUCKWORTH, JESTER, CORROZI, ROY, CATHCART, GILLIGAN, MACK; SENATORS CITRO, CONNOR, VAUGHN - ADM/S: An Act to Amend Delaware Code, Title 14 in Order to Provide for a Limited Program in Driver Education for Motorcycle Drivers.

HA 17 to HB 357 - BARNES, HARRINGTON - ED: Placed with the bill.

HA 1 to SB 337 - BRADY - R&F: Placed with the bill.

Representative Oberle introduced HCR 115, jointly sponsored by Representative Riddagh & Senator Vaughn.

HCR 115 - Congratulating Joe Dugan, Jr., of Smyrna, on Winning the National Junior Harness Driving Championship.

WHEREAS, Joe Dugan, Jr., 15, of Smyrna, won the National Junior Harness Driving Championship in the recent tests at Northville, Michigan; and

WHEREAS, Joe's victory made him the first Delawarean to win the junior driving championship since it was begun in 1976; and

WHEREAS, Joe, whose father works in the mutuels department at Dover Downs and Harrington Raceway, started driving horses seven years ago after he had been given a pony won by his brother at Ocean Downs and at 12 drove in matinee races at Cowtown, New Jersey; and

WHEREAS, other Delawareans in the championship were Louise Mancuso, 19, of Dover, and Ed Nickel, 19, of Harrington; and

WHEREAS, Joe Dugan, Jr., had qualified for the national event by winning the state championship at Brandywine Raceway.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives and the Senate of the 131st General Assembly of Delaware congratulate Joe Dugan, Jr., of Smyrna, on winning the National Junior Harness Driving Championship.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Joe Dugan Jr. with our good wishes for an outstanding career in harness driving.

LC:X:RY

5375A

HCR 115 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the Agenda rules which interfere with action on SCR 80. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Jonkiert brought SCR 80, jointly sponsored by Senator Marshall, before the House for consideration.

SCR 80 - Expressing the General Assembly's Outrage at Suppression of the Rights of the Polish People and Urging the Governor to Proclaim January 30 as "Solidarity Day" in Recognition of the Polish People's Struggle for Basic Human Rights.

Representative Jonkiert requested and was granted the privilege of the floor for Mr. T. W. Tomkowit, Chairman, Aid to Poland Committee.

Representative Jonkiert requested and was granted the privilege of the floor for Edward B. Skomorucha of the Council Polish Society.

SCR 80 was adopted by voice vote and returned to the Senate.

Representative Burris moved to recess for caucus at 2:25 p.m.

The House reconvened at 3:47 p.m.

Representative Smith moved to lift HB 268 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

HB 268 - An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Payment for Damages Caused to Livestock or Poultry by Dogs Running at Large. (2/3 bill)

Representative Smith requested that HB 268 w/HA 1,2 be stricken.

Representative Maroney moved to lift HB 154 w/HA 1 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Maroney brought HB 154 w/HA 1, jointly sponsored by Representatives Free, Cathcart, Ennis, Oberle & Senator Knox, before the House for consideration.

HB 154 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

Representative Maroney requested and was granted the privilege of the floor for Captain E. Wayne Morris, Delaware State Police.

Representative Cathcart brought HA 3 to HB 154 before the House for consideration. HA 3 was adopted by voice vote.

Representative Cathcart brought HA 4 to HB 154, jointly sponsored by Representatives Oberle & Spence, before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 154 w/HA 1,3,4 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Free, George, Gilligan, Harrington, Holloway, Maroney, McKay, Oberle, Petrilli, Plant, Riddagh, Roy, Smith, Soles, Spence, Van Seiver - 23.

NO: Representatives Burris, Darling, Edwards, Jester, Jonkiert, Mack, Minner, West - 8.

NOT VOTING: Representatives Barnes, Bennett, Cordrey, Dixon, Powell, Mr. Speaker Hebner - 6.

ABSENT: Representatives Buckworth, Ennis, Fallon, Sincok - 4.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 154 w/HA 1,3,4 was declared defeated.

Representative Burris introduced HB 528, jointly sponsored by Representatives Hebner, Petrilli & Sincok.

HB 528 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1983; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 528 to the Appropriations Committee.

Representative Dixon moved to suspend the Agenda rules which interfere with introduction of and action on HR 122. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Dixon introduced HR 122, jointly sponsored by Representative Barnes.

HR 122 - Requesting the State Insurance Commissioner to Confer With Insurance Companies Writing Motor Vehicle Policies for the Purpose of Obtaining Premium Discounts for Parents Who Install Child Restraints in Their Vehicles.

HR 122 was adopted by voice vote.

Representative Soles brought HB 353 w/HA 1w/HA 1,HA 2,SA 3, jointly sponsored by Senator McBride, Representative Ennis & Senator Bair, before the House for consideration.

HB 353 - An Act to Amend Title 14 and Title 7 of the Delaware Code to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease.

Representative Soles brought HA 3 to HB 353, jointly sponsored by Representative McKay, before the House for consideration. HA 3 was adopted by voice vote.

Representative Derrickson brought HA 4 to HB 353 before the House for consideration. HA 4 was adopted by voice vote.

Representative Petrilli brought HA 5 to HB 353, jointly sponsored by Representatives George, Brady, Roy, Free, Jonkiert, Plant & Corrozi, before the House for consideration. Representative Petrilli requested that HA 5 be stricken.

Representative Petrilli brought HA 6 to HB 353 before the House for consideration. Representative Petrilli requested that HA 6 be stricken.

Representative Brady brought HA 7 to HB 353, jointly sponsored by Representatives George, Free, Jonkiert & Plant, before the House for consideration.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

Representative Brady moved to place HA 7 to HB 353 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Brady brought HA 8 to HB 353, jointly sponsored by Representatives George, Free, Jonkiert & Plant, before the House for consideration.

Representative McKay requested and was granted the privilege of the floor for House Attorney Robert Aulgur.

Representative Burris moved to place HB 353 w/HA 1 w/HA 1, HA 2,HA 3,HA 4 & SA 3 - HA 8 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative McKay moved to suspend the Agenda rules which interfere with action on SB 297. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative McKay brought SB 297, jointly sponsored by Senators Hughes, Adams, Arnold, Bair, Berndt, Citro, Connor, Holloway, Knox, Littleton, Martin, Murphy, Sharp, Vaughn, Zimmerman & Representative Sincok, before the House for consideration.

SB 297 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to the State Employees Pension Plan.

The roll call on SB 297 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West - 36.

NO: Mr. Speaker Hebner - 1.

ABSENT: Representatives Buckworth, Ennis, Fallon, Sincok - 4.

Therefore, having received a constitutional majority, SB 297 was returned to the Senate.

Representative Brady moved to suspend the Agenda rules which interfere with introduction of and action on HCR 117. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Brady introduced and brought HCR 117, jointly sponsored by All Representatives & Senator Holloway, before the House for consideration.

HCR 117 - Wishing a Rapid Recovery for Andrew McFarley, a Former Sergeant at Arms in the House of Representatives.

HCR 117 was adopted by voice vote and sent to the Senate for concurrence.

Representative Darling moved to suspend the rules which interfere with introduction of and action on SCR 83. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Darling introduced and brought SCR 83, jointly sponsored by Senators Zimmerman, Adams, Berndt, Cordrey, Cook, Knox, Littleton, Torbert & Vaughn & Representatives Barnes, Smith, Bennett, Minner, Cordrey & West, before the House for consideration.

SCR 83 - Urging Secretary of Agriculture, John Block, to Modify Recommended New Soil Conservation Standards to More Adequately Recognize Delaware's Needs.

SCR 83 was adopted by voice vote and returned to the Senate.

The following prefilled Consent Calendar was introduced:

HR 119 - OBERLE - Congratulating Milman E. (Dick) Prettyman, Jr., of Newark, for His Designation as Delaware Realtor of the Year for 1981.

HR 120 - ENNIS, SMITH, SINCOK, POWELL, ROY, RIDDAGH, SPENCE, MCKAY, OBERLE, ANDERSON, BUCKWORTH, PETRILLI, CATHCART, BURRIS, HARRINGTON, MACK, BARNES, CORROZI, CORDREY, JONKIERT, MARONEY, VAN SCIVER, JESTER, PLANT, DIXON, WEST, CAIN, GEORGE - Congratulating the Division of Highways of the Department of Transportation for Fast and Efficient Clearing of Highways and Other Main Roads During and After the Recent Snow and Ice Storms.

HR 121 - ROY, VAN SCIVER, POWELL, GILLIGAN - Calling Attention to the Observance of Vocational Education Week February 7 Through 11, 1982.

HR 123 - OBERLE - Requesting the Delaware Volunteer Firemen's Association to Confer With the State Department of Public Safety to Obtain Authority for the Fire Police to Issue Warnings.

HCR 116 - CORROZI, HEBNER, MCKAY, SENATOR KNOX - Congratulating Chancellor William Marvel on His Selection by the Delaware State Chamber of Commerce as Winner of the Marvel Cup, So Designated in Honor of His Late Father, Josiah Marvel.

SCR 85 - NEAL, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, COOK, HOLLOWAY, HUGHES, KNOX, LITTLETON, MCBRIDE, VAUGHN; REPRESENTATIVES ANDERSON, BARNES, BENNETT, BUCKWORTH, CORROZI, DERRICKSON, DIXON, EDWARDS, ENNIS, GEORGE, HARRINGTON, JONKIERT, MARONEY, MINNER, PETRILLI, POWELL, RIDDAGH, ROY, SMITH, SOLES, SPENCE, VAN SCIVER - Congratulating Dr. Eugene Chesson of the University of Delaware on Receiving the William Elgin Wickenden Award and on Being Named Delaware's Outstanding Engineer of 1981.

Representative Edwards requested that HR 120 be stricken.

Representative Smith rose on a point of order.

Representative Edwards requested that HR 120 be removed from the Consent Calendar.

Consent Calendar #30 was adopted by voice vote and HCR 116 was sent to the Senate for concurrence and SCR 85 was returned to the Senate.

Representative Burris moved to suspend the Agenda rules which interfere with re-introduction of and action on HJR 25 w/HA 3;SA 4,5, & 6. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought HJR 25 w/HA 3;SA 4,5 & 6, jointly sponsored by Representative Soles & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, West; Senators Adams, Arnold, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn & Zimmerman, before the House for consideration.

HJR 25 - Establishing Changes in the Process for Awarding Grants-in-Aid.

The roll call on HJR 25 w/HA 3;SA 4, 5 & 6, was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Roy, Smith, Soles, Spence, Van Sciver, West - 34.

NO: Representative Riddagh - 1.

NOT VOTING: Representative Minner, Mr. Speaker Hebner - 2.

ABSENT: Representatives Buckworth, Ennis, Fallon, Sincok - 4.

Therefore, having received a constitutional majority, HJR 25 w/HA 3; SA 4, SA 5 & SA 6, was sent to the Governor.

Representative Burris introduced HR 124, jointly sponsored by Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Hebner, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence & Van Sciver.

Mr. Speaker re-assigned HB 453 to the Appropriations Committee.

HR 124 - Expressing the Intention of the House of Representatives Concerning Future Consideration of Grant-in-Aid Legislation Which Might Appropriate Grant-in-Aid Funds to Agencies That Employ a Member of the General Assembly or Family Members.

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

The roll call on HR 124 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Cathcart, Corrozi, Derrickson, Edwards, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Campanelli, Cordrey, Darling, Jester, Jonkiert, Plant, West - 7.

NOT VOTING: Representatives Dixon, George, Gilligan, Holloway, Minner - 5.

ABSENT: Representatives Buckworth, Ennis, Fallon, Sincok - 4.

Therefore, having received a constitutional majority, HR 124 was adopted.

Representative Soles moved to lift HB 353 w/HA 1w/HA 1,HA 2,HA 3,HA 4 & SA 3 - HA 8 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

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

Mr. Speaker Hebner declared a recess at 6:30 p.m.

The House reconvened at 6:34 p.m.

Representative Soles moved to suspend the rules which interfere with lifting and action on HB 353 w/HA 1w/HA 1,HA 2,HA 3,HA 4 & SA 3 - HA 8. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Soles brought HB 353 w/HA 1w/HA 1,HA 2,HA 3,HA 4 & SA 3, jointly sponsored by Senator McBride, Representative Ennis & Senator Bair, before the House for consideration.

HB 353 - An Act to Amend Title 14 and Title 7 of the Delaware Code to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease.

Representative Petrilli brought HA 9 to HB 353 before the House for consideration. HA 9 was adopted by voice vote.

The roll call on HB 353 w/HA 1 w/HA 1, HA 2,3,4,9 & SA 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Buckworth, Burris, Campanelli, Ennis, Fallon, Sincok - 6.

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

Therefore, having received a constitutional majority, HB 353 w/HA 1 w/HA 1, HA 2,3,4,9 & SA 3 was returned to the Senate for concurrence.

Representative Barnes introduced HB 529, jointly sponsored by Representative Jonkiert.

HB 529 - An Act to Amend Sections 602 and 5103, Title 24, Delaware Code, by Removing the Board of Cosmetology from the Jurisdiction of the Board of Personal Services.

Mr. Speaker assigned HB 529 to the Administrative Services Committee.

Representative Smith moved to suspend the rules which interfere with introduction of and action on SCR 86. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith introduced and brought SCR 86, jointly sponsored by Senator Bair, before the House for consideration.

SCR 86 - Recognizing the Contributions of "Community Builders".

SCR 86 was adopted by voice vote and returned to the Senate.

Representative Roy moved to suspend the rules which interfere with action on HR 120. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Brady requested that HB 444 be stricken.

Representative Roy brought HR 120, jointly sponsored by Representatives Ennis, Smith, Sincok, Powell, Riddagh, Spence, McKay, Oberle, Anderson, Buckworth, Petrilli, Cathcart, Burris, Harrington, Mack, Barnes, Corrozi, Cordrey, Jonkiert, Maroney, Van Sciver, Jester, Plant, Dixon, West, Cain & George, before the House for consideration.

HR 120 - Congratulating the Division of Highways of the Department of Transportation for Fast and Efficient Clearing of Highways and Other Main Roads During and After the Recent Snow and Ice Storms.

HR 120 was adopted by voice vote.

Representative Petrilli moved to recess to the call of the Chair at 6:52 p.m.

8th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

March 16, 1982

The Speaker called the House to order at 2:24 p.m.

Representative Burris moved to reconsider HB 154 w/HA 1,3,4. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Darling, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Cain, Cordrey, Jester, Jonkiert, Minner, West - 7.

NOT VOTING: Representatives Bennett, Dixon, Plant - 3.

ABSENT: Representatives Barnes, Derrickson, Holloway - 3.

Therefore, having received a constitutional majority, the motion was adopted and HB 154 w/HA 1,3,4 was restored.

HB 154 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

Representative Maroney moved to place HB 154 w/HA 1,3,4 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Derrickson - 1.

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

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

The following profiled legislation was introduced:

SPECIAL OUT OF SESSION PREFILE

February 12, 1982

HB 530 - MARONEY; SENATOR HOLLOWAY - H/SS: An Act to Amend Chapter 32, Title 16 of the Delaware Code Relating to Cancer Control.

HB 531 - VAN SCIVER - ED: An Act to Amend Chapter 13, Title 14, Pertaining to Salaries of School Lunch Supervisors Employed by the State Boards of Education and Vocational Education.

HB 532 - ROY - ADM/S: An Act to Amend Chapter 28, Title 24, of the Professional Engineers Act Relating to Public Employee Professional Engineers Membership in Collective Bargaining Units.

HB 533 - PETRILLI, ROY; SENATORS VAUGHN, ARNOLD - ADM/S: An Act to Amend Chapter 5, Title 4, Delaware Code, to Permit the Alcoholic Beverage Control Commission to License Establishments as "Bottle Clubs."

HB 534 - DIXON, EDWARDS, CAIN, CATHCART, JESTER, WEST, CORDREY, CAMPANELLI, SOLES, CORROZI, MACK, SPENCE - JUD: An Act to Amend Title 13 of the Delaware Code to Establish Shelters for Victims of Domestic Violence and Provide for an Advisory Council for Such Shelters.

HB 535 - DERRICKSON, MINNER - NR/AGRI: An Act to Amend Chapter 7 and Chapter 9, Title 7, Delaware Code Relating to Finishing in Tidal and Non-Tidal Waters of the State.

HB 536 - ROY, BURRIS, BUCKWORTH, PETRILLI, POWELL, HEBNER, DIXON, GILLIGAN; SENATORS HUGHES, ADAMS, MARTIN, HOLLOWAY, VAUGHN - ADM/S: A Bill to Amend the "Tied-House" Provisions of the Liquor Control Act to Permit Corporations Whose Stock is Publicly Traded to Have Ownership Interests in Manufacturing and Consumer Sales of Alcoholic Liquors Where Such Ownership Would Not be Anti-Competitive.

HJR 27 - DERRICKSON - NR/AGRI: Directing the Department of Natural Resources and Environmental Control to Designate the Atlantic Barrier Beaches and Nearby Bay Areas as a "Critical Area", Charging the Inland Bays Study Group to Make Recommendations to the Legislature, and Requiring Requests for Permits Relating to Development Within the Area to be Reviewed by the Department.

HA 1 to HS 1 for HB 343 - JESTER - Placed with the bill. (Ready List)

HA 1 to HA 1 to HB 369 - JONKIERT - Placed with the bill. (Ready List)

HA 2 to HB 502 - HEBNER - Placed with the bill. (Agenda)

HA 3 to HB 502 - HEBNER - Placed with the bill. (Agenda)

SB 394 - VAUGHN, SHARP, HUGHES; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code Relating to Compensation for Innocent Victims of Crime.

SB 395 - ZIMMERMAN; REPRESENTATIVE JESTER - NR/AGRI: An Act to Amend Subchapter VII of Chapter 5, Title 11, Delaware Code, Relating to Abandonment of Animals.

SJR 28 w/SA 1 - MCBRIDE, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MARTIN, MCDOWELL, NEAL, SHARP, TORBERT, VAUGHN, ZIMMERMAN; REPRESENTATIVES ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FREE, GEORGE, HARRINGTON, JESTER, JONKIERT, MINNER, OBERLE, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SOLES, SPENCE, WEST - ADM/S: Directing the Department of Transportation to Designate and Mark U.S. 495 From Naamans Road to the Kennedy Memorial Highway Near Minquadale as the Vietnam Veterans Memorial Highway in Honor of Delaware Servicemen Who Served in the Vietnam Conflict and Making an Appropriation Therefor.

HA 1 to SB 176 - BRADY - Placed with the bill. (Ready List)

*HB 345 w/SA 1 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-incorporate the Town of Laurel" to Grant the Alderman Jurisdiction for Certain Criminal Offenses. (2/3 bill)

*SB 292 w/SA 1,5; HA 2 - HOLLOWAY; REPRESENTATIVE CAIN - H/SS: An Act to Amend Chapter 33 of Title 18, Chapter 23 of Title 19, and Chapter 5 of Title 31 of the Delaware Code Relating to Payment for the Services of Licensed Clinical Social Workers as Mental Health Providers.

*Returned from Senate with Amendment.

SPECIAL OUT OF SESSION PREFILE

March 8, 1982

HB 537 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 7, Part I, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

HB 538 - RIDDAGH - JUD: An Act to Amend Chapter 4, Part I, Title 11 of the Delaware Code Relating to Mental Illness or Mental Defect as a Defense to Criminal Liability.

HB 539 - BENNETT - H/ADM: An Act to Amend Article II, Section 2 of the Constitution of the State of Delaware Relating to the Term of Office for Members of the House of Representatives. (2/3 bill)

HB 540 - BENNETT - H/ADM: An Act to Amend Chapter 8, Title 29, Delaware Code, Relating to Staggered Terms for Members of the House of Representatives.

HB 541 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 64, Volume 63, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware". (2/3 bill)

HB 542 - MCKAY - ADM/S: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Tenant Obligations and Landlord Remedies.

HB 543 - MINNER, DARLING, OBERLE, BRADY, POWELL; SENATORS CORDREY, ZIMMERMAN - JUD: An Act to Amend Subchapter III, Chapter 27, Title 21, Delaware Code and Chapter 474 of 61 Laws of Delaware Relating to Operation of a Vehicle While Under the Influence of Intoxicating Liquor or Drugs.

HB 544 - JESTER - NR/AGRI: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax Credits for Installation of Solar Energy Devices and Direct Wind-Generated Energy Systems.

HB 545 - GILLIGAN - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Credit for Expenses Incurred by Active Volunteer Firemen.

HA 1 to HB 506 - RIDDAGH - Placed with the bill. (Ready List)

HA 1 to HB 507 - RIDDAGH - Placed with the bill. (Ready List)

HA 1 to HB 508 - ROY - ADM/S: Placed with the bill.

HA 1 to HB 520 - MINNER - R&F: Placed with the bill.

HA 1 to HB 535 - DERRICKSON, MINNER - NR/AGRI: Placed with the bill.

HB 1 for HB 244 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Court of Common Pleas and Superior Court Covering the Right to Trial by Jury.

HS 1 for HB 526 - EDWARDS - ED: An Act to Amend Chapter 29, Title 14 of the Delaware Code to Permit the Transportation of Certain Children Living More Than One-Half Mile From School.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 28 w/SA 1, HCR 117, SB 292 w/SA 1,5, HA 2; SCR 84, SCR 85, HCR 111, HCR 112, HCR 113, HCR 114, HCR 115, SCR 86, HB 345 w/SA 1; HB 346, HB 347, SB 394, SB 395, SCR 83, HB 344, HB 430 w/HA 1.

February 17, 1982

LEGISLATIVE ADVISORY #30

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/28/82 - SB 381 aab HA 1; 2/8/82 - HB 421 aab HA 1; HB 503, SB 248, SB 284, SB 297; 2/11/82 - HB 344, HB 346, HB 347, HB 430 aab HA 1.

The following are resolutions that the Governor signed on the dates indicated: 1/21/82 - HJR 23; 1/28/82 - SCR 80; 2/9/82 - HJR 25 aab HA 3 & SA 4,5 & 6.

The following is a Constitutional Amendment and does not require the Governor's signature: HB 504.
Time Incorporated
Time & Life Building
Room 540
Rockefeller Center
New York 10020

4 February 1982

Charles Hebner, Speaker
House of Representatives
Legislative Hall
Dover, Delaware 19901

Dear Chuck:

I'm watching the CBS Evening News. A few moments ago, I was listening to David Stockman defending himself, when suddenly the camera panned the spectators and captured the countenance of the man Charlie West calls "Your Honor."

Seeing you on the tube tonight reminds me how much I enjoyed - and now miss - covering the General Assembly, especially the House of Representatives.

But I have no regrets about moving to New York and Time. It is exciting being involved in creating a new news and information medium (called teletext).

Give my regards to your colleagues in the House. If you're ever in New York, please look me up.

Sincerely,
Eric Chabrow

R.A.E.
Assemblée Du Peuple
Le President

Cairo, November 29, 1981

Dear Mr. Speaker:

I have received with deep appreciation and gratitude the concurrent resolution no. 93 adopted by your respected Assembly in the sitting held on October 9, 1981 and which expresses your sincere condolences at the martyrdom of late President Mohammad Anwar Sadat.

A translation of this part of the record was read in the sitting held by our Assembly on November 21, 1981 and the members were deeply impressed by your brotherly noble sympathy at the loss of the martyr of peace and of humanity.

After listening to it, the Assembly adopted a resolution of sincere thanks and appreciation to your highly esteemed House for your feelings and sympathy at our great loss.

I have been authorized by the People's Assembly of Egypt to convey to you and to every member of your Parliament the true thanks of all the Egyptian People and of mine for your noble feelings. Such feelings shall remain the genuine expression of those relations of close friendship and co-operation binding our two assemblies and our two peoples for the purpose of achieving our joint sublime goals.

I have the honour to enclose the record of the sitting No. 4 held on November 21, 1981 which contains the above-mentioned events.

Will you kindly accept my highest regards.

Yours sincerely,
Dr. Soufy Abou Taleb
The Speaker.

The Honorable Speaker
The House of Representatives
Delaware State
U.S.A.

Representative Dixon requested that HB 408 be stricken.

Mr. Speaker Hebner announced that Representative Petrilli has been removed from the Education Committee and Representative Fallon has been assigned to the Education Committee.

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

Representative Van Seiver requested that HB 72, HB 505, HB 531 & HA 15 to HB 357 be stricken.

Representative Sincok requested that HJR 24 be stricken.

Representative Brady brought HB 334, jointly sponsored by Representatives Riddagh & Minner, before the House for consideration.

HB 334 - An Act to Amend Subchapter III, Title 10 of the Delaware Code Relating to the Civil Jurisdiction of the Court of Common Pleas. (2/3 bill)

Representative Brady brought HA 1 to HB 334 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 334 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Derriekson, Holloway, Jonkiert - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 334 w/HA 1 was sent to the Senate for concurrence.

Representative Brady brought HB 335, jointly sponsored by Representatives Riddagh & Minner, before the House for consideration.

HB 335 - An Act to Amend Chapter 93, Title 10 of the Delaware Code Relating to the Jurisdiction of the Justice of the Peace Court. (2/3 bill)

The roll call on HB 335 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Derrickson, Holloway - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 335 was sent to the Senate for concurrence.

Mr. Speaker Hebner appointed Representative Petrilli as Acting Speaker.

Representative Hebner brought HB 502, jointly sponsored by Representatives Riddagh, Spence, Mack, Jonkiert & Minner, before the House for consideration.

HB 502 - An Act to Amend Title 9, Title 14, and Title 21 of the Delaware Code Relating to School Crossing Guards; and Providing for Reporting of Certain Offenses and Infractions.

Representative Hebner brought HA 1 to HB 502 before the House for consideration.

Representative Riddagh rose on a point of order. Mr. Acting Speaker concurred.

HA 1 was adopted by voice vote.

Representative Hebner brought HA 2 to HB 502 before the House for consideration. HA 2 was adopted by voice vote.

Representative Hebner brought HA 3 to HB 502 before the House for consideration. Representative Hebner requested that HA 3 be stricken.

Representative Cain rose on a point of order.

Representative Hebner brought HA 4 to HB 502 before the House for consideration. HA 4 was adopted by voice vote.

Representative Hebner moved to place HB 502 w/HA 1,2,4 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Darling brought HJR 21, jointly sponsored by Representatives Cain, Anderson, Bennett, Cordrey, Minner, West, Dixon, Jonkiert, Jester, Oberle, Cathcart, Barnes, Harrington, Roy, Sincok & Buckworth & Senators Sharp, Cook & Vaughn, before the House for consideration.

HJR 21 - Establishing an Ad Hoc Committee to Study Delaware's Capital Punishment Statute and to Recommend Remedial Solutions to Include Alternative Forms of Capital Punishment.

Representative Darling brought HA 1 to HJR 21 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith brought HA 2 to HJR 21 before the House for consideration. HA 2 was defeated by voice vote.

The roll call on HJR 21 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, George, Harrington, Hebner, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Powell, Roy, Sincok, Soles, West, Acting Speaker Petrilli - 30.

NO: Representatives Free, Gilligan, McKay, Plant, Riddagh, Smith, Van Sciver - 7.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Derrickson, Holloway, Spence - 3.

Therefore, having received a constitutional majority, HJR 21 w/HA 1 was sent to the Senate for concurrence.

Representative Burr is moved to recess for caucus at 3:35 p.m.

The House reconvened at 4:55 p.m.

Mr. Speaker Hebner resumed the Chair.

Representative Harrington brought HB 369 before the House for consideration.

HB 369 - An Act to Amend Chapter 39 of Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

Representative Jonkiert brought HA 1 to HB 369 before the House for consideration. Representative Jonkiert requested that HA 1 be stricken.

Representative Jonkiert brought HA 1 to HA 1 to HB 369 before the House for consideration. Representative Jonkiert requested that HA 1 to HA 1 to HB 369 be stricken.

Representative Jonkiert brought HA 2 to HB 369 before the House for consideration.

Representative Jonkiert requested and was granted the privilege of the floor for Clifford B. Hearn representing American Insurance Association.

The roll call on HA 2 to HB 369 was taken and revealed:

YES: Representatives Cain, Campanelli, Cordrey, Darling, Dixon, George, Holloway, Jester, Jonkiert, Plant - 10.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cathcart, Corrozi, Edwards, Ennis, Fallon, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 28.

ABSENT: Representatives Burris, Derrickson, Free - 3.

Therefore, not having received a constitutional majority, HA 2 to HB 369 was declared defeated.

Representative Harrington requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 369 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Campanelli, Gilligan - 2.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Barnes, Derrickson - 2.

Therefore, having received a constitutional majority, HB 369 was sent to the Senate for concurrence. Representative George moved to suspend the rules which interfere with introduction of and action on SCR 89. The motion was seconded by Representative Gilligan.

Representative Burris moved to recess to the call of the Chair at 5:33 p.m.

9th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

March 17, 1982

The Speaker called the House to order at 2:40 p.m.

Mr. Speaker re-assigned HB 529 to the House Administration Committee.

Mr. Speaker re-assigned HB 425 & HB 427 to the Revenue & Finance Committee.

Representative George moved to suspend the rules which interfere with introduction of and action on SCR 89. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Jester, Jonkiert, Minner, Soles, West - 14.

NO: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 22.

ABSENT: Representatives Cathcart, Derrickson, Holloway, Oberle, Plant - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on HCR 118. The motion was seconded by Representative George and adopted by voice vote.

Representative Jonkiert introduced HCR 118, jointly sponsored by Senator Marshall.

HCR 118 - Congratulating the St. Elizabeth High School Team on Winning the Delaware High School Girls' Basketball Tournament.

HCR 118 was added to Consent Calendar #31 for Wednesday, March 17, 1982.

The Majority Leader moved to adjourn at 2:47 p.m., thereby ending the previous legislative day. The House reconvened at 2:48 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Derrickson - 1.

A prayer was offered by Reverend John Spellman, Salesianum School, Wilmington, Delaware.

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

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

The following prefiled legislation was introduced:

HB 546 - HARRINGTON, ENNIS, POWELL, DIXON - R&F: An Act to Amend Chapter 21 of Title 21, Delaware Code Relating to Requirements of Insurance for All Motor Vehicles Registered in This State.

HB 547 - RESERVED.

HB 548 - RIDDAGH - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Protection of Family Members From Domestic Violence; and Granting Certain Powers to Law Enforcement Officers in Domestic Violence Cases.

HB 549 - HEBNER - JUD: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Credit for Expenses Incurred by Active Fire Company Members.

HB 550 - RIDDAGH, MACK, SPENCE, OBERLE, MINNER, JONKIERT, BENNETT; SENATORS CITRO, HUGHES, SHARP, VAUGHN - JUD - An Act to Amend Chapter 5, Part II, Title 11 of the Delaware Code Relating to Offenses Involving Property.

HB 551 - RIDDAGH, OBERLE, SPENCE; SENATORS ARNOLD, SHARP, VAUGHN - JUD: An Act to Amend Chapter 7, Part I, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

HB 552 - RIDDAGH, OBERLE, SPENCE; SENATORS ARNOLD, SHARP, VAUGHN - ED: An Act to Amend Chapter 41 of Title 14 of the Delaware Code Relating to Disturbing Schools or Destroying School Property.

HB 553 - RIDDAGH, OBERLE, SPENCE; SENATORS ARNOLD, SHARP, VAUGHN - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Court of Common Pleas and Superior Court Covering the Right to Trial by Jury.

HB 554 - OBERLE - R&F: An Act to Amend Section 2321 of Title 19 by Providing Workmen's Compensation for Injured Employees Who do Not Suffer Incapacity Sufficient to Prevent Their Working.

HB 555 - RIDDAGH, SPENCE, JONKIERT, MACK, MINNER, ROY, HARRINGTON, OBERLE; SENATORS SHARP, ARNOLD, VAUGHN, HUGHES, COOK, LITTLETON - JUD: An Act to Amend Chapter 5 and Chapter 35, Title 11 of the Delaware Code, Relating to the Intimidation of Victims and Witnesses.

HB 556 - RIDDAGH, SPENCE, JONKIERT, MACK, MINNER, POWELL, BENNETT, ROY, OBERLE, HARRINGTON, DIXON, BUCKWORTH; SENATORS VAUGHN, ARNOLD, CITRO, LITTLETON, HUGHES, TORBERT, COOK - JUD: An Act to Amend Chapter 35, Part II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Certain Limitations to the Exclusionary Rule.

HA 1 to HB 437 - OBERLE - Placed with the bill. (Ready List)

HA 1 to SB 346 - SPENCE - Placed with the bill. (Ready List)

Representative Petrilli requested and was granted the privilege of the floor for Delaware Teacher of the Year Renee O'Leary.

Representative Oberle introduced HB 557, jointly sponsored by Senator Sharp & Representatives Cain, Campanelli, Cathcart, Dixon, Free, Gilligan, Petrilli, Plant, Powell, Roy & Spence & Senators McDowell, Marshall & McBride.

HB 557 - An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to Negotiations and Employee Relations of Professional Employees.

Mr. Speaker assigned HB 557 to the Administrative Services Committee.

Representative Oberle requested that HB 357 be stricken.

Mr. Speaker re-assigned HB 557 to the Education Committee.

Representative Minner requested that HB 518 be stricken.

Representative Burris moved to recess for committee meetings at 3:15 p.m.

The House reconvened at 5:25 p.m.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: HB 398 - 4M; HB 402 - 1F,4M; HB 403 - 4M; HB 404 - 4M; HB 499 - 4M; HB 511 - 4M; HB 533 - 4M; HB 536 - 4M; HB 542 - 4M; SJR 28 w/SA 1 - 4M.

H/SS: HB 440 - 4F; HB 530 - 1F,3M.

NR/AGRI: HJR 27 - 3F,1M; SS 1 for SB 203 - 1F,4M; SB 318 - 4F.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 88, SCR 89, SCR 90, SCR 91, SCR 92, HCR 116, SCR 93, HB 313 w/HA 2 w/HA 1, HA 2, HA 3.

Representative Hebner requested that HB 75 be stricken.

The following prefiled Consent Calendar was introduced:

HR 125 - HARRINGTON, BENNETT - Expressing Our Sorrow at the Death of Mary Behen Maybee, of Dover, Legal Secretary for the Late Chancellor William Watson Harrington.

HR 126 - BUCKWORTH - In Support of Senate Joint Resolution 143 of the Congress of the United States Requesting the President to Designate the Week of May 2 Through May 8, 1982, as National Physical Fitness and Sports for All Week.

HR 127 - BUCKWORTH - Congratulating the Caesar Rodney High School Wrestling Team for Winning Its Fourth Championship.

HR 128 - BRADY - Requesting Local School Boards to Establish a Parents Advisory Council in Their Districts.

HR 129 - MCKAY, JESTER, CORROZI - Expressing Our Sorrow at the Death of Thomas E. Burrough, of Hockessin, Former Secretary of the Old Highway Commission and Acting Commissioner of the Motor Vehicle Commission.

HR 130 - FALLON - Mourning the Death of Margaret C. Satterfield, of Seaford, A Former State Official and Legislative Aid.

HR 131 - MARONEY - Congratulating William Stephens and William Wendt, of Brandywine Hundred, on Their Elevation to the Rank of Eagle Scout.

HR 132 - MARONEY - Congratulating the Delaware Law School as It Celebrates Its Tenth Anniversary.

HR 133 - SPENCE - Requesting the Full Support of the Delaware Congressional Delegation for Senate Bill 2075 of the United States Congress to Increase the Yield on U.S. Savings Bonds to a Level Competitive With 52-Week Treasury Bills.

HR 134 - BENNETT, SINCOCK - Congratulating Stefania Daliani, of Holy Cross High School, Dover, and Renee K. Kottenhahn, of Brandywine High School, Brandywine Hundred, Upon Their Selection as Delaware Finalists in the Century III Leaders Program Sponsored by the National Association of Secondary School Principals.

HR 135 - BENNETT, HARRINGTON - Mourning the Death of William B. Radcliffe, of Dover, a Reporter for the State News, in a Highway Crash on March 7, 1982.

HR 136 - BENNETT - Requesting the Delaware Congressional Delegation to Support Legislation Repealing the Penalty Provision on Loan Payments Under the Unemployment Compensation System.

HCR 118 - JONKIERT, SENATOR MARSHALL - Congratulating the St. Elizabeth High School Team on Winning the Delaware High School Girls' Basketball Tournament.

HCR 119 - OBERLE, ANDERSON, BRADY, CAIN, CAMPANELLI, CATHCART, CORROZI, DIXON, GEORGE, GILLIGAN, MACK, PETRILLI, PLANT, POWELL, ROY, SPENCE, VAN SCIVER; SENATORS CITRO, CONNOR, SHARP - Requesting the Members of the Delaware Congressional Delegation to Support the Fair Practices in Automotive Products Bill Requiring That Cars and Trucks Sold in the United States Contain a Percentage of American-Made Parts.

HCR 120 - MARONEY - Congratulating WJBR-FM, the Nation's Pioneer FM Stereo Station, on Its 25th Anniversary.

HCR 121 - BARNES; SENATOR ADAMS - Commending Steve Huff, of Woodbridge Junior-Senior High School, on His Selection as Delaware Biology Teacher of the Year.

HCR 122 - SINCOCK - Mourning the Death of W. Emerson Wilson, a Wilmington Newspaperman and Delaware Historian for More Than 40 Years and a Former Legislative Correspondent.

HCR 123 - MINNER, CORDREY; SENATOR MCBRIDE - Recognizing the Efforts of the Delaware River and Bay Shoreline Committee and Designating June 19, 1982 as Tall Ships Festival Day.

SCR 88 - TORBERT; REPRESENTATIVES BENNETT, BUCKWORTH - Congratulating the Caesar Rodney High School Riders for Capturing the Delaware State Wrestling Championship.

SCR 90 - ADAMS, LITTLETON, COOK, CORDREY, SHARP, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, HOLLOWAY, HUGHES, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, TORBERT, VAUGHN, ZIMMERMAN; REPRESENTATIVE BARNES - Joining in the Observance of March 14 to March 20, 1982, as Agriculture Week and March 18 as National Agriculture Day, and Congratulating the Delaware Council of Farm Organizations for Continuing Leadership in the Development of Our Basic Industry.

SCR 91 - NEAL, ARNOLD, MARTIN; REPRESENTATIVES PETRILLI, SOLES, OBERLE, ANDERSON - Congratulating the Newark High School Yellowjackets on Winning the 1982 State Championship.

SCR 92 - ZIMMERMAN; REPRESENTATIVE BENNETT - Extending Congratulations to the Delaware State College Women's Track Team for Capturing the Mid-Eastern Athletic Conference Indoor Track Championship on Saturday, February 20, 1982.

SCR 93 - NEAL, MCBRIDE, REPRESENTATIVE PETRILLI, SENATORS ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, CORDREY, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MARTIN, MCDOWELL, SHARP, TORBERT, VAUGHN, ZIMMERMAN; REPRESENTATIVES ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CAMPANELLI, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HARRINGTON, HOLLOWAY, JESTER, JONKIERT, MACK, MARONEY, MCKAY, MINNER, OBERLE, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SMITH, SOLES, SPENCE, VAN SCIVER, WEST - Commending Mrs. Renee O'Leary of Wilmington Manor Elementary School, Colonial School District, for Being Selected as Delaware Teacher of the Year for 1982.

Representative Soles introduced HCR 124, jointly sponsored by Representatives Sincock, Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Spence, Van Sciver, West; Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn & Zimmerman.

HCR 124 - Expressing Condolences Upon Learning of the Tragic Death of Dr. Paul Dolan, Professor Emeritus, University of Delaware and Extolling His Many Virtues.

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

HCR 124 was added to Consent Calendar #31.

Representative Burris requested that HCR 123 be removed from Consent Calendar #31.

Consent Calendar #31 was adopted by voice vote and HCR 118, HCR 119, HCR 120, HCR 121, HCR 122 & HCR 124 were sent to the Senate for concurrence and SCR 88, SCR 90, SCR 91, SCR 92 & SCR 93 were returned to the Senate.

Representative Riddagh brought HB 506, jointly sponsored by Representative Hebner & Senators Vaughn & Arnold, before the House for consideration.

HB 506 - An Act to Amend Chapter 21, Title 11 of the Delaware Code to Permit a Court to Hold an Operator's License as Security for the Appearance for Trial, or for Sentencing of a Person Charged With a Violation of Delaware's Traffic or Criminal Laws.

Representative Riddagh brought HA 1 to HB 506 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh brought HA 2 to HB 506 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Chief Magistrate Norman A. Barron.

Representative Burris moved to recess to the call of the Chair at 6:24 p.m.

10th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
Second Session

March 18, 1982

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

The Reading Clerk read the following Committee Reports into the record:

JUD: HB 54 - 2F,1M,2UF; HB 375 - 2F,3M; HB 468 - 5M; HB 485 - 5M; HB 486 - 5M; HB 537 - 2F,3M; HS 1 for HB 244 - 2F,3M; SB 394 - 2F,3M.

Representative Riddagh moved to suspend the rules which interfere with introduction of and action on SCR 84. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh introduced and brought SCR 84, sponsored by Senator Martin, before the House for consideration.

SCR 84 - Congratulating Chancellor William Marvel on His Selection as Recipient of the 32nd Annual Josiah Marvel Cup Award.

SCR 84 was adopted by voice vote and returned to the Senate.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Campanelli - 1.

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

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

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

The following prefiled legislation was introduced:

HB 558 - FREE; SENATOR MARSHALL - APPRO: An Act to Aid the Latin American Community Center Which Had Its Facilities Destroyed by Fire on February 8, by Making an Appropriation Thereto. (3/4 bill)

HB 559 - ROY, BUCKWORTH, MARONEY, BENNETT, DIXON - ED: An Act to Amend Sections 1047, 1917, and 1919, Delaware Code to Give Local School Boards Control Over Local Taxes Collected for Public Education.

HB 560 - BUCKWORTH - H/ADM: An Act to Amend Chapters 13, 17, 20, 45 and 49 of Title 15, Delaware Code, Relating to Registration and Voting by Physically Disabled and Elderly Persons.

HB 561 - RIDDAGH, SPENCE, OBERLE; SENATORS VAUGHN, SHARP, ARNOLD - JUD: An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Searches at Nighttime.

HB 562 - RIDDAGH, SPENCE, OBERLE; SENATORS VAUGHN, SHARP, ARNOLD - JUD: An Act to Amend Subchapter II, Chapter 9, Title 10 of the Delaware Code Relating to Exclusive Original Criminal Jurisdiction of Family Court.

HB 563 - WEST, CORDREY, SOLES - R&F: An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Insurance Premiums Paid by Peace Officers.

HB 564 - GILLIGAN, SENATOR ARNOLD, REPRESENTATIVES CORROZI, MCKAY, PETRILLI, POWELL, ROY, SPENCE; SENATORS CITRO, CONNOR, MARTIN, MCBRIDE, KNOX, SHARP - ADM/S: An Act to Authorize and Approve the Transfer of Certain Real Property in Mill Creek Hundred to the Mill Creek Fire Company. (2/3 bill)

HB 565 - GILLIGAN - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to the Personal Income Tax by Providing for a Reduction of Five Percent From the Amount to be Paid.

HB 566 - GILLIGAN, RIDDAGH - JUD: An Act to Amend Chapter 7, Title 11, Del. C., Relating to Child Custody.

HB 567 - RIDDAGH, SPENCE, JONKIERT, MACK, MINNER, ROY, HARRINGTON, OBERLE; SENATORS ARNOLD, VAUGHN, HUGHES, COOK, LITTLETON, SHARP - JUD: An Act to Amend Chapter 4 and Chapter 39, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Certain Verdicts in Criminal Cases.

HB 568 - ROY, MACK, POWELL, BUCKWORTH, CORROZI, SPENCE, CATHCART, ENNIS, FALLON, EDWARDS, MARONEY, ANDERSON, BENNETT, DIXON, SOLES, CORDREY, MINNER - ADM/S: An Act to Amend Chapter 29, Title 6, Delaware Code, Relating to Advertising the Grade of Kerosene.

HB 569 - CAIN, JONKIERT, CAMPANELLI, JESTER, EDWARDS, SPENCE; SENATORS CITRO, CONNOR - APPRO: An Act to Provide a Supplementary Appropriation to the Department of Public Instruction for the Purpose of Increasing Support for Non-Public School Pupil Transportation.

HB 570 - CORDREY, WEST, MINNER, DARLING - ADM/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code to Increase From Two to Five Miles the Distance a Reduced-Registration Fee Farm Truck May be Operated or Towed Between Farms Owned or Managed by the Owner of the Vehicle.

HB 571 - SOLES, CAIN, JESTER, PETRILLI, OBERLE; SENATORS NEAL, VAUGHN - ADM/S: An Act to Amend Section 2220, Chapter 22, Title 25, Delaware Code, by Requiring Condominium Conversions to Conform to Subdivision and Zoning Regulations.

HB 572 - CAIN, JONKIERT, CAMPANELLI, JESTER, EDWARDS; SENATORS CITRO, CONNOR - APPRO: An Act to Amend Chapter 80, Volume 63, Laws of Delaware, to Provide for the Adjustment of the Formula for Non-Public School Bus Transportation, and Providing Funds Therefor.

HB 573 - VAN SCIVER, EDWARDS, PETRILLI, BURRIS - H/ADM: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Qualifications of Voters in School District Elections.

HB 574 - RIDDAGH, SPENCE, OBERLE; SENATORS VAUGHN, SHARP, ARNOLD - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Sentence for Robbery First Degree and Attempted Robbery First Degree.

HB 575 - WEST, BENNETT, CAMPANELLI, CORDREY, DARLING, MINNER, SOLES - ADM/S: An Act to Amend Chapter 29, Title 6 of the Delaware Code to Assure That Handicapped Persons Receive Adequate Assistance at Gasoline Service Stations.

HCR 125 - BENNETT - H/SS: Directing the Secretary of the Department of Health and Social Services to Undertake a Study to Determine the Feasibility of Allowing Patients to Receive Services at Home Under Medicaid Reimbursement Provided Under the Federal Omnibus Budget Reconciliation Act of 1981, and to Report Her Findings and Recommendations to the General Assembly No Later Than June 15, 1982.

HA 2 to HB 300 - JONKIERT - Placed with the bill. (Agenda)

HA 1 to HB 379 - MACK - Placed with the bill. (Agenda)

HA 1 to HB 407 - ROY - Placed with the bill. (Ready List)

HA 1 to HB 494 - JESTER - ADM/S: Placed with the bill.

HA 5 to HB 502 - HEBNER - Placed with the bill. (Agenda)

SCR 89 - SHARP, MCBRIDE, MARSHALL, CITRO, HUGHES - ED: Urgently Requesting the Board of Education of the Red Clay Consolidated School District to Sell the Krebs School Property to the Wilmington Christian School.

Representative Hebner requested and was granted the privilege of the floor for Mr. Jack Kling, Delaware Council Farm Organization.

Representative Riddagh moved to suspend the rules which interfere with action on HB 506 w/HA 1 & 2. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought HB 506, jointly sponsored by Representative Hebner, Senators Vaughn & Arnold, before the House for consideration.

HB 506 - An Act to Amend Chapter 21, Title 11 of the Delaware Code to Permit a Court to Hold an Operator's License as Security for the Appearance for Trial, or for Sentencing of a Person Charged With a Violation of Delaware's Traffic or Criminal Laws. (2/3 bill)

The roll call on HB 506 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

NO: Representative Darling - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 506 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Riddagh brought HB 507, jointly sponsored by Representative Hebner & Senators Vaughn & Arnold, before the House for consideration.

HB 507 - An Act to Amend Chapter 41, Title 11 of the Delaware Code to Permit a Court to Hold an Operator's License as Security for the Payment of Fines, Costs, Restitution and for the Victims Compensation Fund Assessment. (2/3 bill)

Representative Riddagh brought HA 1 to HB 507 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh brought HA 2 to HB 507 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh brought HA 3 to HB 507 before the House for consideration. HA 3 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for Chief Magistrate Norman A. Barron.

The roll call on HB 507 w/HA 1,2,3 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jester, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 30.

NO: Representatives Bennett, Cordrey, Darling, George, Gilligan, Jonkiert, Minner, Soles - 8.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 507 w/HA 1,2,3 was sent to the Senate for concurrence.

Representative Dixon requested that action on HB 395 be deferred to a Day Certain, Tuesday, March 23, 1982.

Representative Spence brought HB 379 before the House for consideration.

HB 379 - An Act to Amend Chapter 45, Title 21 of the Delaware Code Relating to Size and Weights of Vehicles Being Towed by Tow Trucks.

Representative Mack brought HA 1 to HB 379 before the House for consideration. HA 1 was adopted by voice vote.

Representative Spence brought HA 2 to HB 379 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 379 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Burris, Minner - 2.

ABSENT: Representatives Campanelli, Holloway - 2.

Therefore, having received a constitutional majority, HB 379 w/HA 1,2 was sent to the Senate for concurrence.

Representative Spence moved to place HB 380 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

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

Representative Spence brought HB 380 before the House for consideration.

HB 380 - An Act to Amend Chapter 45, Title 21, Delaware Code, Relating to Regulation of Weights or Exclusion of Classes of Vehicles.

Mr. Speaker Hebner confirmed that HB 380 is Laid on the Speaker's Table.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SCR 99. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli introduced and brought SCR 99, jointly sponsored by Senators Sharp, Citro, Hughes & McBride & Representatives Spence, Corrozi, Roy, Oberle, Powell & Van Sciver, before the House for consideration.

SCR 99 - Urgently Requesting the Board of Education of the Red Clay Consolidated School District to Sell the Krebs School Property to the Wilmington Christian School.

Representative Van Sciver requested and was granted the privilege of the floor for Mr. Thomas Neuburger, Attorney for Wilmington Christian School.

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

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

Representative Van Sciver requested and was granted the privilege of the floor for Senator Thomas B. Sharp.

The roll call on SCR 99 was taken and revealed:

YES: Representatives Anderson, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Spence, Van Sciver, West - 29.

NO: Representatives McKay, Soles, Mr. Speaker Hebner - 3.

NOT VOTING: Representatives Barnes, Bennett, Brady, Fallon, Maroney, Smith - 6.

ABSENT: Representatives Campanelli, Ennis, Roy - 3.

Therefore, having received a constitutional majority, SCR 99 was returned to the Senate.

Representative Riddagh moved to suspend the rules which interfere with introduction of and action on SCR 98. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh introduced and brought SCR 98, jointly sponsored by Senators Arnold & Vaughn & Representative Dixon before the House for consideration.

SCR 98 - Resolving That March 21, 1982 be Declared "Free Afghanistan Day".

SCR 98 was adopted by voice vote and returned to the Senate.

Representative Minner moved to suspend the rules which interfere with introduction of and action on HCR 126. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Minner introduced and brought HCR 126, jointly sponsored by Representatives Ennis, Smith, Edwards & Cordrey & Senators Cordrey & McBride, before the House for consideration.

HCR 126 - Recognizing the Efforts of the Delaware River and Bay Shoreline Committee and Designating June 15-21, 1982 as Tall Ships Festival Days.

HCR 126 was adopted by voice vote and sent to the Senate for concurrence.

Representative Jonkiert brought HB 237, jointly sponsored by Senator Marshall, before the House for consideration.

HB 237 - An Act to Amend Title 15, Delaware Code, Chapter 55, Relating to Provisions for Absentee Voting.

The roll call on HB 237 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representative Smith - 1.

ABSENT: Representatives Campanelli, Derrickson, Ennis, McKay, Roy - 5.

Therefore, having received a constitutional majority, HB 237 was sent to the Senate for concurrence.

Representative Burris brought HB 414, jointly sponsored by Senator Cook, before the House for consideration.

HB 414 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Amount of Service or Disability Pension.

Representative Sincok brought HA 1 to HB 414, jointly sponsored by Representative Powell & Senator Cook, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 414 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Campanelli, Derrickson, Ennis, Maroney, McKay, Roy - 6.

Therefore, having received a constitutional majority, HB 414 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Hebner appointed Representative Riddagh as Acting Speaker.

Representative Hebner moved to lift HB 502 w/HA 1,2 & 4 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Hebner brought HB 502 w/HA 1,2 & 4, jointly sponsored by Representatives Riddagh, Spence, Mack, Jonkiert & Minner, before the House for consideration.

HB 502 - An Act to Amend Title 9, Title 14, and Title 21 of the Delaware Code Relating to School Crossing Guards; and Providing for Reporting of Certain Offenses and Infractions. (2/3 bill)

Representative Hebner brought HA 5 to HB 502 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HB 502 w/HA 1,2,4 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Acting Speaker Riddagh - 35.

ABSENT: Representatives Campanelli, Cathcart, Derrickson, Ennis, McKay, Roy - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 502 w/HA 1,2,4 & 5 was sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the Chair.

Representative Riddagh moved to lift HB 298 w/HA 1 from the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Riddagh brought HB 298 w/HA 1, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 298 - An Act to Amend Chapter 7, Title 21, Delaware Code, to Establish a Procedure When a Juvenile is Arrested for Multiple Traffic Offenses, Some of Which Fall Within the Jurisdiction of the Family Court While Others Fall Within the Jurisdiction of Other Courts. (2/3 bill)

The roll call on HB 298 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Campanelli, Cathcart, Derrickson, Ennis, McKay, Roy - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 298 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh moved to lift HB 299 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Riddagh brought HB 299, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 299 - An Act to Amend Chapter 27, Title 11, Delaware Code to Grant Justice of the Peace Courts Jurisdiction to Hear, Try and Finally Determine Additional Misdemeanors Than They Presently Have Jurisdiction to Hear, Try and Finally Determine. (2/3 bill)

The roll call on HB 299 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Campanelli, Cathcart, Derrickson, Ennis, McKay, Roy - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 299 was sent to the Senate for concurrence.

Representative Oberle requested that HB 375 be stricken.

Representative Riddagh moved to lift HB 300 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought HB 300 w/HA 1, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 300 - An Act Proposing an Amendment to Article IV, Section 30, of the Constitution of the State of Delaware Relating to Justices of the Peace and Other Legislative Courts. (2/3 bill)

Representative Jonkiert brought HA 2 to HB 300 before the House for consideration.

Representative Jonkiert requested that HA 2 be stricken.

The roll call on HB 300 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Edwards, Fallon, Free, Harrington, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Bennett, Cain, Cordrey, Darling, Dixon, Gilligan, Jester, Jonkiert, Minner, Plant, Soles, West - 13.

NOT VOTING: Representatives George, Holloway - 2.

ABSENT: Representatives Campanelli, Cathcart, Derrickson, Ennis, McKay, Roy - 6.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 300 w/HA 1 was declared defeated.

Representative Riddagh moved to lift HB 309 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought HB 309 w/HA 1, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 309 - An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Mail-In Fine Procedures and Penalties and to Further Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Fuel Tax Penalties. (2/3 bill)

Representative Riddagh requested and was granted the privilege of the floor for Chief Magistrate Norman Barron.

The roll call on HB 309 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Powell, Riddagh, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 30.

ABSENT: Representatives Cain, Campanelli, Cathcart, Derrickson, Ennis, George, Holloway, McKay, Plant, Roy, Sincok - 11.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 309 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett requested that HB 388 be stricken.

Representative Bennett introduced HB 576, jointly sponsored by Representatives Riddagh, Darling, Minner, George, Senators Berndt, Knox & McDowell.

HB 576 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to the Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

Mr. Speaker assigned HB 576 to the Judiciary Committee.

Representative Powell rose on a point of order.

Representative Bennett brought HB 501 before the House for consideration.

HB 501 - An Act Directing the State Board of Education to Develop a Program for Distribution of Unused Textbooks and to Require Public Schools to Share Such Books Between Districts.

Representative Bennett brought HA 1 to HB 501 before the House for consideration. HA 1 was adopted by voice vote.

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

Representative Bennett requested that HB 501 w/HA 1 be stricken.

Representative Smith brought HB 462 before the House for consideration.

HB 462 - An Act to Amend Chapter 31, Title 20 of the Delaware Code Relating to Penalties for Violation of Declarations of State of Emergencies. (2/3 bill)

Representative Smith moved to place HB 462 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Dixon introduced HR 137, jointly sponsored by Representatives Bennett, Harrington, Edwards & Barnes.

HR 137 - Calling to the Attention of the House of Representatives the Need for Cooperation in Solving Some of the Serious Problems of the Worker's Compensation Law.

HR 137 was placed on Consent Calendar #32 for Wednesday, March 24, 1982.

Representative Minner requested that HCR 123 be stricken.

Representative Bennett introduced HR 138, jointly sponsored by Representatives Barnes, Edwards, Dixon & Harrington.

HR 138 - Calling Attention to the House of Representatives of the Need for Federal Legislative Action to Revise the Formula Used for Computing Loans and Penalties Under the Unemployment Tax Act.

HR 138 was placed on Consent Calendar #32 for Wednesday, March 24, 1982.

Representative Plant requested that HB 327 be stricken.

Representative Edwards introduced HR 139, jointly sponsored by Representatives Harrington, Barnes, Dixon & Bennett.

HR 139 - Calling Attention to the House of Representatives of the Value of Encouraging State Agencies to Use Private Enterprise for Functions That Could be Performed More Efficiently by Tax-Paying Small Business.

HR 139 was placed on Consent Calendar #32 for Wednesday, March 24, 1982.

Representative Barnes introduced HR 140, jointly sponsored by Representatives Harrington, Edwards, Bennett & Dixon.

HR 140 - Calling to the Attention of the House of Representatives the Need for Amending the Delaware Code to Reinstate the Board of Cosmetology so That Applicants for Licenses to Practice are Tested by Their Peers.

HR 140 was placed on Consent Calendar #32 for Wednesday, March 24, 1982.

Representative Harrington introduced HR 141, jointly sponsored by Representatives Barnes, Edwards, Dixon & Bennett.

HR 141 - Calling to the Attention of the House of Representatives the Value of Establishing a Single Information Center in Each County for the Forms, Licenses and Permits Required by Small Business in Delaware.

Representative Harrington introduced HR 142, jointly sponsored by Representatives Barnes, Edwards, Dixon & Bennett.

HR 142 - Calling to the Attention of the House of Representatives the Need for Each State Agency to Make Available Within 30 Days the Forms Relating to Small Business so That the Small Business Committee Can Review These Documents and End Duplications.

HR 141 & HR 142 were placed on Consent Calendar #32 for Wednesday, March 24, 1982.

Representative Corrozi introduced HB 577, jointly sponsored by Representatives Brady, Free, Van Sciver, Ennis, Anderson, Campanelli, Gilligan & Jonkiert.

HB 577 - An Act to Amend §5509, Title 25, Delaware Code, to Permit Elderly Tenants to Terminate a Lease With Thirty Days Notice to Enter a Retirement or Senior Citizens' Housing Facility.

Mr. Speaker assigned HB 577 to the Administrative Services Committee.

Representative Petrilli introduced HB 578, jointly sponsored by Senator Holloway & Representatives Oberle & Brady.

HB 578 - An Act to Amend Title 29, Delaware Code, Relating to Purchasing by the Division of Visually Impaired.

Mr. Speaker assigned HB 578 to the Health & Social Services Committee.

Representative Powell introduced HB 579, jointly sponsored by Representative Dixon & Senators Adams & Littleton.

HB 579 - An Act to Amend Chapter 23, Title 30, Delaware Code, Relating to Gross Receipts Tax on Draymen or Movers.

Mr. Speaker assigned HB 579 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 6:05 p.m.

11th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

March 23, 1982

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

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous 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 Gerald A. Buckworth, Thirty-Fourth District.

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

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

The following prefiled legislation was introduced:

HB 547 - HARRINGTON; SENATOR SHARP - R&F: An Act to Amend Title 18 of the Delaware Code by Establishing Minimum Standards for Medicare Supplement Insurance.

HB 580 - SMITH; SENATOR BAIR - H/ADM: An Act to Amend Section 10004 of Title 29, Delaware Code by Exempting Towns Which Are Direct Democracies From Keeping Individual Voting Records.

HB 581 - FREE, BRADY, VAN SCIVER, BUCKWORTH, MACK, SOLES, FALLON, SPENCE, GILLIGAN, JESTER, BARNES; SENATORS NEAL, BAIR, CONNOR, ARNOLD, MARTIN - ED: An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards.

HB 582 - BARNES, HARRINGTON, EDWARDS, DIXON, BENNET - ADM/S: An Act to Amend Chapter 31, Title 6, of the Delaware Code Relating to Unincorporated Associations.

HB 583 - BARNES, BUCKWORTH - ADM/S: An Act to Amend Title 7, Delaware Code Relating to Reimbursement for Expenses to Ditch Commissioners.

HB 584 - OBERLE; SENATOR BAIR; REPRESENTATIVES VAN SCIVER, JESTER, POWELL, EDWARDS, WEST, GEORGE, MACK, ROY, HARRINGTON, PETRILLI, SMITH, SOLES, CAIN, SPENCE, CATHCART, BUCKWORTH, RIDDAGH, BENNETT, ANDERSON, HOLLOWAY, DERRICKSON, ENNIS; SENATORS NEAL, MCDOWELL, ARNOLD, CITRO, CONNOR, HUGHES, KNOX, SHARP - ED: An Act to Amend Chapter 31, and Chapter 17, Title 14 of the Delaware Code Relating to Exceptional Children.

HB 585 - SINCOCK, POWELL; SENATOR COOK - R&F: An Act to Amend Section 5201(b), Title 29, Delaware Code, to Clarify Eligibility for Health Care Insurance Coverage.

HB 586 - DERRICKSON - ED: An Act to Amend Title 14, Chapter 13 of the Delaware Code Relating to Assistant Superintendents and Directors Salaries in School Districts.

HB 587 - BENNETT - ED: An Act Directing the State Board of Education to Develop a Program for Distribution of Surplus Textbooks and to Require Public Schools to Share Such Books Between Districts.

HA 2 to HB 21 - BENNETT - Placed with the bill. (L.O.T.)

HA 5 to HB 154 - EDWARDS - Placed with the bill. (L.O.T.)

HA 1 to HB 356 - FALLON - Placed with the bill. (Ready List)

HA 1 to HB 395 - BRADY - Placed with the bill. (Agenda)

HA 2 to HB 508 - ROY - ADM/S: Placed with the bill.

SB 21 w/SA 1 - SHARP, CITRO, MCDOWELL, MARSHALL, ADAMS - R&F: An Act to Amend Chapter 11, Title 30, Del. C., Relating to Personal Exemptions on the Delaware State Income Tax.

SCR 94 - NEAL, MCBRIDE; REPRESENTATIVE PETRILLI - ED: Expressing the Will of the General Assembly That the Decrease in Unit Size Mandated by Section 1703, Title 14 Delaware Code and Amended by 63 Delaware Laws Chapter 80 be Implemented for Fiscal Year 1983.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 94, SCR 95, HCR 118, HCR 121, HCR 122, HCR 124, SCR 96, SCR 98, HCR 120, SCR 99, SCR 97.

Representative Powell requested that HB 354 be stricken.

Representative Dixon brought HB 395, jointly sponsored by Representative Campanelli & Senators Vaughn & Hughes, before the House for consideration.

HB 395 - An Act to Amend Chapter 23, Part II, Title 19 of the Delaware Code Relating to the Use of Deductibility Clauses in the State Workmen's Compensation Act.

Due to a problem with the recording tape, Mr. Speaker Hebner declared a recess at 2:32 p.m.

The House reconvened at 2:40 p.m.

Representative Burris moved to recess for caucus at 2:41 p.m.

The House reconvened at 3:54 p.m.

Representative Brady brought HA 1 to HB 395 before the House for consideration. Representative Brady requested that HA 1 be stricken.

Representative Dixon brought HA 2 to HB 395 before the House for consideration. HA 2 was adopted by voice vote.

Representative Brady brought HA 3 to HB 395 before the House for consideration. Representative Brady moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Riddagh and adopted by voice vote.

The roll call on HB 395 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 395 w/HA 2 was sent to the Senate for concurrence.

Representative Smith brought HB 322, jointly sponsored by Representatives Barnes, Buckworth & Darling, before the House for consideration.

HB 322 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Water Well Permits and Licensing of Water Well Installers.

Representative Smith requested and was granted the privilege of the floor for Thomas P. Eichler, Director, Division of Environmental Control.

The roll call on HB 322 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 322 was sent to the Senate for concurrence.

Representative Derrickson brought HJR 27 before the House for consideration.

HJR 27 - Directing the Department of Natural Resources and Environmental Control to Designate the Atlantic Barrier Beaches and Nearby Bay Areas as a "Critical Area", Charging the Inland Bays Study Group to Make Recommendations to the Legislature, and Requiring Requests for Permits Relating to Development Within the Area to be Reviewed by the Department.

Representative Harrington requested and was granted the privilege of the floor for Attorney Glenn Hitchens representing Sea and Pines, Inc.

The roll call on HJR 27 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Darling, Jester, Jonkiert, Minner, West - 7.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, Dixon, George, Harrington, Holloway, Mack, Plant - 9.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HJR 27 was sent to the Senate for concurrence.

Representative Derrickson brought HB 522, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 522 - An Act to Amend Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes," by Amending the Procedure for Making Appointments to the Police Force. (2/3 bill)

Representative Derrickson brought HA 1 to HB 522 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 522 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

NO: Representative Cain - 1.

NOT VOTING: Representative Bennett - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 522 w/HA 1 was sent to the Senate for concurrence.

Representative Fallon requested that HB 306 be stricken.

Representative Derrickson brought HB 523, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 523 - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, as Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor, and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach," to Amend the Interest Rate Collected on Delinquent Taxes. (2/3 bill)

Representative Derrickson brought HA 1 to HB 523 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 523 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 32.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Jonkiert - 5.

NOT VOTING: Representatives Holloway, Plant - 2.

ABSENT: Representatives Free, George - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 523 w/HA 1 was sent to the Senate for concurrence.

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

Representative Riddagh brought SS 1 for SB 8 w/SA 2, sponsored by Senator Holloway, before the House for consideration.

SS 1 for SB 8 - An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to an Award of Alimony in Divorce and Annulment Actions.

Representative Riddagh read the following communication into the record:

Dear Representatives Riddagh and Hebner:

I write to you in my capacity as Chairman of the Delaware State Bar Association's Family Law Committee with regard to S.B. 8, as amended, which has now passed the Senate and has been assigned to the Judiciary Committee for possible action in the House of Representatives.....

Further, the provision for a two-year review based on "changed circumstances" does not cure the harshness of an arbitrary three-year limitation rule; indeed, the length and extent of litigation which would be commenced during the two-year periods would take up a substantial portion of time during each two-year period to the detriment of the litigants and their families.....

Respectfully yours,
Bertram S. Halberstadt

BSH:st

Representative Riddagh requested and was granted the privilege of the floor for Senator Herman M. Holloway, Sr.

Representative Riddagh requested and was granted the privilege of the floor for Mr. Roy Thomas.

Representative Roy requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on SS 1 for SB 8 w/SA 2 was taken and revealed:

YES: Representatives Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Harrington, Holloway, Jester, Jonkiert, Mack, Plant, Riddagh, Spence, West - 17.

NO: Representatives Anderson, Brady, Corrozi, Derrickson, Edwards, Fallon, Free, George, Gilligan, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Soles, Van Sciver, Mr. Speaker Hebner - 21.

NOT VOTING: Representatives Buckworth, Dixon - 2.

ABSENT: Representative Ennis - 1.

Therefore, not having received a constitutional majority, SS 1 for SB 8 w/SA 2 was declared defeated.

Representative Burris requested that HCR 53 be stricken.

Representative Burris requested that HB 150 be stricken.

Representative Burris requested that HB 43 be stricken.

Representative Burris requested that HB 476 be stricken.

Representative Hebner requested that HB 479 be stricken.

Representative Oberle requested that HB 126 be stricken.

Representative Bennett requested that HR 48 be stricken.

Representative Burris moved to recess to the call of the Chair at 6:28 p.m.

12th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

March 24, 1982

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 236 w/SA 1,2; SCR 100, SB 251, SB 124, HCR 126.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the previous legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Derrickson, Holloway - 2.

A prayer was offered by The Reverend Mrs. Michaela S. Russell, Milton United Methodist Church, Milton, Delaware.

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

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

The following prefiled legislation was introduced:

HB 588 - BURRIS, SINCOCK, GEORGE; SENATORS ZIMMERMAN, KNOX - H/ADM: An Act to Amend Title 15, Delaware Code Relating to Electronic Voting Systems.

HB 589 - MARONEY, HOLLOWAY - H/SS: An Act to Amend Chapter 17 of Title 24, Delaware Code to Permit the Board of Medical Practice to Discipline a Physician Whose License to Practice Medicine Has Been Suspended or Revoked in Another State.

HB 590 - FREE, MARONEY, BARNES, BRADY, BUCKWORTH, CAIN, CORROZI, DERRICKSON, EDWARDS, ENNIS, FALLON, GEORGE, HEBNER, HOLLOWAY, JONKIERT, MACK, MCKAY, OBERLE, PETRILLI, PLANT, POWELL, ROY, SINCOCK, SMITH, SPENCE, VAN SCIVER; SENATORS CITRO, HOLLOWAY, KNOX, LITTLETON, NEAL, VAUGHN - H/SS: An Act to Amend Chapter 81 of Title 10, Delaware Code, Relating to Liability for Food Donated to and Served by a Charity Kitchen.

HB 591 - OBERLE; SENATOR BAIR; REPRESENTATIVES VAN SCIVER, JESTER, POWELL, EDWARDS, WEST, GEORGE, MACK, ROY, HARRINGTON, PETRILLI, SMITH, SOLES, CAIN, SPENCE, CATHCART, BUCKWORTH, RIDDAGH, BENNETT, ANDERSON, GILLIGAN, HOLLOWAY, DERRICKSON, ENNIS; SENATORS NEAL, MCDOWELL, ARNOLD, CITRO, CONNOR, HUGHES, KNOX, SHARP - ED: An Act to Amend Chapter 31, and Chapter 17, Title 14 of the Delaware Code Relating to Exceptional Children.

HB 592 - ROY; SENATOR SHARP - R&F: A Private Act Directing the Board of Pension Trustees to Grant a Retroactive Pension Adjustment to Edward C. Sobolewski.

HB 593 - HARRINGTON, BUCKWORTH - R&F: An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Personal Income Tax of Resident Individuals.

HB 594 - VAN SCIVER, RIDDAGH, CORROZI, OBERLE; SENATOR CITRO - JUD: An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to Carrying a Concealed Deadly Weapon.

HB 595 - BARNES, ROY, CATHCART, CORDREY, DIXON, MACK, JONKIERT; SENATORS ADAMS, BAIR, MCDOWELL - ED: An Act Amending Title 14 of the Delaware Code Relating to Driver Education.

HB 596 - OBERLE, HARRINGTON, ROY, BARNES, SPENCE, BUCKWORTH, CORROZI, CATHCART, MACK, MINNER, GILLIGAN, DIXON, SOLES, EDWARDS, DARLING - R&F: An Act to Amend Title 30, Delaware Code Relating to Inheritance Tax Rates.

HB 597 - HOLLOWAY - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to the Assessment of Fines for Innocent Victims of Crime.

HB 598 - ANDERSON; SENATOR MARTIN; REPRESENTATIVES CORDREY, DIXON, JESTER, MINNER, CAIN, GILLIGAN, PLANT, WEST, HOLLOWAY, DARLING, JONKIERT, BRADY, FALLON, RIDDAGH, CORROZI, CATHCART, MACK, EDWARDS, VAN SCIVER; SENATORS SHARP, HOLLOWAY; - ADM/S: An Act to Amend Chapter 51, Title 25 of the Delaware Code Relating to Termination of a Rental Agreement.

HB 599 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - JUD: An Act to Amend Chapter 42, Title 11 of the Delaware Code to Repeal the Death Penalty as a Punishment for First Degree Murder.

HB 600 - POWELL; SENATOR COOK - R&F: An Act to Amend Section 5526(b), Chapter 55, Title 29 of the Delaware Code by Changing the Date for Disability Pensioners to Report Their Earnings.

HR 143 - BURRIS, PETRILLI - H/ADM: Amending House Resolution No. 11 Relating to Staff.

HA 1 to HB 513 - RIDDAGH - JUD: Placed with the bill.

HA 1 to HCR 66 - VAN SCIVER - Placed with the bill. (Ready List)

SB 124 - BAIR, KNOX, NEAL, HUGHES, MARSHALL, VAUGHN; REPRESENTATIVES BRADY, SOLES, SMITH, FREE, JESTER - R&F: An Act to Amend Section 4403, Chapter 44, Title 6, Delaware Code, Pertaining to Home Solicitation Sales, by Extending the Application of That Act to Transactions Consumated at Transient Places of Business.

SB 236 w/SA 1,2 - BAIR, CITRO; REPRESENTATIVE SINCOCK - ADM/S: An Act to Amend Subchapter I, of Chapter 43, Title 21, Delaware Code, Relating to Projections From the Periphery of Tires.

SB 251 - CORDREY - ADM/S: An Act to Amend Chapter 31, Title 24, Delaware Code Relating to Pre-Need Funeral Contracts.

Representative Oberle requested that HB 584 be stricken.

Representative Burris introduced HB 601, jointly sponsored by Senator Adams.

HB 601 - An Act to Amend Title 24 of the Delaware Code Relating to Professional Land Surveyors.

Mr. Speaker assigned HB 601 to the House Administration Committee.

Representative Burris moved that Consent Calendar #32 be brought before the House.

Representative Burris withdrew the motion.

Representative Oberle brought HB 437, jointly sponsored by Senator Sharp & Representatives Edwards & Mack, before the House for consideration.

HB 437 - An Act to Amend Part III, Subchapter IX, Chapter 41, Title 21, Delaware Code, Relating to Mandatory Revocation of Driver's License for Possession of Controlled Substances While Operating a Vehicle. (2/3 bill)

Representative Oberle brought HA 1 to HB 437 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HB 437 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 437 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Derrickson, George, Holloway - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 437 w/HA 1,2 was sent to the Senate for concurrence.

Representative Cain rose on a point of order.

Representative Riddagh moved to suspend the Agenda rules which interfere with action on HJR 26. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought HJR 26, jointly sponsored by Representatives Spence, Minner, Mack, Jonkiert, Sincok, Cathcart, Bennett, Roy, Smith, Dixon, Powell, Barnes, Corrozi, Oberle, Edwards, Harrington, Fallon, Buckworth, Maroney, Soles, Derrickson, Van Sciver & Campanelli & Senators Vaughn, Sharp, Arnold, Littleton, Cook, Citro, Hughes, Neal, Holloway, Torbert & McBride, before the House for consideration.

HJR 26 - Proposing a "Bill of Rights" for Delaware Residents Who Are Victims of Crime. (Fiscal Note)

Representative Riddagh brought HA 1 to HJR 26 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker Hebner ruled that the Fiscal Note for HJR 26 is invalid.

Representative Riddagh moved to place HJR 26 w/HA 1 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to recess for committee meetings at 2:25 p.m.

The House reconvened at 4:50 p.m.

The following prefiled Consent Calendar was introduced:

HR 137 - DIXON, BENNETT, HARRINGTON, EDWARDS, BARNES - Calling to the Attention of the House of Representatives the Need for Cooperation in Solving Some of the Serious Problems of the Worker's Compensation Law.

HR 138 - BENNETT, BARNES, EDWARDS, DIXON, HARRINGTON - Calling Attention to the House of Representatives of the Need for Federal Legislative Action to Revise the Formula Used for Computing Loans and Penalties Under the Unemployment Tax Act.

HR 139 - EDWARDS, HARRINGTON, BARNES, DIXON, BENNETT - Calling Attention to the House of Representatives of the Value of Encouraging State Agencies to Use Private Enterprise for Functions That Could be Performed More Efficiently by Tax-Paying Small Business.

HR 140 - BARNES, HARRINGTON, EDWARDS, BENNETT, DIXON - Calling to the Attention of the House of Representatives the Need for Amending the Delaware Code to Reinstate the Board of Cosmetology so That Applicants for Licenses to Practice are Tested by Their Peers.

HR 141 - HARRINGTON, BARNES, EDWARDS, DIXON, BENNETT - Calling to the Attention of the House of Representatives the Value of Establishing a Single Information Center in Each County for the Forms, Licenses and Permits Required by Small Business in Delaware.

HR 142 - HARRINGTON, BARNES, EDWARDS, DIXON, BENNETT - Calling Attention to the House of Representatives the Need for Each State Agency to Make Available Within 30 Days the Forms Relating to Small Business so That the Small Business Committee Can Review These Documents and End Duplications.

HR 144 - BARNES - Congratulating Eliza Foreman, of Greenwood, Upon Her Selection as the Outstanding Senior Citizen of 1981 for Sussex County and for Delaware.

HR 145 - SPENCE - Praising Pat Robinson, of Wilmington, for Winning Two Medals in the Recent World Sports Championships of the United States Association of Blind Athletes.

HR 146 - BRADY, PETRILLI - Expressing Our High Opinion of the Distinguished Service of Associate Supreme Court Justice William M. Duffy, Jr., as He Retires From the Bench.

HR 147 - EDWARDS, JONKIERT - Joining in the Observance of the 100th Anniversary of the Founding of the Knights of Columbus on March 29, 1982.

HR 148 - BARNES, FALLON - Marking the Week of April 18-24, 1982, as National Grange Week and Praising the Many Community Contributions of This Agriculture-Allied Organization.

HR 149 - EDWARDS - Mourning the Death of Larry Ross Vandegrift, Former Claymont High School Football Star, in a Highway Crash Near Portland, Oregon, on March 7, 1982.

HR 150 - HARRINGTON, RIDDAGH, BUCKWORTH - Mourning the Death of Mrs. William Bradford, a Leading Citizen of Dover for Many Years and Owner of the Storied Lookerman-Bradford House.

HCR 127 - SINCOCK, ANDERSON, BENNETT, BRADY, BURRIS, CAIN, DARLING, DERRICKSON, GEORGE, GILLIGAN, HEBNER, JONKIERT, MCKAY, MINNER, OBERLE, PETRILLI, PLANT, POWELL, RIDDAGH, ROY, SMITH; SENATORS ADAMS, ARNOLD, BERNDT, COOK, CORDREY, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARTIN, NEAL, SHARP, ZIMMERMAN - Congratulating Former Representative John G.S. (Jack) Billingsley, of Newark, Upon His Selection as Delaware's Outstanding Engineer of the Year for 1981.

HCR 128 - FREE, HOLLOWAY, PLANT; SENATOR HOLLOWAY - Congratulating Consolidated Temporary Services.

SCR 95 - HOLLOWAY; REPRESENTATIVES HOLLOWAY, PLANT - Requesting the Delaware Congressional Delegation to Support Legislation for a Uniform National Standard of Need for Persons Receiving Care Through the Aid to Families With Dependent Children Program and Through the Distribution of Food Stamps.

SCR 96 - ZIMMERMAN, TORBERT, COOK, HOLLOWAY; REPRESENTATIVES BENNETT, HARRINGTON - Expressing Heartfelt Thanks and Best Wishes to Judge Courtney P. Houston, Jr. on His Retirement From State Government.

SCR 97 - ADAMS - Congratulating Former Representative Howard A. Clendaniel, of Georgetown, Upon His Selection for a Certificate of Appreciation From the University of Delaware.

SCR 100 - ADAMS, SHARP, KNOX, COOK, BERNDT, NEAL, TORBERT, REPRESENTATIVES BARNES, GILLIGAN - Congratulating Shawna Lesa Saints Upon her Selection by the Greater Milford Chamber of Commerce to Represent Delaware in the Miss USA Pageant at Biloxi, Mississippi on May 13, 1982.

Representative Burris requested that HR 140 be removed from Consent Calendar #32.

Consent Calendar #32 was adopted by voice vote and HCR 127 & HCR 128 were sent to the Senate for concurrence and SCR 95, SCR 96, SCR 97 & SCR 100 were returned to the Senate.

Mr. Speaker assigned HR 140 to the House Administration Committee.

Representative Plant introduced HJR 28, jointly sponsored by Representative Holloway & Senator Holloway.

HJR 28 - Providing for the Appointment of a Committee to Study the Devastating Influence of Poverty in the Development of Criminality.

Mr. Speaker assigned HJR 28 to the Judiciary Committee.

Representative Roy brought HB 402, jointly sponsored by Senator Murphy, before the House for consideration.

HB 402 - An Act to Amend Chapter 7, Title 21, Delaware Code Relating to the Authority and Duties of Delaware State Police Size and Weight Enforcement Technicians.

The roll call on HB 402 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NO: Representative Minner - 1.

ABSENT: Representatives Derrickson, Holloway, Smith - 3.

Therefore, having received a constitutional majority, HB 402 was sent to the Senate for concurrence.

Representative Roy brought HB 403, jointly sponsored by Senator Murphy, before the House for consideration.

HB 403 - An Act to Amend Chapter 45, Title 21, Delaware Code Relating to Increased Fines for Overweight Vehicles and the Imposition of a New Fine Schedule for Second and Subsequent Offenses. (2/3 bill)

Representative Roy brought HA 1 to HB 403 before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Delaware State Police Sergeant Clyde W. Leonard.

The roll call on HB 403 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Cathcart, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 29.

NO: Representatives Bennett, Campanelli, Cordrey, Darling, Gilligan, Jester, West - 7.

NOT VOTING: Representative Burris - 1.

ABSENT: Representatives Derrickson, Holloway, Jonkiert, Petrilli - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 403 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 487 before the House for consideration.

HB 487 - An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to the Expenditure of Appropriated Funds for Exceptional Children.

Representative Bennett brought HA 1 to HB 487 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 487 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Derrickson, Holloway, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority, HB 487 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought SB 182, sponsored by Senator Arnold, before the House for consideration.

SB 182 - An Act Concurring in a Proposed Amendment to Article XV of the Constitution of the State of Delaware Relating to the Award of Contracts. (2/3 bill)

The roll call on SB 182 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Fallon, Holloway, Jonkiert, Plant - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 182 was returned to the Senate.

Representative Corrozi brought HB 386, jointly sponsored by Representatives Petrilli, Darling, Sincok, Powell, Dixon, Ennis, Riddagh, Brady, Roy, Free, Spence, Cathcart, Mack, Barnes, Buckworth, Edwards, Maroney, Van Seiver, West, Harrington, McKay, Burris, Jonkiert, Plant, Jester, Derrickson & Cordrey, before the House for consideration.

HB 386 - An Act to Amend Section 5917 of Title 11 of the Delaware Code to Permit the Several Counties and Municipalities to Establish Penalties for Violations of Their Ordinances, Codes and Regulations. (2/3 bill)

Representative Corrozi moved to place HB 386 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Spence brought HB 377 before the House for consideration.

HB 377 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Issuance of Permanent Driver Licenses.

Representative Spence brought HA 1 to HB 377 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 377 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Corrozi, Dixon, Fallon, Free, Maroney, McKay, Powell, Sincok, Soles, Spence, Mr. Speaker Hebner - 14.

NO: Representatives Anderson, Bennett, Brady, Cain, Campanelli, Cathcart, Cordrey, Darling, Edwards, Ennis, George, Gilligan, Harrington, Jester, Mack, Minner, Oberle, Petrilli, Riddagh, Roy, Smith, Van Seiver, West - 23.

ABSENT: Representatives Derrickson, Holloway, Jonkiert, Plant - 4.

Therefore, not having received a constitutional majority, HB 377 w/HA 1 was declared defeated.

Representative Spence brought HB 378 before the House for consideration.

HB 378 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Exemption of Title Requirements.

The roll call on HB 378 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derrickson, Holloway, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 378 was sent to the Senate for concurrence.

Representative Riddagh brought HB 181, jointly sponsored by Senator Sharp, before the House for consideration.

HB 181 - An Act to Amend Chapter 9, Part 1, Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware and Providing for Expungement Under Certain Circumstances.

Representative Riddagh brought HA 1 to HB 181 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Riddagh moved to place HB 181 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burr is moved to recess to the call of the Chair at 6:54 p.m.

13th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

Second Session

March 25, 1982

The Speaker called the House to order at 1:57 p.m.

The Reading Clerk read the following Committee Reports into the record:

H/ADM: HB 345 w/SA 1 - 5M; HB 516 - 4M; HB 539 - 5M; HB 540 - 5M; HB 541 - 5M; HB 580 - 5M; HB 601 - 5M; SCR 69 - 5M.

APPRO: HS 1 for HB 415 - 5F.

ADM/S: HB 387 - 4M; HB 564 - 4F; HB 570 - 3M; HB 577 - 4F; SCR 56 - 4M.

R&F: HB 520 - HA 1 - 1F,4M; HB 592 - 5M; SB 288 - 5M.

JUD: HB 459 - 1F,3M; HB 512 - 2F,3M; HB 534 - 2F,3M; HB 543 - 1F,4M; HB 548 - 2F,3M; HB 549 - 1F,4M; HB 550 - 2F,3M; HB 551 - 5M; HB 553 - 1F,4M; HB 555 - 1F,4M; HB 556 - 1F,3M; HB 561 - 1F,3M; HB 562 - 1F,4M; HB 566 - 1F,3M; HB 567 - 1F,3M; HB 574 - 1F,4M; HB 576 - 1F,3M.

NR/AGRE: HB 438 - 1F,3M; SB 352 w/SA 1 - 2F,2M.

ED: HB 492 - 1F,4M; HB 581 - 2F,2M.

H/SS: HB 578 - 4M; HB 589 - 4M; HB 590 - 4M; HCR 125 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 358, SB 427, SB 435 w/SA 1; SS 1 for SB 466, HCR 127.

Representative Smith requested that HB 462 be stricken.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the previous legislative day. The House reconvened at 2:03 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

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

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

The following prefiled legislation was introduced:

HB 602 - SPENCE; SENATOR MCBRIDE; REPRESENTATIVES RIDDAGH, EDWARDS, MACK, DIXON, OBERLE, CATHCART, MINNER, WEST, CORDREY, JESTER, PLANT, HOLLOWAY, CAIN, ANDERSON, CAMPANELLI, FREE, CORROZI, BUCKWORTH, BENNETT, SOLES, ROY, ENNIS, BARNES; SENATORS HUGHES, ARNOLD, NEAL - ED: An Act to Amend Delaware Code Titles 14, 10, 11 and 31 Relating to Public School Truancy.

HA 1 to HB 602 - OBERLE - ED: Placed with the bill.

HB 603 - MACK - ED: An Act to Amend Title 14, Delaware Code, Relating to Minimum Attendance Requirements for Students in Public Schools.

HB 604 - CORDREY; SENATORS LITTLETON, ADAMS - R&F: An Act Awarding Special Pension Benefits to Frances W. Farlow and Directing the Board of Pension Trustees to Administer the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 605 - CORDREY; SENATOR LITTLETON - R&F: An Act Awarding Special Pension Benefits to Mary Mears, Widow of Henry Dale Mears, Sr., a Former State Employee and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 606 - CAMPANELLI - ADM/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Notice to be Given to Driver's License Holders When Points are Assigned.

HB 607 - BENNETT; SENATORS HOLLOWAY, ZIMMERMAN - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Penalties for Failure to File Tax Returns.

HB 608 - BENNETT, MCKAY, SOLES, GEORGE, JESTER, DIXON, ANDERSON, WEST, CAIN, CORDREY, MINNER, JONKIERT - ED: An Act to Amend Chapter 10, Subchapter IV, Title 14 of the Delaware Code, With Reference to Time; Annual Election of School Board Members.

HA 1 to HB 492 - FALLON - APPRO: Placed with the bill.

HA 1 to HB 533 - PETRILLI - Placed with the bill. (Ready List)

HA 1 to HB 561 - RIDDAGH - JUD: Placed with the bill.

SB 358 - ZIMMERMAN, BERNDT; REPRESENTATIVES SOLES, BUCKWORTH - AMD/S: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Regulation of Solid Waste.

SB 427 - VAUGHN, COOK, TORBERT; REPRESENTATIVES JESTER, RIDDAGH, SINCOCK, DIXON - ADM/S: An Act to Amend Chapter 31, Title 20 and Chapter 61, Title 29 of the Delaware Code Relating to the Division of Emergency Planning and Operations; Authorizing the Division of Emergency Planning and Operations to Create and Maintain a Delaware Radiological Emergency Plan and to Accept and Expend Funds From Public or Private Sources in Connection Therewith.

SB 435 w/SA 1 - ADAMS, LITTLETON, CORDREY - H/ADM: An Act to Amend Section 7002(v), Title 9, as It Relates to Sussex County Government Power to Redistrict.

SS 1 for SB 466 - HOLLOWAY; REPRESENTATIVES GILLIGAN, MARONEY - H/SS: An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of Minors to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization.

Representative Riddagh brought HB 367, jointly sponsored by Senator Cook, before the House for consideration.

HB 367 - An Act to Amend Chapter 87, Title 10 of the Delaware Code Relating to Court, County and Other Public Offices.

Representative Riddagh brought HA 1 to HB 367, jointly sponsored by Senator Cook, before the House for consideration.

Representative Riddagh moved to suspend the rules which interfere with action on HA 1 which does not have a synopsis. The motion was seconded by Representative McKay and adopted by voice vote.

HA 1 was adopted by voice vote.

Representative Riddagh brought HA 1 to HA 1 to HB 367 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Riddagh moved to place HB 367 w/HA 1 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Bennett moved to lift HB 21 from the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Bennett requested that action on HB 21 be deferred to a Day Certain, Tuesday, March 30, 1982.

Representative Van Sciver moved to lift HB 372 w/HA 1,2,3,4 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Van Sciver brought HB 372, jointly sponsored by Representatives Brady, Buckworth, Cathcart, Corrozi, Dixon, Ennis, Fallon, Gilligan, Mack, Petrilli, Spence & Powell & Senators Arnold, Citro, Littleton & Vaughn, before the House for consideration.

HB 372 - An Act to Amend Chapter 23, Title 24, and Chapter 23, Title 30, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

Representative Van Sciver requested and was granted the privilege of the floor for Deputy Attorney General Christopher J. Curtin.

The roll call on HB 372 w/HA 1,2,3,4 was taken and revealed:

YES: Representatives Anderson, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Dixon, Ennis, Fallon, Gilligan, Mack, Maroney, McKay, Oberle, Petrilli, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 21.

Representative Anderson rose on a point of order.

NO: Representatives Bennett, Cordrey, Darling, Edwards, Free, Harrington, Jester, Minner, Powell, Riddagh, Roy, Sincok, West - 13.

NOT VOTING: Representatives Campanelli, Derrickson, George, Jonkiert, Plant - 5.

ABSENT: Representatives Barnes, Holloway - 2.

The roll call was announced incorrectly by the Chief Clerk as 21 YES, 11 NO, 5 NOT VOTING and 2 ABSENT.

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

The correct roll call was announced by the Chief Clerk as 21 YES, 13 NO, 5 NOT VOTING and 2 ABSENT.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 372 w/HA 1,2,3,4 was declared defeated.

Representative Burris brought HB 601, jointly sponsored by Senator Adams, before the House for consideration.

HB 601 - An Act to Amend Title 24 of the Delaware Code Relating to Professional Land Surveyors.

The roll call on HB 601 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Barnes, Holloway, Smith, Spence - 4.

Therefore, having received a constitutional majority, HB 601 was sent to the Senate for concurrence.

Representative McKay brought SB 337, jointly sponsored by Senators Adams & Cordrey, before the House for consideration.

SB 337 - An Act to Amend Chapter 33, Title 12 of the Delaware Code to Permit Banks or Trust Companies Authorized to Establish Common Funds for the Collective Investment of Funds Held in a Fiduciary Capacity to Acquire Fractional Interests of Participation in Such Funds With Property Other Than Cash.

Representative Brady brought HA 1 to SB 337 before the House for consideration. Representative Brady requested that HA 1 be stricken.

The roll call on SB 337 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NO: Representative Jonkiert - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, SB 337 was returned to the Senate.

Representative Gilligan moved to suspend the rules which interfere with action on SS 1 for SB 466. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Gilligan brought SS 1 for SB 466, jointly sponsored by Senator Holloway & Representative Maroney, before the House for consideration.

SB 466 - An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of Minors to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization.

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

The roll call on SS 1 for SB 466 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 35.

NO: Representatives Edwards, Jonkiert, Mack, Oberle, Van Sciver - 5.

ABSENT: Representative Ennis - 1.

Therefore, having received a constitutional majority, SS 1 for SB 466 was returned to the Senate.

Representative Plant brought HB 419, jointly sponsored by Representatives Holloway, Jonkiert, Campanelli, West, Dixon & Senator Holloway, before the House for consideration.

HB 419 - An Act to Amend Title 11, Delaware Code, by Punishing Certain Acts as Disorderly Conduct. (2/3 bill)

The roll call on HB 419 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Derrickson, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 419 was sent to the Senate for concurrence.

Mr. Speaker Hebner declared a recess at 3:10 p.m. for the purpose of changing the recording tape.

The Speaker called the House to order at 3:25 p.m.

Representative Jester brought HB 516 before the House for consideration.

HB 516 - An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Sick Leave and Absences for Other Reasons.

Representative Jester moved to place HB 516 on the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Corrozi brought HB 577, jointly sponsored by Representatives Brady, Free, Van Sciver, Ennis, Anderson, Campanelli, Gilligan & Jonkiert, before the House for consideration.

HB 577 - An Act to Amend §5509, Title 25, Delaware Code, to Permit Elderly Tenants to Terminate a Lease With Thirty Days Notice to Enter a Retirement or Senior Citizens Housing Facility.

The roll call on HB 577 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

NOT VOTING: Representative Harrington - 1.

Therefore, having received a constitutional majority, HB 577 was sent to the Senate for concurrence.

Representative McKay requested that HB 542 be stricken.

Representative Riddagh moved to suspend the rules which interfere with action on HJR 26 w/HA 1. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Riddagh brought HJR 26, jointly sponsored by Representatives Spence, Minner, Mack, Jonkiert, Sincok, Cathcart, Bennett, Roy, Smith, Dixon, Powell, Barnes, Corrozi, Oberle, Edwards, Harrington, Fallon, Buckworth, Maroney, Soles, Derrickson, Van Sciver & Campanelli & Senators Vaughn, Sharp, Arnold, Littleton, Cook, Citro, Hughes, Neal, Holloway, Torbert & McBride, before the House for consideration.

HJR 26 - Proposing a "Bill of Rights" for Delaware Residents Who Are Victims of Crime. (Fiscal Note)

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

March 25, 1982

Mr. Duane O. Olsen
Controller General
Legislative Hall
Dover, DE 19901

Re: House Joint Resolution No. 26 -
A "Bill of Rights" for Victims of Crime

Dear Duane:

As you are aware, House Joint Resolution No. 26 cannot be passed until after the Budget Appropriations Bill is signed because of the fiscal note attached. 29 Del. C. §1901(a) requires the sponsor of a bill or joint resolution which authorizes or requires expenditures to include a 3-year fiscal projection. However, neither the language nor the intent of House Joint Resolution No. 26 authorizes or requires expenditures as the language of the Resolution is not mandatory, but rather appears to be advisory.

It should also be noted that the rights included in House Joint Resolution No. 26 are suggestions of the General Assembly to be utilized "whenever and wherever possible." The purpose and intent of the Resolution appears to be not to mandate agencies involved in law enforcement activities to implement these recommendations, but rather to create an increased awareness of the plight of victims and witnesses of crime, as well as to help insure that victims and witnesses are treated with dignity and sensitivity.