









# STATE OF DELAWARE



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

*139th General Assembly*

**Convened  
Tuesday, January 14, 1997  
Dover, Delaware**

~~~~~  
**1997-1998**



**JOINT SESSIONS WERE HELD ON THE FOLLOWING DATES DURING THE  
139<sup>TH</sup> GENERAL ASSEMBLY**

|                  |                                                                                        |
|------------------|----------------------------------------------------------------------------------------|
| January 15, 1997 | Announcement of Election Results for Governor and Lieutenant Governor – Page 8         |
| January 28, 1997 | State of the State Address – Page 20                                                   |
| June 10, 1997    | Centennial Celebration of the Constitution of the State of Delaware of 1897 – Page 137 |
| January 22, 1998 | State of the State Address – Page 256                                                  |
| May 8, 1998      | Address by President William Jefferson Clinton – Page 352                              |





MEMBERS OF THE HOUSE OF REPRESENTATIVES  
139th GENERAL ASSEMBLY

**NEW CASTLE COUNTY**

District

- 1 Dennis P. Williams, 3414 N. Madison St., Wilmington
- 2 Al O. Plant, Sr., 523 Eastlawn Ave., Wilmington
- 3 Arthur Scott, 513 Taylor Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18th Street, Wilmington
- 5 Helene M. Keeley, 2119 Gilles Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Road, Gordon Heights, Wilmington
- 7 Wayne A. Smith, 3 Richards Drive, Clair Manor, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Claymont
- 9 Oakley M. Banning, Jr., 127 East Main Street, Middletown - Deceased 8/4/97  
Richard C. Cathcart, 226 Milford Drive, Middletown - Elected 9/13/97
- 10 Jane Maroney, 4605 Concord Turnpike, Wilmington
- 11 Philip D. Cloutier, 2404 Heather Road East, Wilmington - Deceased 9/4/98
- 12 Deborah H. Capano, 1022 Oriente Ave, Wilmington
- 13 John F. Van Sant, 311 Troy Avenue, Woodcrest, Wilmington
- 14 Richard A. DiLiberto, Jr., 2 Philip Court, Mill Race, Newark
- 15 Bruce C. Reynolds, 10 Heather Loft Court, Bear
- 16 William I. Houghton, 9 Varnar Drive, Swanwyck Gardens, New Castle
- 17 Jeffrey G. Mack, 28 The Strand, New Castle
- 18 Terry R. Spence, 26 Freeport Road, Stratford, New Castle
- 19 Robert F. Gilligan, 2628 Sherwood Drive, Sherwood Park 1, Wilmington
- 20 Roger Roy, 3 Citation Court, Limestone Hills, Wilmington
- 21 Pamela S. Maier, 12 Chadd Road, Newark
- 22 Joseph R. Petrilli, 12 High Meadow Lane, Newark
- 23 Timothy U. Boulden, 65 Hidden Valley Drive, Newark
- 24 William A. Oberle, Jr., 2 Danvers Way, Beechers Lot, Newark
- 25 Stephanie A. Ulbrich, 1018 Summit View Drive, Newark
- 26 Richard F. Davis, 6 Stallion Drive, Sherwood Forest, Newark
- 27 Vincent A. Lofink, 122 Savannah Drive West, Bear

**KENT COUNTY**

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

**SUSSEX COUNTY**

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

STAFF MEMBERS  
139th GENERAL ASSEMBLY

JoAnn M. Hedrick - Chief Clerk  
Thomas J. McCarthy, Jr. - Majority Administrative Assistant  
Sally Baker - Podium Secretary  
John Brady - Majority Attorney  
Carol Breslin - Financial Assistant  
Carolyn Buckmaster - Secretary  
Kim Burdick - Caucus Liaison  
Nelson Camper - Recorder

David Cloughley - Page  
 Deirdre Comer - Secretary  
 Josephine Conaty - Page  
 Kevin Coyle - Legislative Assistant  
 Bette Crystal - Secretary to the Speaker  
 Lori Davis - Legislative Assistant  
 Sue Dick - Secretary  
 Mary Anne Dill - Legal Secretary  
 Darlene Dillard - Secretary  
 Inga Emerson - Receptionist/Secretary  
 Steven Engebretsen - Legislative Assistant  
 Janice Fischbach - Secretary  
 Joe Fulgham - Communications Officer  
 Janet Gardner - Page  
 Luisa Georgov - Legal Secretary  
 Regina Groff - Bill Prep Clerk  
 Joyce Grymes - Secretary  
 John Hammerer - Page  
 Vincent Hammerer - Page  
 Michael Hanson - Majority Attorney  
 Rylene Harper - Secretary  
 Helen Hicks - Secretary  
 Judy Hildick - Majority Attorney  
 Claude Hodges - Sergeant-at-Arms  
 Barbara Holton - Minority Head Page  
 Margaret Hood - Page  
 Joelle Joyce - Page  
 Ruth Joyce - Majority Head Page  
 Joyce Keeler - Secretary  
 Rose Keenan - Page  
 Mary Kidwell - Leadership Secretary  
 Janet Kilpatrick - Secretary  
 Lida (Dee) King - Page  
 Patricia Lamb - Secretary to Joint Finance Chair  
 Ruth Lane - Secretary  
 Carole Lloyd - Receptionist  
 Tammy Lowery - Receptionist  
 Jennifer Lynch - Page  
 Tony Maczynski - Legislative Assistant  
 Stephanie Mantegna - Legislative Assistant/Caucus Liaison  
 Joan Marvel - Leadership Secretary  
 John Matlusky - Legislative Assistant  
 Valerie Metzelaar - Legislative Assistant  
 Dolores Michels - Secretary  
 Peggy Millman - Calendar Clerk  
 Rosalie Millman - Bill Stamping Clerk  
 Margaret Moore - Assistant to the Speaker  
 Phillip Moore - Sergeant-at-Arms  
 Frank Pileggi - Minority Attorney  
 Gina Parman - Journal Clerk  
 Pamela Price - Research Assistant  
 Tangey Rains - Secretary  
 Debra Rivard - Legal Secretary  
 Barbara Rossiter - Head Bill Prep Clerk  
 Nancy Ruberto - Secretary  
 Concetta Sadusky - Secretary  
 Ayesha Sammender - Information Specialist  
 Frances Schmidt - Page  
 Suzanne Sheffield - Legal Secretary  
 Brian Shirey - Minority Attorney  
 Charles Short - Sergeant-at-Arms

Ronald Smith - Senior Majority Attorney  
 Donna Snell - Bill Clerk  
 Margaret Stafford - Page  
 Alice Stark - Majority Attorney  
 Edith Sylvester - Page  
 Carlton Tindley - Page  
 Joan VanGorder - Secretary  
 David Walsh - Legislative Assistant  
 Lawrence Webber - Page  
 Jane Welch - Communications Officer  
 Mina Wells - Reading Clerk  
 Mary-Margaret Williams - Minority Administrative Assistant  
 Joan Wutka - Secretary  
 Janice Yerkes - Secretary  
 Ellen Youngmans - Bill Prep Clerk  
 Kim Zebroski - Bill Prep Clerk

STANDING COMMITTEES  
 OF THE  
 HOUSE OF REPRESENTATIVES

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

**APPROPRIATIONS:** Representative Richard F. Davis - Chair; Representative Gerald A. Buckworth; Representative Joseph G. DiPinto; Representative Jane Maroney; Representative William I. Houghton; Representative Charles P. West.

**BOND BILL:** Representative Roger Roy - Chair; Representative V. George Carey; Representative Vincent A. Lofink; Representative William A. Oberle, Jr.; Representative Jeffrey G. Mack (Alternate); Representative Al O. Plant, Sr.; Representative John R. Schroeder; Representative Arthur L. Scott (Alternate).

**BUSINESS/CORPORATIONS/COMMERCE:** Representative Joseph R. Petrilli - Chair; Representative G. Robert Quillen - Vice-chair; Representative Deborah H. Capano; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Tina Fallon; Representative Donna D. Stone; Representative Stephanie A. Ulbrich; Representative Nancy H. Wagner; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

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

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

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

**EDUCATION:** Representative Bruce C. Reynolds - Chair; Representative Philip D. Cloutier - Vice-chair; Representative Timothy U. Boulden; Representative Pamela S. Maier; Representative Jane Maroney; Representative William A. Oberle, Jr., Representative Stephanie A. Ulbrich; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Shirley A. Price; Representative John R. Schroeder.

**ENVIRONMENTAL MANAGEMENT:** - Representative Jeffrey G. Mack - Chairman; Representative G. Robert Quillen - Vice-chair; Representative V. George Carey; Representative G. Wallace Caulk, Jr.; Representative Shirley A. Price; Representative John R. Schroeder; Representative Charles P. West.

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

**HEALTH & HUMAN DEVELOPMENT:** Representative Pamela S. Maier - Chair; Representative Jane Maroney - Vice-chair; Representative Timothy U. Boulden; Representative Philip D. Cloutier; Representative William A. Oberle, Jr.; Representative Bruce C. Reynolds; Representative Stephanie A. Ulbrich; Representative Richard A. DiLiberto, Jr.; Representative Helene M. Keeley; Representative Shirley A. Price; Representative John R. Schroeder.

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

**HOUSING AND COMMUNITY AFFAIRS:** Representative Donna D. Stone - Chair; Representative Joseph G. DiPinto; Representative Deborah H. Capano; Representative David H. Ennis; Representative Tina Fallon; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

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

**LABOR:** Representative Charles W. Welch - Chair; Representative Bruce C. Reynolds - Vice-chair; Representative Jeffrey G. Mack; Representative Pamela S. Maier; Representative William A. Oberle, Jr.; Representative Al O. Plant, Sr.; Representative Arthur L. Scott; Representative Dennis P. Williams.

**LAND USE AND INFRASTRUCTURE:** Representative Philip D. Cloutier - Chair; Representative Vincent A. Lofink - Vice-chair; Representative Timothy U. Boulden; Representative G. Wallace Caulk, Jr.; Representative Pamela S. Maier; Representative Stephanie A. Ulbrich; Representative Richard C. Cathcart; Representative David D. Brady; Representative Bruce C. Ennis; Representative Shirley A. Price.

**NATURAL RESOURCES:** Representative G. Robert Quillen - Chair; Representative V. George Carey - Vice-chair; Representative G. Wallace Caulk, Jr.; Representative Jeffrey G. Mack; Representative Shirley A. Price; Representative John R. Schroeder; Representative Charles P. West.

**POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY:** Representative Stephanie A. Ulbrich - Chair; Representative Pamela S. Maier - Vice-chair; Representative Deborah H. Capano; Representative Helene M. Keeley; Representative Shirley A. Price; Representative Arthur L. Scott.

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

**REVENUE AND FINANCE:** Representative Deborah H. Capano - Chair; Representative Tina Fallon - Vice-chair; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Donna D. Stone; Representative David D. Brady; Representative William I. Houghton; Representative Helene M. Keeley; Representative Arthur L. Scott.

**RULES:** Representative Charles W. Welch - Chair; Representative Joseph G. DiPinto; Representative Roger P. Roy; Representative Nancy H. Wagner; Representative Bruce C. Ennis; Representative Richard A. DiLiberto, Jr.

**TRANSPORTATION:** Representative Timothy U. Boulden - Chair; Representative Stephanie A. Ulbrich - Vice-chair; Representative G. Wallace Caulk, Jr.; Representative Philip D. Cloutier; Representative Vincent A. Lofink; Representative Pamela S. Maier; Representative Richard C. Cathcart; Representative David D. Brady; Representative Bruce C. Ennis; Representative Shirley A. Price.

SPECIAL COMMITTEES  
OF THE  
HOUSE OF REPRESENTATIVES

**GAMING & PARI-MUTUELS:** Representative William A. Oberle, Jr. - Chair; Representative Joseph R. Petrilli, Vice-chair; Representative Deborah H. Capano; Representative Vincent A. Lofink; Representative Donna D. Stone; Representative Bruce C. Ennis; Representative William I. Houghton; Representative Arthur L. Scott.

**TELECOMMUNICATION AND ELECTRIC UTILITY DEREGULATION:** Representative Roger Roy - Chair; Representative Joseph R. Petrilli; Representative Deborah H. Capano; Representative Dennis P. Williams.

**TOURISM:** Representative Tina Fallon - Chair; Representative Gerald A. Buckworth; Representative Deborah H. Capano; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Clifford G. Lee; Representative Joseph R. Petrilli; Representative Donna D. Stone; Representative Nancy H. Wagner; Representative Bruce C. Ennis; Representative Helene M. Keeley; Representative Shirley A. Price; Representative John R. Schroeder.

PERMANENT RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
1997-1998

HOUSE RESOLUTION NO. 27  
AS AMENDED BY  
HOUSE RESOLUTION NO. 54 AND HOUSE RESOLUTION NO. 62

**I. RULES OF ORDER**

**Rule 1 - Convening of House**

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

**Rule 2 - Order of Business**

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

- (1) The minutes of the previous day shall be made public and posted by the Chief Clerk prior to the next legislative day. With the consent of a majority of members, the reading of the minutes for the previous day may be omitted.
- (2) Presentation of petitions, memorials, tributes, memoriams, citations or communications.
- (3) Reports from standing and special committees.
- (4) Introduction and first reading of bills and resolutions.
- (5) Consideration of agenda.
- (6) Consent calendar, or consent agenda, when available.
- (7) Announcement of committee meetings.
- (8) Announcement of agenda for next legislative day.

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

**Rule 3 - Messages**

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

**II. DUTIES OF THE SPEAKER**

**Rule 4 - Order and Decorum**

- (a) The Speaker shall preside and have general direction over the House Chamber, and shall preserve

order and decorum. In debate, the Speaker shall confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker, or when the Speaker grants open debate between members.

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

**Rule 5 - Questions of Order; Appeal**

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

**Rule 6 - Temporary Presiding Officer**

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

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

**Rule 7 - Signing of Bills, Resolutions and Other Documents**

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

**Rule 8 - Appointment of Committees**

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

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

**Rule 9 - Assignment of Bills and Resolutions to Committee**

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

**Rule 10 - Setting the Agenda**

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

**Rule 11 - Subpoena Issuance**

The Speaker may sign a subpoena if requested by a majority vote of a standing committee, a special committee, a joint committee, or task force, or any similar entity if the committee, task force or entity was created by the House of Representatives or an action of the General Assembly. Upon the majority vote of all members elected to the House a subpoena shall be signed and issued by the Speaker, presiding officer or Speaker *pro tempore*

### III. RIGHTS AND DUTIES OF MEMBERS.

**Rule 12 - Attendance of Members**

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

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

**Rule 13 - Quorum**

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

**Rule 14 - Addressing the House**

(a) When a member wishes to speak, such member shall rise but shall not proceed to speak until recognized by the Speaker. Upon acknowledgment by the Speaker, the member may be seated until called upon. If two or more members seek recognition at the same time, the Speaker shall determine who shall speak first.

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

**Rule 15 - Decorum of Members on Floor of House**

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

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

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

(1) a call to order by the Speaker.

(2) a point of order by a member.

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

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

**Rule 16 - Rules of Legislative Conduct**

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

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

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

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

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

(D) For the purposes of this Rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### **Rule 17 - Resolutions and Other Measures: Definitions**

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

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

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

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



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

(c) In lieu of tributes or resolutions, each member may issue "Certificates" in the name of the House of Representatives in a format to be approved by the Speaker.

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

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

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

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

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

#### **Rule 19 - Introduction of Bills and Resolutions; Filing With Clerk**

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

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

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

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

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

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

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

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

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

(f) The prime sponsor or sponsors of a bill or resolution shall be the member or members who have responsibility for the drafting and introduction of a bill or resolution. The prime sponsor(s) of a bill or resolution is that House member listed first to the right of the word "sponsor" on the upper right side of the first

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

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

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

#### **Rule 20 - Assignment to Appropriations Committee**

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

#### **Rule 21 - Fiscal Notes**

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

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

- (A) the expected total amount of funds to be generated by the proposed fee or fee increase;
- (B) the purpose of the proposed new fee or fee increase;
- (C) a general identification of the persons, business entities or organizations affected by the legislation;
- (D) the impact of the proposed new fees or fee increases on these affected persons, business entities or organizations;
- (E) the intended use by the agency of the revenues generated by the new fees or fee increases.

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

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

#### **Rule 22 - Final Readings and Consideration by House**

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

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

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

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

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

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

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

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

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

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

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

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

**Rule 24 - Substitute Bills**

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

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

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

**Rule 25- Petition of Bill or Resolution Out of Committee**

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

**Rule 26 - Voting**

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

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

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

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

**Rule 27 - Striking a Bill or Resolution**

Only a prime sponsor of a bill or resolution or a member authorized by a prime sponsor in writing can strike said bill or resolution. A bill or resolution may not be stricken once it has been voted upon. Upon the expulsion, death or resignation of any member from the House, any bill not yet acted upon by the House which has that member as the only sponsor shall be stricken.

## V. COMMITTEES

**Rule 28 - Standing Committees**

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

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

Standing Committees:

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

(c) The membership of the House Administration Committee shall be the Speaker, Majority Leader, Majority Whip, Minority Leader and Minority Whip. The Majority Leader shall be the chairman of the House Administration Committee.

**Rule 29 - Appointment of Special Committees**

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

**Rule 30 - Ethics Committee**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rule 31 - Joint Committees**

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

**Rule 32 - Quorum on Committees**

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

**Rule 33 - Committee Meetings**

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

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

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

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

(e). This subsection may be waived by a majority vote of the committee.

**Rule 34 - Deliberative Process and Procedures of Standing Committees**

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

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

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

**Rule 35 - Passage of Measures Out of Committee**

(a) Bills and resolutions shall be reported out of any committee or subcommittee by 4 members thereof or by a majority of the full committee or subcommittee members present, whichever is more, by signing the backer. A bill or resolution may be tabled in any committee or subcommittee by 4 members thereof or by a majority vote of the full committee or subcommittee members present, whichever is more.

(b) All bills and resolutions shall be acted upon by the appropriate committee within twelve legislative days after being assigned to that committee.

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

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

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

**Rule 36 - Committee Reports**

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

**Rule 37 - Committee Recommendations to Appropriations Committee**

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

**Rule 38 - Committee of the Whole**

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

## VI. MOTIONS

**Rule 39 - Debate and Vote on Motions**

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

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

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

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

**Rule 40 - Precedence of Motions**

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

- (1) to adjourn *sine die*. This motion is not debatable.
- (2) to adjourn. This motion is not debatable and cannot be amended nor reconsidered.
- (3) to recess. This motion is not debatable. This motion is passed by a majority of those members present.
- (4) question of privilege.
- (5) all incidental motions.
- (6) to table.
- (7) motion to call the previous question. A motion to call the previous question shall not be entertained except at the request of five members arising for that purpose and so indicating, and shall be determined by roll call vote without debate. When the previous question has been called and sustained, it shall not cut off action on amendments to the main measure; and the vote shall be taken without debate first on the amendments in order and then on the main measure.

- (8) to limit debate.
- (9) postpone to a day certain.
- (10) to commit to committee.
- (11) to amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.

- (12) to reconsider.
- (13) to take from the table.

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

**Rule 41 - Motion for Reconsideration**

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

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

**Rule 42 - Motion to Take From the Table**

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

- (1) In the case of a House measure, only one of the prime sponsors of the measure or a member authorized in writing by all the prime sponsors.
- (2) In the case of a measure without a House prime sponsor, only the floor manager of a measure or a member authorized in writing by the floor manager.
- (b) A motion to take a measure from the table may only be made on the same legislative day the measure is tabled (or if this motion is listed on the agenda). The motion is not debatable.

**Rule 43 - Suspension of Rules**

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

**VII. CALENDAR AND AGENDA****Rule 44 - House and Calendar**

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

**Rule 45 - Agenda**

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

**Rule 46 - Consent Agenda**

(a) Any member of the House may propose any bill or joint resolution for inclusion on a Consent Agenda for final reading. The proposal shall be made in writing to the office of the Chief Clerk on any day. All bills or joint resolutions on a particular Consent Agenda shall have the same vote requirements.

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

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

**Rule 47 - Consent Calendar**

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

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

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

**Rule 48 - Announcement of Agenda, Delivery of Bills and Resolutions**

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

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

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

**VIII. MISCELLANEOUS****Rule 49 - Offices, Parking Spaces and Seats**

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

**Rule 50 - Authorized Manual of Parliamentary Procedure**

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

**Rule 51 - Chief Clerk and Assistant Chief Clerk**

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

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

**Rule 52 - Supervision of Legislative Staff**

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

**Rule 53 - Registration of News Media**

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

**Rule 54 - Registration of Lobbyists**

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

**Rule 55 - Privilege of Floor**

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

**Rule 56 - Expedited Procedures**

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

**Rule 57 - Persons on the Floor of the House**

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

**Rule 58 - Non-Member Invited Speakers or Guests**

- (a) A non-member speaker or guest shall be allowed to address the House of Representatives provided they are noted on the agenda together with the name of the Representative sponsoring said speaker or guest and the time allotted for their remarks.
- (b) A speaker noted per subsection (a) of this rule shall be granted a time limit of one minute, three minutes or five minutes by the Speaker of the House.
- (c) On the day of the scheduled address, the sponsoring member shall be recognized and shall move that the invited speaker or guest be granted privilege to address the House and shall state the allotted time granted by the Speaker of the House.
- (d) The Speaker of the House may grant an unlimited amount of time for the Governor to address the House as deemed necessary by the Speaker or the members of the House.
- (e) This rule is only applicable to appearances by non-members giving remarks unrelated to agenda items and shall not be construed so as to limit the speaking time of witnesses to legislation.

**Rule 59 - Repeal or Amendment of Rules**

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

**Rule 60 - Rules to be Printed**

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

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

**Rule 61 - State Mail and Postage**

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



1st LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session

January 14, 1997

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

Representative-Elect Oberle introduced a guest.

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

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

A prayer was offered by Reverend Brooks Reynolds.

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

The Temporary Chief Clerk called the names of the members-elect of the House of Representatives of the 139th General Assembly.

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

Representative-Elect Smith moved that the Certificates of Election be received and that a committee be appointed to examine the Certificates of Election.

Mr. Temporary Speaker Oberle appointed Representative-Elect Donna D. Stone and Representative-Elect Arthur L. Scott to examine the Certificates of Election of the Members-Elect.

The author of "First Vote", Scott Mason, and some members of the cast, entertained the House. Mr. Temporary Speaker thanked the performers and had them announce their names for the record.

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

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

The State of Delaware  
New Castle County, ss.

Be It Remembered, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord One Thousand Nine Hundred Ninety-Six for New Castle County, according to the Constitution and Laws of the State of Delaware, Terry R. Spence was duly elected Representative - 18th District which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we, Henry duPont Ridgely and Vincent A. Bifferato constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 7th day of November, A.D. 1996.

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

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

Representative-Elect Smith moved that Justice Randy Holland, Delaware Supreme Court administer the oath of Representative to Representatives-Elect Oberle, Roy & Quillen as co-senior members as follows:

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

William A. Oberle, Jr.  
State Representative

Sworn and subscribed before me this 14th day of January, A.D., 1997.

Randy J. Holland  
Justice, Delaware Supreme Court

Representative-Elect Smith moved that Justice Randy Holland, Delaware Supreme Court administer the oath of Representative to Representatives-Elect Keeley & Price, the newest members of the House. Justice Holland made comments.

Representative-Elect Smith moved that Justice Randy Holland administer the oath of office to the other thirty-six Representatives-Elect. The motion was seconded by Representative-Elect Welch and adopted by voice vote.

Representative Smith moved that the Temporary Chief Clerk call the official roll of the House of Representatives of the 139th General Assembly. The motion was seconded by Representative Welch and adopted by voice vote.

The roll call was taken and revealed:

Members Present: 40.

Member Absent: Representative Lofink - 1.

Representative Smith moved that the roll as just called be adopted as the permanent roll of the House of Representatives of the 139th General Assembly. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith moved that the House operate temporarily under the rules of the 138th General Assembly until permanent rules are adopted. The motion was seconded by Representative Welch and adopted by voice vote.

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

HR 1 - In Reference to the Election of the Speaker of the House of Representatives.

BE IT RESOLVED by the House of Representatives of the 139th General Assembly of the State of Delaware that Terry R. Spence be made and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 139th General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

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

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

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

Terry R. Spence  
Speaker of the House

Sworn and subscribed before me this 14th day of January, A.D., 1997.

Randy J. Holland

Justice, Delaware Supreme Court

Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Roy.

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

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

Mr. Speaker Spence made an announcement.

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

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 139th General Assembly of the State of Delaware that JoAnn M. Hedrick is elected to serve as Chief Clerk of the House of Representatives and Sally A. Baker as Assistant Chief Clerk of the House of Representatives at the pleasure of the House of Representatives.

HR 2 was adopted by voice vote.

Mr. Speaker Spence made comments.

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

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

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

HJR 1 - In Reference to Officers.

BE IT RESOLVED by the House of Representatives and the Senate of the 139th General Assembly of the State of Delaware, with the approval of the Governor, that Donna Snell, is elected to serve as Bill Clerk at the pleasure of the House of Representatives.

The roll call on HJR 1 was taken and revealed:

YES: 40.

ABSENT: Representative Lofink -1.

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

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

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

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

Mr. Speaker Spence appointed Representative Tina Fallon and Representative William I. Houghton to notify the Senate that the House is organized and ready for business.

The Reading Clerk read the following communication into the record:

January 14, 1997

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

Dear Speaker Spence:

I will be unable to attend Legislative Session in January 1997 due to recovery from surgery. Best wishes to you and all of my colleagues for a successful 139th General Assembly.

Sincerely,  
 Vincent A. Lofink  
 State Representative  
 27th District

cc: JoAnn M. Hedrick  
 Chief Clerk of the House  
 VAL/grp

The House observed a moment of silent prayer for speedy recoveries for Representative Lofink & Senator Connor at the request of Representative Smith.

Representative Smith introduced guests.

Representative Smith deferred to Representative DiLiberto.

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

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

Representative DiLiberto introduced and brought HR 3, jointly sponsored by Representatives Banning, Brady, B. Ennis, Gilligan, Houghton, Keeley, Plant, Price, Schroeder, Scott, VanSant, West & Williams, before the House for consideration.

HR 3 - Paying Tribute to Mrs. Alda Burrows for Her Altruistic Example of Service to the Community Which Has Been a Great Benefit to Delaware and a Model for Others to Follow.

WHEREAS, Alda Burrows has been a selfless supporter of community groups, the Democratic party, political candidates, and charitable organizations and family and friends for eighty-two years; and

WHEREAS, for the last fifty of those years she has been a staunch supporter of many political candidates, including former Governor Sherman Tribbit; U.S. Senator Joseph R. Biden, Jr.; Senator Thomas B. Sharp; former Senator Roger A. Martin; former State Representative Vincent A. Bifferato, Sr.; former State Representative Vincent P. Meconi; State Representative Richard A. DiLiberto, Jr.; former County Council President Karen Peterson; and former County Councilman Joseph P. Farley; and

WHEREAS, many hard-fought political campaigns could not have been won without her tireless support; and

WHEREAS, her altruistic devotion to her community has made Delaware a better place to live, such as her formation of the Capitol Trail Little League approximately thirty years ago; Past President of the Women's Democratic Club of Delaware, and founder of its Political Action Committee; and

WHEREAS, her indefatigable devotion to her husband Harry and her three daughters and two sons, as well as her nine grandchildren and six great-grandchildren has never wavered notwithstanding her many hours of public service; and

WHEREAS, we expect Alda Burrows to be with us for many more years but wish to publicly acknowledge and praise her exemplary life at this time.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 139th General Assembly of the State of Delaware that we pay tribute to Alda Burrows for her altruistic example of service to the community which has been a great benefit to Delaware and a model for others to follow.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitably prepared copy be forwarded to Mrs. Alda Burrows, 1607 Capitol Trail, Newark, Delaware 19711.

Representative DiLiberto made comments.

HR 3 was adopted by voice vote.

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

Mr. Speaker Spence made comments.

Representative Smith introduced HB 1, jointly sponsored by Senators Voshell & Bair & Representatives Boulden, Capano, Davis, DiPinto, Lofink, Mack, Maier, Maroney, Petrilli, Reynolds, Spence, Welch, Brady, DiLiberto, Gilligan, Houghton, Keeley, Price, Schroeder, VanSant & Williams & Senators Blevins, Bunting, Marshall, McDowell, Sokola, Amick, Hauge, Reed, Sorenson & Still & cosponsored by Representatives Caulk, Cloutier, Ewing, Lee, Oberle, Quillen, Stone, Ulbrich, Wagner & B. Ennis.

Representative Smith made comments.

HB 1 - An Act to Amend Title 14 of the Delaware Code Relating to the Creation of a Secretary of Education and the Powers and Duties of Such Officer.

Mr. Speaker assigned HB 1 to the Education Committee.

The Majority Leader moved to recess to the call of the Chair at 4:07 p.m.

2nd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 15, 1997

Mr. Speaker Spence called the House to order at 2:24 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 1 & HJR 1.

December 18, 1996

Joann Hedrick  
Chief Clerk of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Mrs. Hedrick:

On December 10, 1996, the Michigan State Legislature adopted Senate Concurrent Resolution No. 278, to memorialize the Congress of the United States to pass and submit to the states for ratification an amendment to the Constitution of the United States to protect taxpayer rights from judicial taxation by prohibiting courts from ordering any state or political subdivision to levy or increase any tax and to urge other states to direct a similar memorial to Congress.

In compliance with the provisions contained therein, I am forwarding to you a copy of the above concurrent resolution.

Sincerely,  
Carol Morey Viventi  
Secretary of the Senate  
CMV/cab  
Enclosure

STATE OF MICHIGAN  
MICHIGAN LEGISLATURE  
SENATE CONCURRENT RESOLUTION NO. 278

Offered by Senators Bennett, Steil, Cisky, Rogers, McManus, Emmons, North, Schuette, Shugars, Hoffman, Gast, Bouchard, Geake, Carl, Schwarz, Stille and Dunaskiss  
(Representatives Bush, McBryde, Perricone, Kukuk, Green, Goschka, London, Cropsey, Dalman, Voorhees and Horton named co-sponsors)

A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO PASS AND SUBMIT TO THE STATES FOR RATIFICATION AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PROTECT TAXPAYER RIGHTS FROM JUDICIAL TAXATION BY PROHIBITING COURTS FROM ORDERING ANY STATE OR POLITICAL SUBDIVISION TO LEVY OR INCREASE ANY TAX AND TO URGE OTHER STATES TO DIRECT A SIMILAR MEMORIAL TO CONGRESS.

Whereas, In a five-to-four decision on April 18, 1990, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds. In *Missouri v. Jenkins* (495 U.S. 33, 110 S.Ct. 1691 (1990)), the court held that a federal court had the power to order an increase in state and local taxes; and

Whereas, The unprecedented decision by the court in *Missouri v. Jenkins* violated a fundamental tenet of the separation of powers. No members of the federal judiciary, who serve for life and are answerable to no one, should have control over the power of the purse; and

Whereas, Section 8 of Article I of the Constitution of the United States vests with the legislative branch of government alone the extraordinary power to "lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States"; and

Whereas, The court's actions are an intrusion into a legitimate political debate over state spending priorities and not a response to a constitutional directive. Justice Kennedy observed in his dissent in *Missouri v. Jenkins* that "This assertion of judicial power in one of the most sensitive of policy areas, that involving taxation, begins a process that over time could threaten fundamental alteration of the form of government our Constitution embodies"; and

Whereas, It is a well-established maxim that whosoever controls the purse strings ultimately controls power, the ability of government to function, and the direction it shall go; and

Whereas, Since 1990, when the Supreme Court declared in *Missouri v. Jenkins* that the federal courts have the authority and power to levy and increase taxes, Congress has chosen not to intercede on behalf of the people to protect the democratic process that has been corrupted by the unconstitutional authority and power to tax which the federal courts have exercised; and

Whereas, The time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article V of the United States Constitution, we memorialize the Congress of the United States to pass and submit to the states for ratification an amendment to the Constitution of the United States to read substantially as follows:

Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes; and be it further

Resolved, That this legislative body requests the legislatures of the other states comprising the union to make similar applications to Congress for the purpose of proposing such an amendment to the United States Constitution; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, each house of the legislatures of the other states comprising the union, and members of the Michigan congressional delegation.

Adopted by the Senate, November 14, 1996.

Adopted by the House of Representatives, December 10, 1996.

The following prefiled legislation was introduced:

**HB 2 - ROY & SENATOR SHARP - JUD:** An Act Proposing an Amendment to Article III, Section 22, and Article IV of the Delaware Constitution of 1897 Relating to the Appointment of a Recorder of Deeds in Each County and the Powers and Duties of Said Recorders of Deeds. (2/3 bill)

**HB 3 - ROY & SENATOR SHARP - CORR:** An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Earned Good Time.

**HB 4 - ROY, WELCH, QUILLEN; SENATORS BAIR, BONINI, CONNOR, HAUGE, REED, SORENSON, STILL - JUD:** An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Vehicular Homicides and Vehicular Assaults. (2/3 bill)

**HB 5 - ROY & SENATOR COOK - HOUSING & COM AFF:** An Act to Amend Section 114, Chapter 1 of Title 26 of the Delaware Code Relating to the Fees to be Charged by the Public Service Commission and to Set a New, Increased Schedule for Such Fees and Charges. (3/5 bill)

**HB 6 - ROY & SENATOR SHARP - JUD:** An Act to Amend Title 11 of the Delaware Code With Respect to Defenses to Criminal Liability and Evidence of Intoxication.

**HB 7 - ROY & SENATOR SHARP - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to Sentencing for Certain Crimes.

**HB 8 - ROY & SENATOR SHARP - JUD:** An Act Concurring in a Proposed Amendment to Article IV, §11(1) of the Delaware Constitution of 1897, as Amended, Relating to Jurisdiction of the Delaware Supreme Court in Criminal Cases. (2/3 bill)

**HB 9 - ROY & OBERLE & GILLIGAN & SENATOR SHARP; REPRESENTATIVES SPENCE, CAPANO, CLOUTIER, LOFINK, MACK, MARONEY, REYNOLDS, ULBRICH, BANNING, DILIBERTO, VANSANT, CAULK, DIPINTO, DAVIS, SCOTT; SENATORS BLEVINS, SOKOLA - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to the Crime of New Home Construction Fraud. (2/3 bill)

**HB 10 - ROY & SENATOR SHARP; REPRESENTATIVE DILIBERTO; SENATOR AMICK - JUD:** An Act Concurring in a Proposed Amendment to Article IV Section 26 of the Delaware Constitution of 1897, as Amended, Relating to the Powers and Duties of the Prothonotary and the Entry of Testatum Fieri Facias. (2/3 bill)

**HB 11 - QUILLEN, GILLIGAN; SENATOR VOSHELL - H/ADM:** An Act to Amend an Act Entitled "An Act to Re-Incorporate the City of Harrington" Being Chapter 115, Volume 69, Laws of Delaware, as Amended, Relating to the City Treasurer. (2/3 bill)

**HB 12 - QUILLEN & SENATOR VOSHELL - JUD:** An Act to Amend Title 10, of the Delaware Code Relating to Concurrent Jurisdiction in Justice of the Peace Courts for Violations of Municipal Juvenile Curfew Ordinances. (2/3 bill)

**HB 13 - OBERLE, SPENCE, PETRILLI, DAVIS, DIPINTO, EWING, D. ENNIS; SENATOR MARSHALL - LABOR:** An Act to Amend Title 19 of the Delaware Code by Creating a New Chapter to Provide for the Implementation of a Public Employee Occupational Safety and Health Act and Violations Thereof. (2/3 bill)

**HB 14 - OBERLE, SPENCE, LOFINK, MAIER, CAULK, WAGNER, BRADY, VANSANT; SENATORS MARSHALL, REED - ED:** An Act to Amend Title 14 of the Delaware Code Relating to Limiting Local School Taxes for Senior Citizens on Fixed Incomes and Their Spouses.

**HB 15 - OBERLE; SENATORS MCBRIDE, REED - HOUSING & COM AFF:** An Act to Amend Title 25, Delaware Code Relating to Tenant Obligations and Landlord Remedies.

HB 16 - OBERLE & WELCH & SENATOR SHARP - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses and Title 13 of the Delaware Code Relating to Domestic Relations.

HB 17 - FALLON & SENATOR ADAMS - R & F: An Act to Amend Title 30, Delaware Code, Relating to Tax Credits to Employers Who Create Summer Positions as Part of the Summer Employment Experiences Program.

HB 18 - OBERLE & WELCH & GILLIGAN & SENATOR MCBRIDE; REPRESENTATIVES LOFINK, ROY, BANNING, SCOTT, VANSANT, WILLIAMS; SENATORS CONNOR, MCDOWELL, SOKOLA, AMICK; REPRESENTATIVE KEELEY - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to Security of Lottery Operations and the State Lottery Office.

The Majority Leader moved to adjourn at 2:26 p.m., thereby ending the current legislative day. The House reconvened at 2:27 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Lofink - 1.

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

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

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

The Majority Leader moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 4:38 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 1.

Representative Brady requested that he be marked present.

Representative Smith introduced and brought SCR 1, sponsored by Senators Sharp & Voshell, before the House for consideration.

SCR 1 - Providing for a Joint Session of the House and Senate for the Purpose of Announcing the Vote for Governor and Lt. Governor of the State of Delaware.

Representative Smith made a comment.

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

Representative Reynolds requested that he be marked present.

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

SJR 1 - In Reference to Election of Officers.

Representative Smith made comments.

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

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

The roll call on SJR 1 was taken and revealed:

YES: 35.

ABSENT: Representatives Caulk, Lofink, Mack, Oberle, Quillen, West - 6.

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

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

Representative Smith deferred to Representative Gilligan.

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

The Majority Leader moved to recess to the call of the Chair at 4:48 p.m.

3rd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 16, 1997

Mr. Speaker Spence called the House to order at 2:24 p.m.

The Reading Clerk read the following communication into the record:

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

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

The following prefiled legislation was introduced:

HCR 1 - LEE - CORR: Reinstating the Boot Camp Study Committee With the Request That the Committee Review the Boot Camp Intensive Incarceration Act, and the Progress and Status of the Implementation of That Act.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Lofink - 1.

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

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

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

The following prefiled legislation was introduced:

**HB 19** - OBERLE & SENATORS CONNOR & REED - HOUSING & COM AFF: An Act to Amend Title 9 of the Delaware Code Relating to Limitations Upon Taxing Power.

**HB 20** - WELCH, CLOUTIER & SENATOR AMICK; REPRESENTATIVES CAULK, DAVIS, EWING, LEE, STONE, WAGNER, BANNING; SENATORS BONINI, HAUGE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses and the Definition of "Swears Falsely." (2/3 bill)

**HB 21** - OBERLE, BUCKWORTH, DAVIS, EWING, LOFINK, MACK, MAIER, REYNOLDS, ROY, SPENCE, B. ENNIS, GILLIGAN, HOUGHTON, PLANT, VANSANT - SM BUS: An Act to Amend Chapter 47 of Title 6 of the Delaware Code Relating to Transient Retailers and Peddlers. (2/3 bill)

**HB 22** - OBERLE, PETRILLI, CLOUTIER, DAVIS, MACK, MAIER, REYNOLDS, ROY, SMITH, ULBRICH & SENATOR MCBRIDE - TRANS & INFRA: An Act to Amend Title 9 of the Delaware Code Relating to Land Development in New Castle County. (3/5 bill)

**HB 23** - OBERLE & SPENCE & LOFINK & REYNOLDS; SENATORS MCBRIDE & CONNOR: NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Eminent Domain.

**HB 24** - OBERLE - TRANS & INFRA: An Act to Amend Title 9 of the Delaware Code Relating to Zoning and Subdivision in New Castle County.

**HB 25** - OBERLE & ROY - TRANS & INFRA: An Act to Amend Title 9 of the Delaware Code Relating to Sunsetting of Record Major Subdivision and Land Development Plans in New Castle County.

**HB 26** - OBERLE; SENATOR MARSHALL - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to Medical Coverage in Public Works Contracts.

Representative West requested that he be marked present.

The Majority Leader moved to recess for the Joint Session at 2:30 p.m.

#### JOINT SESSION - SENATE CHAMBER

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

The members of the House of Representatives were admitted and welcomed by the Lt. Governor. At the invitation of the Lt. Governor, Representative Spence joined her on the podium.

At 2:35 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of announcing the election results for the Governor and Lt. Governor.

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

The Secretary of the Senate and the Chief Clerk acted as Secretaries to the Joint Session.

The Lt. Governor instructed the Senate Reading Clerk to read the Certificates of Election commencing with New Castle County, Kent County and Sussex County for the Governor & Lt. Governor.

Senator Voshell moved that the election results for the Governor and Lt. Governor as just officially announced be reflected in the Senate record for publication and that the results of the election and the winners as announced by the Reading Clerk constitute compliance with the provisions of Article III of the Delaware Constitution.

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

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

At 2:45 p.m. Senator Voshell moved that the Joint session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the Lt. Governor declared the Joint Session adjourned.

The House reconvened at 5:00 p.m.

Representatives Brady, Plant, Lee, Mack, Wagner, Cloutier & Oberle requested that they be marked present.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **SB 12**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith introduced and brought **SB 12**, jointly sponsored by Senators Sharp, Voshell & Bair & Representative Spence & cosponsored by Representatives Gilligan & VanSant, before the House for consideration.

**SB 12** - An Act to Amend Title 29 of the Delaware Code and Volume 70, Chapter 425 of the Delaware Laws Relating to the Salary of the Governor.

Representative Smith made comments.

Representative Smith requested and was granted the privilege of the floor for Leo Strine, Counsel to the Governor.



Representative Smith made comments.

Representative Reynolds requested that he be marked present.

Representatives Mack & Davis made comments.

The roll call on SB 12 was taken and revealed:

YES: 26.

NO: Representatives Banning, Carey, Caulk, B. Ennis, Fallon, Lee, Maier, Petrilli, Price, Quillen, Ulbrich, Welch - 12.

NOT VOTING: Representatives D. Ennis, Reynolds - 2.

ABSENT: Representative Lofink - 1.

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

Representative Smith introduced HB 42, jointly sponsored by Representatives Capano, Reynolds & Roy & Senators Bair, Bonini, Hauge & Sokola & cosponsored by Representatives Keeley & Brady.

Representative Smith made an announcement.

HB 42 - An Act to Amend Title 14 of the Delaware Code Relating to School Property.

Mr. Speaker assigned HB 42 to the Education Committee.

Representatives Scott, Spence, Quillen, Oberle & DiPinto requested a moment of silence for several people who have passed away recently.

Representatives Oberle, Gilligan & Reynolds made comments

The Majority Leader moved to recess to the call of the Chair at 5:14 p.m.

4th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 21, 1997

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

Representative Welch made an announcement.

Representative Lee introduced HB 48, jointly sponsored by Senator Vaughn.

HB 48 - An Act to Amend Title 11 of the Delaware Code Relating to the Boot Camp Incarceration Act.

Mr. Speaker assigned HB 48 to the Corrections Committee.

Representative Lee made an announcement.

The Majority Leader moved to adjourn at 2:27 p.m., thereby ending the current legislative day. The House reconvened at 2:28 p.m.

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Lofink, Petrilli, Wagner, West, Williams - 5.

A prayer was offered by Representative Timothy U. Boulden, Twenty-Third Representative District.

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

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

Mr. Speaker Spence made an announcement.

The following prefiled legislation was introduced:

HB 27 - OBERLE, SPENCE, BOULDEN, CAREY, CAULK, DAVIS, DIPINTO, EWING, LEE, LOFINK, MAIER, QUILLEN, SMITH, ULBRICH, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, GILLIGAN, PLANT, SCHROEDER, SCOTT, VANSANT - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education. (2/3 bill)

HB 28 - OBERLE & SPENCE & SENATOR MCBRIDE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

HB 29 - OBERLE - H/ADM: An Act to Amend Title 15 of the Delaware Code Relating to Campaign Signs.

HB 30 - OBERLE, EWING, QUILLEN, BUCKWORTH & CAULK & SENATOR ADAMS - AG: An Act to Amend Title 3 of the Delaware Code Relating to Harness Racing. (2/3 bill)

HB 31 - DILIBERTO & SORENSON; REPRESENTATIVES BANNING, BOULDEN, BRADY, DIPINTO, B. ENNIS, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, MAIER, MARONEY, PRICE, ULBRICH, SCHROEDER, SCOTT, SMITH, SPENCE, VANSANT, WEST, WILLIAMS; SENATORS AMICK, BLEVINS, HAUGE, MCDOWELL, REED, SOKOLA, VOSHALL - HEALTH & HUM DEV: An Act to Amend Title 31 of the Delaware Code Relating to Infant Nutrition, and Providing for an Infant Nutrition Act.

HB 32 - DAVIS, CAREY, DIPINTO; SENATOR MCBRIDE - NAT RES: An Act to Amend Title 7, Delaware Code to Promote Voluntary Compliance With Environmental Laws and to Protect the Confidentiality of Environmental Audits.

HB 33 - DAVIS - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Authority of the Division of Motor Vehicles, Department of Public Safety. (3/5 bill)

**HB 34** - DAVIS - APPRO: An Act to Amend Title 29 of the Delaware Code Relating to Mileage Rates for Private Vehicles.

**HB 35** - QUILLEN & WAGNER - ED: An Act to Amend Title 14 of the Delaware Code Relating to School Employees.

**HB 36** - BANNING, BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CAULK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, MACK, MAIER, MARONEY, OBERLE, PETRILLI, PLANT, PRICE, QUILLEN, REYNOLDS, ROY, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATORS ADAMS, BLEVINS, BUNTING, MCDOWELL, VAUGHN - JUD: An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to Compensation for Innocent Victims of Crime.

**HB 37** - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, CAPANO, CAULK, CLOUTIER, DAVIS, D. ENNIS, EWING, LEE, MAIER, SMITH, ULBRICH, WELCH, DILIBERTO, HOUGHTON, PRICE, WEST; SENATOR STILL - ED: An Act to Amend Title 14 and Title 21 of the Delaware Code Relating to Public Schools; and Providing for the Suspension of, Non-Renewal of, or Refusal to Issue a Driver's License to a Person Who Has Been Expelled From School.

**HB 38** - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, BANNING, DILIBERTO, B. ENNIS, PRICE, SCOTT, VANSANT, WILLIAMS - ED: An Act to Amend Chapter 16, Title 14 of the Delaware Code Relating to Alternative Education.

**HB 39** - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, PRICE; SENATOR BUNTING - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Students Who Have Been Expelled From Public School.

**HB 40** - WELCH, LOFINK & BOULDEN; SENATOR VOSHELL - TRANS & INFRA: An Act to Amend Title 17 of the Delaware Code Relating to the Completion and Dedication of New Roads and Streets. (2/3 bill)

**HB 41** - GILLIGAN & REPRESENTATIVE SPENCE, REPRESENTATIVES BANNING, BRADY, CAREY, CAPANO, B. ENNIS, EWING, KEELEY, HOUGHTON, REYNOLDS, ROY, PRICE, SMITH, ULBRICH; SENATORS COOK, BUNTING - P/S: An Act to Waive the Statutory Provisions of Chapter 66, Title 16, of the Delaware Code Relating to the Appointment by the Governor of the Immediate Past President of the State Volunteer Firefighters' Association to the State Fire Prevention Commission.

**HB 43** - QUILLEN - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Emerging From a Lane, Driveway, Private Road or Building.

**HB 44** - QUILLEN - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Stop Signs and Yield Signs.

**HB 45** - QUILLEN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Religious Publications.

**HB 46** - DAVIS & SENATOR BLEVINS; REPRESENTATIVES LOFINK, MARONEY; SENATORS SOKOLA, REED - HOUSING & COM AFF: An Act to Amend Title 25, Delaware Code Relating to Real Property Restrictive Covenants and Family Day Care Homes.

**HB 47** - STONE, BUCKWORTH, QUILLEN, WAGNER, B. ENNIS; SENATOR STILL - HOUSING & COM AFF: An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

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

Representatives B. Ennis & Ulbrich requested that they be marked present.

The Reading Clerk read the following communication into the record:

January 21, 1997

TO: Representative Terry Spence  
Speaker of the House

FR: Representative Nancy Wagner  
Representative Nancy Wagner will not be in session today because of illness.  
Mr. Speaker Spence made an announcement.

Mr. Speaker reassigned HB 2, HB 4, HB 6, HB 7, HB 8, HB 9, HB 10, HB 12, HB 16 & HB 20 to the Public Safety Committee.

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

The House reconvened at 4:35 p.m.

Representatives Mack, Reynolds & Brady requested that they be marked present.  
Representative Roy requested that HB 3 be stricken.

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

P/S: HB 4 - 4M; HB 20 - 4M; HB 6 - 3F,2M; HB 7 - 3F,2M; HB 8 - 3F,2M; HB 9 - 3F,2M; HB 10 - 1F,3M.

HOUSING & COM AFF: HB 5 - 5M.

ED: HB 1 - 9F,1M; HB 42 - 4F,4M.

CORR: HB 48 - 1F,3M; HCR 1 - 4M.

The Majority Leader moved to recess to the call of the Chair at 4:39 p.m.

5th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 22, 1997

Mr. Speaker Spence called the House to order at 2:20 p.m.

Representatives Petrilli, Wagner, West & Williams requested that they be marked present for the current Legislative Day.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, David P. Sokola, do hereby request that my name be removed as Co-Sponsor of HB 32.

Date: January 16, 1997.

Signed: David P. Sokola.

January 21, 1997

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19903  
Dear Speaker Spence:

I will be unable to attend Legislative Session on Thursday, January 23, 1997 due to personal business.  
Thank you for your attention to this matter.

Sincerely,  
Jeffrey G. Mack  
State Representative  
17th District

cc: JoAnn M. Hedrick  
Chief Clerk of the House

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Ewing, Lofink - 2.

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

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

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

The following prefiled legislation was introduced:

HB 49 - WELCH & SENATOR COOK; REPRESENTATIVES SPENCE, PETRILLI, BOULDEN, CAULK, CAPANO, DAVIS, D. ENNIS, EWING, LEE, LOFINK, MAIER, OBERLE, SMITH, ULBRICH, WAGNER, BANNING, B. ENNIS, SCHROEDER; SENATORS VENABLES, BONINI, REED, STILL, BUNTING - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Personal Actions.

HB 50 - CAREY, SPENCE, SMITH, BUCKWORTH, CAPANO, DAVIS, D. ENNIS, EWING, QUILLEN, PETRILLI, LEE, BANNING; SENATORS BUNTING, VENABLES, AMICK, BONINI, SORENSON - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 51 - WELCH, OBERLE, SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, ROY, ULBRICH, WAGNER, BANNING, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, VANSANT; SENATORS COOK, BONINI, HAUGE, BUNTING - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HB 52** - WAGNER; SENATOR BLEVINS - SUNSET: An Act to Amend Chapter 227, Volume 69, Laws of Delaware, Relating to the Pharmacy Access Act.

**HB 53** - GILLIGAN - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to Pensions; and Providing Certain Pensions for Members of the General Assembly.

**HB 54** - CLOUTIER & SMITH - ED: An Act to Amend Title 14, Delaware Code, Relating to Teacher Certification.

**HB 55** - OBERLE & SENATOR BUNTING - NAT RES: An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Licenses, Permits, Stamps and Registrations Issued by Authorized Agents of the Department of Natural Resources and Environmental Control. (3/5 bill)

**HB 56** - BRADY, BANNING, BUCKWORTH, CAREY, CLOUTIER, HOUGHTON, KEELEY, WELCH, WILLIAMS - ED: An Act to Amend Chapter 2 of Title 14 of the Delaware Code Relating to Attendance Within School Districts.

**HB 57** - BRADY, BANNING, DILIBERTO, KEELEY, SCOTT, WILLIAMS - TRANS & INFRA: An Act to Amend Title 2 of the Delaware Code Relating to the Liability of the Delaware Transportation Authority.

**HR 6** - SMITH & WELCH - RULES: Relating to Temporary Rules of the House of Representatives of the 139th General Assembly of the State of Delaware.

**HCR 2** - WAGNER - LABOR: Creating a Committee to Study Wages, Salaries, Mid-Points, and Pay Increases for State Employees.

**HCR 3** - ULBRICH & SENATOR AMICK - TRANS & INFRA: Requesting the Secretary of the Delaware Department of Transportation to Undertake a Study to Preserve a Corridor for a Connector Between Route 1 and the Proposed Route 301 South of the Chesapeake and Delaware Canal.

Representative Cloutier requested that he be marked present.

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

Representative Smith deferred to Representative Maroney.

Representative Maroney introduced a guest.

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

Representative Plant requested that he be marked present.

Representatives DiLiberto & DiPinto requested and were granted personal privilege of the floor to make comments regarding the Court House in Wilmington.

Representative D. Ennis requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 2.

January 22, 1997

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19903

Dear Speaker Spence:

I will be unable to attend Legislative Session on Thursday, January 23, 1997 and Tuesday, January 28, 1997 due to personal business.

Thank you for your attention to this matter.

Sincerely,

William A. Oberle, Jr.

State Representative

24th District

cc: JoAnn M. Hedrick

Chief Clerk of the House

WAO/grp

Representative Smith introduced and brought SCR 2, sponsored by Senator Bair & Representative Wagner & Senators Adams, Amick, Blevins, Bonini, Bunting, Connor, Cook, Hauge, Henry, Marshall, McBride, McDowell, Reed, Sharp, Sokola, Sorenson, Vaughn, Venables & Voshell & Representatives Buckworth Caulk, Quillen, Stone & Welch, before the House for consideration.

SCR 2 - In Memory of Pauline Pepper Still, a Dedicated Teacher of the Visually-Impaired.

Representative Smith made comments.

The House observed a moment of silence in memory of Pauline Pepper Still at the request of Representative Smith.

SCR 2 was adopted by voice vote and returned to the Senate.

Mr. Speaker Spence made an announcement.

Representative Smith introduced and brought HR 7, sponsored on Behalf of All Representatives, before the House for consideration.

HR 7 - Bidding a Fond Farewell to Cynical Legislative Hall Associated Press Ace Reporter Theresa Humphrey.

WHEREAS, for 18 long years, Theresa Humphrey toiled in the land of the Eastern Shore, working day in and day out for the Associated Press, also known as "the wire service which ate all others in its path"; and

WHEREAS, for 16 of those years, Theresa Humphrey worked in her cave in the basement of Legislative Hall, surrounded by countless outdated newspapers, photos of loved ones, and plaster and concrete droppings felled by seemingly endless construction projects in Legislative Hall; and

WHEREAS, throughout the dog days of summer with no air conditioning, or the bitter cold of winter in a non-heated press room, Theresa Humphrey, the reporter with David Bowie eyes, rarely ventured forth from her hovel, lured out only by food or scandal; and it was indeed a true sighting when she would emerge on the first or second floor for a full stay at a Legislative Hall press conference, unless offered the opportunity to provide unprodded analysis in her always diplomatic manner; and

WHEREAS, Theresa Humphrey served as a guide for new Legislative Hall reporters, showing many the way around the building, and hoping that some soon would find their way out of her Press Room; and

WHEREAS, reporters always knew they could count on Theresa to answer questions or to direct them to the friendlier, quotable legislators or just to correct their pronunciation of her name; and

WHEREAS, a woman whose photo can be located in the dictionary illustrating the term frugal, Theresa Humphrey could often be found tooling around Dover in some clanking, oil burning machine which would not pass anything remotely relating to the Clean Air Act, sometimes parking in places not reserved for her but for an elected official, or dressed for work in fatigues in order to steel herself for that next political story; and

WHEREAS, Theresa Humphrey will soon begin a new phase of her career, at the News Journal, and will assume her new position as Assistant City and State Editor in Wilmington, bossing yet another group of reporters around and those familiar with her tenure in Legislative Hall will rest assured that her stories will be fact-based and that she will do a fine job in this next phase of her career.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 139th General Assembly of the State of Delaware that we bid a fond, journalistic farewell to Associated Press Legislative Hall reporter Theresa Humphrey and wish her all the best as she begins work at the News Journal Company.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be given to Theresa Humphrey.

HR 7 was adopted by voice vote.

Representatives Oberle, Gilligan, Williams, Spence & Smith made comments.

Representative Smith requested and was granted the privilege of the floor for Theresa Humphrey.

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

The House reconvened at 4:40 p.m.

Representative Brady requested that he be marked present.

Representative Smith deferred to Representative Capano.

Representative Capano made an announcement.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 48, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 48 - An Act to Amend Title 11 of the Delaware Code Relating to the Boot Camp Incarceration Act.

Representative Lee made comments.

Representative Lee requested and was granted privilege of the floor for Stan Taylor, Commissioner of Corrections.

Representative Lee made comments.

The roll call on HB 48 was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing, Lofink - 2.

Therefore, having received a constitutional majority, HB 48 was sent to the Senate for concurrence.

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

Representative Smith brought HB 1, jointly sponsored by Senators Voshell & Bair & Representatives Spence, Welch, Boulden, Capano, Caulk, Cloutier, Davis, DiPinto, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Stone, Ulbrich, Wagner, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Price, Schroeder & Williams & Senators Blevins, Bunting, Marshall, McDowell, Sokola, Amick, Hauge, Reed, Sorenson & Still, before the House for consideration.

HB 1 - An Act to Amend Title 14 of the Delaware Code Relating to the Creation of a Secretary of Education and the Powers and Duties of Such Officer.

Representatives Smith, Buckworth, Wagner, Schroeder, Smith, Plant, Smith, Plant, D. Ennis, Oberle, DiPinto, Reynolds & Mack made comments.

Representative Reynolds requested and was granted the privilege of the floor for Nancy Doory, member of the State Board of Education, speaking as an individual.

Representatives Davis & Smith made comments.

The roll call on HB 1 was taken and revealed:

YES: 36.

NO: Representatives Buckworth, Fallon - 2.

NOT VOTING: Representative D. Ennis - 1.

ABSENT: Representatives Ewing, Lofink - 2.

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

Representative Smith brought HB 42, jointly sponsored by Representatives Capano, Reynolds & Roy & Senators Bair, Bonini, Hauge & Sokola & cosponsored by Representatives Keeley & Brady, before the House for consideration.

HB 42 - An Act to Amend Title 14 of the Delaware Code Relating to School Property. (F/N)

Representative Smith made comments.

Representative Smith deferred to Representative Davis.

Representative Davis introduced and brought HA 1 to HB 42 before the House for consideration.

Representatives Davis, Stone & Smith made comments.

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

Representative Davis introduced and brought HA 2 to HB 42 before the House for consideration. Representative Davis made comments. HA 2 was adopted by voice vote.

Representative Smith moved to place HB 42 w/HA 2 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith deferred to Representative Welch.

Representatives Welch & Roy made announcements.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan moved to suspend the rules which interfere with action on HB 41. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Gilligan brought HB 41, jointly sponsored by Representatives Spence, Banning, Brady, Carey, Capano, B. Ennis, Ewing, Keeley, Houghton, Reynolds, Roy, Price, Smith & Ulbrich & Senators Cook & Bunting & cosponsored by Representative Boulden, before the House for consideration.

HB 41 - An Act to Waive the Statutory Provisions of Chapter 66, Title 16, of the Delaware Code Relating to the Appointment by the Governor of the Immediate Past President of the State Volunteer Firefighters' Association to the State Fire Prevention Commission.

Representative Gilligan made comments.

The roll call on HB 41 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Ewing, Lofink - 3.

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

Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:35 p.m.

6th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 23, 1997

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

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

LABOR: HB 18 - 2F,3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 13, SCR 3, SCR 4 & SCR 5.

January 22, 1997

LEGISLATIVE ADVISORY #1

Governor Thomas R. Carper signed the following legislation on the dates indicated: 1/18/97: SB 12. 1/22/97 - SJR 1 & HJR 1.

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

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Lofink, Mack, Oberle, Quillen - 4.

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

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

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

The following prefiled legislation was introduced:

**HB 58 - ROY & SENATOR AMICK - SUNSET:** An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

**HB 59 - WAGNER, SPENCE, PETRILLI, QUILLEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DAVIS, D. ENNIS, EWING, LEE, LOFINK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, KEELEY, PRICE, SCOTT, VANSANT, WEST, WILLIAMS; SENATORS BLEVINS, BUNTING, VENABLES, AMICK, BONINI, CONNOR, STILL - ED:** An Act to Amend Title 14 and Title 29 of the Delaware Code, Relating to Adoption Leave for State Employees, Teachers, and School Employees.

**HB 60 - CLOUTIER - H/ADM:** An Act to Amend Article III, Section 5, of the Constitution of the State of Delaware Relating to the Term of Office for the Governor of the State of Delaware. (2/3 bill)

**HB 61 - ROY; SENATOR SHARP - CORR:** An Act to Amend Title 11 of the Delaware Code Relating to the Forfeiture of Good Time.

**HB 62 - WELCH & CAULK, CAREY, EWING, KEELEY, LEE, PRICE, WEST; SENATORS ADAMS, COOK, VENABLES, BONINI, BUNTING - ENV MAN:** An Act to Amend Title 7 of the Delaware Code Relating to Environmental Control.

**HB 63 - WELCH, WEST & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, LOFINK, PETRILLI, BANNING, BRADY, PLANT, PRICE, WAGNER, LEE, SCHROEDER; SENATORS BUNTING, BONINI - APPRO:** An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

**HB 64 - WELCH, OBERLE, SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MARONEY, REYNOLDS, ROY, SMITH, ULBRICH, WAGNER, BANNING, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, PRICE, WEST, VANSANT; SENATORS COOK, BONINI, HAUGE, BUNTING - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to Specific Criminal Offenses.

**HB 65 - WELCH; SENATOR VENABLES; REPRESENTATIVES SPENCE, BUCKWORTH, CAULK, DAVIS, LEE, BANNING, B. ENNIS; SENATOR BONINI - SUNSET:** An Act to Amend §1782 of Title 24 of the Delaware Code Relating to the Parental Notice of Abortion Act.

**HB 66 - WELCH & OBERLE & CAULK & SENATOR BUNTING; REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, CLOUTIER, DAVIS, FALLON, LOFINK, MACK, MAIER, REYNOLDS; SENATORS MCBRIDE, BONINI, CONNOR, HAUGE - H/ADM:** An Act to Amend Title 29 of the Delaware Code Relating to Advisory Initiative.

**HB 67 - BOULDEN & SENATOR VOSHELL - TRANS & INFRA:** An Act to Amend Chapters 27 and 41 of Title 21 of the Delaware Code Pertaining to Toll Evasion. (3/5 bill)

**SB 13 - VENABLES; REPRESENTATIVE LEE - ED:** An Act to Amend Title 14 of the Delaware Code Relating to Limitation On Amount of Bonds That May Be Issued.

**SCR 4 - HENRY & REPRESENTATIVE MAIER; SENATORS MCDOWELL & AMICK; REPRESENTATIVES CAPANO, DIPINTO & ULBRICH - JUD:** Creating a Task Force to Conduct a Study and Make Recommendations Concerning Delaware's Juvenile Justice System.

The Reading Clerk read the following communications into the record:

23 January 1997

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, Delaware 19903

Dear Speaker Spence,

Please excuse my absence from Legislative Session today; as well as Tuesday and Wednesday next, the 28th and 29th respectively.

Barring any complications - which are not foreseen - I should return from Johns Hopkins Medical Center next Wednesday evening.

Thanks in advance for your prayers. I look forward to rejoining you all in House Chamber on the 30th.

Sincerely,

G. Robert Quillen

30th District State Representative

GRQ:ldt

Representative Petrilli introduced guests.

Representative Smith requested and was granted the privilege of the floor for Pam Price who introduced the 1997 Legislative Fellows.

Representative Smith deferred to Representative Welch.

Representative Welch moved to suspend the rules which interfere with action on HR 6. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Welch brought HR 6, jointly sponsored by Representative Smith, before the House for consideration.

HR 6 - Relating to Temporary Rules of the House of Representatives of the 139th General Assembly of the State of Delaware.

Representative Welch made comments.

HR 6 was adopted by voice vote.

Representative Smith moved to lift HB 42 w/HA 2 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith brought HB 42 w/HA 2, jointly sponsored by Representatives Capano, Reynolds & Roy & Senators Bair, Bonini, Hauge & Sokola & cosponsored by Representatives Keeley & Brady, before the House for consideration.

HB 42 - An Act to Amend Title 14 of the Delaware Code Relating to School Property. (F/N)

Representative Smith deferred to Representative Davis.

Representative Davis made a comment.

Representative Smith moved to place HB 42 w/HA 2 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy brought HB 4, jointly sponsored by Representatives Welch & Quillen & Senators Bair, Bonini, Connor, Hauge, Reed, Sorenson & Still, before the House for consideration.

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

Representative Roy made a comment.

Representative Roy moved to place HB 4 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy made comments.

Representative Roy brought HB 5, jointly sponsored by Senator Cook, before the House for consideration.

HB 5 - An Act to Amend Section 114, Chapter 1 of Title 26 of the Delaware Code Relating to the Fees to be Charged by the Public Service Commission and to Set a New, Increased Schedule for Such Fees and Charges. (3/5 bill)

Representative Roy made a comment.

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

Representatives Roy & DiPinto made comments.

HA 1 was adopted by voice vote.

Representatives Houghton, Roy & B. Ennis made comments.

Representative Roy requested and was granted the privilege of the floor for Bruce Burcat, Executive Director, Public Service Commission.

Representative B. Ennis made a comment.

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

YES: 37.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 5 w/HA 1 was sent to the Senate for concurrence.

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

Representative Roy brought HB 6, jointly sponsored by Senator Sharp, before the House for consideration.

HB 6 - An Act to Amend Title 11 of the Delaware Code With Respect to Defenses to Criminal Liability and Evidence of Intoxication.

Representative Roy made comments.

The roll call on HB 6 was taken and revealed:

YES: 37.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority, HB 6 was sent to the Senate for concurrence.

Representative Roy brought HB 7, jointly sponsored by Senator Sharp, before the House for consideration.



HB 7 - An Act to Amend Title 11 of the Delaware Code Relating to Sentencing for Certain Crimes.

Representatives Roy & DiPinto made comments.

Representative Roy requested and was granted the privilege of the floor for Keith Brady, Chief Deputy Attorney General.

Representatives DiPinto & Roy made comments.

The roll call on HB 7 was taken and revealed:

YES: 35.

NOT VOTING: Representatives Plant, Scott - 2.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority, HB 7 was sent to the Senate for concurrence.

Representative Roy brought HB 8, jointly sponsored by Senator Sharp, before the House for consideration.

HB 8 - An Act Concurring in a Proposed Amendment to Article IV, §11(1) of the Delaware Constitution of 1897, as Amended, Relating to the Jurisdiction of the Delaware Supreme Court in Criminal Cases. (2/3 bill)

Representative Roy made a comment.

Representative Roy introduced and brought HA 1 to HB 8 before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

Representative Roy made a comment.

The roll call on HB 8 w/HA 1 was taken and revealed:

YES: 36.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 8 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 9, jointly sponsored by Representatives Oberle & Gilligan & Senator Sharp & Representatives Spence, Capano, Cloutier, Lofink, Mack, Maroney, Reynolds, Ulbrich, Banning, DiLiberto & VanSant & Senators Blevins & Sokola & cosponsored by Representatives Caulk, DiPinto, Davis & Scott, before the House for consideration.

HB 9 - An Act to Amend Title 11 of the Delaware Code Relating to the Crime of New Home Construction Fraud. (2/3 bill)

Representatives Roy, DiPinto & Scott made comments.

The roll call on HB 9 was taken and revealed:

YES: 37.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 9 was sent to the Senate for concurrence.

Representative Roy brought HB 10, jointly sponsored by Representative DiLiberto & Senators Amick & Sharp, before the House for consideration.

HB 10 - An Act Concurring in a Proposed Amendment to Article IV, Section 26 of the Delaware Constitution of 1897, as Amended, Relating to the Powers and Duties of the Prothonotary and the Entry of Testatum Fieri Facias.

Representative Roy made comments.

The roll call on HB 10 was taken and revealed:

YES: 37.

ABSENT: Representatives Lofink, Mack, Oberle, Quillen - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 10 was sent to the Senate for concurrence.

Mr. Speaker reassigned HB 62 to the Agriculture Committee.

Representative Smith deferred to Representative Lee.

Representative Lee brought HCR 1 before the House for consideration.

HCR 1 - Reinstating the Boot Camp Study Committee With the Request That the Committee Review the Boot Camp Intensive Incarceration Act, and the Progress and Status of the Implementation of That Act.

Representative Lee made comments.

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

Representative Smith moved to lift HB 42 w/HA 2 from the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Smith brought HB 42 w/HA 2, jointly sponsored by Representatives Capano, Reynolds & Roy & Senators Bair, Bonini, Hauge & Sokola, before the House for consideration.

**HB 42** - An Act to Amend Title 14 of the Delaware Code Relating to School Property. (F/N)  
Representative Smith deferred to Representative Cloutier.  
Representative Cloutier introduced and brought **HA 3 to HB 42**, jointly sponsored by Representatives Oberle & Schroeder, before the House for consideration.

Representatives Cloutier, Ewing, Cloutier, Smith, Ewing, Cloutier, D. Ennis, Cloutier & Davis made comments.

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

Representatives Ewing, D. Ennis, Davis, Cloutier, Ewing, D. Ennis, Cloutier, Ewing & Carey made comments

**HA 3** was adopted by voice vote.

Representative Smith deferred to Representative Davis.

Mr. Speaker Spence introduced guests.

Representative Davis introduced and brought **HA 4 to HB 42** before the House for consideration.

Representative Davis made comments.

**HA 4** was adopted by voice vote.

Representative Schroeder requested that **HA 5 to HB 42** be stricken.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis introduced and brought **HA 6 to HB 42** before the House for consideration.

Representatives D. Ennis, Davis, Ewing, DiPinto, Welch & D. Ennis made comments.

Representative D. Ennis moved to place **HA 6** on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

The roll call on **HB 42 w/HA 2,3 & 4** was taken and revealed:

YES: 36.

ABSENT: Representatives Lofink, Mack, Oberle, Petrilli & Quillen - 5.

Therefore, having received a constitutional majority, **HB 42 w/HA 2,3 & 4** was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SCR 6**.

Representative Smith introduced and brought **SCR 6**, jointly sponsored by Senators Sharp, Voshell & McDowell & Representatives Spence & Welch, before the House for consideration.

**SCR 6** - Providing That a Joint Session of the Senate and House of Representatives Be Convened for the Purpose of Receiving the Annual State of the State Address by the Honorable Thomas R. Carper, Governor of the State of Delaware.

Representative Smith made a comment.

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

Representative Smith deferred to Representative Capano.

Representative Capano introduced **HB 62**, jointly sponsored by Senator Adams & Representatives Roy & Petrilli & Senator Cook.

**HB 62** - An Act to Amend Title 30 of the Delaware Code Relating to the Taxation of the Distribution and Use of Public Utilities. (3/5 bill)

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

Representative Smith made an announcement.

Representative Smith deferred to Representative Maroney.

Representative Maroney requested and was granted the privilege of the floor for Richard H. McCarty, representing the American Heart Association.

Representatives Welch, Spence & Maroney made comments.

The following prefiled **Consent Calendar #1** was introduced:

**HR 8** - CAPANO & DIPINTO ON BEHALF OF ALL REPRESENTATIVES - Mourning the Loss of John E. Healy, II, Chief Executive Officer of a Nationally Recognized Construction Corporation.

**SCR 3** - BAIR & SORENSON & REPRESENTATIVES SPENCE & VANSANT; SENATORS BLEVINS, COOK, HENRY, SHARP, ADAMS, VAUGHN, VOSHELL, VENABLES, MARSHALL, MCBRIDE, MCDOWELL, BUNTING, SOKOLA, AMICK, REED, STILL, BONINI, HAUGE; REPRESENTATIVES KEELEY, DILIBERTO, PRICE, WELCH, WAGNER, CAPANO, ULBRICH, MAIER, MARONEY, STONE, FALLON & VANSANT - Commending Justice Carolyn Berger of the Delaware Supreme Court, Worthy Recipient of the 1997 Trailblazer Award of the Agenda for Delaware Women.

**SCR 5** - VOSHELL; REPRESENTATIVE CAREY; SENATORS ADAMS & BONINI; REPRESENTATIVES CAULK & EWING - Commending the Members, Coaches and Managers of the 1996 Milford High School Buccaneers Field Hockey Team for Their Outstanding Performance in Winning the 1996 Delaware State Field Hockey Championship.

Consent Calendar #1 was adopted by voice vote and SCR 3 & SCR 5 were returned to the Senate. Representatives DiLiberto & Gilligan made comments regarding HR 8. The Majority Leader moved to recess to the call of the Chair at 4:10 p.m.

7th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 28, 1997

Mr. Speaker Spence called the House to order at 1:50 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 41 & SB 15 w/SA 1.

The Majority Leader moved to adjourn at 1:51 p.m., thereby ending the current legislative day. The House reconvened at 1:52 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Boulden, Lofink, Oberle, Quillen - 4.

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

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

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

The following prefiled legislation was introduced:

HB 68 - BANNING, EWING, BUCKWORTH & SENATOR VAUGHN - JUD: An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to the Denial of Certain Victim Compensation Claims.

HB 70 - BOULDEN & SENATOR CONNOR; REPRESENTATIVES SPENCE, SMITH, WELCH, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, EWING, FALLON, LEE, MARONEY, OBERLE, PETRILLI, QUILLEN, ROY, STONE, ULBRICH, GILLIGAN, BRADY, HOUGHTON, PRICE, WEST - ED: An Act to Authorize the State Board of Education to Create a Pilot Project to Change the Date of the Unit Count.

HB 71 - CLOUTIER - H/ADM: An Act Proposing an Amendment to Article III, §2 of the Delaware Constitution of 1897, as Amended, Relating to Election of Governor and Lieutenant Governor. (2/3 bill)

HB 72 - BANNING & SENATOR VAUGHN; REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend Title 15 of the Delaware Code Relating to Elections.

HA 1 to HB 2 - ROY - P/S: Placed with the bill.

HCR 4 - CAPANO, BOULDEN, CAREY, DIPINTO, PETRILLI, QUILLEN, STONE, SCHROEDER - H/ADM: Creating a Privatization Task Force Consisting of Representatives From Government, Labor and Business to Evaluate Existing Privatized Government Services and to Explore and Recommend Other State Services for Privatization.

SB 15 w/SA 1 - VOSHELL & REPRESENTATIVE DAVIS - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to State Procurement.

SB 25 - MCDOWELL & BLEVINS & REPRESENTATIVES SPENCE, VANSANT & CAPANO; SENATORS VAUGHN & SORENSON; REPRESENTATIVE LEE - CORR: An Act to Amend Title 11 of the Delaware Code Relating to the Detention and Confinement of Youth.

SB 27 w/SA 1 - BLEVINS & REPRESENTATIVE ROY - BOND: An Act to Amend Volume 70, Chapter 473, Laws of Delaware, Relating to the Fiscal Year 1997 Bond and Capital Improvements Act, and Amend Certain Pertinent Statutory Provisions. (3/4 bill)

Representatives Stone, Roy & Maier requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 25 & SB 27 w/SA 1.

28 January 1997

The Honorable Terry R. Spence,

Speaker of the House

Dear Speaker Spence,

Please excuse my absence from Legislative Session on Thursday, 30 January.

I happily report my return from Johns Hopkins Medical Center last evening, and therewith my recovery which is anticipated at four weeks.

Please forward a resonant thanks to my colleagues and friends for the many prayers and sentiments of caring - the benevolent power of which is obviously great comfort.

My thoughts are with you now, and I look forward to resuming my place among you soon.

Sincerely,

G. Robert Quillen

30th District State Representative

January 24, 1997

## LEGISLATIVE ADVISORY #2

Governor Thomas R. Carper signed the following legislation on the date indicated: 1/23/97 - HB 41.  
Representatives Williams & Plant requested that they be marked present.

The Majority Leader moved to recess for the Joint Session and Committee meetings at 1:57 p.m.

## JOINT SESSION

## SENATE CHAMBER

The Sergeant-at-Arms announced the arrival of the House members for the Joint Session.

The members of the House of Representatives were admitted and welcomed by the Lieutenant Governor. At the invitation of the Lieutenant Governor, Representative Spence and Senator Sharp joined her on the podium.

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

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

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

At 2:08 p.m. Senator Voshell moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State Address by Thomas R. Carper, Governor of the State of Delaware. There was no objection.

Senator Voshell moved that the Lieutenant Governor, as President of the Senate, preside over the Joint Session. No objection - so ordered.

Senator Voshell moved that the Secretary of the Senate and the Chief Clerk of the House act as Secretaries to the Joint Session. The motion prevailed.

Senator Voshell moved that the President appoint a committee of four to escort the Governor to the Chamber. There was no objection and the President appointed Senator Thurman G. Adams, Jr., (Spokesperson), Senator Steven H. Amick, Representative Charles P. West & Representative Tina Fallon.

The President declared a recess at 2:09 p.m. to await the arrival of the Governor and the escort committee.

At 2:13 p.m. the Sergeant-at-Arms announced the arrival of the escort party with Governor Carper.

Senator Adams introduced the Governor to the Joint Session.

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

Lieutenant Governor Minner, President pro Tem Tom Sharp, House Speaker Terry Spence, to our new Majority Leaders, in the Senate Bob Voshell, Senator Voshell; Representative Wayne Smith, to the Members of this new General Assembly, to our fellow elected officials, to the Members of the Judiciary, to Members of my cabinet, fellow Delawareans, ladies and gentlemen:

I stand before you today to report on the state of our state for a fourth time as your Governor, grateful on behalf of Lieutenant Governor Ruth Ann Minner and myself for the opportunity that you have given us to lead our state into the 21st century. These past four years, all of us have worked together to prepare Delaware to succeed in that new century and well beyond. Every member of this General Assembly -- and every Delawarean -- can take pride in what we have accomplished. By honoring our commitments to our residents, and delivering real results to secure the long-term future of our state, we are keeping Delaware first.

This afternoon, I'd like to take some time to touch on a few of our successes and to outline an aggressive agenda for 1997 and the years to come.

Today in Delaware, our economy stands among the strongest in the nation. January has been a month of more good news. The nation's top rating agencies re-affirmed our highest bond rating in state history. We are among the top five states in the nation for attracting new business growth and jobs. Our unemployment rate -- averaging under five percent again last year -- remains well below the national average.

Earlier this month, we welcomed proudly the production of the Chevrolet Malibu, Motor Trend's Car-of-the-Year, to the GM Boxwood Assembly plant, and we also helped unveil this month the brand-new Dodge Durango that soon will be manufactured at Chrysler's Newark Assembly plant. Both plants have seen fear and doubt transformed into hope and security. Thanks to a lot of people who refused to give up, the long-term future is bright for those facilities, and for the thousands of Delawareans who work there.

One of the reasons we've been so successful in attracting and retaining jobs has been our ability to create an environment in which businesses can grow and prosper. We've cut personal income taxes twice and pushed our top rate below seven percent for the first time in almost four decades. Reducing the personal income tax isn't all we've done to make our state more attractive for residents and for businesses. We've cut the gross receipts tax, the public utility tax, and unemployment insurance taxes. We've created a tax credit for new bank jobs, lowered the franchise tax for banks meeting a higher-income threshold, and increased and expanded the Blue Collar Jobs Tax Credit.

It's no wonder that the Fortune 100 ranks Delaware as the very best state in which to locate or expand a business based on tax policy. We are truly keeping Delaware first when it comes to creating a climate which fosters economic opportunity.

Thanks to a vibrant economy and a welfare reform plan that is a model for our nation, we've helped almost 6,000 Delawareans move from welfare to work. In an effort to lend a hand up instead of a handout, we are providing the health, education, and child care supports necessary to enable thousands of families to reach self-sufficiency through hard work and through self determination.

In education, we've raised standards in each of the core academic subjects and strengthened graduation requirements. Disruption prevention programs in all 180 public schools are helping to ensure that schools are safer places for children where they can concentrate on preparing for success in college or the job market.

With strong private-sector support, we've launched several innovative charter schools and also have introduced an element of competition in public education. Public school choice attracted more than 5,000 applicants in this its first year, with an overwhelming majority receiving their very first choice of schools. Access to the information highway in every public school classroom will become a reality by September of 1998.

To help protect our environment, we've slashed emissions into the air by more than half and into the water by more than 90 percent. At a time when development and growth seem to be encroaching on all sides, we have preserved nearly 30,000 acres of open space and prime farmland, and placed another 86,000 acres into agricultural districts, for future generations to enjoy.

All of this we have done, and more. But now is not the time to step back and congratulate ourselves. Rather, now is the time to forge ahead and recommit ourselves to confront the serious challenges that remain -- challenges that our forefathers 200 years ago could never have imagined:

How will we sustain our economic pre-eminence in a climate of fierce competition? How can we capitalize on the emerging shift in powers between the states and the federal government? How do we deal with a prison population that has increased by nearly 40 percent since the Lt. Governor and I took office in 1993? How do we tackle the intense social pressures that are tearing at the fabric of our families and neighborhoods? How will we balance the need for jobs with our pledge to protect the environment and to manage sprawl?

These challenges will require us to work together in unprecedented ways -- to roll up our sleeves and to tackle these thorny problems head-on. The decisions we make in the 139th General Assembly will largely determine the kind of place Delaware will be at the dawn of a new century.

Let me reiterate what I said a week ago. I want us to be first in the nation -- the place where other states look for answers to the critical challenges of our time.

We are fortunate to begin this new General Assembly in a position of strength. Because we have built on a strong tradition of sound fiscal management and maintained a vibrant economy, our revenue picture remains bright. The nation's most respected bond rating agencies reaffirmed that our economy is strong, it's diverse, and well-poised for continued growth. But we must remain ever-vigilant to ensure that we are not caught unprepared for the future.

In an effort to ease the burden of our residents while creating a healthy business climate, we have rightfully focused on cutting taxes. Just as important, we have provided reductions in a thoughtful and responsible way, ensuring that we could sustain these cuts over the long haul. I will continue to support responsible tax cuts when possible, and I will propose several today. But I will not allow us to sacrifice our ability to provide the services which Delawareans truly need.

With that thought in mind, our Administration will work with the Joint Finance Committee to craft a balanced and responsible budget which keeps spending growth under five percent, while fully funding the State's Rainy Day Fund. The cost of maintaining existing levels of service will consume most of our projected revenues, leaving relatively little room for new initiatives.

We all know that the budget-writing process will be fraught with pressures on both our operating and capital budgets. We are faced with rising student enrollment, requiring us to hire additional teachers and buy more classroom materials. Aging school buildings and more students will require capital investments exceeding \$200 million for schools over the next five years alone. Rising costs in our long-term care Medicaid population threaten to swallow up funds required to meet other vital needs. Keeping law-abiding residents safe from harm requires more prison beds on-line yesterday, not just today.

Later this week, I will send to the General Assembly a "completion" bond bill with no new projects. In doing so, I propose that we utilize additional revenues that emerge between now and June to finish some of our larger projects ahead of time, bringing them on line sooner, and saving millions of dollars in construction costs and interest payments to boot. Our tradition of solid fiscal management and planning has served us well - placing us among the top ten states in this nation. My proposals are designed to bring Delaware a step closer to the AAA credit rating that has eluded us thus far.

## **CRIME**

Regrettably, the fastest growing part of our state government -- here and elsewhere -- is criminal justice. No issues are of greater importance to Delawareans than crime and the safety of our neighborhoods. Fighting crime requires vigilance on many fronts. It involves the most talented professionals we have, and thousands of volunteers, as well. It begins in the home with parents teaching their children to respect the law, and extends to our schools and our neighborhoods too.

Over the past four years, Delaware has taken bold steps to keep violent criminals off of our streets, to prevent future crimes, and to spare future victims.

To better protect our communities, we increased mandatory sentences for habitual violent offenders, we convicted drug dealers who carry guns, and pedophiles who prey on our children. To make sure these laws are enforced, we've put more officers on the streets and invested heavily in technology to give law enforcement the tools that they need to do their jobs better.

It's not just more policing. It's better policing. We've brought new community policing initiatives to Kent and to Sussex county. In our fight against domestic violence, we've launched a new State Police Domestic Violence Unit, specifically charged with targeting domestic violence cases in each county. This session, I will propose legislation to further strengthen protection-from-abuse orders, as well as legislation prohibiting the possession of a gun by anyone convicted of a domestic violence crime.

Still, we must do more.

We have seen a disturbing rise in shootings this past year, especially in Wilmington. One major reason for this violence is the influx of guns and drugs into our state. As we all know guns and drugs too often go hand in hand. A few years ago, our law enforcement community warned us that Delaware was in danger of becoming a "source state" for illegal purchases of handguns. Those fears have come true. Since 1994, the number of firearms seized in criminal investigations and traced back to us, back to Delaware has increased significantly. Few, if any, of those guns were being used by their original owners.

Part of the reason for this trend is that Delaware has not kept pace with our neighbors. Unwittingly, we have created an attractive business climate for gun runners too.

Delaware is the only state in the region which does not require a criminal records check for the sale of used guns. Over half of all handguns sold in Delaware are sold by private citizens.

To make Delaware less attractive to criminals in the business of guns and drugs, I will propose legislation to require record checks on the sale of *all handguns* -- new and used -- in Delaware. I will also propose legislation to prohibit the possession of ammunition by convicted felons, as well as the possession of handguns where the serial numbers have been destroyed; and legislation that will require stolen guns to be reported to law enforcement.

Now, new laws alone will not get the job done. We need a concentrated law enforcement effort to attack this trade in our most vulnerable communities. This week, I will ask Colonel Alan Ellingsworth to convene a special meeting of our state's police chiefs to work on creating a new state strike force to better coordinate our resources in fighting guns and drugs. I will ask for the assistance of our congressional delegation and the Clinton Administration, as well.

We need to send a strong message to criminals from New York to Washington D.C.: when it comes to trading drugs for guns, Delaware is closed for business.

With tough new laws and more cops on the street, we have seen a corresponding increase in our prison population. Today, we have over 5,000 inmates in our prisons -- facilities which originally were designed to house only 3,100.

Until now, we have *talked* about the overwhelming cost of this expansion, both in terms of one-time capital expenditures and increased operational costs. Now, we are about to witness the fiscal reality of this initiative in next year's budget. Over 35 percent of my proposed capital budget, excluding transportation, will go to prisons. The Department of Corrections will need to hire almost 300 new, full-time correctional officers this coming fiscal year alone. That is more officers than the entire New Castle County Police Department and results in more new full-time positions than were recommended in the entire state budget last year.

As staggering as those costs are, we will be planning our next prison expansion soon after this one is completed if the growth in our prison population continues at its current rate. We *must* find ways to stem the rising tide of our growing inmate population.

The first question to be asked is: Who is this population, and why do they end up in our prisons? Statistics show a very high percentage come from poor, single-parent families, sorely lacking in educational or vocational skills.

Eighty percent of our prison population are serious drug abusers. Many who make up our prison population have been to prison before. Reflecting the national average, recidivism rates are often as high as 70 percent. In most cases, drug abuse plays a major role in repeat offenses.

What can we do to break this cycle? What works?

As many of you know, here in Delaware we have a tough, discipline-based drug treatment program that has become a model for this nation. Our Key and Crest initiatives have produced remarkable results on a small scale, attracting the attention of the U.S. Department of Justice, state criminal justice systems nationwide, and yes even the President of the United States.

Of the prisoners who complete our rigorous Key and Crest in-prison treatment and work release programs, 76 percent, 76 percent, were drug-free and 71 percent, 71 percent, were arrest-free after 18 months. Compare that with the recidivism rates of a control group where only 19 percent remained drug-free and only 30 percent remained arrest-free after those same 18 months.

Completion of the Key and Crest programs by inmates means 40 percent fewer crimes committed, 40 percent fewer victims, and 40 percent fewer prison beds for repeat offenders. For those reasons, I will propose in my recommended budget that we nearly triple the scope of these programs in fiscal year 1998.

As we move forward with our huge prison expansion effort, the time is right to set a new course for these prisons. I want to create a prison system where addicted inmates with a sentence of one year or more will spend the last year of their sentence in the Key drug treatment program, followed by the Crest work release program, and then aftercare. I want a prison system that will *demand* the discipline and the commitment that these proven programs require.

Our Key and our Crest programs are not right for everyone. For those who only spend a short time in our prisons, we must create a "no-frills" prison where inmates are expected to work and are afforded few privileges. We must impress upon these individuals that prison is not a place to which they want to return. The Department of Corrections has already begun developing such a plan that will be unveiled later this year.

We must also improve vocational training in combination with inmate work programs so that inmates may begin to work *for* society, instead of *against* society. To help accomplish this task, I will propose that we begin transferring the responsibilities for our prison vocational training programs from the Department of Corrections to our award winning vo-tech school districts. By utilizing their expertise, we can greatly enhance the quality of these programs.

I believe that this new approach to our corrections system will begin to turn the tide of Delaware's growing prison population. These are things we must do to help make our prisons a place where people become better citizens -- and not better criminals.

On this battlefield, we cannot afford to fail. But if we are truly to succeed, our efforts to fight crime must begin long before people reach our adult prisons.

We must redouble our efforts to stop today's generation of troubled youth from becoming tomorrow's prison population. Many of these kids have already shown a propensity toward crime and violence -- both in our schools and in our neighborhoods. They often end up in our juvenile facilities. For some, these crimes are so serious they can no longer be treated as kids. For them, we have no alternative but to sentence them -- and segregate them in -- adult prison. But for those who can be led more readily back to the right path, we must provide juvenile facilities that nurture, that educate, and that discipline.

In a few short weeks, our new Ferris School -- with its improved programming -- will open its doors and with it will begin a new chapter in youth rehabilitation in Delaware.

#### **YOUTH CRIME PREVENTION/EARLY CHILDHOOD EDUCATION**

At Ferris and in our communities, our efforts to reduce crime must focus on children and on their parents. All the cops and prisons in the world won't protect us if we don't diminish the supply of new criminals.

We know the problems. Poverty. Too many children born out of wedlock. Absentee fathers. Too many children subjected to violence and neglect. Too many children who arrive at school already hopelessly behind. Too many children who leave elementary school and still can't read. Too many kids who don't know or obey basic norms of social behavior. Too many kids allowed to roam the streets unsupervised.

The obligation to address these problems starts with parents, with families, and with communities -- not with government. Government alone cannot substitute for the love of two fully committed parents mutually devoted to their child's success. But we can provide poor children the same educational opportunities as middle-class children, and by expecting all children to behave decently and to achieve at high academic levels, regardless of their class, their race or their gender.

Two years ago, our state launched a Comprehensive School Discipline Program that improves school safety, enables our schools to demand higher standards of behavior, and gives our most troubled youth the extra support that they need. Not only that, we've provided funds for extra instructional time and built momentum behind an effort to engage 10,000 Delawareans in school-based mentoring programs that help more kids to learn, to behave and improve their self-esteem.

These efforts improve lives. I'm convinced they also help to prevent crime.

This year, I am asking you, the General Assembly to take several additional steps to address the problems of at-risk children which lead to crime. These measures comprise a strong Youth Crime Prevention and Early Childhood Education agenda for our state.

To ensure that at-risk children get off to a good start, I am recommending the funding necessary so that all parents who need parenting education can get it. To better ensure that children arrive at school ready to learn, I am recommending expansion of the state's Early Childhood Program so that every four-year-old in our state who lives in poverty will soon have access to Head Start.

These pre-school investments must be followed up at the school level. American children spend far less time in school than their peers in Germany and Japan. The lengthy summer break especially harms poor children. All of us remember -- and many of us who have children in school now experience -- Septembers in public schools devoted to relearning what was known the previous May.

In the next century, academic achievement will be even more important, not less important, than it is today. It is time to recognize that if all of our children are to reach the rigorous academic standards that you and I have set, that our state has set, then we must provide many of them, many of those kids, with substantial amounts of extra learning time -- or be prepared to watch them fail.

To that end, I am proposing the funding necessary next year to provide a full month of extra instructional time -- 20 school days -- for the lowest achieving students in kindergarten through sixth grade. School districts may provide this targeted instruction during the summer, they may provide it after school, they may provide it on Saturdays, or provide full-day kindergarten. That is their decision.

As an integral part of this effort to improve academic achievement, I am also recommending expanded funding for the grants for additional schools that wish to start school-based mentoring programs to help struggling students.

And finally, I am proposing to strengthen the Comprehensive School Discipline Program by increasing base funding for Part II of that program to strengthen school partnerships with the Children's Department, with police agencies, and community-based organizations, and to increase the emphasis on prevention and on anti-drug efforts. These investments will help our schools better address the family and social problems that give rise to school disruption and to academic failure.

Coupled with a strong economy and our support for working low-income families, this Youth Crime Prevention and Early Childhood Agenda will do as much as anything our government can do to deter young people from lives of crime. If involved parents and caring communities also do their part, we can give our children a brighter future and at the same time make Delaware a safer place for all of us to live in.

## **EDUCATION**

Delaware is undertaking these prevention measures in the context of our State's overall education reform -- a program that focuses on two key words: standards and assessments.

Delaware was among the first states to adopt rigorous academic standards that clearly define what students are expected to know and be able to do at different grade levels in core subjects such as science, math, English and social studies.

These standards, our standards, have won national acclaim. They have been in the hands of Delaware teachers now for nearly two years. Special funding for professional development and new textbooks, tied to the state standards, has been appropriated by the General Assembly. The standards should now be entering the day-to-day lives of children in classrooms throughout Delaware.

Just as every meaningful human endeavor needs a standard or goal to meet, so too does it require a test of whether that goal has been reached. That is the job of educational assessments: to measure whether students are meeting the standards of academic achievement that we have set for them as a state.

Instead of simply asking students to complete multiple choice questions, these assessments also require students for example to write essays or to explain how they solved math problems. The end result should be a more accurate and rigorous method of evaluating performance that goes well beyond rote memorization to determine whether students understand the key concepts that they are learning.

In the Spring of 1998, the state will administer its first set of assessments tied to these core standards. The test will measure student achievement of English and of math in grades 3, 5, 8, and 10.

This next step will challenge our commitment to our children's future well being. We all know that unless there are consequences -- both positive and negative -- attached to any task, then that task is not taken seriously. Participants in the education system, starting with students, must be held accountable for whether these state standards are achieved.

At this critical juncture in Delaware's education reform, I am asking the General Assembly to take a limited, but profoundly important, step by requiring that the new state standards in the core subjects be designed to hold students accountable. That means that these tests should be capable of helping us to determine, for example, whether students go on to the next grade level, or receive a regular high school diploma. The new assessments should also be designed so that students can receive positive rewards for attaining quality scores, such as scholarships or merit diplomas. The decision as to how to use these accountability measures, and when they go into effect, should be debated and should be addressed over the next several years. However, the commitment to an assessment that enables Delaware to adopt such measure should be made this year.



Standards and assessments produce high performing graduates in other nations because there is student accountability. The time has come for us to make our own commitment to accountability in Delaware -- and that time, my friends, is now.

That commitment to accountability must not just extend to students, but to parents and to our education system as a whole. We've taken steps to introduce more accountability through public school choice and through charter schools, more rigorous teacher certification standards, and the publication of better information about our public schools.

We've also cut down on regulation. We've empowered local school districts and schools themselves to make bold decisions without our micromanagement. By moving decisions closer to the people, we are creating a more responsive and effective local school system.

This year, I want us to make our state education agency even more accountable to the people of Delaware too. That is why I am asking you to create a Department of Education, headed by a Secretary of Education nominated by the Governor and confirmed by the Senate. Our doing so will enable the people of Delaware to hold this governor and future governors directly accountable for how that agency performs, while giving you, the General Assembly, a better opportunity to fulfill your oversight function. Last week, the House passed legislation to do just that and you did so by an overwhelming margin. This week, I am asking the Senate to do the same.

A more effective state Department of Education can be the people's advocate in education, providing Delawareans with high-quality information about their local schools' spending practices, educational programs, and their performance. A more responsive and accountable Department of Education can also serve as a source of innovation and technical advice, and better meet the needs of local districts.

To meet the challenges of the 21st Century, Delaware must produce students with excellent skills. The way to accomplish that objective is to set high goals for our students and to be resolute enough to hold them, their parents, and our education system, accountable for meeting those goals. This is the year we must make that commitment.

### **STRENGTHENING OUR ECONOMY**

So much of our future depends on an excellent education system and the workforce it must produce. Developing that workforce is the key to a strong economy and keeping and attracting quality jobs.

When our Lt. Governor and I began our first terms, Delaware's economy was far less optimistic than it is today. But thanks to a bold strategy, undying enterprise, and a little luck, we've created an environment that gives every Delawarean a chance to find work and a chance to succeed.

Four years later, our economic goals have not changed. We must strive to make Delaware a place where parents can earn enough money to feed their children and provide them with good homes. A place where companies can take root, where they can grow, and where they can prosper. A place where individuals - bound only by the limits of their own enterprise -- forge better lives for themselves and for their families.

Four years ago, four years ago, we launched what we called a "grow our own" economic development strategy with four key elements: 1) fostering and expanding Delaware's existing businesses, particularly our small businesses; 2) investing in Delaware's infrastructure; 3) running a government that keeps taxes and red tape to a minimum; and, 4) creating a quality workforce. That strategy has not changed. As the 21st Century approaches, we must build on our economic strengths to ensure our prosperity.

One of the biggest strengths is a thriving financial services industry. That industry employs as you know more than 26,000 people today in our state and has added more than 2,500 jobs in the last two years alone.

We must continue to build on that success. On the first of this year -- with the help of the General Assembly -- we reduced the state's bank franchise tax and established a "challenge bracket" to spur further growth. This year, I will propose legislation to improve and make more efficient our banking regulatory process. And, I will continue to visit personally the top management at financial institutions all over this country to tell them about what we have to offer to them and their financial institutions right here in Delaware.

Banking isn't our only strength. Delaware also is the home of the highest number of scientists and engineers *per capita, per capita*, in this nation. To build on that advantage, I will recommend an additional \$4 million from the 21st Century Fund for our Advanced Technology Center initiatives which hold great promise for creating high-paying jobs in new technologies. And we're also moving forward, as you know, in our efforts to bring the high-tech semiconductor industry here to Delaware.

As we do so, we must continue to recognize the role that small business plays in forging a strong economy. To that end, I will recommend two new "storefront" Small Business Development Centers -- one in Dover and one in Georgetown -- building on the phenomenal success of the one-stop, storefront center we opened last summer in downtown Wilmington where over 2,000 people visited for help in starting and growing their own businesses in the last six months alone. We can and should replicate that success here in Kent County and in Sussex County.

We also have enjoyed tremendous success in improving access to capital, including venture capital.

Using only \$5 million in public moneys, we have leveraged more than \$100 million in public- and private-sector funding to help promising businesses to grow and to thrive. We will continue to support the Delaware Venture Partners initiative, the Delaware Innovation Fund, and the Delaware Access Program as they support the promising ideas of entrepreneurs and inventors, and their small, but growing companies.

During my first term, we cut business or personal income taxes in each of the last four years. This year, I will recommend that we reduce Delaware's public utility tax, and make that tax more equitable for purchasers of gas and electricity.

On the recommendation of the Unemployment Insurance Advisory Council, I am proposing that we reduce unemployment insurance taxes further, and raise the maximum weekly benefit for unemployed workers. In addition, to further reducing government red tape, I will recommend again the eliminating the Second Injury Fund for workers' compensation -- with no decrease in benefits.

Perhaps most importantly, we will remain vigilant in our efforts to provide a responsive, customer-friendly government which allows businesses to grow and thrive here, while meeting their responsibilities to us, the community. We want to build on the successes of General Motors, on Chrysler, on Playtex, Bio-Medic, Johnson Controls, Zenith Products and others. In keeping with those successes, I am proposing an additional \$10 million for the Delaware Economic Development Office's Strategic Fund.

As some of you know, the first time I ever saw Delaware was from a military aircraft as a young naval flight officer all of 22 years old. I was struck then, as I am now, by the natural beauty of this state. From the rolling hills of the piedmont in western New Castle County, to the vast stretches of fertile farmland south of the Canal, to the miles of sun-drenched beaches along the Sussex coastline, Delaware is blessed with a picturesque landscape that few states can match. I learned after living here just a short time that Delaware also is blessed with communities and a quality of life that have made it a wonderful place to live, a wonderful place to raise a family.

One of the biggest challenges that we face today is to preserve this small wonder of a state -- preserve our precious farmland and our agricultural industry, along with our open spaces and our natural areas, while maintaining a vital and expanding economy.

We cannot continue with the current sprawling development pattern in Delaware and preserve our natural resources and community character. It's that simple. Sprawl eats up valuable farmland, open space, and natural habitat. It stresses our existing transportation system and is more expensive to service with water and sewer facilities.

My Cabinet Committee on State Planning Issues has developed a set of goals for Delaware through a series of statewide workshops and a number of public meetings. Some of you have participated in those. The Shaping Delaware's Future goals are the blueprint guiding our state's capital investments, as well as our assessment of the counties' comprehensive land use plans.

Our state goals seek to guide new development to existing towns and communities and to designated growth areas by targeting state infrastructure to those areas. The more difficult and controversial task is to discourage and restrict development outside of those growth areas. It is this process of directing and restricting growth that poses our biggest challenge. In order to be successful, we must do it with a sense of balance and a sense of fairness. We must recognize the property rights of farmers and of landowners. We must maintain our vital economy, and, at the same time, we must protect open spaces and the character of our communities.

I recognize the tremendous interest of this legislature, of all three county governments, of our business community, and thousands of other Delawareans in how Delaware grows and how we use this land of ours. Each of us has our own ideas about the best way to move forward. There are some areas of agreement and, you know and I know, there are some sharp areas of disagreement.

I believe the time has come to try and forge a consensus. The Delaware Public Policy Institute has offered to sponsor a summit for that very purpose. Its success requires that we trust each other to do what is right for Delaware. Today, I am putting my full support behind this effort. I urge you, the Members of this General Assembly, and everyone who shares my view to do the same.

One critical area where we know we must find consensus is transportation. The most common complaint that we hear from residents of communities confronted with new development near their homes is traffic.

Building a transportation system which supports our vital economy and which provides adequate mobility for our citizens is not easy. If it were, somebody would have done it a long time ago. We are now playing catch-up to development that has occurred over the past decade or more.

For us to be successful, Delaware's Transportation Trust Fund must have adequate resources to unclog congested intersections, to preserve and maintain the capacity in our existing system, and to expand capacity in growth areas. At the same time, we must realize that we cannot build ourselves out of all of our traffic problems. We need to provide transportation alternatives too that preserve capacity on our roadways, while giving us cleaner air to breathe.

The capital budget which I'll submit this week will include a proposal to increase revenues for transportation. I recognize that there are many opinions inside this chamber, and outside of it, on how to provide more revenues for transportation. I believe the best way to guarantee funding for needed transportation projects is to enhance the existing dedicated user fees already supporting the fund, while holding the line on operating expenses paid for by that fund. I hope the General Assembly will come to share that view once all the alternatives have been carefully reviewed and fully debated.

To meet the challenges of managing growth well, we need the very best efforts of all Delawareans. In Delaware, we have a history of working together, a history of taking decisive action. When confronted with a problem or challenge, we pull together, Democrats and Republicans alike, public sector and private sector, we pull together to find solutions that work. I pledge to you my very best effort on this difficult front and ask of each of you the very same.

Ladies and gentlemen, I have shared with you this afternoon a snapshot of the preeminent position that Delaware enjoys today among all the fifty states. I have shared with you, as well, my candid views on some of the steps that we need to take over the next few years if we truly are to help lead this nation of ours into the 21st century. Whether it's fighting crime, whether it's making sure that kids stay in school and out of trouble, or fully implementing standards and assessments in education, injecting greater accountability throughout our school system, or balancing the need for a strong economy with our desire to ensure that Delaware remains a special place to live and to work, the challenges that we face are not easy ones.

Let me end my remarks to you this afternoon with a simple observation: I stand before you today as the last governor of this century and the first governor of the next.

Our first four years of working together were filled with accomplishment in which each one of us can take pride. Now, as we look forward to welcoming the next century, we are fortunate to have the talent and resources to overcome some of the most difficult challenges that face our state and this nation of ours. The question confronting us is this: "Do we have the will?" I believe we do.

The agenda I have outlined for you today builds on our successes and seeks to add to them. I recognize that some of the issues I have discussed are controversial ones. Some will require difficult choices from each one of us. But that is our task, our responsibility to the people who elected us, just as it has been for Delaware governors and for legislators for over 200 years.

Our own history beckons us, not to look back, but to move forward, not to settle for mediocrity, but to be the best. Working together, we will lead this nation into the 21st Century, confident in the strength and the ability of the people that we serve, committed to keeping Delaware first.

Thank you very much.

Lt. Governor Minner thanked the Governor and asked the escort committee to reassemble and escort the Governor back to his executive office.

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

The Secretary of the Senate, Bernard J. Brady, reported that the Journals were in agreement.

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

The President thanked the Governor for his address and asked the previously named escort committee to reassemble and escort the Governor back to his Executive Office.

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

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

At 3:03 p.m. Senator Voshell moved that the Joint Session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the President declared the Joint Session adjourned.

The House reconvened at 4:52 p.m.

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

P/S: HB 33 - 4M.

CORR: SB 25 - 4M.

JUD: HB 28 - 5M; HB 36 - 3F,2M.

HEALTH & HUM DEV: HB 31 - 6F,1M.

LABOR: HB 13 - 4M; HCR 2 - 4M.

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

Representative Mack made an announcement.

Mr. Speaker Spence reassigned HB 22, HB 24 & HB 25 to the Land Use & Infrastructure Committee.

Representative Reynolds requested that he be marked present.

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

ED: SB 13 - 2F,4M.

The Majority Leader moved to recess to the call of the Chair at 4:55 p.m.

8th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 29, 1997

Mr. Acting Speaker Welch called the House to order at 2:13 p.m.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Arthur Scott, do hereby request that my name be removed as Co-Sponsor of HB 51.

Date: January 23, 1997.

Signed: Arthur L. Scott.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator M. Rose Henry, do hereby request that my name be removed as Co-Sponsor of HB 4.

Date: January 16, 1997.

Signed: M. R. Henry.

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

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Lofink, Quillen - 2.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

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

The following prefiled legislation was introduced:

HB 73 - GILLIGAN - P/S: An Act to Amend Section 4183 of Title 21 of the Delaware Code Relating to Handicapped Persons' Parking Areas.

HB 74 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DIPINTO, D. ENNIS, GILLIGAN, HOUGHTON, KEELEY, LEE, MARONEY, OBERLE, PLANT, PRICE, QUILLEN, SCOTT, ULBRICH, VANSANT, WAGNER, WELCH, WEST, SPENCE; SENATORS COOK, STILL, VOSHALL - H/ADM: An Act Authorizing the Transfer of the Free Public Library of the Smyrna School District Known as the Smyrna Public Library to the Town of Smyrna, Providing That the Town of Smyrna Shall Assume the Outstanding Obligations of the Library and the Obligations of the Smyrna School District and Its District Library Commission Relating to Such Library Upon the Transfer Thereof, as Authorized by Chapter 71 of Title 14 of the Delaware Code. (2/3 bill)

HB 75 - WEST, BANNING, BUCKWORTH, CAPANO, CLOUTIER, B. ENNIS, D. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, MACK, MARONEY, PETRILLI, PLANT, PRICE, SCHROEDER, SCOTT, STONE, VANSANT, WAGNER, WELCH, WILLIAMS, SPENCE; SENATORS ADAMS, BLEVINS, BUNTING, BONINI, HAUGE, HENRY, MARSHALL, MCBRIDE, MCDOWELL, STILL, VAUGHN, VOSHALL - H/ADM: An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Delaware Commission of Veterans Affairs.

HB 76 - PLANT - LABOR: An Act to Amend Chapter 7, Title 19, Delaware Code, Relating to the Doctrine of Employment at Will.

HB 77 - WEST, BANNING, BRADY, CAREY, CLOUTIER, DILIBERTO, DIPINTO, D. ENNIS, EWING, GILLIGAN, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WILLIAMS, SPENCE; SENATORS ADAMS, BLEVINS, BUNTING, HAUGE, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, STILL, VAUGHN, VOSHALL - APPRO: An Act to Grant a Military Service Bonus to Veterans Having Entered Active Military Duty From Delaware and Having Participated in Hostilities in Either Granada, Panama or the Persian Gulf.

HB 78 - GILLIGAN & ROY & SENATOR SOKOLA; REPRESENTATIVES BANNING, BOULDEN, BRADY, BUCKWORTH, CAREY, CLOUTIER, CAULK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, PLANT, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATORS BUNTING, COOK, MARSHALL, MCBRIDE, MCDOWELL, STILL - APPRO: An Act Awarding Special Line of Duty Benefits to Wayne Steen. (3/4 bill)

Mr. Acting Speaker Welch made an announcement.

Representatives Banning, Fallon, Lee & Caulk introduced guests.

Representative Wagner made a comment and introduced a guest.

Mr. Acting Speaker Welch & Representatives Ewing & West made comments.

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

TRANS: HB 67 - 6M.

HOUSING & COM AFF: HB 47 - 3F,2M.

R & F: HB 69 - 5M.

BOND: SB 27 w/SA 1 - 4M.

AG: HB 62 - 4F.

Representative Maier requested that she be marked present.

The Majority Leader moved to recess for caucus at 2:25 p.m.

The House reconvened at 4:46 p.m.

Representatives Spence, Petrilli, Mack & Brady requested that they be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 9 & SCR 12.

Representative Ulbrich requested that she be marked present.

Representative Smith deferred to Representative Davis.

Mr. Speaker Spence resumed the Chair.

Representative Davis brought SB 15 w/SA 1, jointly sponsored by Senator Voshell, before the House for consideration.

SB 15 - An Act to Amend Title 29 of the Delaware Code Relating to State Procurement.

Representative Davis made comments.

Representative Davis moved to suspend the rules which interfere with action on SB 15 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

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

YES: 39.

ABSENT: Representatives Lofink, Quillen - 2.

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

Representatives Oberle, Reynolds & D. Ennis requested that they be marked present during the roll call.

Representative Smith deferred to Representative Boulden.

Representative Boulden brought HB 67, jointly sponsored by Senator Voshell, before the House for consideration.

HB 67 - An Act to Amend Chapters 27 and 41 of Title 21 of the Delaware Code Pertaining to Toll Evasion. (3/5 bill)

Representative Boulden made a comment.

Representative Boulden introduced and brought HA 1 to HB 67, jointly sponsored by Senator Voshell, before the House for consideration.

Representative Boulden made a comment.

HA 1 was adopted by voice vote.

Representatives Boulden & Brady made comments.

Representative Boulden requested and was granted the privilege of the floor for Pam Scott, Director of Policy, Department of Transportation.

Representatives Brady, Davis, Roy, DiLiberto, Roy, Capano, Wagner, Scott & B. Ennis made comments.

The roll call on HB 67 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Lofink, Quillen - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 67 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto requested that action on HB 31 be Deferred to a Day Certain, Thursday, January 30, 1997.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds made a comment.

Representative Reynolds deferred to Representative Lee.

Representative Lee brought SB 13, jointly sponsored by Senator Venables, before the House for consideration.

SB 13 - An Act to Amend Title 14 of the Delaware Code Relating to Limitation On Amount of Bonds That May be Issued.

Representative Lee made comments.

Representative Lee requested and was granted the privilege of the floor for Dr. George Stone, Superintendent, Delmar School District.

Representatives Wagner, Ewing, West, Fallon & VanSant made comments.

The roll call on SB 13 was taken and revealed:

YES: 39.

ABSENT: Representatives Lofink, Quillen - 2.

Therefore, having received a constitutional majority, SB 13 was returned to the Senate.

Mr. Speaker Spence introduced Lynn Hersey-Miller, Independent Consultant, currently working with OIS.

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

Representative Lee brought SB 25, jointly sponsored by Senators McDowell & Blevins & Representatives Spence, VanSant & Capano & Senators Vaughn & Sorenson, before the House for consideration.

SB 25 - An Act to Amend Title 11 of the Delaware Code Relating to the Detention and Confinement of Youth.

Representatives Lee & Plant made comments.

Representative Lee requested and was granted the privilege of the floor for Guy Sapp, representing the Division of Youth Rehabilitative Services.

Representatives Plant, Davis & Scott made comments.

The roll call on SB 25 was taken and revealed:

YES: 39.

ABSENT: Representatives Lofink, Quillen - 2.

Therefore, having received a constitutional majority, SB 25 was returned to the Senate.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with introduction and action on HCR 5. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto introduced and brought HCR 5, jointly sponsored by Senator McDowell & All Representatives & Senators Sharp, Adams, Blevins, Bunting, Cook, Henry, Marshall, McBride, Sokola, Vaughn, Venables, Voshell, Bair, Amick, Bonini, Hauge, Reed, Sorenson & Still, before the House for consideration.

HCR 5 - Requesting the Environmental Protection Agency of the United States to Extend the Public Comment Period by an Additional 120 Days for the Revision of the National Ambient Air Quality Standards for Ozone and Particulate Matter.

Representatives DiPinto, Mack, Carey, Roy, Mack, Gilligan & DiPinto made comments.

HCR 5 was adopted by voice vote and sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy introduced HB 82, jointly sponsored by Senator Sharp.

HB 82 - An Act to Amend Title 11 and Title 21 of the Delaware Code Relating to Use of Audiovisual Devices for Court Appearances and Videophone Assessments.

Mr. Speaker assigned HB 82 to the Judiciary Committee.

Representative Smith made an announcement.

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

JUD: SCR 4 - 1F,4M; HB 49 - 6M.

The Majority Leader moved to recess to the call of the Chair at 5:55 p.m.

9th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
January 30, 1997

Mr. Acting Speaker Welch called the House to order at 2:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 10, HB 10, SB 34 & HB 48.

Mr. Acting Speaker Welch introduced guests.

Representative Plant requested and was granted personal privilege of the floor for the introduction of guests.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Quillen - 1.

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

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

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

The following prefiled legislation was introduced:

**HB 79** - SPENCE & SENATOR SHARP - ED: An Act Authorizing the Christina Reorganized School District and/or State Board of Education to Exchange Certain School Real Property for the Property of Another Person.

**HB 80** - BOULDEN & SCHROEDER, SPENCE, SMITH, WELCH, BUCKWORTH, CAPANO, CAREY, CAULK, FALLON, LEE, MARONEY, OBERLE, QUILLEN, ROY, STONE, ULBRICH, WAGNER, VANSANT, BANNING, BRADY, DILIBERTO, KEELEY, PRICE, SCOTT; SENATORS CONNOR, ADAMS, BUNTING, BLEVINS, MCDOWELL, VOSHELL, SOKOLA, AMICK, BAIR, HAUGE - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Size of the Funding Unit for Grades K Through 5.

**HB 81** - SMITH & SENATORS VOSHELL, BAIR & SOKOLA & REPRESENTATIVES REYNOLDS, SPENCE, WELCH, CAPANO, CLOUTIER, DAVIS, DIPINTO, MAIER, MARONEY, STONE, WAGNER, GILLIGAN, VANSANT, BRADY, BANNING, DILIBERTO, B. ENNIS, HOUGHTON, SCHROEDER, ULBRICH, WILLIAMS; SENATORS BUNTING, MCDOWELL, MARSHALL, AMICK, BLEVINS, HAUGE, REED, SORENSON - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

**HB 83** - REYNOLDS & SPENCE & SENATOR SOKOLA; REPRESENTATIVES SMITH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LEE, MACK, MARONEY, OBERLE, ROY, ULBRICH, WAGNER, GILLIGAN, VANSANT, BANNING, BRADY, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCOTT, WEST, WILLIAMS; SENATORS BLEVINS, VENABLES, SORENSON - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Comprehensive School Discipline Improvement Program.

**HB 87** - SPENCE & WELCH & SENATOR MARSHALL; REPRESENTATIVES CAREY, CAULK, D. ENNIS, EWING, OBERLE, REYNOLDS, ULBRICH, WAGNER, GILLIGAN, VANSANT, BRADY, B. ENNIS, HOUGHTON, PLANT, PRICE, SCOTT, WEST, WILLIAMS - LABOR: An Act to Amend the Laws of Delaware to Give State Employees a Raise in Compensation.

**HB 88** - VANSANT & SENATOR MARSHALL - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability for Certain Criminal Offenders.

**HB 89** - GILLIGAN, BANNING, BRADY, CAULK, EWING, HOUGHTON, KEELEY, MAIER, PLANT, PRICE, REYNOLDS, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE - P/S: An Act to Amend Title 1 of the Delaware Code Relating to the Registration of Motor Vehicles.

**HB 90** - B. ENNIS & DIPINTO & D. ENNIS & SENATOR VOSHELL; REPRESENTATIVES BANNING, BRADY, BUCKWORTH, CAREY, CLOUTIER, DILIBERTO, GILLIGAN, HOUGHTON, LEE, OBERLE, PLANT, REYNOLDS, SCOTT, SPENCE, ULBRICH, VANSANT, WELCH, WEST, WILLIAMS; SENATOR VAUGHN - HEALTH & HUM DEV: An Act to Amend Chapter 63, Title 16, Delaware Code Relating to Emergency Planning and Community Right-to-Know.

**HB 91** - ROY; SENATOR SOKOLA - JUD: An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Liquors.

**HR 15** - BOULDEN - TRANS: A Resolution to Recommend to the United States Congress the Reauthorization of the Intermodal Surface Transportation and Efficiency Act.

**HCR 6** - SMITH & SENATOR VENABLES; REPRESENTATIVES SPENCE, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, MAIER, MARONEY, PETRILLI, REYNOLDS, ROY, STONE, ULBRICH, WAGNER, GILLIGAN, BRADY, BANNING, KEELEY, PLANT, PRICE, WEST; SENATORS BUNTING, VAUGHN, BAIR, HAUGE, REED, STILL - H/ADM: Memorializing the U.S. Congress to Propose and Submit to the Several States an Amendment to the Constitution of the United States Providing That No Court Shall Have the Power to Levy or Increase Taxes.

**HA 1 to HB 37** - WAGNER - ED: Placed with the bill.

**HA 1 to HB 52** - WAGNER - SUNSET: Placed with the bill.

**SB 34** - SHARP & REPRESENTATIVE SPENCE - ED: An Act to Amend Title 14, Delaware Code Relating to Mandatory Attendance Requirements for Public School Students.

**SCR 9** - MARSHALL & REPRESENTATIVE KEELEY - H/ADM: Memorializing President Clinton and the Members of Delaware's Congressional Delegation to Support and Promote Admission to the North Atlantic Treaty Organization for the Republic of Poland.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 4**, sponsored by Representative Oberle on Behalf of All Representatives, before the House for consideration.

**HR 4** - Memorializing the Life and Achievements of Our Dearly Departed Friend and Brother Robert (Bobby) Clemente.

WHEREAS, on Friday, January 10, 1997, the world became an emptier place with the passing of our friend and brother Robert (Bobby) Clemente who died suddenly at the age of 56 while on union business in Detroit; and

WHEREAS, known by all as "Bobby", Robert Clemente was the international representative for the United Auto Workers Chrysler Corporation for the past eight years and the facilitator for Chrysler's state-of-the-art regional training centers, one of which is located on Old Baltimore Pike, in Newark; and

WHEREAS, although Bobby had national responsibilities with UAW International Union, he is perhaps best known for his accomplishments while Vice President of local union 1183, specifically for his bold efforts in support of a modern company-employee operating agreement which in 1987 formed the critical core of a covenant that guaranteed the survival of Chrysler's Newark plant; and

WHEREAS, during his 35 years of service with the Chrysler Corporation Bobby held many positions in his local union including president, vice president, administrative assistant to the president, grievance investigator and chief steward in the trim and chassis department; and

WHEREAS, his reputation for hard work and accomplishment combined with his charismatic leadership style made Bobby a "go-to" person for public and private sector officials interested in matters pertaining to jobs and labor in Delaware, and

WHEREAS, it is our privilege to have known and worked with Bobby Clemente, we will miss him as a colleague, mentor and brother and hope that his good example will live on among us.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 139th General Assembly of the State of Delaware that we do hereby memorialize the life, accomplishments and contributions of our friend and brother Robert "Bobby" Clemente.

BE IT FURTHER RESOLVED that we extend our heartfelt condolences to Bobby's wife, Darlene, his children and his many family members and friends who miss him greatly.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be presented to Darlene DiAngelo Clemente and to Samuel E. Lathem, Administrator for the UAW Chrysler Training Center, for proper display at the training center.

Representative Oberle made comments.

Representative Oberle deferred to Representative Gilligan.

Representatives Gilligan & Plant made comments.

Representative Brady requested that he be marked present.

Representative Scott made comments.

Representative Oberle introduced guests.

HR 4 was adopted by voice vote.

Representatives Welch, Oberle & Smith made comments.

The House observed a moment of silence in memory of Robert Clemente at the request of Representative Oberle.

Representative Spence requested that he be marked present.

Representative Spence made comments.

Representative Smith deferred to Representative Oberle.

Mr. Acting Speaker Welch made comments.

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

Representative Oberle introduced and brought HR 5, sponsored by Representative Oberle on Behalf of All House Members, before the House for consideration.

HR 5 - Honoring the Late Vance Ellis Sulsky, Chief Union Negotiator for Council 81 of the American Federation of State, County and Municipal Employees, Who Died Suddenly on January 2, 1997.

WHEREAS, Vance Ellis Sulsky of Brandywine Hills, Wilmington was the consummate professional and chief negotiator for Council 81 of the American Federation of State, County and Municipal Employees; and

WHEREAS, the 47 year old Vance was greatly committed to the labor movement and greatly respected by his colleagues and members of the Delaware General Assembly; and

WHEREAS, the Long Island, New York native stood by the commitment that AFSCME members' first responsibility was to their employers and believed that they should provide quality service to Delaware taxpayers; and

WHEREAS, Vance served the best interest of Delaware public union employees and the public they serve for more than 18 years.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 139th General Assembly that Vance Ellis Sulsky, who died January 2, 1997 of pancreatic cancer, be remembered as a major contributor to Council 81 and to the State of Delaware; and



BE IT FURTHER RESOLVED that Vance be remembered as a man who helped further the labor movement in Delaware and had the respect of all individuals who sat with him at the bargaining table and in Legislative Hall; and

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be forwarded to Vance's surviving wife, Kathleen, at 506 Rockwood Road, Brandywine Hills, Wilmington, Delaware 19802, and Council 81 of the American Federation of State, County and Municipal Employees at 610 W. Basin Road, New Castle, Delaware 19720.

Representatives Oberle, B. Ennis, Spence & Welch made comments.

The House observed a moment of silence in memory of Vance Sulski at the request of Representative Oberle.

Representative Oberle made a comment.

HR 5 was adopted by voice vote.

The Majority Leader moved to recess for caucus at 2:54 p.m.

The House reconvened at 4:50 p.m.

Mr. Speaker Spence resumed the Chair.

Representatives Mack & Reynolds requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 1 & HCR 1.

Mr. Speaker Spence introduced a guest.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth moved to suspend the rules which interfere with introduction of and action on HR 11. The motion was properly seconded and adopted by voice vote.

Representative Buckworth introduced and brought HR 11, jointly sponsored by Representatives West, Smith, Ewing, Capano, Carey, Davis, Lee, Petrilli & Schroeder & cosponsored by Representatives Brady, Fallon, Caulk, Mack & DiPinto, before the House for consideration.

HR 11 - Requesting That the Balanced Budget Amendment to the U.S. Constitution be Submitted to the States for Ratification.

Representative Buckworth made comments.

HR 11 was adopted by voice vote.

Representative Smith made comments.

Representative Smith deferred to Representative Boulden.

Representative Boulden presented House Tributes to Colin Carew & Brian Gillespie, Newark High School Soccer All-Staters.

Representative Reynolds made comments.

Representative Smith deferred to Representative Gilligan for comments.

Representative Gilligan made comments.

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

Representatives Reynolds & Oberle made comments.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 31, jointly sponsored by Senator Sorenson & Representatives Banning, Boulden, Brady, DiPinto, B. Ennis, D. Ennis, Gilligan, Houghton, Keeley, Maier, Maroney, Price, Schroeder, Scott, Smith, Spence, VanSant, West & Williams & Senators Amick, Blevins, Hauge, McDowell, Reed, Sokola & Voshell & cosponsored by Representative Ulbrich, before the House for consideration.

HB 31 - An Act to Amend Title 31 of the Delaware Code Relating to Infant Nutrition, and Providing for an Infant Nutrition Act.

Representative DiLiberto introduced and brought HA 1 to HB 31 before the House for consideration.

Representative DiLiberto made a comment.

HA 1 was adopted by voice vote.

Representatives DiLiberto & Schroeder made comments.

Representative DiLiberto requested and was granted the privilege of the floor for Sandra P. Durgin, President, Nursing Mothers, Inc.

The roll call on HB 31 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Quillen, Scott - 2.

Therefore, having received a constitutional majority, HB 31 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 20, jointly sponsored by Representative Cloutier & Senator Amick & Representatives Caulk, Davis, Ewing, Lee, Stone, Wagner, & Banning & Senators Bonini & Hauge, before the House for consideration.

HB 20 - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses and the Definition of "Swears Falsely." (2/3 bill)

Representatives Welch, Brady, Wagner, Davis, Boulden, VanSant & Welch made comments.

The roll call on HB 20 was taken and revealed:

YES: 39.

ABSENT: Representatives Quillen, Scott - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 20 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 18, jointly sponsored by Representatives Welch & Gilligan & Senator McBride & Representatives Lofink, Roy, Banning, Scott, VanSant & Williams & Senators Connor, McDowell, Sokola & Amick & cosponsored by Representative Keeley, before the House for consideration.

HB 18 - An Act to Amend Title 29 of the Delaware Code Relating to Security of Lottery Operations and the State Lottery Office.

Representative Oberle made comments.

Representative Oberle moved to place HB 18 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy brought SB 27 w/SA 1, jointly sponsored by Senator Blevins, before the House for consideration.

SB 27 - An Act to Amend Volume 70, Chapter 473, Laws of Delaware, Relating to the Fiscal Year 1997 Bond Bill and Capital Improvements Act, and Amend Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Roy made comments.

The roll call on SB 27 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Quillen, Scott - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 27 w/SA 1 was returned to the Senate.

Mr. Speaker Spence declared a recess at 5:25 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:33 p.m.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 62, jointly sponsored by Representatives Caulk, Carey, Ewing, Keeley, Lee, Price & West & Senators Adams, Cook, Venables, Bonini & Bunting, before the House for consideration.

HB 62 - An Act to Amend Title 7 of the Delaware Code Relating to Environmental Control.

Representative Welch made comments.

The roll call on HB 62 was taken and revealed:

YES: 38.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Quillen, Scott - 2.

Therefore, having received a constitutional majority, HB 62 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Banning.

Representative Banning brought HB 36, jointly sponsored by Representatives Boulden, Brady, Buckworth, Capano, Carey, Caulk, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Reynolds, Roy, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant, Wagner, Welch, West, Williams & Spence & Senators Adams, Blevins, Bunting, McDowell & Vaughn, before the House for consideration.

HB 36 - An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to Compensation for Innocent Victims of Crime.

Representative Banning requested and was granted the privilege of the floor for Ann DelNegro, Executive Director, Violent Crimes Compensation Board.

The roll call on HB 36 was taken and revealed:

YES: 39.

ABSENT: Representatives Quillen, Scott - 2.

Therefore, having received a constitutional majority, HB 36 was sent to the Senate for concurrence.

Mr. Speaker reassigned HB 91 to the Business/Corporations/Commerce Committee.

Mr. Speaker reassigned HB 13 to the Appropriations Committee.

Representative Smith deferred to Representative Wagner.

Representative Wagner deferred to Representative Maier.

Representative Maier brought SCR 4, jointly sponsored by Senators Henry, McDowell & Amick & Representatives Capano & DiPinto & cosponsored by Representative Ulbrich, before the House for consideration.

SCR 4 - Creating a Task Force to Conduct a Study and Make Recommendations Concerning Delaware's Juvenile Justice System.

Representative Maier made comments.

SCR 4 was adopted by voice and returned to the Senate.

Mr. Speaker Spence made a comment.

Representative Smith deferred to Representative Boulden.

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

HR 15. The motion was seconded by Representative Buckworth.

Representative Boulden introduced and brought HR 15 before the House for consideration.

HR 15 - A Resolution to Recommend to the United States Congress the Reauthorization of the Intermodal Surface Transportation and Efficiency Act.

Representative Boulden made comments.

The motion to suspend rules was adopted by voice vote.

HR 15 was adopted by voice vote.

The following prefiled Consent Calendar #2 was introduced:

HR 9 - CAPANO ON BEHALF OF ALL HOUSE MEMBERS - Honoring Delaware State Supreme Court Justice Carolyn Berger for Being Selected as This Year's Trailblazer Award Recipient.

HR 10 - SPENCE ON BEHALF OF ALL REPRESENTATIVES - Declaring the Week of March 9-16, 1997 Demolay Week in Delaware.

HR 12 - ROY, SPENCE, DIPINTO, LOFINK, MARONEY, PETRILLI, ULBRICH, GILLIGAN, DILIBERTO, KEELEY - Celebrating Catholic Schools Week in Delaware.

HR 16 - EWING - Recognizing the Delaware State Chamber of Commerce and the University of Delaware for Their Sponsorship of Delaware Day in Bonita Springs, Florida on February 4, 1997.

HCR 7 - EWING & SENATOR ADAMS - Recognizing Delaware Day in Vero Beach, Florida on February 10, 1997 and Encouraging the Attendance of All Interested Delawareans.

SCR 10 - BAIR & BLEVINS, AMICK, REED, MCDOWELL, BONINI, HAUGE, STILL, HENRY, COOK; REPRESENTATIVES SPENCE, SMITH, GILLIGAN, VANSANT, CAPANO, MARONEY, MAIER, ULBRICH, FALLON, DILIBERTO, PRICE, STONE, WAGNER, KEELEY - Commending the Honorable Liane M. Sorenson, Child Advocate and Deserving Recipient of the 1997 Delaware Tomorrow Award.

SCR 12 - SOKOLA FOR ALL SENATORS; REPRESENTATIVE ROY FOR ALL REPRESENTATIVES - Congratulating and Thanking the Parent Teacher Association (The "PTA") for Its 100 Years of Service and Dedication to Our Children, Our Schools and Our Communities.

Representative Oberle introduced HR 17.

HR 17 - Expressing a Hearty Welcome Back to Our Friend Edward "Pete" Peterson.

HR 17 was placed on Consent Calendar #2.

Representative Capano introduced HR 13, sponsored by Representative Capano on Behalf of All Representatives.

HR 13 - Thanking MBNA Chairman Charles M. Cawley and the Rest of the MBNA Family for Their Recent Proposal to Spend \$30 Million on Education During the Next Five Years.

HR 13 was placed on Consent Calendar #2.

Representative Keeley & Mr. Speaker Spence made comments.

Representative Gilligan introduced HR 14, jointly sponsored by Representative Capano.

HR 14 - Requesting the Department of Health and Social Services as Well as the Department of Administrative Services to Recommend the Best Use of Certain State Properties.

HR 14 was placed on Consent Calendar #2.

Mr. Speaker Spence made a comment.

Consent Calendar #2 was adopted by voice vote and HCR 7 was sent to the Senate for concurrence and SCR 10 & SCR 12 were returned to the Senate.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced HB 95, jointly sponsored by Representative Spence.

HB 95 - An Act to Amend Chapter 8 of Title 22, of the Delaware Code Regarding Residency Requirements of Municipal Employees. (2/3 bill)

Mr. Speaker assigned HB 95 to the Labor Committee.

Representative Oberle introduced HB 84, jointly sponsored by Representative Schroeder & Senator McBride & Representatives Spence, Welch, Boulden, Buckworth, Capano, Caulk, Cloutier, Davis, DiPinto, Ewing, Lee, Maier, Maroney, Petrilli, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, VanSant, Banning, DiLiberto, B. Ennis, Houghton, Keeley, Plant, Price, Scott, West & Williams.

HB 84 - An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Salaries and Working Conditions of School Employees.

Mr. Speaker assigned HB 84 to the Education Committee.

Representative Oberle introduced HB 85, jointly sponsored by Representative Welch & Senator Bonini.

HB 85 - An Act Proposing an Amendment to Article XV of the Delaware Constitution Relating to Certain Required Resignations. (2/3 bill)

Mr. Speaker assigned HB 85 to the House Administration Committee.

Representative Oberle introduced HB 86, jointly sponsored by Representatives Welch, Boulden, Buckworth, Caulk, Davis, Ewing, Lee, Reynolds, Banning, Brady, B. Ennis, Houghton & Williams.

HB 86 - An Act to Amend Title 29 of the Delaware Code Relating to the Creation of a Campaign Integrity Commission.

Mr. Speaker assigned HB 86 to the House Administration Committee.

Representative Gilligan introduced HB 98, jointly sponsored by Representative VanSant & Senators Sharp, Voshell, McDowell & Cook.

HB 98 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1998; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 98 to the Appropriations Committee.

Representative Davis made an announcement.

Representative Gilligan announced that SB 28 had been introduced in the Senate and requested that copies be distributed to House Members.

SB 28 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities for the Fiscal Year Ending June 30, 1988; Deauthorized State Guaranteed Bond Authorizations; Deauthorizing, Reauthorizing and Authorizing the Issuance of General Obligation Bonds of the State; Authorizing the Issuance of Revenue Bonds of the Delaware Transportation Authority; Appropriating Funds From the Transportation Trust Fund; Deauthorizing and Reauthorizing certain Funds of the Transportation trust Fund; Appropriating Special Funds of the Delaware Transportation Authority; Reverting and Reprogramming Certain Funds of the State; Appropriating General Funds and Special Funds of the State; Appropriating Monies From the Twenty-First Century Fund; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Spence introduced HB 93, jointly sponsored by Representatives Capano, Welch, Boulden, Buckworth, Carey, Davis, DiPinto, D. Ennis, Ewing, Lee, Maier, Maroney, Oberle, Wagner, Stone, Gilligan, VanSant, Banning, Brady, DiLiberto, B. Ennis, Houghton, Price, Scott & West & Senators Blevins, Bunting, Henry, Marshall, McDowell, Vaughn, Voshell, Bonini, Hauge & Still.

HB 93 - An Act to Amend Title 11, Delaware Code, Relating to Body-Piercing, Tattooing, Or Branding Consent for Minors and Civil and Criminal Penalties. (2/3 bill)

Mr. Acting Speaker assigned HB 93 to the Judiciary Committee.

Representative Spence introduced HB 92, jointly sponsored by Representative Welch & Senators McDowell & Marshall & Representatives Buckworth, D. Ennis, Ewing, Lofink, Oberle, Gilligan, Brady, Keeley, Plant, Price, West & Williams & Senator Henry.

HB 92 - An Act Making a Supplemental Appropriation to Provide Funds for Municipalities, Cities, Counties, Towns and Certain State Police Specialized Programs, to Use to Hire Additional Police Officers and Establishing Requirements Therefor. (3/4 bill)

Mr. Acting Speaker assigned HB 92 to the Appropriations Committee.

Representative Spence made comments.

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

Representative D. Ennis deferred to Representative B. Ennis.

Representative B. Ennis & Acting Speaker Welch made comments.

Representative Smith made comments.

Mr. Speaker Spence resumed the Chair.

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

JUD: HB 82 - 1F,4M.

Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:10 p.m.

10th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 18, 1997

Mr. Speaker Spence called the House to order at 3:15 p.m.

The Majority Leader moved to adjourn at 3:16 p.m., thereby ending the current legislative day. The House reconvened at 3:17 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Shirley A. Price, Thirty-Eighth Representative District.

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

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

The following out-of-session prefiled legislation was introduced:

March 13, 1997

HB 96 - SCOTT - H/ADM: An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

HB 97 - SCOTT, WILLIAMS, KEELEY - HEALTH & HUM DEV: An Act to Amend Chapter 47 of Title 16 of the Delaware Code Relating to Controlled Substances.

HB 99 - SCOTT - HOUSING & COM AFF: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

HB 100 - SPENCE - ED: An Act to Amend Title 14, Chapter 13, Delaware Code, Relating to School Employee Salaries.

SB 33 - MARSHALL & REPRESENTATIVE CAPANO - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes.

SCR 7 - MCBRIDE, BUNTING, VAUGHN & VOSHELL; REPRESENTATIVES QUILLEN, D. ENNIS, CAREY & MACK - NAT RES: Extending the Life of the Delaware River and Bay Oversight Committee for the Purpose of Studying and Considering Additional Matters, Including the Effect of the Federal Oil Pollution Act Amendments of 1990 and the Establishment of a Permanent Delaware River and Bay Oversight Commission.

SCR 11 - MCBRIDE & REPRESENTATIVE MACK - NAT RES: Extending the Existence of the Cancer and the Environment Liaison Group, Which Was Created by Senate Concurrent Resolution 40 of the 138th General Assembly of the State of Delaware.

The House observed a moment of silence in memory of Senator Robert T. Connor at the request of Speaker Spence.

Mr. Speaker reassigned HB 30 to the Agriculture Committee.

Mr. Speaker reassigned HB 21 to Judiciary Committee.

Mr. Speaker reassigned HB 52, HB 58 & HB 65 to the Policy Analysis & Government Accountability Committee.

Mr. Speaker reassigned HB 40, HB 57, HB 67 & HCR 3 to the Transportation Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 7, SCR 8, SCR 11, HCR 5 & SB 33.

WITH OUR THANKS

Members of the House of Representatives

As we express our thanks to you,

We want to say as well

Your kindness means much more to us

Than words alone can tell!

Thanks again

On Behalf of Bobby Clemente's family, we wish to express our sincere thanks for honoring him. Our family was deeply moved the day the House honored Bobby with the Resolution. It was truly a kind gesture, one we will never forget.

Family of Bobby Clemente.

February 12, 1997

LEGISLATIVE ADVISORY #3

Governor Thomas R. Carper signed the following legislation on the dates indicated: 2/10/97: SB 13, SB 15 aab SA 1 & HB 48. 2/11/97: SB 25, HB 42 aab HA 2,3 & 4 & HB 1.

February 14, 1997

LEGISLATIVE ADVISORY #4

Governor Thomas R. Carper signed the following legislation on the date indicated: 2/14/97: SB 27 aab SA 1.

Representative Quillen was granted personal privilege of the floor to make comments.

Representative Boulden requested and was granted personal privilege of the floor for the introduction of a guest.

Representatives Welch, Oberle & Maier made comments.

Representatives Maroney & Gilligan requested that they be marked present.

Representative Fallon made an announcement.

The Majority Leader moved to recess for caucus at 3:25 p.m.

The House reconvened at 5:00 p.m.

Representative West requested that he be marked present.

Representative Welch was granted personal privilege of the floor to make a comment.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 28, jointly sponsored by Representative Spence & Senator McBride, before the House for consideration.

HB 28 - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

Representatives Oberle, D. Ennis, Oberle & Brady made comments.

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

Representatives Brady, Oberle, Houghton, Oberle, DiPinto, Price, D. Ennis, Scott, Oberle, Brady, Oberle & VanSant made comments.

Representative Oberle moved to place HB 28 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Stone.

Representative Stone brought HB 47, jointly sponsored by Representatives Buckworth, Quillen, Wagner & B. Ennis & Senator Still, before the House for consideration.

HB 47 - An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

Representative Stone made comments.

The roll call on HB 47 was taken and revealed:

YES: 38.

NO: Representative Welch - 1.

NOT VOTING: Representative Carey - 1.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 47 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HCR 2, jointly sponsored by Senator Blevins & cosponsored by Representative Scott, before the House for consideration.

HCR 2 - Creating a Committee to Study Wages, Salaries, Mid-Points, and Pay Increases for State Employees.

Representative Wagner made comments.

Representative Wagner moved to place HCR 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

Representative Smith introduced and brought SJR 2, jointly sponsored by Senators Sharp, Marshall, Voshell, Vaughn, Adams, Cook & McBride & Representatives Oberle, Gilligan, VanSant, Welch, Ewing, B. Ennis, Lee, Williams & Wagner & cosponsored by Representatives Buckworth, Carey, Keeley, Brady, Ulbrich, Capano, DiPinto, DiLiberto, D. Ennis, Schroeder, Price, Scott, Lofink, Stone, Boulden, Davis, B. Ennis, Banning, Spence & Maier, before the House for consideration.

SJR 2 - Recognizing April 15, 1997 as Law Enforcement Appreciation and Support Day.

Representative Smith made comments.

The roll call on SJR 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, Oberle - 2.

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

Mr. Speaker Spence introduced guests.

The Majority Leader moved to recess to the call of the Chair at 5:35 p.m.

11th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 19, 1997

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #1

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                  |
|---------------|----------------|--------------------------|-------------|---------------------------------------------------------------------|
| H139-1        | Quillen        | 11/12/96                 | T           | Felton Oddfellow Lodge #30/Thomas Kates/Johnny Steward/Robert Price |
| H139-2        | Fallon         | 11/11/96                 | M           | Pfc. Richard Kenneth Hill                                           |
| H139-3        | Fallon         | 10/30/96                 | M           | Samuel M. Malti                                                     |
| H139-4        | Fallon         | 10/30/96                 | M           | Charles Schieferstein                                               |
| H139-5        | Fallon         | 11/03/96                 | M           | Timothy Logan Willey                                                |
| H139-6        | Fallon         | 11/09/96                 | M           | J. Webster Hastings                                                 |
| H139-6A       | Fallon         | 11/09/96                 | M           | Steven Trice                                                        |
| H139-7        | Fallon         | 11/14/96                 | T           | Drayna West/Restaurant Opening                                      |
| H139-8        | D. Ennis       | 12/01/96                 | T           | Bertha Holsten/50 Years/Ladies Aux./Brandywine Hundred Fire Co.     |
| H139-9        | D. Ennis       | 12/01/96                 | T           | Marge Murphy/50 Years/Ladies Aux./Brandywine Hundred Fire Co.       |
| H139-10       | Gilligan       | 11/21/96                 | T           | Paul Holwegner/Eagle Scout                                          |
| H139-11       | Wagner         | 11/14/96                 | T           | Dr. Arthur R. Gilbert/Retirement/Educator 22 Years/DE Schools       |
| H139-12       | Wagner         | 11/14/96                 | T           | Joanne Hamsher Gilbert/Retirement/28 Years/Delaware Schools         |
| H139-13       | Wagner         | 12/14/96                 | T           | Sandra Hamsher Dobbins/Retirement/27 Years/Delaware Schools.        |

HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                       |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------------------------|
| H139-14       | Wagner         | 11/11/96                 | T           | Lydia A. Maples/100th Birthday                                           |
| H139-15       | Welch          | 11/22/96                 | T           | Terry Thompson/'96 Young Farmer & Rancher Discussion Meet                |
| H139-16       | B. Ennis       | 11/22/96                 | T           | John F. Tarburton/'96 Distinguished Service to Agriculture               |
| H139-17       | B. Ennis       | 11/28/96                 | T           | Donald H. Morris/60th Birthday                                           |
| H139-18       | Fallon         | 11/14/96                 | T           | William C. Allen/U. of D. Medal of Distinction/Architectural Historian   |
| H139-19       | Quillen        | 11/09/96                 | T           | Lake Forest High School's Cross Country Team/Division II State Champions |
| H139-20       | Fallon         | 11/14/96                 | T           | PENCO/Commitment to Safety/Delmarva Safety Association                   |
| H139-21       | Carey          | 11/20/96                 | T           | Milford Historical Society/35th Anniversary Celebration                  |
| H139-22       | Carey          | 11/24/96                 | T           | Maraget & Jim Rogers/60th Wedding Anniversary                            |
| H139-23       | Carey          | 11/23/96                 | T           | Milford Parks & Recreation Department/20 Year Anniversary                |
| H139-24       | Quillen        | 11/21/96                 | T           | Disheka Tingle/Winner/School Bus Safety Contest                          |
| H139-25       | Quillen        | 11/21/96                 | T           | Kim Brown/Winner/'96 National School Bus Safety Contest                  |
| H139-26       | Quillen        | 11/21/96                 | T           | Jennifer Zachariah/Winner/School Bus Safety Contest                      |

HOUSE TRIBUTE ANNOUNCEMENT #3

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                      |
|---------------|----------------|--------------------------|-------------|---------------------------------------------------------|
| H139-27       | Quillen        | 11/21/96                 | T           | Zac Spece/Winner/'96 National School Bus Safety Contest |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                           |
|---------------|----------------|--------------------------|-------------|------------------------------------------------------------------------------|
| H139-28       |                | 11/18/96                 | T           | Chief Judge Vincent J. Poppiti/<br>William S. Rehnquist Award                |
| H139-29       | Welch          | 11/21/96                 | T           | Doyle L. Owen/Retirement/President of<br>Jobs for Delaware Graduates         |
| H139-30       | Wagner         | 10/01/96                 | T           | Andrea Smith & Michael Ambruso/<br>Marriage                                  |
| H139-31       | Wagner         | 9/07/96                  | T           | Geraldine Lee Wilhelm & Scott<br>Edward McClimens/Marriage                   |
| H139-32       | Stone          | 11/14/96                 | T           | Honorable Sherman W. Tribbitt/Life-<br>time Achievement/Arthritis Foundation |
| H139-33       | Welch          | 12/31/96                 | T           | Ronald R. Nichols/Retirement/Executive<br>Director/Data Service Center       |
| H139-34       | Wagner         | 11/22/96                 | T           | Walter J. Layton, Jr. & Cynthia S.<br>Sears/Marriage                         |
| H139-35       | Banning        | 11/22/96                 | T           | Middletown High Football<br>Team/'96 Flight B State Champions                |
| H139-36       | Banning        | 11/22/96                 | T           | William DiNardo/Middletown High<br>Football Coach/'96 Flight B Champions     |
| H139-37       | Smith          | 11/29/96                 | T           | Pat Fillers/65th Birthday                                                    |
| H139-38       | Smith          | 12/01/96                 | T           | Willie Garvin/Retire/22 Years/Chief<br>Custodian/Concord High School         |

## HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                            |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------------|
| H139-39       | Smith          | 6/01/97                  | T           | John Sutton/Retirement/29 Years/Teacher/<br>Concord High School               |
| H139-40       | Ulbrich        | 11/25/96                 | T           | Glasgow High Marching Band/<br>Atlantic Coast Tournament Champions            |
| H139-41       | Buckworth      | 11/25/96                 | T           | Betsy Noble/Caesar Rodney High/Wendy's<br>High School Heisman Award           |
| H139-42       | Buckworth      | 11/25/96                 | T           | Kenny Maroon/Caesar Rodney High/<br>Wendy's Heisman Award                     |
| H139-43       | Buckworth      | 11/25/96                 | T           | Matt Andrade/Caesar Rodney High/First<br>Team/All Conference Boys Soccer      |
| H139-44       | Buckworth      | 11/25/96                 | T           | Brian Gaddy/All Conference Boys Soccer                                        |
| H139-45       | Buckworth      | 11/25/96                 | T           | Steve Corbet/All State and & All Conference<br>Boys Soccer                    |
| H139-46       | Buckworth      | 11/25/96                 | T           | Jason Fennemore/All State and & All Conference<br>Boys Soccer                 |
| H139-47       | Buckworth      | 11/25/96                 | T           | Nick Boggs/Caesar Rodney High/First Team<br>All Conference Boys Cross Country |
| H139-48       | Buckworth      | 11/25/96                 | T           | Dan Bailey/Caesar Rodney High/First Team<br>All Conference Boys Cross Country |
| H139-49       | Buckworth      | 11/25/96                 | T           | Donovan Anderson/All State and All<br>Conference Boys Cross Country           |

## HOUSE TRIBUTE ANNOUNCEMENT #5

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                       |
|---------------|----------------|--------------------------|-------------|----------------------------------------------------------|
| H139-50       | Fallon         | 11/09/96                 | T           | Louisa J. & Kendal T. Jones<br>/50th Wedding Anniversary |
| H139-51       | VanSant        | 9/29/96                  | T           | Wanda & Theodore Bojarski/<br>/50th Wedding Anniversary  |
| H139-52       | Fallon         | 9/09/95                  | M           | Deborah S. Jones                                         |
| H139-53       | Carey          | 11/23/96                 | T           | Milford High Senior Field<br>Hockey Team/'96 Champions   |
| H139-54       | Fallon         | 11/24/96                 | M           | Sidney L. Ayers                                          |



| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                     |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------|
| H139-55       | DiLiberto      | 11/26/96                 | M           | John E. Healy, II                                      |
| H139-56       | B. Ennis       | 11/21/96                 | T           | George Wright, Jr./E.W. "Buck" Buchanan Award          |
| H139-57       | Capano         | 11/21/96                 | T           | Mary A. & William D. Stooops /50th Wedding Anniversary |
| H139-58       | Capano         | 11/17/96                 | T           | Virginia & Frank Barcus, /50th Wedding Anniversary     |
| H139-59       | Capano         | 11/23/96                 | T           | Frances & Francis Schiavoni /50th Wedding Anniversary  |
| H139-60       | Banning        | 11/23/96                 | T           | William & Agnes Thompson/ 50th Wedding Anniversary     |
| H139-61       | Banning        | 11/26/96                 | T           | Steven & Michele Banning/8th Wedding Anniversary       |
| H139-62       | Wagner         | 8/10/96                  | T           | Dr. Morris & Ruht Eskenazi/ 50th Wedding Anniversary   |

## HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                        |
|---------------|----------------|--------------------------|-------------|---------------------------------------------------------------------------|
| H139-63       | Maier          | 11/26/96                 | T           | Joseph M. Dell'Olio/National Child Abuse and Neglect Commissioner's Award |
| H139-64       | Maier          | 12/13/96                 | T           | Ltc. Tom Ciccariella/Commissioner's Award/CAP/Color Guard Champions       |
| H139-65       | Maier          | 12/13/96                 | T           | 1st Lt. Bruce Gasparo/CAP/Color Guard Champions                           |
| H139-66       | Maier          | 12/13/96                 | T           | Cadet Kelly Dickinson/Color Guard Champions                               |
| H139-67       | Maier          | 12/13/96                 | T           | Cadet James Garparo/Color Guard Champions                                 |
| H139-68       | Maier          | 12/13/96                 | T           | Cadet Aaron McLaughlin/Color Guard Champions                              |
| H139-69       | Maier          | 12/13/96                 | T           | Cadet Kathryn Volpe/Color Guard Champions                                 |
| H139-70       | Maier          | 12/13/96                 | T           | Cadet Steven Thomas/Color Guard Champions                                 |
| H139-71       | Maier          | 12/13/96                 | T           | Alan Gardner & John Riley/Sir Speedy Printing/"Rookie of the Year"        |
| H139-72       | Maier          | 12/01/96                 | T           | Katherine Phillips/Wilmington Christian School/All-Eastern Chorus         |

## HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                            |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------------|
| H139-73       | Fallon         | 10/08/96                 | T           | Nassau Valley Vineyards & Winery/ 10th Anniversary                            |
| H139-74       | Maroney        | 12/11/96                 | T           | William R. Baldt/President/Goldey-Beacom College/30 Years/Retirement          |
| H139-75       | Roy            | 11/28/96                 | T           | Matilda Hassler & John T. Green/ 60th Wedding Anniversary                     |
| H139-76       | B. Ennis       | 12/03/96                 | T           | Calvin E. Foxwell, Sr./51 Years/Mem-ber/Citizens' Hose Co. No. 1              |
| H139-77       | Wagner         | 12/02/96                 | M           | Thomas Richard "Cooper" Angstadt                                              |
| H139-78       | Spence         | 11/20/96                 | T           | Jane Perkins Maroney/'96 Recipient/ Dr. Nathan Davis Awd./AMA                 |
| H139-79       | Brady          | 11/18/96                 | T           | Marie A. & Thomas A. Marvel/50th Wedding Anniversary                          |
| H139-80       | Wagner         | 12/04/96                 | M           | Alvin O. "Vino" Ward                                                          |
| H139-81       | Plant          | 12/15/96                 | T           | Flossie Helen Brown/104th Birthday                                            |
| H139-82       | Roy            | 11/10/96                 | T           | Carmen & Eleanor LaPenta/50th Wedding Anniversary                             |
| H139-83       | Welch          | 12/15/96                 | T           | Delaware State Fire Marshals/Heroic Action /Beaver Brook Apartments           |
| H139-84       | Welch          | 12/15/96                 | T           | New Castle County Fire/EMS Dispatchers/ Heroic Action/Beaver Brook Apartments |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                 |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------------------|
| H139-85       | Welch          | 12/15/96                 | T           | New Castle County Police/Heroic Action/<br>Beaver Brook Apartments |

## HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                 |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------------------|
| H139-86       | Welch          | 12/15/96                 | T           | New Castle County Paramedics/Heroic Action/Beaver Brook Apartments |
| H139-87       | Welch          | 12/15/96                 | T           | Christiana Fire Co./Heroic Action/Beaver Brook Apartments          |
| H139-88       | Welch          | 12/15/96                 | T           | Delaware City Fire Co./Heroic Action/Beaver Brook Apartments       |
| H139-89       | Welch          | 12/15/96                 | T           | Elsmere Fire Co./Heroic Action/Beaver Brook Apartments             |
| H139-90       | Welch          | 12/15/96                 | T           | Five Points Fire Co./Heroic Action/Beaver Brook Apartments         |
| H139-91       | Welch          | 12/15/96                 | T           | Goodwill Fire Co./Heroic Action/Beaver Brook Apartments            |
| H139-92       | Welch          | 12/15/96                 | T           | Holloway Terrace Fire Co./Heroic Action/Beaver Brook Apartments    |
| H139-93       | Welch          | 12/15/96                 | T           | Minquedale Fire Co./Heroic Action/Beaver Brook Apartments          |
| H139-94       | Welch          | 12/15/96                 | T           | Minquas Fire Co./Heroic Action/Beaver Brook Apartments             |
| H139-95       | Welch          | 12/15/96                 | T           | Odessa Fire Co./Heroic Action/Beaver Brook Apartments              |
| H139-96       | Welch          | 12/15/96                 | T           | Wilmington Manor Fire Co./Heroic Action/Beaver Brook Apartments    |
| H139-97       | Welch          | 12/15/96                 | T           | Port Penn Fire Co./Heroic Action/Beaver Brook Apartments           |
| H139-98       | Welch          | 12/07/96                 | T           | Nathan R. Bonsall/Eagle Scout                                      |

## HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: March 18, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                     |
|---------------|----------------|--------------------------|-------------|------------------------------------------------------------------------|
| H139-99       | Welch          | 12/07/96                 | T           | Troy F. Bonsall/Eagle Scout                                            |
| H139-100      | Wagner         | 12/16/96                 | T           | Khary Darlington/Dover High/'96 All-State Football/First Team          |
| H139-101      | Maier          | 12/20/96                 | T           | Judy Christensen & Hockessin U.M. Women/Dorothy Traynor Awd.           |
| H139-102      | Maier          | 12/20/96                 | T           | Mark Davis/'96 Elementary Physical Education Teacher of the Year       |
| H139-103      | Wagner         | 12/31/96                 | T           | Wayne C. Hutchison/Retirement/30 Years/Delaware State Fire School      |
| H139-104      | Carey          | 12/27/96                 | T           | Honorable Ralph E. Benson/Retirement/Sussex County Councilman/24 Years |
| H139-105      | Schroeder      | 12/19/96                 | T           | Van Orden T. Lee/President/Ruritan National/Dedicated Service          |
| H139-106      | Schroeder      | 12/18/96                 | T           | Peggy Kirby/'96-'97 DSEA Support Person of Year Award                  |
| H139-107      | Carey          | 12/27/96                 | T           | Jim & Doris Millman/50th Wedding Anniversary                           |
| H139-108      | Wagner         | 12/20/96                 | T           | Dr. William C. Philips/Retirement/26 Years/Capitol School District     |
| H139-109      | Wagner         | 9/22/96                  | T           | John & Dottie Garthwaite/50th Wedding Anniversary                      |
| H139-110      | Lofink         | 12/17/96                 | T           | Connie Georgov/Grand Opera House Volunteer of the Year                 |

## HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: March 18, 1997

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

| Number   | Sponsor                             | Presentation Date | Type | Description                                                                     |
|----------|-------------------------------------|-------------------|------|---------------------------------------------------------------------------------|
| H139-111 | B. Ennis                            | 12/23/96          | T    | Mary D. Clayton/98th Birthday                                                   |
| H139-112 | Welch                               | 12/22/96          | T    | Lenora S. Smith/90th Birthday                                                   |
| H139-113 | Wagner                              | 12/25/96          | M    | Gary L. Stiffler                                                                |
| H139-114 | Wagner                              | 12/23/96          | M    | Richard Gordon Beck                                                             |
| H139-115 | B. Ennis                            | 12/28/96          | T    | Manetta H. & William R. Carrow/<br>50th Wedding Anniversary                     |
| H139-116 | cosponsors: Quillen, Ewing<br>Ewing | 12/31/96          | T    | Raymond Veasey/DELDOT<br>Outstanding Service                                    |
| H139-117 | Ulbrich                             | 12/12/96          | T    | Mr. Butch Simpson/DIFCA Football<br>Coach of the Year/1996                      |
| H139-118 | cosponsor: Reynolds<br>Maier        | 12/15/96          | T    | David Dickinson/Delawae Swedish<br>Colonial Society's Star Boy                  |
| H139-119 | Maier                               | 12/15/96          | T    | Kelly Dickinson/Delaware Swedish<br>Colonial Society's Santa Lucia              |
| H139-120 | Maier                               | 12/15/96          | T    | St. Mark's High Team & Coach Tom<br>DeMatteis/Highest National Ranking          |
| H139-121 | Quillen                             | 1/18/97           | T    | Alma Smith/55 Years Service/ Ladies<br>Aux./Delaware Volunteer Fireman's Assoc. |
| H139-122 | Carey                               | 1/11/97           | T    | William R. Holson, Jr./Eagle Scout                                              |
| H139-123 | cosponsor: West<br>VanSant          | 12/31/96          | T    | Eugene J. Truono/Retirement                                                     |
|          | cosponsor: Maroney                  |                   |      |                                                                                 |

## HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: March 18, 1997

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

| Number   | Sponsor                                       | Presentation Date | Type | Description                                                                             |
|----------|-----------------------------------------------|-------------------|------|-----------------------------------------------------------------------------------------|
| H139-124 | Wagner                                        | 12/07/96          | T    | Howard & Barbara Moore/50th<br>Wedding Anniversary                                      |
| H139-125 | B. Ennis                                      | 1/04/97           | T    | Adelaide Heckman/89th Birthday                                                          |
| H139-126 | D. Ennis                                      | 1/11/97           | T    | Sister Joanne O. Desmond Golden Jubilee                                                 |
| H139-127 | D. Ennis                                      | 1/17/97           | T    | Reverend "Dr." Christopher A. Bullock/<br>35th Birthday/& Completion/Doctor of Ministry |
| H139-128 | cosponsors: Scott, DiPinto, Williams<br>Caulk | 1/17/97           | T    | Edward H. Ralph/Retirement/Delaware Deputy<br>Secretary of Ag./35 Years of Service      |
| H139-129 | Maier                                         | 1/15/97           | T    | Jennifer Buckley/Dickinson High<br>/Heisman Award                                       |
| H139-130 | Brady                                         | 12/07/96          | T    | William H. & Elizabeth Phillips/50th<br>Wedding Anniversary                             |
| H139-131 | DiLiberto                                     | 10/20/96          | T    | William & Rose Cocco/50th Wedding<br>Anniversary                                        |
| H139-132 | Brady                                         | 1/09/97           | T    | Richard C. Cecil/20 Years Service<br>/Brandywine Hundred                                |
| H139-133 | Quillen                                       | 1/08/97           | T    | Leslie O. Givens/1,000th Career<br>Victory/Dover Downs/December 6, 1996                 |
| H139-134 | Maroney                                       | 1/20/97           | T    | Walter J. Crystal/70th Birthday                                                         |
| H139-135 | Wagner                                        | 11/09/96          | T    | Kevin A. George & Linda Faison/Marriage                                                 |
| H139-136 | Scott                                         | 1/11/97           | T    | J. L. Bell Funeral Home/Oldest<br>Afro-American Business/Wilmington                     |

T - Tribute

M - Memoriam

The following prefiled legislation was introduced:

**HR 18 - SMITH & WELCH - RULES:** Relating to Permanent Procedures of the House of Representatives of the 139th General Assembly of the State of Delaware for Ethics Violations.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative B. Ennis - 1.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 55 - OBERLE & SENATOR BUNTING - NAT RES: An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Licenses, Permits, Stamps and Registrations Issued by Authorized Agents of the Department of Natural Resources and Environmental Control.

HS 1 for HB 57 - BRADY, BANNING, DILIBERTO, KEELEY, SCOTT, WILLIAMS - TRANS: An Act to Amend Title 2 of the Delaware Code Relating to the Liability of the Delaware Transportation Authority.

HB 94 - BANNING & SENATOR VAUGHN; REPRESENTATIVES B. ENNIS, LOFINK - ED: An Act to Amend Title 9 of the Delaware Code Relating to School Impact Fees for the Appoquinimink School District. (3/5 bill)

HB 101 - GILLIGAN, BANNING, BRADY, CAULK, EWING, HOUGHTON, KEELEY, MAIER, PLANT, PRICE, REYNOLDS, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

HB 102 - WAGNER & SENATOR VAUGHN - JUD: An Act to Amend Title 10 of the Delaware Code Relating to the Rules of the Justice of the Peace Courts.

HB 103 - WAGNER & SENATOR VAUGHN - JUD: An Act to Amend Title 10 of the Delaware Code Relating to the Transfer of Judgments From the Justice of the Peace Courts.

HB 104 - DIPINTO & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Regarding Uninsured and Underinsured Insurance Coverage.

HB 105 - OBERLE; SENATOR REED - ED: An Act to Amend Title 14, Delaware Code, Relating to Employee Absences or Leave.

SB 30 - BUNTING, HENRY, SOKOLA, VAUGHN & VOSHELL; REPRESENTATIVES BANNING, BOULDEN, BRADY, CAPANO, CAREY, CAULK, D. ENNIS, HOUGHTON, PLANT, REYNOLDS, SCOTT, VANSANT, WEST & WILLIAMS - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

Representative Quillen requested that he be marked present.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 2 & SB 30.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative William A. Oberle, Jr., do hereby request that my name be removed as Co-Sponsor of HB 32.

Date: March 18, 1997.

Signed: William A. Oberle, Jr.

Representative Maier requested and was granted the privilege of the floor for the introduction of guests.

Representatives DiLiberto & Speaker Spence made comments.

Representative Lofink requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:22 p.m.

The House reconvened at 4:42 p.m.

Representatives Petrilli & West requested that they be marked present.

Representative West requested and was granted the privilege of the floor for the introduction of guests.

Representatives Brady, Welch & Mack requested that they be marked present.

Mr. Speaker reassigned HB 32 to the Environmental Management Committee.

Representative Fallon introduced and brought HCR 9, jointly sponsored by Representative Buckworth & Senator Bair on Behalf of All House and Senate Members, before the House for consideration.

HCR 9 - Honoring Kay Wood Bailey of Wyoming as the 1997 Mother of the Year.

WHEREAS, Kay Wood Bailey who was born in Wilmington and grew up in Milford, raised two children Lisa and Tim, while establishing a successful career; and

WHEREAS, Kay received an Associate of Arts Degree from St. Mary's Seminary and a Bachelor of Arts Degree in Government and Public Administration from American University; and

WHEREAS, since 1986, Kay has served as the first statewide Prison Arts Administrator for the Delaware Department of Correction, helping many incarcerated mothers become more valuable to their families; and

WHEREAS, in 1989, she founded the International Correctional Network, or I-CAN, which is a full affiliate of the American Correctional Association; and

WHEREAS, Kay founded a newspaper, hosted a television program for five years and served on the Wyoming Town Council.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 139th General Assembly of the State of Delaware that Kay Wood Bailey be honored for being selected as the 1997 Mother of the Year by the Delaware Association of American Mothers; and

BE IT FURTHER RESOLVED that Ms. Bailey be recognized for her many contributions as a mother, grandmother, homemaker and career woman.

BE IT FURTHER RESOLVED that Ms. Bailey be saluted for her participation in numerous community and civic activities.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be forwarded to Ms. Bailey at 105 Front Street, Wyoming, DE 19934-1123.

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

Representative Reynolds requested that he be marked present.

Representatives Fallon, Buckworth, Davis & D. Ennis made comments.

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

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

AG: HB 30 - 4F.

R & F: SB 33 - 6M.

P/S: HB 43 - 7M; HB 44 - 6M, 1U.

JUD: HB 51 - 1F, 6M; HB 68 - 3F, 4M; HB 88 - 1F, 6M.

LABOR: HB 76 - 1M, 3U.

APPRO: HB 78 - 6M.

Mr. Speaker assigned HB 51 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 4:51 p.m.

12th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 20, 1997

Mr. Acting Speaker Welch called the House to order at 2:18 p.m.

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

APPRO: HB 12 - 2F, 4M.

ED: HB 37 - 4F, 4M; HB 39 - 8M; HB 59 - 1F, 7M; HB 70 - 6F, 1M; HB 84 - 4F, 3M.

Mr. Acting Speaker assigned HB 59 & HB 84 to the Appropriations Committee.

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

Representative Plant introduced HB 116.

HB 116 - An Act to Amend Part II, Chapter 17, Title 11, Delaware Code, Relating to the Establishment of a Statewide Public Review Board to Investigate Citizens' Complaints Against State, County and Municipal Police Personnel of This State.

Mr. Acting Speaker assigned HB 116 to Judiciary Committee.

The following prefiled legislation was introduced:

HB 106 - CAPANO & SENATORS BLEVINS & SORENSON - HEALTH & HUM DEV: An Act to Amend Chapter 21, Title 13 of the Delaware Code Relating to the Composition of the Domestic Violence Coordinating Council.

HCR 8 - WAGNER & VANSANT & SENATOR COOK; REPRESENTATIVES SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, PETRILLI, REYNOLDS, STONE, ULBRICH, BANNING, BRADY, HOUGHTON, KEELEY, PLANT, PRICE, WEST, WILLIAMS - ED: Encouraging the Department of Public Instruction and Civic and Community Service Organizations to Implement and Teach the Eddie Eagle Elementary Gun Safety Education Program.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current 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 Richard A. DiLiberto, Jr., Fourteenth Representative District.

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

The following prefiled legislation was introduced:

HS 1 for HB 50 - CAREY, SPENCE, SMITH, BUCKWORTH, CAPANO, DAVIS, D. ENNIS, EWING, QUILLEN, PETRILLI, LEE, BANNING; SENATORS BUNTING, VENABLES, AMICK, BONINI, SORENSON - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 107 - BUCKWORTH - P/S: An Act to Amend Title 21, Delaware Code, Relating to Department of Public Safety, Division of Motor Vehicles, Releasing, Selling, Electronically Transmitting or Otherwise Supplying Information for Direct Mail Advertising Purposes.

HB 108 - BUCKWORTH - P/S: An Act to Amend Title 21, Delaware Code, Relating to Department of Public Safety, Division of Motor Vehicles, Releasing, Selling, Electronically Transmitting or Supplying Information for Direct Mail Advertising Purposes.

HB 109 - PETRILLI & OBERLE & SENATORS MARSHALL & VENABLES - LABOR: An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation and Disclosure or Use of Information.

HB 110 - OBERLE & PETRILLI & SENATORS MARSHALL & VENABLES - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation and Recoupment of Overpayments.

HB 111 - OBERLE & PETRILLI & SENATORS VENABLES & MARSHALL - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation and Uncollected Overissuance of Food Stamp Coupons.

HB 112 - WAGNER, SPENCE, BUCKWORTH, CAPANO, CAULK, CLOUTIER, DAVIS, EWING, LOFINK, MACK, REYNOLDS, ULBRICH, BANNING, KEELEY, WEST - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Criminal History Records Check of Persons Contracting or Employed by Agencies Contracting With the State of Delaware to Provide Care for the Elderly.

HB 117 - CAULK, CAREY, EWING, BANNING - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery Fund and Allocating Certain Revenues to Public School Capital Improvements.

HA 1 to HB 82 - ROY - AGENDA: Placed with the bill.

HA 1 to HB 91 - ROY - BUS/CORP/COM: Placed with the bill.

Representatives Roy, D. Ennis & Capano requested that they be marked present.

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

At the request of Representative Keeley, the House observed a moment of silence for Robert Popitti who was diagnosed with multiple sclerosis recently.

Representative Plant made comments regarding HB 116.

Mr. Acting Speaker Welch introduced a guest.

Representative Ewing made an announcement.

Representative DiPinto requested that he be marked present.

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

POLICY ANALYSIS & GOV ACCT: HB 52 - 3M; HB 65 - 3M.

The Majority Leader moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:25 p.m. with Representative Buckworth as Acting Speaker.

Representatives Mack, Williams, Spence, Lofink, Cloutier & Brady requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 43, SB 59 & SB 44.

Mr. Speaker reassigned SCR 11 to the Environmental Management Committee.

The Chief Clerk read the following committee reports into the record

JUD: HB 93 - 1F,4M.

TRANS: HCR 3 - 6M.

Representative Reynolds requested that he be marked present.

Representative Smith deferred to Representative Roy.

Representative Roy brought HB 82, jointly sponsored by Senator Sharp, before the House for consideration.

HB 82 - An Act to Amend Title 11 and Title 21 of the Delaware Code Relating to Use of Audiovisual Devices for Court Appearances and Videophone Assessments.

Representative Roy made comments.

Representative Roy brought HA 1 to HB 82 before the House for consideration.

Representative Roy made comments.

HA 1 was adopted by voice vote.

Representative Wagner announced that she will not voting on HB 82 w/HA 1 because of a possible conflict of interest.

Representative Ewing made a comment.

The roll call on HB 82 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Wagner - 1.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 82 w/HA 1 was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Banning.

Representative Banning requested that action on HB 68 be Deferred to a Day Certain, Tuesday, March 25, 1997.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 39, jointly sponsored by Senator Voshell & Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, Banning, Brady, DiLiberto, B. Ennis, Gilligan & Price & Senator Bunting, before the House for consideration.

HB 39 - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Students Who Have Been Expelled From Public School.

Representative Wagner made comments.

The roll call on HB 39 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Scott - 2.

Therefore, having received a constitutional majority, HB 39 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan brought HB 78, jointly sponsored by Representative Roy & Senator Sokola & Representatives Banning, Boulden, Brady, Buckworth, Carey, Cloutier, Caulk, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Keeley, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant, Wagner, Welch, West, Williams & Spence & Senators Bunting, Cook, Marshall, McBride, McDowell & Still, before the House for consideration.

HB 78 - An Act Awarding Special Line of Duty Benefits to Wayne Steen. (3/4 bill)(F/N)

Representative Gilligan introduced and brought HA 1 to HB 78 before the House for consideration.

Representative Gilligan made comments.

HA 1 was adopted by voice vote.

The following communication was read into the record at the request of Representative Gilligan:

TO: Members of the 139th General Assembly

THROUGH: Joseph W. Hojnicki, Sr., President

FROM: James E. Turner, III, Secretary

DATE: March 20, 1997

SUBJECT: DVFA Support of H.B. 78, Bill to compensate Wayne Steen

It is President Joseph W. Hojnicki's desire that you be informed that the Executive Committee members and Officers of this Association unanimously endorse the above captioned piece of legislation. It is the DVFA's intent that this bill is a one time request to alleviate Mr. Steen's current situation.

Our Association is currently investigating and actively deliberating with Insurance Companies to provide additional coverage to all it's members to alleviate this unfortunate circumstance in order that this situation does not reoccur.

If you have any further questions, please feel free to contact our President, Joseph W. Hojnicki, Sr. or our Legislative Lobbyist, John L. Mitchell, Sr.

This Association is deeply indebted to you for your consideration of this bill in taking care of one of our own.

Representatives Gilligan & Capano made comments.

Representative Gilligan requested and was granted the privilege of the floor for John L. Mitchell, Sr., representing the Delaware Volunteer Firemen's Association.

Representatives Capano, Maier, Gilligan, Plant, B. Ennis & Gilligan made comments.

The roll call on HB 78 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 78 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan made a comment.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u>                                                     | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                              |
|---------------|--------------------------------------------------------------------|--------------------------|-------------|---------------------------------------------------------------------------------|
| H139-149      | Ewing<br>cosponsors: Carey, Schroeder, Price,<br>Fallon, Lee, West | 1/25/97                  | T           | Honorable William D. Stevenson/Retirement/<br>Sussex County Councilman/16 Years |
| H139-150      | Ewing                                                              | 1/16/97                  | T           | Tim Painter/Longaberger Co./Nice Person                                         |
| H139-151      | Banning                                                            | 1/14/97                  | T           | Lawrence Webber/"Sergeant At<br>Arms"/139th General Assembly                    |
| H139-152      | Wagner                                                             | 1/04/97                  | M           | Earl Russell Field                                                              |
| H139-153      | Wagner                                                             | 1/07/97                  | M           | Michael Andrew Tovcimak                                                         |
| H139-154      | Stone                                                              | 1/08/97                  | M           | Dr. Daniel Elias Koble, Jr.                                                     |
| H139-155      | Oberle<br>cosponsors: All House Members                            | 1/16/97                  | M           | Robert D. Clemente                                                              |
| H139-156      | Roy                                                                | 12/28/96                 | T           | Patricia & Robert Bair/50th Wedding Anniversary                                 |
| H139-157      | Brady                                                              | 1/10/97                  | T           | Betty L. & Elmer Morgan/50th Wedding<br>Anniversary                             |
| H139-158      | DiPinto<br>cosponsors: Lofink, Gilligan                            | 1/19/97                  | T           | Oblates of St. Francis De Sales/<br>Feast of Founder/100 Years                  |
| H139-159      | Boulden                                                            | 1/22/97                  | T           | Susan Leininger/Delaware School Nurse of Year                                   |
| H139-160      | B. Ennis<br>cosponsors: All Members of the House                   | 1/27/97                  | T           | Louis J. Amabili/Dedication./State Fire<br>School                               |
| H139-161      | Oberle                                                             | 1/02/97                  | M           | Vance Ellis Sulsky                                                              |

#### HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                              |
|---------------|----------------|--------------------------|-------------|---------------------------------------------------------------------------------|
| H139-162      | Boulden        | 1/21/97                  | T           | Brian Gillespie/'96 All-State Third Team/Delaware<br>High School Soccer         |
| H139-163      | DiLiberto      | 1/17/97                  | T           | Robert & Diane Leoni/Birth of Son/Dominick<br>Robert Leoni                      |
| H139-164      | Gilligan       | 12/27/96                 | T           | Margaret & Francis Dougherty/50th Wedding<br>Anniversary                        |
| H139-165      | Price          | 12/21/96                 | T           | Reverend. William & Louise Archer/50th Wedding<br>Anniversary                   |
| H139-166      | Price          | 1/25/97                  | T           | Sergeant 1st Class John W. Johnson, Sr./<br>Retirement/National Guard/40+ Years |
| H139-167      | Brady          | 1/04/97                  | T           | Edith & J. Thomas Schranck/50th<br>Wedding Anniversary                          |
| H139-168      | Welch          | 2/02/97                  | T           | Jason M. Bowman/Eagle Scout                                                     |
| H139-169      | Capano         | 2/05/97                  | T           | Justice Carolyn Berger/'97 Trailblazer Award                                    |
| H139-170      | Capano         | 12/30/96                 | M           | A. Felix DuPont, Jr.                                                            |
| H139-171      | West           | 3/07/97                  | T           | George & Alice Hopkins/50th Wedding<br>Anniversary                              |
| H139-172      | Capano         | 12/26/96                 | T           | Joanne & Elmer Saienni/50th Wedding<br>Anniversary                              |
| H139-173      | Capano         | 12/20/97                 | T           | Elizabeth & Harry Harter/50th Wedding<br>Anniversary                            |
| H139-174      | West           | 1/26/97                  | T           | Senator Richard S. Cordrey/Happy Retirement                                     |

#### HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u>             | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                   |
|---------------|----------------------------|--------------------------|-------------|----------------------------------------------------------------------|
| H139-175      | Spence                     | 2/01/97                  | T           | DeMolay Week - 3/9-3/16                                              |
| H139-176      | Oberle<br>cosponsor: Smith | 1/28/97                  | T           | Charles J. Cooper, Esq./Assistance/<br>House Desegregation Committee |
| H139-177      | Oberle<br>cosponsor: Smith | 1/28/97                  | T           | Michael W. Kirk, Esq./Assistance/<br>House Desegregation Committee   |



|          |           |          |   |                                                                                 |
|----------|-----------|----------|---|---------------------------------------------------------------------------------|
| H139-178 | Fallon    | 1/28/97  | T | Timothy Buckmaster/State Assistant Principal Award                              |
| H139-179 | Fallon    | 1/28/97  | T | Barbara Killough/'96 Employee of the Year/Nanticoke Memorial Hospital           |
| H139-180 | Ewing     | 2/08/97  | T | Ronald Vincent/Chief of Farmington Fire Co. 1995-1996                           |
| H139-181 | Ewing     | 2/08/97  | T | Michael Larimore/President of Farmington Fire Co. 1995-1996                     |
| H139-182 | D. Ennis  | 2/09/97  | T | G. Lawrence Pelkey, III/Eagle Scout                                             |
| H139-183 | VanSant   | 2/08/97  | T | Katherine Domorod/'96 Member of the Year/5 Points Fire Co., No. 1, Inc.         |
| H139-184 | VanSant   | 2/08/97  | T | John "Dickie" Pruitt, Sr./'96 Member of the Year/5 Points Fire Co., No. 1, Inc. |
| H139-185 | Ewing     | 4/15/97  | T | Richard Veasey/'96 Civilian Distinguished Service Award/43 Years Service        |
| H139-186 | Buckworth | 1/28/97  | T | Corporal Frank Massuli/Retirement/20 Years of Service/Dover Police Department   |
| H139-187 | Buckworth | 1/11/97  | T | Whitey & Helen Moore/50th Wedding Anniversary                                   |
| H139-188 | Fallon    | 11/24/96 | T | Mr. & Mrs. Wayne Webb/50th Wedding Anniversary                                  |

## HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: March 20, 1997

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

| Number   | Sponsor                    | Presentation Date | Type | Description                                                                 |
|----------|----------------------------|-------------------|------|-----------------------------------------------------------------------------|
| H139-189 | Brady                      | 1/29/97           | M    | Edwin M. Anderson, III                                                      |
| H139-190 | Wagner                     | 1/25/97           | T    | Teena R. Durham & Larry P. Friend, Jr./Marriage                             |
| H139-191 | Carey                      | 2/08/97           | T    | Jack Hudson/50th Birthday                                                   |
| H139-192 | Fallon                     | 1/19/97           | T    | Glenn & Fran Campfield/50th Wedding Anniversary                             |
| H139-193 | VanSant                    | 2/01/97           | T    | New Castle County Volunteer Firemen/75 Years of Service to Member Companies |
| H139-194 | Ewing                      | 1/31/97           | T    | Nancy Jefferson/"Hole In One"/11th Hole/Deep Creek Country Club             |
| H139-195 | Spence                     | 1/30/97           | T    | Dasharath Gopinath/Eagle Scout                                              |
| H139-196 | Ewing                      | 1/30/97           | T    | W. James Strickland/Retirement/Diamond State/Bell Atlantic/38½ Years        |
| H139-197 | Banning                    | 3/01/97           | T    | Margaret King/100th Birthday                                                |
|          | cosponsors: B. Ennis, West |                   |      |                                                                             |
| H139-198 | Brady                      | 2/01/97           | T    | John Brodie/Retirement                                                      |
| H139-199 | Boulden                    | 2/16/97           | T    | Gregory Gilbert/Eagle Scout                                                 |
| H139-200 | Capano                     | 1/21/97           | M    | Anthony Ursomarso                                                           |
| H139-201 | Smith                      | 2/07/97           | T    | Rae Gerstine/30 Years Service/Town Assembly Treasurer/Village of Arden      |
| H139-202 | Smith                      | 2/07/97           | T    | Shaul Gladstone/20 Years Service/Trustee/Village of Arden                   |

## HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: March 20, 1997

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

| Number   | Sponsor | Presentation Date | Type | Description                                              |
|----------|---------|-------------------|------|----------------------------------------------------------|
| H139-203 | Maier   | 2/15/97           | T    | Elsie N. Lynch/100th Birthday                            |
| H139-204 | Ulbrich | 3/11/97           | T    | Robert Thomas/Newark Historical Society                  |
| H139-205 | Carey   | 2/08/97           | T    | Donald Evans/Heroic Action/Performed CPR on Chad Kenton  |
| H139-206 | Carey   | 2/08/97           | T    | Dean Holleger/Heroic Action/Performed CPR on Chad Kenton |
| H139-207 | Stone   | 2/12/97           | T    | Marian O'Brien/72nd Birthday                             |

| <u>Number</u>                           | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                              |
|-----------------------------------------|----------------|--------------------------|-------------|---------------------------------------------------------------------------------|
| H139-208                                | Wagner         | 1/14/97                  | T           | Doris Townsend & John Lewis/72nd Wedding Anniversary                            |
| H139-209                                | Wagner         | 2/15/97                  | T           | Lt. Col. (Ret.) George & Mary Farschman/50th Wedding Anniversary                |
| H139-210                                | B. Ennis       | 2/06/97                  | M           | Jeanette Thompson                                                               |
| H139-211                                | Banning        | 2/15/97                  | T           | Edward Sheltzler/50 Years Service/Odessa Fire Company                           |
| H139-212                                | Petrilli       | 2/19/97                  | T           | John T. Brook, Vice President/Government & Public Relations/Retirement/U. of D. |
| cosponsors: Boulden, Ulbrich, All Reps. |                |                          |             |                                                                                 |
| H139-213                                | Gilligan       | 2/08/97                  | T           | Russell Norman & Teresa Price/50th Wedding Anniversary                          |
| H139-214                                | Gilligan       | 2/03/97                  | T           | Vaughn & Mary Hopkins/50th Wedding Anniversary                                  |
| H139-215                                | Scott          | 4/25/97                  | T           | Reverend Dr. Aretha E. Morton/38 Years in Ministry                              |
| H139-216                                | Scott          | 3/07/97                  | T           | Reverend Lavinia Starks/Community Service/81st Birthday                         |

## HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                      |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------|
| H139-217      | Capano         | 2/20/97                  | T           | Hugh Mahaffy '97 Engineer of the Year                                   |
| H139-218      | Capano         | 2/01/97                  | T           | Ruth & Marvin Ferrier/50th Wedding Anniversary                          |
| H139-219      | Buckworth      | 2/15/97                  | T           | Danielle Martin/Caesar Rodney High/Outstanding Community Service        |
| H139-220      | DiPinto        | 1/20/97                  | M           | Reverend Francis Dougherty, OSFS                                        |
| H139-221      | B. Ennis       | 1/31/97                  | M           | Gladys Reynolds                                                         |
| H139-222      | Wagner         | 2/05/97                  | M           | Inez H. Kelsie                                                          |
| H139-223      | Wagner         | 2/18/97                  | M           | Connee T. Sergio-Vassas                                                 |
| H139-224      | Wagner         | 2/13/97                  | M           | Charles Edgar "Turk" Alderson, Sr.                                      |
| H139-225      | Boulden        | 3/11/97                  | T           | Bob Thomas/Dedicated Service to Newark Historical Society               |
| H139-226      | Roy            | 3/24/97                  | T           | Dalia C. Blalock/90th Birthday                                          |
| H139-227      | Quillen        | 2/20/97                  | T           | William Masciantonio/Founder Sportsmen Against Hunger, Inc.             |
| H139-228      | Fallon         | 2/20/97                  | T           | Karen & Chino Pedemonte/Owners/Bon Appetit/Honored by Delaware Today    |
| H139-229      | Fallon         | 2/20/97                  | T           | Pat Batchelor/20 Yearsof Dedicated Service /Famell & Smith, Inc.        |
| H139-230      | Fallon         | 1/31/97                  | T           | Police Chief Robert Miller/Retire/Seaford Police Dept./35 Yrs.          |
| H139-231      | Fallon         | 2/20/97                  | T           | Reverend Wilford Oney, Jr./'96 Edition Outstanding Young Men of America |

## HOUSE TRIBUTE ANNOUNCEMENT #19

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                  |
|---------------|----------------|--------------------------|-------------|-----------------------------------------------------|
| H139-232      | Quillen        | 2/15/97                  | T           | Stanley & Frances Vonessen/50th Wedding Anniversary |
| H139-233      | Gilligan       | 2/15/97                  | T           | Adam & Marie Freccia/50th Wedding Anniversary       |
| H139-234      | Scott          | 2/20/97                  | T           | Wilson Smith/Outstanding Community Service          |
| H139-235      | Fallon         | 2/07/97                  | M           | William Foster                                      |
| H139-236      | Fallon         | 2/20/97                  | M           | June McCutchan                                      |
| H139-237      | Fallon         | 2/14/97                  | M           | Anne E. Penuel                                      |
| H139-238      | Fallon         | 2/16/97                  | M           | Martin L. Sammons                                   |
| H139-239      | Fallon         | 11/24/96                 | M           | Sidney L. Ayers                                     |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                            |
|---------------|----------------|--------------------------|-------------|---------------------------------------------------------------|
| H139-240      | Fallon         | 2/20/97                  | T           | Garan Callaway/Seaford Middle School/<br>Volunteer Award      |
| H139-241      | Fallon         | 2/20/97                  | T           | Jim Mitchell/Life Member/Seaford<br>Volunteer Fire Department |
| H139-242      | Fallon         | 2/20/97                  | T           | Greg Cramer/Life Member/Seaford<br>Volunteer Fire Department  |
| H139-243      | Scott          | 2/22/97                  | T           | Iman W. D. Mohammad/Visit to Wilmington                       |
| H139-244      | Capano         | 2/15/97                  | T           | Esther T. & Vaughn Engelhardt/<br>50th Wedding Anniversary    |
| H139-245      | B. Ennis       | 3/13/97                  | T           | George Scott/70th Birthday                                    |
| H139-246      | B. Ennis       | 3/15/97                  | T           | Ann Jacobs/89th Birthday                                      |

## HOUSE TRIBUTE ANNOUNCEMENT #20

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                     |
|---------------|----------------|--------------------------|-------------|------------------------------------------------------------------------|
| H139-247      | Oberle         | 2/24/97                  | T           | Lindsey Nichols/Gauger-Cobbs<br>Middle School Community Service Award  |
| H139-248      | Spence         | 3/13/97                  | T           | MBNA America, N.A./'97 Delaware<br>Tomorrow Award                      |
| H139-249      | Capano         | 3/13/97                  | T           | Liane Sorenson/'97 Delaware Tomorrow<br>Award                          |
| H139-250      | Spence         | 3/13/97                  | T           | Vivian Young/'97 Delaware Tomorrow<br>Award                            |
| H139-251      | Quillen        | 3/14/97                  | T           | Joseph Frank/American Legion National<br>Commander/Visit to Delaware   |
| H139-252      | Carey          | 2/28/97                  | T           | Kimberly Whidbee/'97 Teenager of the<br>Year Award/Milford Elks        |
| H139-253      | Carey          | 2/28/97                  | T           | John Kinceley/Milford Elks Lodge/<br>'97 Good Neighbor Award           |
| H139-254      | Carey          | 2/28/97                  | T           | Nicholas Lumia/'97 Teenager of the Year<br>Award/Milford Elks Lodge    |
| H139-255      | Carey          | 2/28/97                  | T           | Joseph Griffith/'97 Fireman of the Year/<br>Milford Elks Lodge         |
| H139-256      | Carey          | 2/28/97                  | T           | Catherine Fleming/'97 Senior Citizen<br>of the Year/Milford Elks Lodge |
| H139-257      | Carey          | 2/28/97                  | T           | Corporal Gary Bailey/'97 Policeman of the<br>Year/Milford Elks Lodge   |
| H139-258      | DiPinto        | 2/13/97                  | M           | Lewis V. Russo, II                                                     |
| H139-259      | Schroeder      | 3/15/97                  | T           | Harry McLaughlin/Delaware Commander<br>of VFW/Outstanding Service      |

## HOUSE TRIBUTE ANNOUNCEMENT #21

DATE: March 20, 1997

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

| <u>Number</u> | <u>Sponsor</u>             | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                  |
|---------------|----------------------------|--------------------------|-------------|---------------------------------------------------------------------|
| H139-260      | Schroeder                  | 3/15/97                  | T           | Ruth Irvin/Delaware VFW Auxiliary President/<br>Outstanding Service |
| H139-261      | VanSant                    | 2/22/97                  | T           | Virginia & Howard Potts, Jr./50th<br>Wedding Anniversary            |
| H139-262      | Wagner<br>cosponsor: Welch | 2/13/97                  | T           | Mary Attix/96th Birthday                                            |
| H139-263      | Mack                       | 12/22/96                 | T           | Leona & Joseph Pinkett/64th Anniv.                                  |
| H139-264      | Brady                      | 3/04/97                  | M           | Robert Sheldon                                                      |
| H139-265      | Wagner                     | 3/22/97                  | T           | G. Michael Harman/Elks Citizen of the Year                          |
| H139-266      | Banning                    | 3/01/97                  | T           | Tom Currey/"Outstanding Agriculture Teacher"/<br>Middletown High    |
| H139-267      | Buckworth                  | 3/03/97                  | T           | William Dawson/Mayor/Councilman/Outstanding<br>Service/Camden       |
| H139-268      | Fallon                     | 3/08/97                  | T           | Beatrice Bessilleau/Outstanding Service to Church                   |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                          |
|---------------|----------------|--------------------------|-------------|---------------------------------------------|
| H139-269      | Fallon         | 3/08/97                  | T           | Helen Collins/Outstanding Service to Church |
| H139-270      | Fallon         | 3/08/97                  | T           | Elva Dorman/Outstanding Service to Church   |
| H139-271      | Fallon         | 3/08/97                  | T           | Marian Drew/Outstanding Service to Church   |
| H139-272      | Fallon         | 3/08/97                  | T           | Stacia Girley/Outstanding Service to Church |

T - Tribute

M - Memoriam

Representative D. Ennis requested and was granted personal privilege of the floor to present a Senate Tribute to Representative Welch.

The Majority Leader moved to recess to the call of the Chair at 5:02 p.m.

13th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 25, 1997

Mr. Acting Speaker Quillen called the House to order at 2:38 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 56 w/SA 2, SCR 13 & HCR 9.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Price - 1.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 33 - DAVIS - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Authority of the Division of Motor Vehicles, Department of Public Safety. (3/5 bill)

HB 113 - BANNING & WILLIAMS, BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CAULK, DAVIS, DIPINTO, B. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, OBERLE, PLANT, QUILLEN, SCOTT, VANSANT, WAGNER, WEST, SPENCE; SENATORS ADAMS, COOK, HAUGE, MARSHALL, VAUGHN, VENABLES - JUD: An Act to Amend Title 29 of the Delaware Code Relating to the Violent Crimes Compensation Board.

HB 114 - BUCKWORTH & EWING - APPRO: An Act Awarding Special Pension Benefits to Charlotte B. Tarr Transferring 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 53, Title 29, Delaware Code.

HB 115 - OBERLE & SENATOR MARSHALL - ED: An Act to Amend Title 14, Delaware Code, Chapter 40 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Public School Employment Relations Act.

HB 118 - SCHROEDER & PRICE & SENATORS BUNTING & VOSHELL - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery Fund and Allocating Certain General Fund Revenues for Various Defined Purposes.

HB 119 - VANSANT & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, CAPANO, CAULK, DAVIS, DILIBERTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, LEE, PLANT, SCHROEDER, SCOTT, STONE, SPENCE, ULBRICH, WAGNER, WELCH, WEST, WILLIAMS; SENATOR BUNTING - JUD: An Act to Amend Chapter 5 of Title 11 of the Delaware Code Relating to the Crime of Robbery.

HB 120 - WEST, BANNING, BRADY, CAULK, DIPINTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, REYNOLDS, SCHROEDER, SCOTT, VANSANT, WILLIAMS; SENATOR VOSHELL - APPRO: An Act to Amend Title 31, Chapter 5, Delaware Code, Relating to the Medicaid Income Eligibility Limit for Nursing Home Care.

HB 121 - WEST, BANNING, BRADY, BUCKWORTH, B. ENNIS, EWING, HOUGHTON, PLANT, PRICE; SENATORS VAUGHN, VENABLES - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 122 - PLANT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery Fund and Allocating Certain General Fund Revenues for the Benefit of Senior Citizens.

HB 124 - WAGNER - JUD: An Act to Amend Chapter 11, Title 11 of the Delaware Code Relating to Treatment of a Child by Prayer.

HB 125 - WAGNER - JUD: An Act to Amend Chapter 11, Title 11 of the Delaware Code Relating to Endangering the Welfare of Children.

HA 2 to HB 37 - WAGNER - READY LIST: Placed with the bill.

HA 3 to HB 37 - WAGNER - READY LIST: Placed with the bill. HA 1 to HB 44 - QUILLEN -

AGENDA: Placed with the bill.

HA 1 to HB 59 - WAGNER - APPRO: Placed with the bill.

HJR 3 - WAGNER & SCHROEDER & SENATORS BLEVINS, SHARP, VOSHELL, BUNTING, VAUGHN, VENABLES, REED & STILL - JUD: Creating a Family Court Task Force to Study the Current System for Open Hearings.

HC 11 - DIPINTO, BOULDEN, BUCKWORTH, CAPANO, CAREY, D. ENNIS, EWING, LEE, LOFINK, VANSANT, HOUGHTON, KEELEY, WILLIAMS; SENATORS BUNTING, SOKOLA, SORENSON, STILL - HOUSING & COM AFF: Recognizing the Need for a New Federal Income Tax Credit to Encourage the Rehabilitation of Older Buildings for Home Ownership in the State of Delaware and Urging Adoption by the Congress of HR No. 1134, the "Historic Homeownership Assistance Act", and Requesting State Agencies to Develop a Delaware Historic Preservation Tax Credit Program.

SB 43 - VENABLES & REPRESENTATIVE LEE - H/ADM: An Act to Amend and Act Being Chapter 137, Volume 61, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Delmar" to Substitute Gender Neutral Terms for "Councilman" and "Councilmen" and to Provide for Female Pronouns in References to the Mayor, Council Members, Town Manager, Town Solicitor, Town Alderman, Assistant Alderman and Town Auditor. (2/3 bill)

SB 44 - ADAMS & REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Titles 5 and 30 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

SB 56 w/SA 2 - SHARP & REPRESENTATIVE SPENCE - ED: An Act to Amend Title 14 of the Delaware Code Relating to School Calendars.

SB 59 - SOKOLA & STILL; REPRESENTATIVE SCOTT - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Qualifications for the Secretary of Education.

Representatives DiLiberto, Ulbrich & Cloutier requested that they be marked present.

The Reading Clerk read the following communication into the record:

March 25, 1997

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, Delaware 19903  
Dear Speaker Spence,

I will be unable to attend the Legislative Session this week, March 25, 26, 27, 1997, due to the death of my father-in-law. Thank you for your attention to this matter.

Sincerely,  
Shirley A. Price  
State Representative  
38th District

cc: JoAnn M. Hedrick

Chief Clerk of the House  
The Honorable Robert F. Gilligan  
Minority Leader

Representative Houghton requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 3:09 p.m. with Representative Welch as Acting Speaker.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #21A

DATE: March 25, 1997

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

| Number   | Sponsor           | Presentation Date | Type | Description                                                              |
|----------|-------------------|-------------------|------|--------------------------------------------------------------------------|
| H139-137 | D. Ennis          | 1/13/97           | T    | David D. Chillias/Commitment/<br>Environmental Safety                    |
| H139-138 | DiLiberto         | 1/09/97           | M    | Richard E. Roenne, Sr.                                                   |
|          | cosponsor: Oberle |                   |      |                                                                          |
| H139-139 | Carey             | 1/15/97           | T    | Margaret "Mardy" Dobson/53 Years of<br>Service/Milford Memorial Hospital |
| H139-140 | Carey             | 1/15/97           | T    | Edith Masten/60 Years Service<br>Milford Memorial Hospital               |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                          |
|---------------|----------------|--------------------------|-------------|-----------------------------------------------------------------------------|
| H139-141      | Boulden        | 1/15/97                  | T           | Colin Carew/Soccer Play of the Year/'96 All-State Team                      |
| H139-142      | Caulk          | 1/17/97                  | T           | Irene Hickman/Retirement/Secretary DELDOT /40 Years Service                 |
| H139-143      | Buckworth      | 1/13/97                  | T           | Sergeant Steve Rogers/Retirement/Dover Police/20 Years of Dedicated Service |
| H139-144      | Banning        | 1/15/97                  | T           | Mary Katherine Mulrine/Dean's List/DelTech. Wilmington Campus               |
| H139-145      | Fallon         | 1/18/97                  | T           | Gen. Clara Adams-Ender/Speaker at Festival for Youth Banquet/Seaford        |
| H139-146      | Fallon         | 1/18/97                  | T           | Bob Wieland/Speaker at Festival for Youth Banquet /Seaford                  |
| H139-147      | Wagner         | 1/15/97                  | M           | Julian E. Cooper                                                            |
| H139-148      | Ewing          | 1/16/97                  | T           | Patricia L. Ewing/Longaberger Co. Management Excellence Award               |

## HOUSE TRIBUTE ANNOUNCEMENT #22

DATE: March 25, 1997

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

| <u>Number</u> | <u>Sponsor</u>                | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                    |
|---------------|-------------------------------|--------------------------|-------------|-----------------------------------------------------------------------|
| H139-273      | Fallon                        | 3/08/97                  | T           | Joyce McLendon/Outstanding Service to Church                          |
| H139-274      | Fallon                        | 3/08/97                  | T           | Vera Nutter/Outstanding Service                                       |
| H139-275      | Fallon                        | 3/08/97                  | T           | Helen Richards/Outstanding Service                                    |
| H139-276      | Stone                         | 3/01/97                  | M           | Dorothy Liffridge                                                     |
|               | cosponsor: Wagner             |                          |             |                                                                       |
| H139-277      | Wagner                        | 2/22/97                  | T           | Rebecca Lynn & Gordon Steward/Marriage                                |
| H139-278      | Maier                         | 3/19/97                  | T           | Mary Ann Shadd Cary/'97 Hall of Fame of Delaware Women                |
|               | cosponsors: All House Members |                          |             |                                                                       |
| H139-279      | Maier                         | 3/19/97                  | T           | Sherry L. Freebery/'97 Hall of Fame of Delaware Women                 |
|               | cosponsors: All House Members |                          |             |                                                                       |
| H139-280      | Maier                         | 3/19/97                  | T           | Karen Peterson/'97 Hall of Fame of Delaware Women                     |
|               | cosponsors: All House Members |                          |             |                                                                       |
| H139-281      | Maier                         | 3/19/97                  | T           | Harriet Smith Windsor/'97 Hall of Fame of Delaware Women              |
|               | cosponsors: All House Members |                          |             |                                                                       |
| H139-282      | Buckworth                     | 3/07/97                  | T           | Kay F. Bach/60th Birthday                                             |
| H139-283      | Scott                         | 3/07/97                  | T           | Inspector John P. Vignola/Outstanding Service to Community            |
| H139-284      | Quillen                       | 3/06/97                  | T           | Malcom Hughes/'97 Henlopen Conference Wrestling Champion              |
| H139-285      | Fallon                        | 3/06/97                  | T           | Karen Higgins/Distinguished Service Award/Summer Youth Tennis Program |

## HOUSE TRIBUTE ANNOUNCEMENT #23

DATE: March 25, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                       |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------------------------|
| H139-286      | DiPinto        | 3/07/97                  | T           | Dorothy H. Clarke/Judge of General District Court/17th Judicial District |
| H139-287      | DiPinto        | 3/08/97                  | T           | Mark Anthony Rubio/Eagle Scout                                           |
| H139-288      | Capano         | 3/14/97                  | T           | Redding Concert Band/Diamond Festivals - 1997                            |
| H139-289      | Capano         | 3/14/97                  | T           | H.B. duPont Concert Band/Diamond Festivals - 1997                        |
| H139-290      | Capano         | 3/14/97                  | T           | Shue-Medill Symphonic Band/Diamond Festivals - 1997                      |
| H139-291      | Capano         | 3/14/97                  | T           | Gunning Bedford Symphonic Band/Diamond Festivals - 1997                  |
| H139-292      | Capano         | 2/23/97                  | T           | Margaret S. & William L. Doberstein /50th Wedding Anniversary            |
| H139-293      | B. Ennis       | 3/04/97                  | M           | Clarence R. O'Neal, Sr.                                                  |
| H139-294      | Brady          | 1/18/97                  | T           | Phyllis & Max Lichtenstein/50th Wedding Anniversary                      |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                                  |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------------------|
| H139-295      | Maier          | 3/12/97                  | T           | Jesse Priester/'97 Delaware All-State Orchestra                                     |
| H139-296      | Maier          | 3/12/97                  | T           | Sarah McAllister/'97 Delaware All-State Orchestra                                   |
| H139-297      | B. Ennis       | 3/22/97                  | T           | Coach Michael Dulin/Outstanding Contributions<br>/20 Years/Smyrna/Wrestling Program |
| H139-298      | Fallon         | 4/10/97                  | T           | Chris Thompson/DelTech Owens<br>Campus/Employee Hall of Fame                        |

## HOUSE TRIBUTE ANNOUNCEMENT #24

DATE: March 25, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                                                                    |
|---------------|----------------|--------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------|
| H139-299      | Fallon         | 1/18/97                  | T           | Stephanie Moore/Festival of Youth/<br>Teacher of the Year                                                             |
| H139-300      | Fallon         | 4/10/97                  | T           | Dr. I. Benson Allen/90th Birthday                                                                                     |
| H139-301      | Caulk          | 2/28/97                  | M           | William B. Chandler, Jr.                                                                                              |
| H139-302      | Quillen        | 3/14/97                  | T           | cosponsors: Ewing, Carey, Schroeder, Price, Fallon, Lee, West, Mack, Quillen<br>The Marvel Agency/50 Years of Service |
| H139-303      | Wagner         | 3/08/97                  | M           | cosponsor: Carey<br>Bess Ream Baumgardner                                                                             |
| H139-304      | Quillen        | 3/10/97                  | M           | Dr. William D. "Bud" Kimmel, Jr.                                                                                      |
| H139-305      | Fallon         | 2/14/97                  | T           | cosponsor: Carey<br>Clyde & Bessie Hastings/50th<br>Wedding Anniversary                                               |
| H139-306      | Fallon         | 3/15/97                  | T           | Cora Selby/Commitment to Education./Delaware<br>Rural Assistance Council Award                                        |
| H139-307      | Fallon         | 3/15/97                  | T           | John Hollis/Seaford School District Personnel<br>Director/Delaware Rural Assistance Council                           |
| H139-308      | Fallon         | 3/13/97                  | T           | Kate LaPrad/Seaford Middle School Student/Award/<br>Sussex County Science Fair                                        |
| H139-309      | Fallon         | 3/13/97                  | T           | Dana Kimpton/Seaford Middle School Student/<br>Award/Sussex County Science Fair                                       |
| H139-310      | Fallon         | 3/13/97                  | T           | Alice Higgins/Black History Month Essay Contest<br>Winner                                                             |

## HOUSE TRIBUTE ANNOUNCEMENT #25

DATE: March 25, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                                                                                                         |
|---------------|----------------|--------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| H139-311      | Spence         | 3/14/97                  | M           | The Honorable Robert T. Connor                                                                                                                             |
| H139-312      | Quillen        | 3/14/97                  | T           | cosponsors: All House Members<br>Lake Forest Boys<br>Basketball/'97 Henlopen Champions                                                                     |
| H139-313      | Welch          | 3/07/97                  | M           | Orville B. Myers/4th District State<br>Representative '60-'61                                                                                              |
| H139-314      | Price          | 3/15/97                  | T           | cosponsor: Wagner<br>William & Barbara Moore/50th<br>Wedding Anniversary                                                                                   |
| H139-315      | Spence         | 3/31/97                  | T           | Bell Atlantic-DE/100 Years of Service                                                                                                                      |
| H139-316      | Ewing          | 4/14/97                  | T           | Everett Moore/Dedicated Service/<br>State Republican Party-4 Years                                                                                         |
| H139-317      | Ewing          | 4/14/97                  | T           | cosponsors: Buckworth, Carey, Fallon, Lee<br>Cara Lee Short/52 Years Dedicated Service                                                                     |
| H139-318      | Ewing          | 4/10/97                  | T           | cosponsors: Buckworth, Carey, Fallon, Lee<br>Sussex County & Republican Party<br>Captain Ronald Jefferson/Retirement/<br>40 Years of Distinguished Service |
| H139-319      | Fallon         | 3/12/97                  | M           | Reuben Wesley Salisbury, Jr.                                                                                                                               |
| H139-320      | Fallon         | 3/18/97                  | T           | Beverly B. Blades/'96 Top Sales Producer<br>for CFM Real Estate                                                                                            |
| H139-321      | Fallon         | 4/09/97                  | T           | cosponsor: Quillen<br>Tamara Chase/'97 Mother of Young<br>Children                                                                                         |
| H139-322      | Fallon         | 4/09/97                  | T           | cosponsor: Carey<br>Beatrice Collins/'97 Delaware Merit Mother                                                                                             |

| Number   | Sponsor | Presentation Date | Type | Description                                    |
|----------|---------|-------------------|------|------------------------------------------------|
| H139-323 | Fallon  | 4/09/97           | T    | Kay Wood Bailey/97 Delaware Mother of the Year |

cosponsor: Buckworth

T - Tribute

M - Memoriam

Representative Spence introduced HJR 5, jointly sponsored by Senator Sharp & Representative Welch & cosponsored by Representative Keeley.

Representatives Buckworth, D. Ennis & B. Ennis requested that they be marked present.

HJR 5 - Establishing a Task Force to Evaluate the Staffing Needs, Monetary Support, Training, Equipment, Alternative Systems for Non-Emergency Calls, and Related Matters Relevant to Each of the Three County 911 Centers.

Mr. Speaker Spence made comments.

Mr. Acting Speaker assigned HJR 5 to the Public Safety Committee.

Representative Brady requested that he be marked present.

Representative Schroeder introduced HB 130, jointly sponsored by Representatives Carey & Price & Senators Bunting & Voshell.

HB 130 - An Act to Amend Title 14 of the Delaware Code Relating to the Adjustment of Election Areas for Cape Henlopen School District Board Members.

Mr. Acting Speaker assigned HB 130 to Education Committee.

Representatives Smith & Gilligan made comments.

Representative Lofink requested that he be marked present.

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

Representative Fallon requested that she be marked present.

Representative Fallon made comments.

Representative Fallon requested and was granted the privilege of the floor for Charles O'Donnell, Head Coach, Seaford High School Men's Basketball Program, who introduced the coaches and players for the record.

Representatives Spence, Gilligan, Welch & Fallon made comments.

Representative Fallon introduced and brought HCR 12, jointly sponsored by Senators Adams & Venables on Behalf of All House & Senate Members, before the House for consideration.

HCR 12 - Honoring the Seaford High School Boys Basketball Team for Winning the 1997 State Basketball Championship.

HCR 12 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to recess for caucus at 3:35 p.m.

The House reconvened at 4:35 p.m. with Speaker Spence in the Chair.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 17 w/SA 1.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House

FROM: Representative Jeffrey G. Mack

DATE: March 25, 1997

RE: Absence from Session

Please be advised that I will be absent from session on Wednesday, March 26, 1997 due to personal business.

Thank you for your attention to this matter.

JGM/grp

TO: Speaker Spence

DATE: March 25, 1997

FROM: Rep. Joseph Petrilli

Due to a personal business commitment I will not be in session on Thursday, March 27, 1997.

Representative Smith deferred to Representative Capano.

Representative Capano brought SB 33, jointly sponsored by Senator Marshall, before the House for consideration.

SB 33 - An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes.

Representative Capano made comments.

The roll call on SB 33 was taken and revealed:

YES: 40.

ABSENT: Representative Price - 1.

Therefore, having received a constitutional majority, SB 33 was returned to the Senate.

Representative Smith deferred to Representative Fallon.

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



Representative Fallon introduced a guest.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 30, jointly sponsored by Senator Adams & cosponsored by Representatives Ewing, Quillen, Buckworth & Caulk, before the House for consideration.

HB 30 - An Act to Amend Title 3 of the Delaware Code Relating to Harness Racing. (2/3 bill)

Representative Oberle introduced and brought HA 1 to HB 30 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

Representatives Oberle & D. Ennis made comments.

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

Representatives Oberle & D. Ennis made comments.

The roll call on HB 30 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Price - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 30 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 12, jointly sponsored by Senator Voshell, before the House for consideration.

HB 12 - An Act to Amend Title 10, of the Delaware Code, Relating to Concurrent Jurisdiction in Justice of the Peace Courts for Violations of Municipal Juvenile Curfew Ordinances. (2/3 bill)

Representative Quillen made comments.

The roll call on HB 12 was taken and revealed:

YES: 40.

ABSENT: Representative Price - 1.

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

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 43 before the House for consideration.

HB 43 - An Act to Amend Title 21 of the Delaware Code Relating to Emerging From a Lane, Driveway, Private Road or Building.

Representative Quillen introduced and brought HA 1 to HB 43 before the House for consideration.

Representative Quillen made a comment.

HA 1 was adopted by voice vote.

Representatives Quillen & Davis made comments.

Representative Davis requested and was granted the privilege of the floor for John Brady, House Attorney.

Representatives Davis, Scott, Quillen, VanSant, Quillen, B. Ennis & Quillen made comments.

The roll call on HB 43 w/HA 1 was taken and revealed:

YES: 21.

NO: Representatives DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Oberle, VanSant, West, Williams - 10.

NOT VOTING: Representatives Banning, Brady, DiPinto, Fallon, Maroney, Plant, Reynolds, Schroeder, Scott - 9.

ABSENT: Representative Price - 1.

Therefore, having received a constitutional majority, HB 43 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 44 before the House for consideration.

HB 44 - An Act to Amend Title 21 of the Delaware Code Relating to Stop Signs and Yield Signs.

Representative Quillen brought HA 1 to HB 44 before the House for consideration.

Representative Quillen made a comment.

HA 1 was adopted by voice vote.

Representatives Quillen, West, Quillen, DiLiberto & Reynolds made comments.

The roll call on HB 44 w/HA 1 was taken and revealed:

YES: Representatives Buckworth, Carey, Davis, D. Ennis, Lee, Lofink, Mack, Maier, Petrilli, Quillen, Smith, Ulbrich, Wagner, Welch, Mr. Speaker Spence - 15.

NO: 17.

NOT VOTING: Representatives Brady, Caulk, Cloutier, DiPinto, Maroney, Reynolds, Roy, Stone - 8.

ABSENT: Representative Price - 1.

Therefore, not having received a constitutional majority, HB 44 w/HA 1 was declared defeated.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 52, jointly sponsored by Senator Blevins, before the House for consideration.

HB 52 - An Act to Amend Chapter 227, Volume 69, Laws of Delaware, Relating to the Pharmacy Access Act.

Representative Wagner brought HA 1 to HB 52 before the House for consideration.

Representative Wagner made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 52 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Price - 1.

Therefore, having received a constitutional majority, HB 52 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 69, jointly sponsored by Senator Adams & Representatives Roy & Petrilli & Senator Cook, before the House for consideration.

HB 69 - An Act to Amend Title 30 of the Delaware Code Relating to the Taxation of the Distribution and Use of Public Utilities. (3/5 bill)

Representative Capano introduced and brought HA 1 to HB 69 before the House for consideration.

HA 1 was adopted by voice vote.

Representative Capano made comments.

The roll call on HB 69 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, Price - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 69 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney made an announcement.

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

Representative Smith deferred to Representative Banning.

Representative Banning brought HB 68, jointly sponsored by Senator Vaughn & cosponsored by Representatives Ewing & Buckworth, before the House for consideration.

HB 68 - An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to the Denial of Certain Victim Compensation Claims.

Representative Banning introduced and brought HA 1 to HB 68 before the House for consideration.

Representative Banning made comments.

HA 1 was adopted by voice vote.

Representative Banning made comments.

Representative Banning requested and was granted the privilege of the floor for Ann DelNegro, Executive Director, Violent Crimes Compensation Board.

Representatives Ewing & Maier made comments.

The roll call on HB 68 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Mack, Price - 3.

Therefore, having received a constitutional majority, HB 68 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:44 p.m..

14th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 26, 1997

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

The following prefiled legislation was introduced:

HB 126 - WAGNER & DILIBERTO - P/S: An Act to Amend Chapter 42 of Title 21 of the Delaware Code Relating to Penalties.

HB 127 - QUILLEN - P/S: An Act to Amend Title 21, Chapter 28 of the Delaware Code Relating to Habitual Offenders.

**HJR 2 - ROY & SENATORS SORENSON & CONNOR - HEALTH & HUM DEV:** Proclaiming May 12, 1997, as Chronic Fatigue Syndrome Awareness Day in the State of Delaware.

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

The Chief Clerk called the roll.

Members Present: 36.

Members Absent: Representatives Caulk, Cloutier, Lofink, Mack, Price - 5.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

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

The following prefiled legislation was introduced:

**HB 123 - WAGNER, SPENCE, SMITH, WELCH, BOULDEN, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, LOFINK, MACK, PETRILLI, STONE, ULBRICH, VANSANT, BANNING, BRADY, DILIBERTO, B. ENNIS, KEELEY, SCOTT; SENATOR VAUGHN - JUD:** An Act to Amend Title 10 of the Delaware Code Creating the Uniform Foreign Money-Judgments Recognition Act.

**HB 128 - DILIBERTO, BANNING, BOULDEN, BRADY, CAPANO, CAREY, CLOUTIER, CAULK, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, PLANT, PRICE, QUILLEN, ROY, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATORS BUNTING, BONINI, HENRY, MARSHALL, REED, STILL, VAUGHN, VENABLES, VOSHELL - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to the Criminal Justice Council.

**HB 129 - WELCH & SENATOR BONINI - JUD:** An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Prohibitive Acts D, Penalties. (2/3 bill)

**HB 131 - OBERLE & SENATOR MARSHALL - LABOR:** An Act to Amend Title 19, Delaware Code, Chapter 13 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Public Employment Relations Act.

**HB 132 - CAPANO & SENATOR MARSHALL - BUS/CORP/COM:** An Act to Amend Title 4 and Title 30 of the Delaware Code Relating to Licensing, Fees and Taxes on the Manufacture and Sale of Alcoholic Beverages and Cider. (3/5 bill)

**HB 133 - EWING & WILLIAMS; SENATORS HENRY & VOSHELL - JUD:** An Act to Amend Titles 11 of the Delaware Code Relating to the Possession of Deadly Weapons.

**HB 134 - OBERLE & SCOTT & SENATOR MARSHALL - LABOR:** An Act to Amend Title 19, Delaware Code, Chapter 16 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Police Officers' and Firefighters' Employment Relations Act.

**HB 135 - OBERLE, PRICE, MARONEY, MAIER, ULBRICH & SENATOR MARSHALL - ED:** An Act to Amend Title 14, Delaware Code, Chapter 40 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Public School Employment Relations Act.

**HB 136 - PETRILLI & VANSANT; SENATORS VOSHELL & AMICK - JUD:** An Act to Amend Title 11 of the Delaware Code Relating to the Sale or Transfer of Handguns by Unlicensed Persons.

**HJR 4 - SCHROEDER, DILIBERTO, WAGNER; SENATORS AMICK, SOKOLA - JUD:** A Resolution to Open Family Court Proceedings and Records.

**HR 19 - EWING, SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MARONEY, PETRILLI, STONE, ULBRICH, WAGNER, GILLIGAN, VANSANT, BANNING, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, WEST, WILLIAMS - HEALTH & HUM DEV:** Encouraging the State of Delaware to Provide Mammograms to All Adult Delaware Women.

**SB 17 w/SA 1 - BLEVINS & REPRESENTATIVE ULBRICH - GOV ACCT:** An Act to Amend Title 24 of the Delaware Code Relating to Dentistry and Dental Hygiene.

The Reading Clerk read the following communications into the record:

# MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Representative Vincent A. Lofink  
DATE: March 26, 1997  
RE: Absence from Session

Please be advised that I will be absent from session on Wednesday, March 26, 1997 due to personal business.

Thank you for your attention to this matter.

VAL/gpr

MEMORANDUM

TO: Bernard J. Brady, Secretary of the Senate  
 FROM: Robert L. Venables, Sr.  
 State Senator, 21st District  
 RE: SB 43  
 DATE: March 25, 1997

As sponsor, I hereby request the return of SB 43 from the House. Please proceed with the necessary paperwork.

MEMORANDUM

To: JoAnn P. Hedrick  
 Chief Clerk of the House  
 From: Bernard J. Brady  
 Secretary of the Senate  
 Date: March 25, 1997  
 Re: Senate Bill No. 43

Attached please find Senator Venables request for the return of Senate Bill No. 43 from the House.  
 Thank you for your time and consideration.

MEMORANDUM

TO: Bernard J. Brady  
 Secretary of the Senate  
 FROM: JoAnn M. Hedrick  
 Chief Clerk of the House  
 RE: Return of SB No. 43  
 DATE: March 26, 1997

Please find attached Senate Bill No. 43 per your request.

Att.

JMH/gmr

Representatives Quillen, Plant, B. Ennis, Wagner, Lee & DiLiberto requested that they be marked present.

Representative Welch deferred to Representative Fallon.

Representative Fallon introduced HB 137, jointly sponsored by Senator Adams.

HB 137 - An Act to Amend Title 30 of the Delaware Code Relating to Tax Credits.

Mr. Acting Speaker assigned HB 137 to Revenue & Finance Committee.

The House observed a moment of silence in memory of John Davis, Sr. at the request of Representative Welch.

Mr. Acting Speaker Oberle appointed Representative Lee as Acting Speaker.

Representative Welch deferred to Representative Oberle.

Representatives Oberle & B. Ennis presented House Tributes to Charles Lockhart & Robert Kinsey.

Representatives DiPinto, Boulden & Gilligan requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:19 p.m.

The House reconvened at 4:20 p.m. with Representative Welch as Acting Speaker.

The Reading Clerk read the following communication into the record:

March 26, 1997

Dear Speaker Spence,

On Thursday, March 27, 1997, I will be unable to attend the legislative session due to personal business.

Please excuse me from my responsibilities on that day. Thank you.

Sincerely,  
 Deborah H. Capano  
 State Representative  
 12th District

DHC:dmd

Representative Smith deferred to Representative Carey.

Representatives Carey, D. Ennis, Spence & Reynolds requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Carey introduced HS 2 to HB 50, jointly sponsored by Representatives Spence, Smith, Buckworth, Capano, Davis, D. Ennis, Ewing, Quillen, Petrilli, Lee & Banning & Senators Bunting, Venables, Amick, Bonini & Sorenson & cosponsored by Representatives Stone & Brady.

HB 50 - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

Mr. Speaker assigned HS 2 to HB 50 to Revenue & Finance Committee.

Representative Smith deferred to Representative Fallon.

Representative Fallon requested that HB 17 be stricken.

Representative Smith deferred to Representative Quillen.

Representative Quillen requested that HB 44 be stricken.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #26

DATE: March 25, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                        |
|----------|----------|-------------------|------|--------------------------------------------------------------------|
| H139-324 | Keeley   | 9/08/96           | T    | Delores Rash/10th Anniversary of Employment/Opportunity Center     |
| H139-325 | Plant    | 12/19/96          | T    | Joe Evans/35th Anniversary of Employment/Opportunity Center        |
| H139-326 | Williams | 9/16/96           | T    | Jack Naylor/10th Anniversary of Employment/Opportunity Center      |
| H139-327 | Plant    | 2/16/97           | T    | Terry Buckman/10th Anniversary of Employment/Opportunity Center    |
| H139-328 | VanSant  | 10/23/97          | T    | Mary Morley/35th Anniversary of Employment/Opportunity Center      |
| H139-329 | Reynolds | 2/08/97           | T    | Phyllis Baynard/15th Anniversary of Employment/Opportunity Center. |
| H139-330 | B. Ennis | 3/14/97           | M    | Harold H. Deakyne                                                  |
| H139-331 | B. Ennis | 3/03/97           | M    | Walter R. Eley                                                     |
| H139-332 | Carey    | 4/01/97           | T    | Playtex Apparel, Inc./'97 KSI Business Appreciation Award          |
| H139-333 | Carey    | 4/01/97           | T    | Kraft Foods, Inc./'97 KSI Business Appreciation Award              |
| H139-334 | Carey    | 4/01/97           | T    | Dentsply/Caulk/'97 KSI Business Appreciation Award                 |
| H139-335 | Carey    | 4/01/97           | T    | WBOC-TV/'97 KSI Business Appreciation Award                        |
| H139-336 | Carey    | 4/01/97           | T    | The Sussex Company/'97 KSI Business Appreciation Award             |

#### HOUSE TRIBUTE ANNOUNCEMENT #27

DATE: March 25, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                              |
|----------|----------|-------------------|------|--------------------------------------------------------------------------|
| H139-337 | Carey    | 4/01/97           | T    | Milford Memorial Hospital/KSI/Business Appreciation Award                |
| H139-338 | Carey    | 4/01/97           | T    | Milford Center of Genesis Elder Care/'97 KSI/Business Appreciation Award |
| H139-339 | Carey    | 4/01/97           | T    | Plaza Nine Restaurant/'97 KSI /Business Appreciation Award               |
| H139-340 | Carey    | 4/01/97           | T    | Vlasic Foods, Inc./'97 KSI Business Appreciation Award                   |
| H139-341 | VanSant  | 3/22/97           | T    | Keith Stockman/Elsmere Fire Co. Life Save Award                          |
| H139-342 | VanSant  | 3/22/97           | T    | Warren Jones/Elsmere Fire Co. Life Save Award                            |
| H139-343 | VanSant  | 3/22/97           | T    | Patrick Giles/Elsmere Fire Co. Life Save Award                           |
| H139-344 | VanSant  | 3/22/97           | T    | Betty Stewart/Elsmere Fire Co. Life Save Award                           |
| H139-345 | Price    | 12/12/96          | T    | Sara & Bob Fitzgerald/53rd Wedding Anniversary                           |
| H139-346 | Gilligan | 3/14/97           | T    | Henry & Amy Neff/50th Wedding Anniversary                                |
| H139-347 | Price    | 2/15/97           | T    | Henry & Mary Fieldler/50th Wedding Anniversary                           |

| <u>Number</u> | <u>Sponsor</u>                 | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                               |
|---------------|--------------------------------|--------------------------|-------------|--------------------------------------------------|
| H139-348      | Price                          | 12/25/96                 | T           | Charles & Irene Marvel/50th Wedding Anniversary  |
| H139-349      | VanSant<br>cosponsor: Houghton | 3/22/97                  | T           | Alex Holotanko/Elsmere Fire Co./ Life Save Award |

## HOUSE TRIBUTE ANNOUNCEMENT #28

DATE: March 25, 1997

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

| <u>Number</u> | <u>Sponsor</u>                 | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                                   |
|---------------|--------------------------------|--------------------------|-------------|--------------------------------------------------------------------------------------|
| H139-350      | VanSant<br>cosponsor: Houghton | 3/22/97                  | T           | John Mitchell, Sr./New Castle County Firemen's Association Award/40 Years of Service |
| H139-351      | VanSant<br>cosponsor: Houghton | 3/22/97                  | T           | Russell Fernandes/Fire Police of the Year/ New Castle County/State Fire Association  |
| H139-352      | VanSant<br>cosponsor: Houghton | 3/22/97                  | T           | Joseph Leonetti, Sr./New Castle County Fire Chief's "President's Award"              |
| H139-353      | Fallon                         | 3/22/97                  | T           | Christina Trice/'97 Arbor Day Poster Contest Winner                                  |
| H139-354      | Davis                          | 3/22/97                  | T           | Jeff Shaw/'97 Arbor Day Poster Contest Winner                                        |
| H139-355      | VanSant                        | 3/22/97                  | T           | Daniel Davis/'97 Arbor Day Poster Contest Winner                                     |
| H139-356      | Cloutier                       | 3/22/97                  | T           | Erica Hartman/'97 Arbor Day Poster Contest Winner                                    |
| H139-357      | Maier                          | 3/22/97                  | T           | Anton Chuidian/'97 Arbor Day Poster Contest Winner                                   |
| H139-358      | Buckworth                      | 3/22/97                  | T           | Joshua Fazzini/'97 Arbor Day Poster Contest Winner                                   |
| H139-359      | B. Ennis                       | 3/22/97                  | T           | Aaron Barlow/'97 Arbor Day Poster Contest Winner                                     |
| H139-360      | Caulk                          | 3/22/97                  | T           | Kyle Maloney/'97 Arbor Day Poster Contest Winner                                     |
| H139-361      | Carey                          | 3/22/97                  | T           | Maranda Plump/'97 Arbor Day Poster Contest Winner                                    |
| H139-362      | Ewing                          | 3/22/97                  | T           | David Winston/'97 Arbor Day Poster Contest Winner                                    |

T - Tribute

M - Memoriam

Representative Smith deferred to Representative Welch.

Representative Welch introduced & brought HR 20, jointly sponsored by Representatives Ewing, Lee, Stone, Wagner, Banning, B. Ennis & Schroeder & cosponsored by Representatives Brady & D. Ennis, before the House for consideration.

HR 20 - Creating a Bingo Task Force to Study Delaware's Bingo Rules and Regulations and the Reason for Declining Bingo Revenues and to Make Recommendations Thereon to the General Assembly.

Representatives Welch, Gilligan & Lee made comments.

HR 20 was adopted by voice vote.

Representative Brady requested that he be marked present.

The following prefiled Consent Calendar #3 was introduced:

HCR 10 - BUCKWORTH & SENATOR MCBRIDE; REPRESENTATIVES DAVIS, DIPINTO, MARONEY, QUILLEN, BRADY, HOUGHTON, WEST; SENATORS COOK, HENRY, VAUGHN, BONINI, SORENSON - Declaring April 1997 as Organ and Tissue Donor Awareness Month.

HCR 13 - B. ENNIS & SENATORS VAUGHN, COOK, STILL; REPRESENTATIVES SPENCE, WAGNER, WELCH, VANSANT - Congratulating the Citizens' Hose Company No. 1, Inc. Band on Their Fiftieth Golden Anniversary, and Further Congratulating Them for Having Been Selected to Perform in the Fifty-Third Presidential Inaugural Parade on January 20, 1997.

SCR 8 - VAUGHN & REPRESENTATIVES BANNING, B. ENNIS & DIPINTO - Honoring the Memory of Former State Representative Edgar Alexander of Townsend.

SCR 13 - AMICK ON BEHALF OF ALL SENATORS & REPRESENTATIVES PETRILLI & ULBRICH & BOULDEN ON BEHALF OF ALL REPRESENTATIVES - Bidding a Fond Farewell and Best Wishes to John T. Brook, Respected and Trustworthy Public Servant, On the Occasion of His Retirement From the University of Delaware.

Consent Calendar #3 was adopted by voice vote and HCR 10 & HCR 13 were sent to the Senate for concurrence & SCR 8 & SCR 13 were returned to the Senate.

Representatives B. Ennis, Gilligan, Buckworth, Spence & DiPinto made comments.

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

P/S: HB 101 - 2F,3M,1U; SB 30 - 4M,1U.

ED: HB 130 - 1F,5M; SB 56 w/SA 2 - 7M.

H/ADM: HB 11 - 4M; HB 53 - 5M; HB 74 - 5M; HCR 6 - 5M; SCR 9 - 5M.

LABOR: HB 87 - 5M; HB 109 - 5M; HB 110 - 5M; HB 111 - 5M.

NAT RES: SCR 7 - 3F,1M.

HOUSING & COM AFF: HB 99 - 7M.

ECON DEV, B & I: SB 44 - 1F,5M.

JUD: HB 102 - 1F,4M; HB 103 - 5M.

The Reading Clerk read the following communication into the record:

March 26, 1997

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19903

Dear Speaker Spence,

I will be unable to attend the Legislative Session on Thursday, March 27, 1997, due to a death in the family. Thank you for your kind attention to this matter.

Sincerely,

Dennis P. Williams

State Representative

1st District

cc: JoAnn M. Hedrick

Chief Clerk of the House

The Honorable Robert F. Gilligan

Minority Leader

The Majority Leader moved to recess to the call of the Chair at 4:38 p.m.

15th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
March 27, 1997

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

Representatives Lofink, Cloutier & Caulk requested that they be marked present for the current Legislative Day.

The Reading Clerk read the following communications into the record:

TO: Speaker Terry Spence

DATE: March 20, 1997

FROM: Rep. Roger Roy

Rep. Timothy Boulden

This is to inform you that on April 17, 1997 we will be conferring with our congressional delegation as well as those of states in our region of ERC/CSG in Washington, D.C. Due to this commitment we will not be in attendance at session.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Keeley, do hereby request that my name be removed as Co-Sponsor of HB 81.

Date: March 26, 1997.

Signed: Helene M. Keeley.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Capano, Petrilli, Price - 3.

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

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

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

The following prefiled legislation was introduced:

**HB 138 - WELCH; SENATOR BONINI - HEALTH & HUM DEV:** An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Drug Paraphernalia. (2/3 bill)

**HB 139 - REYNOLDS, CAPANO, CAULK, DAVIS, DIPINTO, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, ULBRICH, WAGNER, BANNING, BRADY, B. ENNIS, GILLIGAN, HOUGHTON, PLANT, SCOTT, VANSANT - ED:** An Act to Amend Title 29, Delaware Code Relating to State Procurement.

**HB 140 - D. ENNIS, BANNING, BRADY, BUCKWORTH, CAREY, CLOUTIER, B. ENNIS, LEE, PETRILLI, PLANT, QUILLEN, SCOTT - P/S:** An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Window Tinting Requirements for Certain Types of Motor Vehicles.

**HB 141 - BOULDEN & SENATOR AMICK; REPRESENTATIVES SPENCE, SMITH, WELCH, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, EWING, FALLON, LEE, MARONEY, OBERLE, PETRILLI, QUILLEN, ROY, STONE, ULBRICH, GILLIGAN, BRADY, HOUGHTON, PRICE, WEST; SENATORS HAUGE, CONNOR - ED:** An Act Directing the Secretary of Education to Create a Pilot Project to Change the Date of the Unit Count.

**HB 142 - BUCKWORTH & SENATOR VOSHELL; REPRESENTATIVES CAREY, OBERLE, REYNOLDS, ULBRICH, WEST; SENATORS REED, SORENSON - ED:** An Act to Amend Chapter 13, Title 14, Delaware Code Relating to School Secretaries.

**HA 1 to HB 38 - WAGNER - ED:** Placed with the bill.

**HA 1 to HB 88 - VANSANT - READY LIST:** Placed with the bill.

Mr. Speaker assigned **HB 87 & HB 101** to the Appropriations Committee.

Representatives Welch & Stone requested that they be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SCR 14, SCR 15, HB 67 w/HA 1 & SA 1 &**

2.

Representative Gilligan requested that he be marked present.

Representative Smith introduced and brought **SCR 14**, sponsored by Senators Sharp, Adams & Vaughn on Behalf of All Senators & Representatives Spence & DiPinto on Behalf of All Representatives, before the House for consideration.

**SCR 14 - Recognizing the 100th Anniversary of Bell Atlantic-Delaware as the Company Marks a Century of Service to Residents and Businesses of the State of Delaware.**

Representative Smith made a comment.

**SCR 14** was adopted by voice vote and returned to the Senate.

Representative Smith introduced and brought **SCR 15**, sponsored by Senators Sharp & Sokola & Representatives Maier & DiLiberto, before the House for consideration.

**SCR 15 - Requesting the University of Delaware to Provide Information Regarding Its Plans for the Judge Morris Property.**

Representatives Smith, Davis, Maier & Cloutier made comments.

Representative Smith moved to place **SCR 15** on the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

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

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

R & F: **HB 137 - 6M; HS 2 for HB 50 - 1F,4M.**

ED: **HB 80 - 1F,5M.**

The Majority Leader moved to recess for caucus at 2:25 p.m.

The House reconvened at 3:55 p.m. with Representative Oberle as Acting Speaker.

Representatives Oberle, Mack & Reynolds requested that they be marked present.

Representative Smith deferred to Representative Fallon.

Representative Fallon moved to suspend the rules which interfere with action on **HB 137**. The motion was seconded by Representative Davis adopted by voice vote.

Representative Fallon brought **HB 137**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 137 - An Act to Amend Title 30 of the Delaware Code Relating to Tax Credits. (F/N)**

Representative Fallon made comments.

Representatives Carey, Schroeder & Brady requested that they be marked present.

The roll call on **HB 137** was taken and revealed:

YES: 37.

ABSENT: Representatives Capano, Caulk, Petrilli, Price - 4.

Therefore, having received a constitutional majority, **HB 137** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Reynolds.



Representative Reynolds brought SB 56 w/SA 2, sponsored by Senator Sharp & Representative Spence, before the House for consideration.

SB 56 - An Act to Amend Title 14 of the Delaware Code Relating to School Calendars.

Representatives Reynolds, Ulbrich, Reynolds, DiPinto, Spence, Reynolds, Ulbrich, Maier, Reynolds, Spence, Maier, Spence, Wagner & Mack made comments.

The roll call on SB 56 w/SA 2 was taken and revealed:

YES: 34.

NO: Representative Maier - 1.

ABSENT: Representatives Capano, Caulk, D. Ennis, Fallon, Petrilli, Price - 6.

Therefore, having received a constitutional majority, SB 56 w/SA 2 was returned to the Senate.

Representative Smith deferred to Representative Maier.

Mr. Speaker Spence resumed the Chair.

Representative Maier introduced and brought HCR 14, jointly sponsored by Senator McDowell & Representatives Buckworth, Capano, Davis, D. Ennis, Stone, Ulbrich, Banning & Keeley & Senators Bonini, Reed & Sorenson, before the House for consideration.

Representative Maier made comments.

HCR 14 - Supporting the Need to Thoroughly Re-Evaluate the Current Pay-As-You-Go Social Security System in Order to Protect Current and Future Delaware Retirees.

HCR 14 was adopted by voice vote and sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought HB 130, jointly sponsored by Representatives Carey & Price & Senators Bunting & Voshell, before the House for consideration.

HB 130 - An Act to Amend Title 14 of the Delaware Code Relating to the Adjustment of Election Areas for Cape Henlopen School District Board Members.

Representative Schroeder made comments.

The roll call on HB 130 was taken and revealed:

YES: 34.

ABSENT: Representatives Capano, Caulk, D. Ennis, Fallon, Oberle, Petrilli, Price - 7.

Therefore, having received a constitutional majority, HB 130 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch requested and was granted personal privilege of the floor to introduce his son, Charles W. Welch, IV.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 37, jointly sponsored by Senator Voshell & Representatives Boulden, Capano, Caulk, Cloutier, Davis, D. Ennis, Ewing, Lee, Maier, Smith, Ulbrich, Welch, DiLiberto, Houghton, Price & West & Senator Still, before the House for consideration.

HB 37 - An Act to Amend Title 14 and Title 21 of the Delaware Code Relating to Public Schools; and Providing for the Suspension of, Non-Renewal of or Refusal to Issue a Driver's License to a Person Who Has Been Expelled From School. (F/N)

Representative Wagner brought HA 1 to HB 37 before the House for consideration.

Representative Wagner requested that HA 1 be stricken.

Representative Wagner brought HA 2 to HB 37 before the House for consideration.

Representative Wagner made a comment.

HA 2 was adopted by voice vote.

Representative Wagner requested that HA 3 to HB 37 be stricken.

Representatives Wagner & Keeley made comments.

The roll call on HB 37 w/HA 2 was taken and revealed:

YES: 29.

NO: Representatives Brady, Caulk, Keeley, Williams - 4.

NOT VOTING: Representatives Plant, West - 2.

ABSENT: Representatives Capano, Fallon, Oberle, Petrilli, Price, VanSant - 6.

Therefore, having received a constitutional majority, HB 37 w/HA 2 was sent to the Senate for concurrence.

Representative Smith moved to lift SCR 15 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith brought SCR 15, sponsored by Senators Sharp & Sokola & Representatives Maier & DiLiberto, before the House for consideration.

SCR 15 - Requesting the University of Delaware to Provide Information Regarding Its Plans for the Judge Morris Property.

Representative Smith made comments.

SCR 15 was adopted by voice vote and returned to the Senate.

Representative Smith brought HB 67 w/HA 1 & SA 1 & 2, sponsored by Representative Boulden & Senator Voshell, before the House for concurrence on SA 1 & 2.

HB 67 - An Act to Amend Chapters 27 and 41 of Title 21 of the Delaware Code Pertaining to Toll Evasion. (2/3 bill)

Representative Smith made a comment.

The roll call on HB 67 w/HA 1 & SA 1 & 2 was taken and revealed:

YES: 36.

NO: Representative Caulk - 1.

ABSENT: Representatives Capano, Fallon, Petrilli, Price - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 67 w/HA 1 & SA 1 & 2 was sent to the Governor.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 102, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 102 - An Act to Amend Title 10 of the Delaware Code Relating to the Rules of the Justice of the Peace Courts.

Representative Wagner moved to place HB 102 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 103, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 103 - An Act to Amend Title 10 of the Delaware Code Relating to the Transfer of Judgments From the Justice of the Peace Courts.

Representative Wagner made comments.

The roll call on HB 103 was taken and revealed:

YES: 36.

NO: Representative Caulk - 1.

ABSENT: Representatives Capano, Fallon, Petrilli, Price - 4.

Therefore, having received a constitutional majority, HB 103 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee moved to suspend the rules which interfere with introduction of and action on SB 77. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Lee introduced and brought SB 77, jointly sponsored by Senator Venables, before the House for consideration.

SB 77 - An Act to Amend an Act Being Chapter 137, Volume 61, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Delmar" to Substitute Gender Neutral Terms for "Councilman" and "Councilmen" and to Provide for Female Pronouns in References to the Mayor, Council Members, Town Manager, Town Solicitor, Town Alderman, Assistant Alderman and Town Auditor. (2/3 bill)

Representative Lee made comments.

The roll call on SB 77 was taken and revealed:

YES: 37.

ABSENT: Representatives Capano, Fallon, Petrilli, Price - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 77 was returned to the Senate.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought HB 74, jointly sponsored by Senator Vaughn & Representatives Banning, Boulden, Buckworth, Capano, Carey, Cloutier, DiPinto, D. Ennis, Gilligan, Houghton, Keeley, Lee, Maroney, Oberle, Plant, Price, Quillen, Scott, Ulbrich, VanSant, Wagner, Welch, West & Spence & Senators Cook, Still & Voshell, before the House for consideration.

HB 74 - An Act Authorizing the Transfer of the Free Public Library of the Smyrna School District Known as the Smyrna Public Library to the Town of Smyrna, Providing That the Town of Smyrna Shall Assume the Outstanding Obligations of the Library and the Obligations of the Smyrna School District and Its District Library Commission Relating to Such Library Upon the Transfer Thereof, as Authorized by Chapter 71 of Title 14 of the Delaware Code. (2/3 bill)

Representative B. Ennis made comments.

The roll call on HB 74 was taken and revealed:

YES: 37.

ABSENT: Representatives Capano, Fallon, Petrilli, Price - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 74 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lofink.

Representative Lofink made comments.

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

March 27, 1997

Representative Bruce Reynolds

Legislative Hall

Dover, DE 19901

Dear Bruce:

Happy 49th Birthday to one of my distinguished colleagues in the Legislature. I have enjoyed working with you for many years. I look forward to helping you celebrate your 50th.

May all your wishes come true.

Your Loyal and Devoted Friend,

Bob

Coach Bruce Reynolds Losses as Football Coach.

Representatives Gilligan, Oberle, Lofink, Gilligan, B. Ennis & Reynolds made comments.

Mr. Speaker Spence introduced Reverend Brooks Reynolds.

Representative West made comments.

Representative Smith deferred to Representative Quillen.

Mr. Speaker Spence made an announcement.

Representative Quillen brought SCR 7, jointly sponsored by Senators McBride, Bunting, Vaughn & Voshell & Representatives D. Ennis, Carey & Mack, before the House for consideration.

SCR 7 - Extending the Life of the Delaware River and Bay Oversight Committee for the Purpose of Studying and Considering Additional Matters, Including the Effect of the Federal Oil Pollution Act Amendments of 1990 and the Establishment of a Permanent Delaware River and Bay Oversight Commission.

Representatives Davis, Quillen, Carey, Davis, Ulbrich, Davis, Smith, Oberle, Ulbrich, Oberle, DiPinto & Cloutier made comments.

SCR 7 was adopted by voice vote and returned to the Senate.

Representative Smith brought SCR 9, sponsored by Senator Marshall & Representative Keeley, before the House for consideration.

SCR 9 - Memorializing President Clinton and the Members of Delaware's Congressional Delegation to Support and Promote Admission to the North Atlantic Treaty Organization for the Republic of Poland.

Representative Smith introduced and brought HA 1 to SCR 9 before the House for consideration.

Representative Smith made comments.

HA 1 was adopted by voice vote.

Representatives Wagner, Smith, Maroney, Smith & Oberle made comments.

SCR 9 w/HA 1 was adopted by voice vote and returned to the Senate for concurrence on HA 1.

Representative Smith deferred to Representative Wagner.

Representative Wagner introduced HCR 15, jointly sponsored by Representative Smith & Senator Sokola & Representatives Boulden, Carey, Lee & Roy & Senator Voshell & cosponsored by Representative D. Ennis.

HCR 15 - Encouraging the Expansion of English as a Second Language Program and the Teaching of Foreign Languages in Delaware's Public Schools.

Mr. Speaker assigned HCR 15 to the Education Committee.

Representative Boulden requested that HB 70 be stricken.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 31 w/HA 1, HB 36, HB 52 w/HA 1, SB 38 w/SA 1 & SB 77.

Representatives Gilligan & Spence made comments.

Representative Davis made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:15 p.m.

16th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 15, 1997

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 78 w/HA 1, HCR 10, HCR 12 & HCR

Representative Price requested that she be marked present for the current Legislative Day.  
The Majority Leader moved to adjourn at 2:31 p.m., thereby ending the current legislative day. The House reconvened at 2:32 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Caulk, Fallon - 2.

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

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

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

The Reading Clerk read the following communications into the record:

April 9, 1997

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover DE 19903

Dear Speaker Spence:

I will be unable to attend the Legislative Sessions on Tuesday, April 15, Wednesday, April 16 and Thursday, April 17 due to business related travel.

Thank you for your cooperation in this matter.

Sincerely,

G. Wallace Caulk, Jr.

State Representative

33rd District

cc: JoAnn M. Hedrick

Chief Clerk of the House

GWC/pci

The Chief Clerk read the following communications into the record:

March 31, 1997

#### LEGISLATIVE ADVISORY #5

Governor Thomas R. Carper signed the following legislation on the date indicated: 3/27/97 - SJR 2.

April 7, 1997

#### LEGISLATIVE ADVISORY #6

Governor Thomas R. Carper signed the following legislation on the date indicated: 4/07/97 - HB 31 aab HA 1, HB 36, HB 52 aab HA 1, HB 67 aab HA 1 & SA 1 & 2, SB 33, SB 56 aab SA 2 & SB 77.

April 14, 1997

#### LEGISLATIVE ADVISORY #7

Governor Thomas R. Carper signed the following legislation on the date indicated: 4/9/97 - HB 78 aab HA 1.

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

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

Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Keeley.

Representative Keeley introduced HB 154, cosponsored by Representative Quillen.

Representative Keeley made comments.

HB 154 - An Act to Amend Title 21 of the Delaware Code Relating to Equipment and Construction of Vehicles.

Mr. Speaker assigned HB 154 to the Public Safety Committee.

Representative Roy requested that he be marked present.

The House observed a moment of silence in memory of former Representatives Elmer Betts & Orville Myers at the request of Representative Quillen.

Representatives Gilligan, Cloutier & Schroeder requested that they be marked present.

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

Representatives DiPinto, Gilligan & DiLiberto made comments.

The Majority Leader moved to recess for caucus at 2:46 p.m.

The House reconvened at 4:17 p.m.

Representatives Mack, Davis & Lofink requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #29

DATE: April 15, 1997

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

| <u>Number</u> | <u>Sponsor</u>    | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                |
|---------------|-------------------|--------------------------|-------------|-------------------------------------------------------------------|
| H139-363      | DiPinto           | 3/23/97                  | T           | Greek Independence Day/Holy Trinity Greek Orthodox Church         |
| H139-364      | Quillen           | 3/20/97                  | T           | Hearold Sammons/Honors/'97-'98 Delaware Junior Duck Stamp Contest |
| H139-365      | DiLiberto         | 3/09/97                  | M           | Francesco DiFonzo                                                 |
| H139-366      | Price             | 6/21/96                  | T           | Ruth & Richard Timmons/50th Wedding Anniversary                   |
| H139-367      | DiLiberto         | 4/19/97                  | T           | Victor Singer/New Castle County Good Government Award             |
| H139-368      | Caulk             | 3/20/97                  | T           | Norman Dill/Carpentry/Harvest Years Senior Center                 |
| H139-369      | Roy               | 3/11/97                  | T           | Hockessin-Yorklyn Lions/50th Anniversary                          |
|               | cosponsor: Capano |                          |             |                                                                   |
| H139-370      | Fallon            | 3/01/97                  | T           | Don & Goldie Huggins/50th Wedding Anniversary                     |
| H139-371      | Quillen           | 3/22/97                  | T           | Winston Linton/Outstanding Tenure /Mayor of Harrington            |
| H139-372      | Wagner            | 3/22/97                  | M           | Patricia Lee "Patsy" Moorehead                                    |
| H139-373      | Wagner            | 3/25/97                  | T           | Cheryl Heslinga/Dover High '97-'98 Teacher of the Year            |
| H139-374      | B. Ennis          | 4/25/97                  | T           | Bernice L. Bailey/97th Birthday                                   |
| H139-375      | B. Ennis          | 5/17/97                  | T           | Class of '37/John Bassett Moore High School/60th Class Reunion    |

HOUSE TRIBUTE ANNOUNCEMENT #30

DATE: April 15, 1997

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

| <u>Number</u> | <u>Sponsor</u>                         | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                       |
|---------------|----------------------------------------|--------------------------|-------------|--------------------------------------------------------------------------|
| H139-376      | VanSant                                | 6/25/97                  | T           | E. Thomas Harvey/Kennett Square Rotary Lifetime Achievement Award        |
| H139-377      | VanSant                                | 3/15/97                  | T           | Margaret & William Rea/50th Wedding Anniversary                          |
| H139-378      | Oberle                                 | 3/26/97                  | T           | Robert M. Kinsey/Tireless Efforts/                                       |
|               | cosponsors: Spence, Gilligan, B. Ennis |                          |             | /Horse Racing Redevelopment Act                                          |
| H139-379      | Oberle                                 | 3/26/97                  | T           | Charles B. Lockhart/Tireless Efforts/                                    |
|               | cosponsors: Spence, Gilligan, B. Ennis |                          |             | /Horse Racing Redevelopment Act                                          |
| H139-380      | Petrilli                               | 3/27/97                  | T           | Dawn Grzadzinski/15 Years Service/ New Castle County Vo-Tech Schools     |
| H139-381      | Buckworth                              | 3/27/97                  | T           | Philip Barkins/'97 Recipient "Spirit of Caesar Rodney" Award             |
| H139-382      | Buckworth                              | 3/27/97                  | T           | Caesar Rodney High Wrestling Team /'97 Henlopen Conference Champions     |
| H139-383      | VanSant                                | 4/17/97                  | T           | Carol Strickland/90th Birthday                                           |
| H139-384      | Wagner                                 | 3/22/97                  | M           | Laquia Sharae Leatherberry                                               |
| H139-385      | Gilligan                               | 2/24/97                  | M           | Patrick J. Conway                                                        |
| H139-386      | Wagner                                 | 3/26/97                  | M           | John G. Davis                                                            |
| H139-387      | Houghton                               | 3/05/97                  | T           | Frances Voshell/40 Years/Holloway Terrace Fire Company Ladies Auxiliary  |
| H139-388      | Houghton                               | 3/05/97                  | T           | Annie Griffin/50 Years/Holloway Terrace Fire Company Ladies Auxiliary    |
| H139-389      | Houghton                               | 3/05/97                  | T           | Loretta Marowski/60 Years/Holloway Terrace Fire Company Ladies Auxiliary |

HOUSE TRIBUTE ANNOUNCEMENT #31

DATE: April 15, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                             |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------------------------------------|
| H139-390      | Houghton       | 3/05/97                  | T           | Charlotte McCullough/60 Years/<br>Hollway Terrace Ladies Auxiliary             |
| H139-391      | Houghton       | 3/05/97                  | T           | Holloway Terrace Fire Co. Ladies<br>Auxiliary/75th Anniversary                 |
| H139-392      | Wagner         | 4/14/97                  | T           | Lester George/Many Hours Dedicated Service/<br>Harvest Years Senior Center     |
| H139-393      | Wagner         | 4/14/97                  | T           | Laura Voshell/Many Hours Dedicated Service/<br>Harvest Years Senior Center     |
| H139-394      | Wagner         | 4/14/97                  | T           | Roy Maas/Many Hours Dedicated Service/<br>Harvest Years Senior Center          |
| H139-395      | Wagner         | 4/14/97                  | T           | Millie Trayer/Many Hours Dedicated Service/<br>Harvest Years Senior Center     |
| H139-396      | Wagner         | 4/14/97                  | T           | Betty VanTassell/Many Hours Dedicated<br>Service/Harvest Years Senior Center   |
| H139-397      | Wagner         | 4/14/97                  | T           | Thelma Driggus/Many Hours Dedicated<br>Service/Harvest Years Senior Center     |
| H139-398      | Wagner         | 4/14/97                  | T           | Sherman Stevenson/Many Hours Dedicated<br>Service/Harvest Years Senior Center  |
| H139-399      | Wagner         | 4/14/97                  | T           | Tony D'Arpino/ Many Hours Dedicated<br>Service/Harvest Years Senior Center     |
| H139-400      | Wagner         | 4/14/97                  | T           | Robert Morris/ Many Hours Dedicated<br>Service/Harvest Years Senior Center     |
| H139-401      | Wagner         | 4/14/97                  | T           | Margaret Zimmerman/Many Hours Dedicated<br>Service/Harvest Years Senior Center |

## HOUSE TRIBUTE ANNOUNCEMENT #32

DATE: April 15, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                            |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------------|
| H139-402      | Wagner         | 4/14/97                  | T           | Shirley Romanoski/Many Hours Dedicated<br>Service/Harvest Years Senior Center |
| H139-403      | Buckworth      | 4/26/97                  | T           | Bob & Marian Eberly/50th Wedding<br>Anniversary                               |
| H139-404      | DiLiberto      | 3/22/97                  | T           | Helen & James Godwin/50th<br>Wedding Anniversary                              |
| H139-405      | Wagner         | 5/06/97                  | T           | Zeta Chapter of Delta Kappa<br>Gamma/30th Anniversary                         |
| H139-406      | Fallon         | 3/17/96                  | M           | Jose M. O'Loughlin                                                            |
| H139-407      | Fallon         | 3/28/97                  | M           | Dorothy Wilkinson                                                             |
| H139-408      | Spence         | 4/04/97                  | T           | Independent Living, Inc./20th<br>Anniversary                                  |
| H139-409      | Oberle         | 4/26/97                  | T           | Boumi Clowns/Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97             |
| H139-410      | Oberle         | 4/26/97                  | T           | Crescent Clowns/Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97          |
| H139-411      | Oberle         | 4/26/97                  | T           | Irem Clowns/ Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97             |
| H139-412      | Oberle         | 4/26/97                  | T           | Kena Clowns/Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97              |
| H139-413      | Oberle         | 4/26/97                  | T           | Kismet Clowns/Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97            |
| H139-414      | Oberle         | 4/26/97                  | T           | Lulu Clowns/ Mid-Atlantic Shrine<br>Association "Clown-A-Rama '97             |

## HOUSE TRIBUTE ANNOUNCEMENT #33

DATE: April 15, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                                            |
|----------|----------|-------------------|------|----------------------------------------------------------------------------------------|
| H139-415 | Oberle   | 4/26/97           | T    | Nur Clowns/ Mid-Atlantic Shrine Association "Clown-A-Rama '97                          |
| H139-416 | Oberle   | 4/26/97           | T    | Salaam Clowns/ Mid-Atlantic Shrine Association "Clown-A-Rama '97                       |
| H139-417 | Oberle   | 4/26/97           | T    | Syria Clowns/ Mid-Atlantic Shrine Association "Clown-A-Rama '97                        |
| H139-418 | Oberle   | 4/26/97           | T    | ZemZem Clowns/Mid-Atlantic Shrine Association "Clown-A-Rama '97                        |
| H139-419 | Oberle   | 4/26/97           | T    | Zembo Clowns/Mid-Atlantic Shrine Association "Clown-A-Rama '97                         |
| H139-420 | B. Ennis | 3/27/97           | M    | Gladys M. Boyer                                                                        |
| H139-421 | B. Ennis | 1/28/97           | M    | Ida Collins Morris                                                                     |
| H139-422 | Wagner   | 3/31/97           | M    | Ruth Walls Layton                                                                      |
| H139-423 | Price    | 4/12/97           | T    | Kris Spinney/60th Birthday                                                             |
| H139-424 | Price    | 3/23/97           | T    | Elsie M. Powell/90th Birthday                                                          |
| H139-425 | Price    | 3/14/97           | T    | Jennifer Miller/Winning Miss Hospitality & Five Scholarships/National Teenager Pageant |
| H139-426 | Price    | 4/17/96           | T    | Lt. Gov. Ruth Ann Minner/"Woman of the Year/Georgetown Branch/AAUW                     |
| H139-427 | Price    | 4/09/97           | T    | Douglas Scott/Paramedic of the Year                                                    |
| H139-428 | Price    | 4/09/97           | T    | William H. Stevenson/Dedication/Creation and Direction of Sussex County EMS Program    |

T - Tribute

M - Memoriam

The following prefiled legislation was introduced:

**HB 143** - WAGNER; SENATORS ADAMS & HAUGE - R & F: An Act to Amend Subchapter IV of Chapter 11 of Title 30 of the Delaware Code Relating to the Taxation of Estates, Trusts and Beneficiaries.

**HB 144** - EWING & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, CAPANO, DIPINTO, D. ENNIS, MAIER, PETRILLI, ULBRICH, VANSANT, KEELEY, PLANT, SCOTT; SENATORS BLEVINS, MCDOWELL, VOSHELL, BAIR - POLICY ANAL & GOV. ACCT: An Act to Amend Title 24 of the Delaware Code Relating to Professions and Occupations.

**HB 145** - WAGNER, DILIBERTO, WILLIAMS & SENATORS BAIR & AMICK - P/S: An Act to Amend Title 21 of the Delaware Code to Provide That Appeals From Convictions Under Title 21 or Other Motor Vehicle Violations Be Heard in the Court of Common Pleas.

**HB 146** - OBERLE & SENATOR SHARP; REPRESENTATIVE SCOTT - LABOR: An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

**HB 147** - LEE & WELCH & SENATOR VAUGHN; REPRESENTATIVES SPENCE, BUCKWORTH, CAPANO, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, MAIER, MARONEY, PETRILLI, ROY, STONE, WAGNER, GILLIGAN, VANSANT, BANNING, BRADY, WILLIAMS; SENATORS SHARP, VOSHELL, ADAMS, BLEVINS, BONINI, REED & STILL - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Weapon Offenses.

**HB 148** - ULBRICH & SENATOR BLEVINS; REPRESENTATIVES SMITH, WELCH, BOULDEN, CLOUTIER, DAVIS, DIPINTO, EWING, LEE, LOFINK, MAIER, MARONEY, REYNOLDS, STONE, WAGNER, BRADY, B. ENNIS, HOUGHTON, PLANT, SCOTT, WILLIAMS - POL ANAL & GOV ACCT: An Act to Amend Title 24 of the Delaware Code by the Revision of Section 2606 Relating to Qualifications of Applicants for Licensure as Athletic Trainers.

**HB 149** - VANSANT & SENATOR MARSHALL - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability.

**HB 150** - SCHROEDER, BUCKWORTH, CAPANO, CLOUTIER, DAVIS, D. ENNIS, HOUGHTON, KEELEY, PLANT, SCOTT, WEST, WILLIAMS; SENATOR BUNTING - NAT RES: An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Recreational Gill Nets. (2/3 bill)

**HB 151** - BRADY, BANNING, BOULDEN, CAPANO, CAREY, CAULK, DILIBERTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MACK, PETRILLI, PLANT, PRICE, REYNOLDS, SCHROEDER, SCOTT, SMITH, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS; SENATORS HENRY, MARSHALL, VAUGHN - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Related Offenses.

**HB 152** - BRADY, CAREY, CAULK, DAVIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, PLANT, PRICE, QUILLEN, REYNOLDS, ULBRICH, WELCH, WEST, WILLIAMS; SENATORS BONINI, MARSHALL, VAUGHN - JUD: An Act to Amend Title 13 of the Delaware Code Relating to Child Support.

HA 1 to HB 77 - APPRO: Placed with the bill.

SB 38 - VAUGHN, MCDOWELL; REPRESENTATIVES MACK, SMITH, BOULDEN - BUS/COM/CORP: An Act to Amend Title 30 of the Delaware Code Relating to Wholesalers.

Representatives Brady, Lee & Ulbrich requested that they be marked present.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 11, jointly sponsored by Senator Voshell & cosponsored by Representative Gilligan, before the House for consideration.

HB 11 - An Act to Amend an Act Entitled "An Act to Re-Incorporate the City of Harrington" Being Chapter 115, Volume 69, Laws of Delaware, as Amended, Relating to the City Treasurer. (2/3 bill)

Representative Quillen made a comment.

The roll call on HB 11 was taken and revealed:

YES: 34.

ABSENT: Representatives Boulden, Buckworth, Caulk, D. Ennis, Ewing, Fallon, Oberle - 7.

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

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

Representative Smith requested and was granted the privilege of the floor for Jonathan Husband & Mary Voshell, representing the Delaware Recreation and Park Society for the purpose of presenting an award to Representative Roy.

Representative Roy made comments.

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

Representatives Boulden & Oberle requested that they be marked present.

Representative Smith deferred to Representative VanSant.

Representative VanSant requested that HB 88 be stricken.

Representative Smith deferred to Representative Petrilli.

Representative Petrilli brought HB 109, jointly sponsored by Representative Oberle & Senators Marshall & Venables, before the House for consideration.

HB 109 - An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation and Disclosure or Use of Information.

Representative Petrilli made comments.

The roll call on HB 109 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Ewing, Fallon - 3.

Therefore, having received a constitutional majority, HB 109 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 110, jointly sponsored by Representative Petrilli & Senators Marshall & Venables, before the House for consideration.

HB 110 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation and Recoupment of Overpayments.

Representative Oberle made comments.

The roll call on HB 110 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Ewing, Fallon - 3.

Therefore, having received a constitutional majority, HB 110 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 111, jointly sponsored by Representative Petrilli & Senators Venables & Marshall, before the House for consideration.

HB 111 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation and Uncollected Over-Issuance of Food Stamp Coupons.

Representative Oberle made comments.

The roll call on HB 111 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Ewing, Fallon - 3.

Therefore, having received a constitutional majority, HB 111 was sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis brought SB 44, jointly sponsored by Senator Adams, before the House for consideration.

SB 44 - An Act to Amend Titles 5 and 30 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

Representative D. Ennis made comments.



The roll call on SB 44 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Ewing, Fallon - 3.

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

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought HCR 3, jointly sponsored by Senator Amick, before the House for consideration.

HCR 3 - Requesting the Secretary of the Delaware Department of Transportation to Undertake a Study to Preserve a Corridor for a Connector Between Route 1 and the Proposed Route 301 South of the Chesapeake and Delaware Canal.

Representative Ulbrich made comments.

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

Representative Smith brought HCR 6, jointly sponsored by Senator Venables & Representatives Spence, Welch, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, Brady, Banning, Keeley, Plant, Price & West & Senators Bunting, Vaughn, Bair, Hauge, Reed & Still, before the House for consideration.

HCR 6 - Memorializing the U.S. Congress to Propose and Submit to the Several States an Amendment to the Constitution of the United States Providing That No Court Shall Have the Power to Levy or Increase Taxes.

Representative Smith made comments.

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

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

Representative Smith deferred to Representative Capano.

Representative Capano introduced HB 158, jointly sponsored by Senator Sharp & Representatives Cloutier & Houghton.

HB 158 - An Act Proposing an Amendment to §22, Article III, and Article IV of the Delaware Constitution Relating to the Appointment by the Court of Chancery of a Register in Chancery in Each County and the Powers and Duties of Registers in Chancery. (2/3 bill)

Mr. Speaker assigned HB 158 to Judiciary Committee.

The Majority Leader moved to recess to the call of the Chair at 4:55 p.m.

17th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 16, 1997

Mr. Acting Speaker Oberle called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 16.

TO: Speaker Terry R. Spence  
FROM: Rep. Tina K. Fallon  
DATE: March 27, 1997  
RE: Attendance for Session

I will not be in attendance for legislative session on April 15, 1997, April 16, 1997 and April 17, 1997.  
Thank you.

Tina K. Fallon  
State Representative  
39th District

Representative Wagner made an announcement.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Caulk, Fallon, Lofink - 3.

Representative Boulden introduced guests.

A prayer was offered by Reverend Clifford A. Armour, Jr., from the Newark United Methodist Church.

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

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

The following prefiled legislation was introduced:

**HB 153** - KEELEY, DIPINTO, D. ENNIS, GILLIGAN, MAIER, MARONEY, PLANT, SCOTT, VANSANT, WILLIAMS; SENATORS HAUGE, MARSHALL - HOUSING & COM AFF: An Act to Amend Title 22 of the Delaware Code Relating to Parking Authorities.

**HB 155** - WEST; SENATOR BUNTING - H/ADM: An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Change the Time of the Annual Organizational Meeting, to Delete Technical Requirements for Special Meetings, to Add Standards to the Requirements for Alderman, to Remove a Mandated Board of Health, Authorize the Town Manager on Behalf of the Town Council to Direct the Police Department, to Remove Outdated References to Costs and to Correct Certain Out of Date References and Typographical Errors. (2/3 bill)

**HB 156** - MARONEY & MAIER & SENATOR BLEVINS; REPRESENTATIVES SPENCE, BUCKWORTH, REYNOLDS, GILLIGAN, BANNING, DILIBERTO, B. ENNIS, PLANT, PRICE; SENATORS MCDOWELL, HENRY, BAIR, SORENSON - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.

**HB 157** - SPENCE - H/ADM: An Act to Amend Title I, Chapter 6, Delaware Code Establishing Native-American Day.

**HA 1 to HB 128** - JUD: Placed with the bill.

Representative Plant requested that he be marked present.

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

The House reconvened at 4:26 p.m. with Representative Ewing as Acting Speaker.

Representatives Spence, Houghton, Buckworth, Ulbrich & Brady requested that they be marked present

Representative Wagner requested that **HB 124 & HB 125** be stricken.

Representatives Schroeder & DiPinto requested that they be marked present.

The following prefiled Consent Calendar #4 was introduced:

**HR 21** - SPENCE ON BEHALF OF ALL HOUSE MEMBERS - Recognizing April 1997 as Child Abuse Prevention Month in Delaware.

**SCR 16** - AMICK, BAIR, BLEVINS, BONINI, HAUGE, REED, SOKOLA, SORENSON, STILL; REPRESENTATIVE SPENCE ON BEHALF OF ALL HOUSE MEMBERS - Commending Victor Singer of Newark, Delaware For His Outstanding Community Service Activities Which Have Earned Him the 1997 Recipient of the "Good Government Award" Given Annually by the Civic League of New Castle County.

Consent Calendar #4 was adopted by voice vote and **SCR 16** was returned to the Senate.

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

The Majority Leader moved to recess at 4:34 p.m.

The House reconvened at 5:21 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Mack requested that he be marked present.

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

P/S: **HS 1/HB 33** - 5M,1U; **HB 140** - 6M; **HJR 5** - 6M.

JUD: **HB 113** - 1F,6M; **HB 119** - 6M; **HB 123** - 5M; **HB 128** - 1F,5M; **HB 129** - 6M; **HB 158** - 7M; **HJR 3** - 6M,1U; **HJR 4** - 6M,1U.

CORR: **HB 61** - 5M.

HOUSING & COM AFF: **HC 11** - 4F.

ED: **HB 79** - 7M.

LABOR: **HB 95** - 4M.

Mr. Speaker assigned **HB 61** to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

18th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 17, 1997

Mr. Speaker Spence called the House to order at 2:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 67, SCR 19, SCR 18, SB 69 w/SA 1, SB 60 w/SA 1 & HB 68 w/HA 1.**

The Senate wishes to inform the House that it has defeated: **HB 43.**

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

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Boulden, Caulk, Fallon, Roy - 4.

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

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

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

The following prefiled legislation was introduced:

**HB 159** - GILLIGAN, BANNING, VANSANT - ED: An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes.

**HB 160** - WAGNER - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Endangering the Welfare of Children.

**HB 161** - WAGNER - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Treatment of a Child by Prayer.

**HB 162** - ULBRICH & SENATOR BLEVINS; REPRESENTATIVES CAPANO, MAIER, GILLIGAN, SCOTT; SENATORS BUNTING, SOKOLA, REED & STILL - POL ANAL & GOV ACCT: An Act to Amend Title 29 of the Delaware Code Regarding the Name of the Sunset Committee.

**HB 163** - CAPANO & SENATOR BLEVINS; REPRESENTATIVES SPENCE, CAREY, WELCH, BUCKWORTH, STONE, ULBRICH; SENATORS REED, SORENSON - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Requiring Mandatory Incarceration for Criminal Contempt of Family Court Protective Orders.

**HB 164** - PETRILLI, SPENCE, BUCKWORTH, CAPANO, D. ENNIS, EWING, DIPINTO, MAIER, ULBRICH, KEELEY, SCOTT, WILLIAMS; SENATORS VOSHELL, MCDOWELL, BLEVINS, HENRY, BAIR, AMICK, HAUGE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Sale or Transfer of Handguns by Unlicensed Persons.

**HA 1 to HB 102** - WAGNER - L.O.T.: Placed with the bill.

**HA 1 to HB 121** - WEST - LABOR: Placed with the bill.

**HA 1 to HB 132** - CAPANO - BUS/CORP/COM - Placed with the bill.

**SB 60 w/SA 1** - MCBRIDE, AMICK; REPRESENTATIVES CLOUTIER, VANSANT - POL ANAL GOV ACCT: An Act to Amend Title 24 Relating to Professional Engineers.

**SB 67** - ADAMS & REPRESENTATIVE D. ENNIS; SENATORS SOKOLA, SHARP, SORENSON; REPRESENTATIVES STONE, CAPANO, DIPINTO, FALLON, HOUGHTON, KEELEY & SCOTT - ECON DEV, B & I: An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

**SB 69 w/SA 1** - VOSHELL & HENRY; REPRESENTATIVES EWING & WILLIAMS - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Persons Prohibited.

Representatives DiLiberto & Davis requested and were granted personal privilege of the floor for the introduction of guests.

Representative Oberle requested that he be marked present.

Mr. Speaker Spence granted the privilege of the floor to Pam Price & Dr. Jerome Lewis from the University of Delaware who addressed the House and presented a plaque to the House. Former Legislative Fellows introduced themselves for the record.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Spence made comments.

Representative Spence presented a House Tribute to Dr. Lewis.

Mr. Acting Speaker Oberle & Representative Carey made comments.

The Majority Leader moved to recess for caucus at 2:48 p.m.

The House reconvened at 5:25 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SB 79 w/SA 4 & 5**.

Representatives Cloutier, Buckworth & Mack requested that they be marked present.

Representative Smith introduced and brought **SCR 18**, sponsored by Senators Vaughn & Cook & Representatives B. Ennis & Banning, before the House for consideration.

**SCR 18** - Extending Sincere Best Wishes to Senate Sergeant-At-Arms Clarence Schwatka and His Wife, the Former Beulah Burris, Upon the Occasion of the 59th Anniversary of Their Marriage.

**SCR 18** was adopted by voice vote and returned to the Senate.

Representative Smith introduced and brought **SCR 19**, jointly sponsored by Senator Sokola on Behalf of All Senators and Representative Reynolds on Behalf of All Representatives, before the House for consideration.

**SCR 19** - Recognizing Delaware Technical and Community College in Celebrating National Community College Month.

SCR 19 was adopted by voice vote & returned to the Senate.

The Majority Leader moved to recess for caucus at 5:28 p.m.

The House reconvened at 5:38 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought SB 30, sponsored by Senators Bunting, Henry, Sokola, Vaughn & Voshell & Representatives Banning, Boulden, Brady, Capano, Carey, Caulk, D. Ennis, Houghton, Plant, Reynolds, Scott, VanSant, West & Williams, before the House for consideration.

SB 30 - An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

Representative Ewing made comments.

Representative Ewing requested and was granted the privilege of the floor for Jack Eanes, Chief of Vehicle Services, Division of Motor Vehicles.

Representatives Ewing, Lee, Capano, Oberle & Ewing made comments.

Representative Stone requested that she be marked present.

Representative Stone made comments.

Representative Brady requested that he be marked present.

Representatives Brady, Lee & Ewing made comments.

The roll call on SB 30 was taken and revealed:

YES: 28.

NO: Representatives Banning, Davis, Lee, Mack, Maroney, Oberle, Stone, Williams, Mr. Speaker Spence - 10.

ABSENT: Representatives Boulden, Caulk, Fallon, Roy - 3.

Therefore, having received a constitutional majority, SB 30 was returned to the Senate.

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

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

POLICY ANAL & GOV ACCT: HB 144 - 3M; SB 17 w/SA 1 - 3M.

Representative Smith introduced HB 172, jointly sponsored by Representative Spence & Senators Venables & Vaughn & Representatives Welch, Buckworth, Carey, D. Ennis, Ewing, Lee, Lofink, Mack, Petrilli, Quillen, Reynolds, VanSant, Banning, Brady, Houghton, Price & West & Senators Sharp, Bunting, Bair, Bonini, Hauge & Still.

HB 172 - An Act to Amend Title 1 of the Delaware Code Relating to State Language.

Mr. Speaker assigned HB 172 to House Administration Committee.

Representative Smith deferred to Representative Oberle.

The Chief Clerk announced the correct roll call on SB 30:

YES: 28.

NO: Representatives Banning, Davis, Lee, Mack, Maroney, Oberle, Stone, Williams, Mr. Speaker Spence - 9.

ABSENT: Representatives Boulden, Caulk, Fallon, Roy - 4.

Therefore, having received a constitutional majority, SB 30 was returned to the Senate.

Representative Oberle brought HB 95, jointly sponsored by Representative Spence, before the House for consideration.

HB 95 - An Act to Amend Chapter 8 of Title 22, of the Delaware Code Regarding Residency Requirements of Municipal Employees. (2/3 bill)

The Majority Leader moved to recess for caucus at 5:55 p.m.

The House reconvened at 6:16 p.m.

Representative Smith deferred to Representative Oberle.

Representative Oberle moved to suspend the rules which interfere with rule 40(b). The motion was seconded by Representative Buckworth and adopted by voice.

Representatives Smith & Oberle made comments.

Representative Oberle deferred to Representative DiPinto.

Representative DiPinto introduced & brought HA 1 to HB 95 before the House for consideration.

Representatives DiPinto, Lee, DiPinto, Scott, DiPinto, Smith, Scott & Plant made comments.

HA 1 was adopted by voice vote.

Representative Williams introduced and brought HA 2 to HB 95, jointly sponsored by Representatives Plant, Keeley & Scott, before the House for consideration.

Representative Williams made comments.

The roll call on HA 2 was taken and revealed:

YES: Representatives Banning, Brady, DiLiberto, Gilligan, Houghton, Keeley, Plant, Schroeder, Scott, VanSant, West & Williams - 12.

NO: 15.

NOT VOTING: Representatives Cloutier, Davis, DiPinto, Lofink, Maier, Maroney, Ulbrich, Wagner -

8.

ABSENT: Representatives Boulden, Caulk, B. Ennis, Fallon, Price, Roy - 6.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

Representative Oberle deferred to Representative Scott.

Representative Scott introduced and brought HA 3 to HB 95 before the House for consideration.

Representatives Scott & Oberle made comments.

HA 3 was adopted by voice vote.

Representatives Oberle, DiPinto, Williams, Oberle, Williams, Oberle, Plant, Oberle, Scott, Keeley, Banning, VanSant, Oberle & Gilligan made comments.

The Majority Leader moved to recess for caucus at 6:54 p.m.

The House reconvened at 7:02 p.m.

Representatives Oberle, VanSant, Gilligan, Spence, Smith, Scott & Oberle made comments.

Representative Oberle moved to place HB 95 w/HA 1 & 3 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 7:08 p.m.

19th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 22, 1997

Mr. Acting Speaker Welch called the House to order at 2:34 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 130.

Representatives Roy, Boulden, Fallon & Caulk requested that they be marked present for the current

Legislative Day.

The following prefiled legislation was introduced:

HB 169 - QUILLEN, CAREY, MACK, PRICE, SCHROEDER - NAT RES: An Act to Amend Chapter 9, Title 7, of the Delaware Code, Relating to Federal Fisheries Management Plans.

The Majority Leader moved to adjourn at 2:36 p.m., thereby ending the current legislative day. The House reconvened at 2:37 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative D. Ennis - 1.

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

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

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

The following prefiled legislation was introduced:

HB 166 - OBERLE & SENATOR BLEVINS; REPRESENTATIVES SMITH, BOULDEN, BUCKWORTH, CLOUTIER, DAVIS, DIPINTO, EWING, LEE, MAIER, PETRILLI, QUILLEN, REYNOLDS, STONE, ULBRICH, WAGNER, VANSANT, BANNING, B. ENNIS, PLANT, WEST - HEALTH & HUM DEV: An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to Uniform Controlled Substances and Anabolic Steroids.

HB 167 - WAGNER & GILLIGAN - LABOR: An Act to Amend Chapter 55, Title 29, of the Delaware Code, Relating to the State Employee's 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 170 - LEE & SENATOR VENABLES - H/ADM: An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, Entitled, "An Act to Reincorporate the Town of Delmar" to Provide That Charges Imposed for Grass Cutting and the Rehabilitation and Improvement of Housing Within the Town of Delmar Shall be Liens Against the Properties So Benefited for a Period of 10 Years. (2/3 bill)

HB 171 - WAGNER, REYNOLDS, SCHROEDER - ED: An Act to Amend Title 14, Chapter 5, Delaware Code Relating to Charter Schools.

HA 1 to HB 56 - BRADY - ED: Placed with the bill.

SB 79 w/SA 4 & 5 - SOKOLA & SENATORS VOSHELL & BLEVINS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

Representatives B. Ennis & Ulbrich requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:42 p.m.

The House reconvened at 4:00 p.m. with Representative Roy as Acting Speaker.

The Reading Clerk read the following communication into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Stephanie Ulbrich, do hereby request that my name be removed as Co-Sponsor of HB 113.

Date: April 22, 1997.

Signed: Stephanie Ulbrich.

Representatives Spence, Williams, Mack & Scott requested that they be marked present.

Representative Petrilli requested that HB 136 be stricken.

Representative Lofink requested that he be marked present.

Representative Smith deferred to Representative Spence.

Representative Spence brought HB 79, jointly sponsored by Senator Sharp, before the House for consideration.

HB 79 - An Act Authorizing the Christina Reorganized School District and/or State Board of Education to Exchange Certain School Real Property for the Property of Another Person.

Representative Spence made comments.

Representatives VanSant, Buckworth, DiPinto, Plant, Reynolds, Schroeder & Gilligan requested that they be marked present.

Representative Spence made comments.

The roll call on HB 79 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Quillen - 2.

Therefore, having received a constitutional majority, HB 79 was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Davis.

Representative Davis brought HS 1 for HB 33 before the House for consideration.

HB 33 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Authority of the Division of Motor Vehicles, Department of Public Safety. (3/5 bill)(F/N)  
s made comments.

The roll call on HS 1 for HB 33 was taken and revealed:

YES: 37.

NO: Representatives Banning, Brady - 2.

ABSENT: Representatives D. Ennis, Ewing - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 33 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 158, jointly sponsored by Senator Sharp & Representatives Cloutier, DiPinto, Ewing, Maroney, Petrilli, Quillen, Stone, B. Ennis, Houghton & Plant, before the House for consideration.

HB 158 - An Act Proposing an Amendment to §22, Article III, and Article IV of the Delaware Constitution Relating to the Appointment by the Court of Chancery of a Register in Chancery in Each County and the Powers and Duties of Registers in Chancery. (2/3 bill)

Representatives Capano, B. Ennis, Capano, Houghton, Caulk, Capano & Petrilli made comments.

The roll call on HB 158 was taken and revealed:

YES: 38.

NO: Representative Caulk - 1.

ABSENT: Representatives D. Ennis, Ewing - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 158 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Banning.

Representative Banning requested that action on HB 113 be Deferred to a Day Certain, Thursday, April 24, 1997.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 123, jointly sponsored by Representatives Spence, Smith, Welch, Boulden, Capano, Carey, Cloutier, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Mack, Petrilli, Stone, Ulbrich, VanSant, Banning, Brady, DiLiberto, B. Ennis, Keeley & Scott & Senator Vaughn, before the House for consideration.

HB 123 - An Act to Amend Title 10 of the Delaware Code Creating the Uniform Foreign Money-Judgments Recognition Act.

Representative Wagner made comments.

The roll call on HB 123 was taken and revealed:

YES: 37.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives D. Ennis, Ewing, Plant - 3.

Therefore, having received a constitutional majority, HB 123 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #34

DATE: April 22, 1997

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

| Number   | Sponsor              | Presentation Date | Type | Description                                                                     |
|----------|----------------------|-------------------|------|---------------------------------------------------------------------------------|
| H139-429 | Keeley               | 4/13/97           | T    | Clarence Fraim Senior Center/25th Anniversary                                   |
| H139-430 | Lee                  | 4/07/97           | T    | Elva Waller/Laurel Town Councilwoman<br>/5½ Years                               |
| H139-431 | Lee                  | 4/07/97           | T    | Richard Small/Mayor of Laurel<br>Filled Unexpired Term                          |
| H139-432 | Lee                  | 4/07/97           | T    | Dick Russell/Laurel Town Councilman/12 Years                                    |
| H139-433 | Lee                  | 4/07/97           | T    | Jack Northam/Laurel Town Councilman/16 Years<br>/Council President/8 Years      |
| H139-434 | Brady                | 4/26/97           | T    | Laura Cooper & Shawn Love/Marriage                                              |
| H139-435 | Brady                | 3/22/97           | T    | Marian & Dr. F. James Evans/50th Wedding<br>Anniversary                         |
| H139-436 | Wagner               | 5/08/97           | T    | Mike Meade/Delaware Sports Hall of Fame                                         |
| H139-437 | Welch                | 4/12/97           | T    | United Methodist Women/25th Anniversary                                         |
|          | cosponsor: Buckworth |                   |      |                                                                                 |
| H139-438 | West                 | 4/10/97           | T    | Granville "Bozie" Holston/40 Years<br>/Millsboro VFW Volunteer                  |
| H139-439 | West                 | 4/13/97           | T    | Raymond Townsend/80th Birthday                                                  |
| H139-440 | Wagner               | 4/10/97           | T    | Eva Scotton/45 Years Outstanding<br>Service/Kent County Republican Women's Club |
| H139-441 | Buckworth            | 4/12/97           | T    | Edwin F. Englehart/'97 Benjamin F.<br>Burton Humanitarian Award                 |

#### HOUSE TRIBUTE ANNOUNCEMENT #35

DATE: April 22, 1997

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

| Number   | Sponsor   | Presentation Date | Type | Description                                                                   |
|----------|-----------|-------------------|------|-------------------------------------------------------------------------------|
| H139-442 | Buckworth | 4/12/97           | T    | Lola Gibbs/1st Recipient/Benjamin F. Burton<br>Humanitarian Award             |
| H139-443 | Buckworth | 4/12/97           | T    | Virginia Foresman/1995 Benjamin F. Burton<br>Humanitarian Awd.                |
| H139-444 | West      | 4/01/97           | T    | William Harris/101st Birthday                                                 |
| H139-445 | Wagner    | 9/21/97           | T    | Charlotte Hilliard Marshall & Joseph Tew<br>/Marriage                         |
| H139-446 | Wagner    | 4/12/97           | T    | Catherine Marshall & Michael Baritell<br>/Marriage                            |
| H139-447 | DiLiberto | 4/10/97           | M    | Mary Corrigan                                                                 |
| H139-448 | Spence    | 4/17/97           | T    | University of Delaware/Legislative Fellows<br>Program/15th Anniversary        |
| H139-449 | Spence    | 4/15/97           | T    | Retired Wilmington Chief of Police Samuel<br>Pratcher/25+ Years of Service    |
| H139-450 | Oberle    | 4/15/97           | M    | Edgar & Helen Alexander                                                       |
| H139-451 | Oberle    | 4/15/97           | T    | James Rosel/Salvation Army Volunteerism                                       |
| H139-452 | Banning   | 4/05/97           | T    | Bill Billings/Sports Hall of Fame/Catawba<br>College/Salisbury, NC            |
| H139-453 | Banning   | 3/15/97           | T    | Bonnie Smith/'97 Delaware Agriculture in the<br>Classroom Teacher of the Year |
| H139-454 | Price     | 2/21/97           | T    | Joseph Gorman/80th Birthday                                                   |
| H139-455 | Mack      | 5/13/97           | T    | Harold & Ellen Gooden/25th<br>Wedding Anniversary                             |

T - Tribute

M - Memoriam

## M E M O R A N D U M

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

FROM: Representative Dave Ennis

DATE: April 22, 1997

RE: Absence From Session

Because of business related travel, I will be unable to attend Session today, Tuesday, April 22, 1997.  
DHE/dlc

cc: JoAnn Hedrick, Chief Clerk

Mr. Acting Speaker assigned HCR 18 to the Land Use and Infrastructure Committee.

Representatives Cloutier & Smith made announcements.

Representative Smith deferred to Representative DiLiberto.

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

Representative Reynolds made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:48 p.m.

20th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 23, 1997

Mr. Speaker Spence resumed the Chair.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 65 w/SA 2 & HB 5 w/HA 1.

Representative Cloutier made an announcement.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

A prayer was offered by the Reverend John F. Hird, President of the Interfaith Mission of Sussex County, Inc.

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

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

The following prefiled legislation was introduced:

HB 165 - SCHROEDER & PRICE; SENATORS VOSHALL & BUNTING; REPRESENTATIVES BANNING, BOULDEN, BRADY, BUCKWORTH, CAREY, DILIBERTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MARONEY, OBERLE, PETRILLI, PLANT, QUILLEN, ROY, SCOTT, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATORS ADAMS, AMICK, BLEVINS, BONINI, COOK, HENRY, MCDOWELL, REED, SHARP, SOKOLA, SORENSON, STILL - R & F: An Act to Amend Title 30 of the Delaware Code Relating to State Taxes.

HB 168 - B. ENNIS & SENATORS VAUGHN & COOK; REPRESENTATIVES EWING, BRADY, HOUGHTON, BANNING, WEST, PRICE, PLANT, GILLIGAN, VANSANT, DILIBERTO, SCOTT, SCHROEDER, KEELEY, WILLIAMS, SPENCE; SENATORS VOSHALL, ADAMS, BLEVINS, MARSHALL - HEALTH & HUM DEV: An Act to Amend Chapter 67, Title 16 of the Delaware Code Relating to Ambulance Service in the State of Delaware.

HB 173 - CAPANO, CAREY, DIPINTO, QUILLEN, SMITH, STONE, ULBRICH, WAGNER; SENATOR VAUGHN - R & F: An Act to Repeal Chapter 14, Title 30, Delaware Code Relating to Gift Tax.

HB 174 - BUCKWORTH & SENATOR BONINI - H/ADM: An Act to Amend Chapter 189, Volume 43 of the Laws of Delaware, as Amended, Relating to the Town of Wyoming. (2/3 bill)

HB 175 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES CAREY, WAGNER, DILIBERTO & QUILLEN; SENATOR VOSHALL - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance Coverage.

HB 176 - MAIER, DAVIS & GILLIGAN & SENATOR VOSHALL; REPRESENTATIVES BOULDEN, CAPANO, ULBRICH, BANNING, DILIBERTO; SENATOR REED - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.



**HB 177** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, CAULK, EWING, HOUGHTON, SPENCE, STONE, VANSANT, WAGNER, WELCH, WEST; SENATORS BLEVINS, BONINI, VOSHELL - P/S: An Act to Amend Subchapter II, Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Elected County Officials.

**HB 178** - ULBRICH, WELCH, BOULDEN, CAPANO, CAREY, DIPINTO, LEE, LOFINK, MAIER, OBERLE, PETRILLI, QUILLEN, REYNOLDS, STONE, WAGNER, GILLIGAN, VANSANT, BANNING, DILIBERTO, B. ENNIS, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, WEST, WILLIAMS; SENATORS SOKOLA, AMICK, CONNOR, HAUGE, REED - ED: An Act to Amend Title 14 of the Delaware Code Relating to Unit Funding.

**HB 179** - MAIER & ULBRICH & SENATOR SORENSON; REPRESENTATIVES BUCKWORTH, EWING, FALLON, BANNING, DILIBERTO, KEELEY; SENATORS SOKOLA & REED - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

**HB 181** - CAPANO; SENATOR VOSHELL - P/S: An Act to Amend Chapter 28, Title 21 of the Delaware Code Relating to Habitual Motor Vehicle Offenders.

**HCR 18** - LOFINK, OBERLE, ROY, WELCH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, EWING, LEE, MARONEY, PETRILLI, BANNING, WEST; SENATOR SOKOLA - LAND USE & INFRA: Requesting That the Congressional Delegation for the State of Delaware Review the National Flood Insurance Reform Act of 1994 and Make Appropriate Recommendations.

**HJR 6** - BOULDEN, BUCKWORTH, CAPANO, CLOUTIER, DAVIS, DIPINTO, EWING, LEE, MAIER, REYNOLDS, STONE, ULBRICH, WAGNER, BANNING, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, PLANT, SCOTT, WEST, WILLIAMS - P/S: Calling for a Collaborative Effort on the Part of Division of Motor Vehicles (DMV) Management and Employees, the American Federation of State, County and Municipal Employees (AFSCME) and Others as Designated by the Governor and the Secretary of Public Safety to Undertake a Study to Determine the Operating Hours of DMV That Will Optimize Productivity, Cost Effectiveness and the Timely Delivery of Quality Customer Service.

**HA 2 to HB 128** - DILIBERTO - AGENDA: Placed with the bill.

**HA 1 to HB 129** - WELCH & SENATOR BONINI - READY LIST: Placed with the bill.

**HA 1 to HB 138** - WELCH & SENATOR BONINI - HEALTH & HUM DEV: Placed with the bill.

**SB 65 w/SA 2** - MARSHALL, SHARP; REPRESENTATIVES WILLIAMS, SPENCE, SCOTT - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Distribution, Delivery, or Possession of Controlled Substances or Counterfeit Controlled Substances or Counterfeit Controlled Substances in or Within 300 Feet of a Community Center or Day Care Center. (F/N)

Representative Quillen requested that **HB 35** be stricken.

Representative West requested that he be marked present.

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

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

Representative Roy made comments.

Mr. Speaker Spence presented a gift to Alan Sokolow.

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

Representative Stone requested and was granted personal privilege of the floor to introduce guests and present House Tributes to exchange students from Switzerland, who announced their names for the record.

Representatives Oberle & Ulbrich requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 4:21 with Representative Welch as Acting Speaker.

Representatives Mack, Schroeder, Brady, Reynolds & D. Ennis requested that they be marked present.

The following prefiled **Consent Calendar #5** was introduced:

**HCR 16** - REYNOLDS & SENATOR SOKOLA - Commending Francis J. O'Malley for Being Selected Delaware State Teacher of the Year 1997.

**HCR 17** - SPENCE & SENATOR CONNOR; REPRESENTATIVES SMITH, WELCH, GILLIGAN, VANSANT ON BEHALF OF ALL REPRESENTATIVES; SENATORS SHARP, VOSHELL, MCDOWELL, BAIR, AMICK ON BEHALF OF ALL SENATORS - Recognizing April 20 Through April 26 as Professional Secretaries Week, and Encouraging All Those Who Are Fortunate Enough to Have Secretaries to Honor These Unsung Heroes During This Week.

Representative Capano requested that she be marked present.

**Consent Calendar #5** was adopted by voice vote and **HCR 16 & HCR 17** were sent to the Senate for concurrence.

Representative Smith made comments regarding **HCR 17**.

Representative Lofink requested that he be marked present.

Representative Roy introduced and brought HR 23 before the House for consideration.

HR 23 - Request for DelDot to Study and Recommend Improvements to State Routes 48 and 41 in New Castle County.

Representative Roy made comments.

HR 23 was adopted by voice vote.

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

H/ADM: HB 66 - 2F,1M; HB 172 - 4F,1M.

R & F: HB 143 - 5M.

JUD: HB 147 - 6M,1U; HB 149 - 7M; HB 152 - 7M.

P/S: HB 145 - 6M; HB 151 - 5M.

ED: HB 38 - 6M; HB 56 - 7M; HCR 8 - 7M; SB 34 - 1F,5M.

NAT RES: HB 169 - 4F,2M.

ECON DEV, B & I: SB 67 - 3F,3M.

Representative DiPinto requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:30 p.m.

21st LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 24, 1997

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

The Reading Clerk read the following communications into the record:

April 23, 1997

LEGISLATIVE ADVISORY #8

Governor Thomas R. Carper signed the following legislation on the date indicated: 4/23/97 - HB 68  
aab HA 1 & SB 44.

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

HEALTH & HUM DEV: HB 90 - 7M; HB 106 - 6M; HB 138 - 6M; HB 166 - 7M; HR 19 - 7M; HJR 2  
7M.

Representative Smith deferred to Representative Spence.

Representative Spence introduced and brought HR 25, sponsored on Behalf of All House Members,  
before the House for consideration.

HR 25 - Recognizing the Week of April 21, 1997 as Delaware Association for Children of Alcoholics  
Week.

Representative Spence made comments.

HR 25 was adopted by voice vote.

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

The Assistant Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 180 - D. ENNIS, BANNING, BRADY, BUCKWORTH, CAREY, CLOUTIER, B. ENNIS, LEE,  
PETRILLI, PLANT, QUILLEN, SCOTT - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code  
Relating to Window Tinting Requirements for Certain Types of Motor Vehicles.

HB 182 - ULBRICH & WELCH, DAVIS, MAIER, QUILLEN - LAND USE & INFRA: An Act to  
Amend Title 26 of the Delaware Code Relating to the Regulation of Investor-Owned Wastewater Utilities by  
the Public Service Commission.

HB 184 - WAGNER & SENATOR SHARP - JUD: An Act to Amend Title 10 of the Delaware Code  
Relating to Fees and Costs.

HB 186 - WAGNER & SENATOR SHARP - JUD: An Act to Amend Chapter 5, Title 11 of the  
Delaware Code Relating to Official Misconduct or Related Criminal Offenses. (2/3 bill)

HB 188 - WAGNER & SENATOR SHARP - JUD: An Act to Amend Title 11 of the Delaware Code  
Relating to Certain Crimes.

HB 191 - GILLIGAN, VANSANT - ED: An Act to Amend Chapter 10, Title 14 of the Delaware Code  
Relating to Elections in Reorganized School Districts.

HB 192 - SMITH & SENATOR SOKOLA; REPRESENTATIVES SPENCE, WELCH, BOULDEN, BUCKWORTH, D. ENNIS, LEE, MARONEY, OBERLE, PETRILLI, ROY, STONE, ULBRICH, WAGNER, B. ENNIS - ED: An Act to Amend Title 14, of the Delaware Code Relating to the Definition of Unit for Academic Excellence.

HCR 19 - MAIER & SENATOR BLEVINS; REPRESENTATIVES PRICE, ULBRICH; SENATOR AMICK - HEALTH & HUM DEV: Supporting the Adoption of a National Definition of "Reasonable Efforts" in the Federal Adoption Assistance and Child Welfare Act of 1980.

HCR 24 - SMITH & SENATOR BAIR - NAT RES: Requesting the Department of Natural Resources and Environmental Control (DNREC) to Proceed With the Necessary Steps and Processes to Analyze the Naamans Creek Watershed.

HA 2 to HB 59 - WAGNER - APPRO: Placed with the bill.

HA 1 to HJR 3 - WAGNER & SCHROEDER - AGENDA: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 17.

#### MEMORANDUM

TO: Thomas R. Carper, Governor  
Thomas B. Sharp, President Pro-Tempore  
Bernard Brady, Secretary of the Senate  
JoAnn Hedrick, House Chief Clerk

FROM: Terry R. Spence, Speaker of the House

DATE: April 24, 1997

RE: Appointments SCR 7

Pursuant to Senate Concurrent Resolution 7, of the 139th General Assembly, extending the life of the Delaware River and Bay Oversight Committee for the purpose of studying and considering additional matters, including the effect of the Federal Oil Pollution Act Amendments of 1990 and the establishment of a permanent Delaware River and Bay Oversight Commission, the following have been appointed to serve on said Committee.

Rep. G. Robert Quillen, House Chair Natural Resource Committee  
Rep. V. George Carey  
Rep. Dave Ennis  
Rep. Jeff Mack

TRS/rec

Representatives Smith & DiPinto requested and were granted the privilege of the floor for the introduction of guests.

Representatives VanSant, Keeley, B. Ennis, Price, West, Plant, DiLiberto, Scott, Houghton & Gilligan requested that they be marked present.

Representative Smith requested and was granted the privilege of the floor for Peter Schedina & Klemm Gabriel, Exchange Program Teachers & Students from Germany, who announced their names for the record.

Representative Maier moved to suspend the rules which interfere with action on HCR 19. The motion was properly seconded and adopted by voice vote.

Representative Smith deferred to Representative Maier.

Representative Maier brought HCR 19, jointly sponsored by Senator Blevins & Representative Price & Senator Amick & cosponsored by Representative Ulbrich, before the House for consideration.

HCR 19 - Supporting the Adoption of a National Definition of "Reasonable Efforts" in the Federal Adoption Assistance and Child Welfare Act of 1980.

Representative Maier made comments.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought HR 22, jointly sponsored by Representatives Spence & Gilligan on Behalf of All Representatives, before the House for consideration.

HR 22 - In Observance of Workers Memorial Day 1997.

Representative Oberle made comments.

HR 22 was adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle made comments.

Mr. Speaker Spence resumed the Chair.

Representative Williams requested that he be marked present.

Representative Oberle introduced HB 198, jointly sponsored by Senator McDowell & Representatives Buckworth, Capano, Carey, DiPinto, Lofink, Roy, Gilligan & VanSant & Senator McBride.

HB 198 - An Act to Amend Title 26 of the Delaware Code Relating to Public Utilities.

Mr. Speaker assigned HB 198 to the Telecommunications & Electric Utility Deregulation Committee.

Representative Smith made comments.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought HCR 11, jointly sponsored by Representatives Boulden, Buckworth, Capano, Carey, D. Ennis, Ewing, Lee, Lofink, VanSant, Houghton, Keeley & Williams & Senators Bunting, Sokola, Sorenson & Still, before the House for consideration.

HCR 11 - Recognizing the Need for a New Federal Income Tax Credit to Encourage the Rehabilitation of Older Buildings for Home Ownership in the State of Delaware and Urging Adoption by the Congress of HR No. 1134, the "Historic Homeownership Assistance Act", and Requesting State Agencies to Develop a Delaware Historic Preservation Tax Credit Program.

Representatives DiPinto & Fallon made comments.

HCR 11 was adopted by voice vote and sent to the Senate for concurrence.

Representative DiPinto requested and was granted the privilege of the floor for Mary Jane Elliott & Dee Durham, representing Preservation Delaware, Inc.

Representative DiPinto made a comment.

Mr. Speaker Spence introduced guests.

Representative Smith deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with action on HJR 2. The motion was properly seconded and adopted by voice vote.

Representative Roy brought HJR 2, jointly sponsored by Senator Sorenson & cosponsored by Senator Connor, before the House for consideration.

HJR 2 - Proclaiming May 12, 1997, as Chronic Fatigue Syndrome Awareness Day in the State of Delaware.

Representative Roy made comments.

The roll call on HJR 2 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

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

Representatives Brady, Mack, Maier & Reynolds requested that they be marked present during the roll call.

Mr. Speaker Spence introduced a guest.

Representative Smith deferred to Representative Oberle.

Representative Oberle moved to lift HB 95 w/HA 1 & 3 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 95 w/HA 1 & 3, jointly sponsored by Representative Spence, before the House for consideration.

HB 95 - An Act to Amend Chapter 8 of Title 22, of the Delaware Code Regarding Residency Requirements of Municipal Employees. (2/3 bill)

Representative Oberle made comments.

Representative Gilligan requested and was granted the privilege of the floor for Mayor James Sills of Wilmington.

Representatives Scott, Maier, Oberle, Ulbrich, Scott, Ulbrich, D. Ennis, Williams, Wagner, Oberle, Williams, Ewing, Scott, Lee, Williams, Oberle, West, Ewing & Oberle made comments.

Representative Gilligan requested and was granted the privilege of the floor for Gerald Brady, Wilmington City Councilman.

Representatives Oberle, Capano, DiPinto, Williams, Keeley, Scott, Oberle, Scott, Capano, Gilligan, Plant, Williams & Oberle made comments.

The roll call on HB 95 w/HA 1 & 3 was taken and revealed:

YES: 29.

NO: Representatives Brady, DiLiberto, Keeley, Plant, Price, Schroeder, Scott, West, Williams - 9.

NOT VOTING: Representatives DiPinto, Gilligan, Houghton - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 95 w/HA 1 & 3 was sent to the Senate for concurrence.

The Majority Leader moved to recess for caucus at 4:45 p.m.

The House reconvened at 5:40 p.m. with Representative Welch as Acting Speaker.

The Reading Clerk read the following communication into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Shirley Price, do hereby request that my name be removed as Co-Sponsor of HB 113.

Date: April 24, 1997.

Signed: Shirley Price.

Representative Smith deferred to Representative Roy.

Representative Roy requested that HB 91 be stricken.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #36

DATE: April 24, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                          |
|----------|----------|-------------------|------|----------------------------------------------------------------------|
| H139-456 | Gilligan | 4/05/97           | T    | Suzanne & Ralph McCafferty/50th Wedding Anniversary                  |
| H139-457 | Gilligan | 4/01/97           | T    | Richard & Faith DiLiberto/Birth of Daughter                          |
| H139-458 | Scott    | 4/18/97           | T    | Reverend Dr. Wayne Miles/Outstanding Community Service               |
| H139-459 | Price    | 4/15/97           | T    | South Bethany Police Department/Law Enforcement Appreciation Day     |
| H139-460 | Price    | 4/15/97           | T    | Ocean View Police Department/Law Enforcement Appreciation Day        |
| H139-461 | Price    | 4/15/97           | T    | Fenwick Police Department/Law Enforcement Appreciation Day           |
| H139-462 | Price    | 4/15/97           | T    | Selbyville Police Department/Law Enforcement Appreciation Day        |
| H139-463 | Price    | 4/15/97           | T    | Bethany Beach Police Department/Law Enforcement Appreciation Day     |
| H139-464 | Price    | 10/18/97          | T    | Milton & Ruth Cooper/53rd Wedding Anniversary                        |
| H139-465 | Carey    | 5/09/97           | T    | John S. Love/Dedication to Phi Theta Kappa                           |
| H139-466 | DiPinto  | 4/19/97           | T    | Mount Salem United Methodist Church, Rockford Park/150th Anniversary |
| H139-467 | Carey    | 5/10/97           | T    | Lawrence Sammons/60 Years of Service/Ellendale Volunteer Fire Co.    |
| H139-468 | Price    | 4/18/97           | T    | Dottie Barber/Birthday Celebration                                   |

T - Tribute

Representative Smith introduced and brought SCR 21, jointly sponsored by Senators Bair, Hauge, Sorenson & Venables & Representatives Maroney, Cloutier, Brady, D. Ennis, Roy & Scott, before the House for consideration.

SCR 21 - Extending a Warm Welcome to the Students from Joe Polowski High School of Torgau, Germany.

SCR 21 was adopted by voice vote and returned to the Senate.

Representative Smith deferred to Representative Caulk

Representative Caulk introduced HB 195, jointly sponsored by Representative Schroeder & Senator Bunting & Representatives Smith, Welch, Boulden, Buckworth, Capano, Davis, D. Ennis, Ewing, Lofink, Mack, Maier, Oberle, Petrilli, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, VanSant, Banning, Brady, DiLiberto, B. Ennis & West & Senators Adams, Bair, Amick, Bonini, Hauge, Reed, Sorenson & Still.

HB 195 - An Act to Amend Title 3 of the Delaware Code Relating to Delaware Agricultural Lands Preservation Act.

Mr. Acting Speaker assigned HB 195 to the Agriculture Committee.

Representative Smith deferred to Representative Banning.

Representative Banning brought HB 113, jointly sponsored by Representatives Williams, Boulden, Brady, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Oberle, Plant, Quillen, Scott, VanSant, Wagner, West & Spence & Senators Adams, Cook, Hauge, Marshall, Vaughn & Venables, before the House for consideration.

HB 113 - An Act to Amend Title 29 of the Delaware Code Relating to the Violent Crimes Compensation Board.

Representative Banning made comments.

Mr. Speaker Spence resumed the Chair.

Representative Cloutier introduced and brought HA 1 to HB 113 before the House for consideration.

Representatives Cloutier, Banning, Ulbrich, Davis, Oberle, Davis, Oberle, Cloutier, DiPinto & Cloutier made comments.

The roll call on HA 1 was taken and revealed:

YES: 22.

NO: Representatives Banning, Brady, B. Ennis, Ewing, Gilligan, Houghton, Keeley, VanSant, West - 9.

NOT VOTING: Representatives DiLiberto, Oberle, Price, Quillen, Schroeder - 5.

ABSENT: Representatives Mack, Plant, Scott, Wagner, Williams - 5.

Therefore, having received a constitutional majority, HA 1 to HB 113 was adopted.

The roll call on HB 113 w/HA 1 was taken and revealed:

YES: 36.

ABSENT: Representatives Capano, Mack, Plant, Scott, Williams - 5.

Therefore, having received a constitutional majority, HB 113 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence made comments.

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

22nd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 29, 1997

Mr. Acting Speaker Welch called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 54, SB 51, SB 81, SB 100, HCR 11 &

SCR 21.

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

POL ANAL & GOV ACCT: HB 162 - 3M; SB 60 w/SA 1 - 3M.

Representative Smith introduced guests.

Representative Smith deferred to Representative Roy.

Representative Roy introduced HB 190, jointly sponsored by Senators Sokola & Amick.

HB 190 - An Act to Amend Section 5, Title 4 of the Delaware Code Relating to Alcoholic Beverage

Licensing.

Mr. Acting Speaker assigned HB 190 to the Policy Analysis & Government Accountability Committee.

Representative Smith made an announcement.

Representatives Boulden, DiLiberto & Acting Speaker Welch made comments.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Reynolds - 1.

The House observed a moment of silence for Ron Hedrick, a burn victim and son of the Chief Clerk, at the request of Representative B. Ennis.

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

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

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

The following prefiled legislation was introduced:

HB 183 - SCOTT, BANNING, BRADY, BUCKWORTH, CAPANO, CLOUTIER, CAULK, B. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, PLANT, PRICE, QUILLEN, REYNOLDS, ULBRICH, VANSANT, WELCH, WEST, WILLIAMS, SPENCE; SENATORS BUNTING, BONINI, CONNOR, STILL - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to the Regulation of Employees.

HB 193 - B. ENNIS & SENATORS VAUGHN & COOK; REPRESENTATIVES EWING, BRADY, HOUGHTON, BANNING, WEST, PRICE, PLANT, GILLIGAN, VANSANT, DILIBERTO, SCOTT, SCHROEDER, KEELEY, WILLIAMS, SPENCE, DIPINTO, CAULK, LEE, WELCH, CAREY, BUCKWORTH; SENATORS VOSHELL, ADAMS, BLEVINS, MARSHALL - HEALTH & HUM DEV: An Act to Amend Chapter 67, Title 16 of the Delaware Code Relating to Ambulance Service in the State of Delaware.

HB 196 - CAPANO, SPENCE, DIPINTO, MACK, DILIBERTO, HOUGHTON, KEELEY, BANNING, PLANT, WEST; SENATORS MARSHALL, MCBRIDE, VAUGHN - JUD: An Act to Amend Chapter 59, Title 29 of the Delaware Code, Relating to Hazardous Duty Pay.

HB 197 - MAIER & MARONEY & SENATOR BLEVINS; REPRESENTATIVES ULBRICH, GILLIGAN, KEELEY, PLANT & SENATORS HENRY & BAIR - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Birth Defects. (2/3 bill)

**HB 202** - OBERLE, WELCH, LOFINK, PETRILLI, GILLIGAN, VANSANT, BANNING, HOUGHTON, KEELEY, PLANT, SCOTT, WILLIAMS; SENATORS MCDOWELL, HENRY, MCBRIDE, MARSHALL, AMICK, CONNOR - LABOR: An Act to Amend Chapter 13 of Title 19 of the Delaware Code Relating to the Public Employment Relations Act.

**HB 203** - OBERLE & SENATOR MCBRIDE - LABOR: An Act to Amend Title 19, Section 1309 of the Delaware Code Relating to the Public Employment Relations Act.

**HB 204** - ROY & SENATOR COOK - LABOR: An Act to Amend Title 19 of the Delaware Code Pertaining to Worker's Compensation.

**HA 1 to HB 162** - ULBRICH, CAPANO, MAIER, GILLIGAN, SCOTT; SENATORS BLEVINS, BUNTING, SOKOLA, REED, STILL - READY LIST: Placed with the bill.

**SB 51** - COOK & VAUGHN; REPRESENTATIVES DAVIS & OBERLE - APPRO: An Act to Amend Chapter 10, Title 20, Delaware Code Relating to the Filing for Paraplegic Pension Benefits in the State Employees' Pension Plan.

**SB 54** - MARSHALL & VOSHELL; REPRESENTATIVE SPENCE; SENATORS HENRY, MCDOWELL; REPRESENTATIVES DIPINTO, KEELEY, PLANT, SCOTT, VANSANT & WILLIAMS - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

**SB 81** - MCDOWELL, ADAMS, BUNTING, HENRY, MARSHALL, SHARP, VENABLES & VOSHELL; REPRESENTATIVES B. ENNIS, D. ENNIS, EWING, GILLIGAN, KEELEY, LEE, STONE & WAGNER - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Minors and Uniform Controlled Substances. (F/N)

**SB 100** - COOK & VAUGHN; REPRESENTATIVES DAVIS & OBERLE - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to the Employment of Pensioners.

**SCR 17** - SOKOLA & REPRESENTATIVE ROY; SENATORS BLEVINS & HAUGE; REPRESENTATIVE GILLIGAN - JUD: Relating to a Study as to Whether the State of Delaware Should Sue Tobacco Companies to Recover State Medicaid Costs From Smoking-Related Illnesses.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 20, SCR 22, HCR 16 & HCR 17.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Representative Bruce C. Reynolds  
DATE: April 29, 1997  
RE: Attendance for Session

I will not be in attendance for legislative session today, April 29, 1997 and possibly tomorrow, April 30, 1997, due to a strained muscle injury in my back.

Thank you for your attention to this matter.

BCR/grp

Representative Petrilli requested that he be marked present.

Representative Smith deferred to Representative Plant.

Representative Plant introduced **HB 187**.

**HB 187** - An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Insurance Adjusters. (3/5 bill)

Mr. Speaker assigned **HB 187** to the Economic Development, Banking & Insurance Committee.

Representatives Maroney & Ulbrich requested and were granted personal privilege of the floor for the introduction of guests.

Representative Smith requested and was granted the privilege of the floor for Christine Schiltz and Stephen Austin, representing State Farm Insurance; Joseph Hojnicky, Sr., President, Delaware Volunteer Fireman's Association and Daniel Kiley, State Fire Marshall.

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

The House reconvened at 4:13 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested that he be marked present.

Representative D. Ennis requested that **HB 140** be stricken.

Representative Smith deferred to Representative Wagner.

Representatives Buckworth, Davis, Mack, DiPinto, Ewing & Stone requested that they be marked present.

Representative B. Ennis requested that **HB 168** be stricken.

Representative Brady requested that he be marked present.

Representative Wagner brought HJR 3, jointly sponsored by Representative Schroeder & Senator Blevins & Representatives Welch, Spence, Boulden, Buckworth, Capano, Carey, DiPinto, Maroney, Smith, Ulbrich, Banning, DiLiberto, B. Ennis, Plant, Price & West & Senators Sharp, Voshell, Bunting, Vaughn, Venables, Reed & Still, before the House for consideration.

HJR 3 - Creating a Family Court Task Force to Study the Current System for Open Hearings.

Representative Wagner made a comment.

Representative Wagner brought HA 1 to HJR 3, jointly sponsored by Representative Schroeder, before the House for consideration. Representative Wagner made comments. Representative Stone introduced and brought HA 1 to HA 1, jointly sponsored by Representative DiPinto, before the House for consideration.

Representatives Stone, Wagner, Maroney, DiPinto & Maroney made comments.

Representative Maroney requested and was granted the privilege of the floor for Vincent Poppiti, Family Court Chief Judge.

Representatives Maroney, Davis, Maroney & Ewing made comments.

Representative Cloutier rose on a point of order. Mr. Acting Speaker concurred.

Representatives Maroney, Stone, Wagner, Maroney, Davis & Stone made comments.

Because the voice vote on HA 1 to HA 1 was too close to call, Acting Speaker Oberle directed that the roll be called.

The roll call on HA 1 to HA 1 to HJR 3 was taken and revealed:

YES: 24.

NO: Representatives Banning, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Maroney, Plant, Price, Schroeder, Scott, VanSant, West, Williams - 15.

NOT VOTING: Representative Brady - 1.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HA 1 to HA 1 was adopted.

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

HA 1 w/HA 1 was adopted by voice vote.

The roll call on HJR 3 w/HA 1 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Plant - 1.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HJR 3 w/HA 1 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought HJR 4, jointly sponsored by Representatives DiLiberto & Wagner & Senators Amick & Sokola, before the House for consideration.

HJR 4 - A Resolution to Open Family Court Proceedings and Records.

Mr. Speaker Spence resumed the Chair.

Representative Schroeder introduced and brought HA 1 to HJR 4, jointly sponsored by Representative Wagner, before the House for consideration.

Representatives Schroeder & Houghton made comments.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representatives Welch, Plant, Ewing, Schroeder, Welch & Stone made comments.

HA 1 to HJR 4 was defeated by voice vote.

Representatives Davis, Schroeder & Capano made comments.

Representative Schroeder requested and was granted the privilege of the floor for Vincent Poppiti, Family Court Chief Judge.

Representatives Capano, Welch, Cloutier, Schroeder, Stone, Davis, Maroney, Schroeder, Maroney, DiPinto & Capano made comments.

Representative Schroeder moved to place HJR 4 on the Speaker's table. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Smith deferred to Representative VanSant.

Representative VanSant brought HB 119, jointly sponsored by Senator Vaughn & Representatives Banning, Brady, Capano, Caulk, Davis, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Plant, Schroeder, Scott, Stone, Spence, Ulbrich, Wagner, Welch, West & Williams & Senator Bunting, before the House for consideration.

HB 119 - An Act to Amend Chapter 5 of Title 11 of the Delaware Code Relating to the Crime of Robbery.

Representative VanSant made comments.

The roll call on HB 119 was taken and revealed:

YES: 39.



NOT VOTING: Representative Scott - 1.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 119 was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought HB 128, jointly sponsored by Representatives Banning, Boulden, Brady, Capano, Carey, Cloutier, Caulk, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Plant, Price, Quillen, Roy, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant, Wagner, Welch, West, Williams & Spence & Senators Bunting, Bonini, Henry, Marshall, Reed, Still Vaughn, Venables & Voshell, before the House for consideration.

HB 128 - An Act to Amend Title 11 of the Delaware Code Relating to the Criminal Justice Council.

Representative DiLiberto made comments.

Representative DiLiberto brought HA 1 to HB 128 before the House for consideration.

Representative DiLiberto made a comment.

HA 1 was adopted by voice vote.

Representative DiLiberto brought HA 2 to HB 128 before the House for consideration.

Representative DiLiberto made a comment.

HA 2 was adopted by voice vote.

The roll call on HB 128 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 128 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to lift HB 102 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Wagner brought HB 102, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 102 - An Act to Amend Title 10 of the Delaware Code Relating to the Rules of the Justice of the Peace Courts.

Representative Wagner brought HA 1 to HB 102 before the House for consideration. Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 102 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 102 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested that action on SB 67 be Deferred to a Day Certain, Tuesday, May 6, 1997.

Representative Smith deferred to Representative Wagner.

Representative Wagner made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:51 p.m.

23rd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
April 30, 1997

Mr. Acting Speaker Welch called the House to order at 2:13 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 75, SB 94 & SB 96 w/SA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, G. Robert Quillen, do hereby request that my name be removed as Co-Sponsor of HB 198.

Date: April 29, 1997.

Signed: G. Robert Quillen.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry R. Spence, do hereby request that my name be removed as Co-Sponsor of HB

195.

Date: April 29, 1997.

Signed: Terry R. Spence.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Mack, Reynolds - 2.

A prayer was offered by Reverend Marion Lott, Sr., Canaan Baptist Church near Milford.

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

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

The following prefilled legislation was introduced:

**HB 185** - VANSANT & SENATOR COOK; REPRESENTATIVES BANNING, BRADY, BUCKWORTH, CAREY, DAVIS, B. ENNIS, EWING, GILLIGAN, HOUGHTON, LEE, WELCH, WEST, SPENCE; SENATORS ADAMS, BONINI, BUNTING, STILL, VAUGHN, VENABLES - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Licenses to Carry Concealed Deadly Weapons for Personal Protection or the Protection of the Person's Family or Property.

**HB 189** - PLANT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of the Disadvantaged Children's Scholarship Fund.

**HB 199** - WAGNER; SENATOR SHARP; REPRESENTATIVES SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAULK, DAVIS, DIPINTO, EWING, FALLON, LEE, LOFINK, MARONEY, QUILLEN, REYNOLDS, SCOTT - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

**HB 200** - MARONEY & SENATOR BLEVINS; REPRESENTATIVES MAIER, STONE, ULBRICH, B. ENNIS, PLANT, WILLIAMS; SENATORS HENRY, MARSHALL, SOKOLA, AMICK, REED - POL ANAL & GOV ACCT: An Act to Amend Titles 16, 24, and 29 of the Delaware Code Relating to Occupations and Professions and Transferring Responsibility for the Licensure of Plumbers From the Division of Public Health to the Division of Professional Regulation. (3/5 bill)

**HB 201** - SPENCE & MAIER & SENATORS SHARP & MARSHALL; REPRESENTATIVES SMITH, WELCH, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, REYNOLDS, ROY, STONE, ULBRICH, WAGNER, BANNING, BRADY, B. ENNIS, GILLIGAN, HOUGHTON, PLANT, VANSANT, WEST; SENATORS ADAMS, BONINI, CONNOR - HEALTH & HUM DEV: An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to the State Bureau of Identification and Background Checks by Sanatoria, Rest Homes, Nursing Homes, Boarding Homes, and Related Institutions.

**HB 205** - DILIBERTO, BANNING, BRADY, BUCKWORTH, CLOUTIER, DIPINTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, MACK, PLANT, PRICE, REYNOLDS, ROY, STONE, VANSANT, WELCH, WEST, SPENCE; SENATORS ADAMS, COOK, HENRY, STILL, VAUGHN, VOSHELL - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to Open Meetings and Deliberations.

**HB 206** - CAREY, QUILLEN, PRICE, SCHROEDER - NAT RES: An Act to Amend Chapters 19, 21 and 23 of Title 7 of the Delaware Code Relating to Shellfish Licenses, Permits and Leases.

**HA 1 to HB 81** - BUCKWORTH - ED: Placed with the bill.

**SB 75** - BLEVINS & REPRESENTATIVE MAIER; SENATORS HENRY & SORENSON; REPRESENTATIVES KEELEY, MARONEY, ULBRICH, GILLIGAN, PLANT & CAPANO - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to the General Powers of the Secretary, Delaware Health and Social Services. (F/N)

**SB 94** - BLEVINS; REPRESENTATIVES MAIER, MARONEY, ULBRICH; SENATORS HENRY, SORENSON, BONINI; REPRESENTATIVES GILLIGAN, PLANT, CAPANO, KEELEY - POL ANAL GOV ACCT: An Act to Amend Title 24 of the Delaware Code Regarding Pharmacists.

**SB 96 w/SA 1** - HENRY & VOSHELL; REPRESENTATIVE EWING - An Act to Amend Title 21 of the Delaware Code Regarding Transfer of Salvage Titles.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Representative Jeffrey G. Mack  
DATE: April 30, 1997  
RE: Attendance for Session

I will not be in attendance for legislative session today, April 30, 1997, due to unexpected business.  
Thank you for your attention to this matter.

JGM/tr

Representative Smith deferred to Representative Buckworth.

Representative Buckworth introduced and brought HR 28, jointly sponsored by Representative Ewing on Behalf of All House Members, before the House for consideration.

HR 28 - Recognizing Thursday, May 1, 1997 as the 46th Annual National Day of Prayer in Delaware. Representative Buckworth made comments & introduced guests.

HR 28 was adopted by voice vote.

Representatives Williams, D. Ennis & Ulbrich requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:23 p.m.

The House reconvened at 4:45 p.m.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communication into the record:

April 29, 1997

#### LEGISLATIVE ADVISORY #9

Governor Thomas R. Carper signed the following legislation on the date indicated: 4/29/97 - SB 30, HB 130 & HB 5 aab HA 1

Representatives Carey, Plant, Schroeder, Brady, DiLiberto & Lofink requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #37

DATE: April 30, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                                 |
|----------|----------|-------------------|------|-----------------------------------------------------------------------------|
| H139-469 | Roy      | 4/21/97           | T    | Brian Kmetz/Eagle Scout                                                     |
| H139-470 | Wagner   | 4/19/97           | M    | Benjamin F. Johnson                                                         |
| H139-471 | Quillen  | 5/03/97           | T    | William Robert "Bob" Outten<br>/96 Community Service Award                  |
| H139-472 | Price    | 4/27/97           | T    | Mason Dixon Ladies VFW Auxiliary/50th<br>Anniversary of Service to Vets.    |
| H139-473 | Price    | 4/27/97           | T    | Gloria Gum/Charter Member/Mason<br>Dixon Ladies Auxiliary VFW               |
| H139-474 | Quillen  | 4/23/97           | T    | Oradelle Sewell/97 Delaware Adult<br>Educator of the Year                   |
| H139-475 | Fallon   | 4/23/97           | T    | Maslak Rotary Club/4th Anniversary                                          |
| H139-476 | Fallon   | 4/23/97           | T    | Kadikoy Anadolu Lisesi/Cultural<br>Heritage/Middle Eastern World            |
| H139-477 | Scott    | 4/23/97           | T    | Reverend Dr. Lawrence Livingston/<br>Outstanding Community Service          |
| H139-478 | Scott    | 4/23/97           | T    | Herman LaFate/Outstanding<br>Community Service                              |
| H139-479 | Fallon   | 4/22/97           | T    | Dawnelle Diedrich/Outstanding<br>Physical Education Major/Furman University |
| H139-480 | Fallon   | 4/22/97           | T    | Pattie Chapman/Seaford Middle<br>School Environmental Educator of the Year  |
| H139-481 | Reynolds | 4/27/97           | T    | Wilmington Manor Fire Co. Ladies<br>Auxiliary/50th Anniversary              |

T - Tribute

M - Memoriam

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

BUS. COM & CORP: HB 132 - 2F,5M; SB 38 w/SA 1 - 7M.

NAT RES: HS 1/HB 55 - 3M,1U; HCR 24 - 2F,2M.

ED: HB 94 - 6M; HB 100 - 4M; HB 135 - 6M; SB 59 - 5M.

APPRO: HB 61 - 2F,3M.

LABOR: HB 131 - 4M; HB 134 - 4M; HB 146 - 4M.

P/S: HB 176 - 5M,1U; HB 177 - 6M; HB 180 - 6M; HJR 6 - 6M.

Mr. Speaker assigned HB 94 to the Land Use & Infrastructure Committee.

Mr. Speaker assigned HS 2 to HB 50 to the Appropriations Committee.

The following prefiled Consent Calendar #6 was introduced:

HR 26 - ROY - Commending the Hockessin Community Club.

**HCR 20** - BUCKWORTH, B. ENNIS & SENATOR BLEVINS; REPRESENTATIVES CAREY, D. ENNIS, EWING, OBERLE, QUILLEN, HOUGHTON, WEST; SENATORS MCDOWELL, SOKOLA, AMICK, CONNOR, REED - Proclaiming May 1997 as "Motorcycle Awareness Month".

**HCR 21** - PETRILLI & ULBRICH & SENATORS VAUGHN, SHARP & STILL; REPRESENTATIVES SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, QUILLEN, REYNOLDS, ROY, STONE, WAGNER, GILLIGAN, VANSANT, BANNING, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, WEST - Creating a DelDot Organizational Review Task Force.

**SCR 20** - VOSHELL; REPRESENTATIVE CAREY - Honoring the Delaware Association for Children of Alcoholics Upon the Occasion of Its 10th Anniversary for Its Many Services and Those of Its Volunteers to Delaware Families Affected by the Disease of Alcoholism.

**SCR 22** - VOSHELL, SHARP, MCDOWELL, BAIR & AMICK ON BEHALF OF ALL SENATORS; REPRESENTATIVES SPENCE, SMITH, WELCH, GILLIGAN & VANSANT ON BEHALF OF ALL REPRESENTATIVES - Recognizing the Week of April 21 Through April 25, 1997, as Professional Secretaries' Week in Delaware, and Paying Tribute to These Invaluable Heroes of the Workplace.

Consent Calendar #6 was adopted by voice vote and **HCR 20 & HCR 21** were sent to the Senate for concurrence and **SCR 20 & SCR 22** were returned to the Senate.

Representative Gilligan requested that he be marked present.

Representative Ulbrich made an announcement.

Representatives DiPinto & Roy requested that they be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:52 p.m.

24th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 1, 1997

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

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

NAT RES: **HS 1/HB 55** - 4M.

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

R & F: **HB 165** - 6M; **HB 173** - 4F,2M.

LAND USE & INFRA: **HCR 18** - 9M.

JUD: **HB 163** - 5M,1U; **HB 184** - 5M; **HB 188** - 5M.

Mr. Speaker reassigned **SCR 17** to the Health & Human Development Committee.

Representative Roy requested that **HB 190** be stricken.

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

Mr. Speaker assigned **HB 80, HB 100, HB 165, HB 173 & HB 176** to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 41.

Representative Fallon made comments.

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

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

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

The following prefiled legislation was introduced:

**HB 207** - DIPINTO & MAIER & SENATORS SHARP, BLEVINS & AMICK; REPRESENTATIVES BOULDEN, CAPANO, D. ENNIS, LOFINK - BUS/COM/CORP: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

**HB 208** - STONE, QUILLEN - BUS/COM/CORP: An Act to Amend Title 30 of the Delaware Code Relating to Computation of Gross Receipts Taxes.

**HB 209** - EWING, LEE, WAGNER - P/S: An Act to Amend Title 21 of the Delaware Code Regarding the Disposition of Fines and Costs.

**HB 211** - BUCKWORTH & WELCH & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, CAREY, CAULK, DIPINTO, MAIER, REYNOLDS, ULBRICH; SENATORS ADAMS, MARSHALL, BONINI, REED, STILL - POL ANAL & GOV ACCT: An Act to Amend Title 24 of the Delaware Code Relating to Termination of Human Pregnancy.

**HB 212** - SMITH & SENATOR VAUGHN - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Licenses to Carry Concealed Deadly Weapons.

**HB 213 - ROY & SENATOR SOKOLA - P/S:** An Act to Amend Title 21 of the Delaware Code Relating to Registration of Vehicles by Nonresidents.

**HB 214 - STONE & SENATOR STILL - H/ADM:** An Act to Amend Chapter 158, Volume 36, Laws of Delaware as Amended, Being the Charter of the City of Dover, Relating to Salary, Emoluments and Reimbursement of Expenses to the Mayor, Council, and Other Elected or Appointed Officials. (2/3 bill)

**HB 216 - PETRILLI - LABOR:** An Act to Amend Title 19 of the Delaware Code Relating to the Unemployment Compensation Advisory Council.

**HR 27 - SMITH & WELCH; REPRESENTATIVES ROY, WAGNER, DIPINTO, B. ENNIS & DILIBERTO - RULES:** Relating to Permanent Rules of the House of Representatives of the 139th General Assembly of the State of Delaware.

**HA 1 to HB 97 - SCOTT - HEALTH & HUM DEV:** Placed with the bill.

**HA 1 to HB 151 - BRADY - READY LIST:** Placed with the bill.

**HA 1 to HB 180 - D. ENNIS - READY LIST:** Placed with the bill.

**HA 2 to HJR 4 - SCHROEDER - AGENDA:** Placed with the bill.

**HA 1 to SB 60 - ULBRICH - READY LIST:** Placed with the bill.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **HB 11**.

Representative Smith introduced a guest.

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

**POL ANAL & GOV ACCT: HB 148 - 3M.**

Representatives Lee, Banning, DiLiberto & Scott requested that they be marked present.

Mr. Speaker Spence made an announcement.

Representative Smith deferred to Representative Quillen.

Representative Quillen requested and was granted personal privilege of the floor to present a House Tribute to Jean Groff.

Representative Smith deferred to Representative Oberle.

Representatives Cloutier, Petrilli & Buckworth requested that they be marked present.

Representative Oberle introduced **HB 210**, jointly sponsored by Senator Sharp & Representatives Spence, Capano, DiPinto, Ewing, Lee, Maier, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Price, Schroeder & West & Senators McDowell, Bair, Sokola & Hauge.

**HB 210 - An Act to Amend Title 9 of the Delaware Code Relating to Restructuring the New Castle County Government.**

Mr. Speaker assigned **HB 210** to the House Administration Committee.

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

Representative West requested that he be marked present.

Representatives West, Carey & Ewing made comments.

Representative B. Ennis requested that he be marked present.

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

Representative Scott made comments.

Representative Scott introduced guests.

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

Representative Smith deferred to Representatives Maroney & Buckworth.

Representative Maroney made comments.

Representative Buckworth introduced a guest.

Representatives Maroney & Buckworth requested and were granted the privilege of the floor for Mary Jane Matthewson, Regent of Caesar Rodney Chapter of Daughters of the American Revolution.

Representatives Maroney & Buckworth present a House Tribute to Mary Jane Matthewson.

Mr. Speaker Spence made comments.

Representative D. Ennis requested that he be marked present.

Representatives Buckworth & Ewing made comments.

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

The House reconvened at 4:10 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HCR 8**, jointly sponsored by Representative VanSant & Senator Cook & Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Petrilli, Reynolds, Stone, Ulbrich, Banning, Brady, Houghton, Keeley, Plant, Price, West & Williams, before the House for consideration.

**HCR 8 - Encouraging the Department of Public Instruction and Civic and Community Service Organizations to Implement and Teach the Eddie Eagle Elementary Gun Safety Education Program.**

Representative Wagner made comments.

HCR 8 was adopted by voice vote and sent to the Senate for concurrence.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich requested that she be marked present.

Representative Ulbrich brought SB 17 w/SA 1, jointly sponsored by Senator Blevins, before the House for consideration.

SB 17 - An Act to Amend Title 24 of the Delaware Code Relating to Dentistry and Dental Hygiene.

Representative Ulbrich made comments.

Mr. Speaker Spence resumed the Chair.

The roll call on SB 17 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 17 w/SA 1 was returned to the Senate.

Representatives Mack, Maier, Plant, Reynolds, Stone & Brady requested that they be marked present during the roll call.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought HB 90, jointly sponsored by Representatives DiPinto & D. Ennis & Senator Voshell & Representatives Banning, Brady, Buckworth, Carey, Cloutier, DiLiberto, Gilligan, Houghton, Lee, Oberle, Plant, Reynolds, Scott, Spence, Ulbrich, VanSant, Welch, West & Williams & Senator Vaughn, before the House for consideration.

HB 90 - An Act to Amend Chapter 63, Title 16, Delaware Code Relating to Emergency Planning and Community Right-to-Know. (3/5 bill)

Representative B. Ennis introduced and brought HA 1 to HB 90 before the House for consideration.

Representative B. Ennis made comments. HA 1 was adopted by voice vote.

Representatives B. Ennis, DiPinto, D. Ennis & B. Ennis made comments.

The roll call on HB 90 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 90 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan made comments.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HR 19, jointly sponsored by Representatives Spence, Smith, Welch, Boulden, Buckworth, Capano, Carey, Caulk, DiPinto, D. Ennis, Fallon, Lee, Lofink, Maroney, Petrilli, Stone, Ulbrich, Wagner, Gilligan, VanSant, Banning, Houghton, Keeley, Plant, Price, Schroeder, Scott, West & Williams, before the House for consideration.

HR 19 - Encouraging the State of Delaware to Provide Mammograms to All Adult Delaware Women.

Representatives Ewing, Davis, Ewing, Fallon, Davis, Maroney, Fallon & Ewing made comments.

HR 19 was adopted by voice vote.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 106, jointly sponsored by Senators Blevins & Sorenson, before the House for consideration.

HB 106 - An Act to Amend Chapter 21, Title 13 of the Delaware Code Relating to the Composition of the Domestic Violence Coordinating Council.

Representatives Capano & Keeley made comments.

Representative Scott introduced and brought HA 1 to HB 106 before the House for consideration.

Representatives Scott, Capano, Smith, Scott, Capano & Scott made comments.

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

Representative Capano moved to place HB 106 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder moved to lift HJR 4 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Schroeder brought HJR 4, jointly sponsored by Representatives DiLiberto & Wagner & Senators Amick & Sokola, before the House for consideration.

HJR 4 - A Resolution to Open Family Court Proceedings and Records.

Representative Schroeder brought HA 2 to HJR 4 before the House for consideration.

Representative Schroeder made comments.

HA 2 was adopted by voice vote.

The roll call on HJR 4 w/HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 4 w/HA 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought HB 162, jointly sponsored by Senator Blevins & Representatives Capano, Maier, Gilligan & Scott & Senators Bunting, Sokola, Reed & Still, before the House for consideration.

HB 162 - An Act to Amend Title 29 of the Delaware Code Regarding the Name of the Sunset Committee.

Representative Ulbrich brought HA 1 to HB 162, jointly sponsored by Representatives Capano, Maier, Gilligan & Scott & Senators Blevins, Bunting, Sokola, Reed & Still, before the House for consideration. Representative Ulbrich made comments. HA 1 was adopted by voice vote.

Representatives Ulbrich & DiPinto made comments.

The roll call on HB 162 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 162 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative VanSant.

Representative VanSant requested that action on HB 149 be Deferred to a Day Certain, Thursday, May 8, 1997.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 166, jointly sponsored by Senator Blevins & Representatives Smith, Boulden, Buckworth, Cloutier, Davis, DiPinto, Ewing, Lee, Maier, Petrilli, Quillen, Reynolds, Stone, Ulbrich, Wagner, VanSant, Banning, B. Ennis, Plant & West, before the House for consideration.

HB 166 - An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to Uniform Controlled Substances and Anabolic Steroids.

Representative Oberle introduced and brought HA 1 to HB 166 before the House for consideration. Representative Oberle made a comment. HA 1 was adopted by voice vote.

Representatives Oberle & Brady made comments.

The roll call on HB 166 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 166 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 169, jointly sponsored by Representatives Carey, Mack, Price & Schroeder, before the House for consideration.

HB 169 - An Act to Amend Chapter 9, Title 7, of the Delaware Code, Relating to Federal Fisheries Management Plans.

Representatives Quillen & B. Ennis made comments.

The roll call on HB 169 was taken and revealed:

YES: 39.

NOT VOTING: Representatives B. Ennis, Oberle - 2.

Therefore, having received a constitutional majority, HB 169 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 147, jointly sponsored by Representative Welch & Senator Vaughn & Representatives Spence, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Roy, Stone, Wagner, Gilligan, VanSant, Banning, Brady & Williams & Senators Sharp, Voshell, Adams, Blevins, Bonini, Reed & Still, before the House for consideration.

HB 147 - An Act to Amend Title 11 of the Delaware Code Relating to Weapon Offenses.

Representative Lee introduced and brought HA 1 to HB 147, jointly sponsored by Representative Welch, before the House for consideration. Representative Lee made comments. HA 1 was adopted by voice vote.

Representatives Lee, Davis & Oberle made comments.

Representative Lee requested and was granted the privilege of the floor for John Brady, House Attorney.

Representatives Davis, D. Ennis & Welch made comments.

Representative Lee moved to place HB 147 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith deferred to Representative Capano.

Representative Capano moved to lift HB 106 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Capano brought HB 106, jointly sponsored by Senators Blevins & Sorenson, before the House for consideration.

HB 106 - An Act to Amend Chapter 21, Title 13 of the Delaware Code Relating to the Composition of the Domestic Violence Coordinating Council.

Representative Capano made comments.

The roll call on HB 106 was taken and revealed:

YES: 41.

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

Representative Smith deferred to Representative Welch.

Representative Welch introduced HB 217, jointly sponsored by Representative Spence & Senator Marshall & Representatives Smith, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, Ewing, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Roy, Stone, Ulbrich, Wagner, Gilligan, VanSant, Banning, Brady, B. Ennis, Houghton, Keeley, Plant, Price, Schroeder, Scott, West & Williams & Senators Sharp, Voshell, Blevins, Bunting, Henry, McBride, McDowell, Vaughn, Venables, Amick, Bonini & Connor.

HB 217 - An Act to Amend the Laws of Delaware to Give State Employees a Raise in Compensation.

Mr. Speaker assigned HB 217 to the Labor Committee.

Representative Smith made an announcement.

Representative Scott requested that HB 96 be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

25th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 6, 1997

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 45, SB 63, SB 80, SB 103, HB 79, SB 104, SB 105, HJR 2, SB 107 & HCR 19.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Shirley Price, do hereby request that my name be removed as Co-Sponsor of HB 195.

Date: April 30, 1997.

Signed: Shirley Price.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Gerald Buckworth, do hereby request that my name be removed as Co-Sponsor of HB 202.

Date: April 30, 1997.

Signed: Gerald A. Buckworth.

United States Senate  
April 30, 1997

Ms. JoAnn M. Hedrick  
Chief Clerk of the House  
Legislative Hall  
Dover, DE 19901

Dear Ms. Hedrick:

Thank you for providing me with a copy of Delaware Senate Concurrent Resolution No. 9, regarding the North Atlantic Treaty Organization and the Republic of Poland.

Along with President Bill Clinton and Secretary of State Madeleine Albright, I strongly support the enlargement of NATO. NATO will invite a number of nations from among the new democracies of Central and Eastern Europe to begin the formal process of joining the Alliance at a summit to be held in Madrid, Spain, this July. It is generally understood that the Republic of Poland will be among those nations invited to join the Alliance.

The Department of State recently submitted a report to Congress that explores the rationale, benefits and costs associated with the enlargement of the North Atlantic Treaty Organization. I have included a copy of that report for the members of Delaware's legislature who have expressed an interest in this foreign policy matter.

Thank you, again, for advising me of the sentiments expressed by members of the Delaware State House of Representatives on behalf of the Republic of Poland and the enlargement of NATO.

Sincerely,  
Joseph R. Biden, Jr.



The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Richard Millman, former House staff member.

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

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

The following prefiled legislation was introduced:

**HB 215** - KEELEY, BANNING, BUCKWORTH, D. ENNIS, HOUGHTON, MAIER, MARONEY, PRICE, WAGNER, WEST, SPENCE; SENATORS BLEVINS, MARSHALL, MCDOWELL - P/S: An Act to Amend Chapter 48, Title 21 of the Delaware Code Relating to Child Restraint in Motor Vehicles. (2/3 bill)

**HB 218** - ROY & PETRILLI & SENATOR SHARP - H/ADM: An Act to Amend Chapter 11, Title 9, Delaware Code Relating to New Castle County Government.

**HB 219** - DAVIS, BUCKWORTH, D. ENNIS, DIPINTO, FALLON, LOFINK, MAIER, MARONEY, SMITH, BANNING, BRADY, HOUGHTON, KEELEY, PLANT, SCHROEDER, SCOTT, WEST, WILLIAMS; SENATORS BUNTING, MCDOWELL, HENRY, REED - JUD: An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

**HB 220** - PRICE & SENATOR VOSHELL; REPRESENTATIVES BANNING, BUCKWORTH, CAPANO, B. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, PLANT, QUILLEN, ROY, STONE, VANSANT, WAGNER, WELCH, WEST, WILLIAMS; SENATORS ADAMS, BLEVINS, BUNTING, COOK, HENRY, MARSHALL, MCBRIDE, MCDOWELL, REED, SOKOLA, STILL, VAUGHN, VENABLES - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Line-of-Duty Death Benefits.

**HB 221** - VANSANT, BANNING, BOULDEN, BRADY, BUCKWORTH, CLOUTIER, CAULK, DAVIS, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MARONEY, OBERLE, PLANT, PRICE, QUILLEN, SCHROEDER, SMITH, ULBRICH, WEST, SPENCE; SENATORS AMICK, BAIR, BLEVINS, BONINI, CONNOR, MARSHALL, MCDOWELL, REED, VAUGHN, VOSHELL - POL ANAL & GOV ACCT: An Act to Amend Chapter 13, Title 24 of the Delaware Code Relating to Private Investigators and Private Security Agencies.

**HB 222** - DILIBERTO, BANNING, BUCKWORTH, CAPANO, CAREY, CAULK, B. ENNIS, D. ENNIS, EWING, HOUGHTON, KEELEY, OBERLE, PLANT, REYNOLDS, SCOTT, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATOR VAUGHN - POL ANAL & GOV ACCT: An Act to Amend Chapter 15, Title 24 of the Delaware Code Relating to Public Eating Places.

**HB 223** - GILLIGAN - JUD: An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Jury Compensation and Reimbursement.

**HB 224** - CAPANO & SENATOR VAUGHN; REPRESENTATIVES SPENCE, CLOUTIER, DAVIS, DIPINTO, EWING, MACK, OBERLE, REYNOLDS, GILLIGAN, VANSANT, BANNING, B. ENNIS, HOUGHTON, SCOTT, WEST, WILLIAMS - ECON DEV B & I: An Act to Amend Chapter 463, Volume 69, Laws of Delaware, as Amended by Section 81, Chapter 118, Volume 70 Laws of Delaware and Title 18 of the Delaware Code Relating to Insurance Fraud Prevention Bureau of the Office of the Insurance Commissioner. (3/5 bill)

**HB 225** - WAGNER & SENATOR SHARP; REPRESENTATIVES CAPANO, D. ENNIS, EWING - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Courts and Judicial Procedure, and Providing for a "Uniform Foreign-Money Claims Act".

**HA 2 to HB 56** - BRADY - AGENDA: Placed with the bill.

**SB 45** - SHARP; REPRESENTATIVES ROY, SPENCE; SENATOR VAUGHN - JUD: An Act Concurring in a Proposed Amendment to Article IV, Section 29 of the Delaware Constitution of 1897, as Amended, Relating to the Term of Office of Justices of the Peace. (2/3 bill)

**SB 63** - SHARP, VAUGHN; REPRESENTATIVES WAGNER, DILIBERTO - JUD: An Act to Amend Subchapter I of Chapter 49 of Title 10 of the Delaware Code Relating to Subjects of Execution; Exemptions.

**SB 80** - SHARP, ADAMS & VAUGHN; REPRESENTATIVE VANSANT - JUD: An Act to Amend Chapter 13, Title 10, Delaware Code Relating to Judges of the Court of Common Pleas.

**SB 103** - SHARP & REPRESENTATIVE WAGNER - JUD: An Act to Amend Title 12 of the Delaware Code Relating to Fiduciary Relations, the "Uniform Testamentary Additions to Trusts Act".

**SB 104** - SHARP & REPRESENTATIVE WAGNER - JUD: An Act to Amend Chapter 18, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Liability Companies and the Registration and Regulation of Foreign Limited Liability Companies. (3/5 bill)

**SB 105 - SHARP & REPRESENTATIVE WAGNER - JUD:** An Act to Amend Chapter 19, Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a "Uniform Unincorporated Nonprofit Association Act".

**SB 107 - SHARP & REPRESENTATIVE WAGNER - JUD:** An Act to Amend Chapter 17, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

Representative Ewing made comments.

Representative Smith requested and was granted personal privilege of the floor for the introduction of guests.

Representative Smith deferred to Representative Fallon.

Representative Fallon requested and was granted the privilege of the floor for Jeanne Dunning, Teacher, Seaford High School and her students who announced their names for the record.

Representatives DiLiberto & Maier requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:17 p.m.

The House reconvened at 4:39 p.m. with Representative Roy as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 25, HB 10, HB 12, HB 82 w/HA 1, HB 109, HB 103, HB 111, HB 7, HB 8 w/HA 1, HB 9 w/SA 1 & HB 110.

May 6, 1997

To: JoAnn Hedrick  
Chief Clerk of the House  
From: Bernard J. Brady  
Secretary of the Senate  
Re: House Bill 195

Please find attached a copy of a memo from the Majority Leader, Senator Robert J. Voshell referencing House Bill No. 195.

Thank you.

May 5, 1997

TO: Bernard J. Brady  
Secretary of the Senate  
FROM: Robert J. Voshell  
Majority Leader  
SUBJECT: House Bill 195

I hereby request that my name, as well as that of Nancy W. Cook, be removed from sponsorship of House Bill 195.

Please notify the Chief Clerk of the House of Representatives of this request.

Thank you.

Representatives Lofink, Brady & Davis requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #38

DATE: May 6, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                      |
|----------|----------|-------------------|------|------------------------------------------------------------------|
| H139-482 | Stone    | 4/23/97           | T    | Barbara Ghirardin/Rotary Exchange Program /Visit to Delaware     |
| H139-483 | Stone    | 4/23/97           | T    | Stephanie Leuenberger/Rotary Exchange Program /Visit to Delaware |
| H139-484 | Stone    | 4/23/97           | T    | Martin Johnner/Rotary Exchange Program /Visit to Delaware        |
| H139-485 | Stone    | 4/23/97           | T    | Diego Albrecht/Rotary Exchange Program /Visit to Delaware        |
| H139-486 | Stone    | 4/23/97           | T    | Pierre Villa/Rotary Exchange Program /Visit to Delaware          |
| H139-487 | Cloutier | 4/20/97           | M    | Virginia L. Greene                                               |
| H139-488 | Brady    | 3/10/97           | T    | Steven T. Manley/Eagle Scout                                     |
| H139-489 | Brady    | 2/10/97           | T    | Alexander J. Purdy/Eagle Scout                                   |
| H139-490 | Carey    | 4/25/97           | T    | James Bailey, Sr./96 Carlisle Fireman of the Year                |
| H139-491 | Fallon   | 4/26/97           | T    | John & Marion Crimmins/45th Wedding Anniversary                  |

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                               |
|---------------|----------------|--------------------------|-------------|--------------------------------------------------|
| H139-492      | Maier          | 4/24/97                  | T           | Eduardo & Norma Chuidian/U.S. Citizenship        |
| H139-493      | Spence         | 4/24/97                  | T           | Sande Warren Price/Dedicated Service at Woodburn |
| H139-494      | Spence         | 4/24/97                  | T           | Martina Biddle/Dedicated Service at Woodburn     |

## HOUSE TRIBUTE ANNOUNCEMENT #39

DATE: May 6, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                      |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------|
| H139-495      | Spence         | 4/24/97                  | T           | Susie Brown/Dedicated Service at Woodburn                               |
| H139-496      | Spence         | 4/24/97                  | T           | Kendall Hopkins/Dedicated Service at Woodburn                           |
| H139-497      | Price          | 4/24/97                  | M           | Marvis Truitt                                                           |
| H139-498      | Brady          | 5/01/97                  | T           | Lt. Douglas B. Dillon/Service to Citizens                               |
| H139-499      | Wagner         | 5/10/97                  | T           | Dodie Moore & Cole Headley/Marriage                                     |
| H139-500      | Wagner         | 6/7/97                   | T           | Class of '97/Dover High/Graduation                                      |
| H139-501      | B. Ennis       | 5/18/97                  | T           | Millie & Bob Beyer/50th Wedding Anniversary                             |
| H139-502      | Lofink         | 5/11/97                  | T           | Donald Koons/Eagle Scout                                                |
| H139-503      | Ulbrich        | 5/9/97                   | T           | Dorothy & William Cooke/Dedication to Republican Party/People of Newark |
| H139-504      | Wagner         | 4/19/97                  | T           | Patty Hinchey/Faculty Advisor /Delaware Press Women                     |
| H139-505      | Roy            | 3/2/97                   | T           | St. John the Beloved Girls Basketball/CYO Championship                  |
| H139-506      | Wagner         | 4/29/97                  | T           | Matthew Platt/Top Orators/American Legion Championship                  |

T - Tribute

M - Memoriam

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought HCR 23, jointly sponsored by Representatives Maier & Schroeder & Senators Reed, Sokola & Voshell on Behalf of All Representatives and Senators, before the House for consideration.

HCR 23 - Commending the Recipients and Nominees of the 1997 Delaware Award for Excellence and Commitment in State Service.

Representative Oberle made comments.

Representative Oberle deferred to Representative Schroeder.

Representatives Schroeder & Oberle made comments.

Representatives Buckworth, Cloutier, Mack, Reynolds, Stone & Ulbrich requested that they be marked present.

HCR 23 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Carey.

Representative Carey requested and was granted the privilege of the floor for the introduction of guests.

Representative Smith deferred to Representative Wagner.

Representative Wagner made comments.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought SCR 25, jointly sponsored by Senator Sokola on Behalf of All Senators & All Representatives, before the House for consideration.

SCR 25 - Joining in Recognition of National Teacher Day, May 6, 1997, and Commending Delaware Teachers for Their Dedication in Performing the Significant Role of Educating Future Generations of Delawareans.

Representative Reynolds made comments.

SCR 25 was adopted by voice vote and returned to the Senate.

Representative Plant requested that HB 187 be stricken.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought HCR 22, jointly sponsored by Senator Sokola, before the House for consideration.

HCR 22 - Commending the Students Elected as the Scholars of 1997 by the Secretary of Education.

Representative Reynolds made comments.

HCR 22 was adopted by voice vote and sent to the Senate for concurrence.

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

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis brought SB 67, jointly sponsored by Senators Adams, Sokola, Sharp & Sorenson & Representatives Stone, Capano, DiPinto, Fallon, Houghton, Keeley & Scott, before the House for consideration.

SB 67 - An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

Representatives D. Ennis & Oberle made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Timothy McTaggart, State Bank Commissioner.

Representatives Oberle, B. Ennis, DiLiberto & Brady made comments.

The roll call on SB 67 was taken and revealed:

YES: 37.

NO: Representative Caulk - 1.

NOT VOTING: Representatives Brady, Oberle - 2.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 67 was returned to the Senate.

Representative Smith deferred to Representative Quillen.

Representative Quillen requested and was granted personal privilege of the floor for the introduction of guests.

Mr. Speaker Spence made an announcement.

Representative Smith deferred to Representative Wagner.

Representative Wagner requested that HB 160 & HB 161 be stricken.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HS 1 for HB 55, jointly sponsored by Senator Bunting, before the House for consideration.

HB 55 - An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Licenses, Permits, Stamps, and Registrations Issued by Authorized Agents of the Department of Natural Resources and Environmental Control.

Representative Oberle made comments.

Representative Oberle introduced and brought HA 1 to HS 1 for HB 55 before the House for consideration. Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle made comments.

Representative Price announced that she will not be voting on HS 1 for HB 55 w/HA 1 because of a possible conflict of interest.

Representatives DiLiberto, Oberle, Banning, Carey, Scott, Oberle, Ulbrich, Oberle, Scott & Oberle made comments.

The roll call on HS 1 for HB 55 w/HA 1 was taken and revealed:

YES: 31.

NO: Representatives Banning, DiLiberto, Gilligan, Houghton, Scott, VanSant, Williams - 7.

NOT VOTING: Representatives Keeley, Plant, Price - 3.

Therefore, having received a constitutional majority, HS 1 for HB 55 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 129, jointly sponsored by Senator Bonini, before the House for consideration.

HB 129 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Prohibitive Acts D, Penalties.

Representative Welch brought HA 1 to HB 129, jointly sponsored by Senator Bonini, before the House for consideration. Representative Welch made a comment. HA 1 was adopted by voice vote.

Representative Welch made comments.

The roll call on HB 129 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 129 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Welch.

Representative Welch brought HB 138, jointly sponsored by Senator Bonini, before the House for consideration.

HB 138 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Drug Paraphernalia. (2/3 bill)

Representative Welch brought HA 1 to HB 138, jointly sponsored by Senator Bonini, before the House for consideration. Representative Welch made a comment. HA 1 was adopted by voice vote.

Representative Welch made comments.

The roll call on HB 138 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 138 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Brady.

Representative Brady brought HB 56, jointly sponsored by Representatives Banning, Buckworth, Carey, Cloutier, Houghton, Keeley, Welch & Williams, before the House for consideration.

HB 56 - An Act to Amend Chapter 2 of Title 14 of the Delaware Code Relating to Attendance Within School Districts.

Representative Brady made comments.

Representative Brady brought HA 1 to HB 56 before the House for consideration.

Representatives Brady, D. Ennis, Wagner & Brady made comments.

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

Representative Brady made a comment.

Representative Brady moved to place HB 56 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested and was granted personal privilege of the floor to make comments regarding HB 56.

Representative Oberle moved to lift HB 18 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 18, jointly sponsored by Representatives Welch & Gilligan & Senator McBride & Representatives Lofink, Roy, Banning, Scott, VanSant & Williams & Senators Connor, McDowell, Sokola & Amick & cosponsored by Representative Keeley, before the House for consideration.

HB 18 - An Act to Amend Title 29 of the Delaware Code Relating to Security of Lottery Operations and the State Lottery Office.

Representative Oberle made comments.

Representative Oberle introduced and brought HA 1 to HB 18 before the House for consideration.

Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 18 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 18 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee moved to lift HB 147 w/HA 1 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Lee brought HB 147 w/HA 1, jointly sponsored by Representative Welch & Senator Vaughn & Representatives Spence, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Maier, Maroney, Petrilli, Roy, Stone, Wagner, Gilligan, VanSant, Banning, Brady & Williams & Senators Sharp, Voshell, Adams, Blevins, Bonini, Reed & Still, before the House for consideration.

HB 147 - An Act to Amend Title 11 of the Delaware Code Relating to Weapon Offenses.

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

Representative Lee introduced and brought HA 2 to HB 147 before the House for consideration.

Representative Lee made a comment. HA 2 was adopted by voice vote.

Representative Lee made a comment.

The roll call on HB 147 w/HA 1 & 2 was taken and revealed:

YES: 39.

NO: Representatives Plant, Scott - 2.

Therefore, having received a constitutional majority, HB 147 w/HA 1 & 2 was sent to the Senate for concurrence.

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

26th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 7, 1997

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

Representative Roy introduced HB 227, jointly sponsored by Senators Sokola & Amick.

HB 227 - An Act to Amend Section 5, Title 4 of the Delaware Code Relating to Alcoholic Beverage Licensing.

Mr. Acting Speaker Quillen assigned HB 227 to the Policy Analysis & Government Accountability Committee.

Representative Wagner made an announcement.

The Acting Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day.

The House reconvened at 2:09 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Lofink, Petrilli - 2.

Representatives Maier & Banning requested that they be marked present.

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

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

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

The following prefiled legislation was introduced:

HB 226 - KEELEY; SENATORS HENRY, MCDOWELL, MARSHALL - BUS, CORP/COM: An

Act

to Amend Title 30 of the Delaware Code Relating to Commodity Taxes. (3/5 bill)

HB 228 - WAGNER, STONE & WELCH, SPENCE, CLOUTIER, QUILLEN, VANSANT, PLANT, SCOTT, WEST, WILLIAMS; SENATORS ADAMS, COOK, MCBRIDE, BONINI, STILL - BUS/CORP/COM: An Act to Amend Title 4 of the Delaware Code Regarding Licenses for Taprooms, Hotels, Restaurants or Clubs, Food Concessionaires at Horse Racetracks or Multi-Purpose Sport Facilities; Dinner Theater Performances; Bowling Alleys; Caterers; Removal of Partially Consumed Bottles From Premises.

HB 229 - D. ENNIS, B. ENNIS, SPENCE & WAGNER, BANNING, LEE, BRADY, DIPINTO, PLANT, EWING, PRICE, CAPANO, WEST, WELCH, STONE, MAIER, ULBRICH, SMITH, CAULK, BOULDEN, BUCKWORTH, LOFINK, DAVIS, MACK; SENATORS VAUGHN, STILL, BONINI - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to the Merit Employee Relations Board.

HB 230 - D. ENNIS, B. ENNIS & SPENCE, WAGNER, BANNING, DIPINTO, WEST, LEE, PRICE, MAIER, PLANT, BRADY, ULBRICH, EWING, STONE, CAPANO, CAULK, WELCH; SENATORS VAUGHN, STILL, BONINI - LABOR: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to Personnel Rules.

HB 231 - D. ENNIS, B. ENNIS, SPENCE & WAGNER, BANNING, WEST, LEE, PLANT, DIPINTO, PRICE, EWING, BRADY, MAIER, CAPANO, ULBRICH, CAULK, WELCH, STONE, BOULDEN, BUCKWORTH, LOFINK, DAVIS, MACK; SENATORS VAUGHN, BONINI - LABOR: An Act to Amend Chapter 11, Title 29 of the Delaware Code; and Providing for the Office of State Ombudsman.

HB 232 - D. ENNIS & B. ENNIS - POL ANAL & GOV ACCT: An Act to Amend Title 29 of the Delaware Code Relating to the Office of State Personnel.

HA 1 to HB 134 - PLANT - AGENDA: Placed with the bill.

HA 1 to HB 135 - PLANT - AGENDA: Placed with the bill.

HA 1 to HB 148 - ULBRICH - READY LIST: Placed with the bill.

Mr. Acting Speaker declared a recess for committee meetings at 2:15 p.m.

The House reconvened at 4:33 p.m. with Representative Welch as Acting Speaker.

Representatives Buckworth, Cloutier, Davis, Maroney, Mack, Oberle, Brady & Spence requested that they be marked present.

The Reading Clerk read the following communications into the record:  
HOUSE TRIBUTE ANNOUNCEMENT #40

DATE: May 7, 1997

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

| <u>Number</u> | <u>Sponsor</u>      | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                             |
|---------------|---------------------|--------------------------|-------------|--------------------------------------------------------------------------------|
| H139-507      | Keeley              | 5/01/97                  | T           | Charles Potter, Jr./'97 Governor's Outstanding Volunteer Award                 |
| H139-508      | Capano              | 4/26/97                  | M           | Howard E. Simmons, Jr.                                                         |
| H139-509      | Quillen             | 4/30/97                  | T           | JoAnn Crowson/30 Years Service/State of Delaware                               |
| H139-510      | Quillen             | 5/01/97                  | T           | Regina & John Groff, Sr./49th Wedding Anniversary                              |
| H139-511      | Welch               | 4/25/97                  | M           | George "Lee" Everett                                                           |
| H139-512      | Buckworth           | 5/01/97                  | T           | DAR/Dedication of "Byfield Plantation" Marker                                  |
|               | cosponsor: Maroney  |                          |             |                                                                                |
| H139-513      | B. Ennis            | 7/24/97                  | T           | Else M. Schulz/90th Birthday                                                   |
| H139-514      | B. Ennis            | 5/10/97                  | T           | Leipsic Volunteer Fire Co., Inc. & the Ladies Auxiliary/50th Anniversary       |
| H139-515      | Buckworth           | 5/22/97                  | T           | Nelma Owen/Retirement/Caesar Rodney School/15 Years                            |
| H139-516      | Wagner              | 5/01/97                  | T           | Cheryl Fischer/Horatio Alger Association/National Scholar                      |
| H139-517      | Fallon              | 5/01/97                  | T           | Carol Sapna/Boardsmanship Certificate in Recognition of Attendance             |
| H139-518      | DiLiberto           | 9/97                     | T           | Ian M. Kowal/Eagle Scout                                                       |
| H139-519      | Schroeder           | 5/03/97                  | T           | Louis A. Rickards/Del-Mar-Va Volunteer Firemen's Association/'96-'97/President |
|               | cosponsor: B. Ennis |                          |             |                                                                                |
| H139-520      | Maroney             | 5/01/97                  | T           | David England/Recipient of '97 LaVoisier Medal                                 |

HOUSE TRIBUTE ANNOUNCEMENT #41

DATE: May 7, 1997

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

| <u>Number</u> | <u>Sponsor</u> | <u>Presentation Date</u> | <u>Type</u> | <u>Description</u>                                                      |
|---------------|----------------|--------------------------|-------------|-------------------------------------------------------------------------|
| H139-521      | Maroney        | 5/01/97                  | T           | Lothar Brixner/Recipient of '97 LaVoisier Medal                         |
| H139-522      | Maroney        | 5/01/97                  | T           | William A. Drinkard, Jr./Recipient of '97 LaVoisier Medal               |
| H139-523      | Maroney        | 5/01/97                  | T           | W. Frank Gresham/Recipient of '97 LaVoisier Medal                       |
| H139-524      | Maroney        | 5/01/97                  | T           | Jack Kirkland/Recipient of '97 LaVoisier Medal                          |
| H139-525      | Maroney        | 5/01/97                  | T           | Charles M. A. Stine/Recipient of '97 Lavoisier Medal                    |
| H139-526      | Maroney        | 5/10/97                  | T           | Irving "Brud" Warner, Jr./85th Birthday                                 |
| H139-527      | West           | 5/03/97                  | T           | Richard Bryant/Eagle Scout                                              |
| H139-528      | Schroeder      | 5/06/97                  | T           | David S. Small/'97 Delaware Award/Excellence & Commitment/State Service |
| H139-529      | Maier          | 5/06/97                  | T           | Gerard McNesby/'97 Delaware Award/Excellence & Commitment/State Service |
| H139-530      | Oberle         | 5/06/97                  | T           | Debra Bostick/'97 Delaware Award/Excellence & Commitment/State Service  |
| H139-531      | Wagner         | 5/25/97                  | T           | Nirav Sheth & Lynne Sommerfield/Marriage                                |
| H139-532      | Wagner         | 6/07/97                  | T           | Kelly Colleen O'Connor & Jason Louis Rusticelli/Marriage                |
| H139-533      | Ulbrich        | 5/09/97                  | T           | Aetna Fire Co./Outstanding Efforts/Newark Community                     |

T - Tribute

M - Memoriam

Representative Stone requested that she be marked present.

The Reading Clerk read the following communication into the record:

## MEMORANDUM

TO: SPEAKER OF THE HOUSE  
 FROM: VINCENT A. LOFINK  
 DATE: 5-7-97  
 RE: ATTENDANCE FOR SESSION

I will not be in attendance for legislative session today May 7, 1997 due to personal business.  
 Thank you for your attention in this matter.

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

P/S: HB 179 - 3M,1U; HB 199 - 6M; HB 209 - 6M; SB 54 - 3M,2U; SB 96 w/SA 1 - 5M.

JUD: HB 186 - 5M; HB 196 - 5M; SB 45 - 5M; SB 63 - 5M; HB 80 - 5M.

LABOR: HB 183 - 4M; HB 202 - 4F; HB 216 - 4M.

NAT RES: HB 206 - 3F,3M.

Mr. Acting Speaker assigned HB 152 & HB 196 to the Appropriations Committee.

Mr. Acting Speaker Welch made an announcement.

Mr. Acting Speaker reassigned HB 205 to the Policy Analysis & Government Accountability Committee.

Mr. Acting Speaker assigned HB 76 to the Business Corporations & Commerce Committee.

The Majority Leader moved to recess to the call of the Chair at 4:38 p.m.

27th LEGISLATIVE DAY  
 139th GENERAL ASSEMBLY  
 First Session  
 May 8, 1997

Mr. Acting Speaker Roy called the House to order at 2:00 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 101, SB 114, HCR 6, HCR 22 & HCR

23.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Oak M. Banning, do hereby request that my name be removed as Co-Sponsor of HB 210.

Date: May 7, 1997.

Signed: Oak M. Banning.

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

ED: HB 139 - 9M; HB 141 - 9M; HB 142 - 7M; HB 178 - 3F,4M.

HEALTH & HUM DEV: HB 201 - 7M.

H/ADM: HB 155 - 1F,3M; HB 157 - 3F,2M; HB 170 - 1F,3M; HB 174 - 1F,3M; HB 210 - 5M; HB 214 - 1F,3M; HCR 4 - 1F,3M.

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

Mr. Acting Speaker assigned HB 142, HB 178 & HB 201 to the Appropriations Committee.

Representative Quillen introduced HB 233, jointly sponsored by Representatives Carey, Davis, DiPinto, Maroney, B. Ennis & West & Senators Venables, Voshell & Amick.

HB 233 - An Act to Amend Title 7 of the Delaware Code to Authorize and Approve a Schedule of Fees Charged for Entrance to State Parks and the Use of Surf Fishing Vehicles and Snowmobiles on State Park Lands.

Mr. Acting Speaker assigned HB 233 to the Natural Resources Committee.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the current legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 41.

Representative Maroney requested that she be marked present.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

Representative Plant made comments.

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

The following prefiled legislation was introduced:

HB 234 - DAVIS & SENATOR SHARP; REPRESENTATIVES BOULDEN, ROY; SENATOR VOSHELL - TRANS: An Act Amending Title 17 of the Delaware Code Relating to Control of the Rights-of-Way in the Unincorporated Areas of the State, Including the Control of Signs and Other Commercial Activities Within the Rights-of-Way.



HB 235 - WAGNER & SPENCE & SENATOR SHARP; REPRESENTATIVES EWING, LEE, LOFINK, MAIER, PETRILLI, STONE, BANNING, BRADY, B. ENNIS, HOUGHTON - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Time Limitations Applying to Certain Criminal Prosecutions.

HB 236 - EWING & SENATOR HENRY - P/S: An Act to Amend Title 21, Delaware Code Relating to the Uniform Commercial Drivers Act.

HB 237 - CAPANO; SENATOR VOSHELL - P/S: An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

HB 238 - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVE SMITH & SENATOR HAUGE - ED: An Act to Amend Title 14 of the Delaware Code Relating to Rules and Regulations of the State Board of Education.

HA 1 to HS 2 for HB 50 - CAREY - APPRO: Placed with the bill.

HA 3 to HB 56 - BRADY - L.O.T.: Placed with the bill.

HA 1 to HB 210 - OBERLE - AGENDA: Placed with the bill.

SB 101 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS BUNTING, SOKOLA, REED; REPRESENTATIVES CAPANO, MAIER - POL ANAL & GOV ACCT: An Act to Amend Title 24 Chapter 39 of the Delaware Code Relating to the Board of Clinical Social Work Examiners.

SB 114 - VENABLES, MCDOWELL - BUS/CORP/COM: An Act to Amend Title 16 of the Delaware Code Relating to County or Municipal Buildings, Plumbing, Electrical and Other Codes.

The Majority Leader moved to recess for caucus at 2:09 p.m.

The House reconvened at 4:09 p.m. with Representative Quillen as Acting Speaker.

Representatives Mack & Buckworth requested that they be marked present.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Helene M. Keeley, do hereby request that my name be removed as Co-Sponsor of HB 210.

Date: May 8, 1997.

Signed: Helene M. Keeley.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. Al O. Plant, do hereby request that my name be removed as Co-Sponsor of HB 210.

Date: May 8, 1997.

Signed: Al O. Plant, Sr.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. Dennis P. Williams, do hereby request that my name be removed as Co-Sponsor of HB 210.

Date: May 8, 1997.

Signed: Dennis P. Williams

WITHDRAWAL OF SPONSORSHIP REQUEST

I, G. Robert Quillen, do hereby request that my name be removed as Co-Sponsor of HB 195.

Date: May 8, 1997.

Signed: G. Robert Quillen.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Arthur L. Scott, do hereby request that my name be removed as Co-Sponsor of HB 210.

Date: May 8, 1997

Signed: Arthur L. Scott.

May 8, 1997

LEGISLATIVE ADVISORY #10

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/07/97: HJR 2, HB 79 & HB 11.

The Senate wishes to inform the House that it has passed: SB 62 w/SA 1, SB 113 w/SA 1, SB 117, HB 106, HB 119 & HB 128 w/HA 1 & 2.

Representatives Welch, Petrilli, Cloutier, Spence, Capano, Lofink, Oberle & Schroeder requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Oberle introduced HB 245, jointly sponsored by Senators Sokola & McDowell on Behalf of All Representatives and All Senators.

HB 245 - An Act to Amend Title 14 of the Delaware Code Relating to the Creation of the Delaware Qualified Tuition Savings Program.

Mr. Speaker assigned HB 245 to the Education Committee.

Representatives West, Ulbrich & Brady requested that they be marked present.

Representative Carey introduced HB 247, jointly sponsored by Senator Venables & Representatives Quillen, Price & Schroeder & Senator Voshell.

HB 247 - An Act to Amend Chapter 18 of Title 7 of the Delaware Code Relating to Eel Fishing.

Mr. Speaker assigned HB 247 to the Natural Resources Committee.

Representative Smith brought HB 9 w/SA 1, sponsored by Representatives Roy, Oberle & Gilligan & Senator Sharp & Representatives Spence, Capano, Cloutier, Lofink, Mack, Maroney, Reynolds, Ulbrich, Banning, DiLiberto & VanSant & Senators Blevins & Sokola & cosponsored by Representatives Caulk, DiPinto, Davis & Scott, before the House for concurrence on SA 1.

HB 9 - An Act to Amend Title 11 of the Delaware Code Relating to the Crime of New Home Construction Fraud. (2/3)

Representative Smith made a comment.

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

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 9 w/SA 1 was sent to the Governor.

Representatives Maier, Reynolds & D. Ennis requested that they be marked present during the roll call. Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 210, jointly sponsored by Senator Sharp & Representatives Spence, Capano, DiPinto, Ewing, Lee, Maier, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Price, Schroeder & West & Senators McDowell, Bair, Sokola & Hauge, before the House for consideration.

HB 210 - An Act to Amend Title 9 of the Delaware Code Relating to Restructuring the New Castle County Government.

Representative Oberle brought HA 1 to HB 210 before the House for consideration. Representative Oberle made comments. HA 1 was adopted by voice vote.

Representative Oberle made comments.

Representative Oberle introduced and brought HA 2 to HB 210, jointly sponsored by Representative Cloutier, before the House for consideration. Representative Oberle made comments. HA 2 was adopted by voice vote.

Representative Cloutier introduced and brought HA 3 to HB 210, jointly sponsored by Representative Oberle, before the House for consideration. Representative Cloutier made comments. HA 3 was adopted by voice vote.

Representatives Oberle & Plant made comments.

Representative Banning introduced and brought HA 4 to HB 210 before the House for consideration.

Representatives Banning, Oberle, Banning, Smith, Wagner, DiPinto, Davis & Banning made comments.

Representative Banning requested that HA 4 be stricken.

Representatives Caulk, Gilligan, Scott & Oberle made comments.

The roll call on HB 210 w/HA 1, 2 & 3 was taken and revealed:

YES: 40.

NOT VOTING: Representative Banning - 1.

Therefore, having received a constitutional majority, HB 210 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Mr. Speaker reassigned HR 27 to the House Administration Committee.

Representative Smith deferred to Representative VanSant.

Representative VanSant brought HB 149, jointly sponsored by Senator Marshall, before the House for consideration.

HB 149 - An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability.

Representative VanSant made comments.

Mr. Speaker Spence made an announcement.

Representative VanSant introduced and brought HA 1 to HB 149 before the House for consideration.

Representative VanSant made comments. HA 1 was adopted by voice vote.

Representatives VanSant & Davis made comments.

Representative VanSant requested and was granted the privilege of the floor for Robert J. Seinsoth, representing Happy Harry's, Inc.

Representatives Davis, Scott, Houghton, VanSant, Houghton, Cloutier, VanSant, Cloutier, DiLiberto, VanSant, Scott, Ulbrich, Ewing, VanSant, Houghton, Ewing, Price & VanSant made comments.

Representative VanSant moved to place HB 149 w/HA 1 on the Speaker's table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 132, jointly sponsored by Senator Marshall, before the House for consideration.

HB 132 - An Act to Amend Title 4 and Title 30 of the Delaware Code Relating to Licensing, Fees and Taxes on the Manufacture and Sale of Alcoholic Beverages and Cider. (3/5 bill)

Representative Capano brought HA 1 to HB 132 before the House for consideration. Representative Capano made comments. HA 1 was adopted by voice vote.

Representative Capano made comments.

The roll call on HB 132 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Mack - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 132 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought SB 34, sponsored by Senator Sharp & Representative Spence, before the House for consideration.

SB 34 - An Act to Amend Title 14, Delaware Code Relating to Mandatory Attendance Requirements for Public School Students.

Representatives Reynolds, Brady, Reynolds, West, Reynolds, Ewing, Houghton, Reynolds & DiPinto made comments.

The roll call on SB 34 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Mack - 2.

Therefore, having received a constitutional majority, SB 34 was returned to the Senate.

Representative Smith deferred to Representative Welch.

Representative Welch introduced and brought HR 29, jointly sponsored by Representatives Spence, Smith, Gilligan & VanSant on Behalf of All Representatives, before the House for consideration.

HR 29 - Recognizing and Honoring All Mothers in Delaware.

Representatives Welch & Smith made comments.

HR 29 was adopted by voice vote.

Representative Smith deferred to Representative Capano.

Representative Capano requested that action on HB 163 be Deferred to a Day Certain, Thursday, May 15, 1997.

Representatives Spence & Smith made announcements.

The Majority Leader moved to recess to the call of the Chair at 5:41 p.m.

28th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 13, 1997

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 113 w/HA 1 & SA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Helene Keeley, do hereby request that my name be removed as Co-Sponsor of HB 177.

Date: May 8, 1997.

Signed: Helene M. Keeley.

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

HOUSING & COM AFF: HB 153 - 8M.

POL ANAL & GOV ACCT: HB 200 - 3M; HB 211 - 3M; SB 94 - 3M.

HEALTH & HUM DEV: HB 193 - 7M; HB 197 - 2F, 5M.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Tony Maczynski, House staff member.

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

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

The following prefiled legislation was introduced:

HS 1/HB 217 - WELCH, SPENCE, SMITH, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, LEE, MACK, OBERLE, ROY, ULBRICH, GILLIGAN, BANNING, B. ENNIS, KEELEY, PRICE, SCOTT, WILLIAMS; SENATORS VOSHELL, BUNTING, MCBRIDE, VAUGHN, AMICK, CONNOR, MARSHALL; REPRESENTATIVES BOULDEN, CAULK, DAVIS, EWING, LOFINK, MAIER, REYNOLDS, STONE, WAGNER, VANSANT, BRADY, HOUGHTON, PLANT, SCHROEDER, WEST;

SENATORS SHARP, BLEVINS, HENRY, MCDOWELL, VENABLES, BONINI - LABOR: An Act to Amend the Laws of Delaware to Give State Employees a Raise in Compensation.

**HB 239** - OBERLE & SENATORS MARSHALL, MCDOWELL & MCBRIDE; REPRESENTATIVES DAVIS, LOFINK, B. ENNIS, HOUGHTON, SCOTT, VANSANT; SENATORS BLEVINS, HENRY, VAUGHN, CONNOR - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Fair Share Fees and the Public Employment Relations Act.

**HB 240** - MARONEY & SENATOR HENRY; REPRESENTATIVES CAREY, EWING, LEE, LOFINK, MAIER, STONE, ULBRICH, BANNING, BRADY, HOUGHTON, PLANT, PRICE, WEST; SENATORS VOSHELL, MCDOWELL, ADAMS, BLEVINS, COOK, VAUGHN, CONNOR, SORENSON - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Osteoporosis.

**HB 241** - CAPANO & SENATOR BLEVINS - P/S: An Act to Amend Subchapter II, Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Civil Air Patrol Members.

**HB 242** - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES D. ENNIS, DIPINTO - HEALTH & HUM DEV: An Act to Amend Title 29, Chapter 82, and Title 16, Chapters 63 and 68, of the Delaware Code Relating to the State Emergency Response Commission.

**HB 243** - WAGNER & REYNOLDS & SENATOR SOKOLA - ED: An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.

**HB 244** - WAGNER & ULBRICH, SPENCE, SMITH, WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, PETRILLI, QUILLEN, REYNOLDS, STONE, GILLIGAN, VANSANT, BANNING, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, WEST; SENATORS SHARP, BLEVINS, BUNTING, SOKOLA, BAIR, BONINI, CONNOR, HAUGE, SORENSON, STILL - POL ANAL & GOV ACCT: An Act to Amend Title 29 Regarding the Delaware Freedom of Information Act.

**HB 250** - D. ENNIS & B. ENNIS & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Titles 18 and 29 of the Delaware Code Relating to Delaware Insurance Law Pertaining to Corporate Owned Life Insurance and Creating Special Funds for Greenway Projects and Historic Preservation Projects Throughout the State of Delaware.

**HJR 7** - SCOTT, BANNING, BRADY, BUCKWORTH, CAREY, CLOUTIER, CAULK, DILIBERTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LOFINK, MAIER, PLANT, PRICE, SCHROEDER, ULBRICH, VANSANT, WEST, WILLIAMS, SPENCE; SENATORS AMICK, BAIR, BLEVINS, CONNOR, HENRY, MARSHALL, MCDOWELL, SOKOLA, SORENSON, VENABLES, VOSHELL - H/ADM: Urging the Delaware Congressional Delegation to Extend the United States Voting Rights Act.

**HA 1 to HB 179** - MAIER - READY LIST: Placed with the bill.

**HA 1 to HB 186** - WAGNER - READY LIST: Placed with the bill.

**HA 1 to HB 193** - B. ENNIS - HEALTH & HUM DEV: Placed with the bill.

**SB 62 w/SA 1** - SHARP, VOSHELL, MCDOWELL, BAIR, AMICK; REPRESENTATIVES SPENCE, SMITH, GILLIGAN, VANSANT, WELCH - H/ADM: An Act to Amend Chapters 11 and 101, Title 29 Delaware Code, Relating to the Register of Regulations and Public Notice of Proposed and Promulgated Regulations.

**SB 113 w/SA 1** - VOSHELL & REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 19 of Title 7 of the Delaware Code Relating to Surf Clams and Horseshoe Crabs.

**SB 117** - VOSHELL & REPRESENTATIVE CAREY; SENATORS ADAMS & COOK - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Heavy Motor Vehicles.

Representatives Scott, DiLiberto, Williams, B. Ennis, Plant, Petrilli, Lee & Buckworth requested that they be marked present.

Representative Ewing made a comment.

Representative Price requested and was granted personal privilege of the floor for the introduction of guests.

Representative Fallon made comments.

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

The House reconvened at 4:20 p.m. with Representative Quillen as Acting Speaker.

Representatives Roy & Brady requested that they be marked present.

Representative Wagner requested that **HB 171** be stricken.

Representative Price introduced guests.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SS 1 for SB 18 w/SA 2 & 3.**

Representatives Boulden, Mack & Cloutier requested that they be marked present.

Representative Smith brought HB 113 w/HA 1 & SA 1, sponsored by Representatives Banning, Williams, Boulden, Brady, Buckworth, Capano, Carey, Caulk, Davis, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Keeley, Lee, Lofink, Oberle, Plant, Quillen, Scott, VanSant, Wagner, West & Spence & Senators Adams, Cook, Hauge, Marshall, Vaughn & Venables, before the House for concurrence on SA 1.

HB 113 - An Act to Amend Title 29 of the Delaware Code Relating to the Violent Crimes Compensation Board.

Representative Smith made a comment.

The roll call on HB 113 w/HA 1 & SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Welch - 1.

Therefore, having received a constitutional majority, HB 113 w/HA 1 & SA 1 was sent to the Governor.

Representatives DiPinto, Reynolds, Schroeder, Spence, Stone, D. Ennis & Davis requested that they be marked present during the roll call.

Representative Smith brought HB 172, jointly sponsored by Representative Spence & Senators Venables & Vaughn & Representatives Welch, Buckworth, Carey, D. Ennis, Ewing, Lee, Lofink, Mack, Petrilli, Quillen, Reynolds, VanSant, Banning, Brady, Houghton, Price & West & Senators Sharp, Bunting, Bair, Bonini, Hauge & Still, before the House for consideration.

HB 172 - An Act to Amend Title 1 of the Delaware Code Relating to State Language.

Representative Smith made comments.

Mr. Speaker Spence resumed the Chair.

Representative Smith requested and was granted the privilege of the floor for Mauro E. Mujica, Chairman of the Board and CEO, U.S. English, Inc.

Representative Smith made a comment.

The roll call on HB 172 was taken and revealed:

YES: 38.

NO: Representatives Keeley, Plant, Scott - 3.

Therefore, having received a constitutional majority, HB 172 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with action on HB 228. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Wagner brought HB 228, jointly sponsored by Representatives Stone, Welch, Spence, Cloutier, Quillen, VanSant, Plant, Scott, West & Williams & Senators Adams, Cook, McBride, Bonini & Still, before the House for consideration.

HB 228 - An Act to Amend Title 4 of the Delaware Code Regarding Licenses for Taprooms, Hotels, Restaurants or Clubs, Food Concessionaires at Horse Racetracks or Multi-Purpose Sport Facilities; Dinner Theater Performances; Bowling Alleys; Caterers; Removal of Partially Consumed Bottles From Premises.

Representatives Wagner, Oberle & Wagner made comments.

Representative Wagner moved to place HB 228 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Welch deferred to Representative Brady.

Representative Brady brought HB 151, jointly sponsored by Representatives Banning, Boulden, Capano, Carey, Caulk, DiLiberto, B. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Lofink, Mack, Petrilli, Plant, Price, Reynolds, Schroeder, Scott, Smith, Ulbrich, VanSant, Wagner, Welch, West & Williams & Senators Henry, Marshall & Vaughn, before the House for consideration.

HB 151 - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Related Offenses.

Representative Brady made comments.

Representative Brady brought HA 1 to HB 151 before the House for consideration. Representative Brady made comments. HA 1 was adopted by voice vote.

The roll call on HB 151 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 151 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 38, jointly sponsored by Senator Voshell & Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, Banning, DiLiberto, B. Ennis, Price, Scott, VanSant & Williams, before the House for consideration.

HB 38 - An Act to Amend Chapter 16, Title 14 of the Delaware Code Relating to Alternative Education.

Representative Wagner made comments.

Representative Wagner brought HA 1 to HB 38 before the House for consideration. Representative Wagner made a comment. HA 1 was adopted by voice vote.

The roll call on HB 38 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 38 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 143, jointly sponsored by Senators Adams & Hauge, before the House for consideration.

HB 143 - An Act to Amend Subchapter IV of Chapter 11 of Title 30 of the Delaware Code Relating to the Taxation of Estates, Trusts and Beneficiaries.

Representative Wagner made comments.

Representative DiLiberto announced that he will not be voting on HB 143 because of a possible conflict of interest.

Representative B. Ennis & Wagner made comments.

The roll call on HB 143 was taken and revealed:

YES: 40.

NOT VOTING: Representative DiLiberto - 1.

Therefore, having received a constitutional majority, HB 143 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 134, jointly sponsored by Senator Marshall & cosponsored by Representative Scott, before the House for consideration.

HB 134 - An Act to Amend Title 19, Delaware Code, Chapter 16 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Police Officers' and Firefighters' Employment Relations Act.

Representative Oberle made comments.

Representative Oberle deferred to Representative Plant.

Representative Plant brought HA 1 to HB 134 before the House for consideration.

Representatives Plant & Oberle made comments.

Representative Plant requested that HA 1 be stricken.

The roll call on HB 134 was taken and revealed:

YES: 40.

NO: Representative Keeley - 1.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 135, jointly sponsored by Senator Marshall & cosponsored by Representatives Maroney, Ulbrich, Price & Maier, before the House for consideration.

HB 135 - An Act to Amend Title 14, Delaware Code, Chapter 40 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Public School Employment Relations Act. (F/N)

Representative Oberle made comments.

Representative Oberle deferred to Representative Plant.

Representative Plant brought HA 1 to HB 135 before the House for consideration.

Representative Plant made a comment.

Representative Plant requested that HA 1 to HB 135 be stricken.

Representatives Keeley & Oberle made comments.

The roll call on HB 135 was taken and revealed:

YES: 40.

NOT VOTING: Representative Keeley - 1.

Therefore, having received a constitutional majority, HB 135 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 131, jointly sponsored by Senator Marshall, before the House for consideration.

HB 131 - An Act to Amend Title 19, Delaware Code, Chapter 13 Creating a Statute of Limitations for the Filing of Unfair Labor Practice Charges Under the Public Employment Relations Act.

Representative Oberle made comments.

The roll call on HB 131 was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, HB 131 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 146, jointly sponsored by Senator Sharp & cosponsored by Representative Scott, before the House for consideration.

HB 146 - An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representatives Oberle & Capano made comments.

The roll call on HB 146 was taken and revealed:

YES: 40.

NO: Representative Ulbrich - 1.

Therefore, having received a constitutional majority, HB 146 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought SB 63 jointly sponsored by Senators Sharp & Vaughn & Representative DiLiberto, before the House for consideration.

SB 63 - An Act to Amend Subchapter I of Chapter 49 of Title 10 of the Delaware Code Relating to Subjects of Execution; Exemptions.

Representatives Wagner & Boulden made comments.

The roll call on SB 63 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 63 was returned to the Senate.

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

ED: SB 59 - 6M.

TELE & ELEC UTIL DEREG: HB 198 - 1M,3U.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought HB 177, jointly sponsored by Senator Vaughn & Representatives Banning, Brady, Caulk, Ewing, Houghton, Spence, Stone, VanSant, Wagner, Welch & West & Senators Blevins, Bonini & Voshell, before the House for consideration.

HB 177 - An Act to Amend Subchapter II, Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Elected County Officials.

Representatives B. Ennis, Maroney, B. Ennis & Scott made comments.

The roll call on HB 177 was taken and revealed:

YES: 32.

NOT VOTING: Representatives Davis, DiLiberto, Keeley, Maier, Maroney, Petrilli, Quillen, Reynolds, Scott - 9.

Therefore, having received a constitutional majority, HB 177 was sent to the Senate for concurrence.

Representative Plant made a comment.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought SB 59, sponsored by Senators Sokola & Still & Representative Scott, before the House for consideration.

SB 59 - An Act to Amend Title 14 of the Delaware Code Relating to the Qualifications for the Secretary of Education.

Representative Reynolds deferred to Representative Brady.

Representatives Reynolds, Brady, Davis, Smith, Reynolds, Caulk, Maroney, Stone, Reynolds & Gilligan made comments.

The roll call on SB 59 was taken and revealed:

YES: Representatives Brady, DiLiberto, B. Ennis, D. Ennis, Gilligan, Keeley, Plant, Price, Quillen, VanSant, Welch, West, Williams, Mr. Speaker Spence - 14.

NO: 23.

NOT VOTING: Representatives Maroney, Schroeder, Scott - 3.

ABSENT: Representative Banning - 1.

Therefore, not having received a constitutional majority, SB 59 was declared defeated.

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

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

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to lift HB 228 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Wagner brought HB 228, jointly sponsored by Representatives Stone, Welch, Spence, Cloutier, Quillen, VanSant, Plant, Scott, West & Williams & Senators Adams, Cook, McBride, Bonini & Still, before the House for consideration.

**HB 228** - An Act to Amend Title 4 of the Delaware Code Regarding Licenses for Taprooms, Hotels, Restaurants or Clubs, Food Concessionaires at Horse Racetracks or Multi-Purpose Sport Facilities; Dinner Theater Performances; Bowling Alleys; Caterers; Removal of Partially Consumed Bottles From Premises.

Representative Wagner made comments.

Representative Oberle introduced and brought **HA 1 to HB 228** before the House for consideration.

Representatives Oberle & Davis made comments.

Representative Oberle requested and was granted the privilege of the floor for John Brady, House Attorney.

Representatives B. Ennis & DiLiberto made comments.

Representative Oberle requested and was granted the privilege of the floor for Denis McGlynn, President, Dover Downs.

Representatives DiLiberto, Oberle, Davis, Ewing, Wagner, Price, DiLiberto & Davis made comments.

Representative Oberle requested and was granted the privilege of the floor for William Rickman, President, Delaware Park.

Representative DiLiberto made a comment.

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

Representative Cloutier introduced and brought **HA 2 to HB 228** before the House for consideration.

Representative Cloutier made comments.

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

Representative Keeley made a comment.

Representative Wagner requested and was granted the privilege of the floor for Denis McGlynn, President, Dover Downs.

The roll call on **HB 228 w/HA 1 & 2** was taken and revealed:

YES: 39.

NO: Representative DiLiberto - 1.

ABSENT: Representative Banning - 1.

Therefore, having received a constitutional majority, **HB 228 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith brought the Consent Agenda, which requires a two-thirds vote, before the House for consideration.

**HB 155** - WEST, BUNTING - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Change the Time of the Annual Organizational Meeting, to Delete Technical Requirements for Special Meetings, to Add Standards to the Requirements for Alderman, to Remove a Mandated Board of Health, Authorize the Town Manager on Behalf of the Town Council to Direct the Police Department, to Remove Outdated References to Costs and to Correct Certain Out of Date References and Typographical Errors. (2/3 bill)

**HB 170** - LEE; SENATOR VENABLES - An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Delmar" to Provide That Charges Imposed for Grass Cutting and the Rehabilitation and Improvement of Housing Within the Town of Delmar Shall be Liens Against the Properties So Benefited for a Period of 10 Years. (2/3 bill)

**HB 174** - BUCKWORTH; SENATOR BONINI - An Act to Amend Chapter 189, Volume 43 of the Laws of Delaware, as Amended, Relating to the Town of Wyoming. (2/3 bill)

**HB 214** - STONE; SENATOR STILL; REPRESENTATIVE WAGNER - An Act to Amend Chapter 158, Volume 36, Laws of Delaware as Amended, Being the Charter of the City of Dover, Relating to Salary, Emoluments and Reimbursement of Expenses to the Mayor, Council, and Other Elected or Appointed Officials. (2/3 bill)

The roll call on Consent Agenda was taken and revealed:

YES: 40.

ABSENT: Representative Banning - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 155, HB 170, HB 174 & HB 214** were sent to the Senate for concurrence.

Representative Smith deferred to Representative Maroney.

Representative Maroney made an announcement.

Representative Smith deferred to Representative Maier.

Representative Maier made an announcement.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich made an announcement.

Representative Smith deferred to Representative Capano.

Representative Capano introduced **HB 257**, jointly sponsored by Senator Marshall.



HB 257 - An Act to Amend Titles 5 and 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill).

Mr. Speaker assigned HB 257 to the Revenue & Finance Committee.  
Representative Smith made an announcement.  
The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

29th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 14, 1997

Mr. Speaker Spence called the House to order at 2:08 p.m.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 110 w/SA 1 & SB 95.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Ewing, do hereby request that my name be removed as Co-Sponsor of HB 255.  
Date: 5/13/97.  
Signed: J. Benjamin Ewing.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Timothy U. Boulden, do hereby request that my name be removed as Co-Sponsor of SB 95.  
Date: 5/13/97.  
Signed: Timothy U. Boulden.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Richard A. DiLiberto, Jr., do hereby request that my name be removed as Co-Sponsor of HB 143.  
Date: May 13, 1997.  
Signed: Richard A. DiLiberto, Jr.

United States Senate  
Committee on Finance  
Washington, D.C.  
May 7, 1997

Ms. JoAnn M. Hedrick  
Chief Clerk of the House  
State of Delaware  
Legislative Hall  
Dover, Delaware 19903  
Dear JoAnn:

Thank you for sending me a copy of House Concurrent Resolution No. 11 urging adoption of the Historic Homeownership Assistance Act.

The purpose of The Historic Homeownership Assistance Act is to provide home ownership incentives and opportunities through the rehabilitation of older buildings in historic districts. The proposal would provide a 20 percent tax credit for qualified rehabilitation expenses for owner-occupied housing.

This type of proposal could certainly help enhance areas in Delaware. This proposal is one of many deserving proposals that will be competing for the limited resources available to provide a tax cut.

Thank you again for sending me a copy of the Resolution.

Sincerely,  
William V. Roth, Jr.  
Chairman

WVR/so

Mr. Speaker reassigned HB 198 to the Business/Corporations/Commerce Committee.  
The following prefiled legislation was introduced:

HB 255 - ROY & WEST, SPENCE, BUCKWORTH, CAREY, FALLON, LEE, MAIER, PETRILLI, QUILLEN, STONE, ULBRICH, GILLIGAN, HOUGHTON, VANSANT; SENATORS MCBRIDE, VAUGHN, BONINI - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Beverage Containers.

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

The Chief Clerk called the roll.  
Members Present: 41.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.  
The Speaker led those present in a pledge of allegiance to the American Flag.

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

The following prefiled legislation was introduced:

**HB 246** - LEE, SPENCE, BUCKWORTH, CAREY, EWING, BANNING, B. ENNIS, PRICE, WEST; SENATORS BUNTING, VOSHELL - TELECOM & ELEC UTIL DEREG: An Act to Amend Chapter 100, Title 16 of the Delaware Code Relating to 911, Enhanced Emergency Number Service.

**HB 249** - EWING & SENATOR HENRY; REPRESENTATIVES SPENCE, SMITH, BOULDEN, BUCKWORTH, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, MAIER, QUILLEN, REYNOLDS, ROY, ULBRICH, VANSANT, B. ENNIS; SENATORS SHARP, MCDOWELL, BLEVINS, BUNTING, SOKOLA, VOSHELL, BAIR, AMICK, CONNOR, REED, SORENSON, STILL - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Traffic Laws.

**HB 251** - D. ENNIS - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Trespassing With Intent to Peer or Peep.

**HB 252** - VANSANT, BANNING, BRADY, BUCKWORTH, CAPANO, CAREY, CLOUTIER, CAULK, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MARONEY, QUILLEN, ULBRICH, WAGNER, WEST, SPENCE; SENATORS BAIR, BLEVINS, SORENSON, VAUGHN, VENABLES, VOSHELL - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Escape.

**HB 253** - DILIBERTO, BANNING, BRADY, BUCKWORTH, CAPANO, CAREY, CLOUTIER, CAULK, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LOFINK, MAIER, MARONEY, PLANT, SCHROEDER, SCOTT, STONE, VANSANT, WAGNER, WELCH, WEST, WILLIAMS, SPENCE; SENATORS AMICK, BAIR, CONNOR, COOK, HAUGE, REED, SORENSON, STILL, VOSHELL - JUD: An Act to Amend Chapter 13, Title 10 of the Delaware Code Relating to Transfer of Judgments From the Court of Common Pleas.

**HB 254** - PRICE & SENATOR VOSHELL; REPRESENTATIVES BRADY, BUCKWORTH, CAPANO, CAREY, CLOUTIER, CAULK, DAVIS, DIPINTO, B. ENNIS, EWING, HOUGHTON, KEELEY, LOFINK, MAIER, PLANT, SCHROEDER, SCOTT, ULBRICH, WELCH, WEST; SENATORS COOK, SOKOLA, STILL - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Gross Receipts Taxes.

**HCR 26** - WAGNER & SPENCE & SENATORS MARSHALL, VENABLES, BAIR, AMICK, HAUGE, SORENSON - ED: Establishing a Task Force on High School Graduation Requirements to Study and Report on the Impact of Graduation Requirements for Graduating Classes of 1999 Through 2001.

**HA 1 to HB 99** - PLANT - AGENDA: Placed with the bill.

**HA 1 to HB 233** - QUILLEN - NAT RES: Placed with the bill.

**SS 1 to SB 18 w/SA 2 & 3** - MCDOWELL, BLEVINS, HENRY, MARSHALL & SOKOLA; REPRESENTATIVES BUCKWORTH, DILIBERTO, DIPINTO, FALLON & STONE - ED: An Act to Amend Title 14 of the Delaware Code Relating to Financial Assistance for Higher Education. (F/N)

**SB 95** - SHARP & ALL SENATORS; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, VANSANT, WEST & WILLIAMS - ED: An Act to Amend Title 29 of the Delaware Code Relating to School Construction Capital Improvements. (F/N)

**SB 110 w/SA 1** - VAUGHN & REPRESENTATIVE LEE; SENATORS VENABLES, SHARP, SOKOLA, BLEVINS, MCDOWELL; REPRESENTATIVES STONE, CAREY, BUCKWORTH, CAPANO, EWING, REYNOLDS, VANSANT, WILLIAMS - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Assaults in Detention Facilities.

Representative DiLiberto requested and was granted personal privilege of the floor for the introduction of guests.

Representative Gilligan requested that he be marked present.

Representative Ewing made an announcement.

Representative Wagner requested that she be marked present.

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

Representative D. Ennis made an announcement.

Representatives Stone & Schroeder requested that they be marked present.

Mr. Speaker reassigned **HB 246** to the Public Safety Committee.

Representative Maier requested and was granted personal privilege of the floor for the introduction of guests.

## HOUSE TRIBUTE ANNOUNCEMENT #42

DATE: May 14, 1997

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

| Number   | Sponsor  | Presentation Date | Type | Description                                                             |
|----------|----------|-------------------|------|-------------------------------------------------------------------------|
| H139-534 | Wagner   | 4/26/97           | T    | Kathy McCall Smith & Steve Lord/Marriage                                |
| H139-535 | Smith    | 4/19/97           | T    | Andrew S. Gingrich/Eagle Scout                                          |
| H139-536 | Roy      | 4/12/97           | T    | Dorothy & Norman Hitchens/50th Wedding Anniversary                      |
| H139-537 | Gilligan | 4/12/97           | T    | Fabio & Josephine Paoletti/50th Wedding Anniversary                     |
| H139-538 | Capano   | 5/31/97           | T    | David Lee Goff, Jr./Eagle Scout                                         |
| H139-539 | Fallon   | 5/2/97            | T    | Reverend Jeanne Wise Kirby/St. Luke's Episcopal Church/10th Anniversary |
| H139-540 | Fallon   | 4/12/97           | T    | Courtney Bianco/"Most Valuable Member Uof D Cheerleaders"               |
| H139-541 | Smith    | 4/25/97           | T    | Timothy & Kelly Bouden/Birth of Son - Trevor William Bouden             |
| H139-542 | Carey    | 5/12/97           | T    | Roland Derrickson/Retirement/4 Years Service/Sussex County Republicans  |
| H139-543 | Fallon   | 6/30/97           | T    | Shirley O'Connor/Retirement/ Director of the BIE Alliance               |
| H139-544 | Quillen  | 5/18/97           | T    | Father Michael G. Mayer/80th Birthday                                   |
| H139-545 | Fallon   | 5/08/97           | T    | Hobart & Katie Mitchell/Service to Citizens of Our Country              |
| H139-546 | Maier    | 5/08/97           | T    | Rodolfo Alfonso/Recipient/William Allen Volunteer of the Year Award     |
| 139-547  | Price    | 5/09/97           | T    | Evelyn Derrickson/100th Birthday                                        |

T - Tribute

Representative Smith made comments regarding H139-535.

Representative Williams requested that he be marked present.

Representative Reynolds requested and was granted the privilege of the floor for Delaware's Teacher of the Year and District Winners who announced their names and districts for the record.

Representative Reynolds made comments.

Representative Reynolds requested and was granted the privilege of the floor for Francis O'Malley, 1997 Teacher of the Year from Talley Junior High.

Representatives Reynolds, Fallon & Wagner made comments.

Representative Reynolds deferred to Representative Buckworth.

Representative Buckworth presented a House Tribute to Elizabeth Macarello, Caesar Rodney District Teacher of the Year.

Mr. Speaker Spence made comments.

The Majority Leader moved to recess for committee meetings at 2:45 p.m.

The House reconvened at 4:15 p.m.

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

LABOR: SB 100 - 4M.

H/ADM: HB 218 - 5M; HR 27 - 5M; SB 62 w/SA 1 - 5M.

NAT RES: HB 233 - 2F,3M; HB 247 - 4F,1M.

P/S: HB 215 - 5M,1U; HB 236 - 6M; HB 237 - 6M; HB 241 - 6M; HB 246 - 6M.

JUD: HB 219 - 4M,1U; HB 223 - 5M; HB 225 - 5M; HB 235 - 6M; SB 103 - 6M; SB 104 - 6M; SB 107 - 6M.

ED: HB 243 - 5M,1U; HB 245 - 6M; HCR 15 - 6M; HB 192 - 6M.

Representatives Petrilli & Mack requested that they be marked present.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #43

DATE: May 14, 1997

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

| Number   | Sponsor | Presentation Date | Type | Description                                  |
|----------|---------|-------------------|------|----------------------------------------------|
| H139-548 | Spence  | 5/28/97           | T    | Nicholas J. Terranova/Eagle Scout            |
| H139-549 | Brady   | 5/17/97           | T    | Rosenberger Cold Storage/25 Years of Service |

| Number   | Sponsor   | Presentation Date | Type | Description                                                                      |
|----------|-----------|-------------------|------|----------------------------------------------------------------------------------|
| H139-550 | Scott     | 5/12/97           | T    | Helen Vincent/Outstanding Service                                                |
| H139-551 | Carey     | 5/12/97           | T    | Joseph "Ronnie" Rogers/25 Years of Outstanding Public Service to City of Milford |
| H139-552 | Schroeder | 5/21/97           | T    | Norma Hickman/Rural Development Agency, USDA/Public Service Recognition Week     |
| H139-553 | Schroeder | 5/21/97           | T    | Pat Cooper/Park Administrator, Cape Henlopen Public Service Recognition Week     |
| H139-554 | Schroeder | 5/21/97           | T    | Susan Webb/Director of Accounting, Sussex County/Public Service Recognition Week |
| H139-555 | Schroeder | 5/21/97           | T    | Honorable Charles Bartlett/Mayor, Bethany Beach/ Public Service Recognition Week |
| H139-556 | Maroney   | 5/30/97           | T    | Lou Dods/'97 Delaware Tennis Hall of Fame Induction                              |
| H139-557 | Maroney   | 5/30/97           | T    | Nancy Keiper/'97 Delaware Tennis Hall of Fame Induction                          |
| H139-558 | Maroney   | 5/07/97           | T    | William A. Bours, III/Margaret Sanger Volunteer Award Recipient                  |
| H139-559 | Gilligan  | 5/17/97           | T    | George Dawson/Fireman of the Year/ Minquas Fire Company                          |
| H139-560 | Banning   | 5/31/97           | T    | Patrick Wyatt, Jr./Eagle Scout                                                   |
| H139-561 | Banning   | 4/02/97           | T    | Mary Edna & Ralph Carty/50th Wedding Anniversary                                 |

#### T - Tribute

Representative Smith deferred to Representative Welch.

Representative Welch requested and was granted personal privilege of the floor to present a House Tribute to Richmond Wright, Maintenance, Legislative Hall.

Representative B. Ennis requested that he be marked present.

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

Mr. Speaker Spence made a comment.

Representative Smith deferred to Representative Carey.

Representative Carey brought HB 206, jointly sponsored by Representatives Quillen, Price & Schroeder, before the House for consideration.

HB 206 - An Act to Amend Chapters 19, 21 and 23 of Title 7 of the Delaware Code Relating to Shellfish Licenses, Permits and Leases.

Representative Carey made comments.

The roll call on HB 206 was taken:

Mr. Speaker declared a recess at 4:26 p.m.

The House reconvened at 4:34 p.m.

The roll call on HB 206 revealed:

YES: 41.

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

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

Representative Smith deferred to Representative Scott.

Representative Scott brought HB 99 before the House for consideration.

HB 99 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

Representative Scott made comments.

Representative Plant brought HA 1 to HB 99 before the House for consideration. Representative Plant made a comment. HA 1 was adopted by voice vote.

Representative Scott requested and was granted the privilege of the floor for Frank Pileggi, House Attorney.

Representatives Scott, Stone, DiPinto, Oberle, Davis, Houghton, DiPinto, Plant & Welch made comments.

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

Representatives Welch, Scott & Plant made comments.

Representative Scott moved to place HB 99 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Welch deferred to Representative Petrilli.

Representative Petrilli brought SB 38 w/SA 1, sponsored by Senators Vaughn & McDowell & Representatives Mack, Smith & Boulden, before the House for consideration.

**SB 38** - An Act to Amend Title 30 of the Delaware Code Relating to Wholesalers.

Representative Petrilli made comments.

The roll call on **SB 38 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **SB 38 w/SA 1** was returned to the Senate.

Mr. Speaker made an announcement.

Representatives Gilligan & Lofink made comments.

Mr. Speaker Spence introduced a guest.

Representative Smith deferred to Representative Cloutier.

Representative Cloutier introduced **HB 259**.

**HB 259** - An Act to Amend Laws of Delaware, Volume 70, Chapter 425.

Representative Cloutier made comments.

Mr. Speaker assigned **HB 259** to the Health & Human Development Committee.

Representative Smith deferred to Representative Davis.

Representatives Davis & Cloutier made comments.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis moved to suspend the rules which interfere with action on **HB 193**. The motion was seconded by Representative Welch and adopted by voice vote.

Representative B. Ennis brought **HB 193**, jointly sponsored by Senators Vaughn & Cook & Representatives Ewing, Brady, Houghton, Banning, West, Price, Plant, Gilligan, VanSant, DiLiberto, Scott, Schroeder, Keeley, Williams, Spence, DiPinto, Caulk, Lee, Welch, Carey & Buckworth & Senators Voshell, Adams, Blevins & Marshall, before the House for consideration.

**HB 193** - An Act to Amend Chapter 67, Title 16 of the Delaware Code Relating to Ambulance Service in the State of Delaware.

Representative B. Ennis brought **HA 1 to HB 193** before the House for consideration

Representative B. Ennis made comments.

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

Representatives B. Ennis & Davis made comments.

The roll call on **HB 193 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 193 w/HA 1** was sent to the Senate for concurrence.

Representative Buckworth introduced **HB 264**, jointly sponsored by Senator Bonini.

**HB 264** - An Act to Amend Chapter 272, Volume 63, Laws of Delaware, as Amended, Relating to the Town of Camden. (2/3 bill)

Mr. Speaker assigned **HB 264** to the House Administration Committee.

Representative Oberle introduced **HB 258**, jointly sponsored by Senator Blevins & cosponsored by Representative DiPinto.

**HB 258** - An Act to Amend Title 6 of the Delaware Code Relating to Prohibited Trade Practices.

Mr. Speaker assigned **HB 258** to the Labor Committee.

The following prefiled Consent Calendar #7 was introduced:

**HCR 25** - MAIER & GILLIGAN & SENATOR SHARP; REPRESENTATIVES ULBRICH, WILLIAMS, KEELEY - Congratulating St. Marks Girls Basketball Team on Winning the Delaware State Championship for 1996-97, and Further Congratulating the Head Coach, John Fiorelli and His Assistant Coaches Shelly Haller and George Chellew on an Outstanding Season and a Job Well Done.

**HCR 27** - LOFINK & SENATOR MARSHALL; REPRESENTATIVES SPENCE, DIPINTO, D. ENNIS, REYNOLDS, ROY, ULBRICH, GILLIGAN, BRADY, DILIBERTO, KEELEY, WILLIAMS; SENATORS HENRY & MCDOWELL - Honoring the Reverend Robert D. Kenney, OSFS, on the Occasion of His Retirement as President of Salesianum School.

Representative Roy introduced **SCR 28**, jointly sponsored by Senator Sokola..

**SCR 28** - Recognizing the 8th Annual Legislator's Bike-to-Work Event on May 14, 1997.

**SCR 28** was placed on Consent Calendar #7.

Consent Calendar #7 was adopted by voice vote and **HCR 25 & HCR 27** were sent to the Senate for concurrence & **SCR 28** was returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier made an announcement.

Representative Gilligan made comments regarding **HCR 25**.

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

APPRO: **HB 176** - 3F,2M; **SB 51** - 3F,2M.

ED: HB 100 - 6M. (correction)

HEALTH & HUM DEV: SB 75 - 7M; SCR 17 - 7M.

ECON DEV, B & I: HB 220 - 6F; HB 224 - 6F.

Representative Smith deferred to Representative Welch.

Representative Welch requested and was granted personal privilege of the floor to present a House Tribute to Representative Boulden.

Representatives Boulden & Smith made comments.

The Majority Leader moved to recess to the call of the Chair at 5:21 p.m.

30th LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
May 15, 1997

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 122, SCR 28, HB 210 w/HA 1.2 & 3, SB 108, SB 91, SCR 27, HB 74 & HCR 8.

Mr. Acting Speaker assigned HB 192, HB 220 & SB 75 to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HS 1 to HB 250 - D. ENNIS & B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES SPENCE, CAPANO, CAREY, DIPINTO, FALLON, LEE, MARONEY, QUILLEN, OBERLE, ROY, STONE, BANNING, BRADY; SENATORS HENRY, VENABLES, HAUGE, SORENSON - ECON DEV, B & I: An Act to Amend Titles 18 and 29 of the Delaware Code Relating to Delaware Insurance Law Pertaining to Corporate Owned Life Insurance and Creating Special Funds for Greenway Projects and Historic Preservation Projects Throughout the State of Delaware. (3/4 bill)

HB 256 - LEE & SENATOR VAUGHN; REPRESENTATIVES CAPANO, CAULK, DIPINTO, EWING, FALLON, LEE, QUILLEN, REYNOLDS, WAGNER, BANNING, BRADY, B. ENNIS, HOUGHTON, SCOTT, VANSANT, WEST, WILLIAMS; SENATOR HAUGE - ECON DEV, B & I: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Prohibition Against Premium Increases in Certain Circumstances and Cancellation or Nonrenewal of Automobile Policy.

HB 260 - WEST, HOUGHTON, B. ENNIS, BANNING, SCOTT, WILLIAMS, PLANT - APPRO: An Act Making a Supplementary Appropriation to the Department of Transportation, Division of Highway Operations, South District for the Purpose of Reimbursing Charles W. Daisey of Frankford, Delaware for Having a Tractor Trailer Tire Repaired by Riddle's Garage of Millsboro, Delaware Caused by a Broken Off Protruding Metal Post Which Had Not Been Properly Excavated by the Highway Maintenance Crew.

HB 261 - BRADY, BANNING, BUCKWORTH, CAREY, CAULK, DIPINTO, B. ENNIS, EWING, KEELEY, LOFINK, PLANT, REYNOLDS, SCOTT, VANSANT, WEST; SENATORS BAIR, HAUGE - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road.

HA 1 to HB 49 - WELCH - READY LIST: Placed with the bill.

HA 2 to HB 149 - CLOUTIER - L.O.T.: Placed with the bill.

SB 91 - COOK & REPRESENTATIVE DAVIS; SENATOR SOKOLA & REPRESENTATIVE DIPINTO - APPRO: An Act to Amend Title 29, of the Delaware Code Relating to the Contracts With Public Library Systems.

SB 108 - COOK, VAUGHN, HENRY, MCBRIDE, BONINI, SORENSON; REPRESENTATIVES DAVIS, DIPINTO, BUCKWORTH, MARONEY, HOUGHTON, WEST - APPRO: An Act to Amend Title 29, Title 11, and Title 16 of the Delaware Code Relating to the Board of Pension Trustees and the Investment of Pension Funds.

SB 122 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS BUNTING, SOKOLA, REED; REPRESENTATIVES CAPANO, MAIER - POL ANAL & GOV ACCT: An Act to Amend Chapter 17, Title 24 of the Delaware Code Regarding the Board of Medical Practice.

Representative Smith made an announcement.

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

Representative Smith made comments.

Representatives B. Ennis, West, Boulden & Maier requested that they be marked present.

Representatives Gilligan, Roy & Smith made comments.

Representatives Spence & Oberle requested that they be marked present.

Representatives Gilligan, Oberle, Roy, Caulk & VanSant made comments.

Representatives Schroeder, Stone & Lee requested that they be marked present.

Representative Smith requested and was granted the privilege of the floor for Robert Proud, State President, Delaware Future Farmers of America; Maurice Moore, State President, State Business Professionals of America; Matthew Biggs, President, State Association of D.E.C.A.; Jennifer Daniels, State President, Future Homemakers of America; Kayla Ulrich, representing the Technology Student Association & Marisa Erdman, V.I.C.A. 1997-1998 State President.

Representatives Smith, Oberle, Capano & Fallon made comments.

Representative Fallon introduced a guest.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced HB 267, jointly sponsored by Senator Marshall.

HB 267 - An Act to Amend Titles 18 and 19 of the Delaware Code Relating to Workers' Compensation Insurance.

Mr. Acting Speaker assigned HB 267 to the Labor Committee.

Representative Plant requested that he be marked present.

Representative Smith deferred to Representative Boulden.

Representatives Williams, Keeley, Scott & Maroney requested that they be marked present.

Representative Boulden introduced and brought SCR 27, jointly sponsored by All Representatives & Senator McBride for All Senators, before the House for consideration.

SCR 67 - Recognizing the Achievements of James Julian, Raymond E. Tomasetti, Sr., and Samuel W. Whitaker, Jr., as These Three Giants of Delaware Construction History Are Named as the Inaugural Inductees Into the First State Highway Hall of Fame.

Representative Boulden made comments.

SCR 27 was adopted by voice vote and returned to the Senate.

The Majority Leader moved to recess for caucus at 2:56 p.m.

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

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 109 & SCR 29.

May 15, 1997

#### LEGISLATIVE ADVISORY #11

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/14/97 - SB 67, HB 109, HB 110, HB 111, HB 12 & HB 10.

May 15, 1997

#### LEGISLATIVE ADVISORY #12

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/15/97 - SB 17 aab SA 1.

Representative Reynolds requested that he be marked present.

Representative Smith made comments.

Representative Smith introduced and brought SCR 29, jointly sponsored by Senators Sharp, Voshell, McDowell, Bair & Amick on Behalf of All Senators & Representatives Spence, Welch, Gilligan & VanSant on Behalf of All Representatives, before the House for consideration.

SCR 29 - Extending "Many Thanks" to the Delaware Vocational Student Organizations of Delaware for the Geraniums Given, and Extending Best Wishes and Success to Each of You in Your Chosen Careers.

SCR 29 was adopted by voice vote and returned to the Senate.

Representative Brady requested that he be marked present.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 163, jointly sponsored by Senator Blevins & Representatives Spence, Welch, Buckworth, Stone & Ulbrich & Senators Reed & Sorenson & cosponsored by Representative Carey, before the House for consideration.

HB 163 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Requiring Mandatory Incarceration for Criminal Contempt of Family Court Protective Orders.

Representative Ulbrich requested that she be marked present.

Representative Wagner introduced and brought HA 1 to HB 163 before the House for consideration.

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

Representative Capano made comments.

Mr. Speaker Spence resumed the Chair.

Representatives Ewing, Capano & Oberle made comments.

Representative Capano requested and was granted the privilege of the floor for Diane Lockwood, relative of a domestic violence victim.

Representatives Davis & Capano made comments.

Representative Capano requested and was granted the privilege of the floor for Rosemary Killian, Deputy Attorney General, representing a subcommittee of the Domestic Violence Coordinating Council.

Representatives Davis, Plant, Capano & Wagner made comments.

Representative Capano requested and was granted the privilege of the floor for Rosemary Killian, Deputy Attorney General, representing a subcommittee of the Domestic Violence Coordinating Council.

Representatives Wagner, Scott, Smith, Scott, Plant, D. Ennis & Williams made comments.

Representative Williams requested and was granted the privilege of the floor for The Honorable Vincent Poppiti, Chief Judge of Family Court and Chair of the Domestic Violence Coordinating Council.

Representatives Williams & Carey made comments.

Representative Scott introduced and brought HA 2 to HB 163, jointly sponsored by Representative Plant, before the House for consideration. Representative Scott made comments. HA 2 was defeated by voice vote.

Representative D. Ennis made comments.

The roll call on HB 163 w/HA 1 was taken and revealed:

YES: 38.

NO: Representative Scott - 1.

ABSENT: Representatives Petrilli, West - 2.

Therefore, having received a constitutional majority, HB 163 w/HA 1 was sent to the Senate for concurrence.

Representatives DiPinto & D. Ennis requested that they be marked present during the roll call.

Representatives Spence & Plant made comments.

Representative Smith deferred to Representative Maier.

Representative Maier brought HB 179, jointly sponsored by Representative Ulbrich & Senator Sorenson & Representatives Buckworth, Ewing, Fallon, Banning, DiLiberto & Keeley & Senators Sokola & Reed, before the House for consideration.

HB 179 - An Act to Amend Title 21 of the Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

Representative Maier brought HA 1 to HB 179 before the House for consideration.

Representative Maier made comments.

HA 1 was adopted by voice vote.

Representative VanSant made a comment.

The roll call on HB 179 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Lee, Petrilli, West - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 179 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought HB 245, jointly sponsored by Senators Sokola & McDowell on Behalf of All Representatives and All Senators, before the House for consideration.

HB 245 - An Act to Amend Title 14 of the Delaware Code Relating to the Creation of the Delaware Qualified Tuition Savings Program. (F/N)

Representatives Oberle & Schroeder made comments.

The roll call on HB 245 was taken and revealed:

YES: 39.

ABSENT: Representatives Petrilli, West - 2.

Therefore, having received a constitutional majority, HB 245 was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on SB 62 w/SA 1. The motion was seconded by Representative Welch adopted by voice vote.

Representative Smith brought SB 62 w/SA 1, jointly sponsored by Senators Sharp, Voshell, McDowell, Bair & Amick & Representatives Spence, Gilligan, VanSant & Welch, before the House for consideration.

SB 62 - An Act to Amend Chapters 11 and 101, Title 29 Delaware Code, Relating to the Register of Regulations and Public Notice of Proposed and Promulgated Regulations.

Representative Smith made comments.

The roll call on SB 62 w/SA 1 was taken and revealed:

YES: 39.



ABSENT: Representatives Petrilli, West - 2.

Therefore, having received a constitutional majority, SB 62 w/SA 1 was returned to the Senate.

Representative Welch made a comment regarding SB 62 w/SA 1.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought SB 60 w/SA 1, sponsored by Senators McBride & Amick &

Representatives Cloutier & VanSant, before the House for consideration.

SB 60 - An Act to Amend Title 24 Relating to Professional Engineers.

Representative Ulbrich brought HA 1 to SB 60 before the House for consideration. Representative Ulbrich made a comment. HA 1 was adopted by voice vote.

Representatives Ulbrich & Roy made comments.

Representative Ulbrich requested and was granted the privilege of the floor for Hugh Martin, Public Member from Sussex County on the Delaware Association of Professional Engineers and its President.

Representatives Roy, Gilligan, Ewing, Cloutier & Ulbrich made comments.

The roll call on SB 60 w/SA 1 & HA 1 was taken and revealed:

YES: 38.

NO: Representative Roy - 1.

ABSENT: Representatives Petrilli, West - 2.

Therefore, having received a constitutional majority, SB 60 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Smith made comments.

Representative Smith introduced HB 272, jointly sponsored by Representatives Capano, Boulden, Brady, Buckworth, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Houghton, Lee, Lofink, Mack, Petrilli, Price, Quillen, Reynolds, Spence, VanSant, Welch & West & Senators Bair, Bonini, Connor, Hauge, Sorenson & Still.

HB 272 - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

Mr. Speaker assigned HB 272 to the Revenue & Finance Committee.

Representative Smith deferred to Representative Fallon.

Representative Fallon introduced and brought HR 30, sponsored on Behalf of All Representatives, before the House for consideration.

HR 30 - Requesting the Delaware U.S. Congressional Delegation to Respond to the Agricultural Labor Shortage Problem in Kent and Sussex Counties by Addressing Delaware's Need for Education Immigration Officers Rather Than Deportation Enforcement Officers.

Representative Fallon made comments.

HR 30 was adopted by voice vote.

Representative Smith deferred to Representative Brady.

Representative Brady moved to lift HB 56 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Brady brought HB 56, jointly sponsored by Representatives Banning, Carey, Houghton, Welch, Buckworth, Cloutier, Keeley & Williams, before the House for consideration.

HB 56 - An Act to Amend Title 14 of the Delaware Code Relating to Attendance Within School Districts.

Representative Brady made comments.

Representative Brady moved to lift HA 1 to HB 56 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Brady brought HA 1 before the House for consideration. Representative Brady made comments. HA 1 was adopted by voice vote.

Representative Brady brought HA 2 to HB 56 before the House for consideration.

Representatives Brady & DiPinto made comments.

HA 2 was adopted by voice vote.

Representative Brady brought HA 3 to HB 56 before the House for consideration.

Representatives Brady, DiPinto & Oberle made comments.

HA 3 was adopted by voice vote.

The roll call on HB 56 w/HA 1,2 & 3 was taken and revealed:

YES: 38.

ABSENT: Representatives Keeley, Petrilli, West - 3.

Therefore, having received a constitutional majority, HB 56 w/HA 1,2 & 3 was sent to the Senate for concurrence.

Representative Cloutier requested and was granted personal privilege of the floor to present a House Tribute to Mark Seifert.

Representatives Cloutier, Oberle, Ewing, Spence, Fallon & Oberle made comments.

Mr. Speaker Spence made an announcement.

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

Representatives Gilligan & Reynolds made comments.

Representative Reynolds introduced HB 273, jointly sponsored by Senators Sokola & Hauge & Representatives Smith, Boulden, Cloutier, Mack & Ulbrich & Senators Bunting, Bair, Amick, Reed, Sorenson & Still.

HB 273 - An Act to Amend Title 14 of the Delaware Code Relating to Educational Rules and Regulations.

Mr. Speaker assigned HB 273 to the Education Committee.

Representative Smith deferred to Representative Lee.

Representative Lee requested that action on HB 246 be Deferred to a Day Certain, Tuesday, June 3, 1997.

Representative Smith deferred to Representative Capano.

Representative Capano brought HB 224, jointly sponsored by Senator Vaughn & Representatives Spence, Cloutier, Davis, DiPinto, Ewing, Mack, Oberle, Reynolds, Gilligan, VanSant, Banning, B. Ennis, Houghton, Scott, West & Williams, before the House for consideration.

HB 224 - An Act to Amend Chapter 463, Volume 69, Laws of Delaware, as Amended by Section 81, Chapter 118, Volume 70 Laws of Delaware and Title 18 of the Delaware Code Relating to Insurance Fraud Prevention Bureau of the Office of the Insurance Commissioner. (3/5 bill)(F/N)

Mr. Speaker Spence made an announcement.

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

Representative Capano introduced and brought HA 1 to HB 224 before the House for consideration.

Representative Capano made comments. HA 1 was adopted by voice vote.

Representative Capano made comments.

The roll call on HB 224 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Keeley, Petrilli, West - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 224 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought HB 197, jointly sponsored by Representative Maroney & Senator Blevins & Representatives Ulbrich, Gilligan, Keeley & Plant & Senators Henry & Bair, before the House for consideration.

HB 197 - An Act to Amend Title 16 of the Delaware Code Relating to Birth Defects. (2/3 bill)

Representatives Maier, Davis, Fallon & Smith made comments.

Representative Maier moved to place HB 197 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maier moved to lift HB 197 from the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Fallon introduced and brought HA 1 to HB 197 before the House for consideration.

Representative Fallon made comments. HA 1 was adopted by voice vote.

The roll call on HB 197 w/HA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Keeley, Petrilli, West - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 197 w/HA 1 was sent to the Senate for concurrence.

Representative Smith brought HR 27, jointly sponsored by Representatives Welch, Roy, Wagner, DiPinto, B. Ennis & DiLiberto, before the House for consideration.

HR 27 - Relating to Permanent Rules of the House of Representatives of the 139th General Assembly of the State of Delaware.

Representative Smith made comments.

HR 27 was adopted by voice vote.

Mr. Speaker Spence introduced guests.

Representative Smith deferred to Representative Lee.

Representative Lee made an announcement.

Mr. Speaker reassigned HB 259 to the Appropriations Committee.

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

POL ANAL & GOV ACCT: HB 221 - 3M; HB 222 - 3M; HB 227 - 3M; HB 232 - 3M; SB 101 - 3M.

Representative Scott requested that action on HB 99 be Deferred to a Day Certain, Thursday, June 5, 1997.

The Majority Leader moved to recess to the call of the Chair at 7:12 p.m.

31st LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
June 3, 1997

Mr. Acting Speaker Oberle called the House to order at 2:09 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 125, SB 126, HB 228 w/HA 1 & 2, HCR 25, HCR 27 & HB 155.

May 15, 1997

LEGISLATIVE ADVISORY #13

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/19/97: HB 7.

The following amendment to the Delaware Constitution does not require the signature of Governor

Carper: HB 8 aab HA 1.

The following prefiled legislation II was introduced:

HB 262 - PRICE - NAT RES: An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Food Fish Dealer Reporting.

HB 263 - GILLIGAN & SENATOR VOSHELL; REPRESENTATIVES BANNING, BUCKWORTH, CAREY, CLOUTIER, CAULK, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, HOUGHTON, LOFINK, PLANT, QUILLEN, REYNOLDS, SCHROEDER, VANSANT, WEST, WILLIAMS, SPENCE; SENATOR HENRY - H/ADM: An Act to Amend Title 20 of the Delaware Code Relating to Civil Defense and Emergency Management.

HB 265 - CLOUTIER - ED: An Act to Amend Title 14 of the Delaware Code Relating to Private School Voucher Program. (3/4 bill)

HB 266 - CLOUTIER - ED: An Act to Amend Title 14 of the Delaware Code Relating to Private School Voucher Program. (3/4 bill)

HB 268 - BOULDEN & SENATOR AMICK; REPRESENTATIVES ULBRICH, VANSANT; SENATOR BLEVINS - ENV MAN: An Act to Amend Title 16 of the Delaware Code Relating to Notification Given at Certain Railway Yards.

HB 274 - REYNOLDS, SPENCE, WELCH, SMITH, BOULDEN, BUCKWORTH, CAPANO, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, STONE, ULBRICH, WAGNER, GILLIGAN, VANSANT, BANNING, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, SCOTT, WILLIAMS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

HB 276 - MARONEY & MAIER & SENATOR BLEVINS; REPRESENTATIVES CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, OBERLE, QUILLEN, REYNOLDS, STONE, WAGNER, VANSANT, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, WILLIAMS; SENATORS VOSHELL, HENRY, SOKOLA, BAIR, SORENSON, REED - HEALTH & HUM DEV: An Act to Amend Chapter 99 of Title 16 of the Delaware Code Relating to Health Care Information.

HB 277 - WAGNER & SENATOR SHARP - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Repeal of Certain Criminal Statutes.

HS 1 for HCR 24 - SMITH & SENATOR BAIR; REPRESENTATIVE BRADY - NAT RES: Requesting the Department of Natural Resources and Environmental Control (DNREC) to Proceed With the Necessary Steps and Processes to Analyze the Naamans Creek Watershed.

HCR 28 - SPENCE & OBERLE & SENATORS SHARP & MCBRIDE; REPRESENTATIVES SMITH, WELCH, BUCKWORTH, CAPANO, MARONEY, MAIER, ULBRICH, WAGNER; SENATORS BAIR, CONNOR - HOUSING & COM AFF: Re-Establishing a Joint Task Force to Review Home Builder Practices and Regulation in Delaware.

HA 1 to HB 145 - WAGNER - AGENDA: Placed with the bill.

HA 1 to HB 237 - CAPANO - READY LIST: Placed with the bill.

SB 109 - VOSHELL, BLEVINS, BUNTING, COOK, MCDOWELL, SOKOLA, VENABLES, AMICK, CONNOR, HAUGE, REED & STILL; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, EWING, OBERLE, QUILLEN, BRADY, B. ENNIS, HOUGHTON, PLANT & WEST - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Special Registration Plates.

**SB 125** - VOSHELL & SENATOR HENRY; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to License Qualifications.

**SB 126** - SOKOLA & REPRESENTATIVE OBERLE; SENATORS BLEVINS, BUNTING, MCDOWELL, VENABLES & VOSHELL; REPRESENTATIVES BANNING, BUCKWORTH, CAREY, CAULK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, LEE, MACK, PLANT, PRICE, REYNOLDS, SCHROEDER, SCOTT, VANSANT & WILLIAMS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Higher Education Incentives for Student Achievement.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 269** - WEST, BANNING, BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PLANT, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SMITH, STONE, ULBRICH, VANSANT, WAGNER, WELCH, WILLIAMS, SPENCE; SENATORS ADAMS, AMICK, BUNTING, BONINI, COOK, HAUGE, HENRY, MARSHALL, MCDOWELL, REED, SOKOLA, SORENSON, VAUGHN, VENABLES, VOSHELL - ED: An Act Authorizing and Approving the Transfer of Certain Real Property in the Indian River School District, Known as the Gumboro Elementary School Property, to the Gumboro Volunteer Fire Co., With Certain Provisions and Waiving the Provisions of Section 1057 of Chapter 10, Title 14, Delaware Code.

**HB 270** - BOULDEN & SMITH, BANNING, BRADY, CAPANO, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, SCHROEDER & STONE - TRANS & INFRA: An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Award of Large Public Works Contracts.

**HB 271** - LEE & B. ENNIS; SENATOR VENABLES; REPRESENTATIVES SPENCE, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, PETRILLI, QUILLEN, ULBRICH, BANNING, HOUGHTON, KEELEY, PRICE, SCHROEDER, WEST, WILLIAMS - HEALTH & HUM DEV: An Act to Amend Title 16, Delaware Code Relating to Smoke Detectors. (2/3 bill)

**HB 275** - REYNOLDS, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, FALLON, LEE, MACK, OBERLE, PETRILLI, QUILLEN, STONE, WAGNER, BANNING, BRADY, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCOTT, WEST, WILLIAMS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

**HA 1 to HA 2 for HB 250** - D. ENNIS - AGENDA: Placed with the bill.

The Reading Clerk read the following communications into the record:

May 23, 1997

#### LEGISLATIVE ADVISORY #14

Governor Thomas R. Carper signed the following legislation on the date indicated: 5/22/97 - **HB 74**, **HB 103**, **SB 34**, **SB 63**, **HB 113 aab HA 1 & SA 1**, **SB 38 aab SA 1**, **HB 210 aab HA 1.2 & 3**, **HB 155**, **HB 228 aab HA 1 & 2**, **HB 82 aab HA 1**, **HB 106**, **HB 128 aab HA 1 & 2**, **HB 9 aab SA 1 & HB 119**.

Representatives Gilligan & Williams requested that they be marked present.

Mr. Acting Speaker Oberle introduced guests.

Representatives Buckworth & Cloutier requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:25 p.m. with Representative Quillen as Acting Speaker.

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Dennis P. Williams, do hereby request that my name be removed as Co-Sponsor of **HB 246**.

Date: June 3, 1997.

Signed: Dennis P. Williams

Representative Brady requested that he be marked present.

Representative Smith deferred to Representative Capano.

Representative Capano brought **HB 237**, jointly sponsored by Senator Voshell, before the House for consideration.

**HB 237** - An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representative Capano made comments.

Representative Capano brought HA 1 to HB 237 before the House for consideration. Representative Capano made a comment. HA 1 was adopted by voice vote.

The roll call on HB 237 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, HB 237 w/HA 1 was sent to the Senate for concurrence.

Representatives Davis, DiLiberto, Reynolds, Schroeder, Spence, Stone & D. Ennis requested that they be marked present during the roll call.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought SCR 30, jointly sponsored by Senators Sokola & Adams, before the House for consideration.

SCR 30 - Recognizing the University of Delaware Equestrian Team for Winning the 1997 National Title.

Representative Reynolds made comments.

The members of the Equestrian Team announced their names for the record.

Representatives Reynolds, Oberle, Caulk, Roy, Ulbrich, Fallon, Reynolds & Gilligan made comments.

SCR 30 was adopted by voice vote and returned to the Senate.

Mr. Acting Speaker Quillen granted the privilege of the floor to Miss Delaware, Amy Voshell.

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

The House observed a moment of silence in memory of Michael Mitchell, New Castle County Assistant Attorney, at the request of Representative DiLiberto.

Mr. Speaker resumed the Chair.

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

Representative Smith deferred to Representative Quillen.

Representative Quillen brought HB 233, jointly sponsored by Representatives Carey, Davis, DiPinto, Maroney, B. Ennis & West & Senators Venables, Voshell & Amick, before the House for consideration.

HB 233 - An Act to Amend Title 7 of the Delaware Code to Authorize and Approve a Schedule of Fees Charged for Entrance to State Parks and the Use of Surf Fishing Vehicles and Snowmobiles on State Park Lands. (3/5 bill)(F/N)

Representative Quillen brought HA 1 to HB 233 before the House for consideration. Representative Quillen made a comment. HA 1 was adopted by voice vote.

Representatives Quillen, Brady, Caulk & Quillen made comments.

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

YES: 35.

NO: Representatives DiLiberto, Keeley, Price, Williams - 4.

NOT VOTING: Representative Scott - 1.

ABSENT: Representative Oberle - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 233 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 186, jointly sponsored by Senator Sharp, before the House for consideration.

HB 186 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Official Misconduct or Related Criminal Offenses. (2/3 bill)

Representative Wagner brought HA 1 to HB 186 before the House for consideration. Representative Wagner requested that HA 1 be stricken.

Representative Wagner introduced and brought HA 2 to HB 186 before the House for consideration.

Representative Wagner made a comment. HA 2 was adopted by voice vote.

Representative Wagner made a comment.

The roll call on HB 186 w/HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 186 w/HA 2 was sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis brought HB 180 jointly sponsored by Representatives Banning, Brady, Buckworth, Carey, Cloutier, B. Ennis, Lee, Petrilli, Plant, Quillen & Scott, before the House for consideration.

HB 180 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Window Tinting Requirements for Certain Types of Motor Vehicles.

Representative D. Ennis brought HA 1 to HB 180 before the House for consideration. Representative D. Ennis made comments. HA 1 was adopted by voice vote.

Representative D. Ennis made comments.

The roll call on HB 180 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 180 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 199 jointly sponsored by Senator Sharp & Representatives Spence, Smith, Welch, Boulden, Buckworth, Caulk, Davis, DiPinto, Ewing, Fallon, Lee, Lofink, Maroney, Quillen, Reynolds & Scott, before the House for consideration.

HB 199 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representatives Wagner & Oberle made comments.

The roll call on HB 199 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Banning, Boulden - 2.

Therefore, having received a constitutional majority, HB 199 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought SB 54, jointly sponsored by Senators Marshall & Voshell & Representative Spence & Senators Henry & McDowell & Representatives DiPinto, Keeley, Plant, Scott, VanSant & Williams, before the House for consideration.

SB 54 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representative Ewing made a comment.

The roll call on SB 54 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 54 was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought HB 145, jointly sponsored by Representatives DiLiberto & Williams & Senators Bair & Amick, before the House for consideration.

HB 145 - An Act to Amend Title 21 of the Delaware Code to Provide That Appeals From Convictions Under Title 21 Or Other Motor Vehicle Violations Be Heard in the Court of Common Pleas.

Representative Wagner brought HA 1 to HB 145 before the House for consideration. Representative Wagner made a comment. HA 1 was adopted by voice vote.

Representatives Wagner & Ewing made comments.

The roll call on HB 145 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 145 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought SB 45, jointly sponsored by Senator Sharp & Representatives Roy & Spence & Senator Vaughn, before the House for consideration.

SB 45 - An Act Concurring in a Proposed Amendment to Article IV, Section 29 of the Delaware Constitution of 1897, as Amended, Relating to the Term of Office of Justices of the Peace. (2/3 bill)

Representative Wagner made a comment.

The roll call on SB 45 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 45 was returned to the Senate.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis brought HS 1 to HB 250, jointly sponsored by Representative B. Ennis & Senator Vaughn & Representatives Spence, Capano, Carey, DiPinto, Fallon, Lee, Maroney, Quillen, Oberle, Roy, Stone, Banning & Brady & Senators Henry, Venables, Hauge & Sorenson, before the House for consideration.

HB 250 - An Act to Amend Titles 18 and 29 of the Delaware Code Relating to Delaware Insurance Law Pertaining to Corporate Owned Life Insurance and Creating Special Funds for Greenway Projects and Historic Preservation Projects Throughout the State of Delaware. (3/4 bill)

Representative D. Ennis moved to suspend the rules which interfere with action on HS 1 to HB 250. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis moved to place HS 1 to HB 250 on the Speaker's table. The motion was seconded by Representative Welch and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy brought HB 218, jointly sponsored by Representative Petrilli & Senator Sharp, before the House for consideration.

HB 218 - An Act to Amend Chapter 11, Title 9, Delaware Code Relating to New Castle County Government.

Representative Roy made a comment.

The roll call on HB 218 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Keeley, Scott, Williams - 3.

Therefore, having received a constitutional majority, HB 218 was sent to the Senate for concurrence.

Representative Roy brought HB 61, jointly sponsored by Senator Sharp, before the House for consideration.

HB 61 - An Act to Amend Title 11 of the Delaware Code Relating to the Forfeiture of Good Time.

(F/N)

Representative Roy made a comment.

The roll call on HB 61 was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, HB 61 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy brought SCR 17, jointly sponsored by Senators Sokola, Blevins & Hauge & Representative Gilligan, before the House for consideration.

SCR 17 - Relating to a Study as to Whether the State of Delaware Should Sue Tobacco Companies to Recover State Medicaid Costs From Smoking-Related Illnesses.

Representative Roy deferred to Representative Stone.

Representative Stone introduced and brought HA 1 to SCR 17 before the House for consideration.

Representatives Stone & Roy made comments.

HA 1 was adopted by voice vote.

SCR 17 w/HA 1 was adopted by voice vote and returned to the Senate for concurrence on HA 1.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought SB 96 w/SA 1, jointly sponsored by Senators Henry & Voshell, before the House for consideration.

SB 96 - An Act to Amend Title 21 of the Delaware Code Regarding Transfer of Salvage Titles.

Representatives Ewing & Davis made comments.

Representative Ewing requested and was granted the privilege of the floor for Christine Schiltz, representing State Farm Insurance.

Representatives Davis & Fallon made comments.

The roll call on SB 96 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SB 96 w/SA 1 was returned to the Senate.

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

Representatives Oberle & Smith made comments.

Representative Keeley requested that action on HB 153 be Deferred to a Day Certain, Thursday, June 5, 1997.

Representative Ewing made an announcement.

Representative Smith deferred to Representative Lee.

Representative Lee brought HB 246, jointly sponsored by Representatives Spence, Buckworth, Carey, Ewing, Lee, Banning, B. Ennis, Price & West & Senators Bunting & Voshell, before the House for consideration.

HB 246 - An Act to Amend Chapter 100, Title 16 of the Delaware Code Relating to 911, Enhanced Emergency Number Service.

Representative Lee introduced and brought HA 1 to HB 246 before the House for consideration.

Representatives Lee & Oberle made comments.

HA 1 was adopted by voice vote.

Representative Lee made comments.

The roll call on HB 246 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 246 w/HA 1 was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lofink.

Representative Lofink introduced HS 1 for HCR 18, jointly sponsored by Representatives Oberle, Roy, Welch, Capano, Carey, Cloutier, Davis, DiPinto, Ewing, Lee, Maroney, Petrilli, Banning & West & Senator Sokola.

HCR 18 - Requesting That the Congressional Delegation for the State of Delaware Review the National Flood Insurance Reform Act of 1994 and Make Appropriate Recommendations.

Mr. Speaker assigned HS 1 for HCR 18 to the Land Use & Infrastructure Committee.

Representative Smith deferred to Representative Wagner.

Representative Wagner made an announcement.

Representative Ulbrich made a comment.

Representative Smith deferred to Representative Maier.

Representative Maier made a comment.

Representative Maier brought HB 176, jointly sponsored by Representatives Davis & Gilligan & Senator Voshell & Representatives Boulden, Capano, Ulbrich, Banning & DiLiberto & Senator Reed, before the House for consideration.

HB 176 - An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (F/N)

Representative Maier deferred to Representative DiPinto.

Representative DiPinto introduced and brought HA 1 to HB 176, jointly sponsored by Representative Maier, before the House for consideration.

Representatives DiPinto, Petrilli, Ulbrich, DiPinto, Banning & Oberle made comments.

HA 1 was adopted by voice vote.

Representatives Maier & Gilligan made comments.

The roll call on HB 176 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Price - 1.

Therefore, having received a constitutional majority, HB 176 w/HA 1 was sent to the Senate for concurrence.

Representatives Oberle, Reynolds, DiPinto & Lee made comments.

Mr. Speaker Spence appointed Representative Welch as Acting Speaker.

Representative Smith deferred to Representative Spence.

Representative Spence requested that HB 93 be stricken.

Representative Spence moved to suspend the rules which interfere with introduction of and action on HS 1 for HB 93. The motion was seconded by Representative Smith adopted by voice vote.

Representative Spence introduced and brought HS 1 for HB 93, jointly sponsored by Representative Capano & Senator Connor & Representatives Welch, Boulden, Buckworth, Carey, Davis, DiPinto, D. Ennis, Ewing, Lee, Maier, Maroney, Oberle, Wagner, Stone, Gilligan, VanSant, Banning, Brady, DiLiberto, B. Ennis, Houghton, Price, Scott & West & Senators Voshell, McDowell, Blevins, Bunting, Henry, Marshall, Vaughn, Bonini, Hauge & Still, before the House for consideration.

HB 93 - An Act to Amend Title 11, Delaware Code, Relating to Body-Piercing, Tattooing, or Branding Consent for Minors and Civil and Criminal Penalties. (2/3 bill)

Representatives Oberle & Spence made comments.

Representative Spence deferred to Representative Capano.

Representative Capano made comments.

Representative Smith introduced and brought HA 1 to HS 1 for HB 93 before the House for consideration.

Representative Smith & Davis made comments.

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

Representatives Petrilli, Smith, Capano, Petrilli, Smith, Spence, Capano, Mack, Spence, Smith & Stone made comments.

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

Representative Spence requested and was granted the privilege of the floor for Gary Seward, representing a group of Tattoo Artists in Delaware

Representatives Spence, Keeley, Schroeder, Stone, Spence & Scott made comments.



Representative Spence moved to place HS 1 for HB 93 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 6:35 p.m.

32nd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
June 4, 1997

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 102, SB 20 w/SA 1 & 2, SB 83, SCR 30, HB 30 w/HA 1, HB 90 w/HA 1 & HB 166 w/HA 1.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 278 - B. ENNIS & SENATOR STILL - H/ADM: An Act to Amend Chapter 282 of Volume 21 of the Laws of Delaware as Amended Entitled "An Act to Re-Incorporate the Town of Leipsic" by Providing for an Increase in the Limit of Taxation. (2/3 bill)

HB 279 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVE WELCH; SENATOR COOK - H/ADM: An Act to Amend Chapter 339, Volume 62, Laws of Delaware, as Amended, Relating to the Town of Smyrna. (2/3 bill)

HB 280 - WELCH, SMITH & SPENCE; SENATORS VOSHELL & BONINI - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Sexual Relations With a Minor.

HB 282 - PRICE & REPRESENTATIVE SCHROEDER & SENATOR VOSHELL - APPRO: An Act Proposing an Amendment to the Delaware Constitution Relating to the Budget Reserve Account. (2/3 bill)

HA 1 to HB 153 - KEELEY - DEFERRED: Placed with the bill.

HA 1 to HB 202 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 211 - BUCKWORTH - READY LIST: Placed with the bill.

HA 1 to HB 222 - DILIBERTO - READY LIST: Placed with the bill.

SB 20 w/SA 1 & 2 - BLEVINS & REPRESENTATIVE ULBRICH - POL ANAL & GOV ACCT: An Act to Amend Title 24 of the Delaware Code Relating to the Medical Practices Act.

SB 83 - VAUGHN - ECON DEV, B & I: An Act to Amend 69 Laws of Delaware, Chapter 463 Relating to Insurance Fraud.

SB 102 - VAUGHN; REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Title 18, Chapter 50, Delaware Code Relating to Appeals From Certain Actions of, or the Failure to Act by, the Insurance Commissioner of the State of Delaware.

Representatives Ewing & Smith requested and were granted personal privilege of the floor for the introduction of guests.

Mr. Speaker Spence introduced guests.

Representative DiLiberto requested and was granted personal privilege of the floor for the introduction of a guest.

Representatives Gilligan & West requested that they be marked present.

Representatives West & Oberle introduced guests.

Representative Mack requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:23 p.m.

The House reconvened at 4:38 p.m.

Representative Petrilli requested that he be marked present.

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

BUS/CORP/COM: HB 207 - 2F,5M; HB 208 - 1F,6M.

H/ADM: HB 75 - 5M; HB 263 - 5M; HB 264 - 5M.

P/S: HB 127 - 6M; HB 249 - 5M; HB 261 - 6M; SB 109 - 6M; SB 117 - 6M; SB 125 - 6M.

JUD: HB 212 - 6M,1U; HB 251 - 1F,5M; HB 253 - 6M; HB 277 - 6M; SB 105 - 6M.

CORR: HB 252 - 5M; SB 110 w/SA 1 - 4M.

APPRO: HB 114 - 1F,2M,1U; HB 178 - 1F,4M; HB 220 - 1F,4M; SB 75 - 4F; SB 91 - 4F; SB 108 - 1F,4M.

NAT RES: HB 255 - 7M; HB 262 - 3F,4M; HS 1/HCR 24 - 2F,5M; SB 113 w/SA 1 - 6M.

ED: HB 273 - 6M,1U; HB 274 - 7M.

Representative Smith introduced Secretary of Education, Iris Metts.

Representatives Ulbrich & Wagner requested that they be marked present.

Representative Wagner requested that HB 126 be stricken.

Representatives Reynolds, B. Ennis & Boulden requested that they be marked present.

The following prefiled Consent Calendar #8 was introduced:

HR 31 - LOFINK, GILLIGAN, ROY, MAIER, PETRILLI & KEELEY ON BEHALF OF ALL REPRESENTATIVES - Congratulating and Honoring Mr. Thomas Lemon of St. Mark's High School On Occasion of His Retirement at St. Mark's Baseball Coach.

HCR 29 - MAIER & SENATOR MCDOWELL; REPRESENTATIVES SMITH & VANSANT & SENATOR CONNOR - Declaring October as Learning Disabilities Month.

HCR 30 - MACK & SENATOR VAUGHN - Commending and Honoring Vivien Brittingham for a History of Exemplary and Dedicated Service in the Area of School Food Nutrition to the Students of the Colonial School District.

HCR 31 - MACK & SENATOR VAUGHN - Commending and Honoring Dorothy Vandegrift for a History of Exemplary and Dedicated Service in the Area of School Food Nutrition to the Students of the Colonial School District.

Representative Lofink moved to suspend the rules which interfere with action on HS 1 for HCR 18. The motion was seconded by Representative Buckworth.

Representatives Stone, Fallon & Quillen requested that they be marked present.

Representative Quillen requested that HB 45 be stricken.

Consent Calendar #8 was adopted by voice vote and HCR 29, HCR 30 & HCR 31 were sent to the Senate for concurrence.

Representative Lofink moved to suspend the rules which interfere with action on HS 1 for HCR 18. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Lofink brought HS 1 for HCR 18, jointly sponsored by Representatives Oberle, Roy, Welch, Capano, Carey, Cloutier, Davis, DiPinto, Ewing, Lee, Maroney, Petrilli, Banning & West & Senator Sokola, before the House for consideration.

HCR 18 - Requesting That the Congressional Delegation for the State of Delaware Review the National Flood Insurance Reform Act of 1994 and Make Appropriate Recommendations.

Representatives Lofink & Ewing made comments.

HS 1 for HCR 18 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker assigned HB 235 to the Appropriations Committee.

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

LABOR: HB 239 - 4M; HB 258 - 4M; HB 267 - 4M.

Representative DiPinto requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:49 p.m.

33rd LEGISLATIVE DAY  
139th GENERAL ASSEMBLY  
First Session  
June 5, 1997

Mr. Speaker Spence called the House to order at 2:15 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 150, SB 157, SJR 4, SCR 33, SB 90, SB 124 w/SA 1, SB 136 w/SA 1, SB 132 w/SA 1 & 2, SCR 34, SCR 26 & SJR 3.

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

ECON DEV, B & I: HB 156 - 6M.

HOUSING & COM AFF: HCR 28 - 4F,3M.

R & F: HB 254 - 1F,6M; HB 272 - 1F,6M.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 281 - FALLON & MARONEY & SENATOR BLEVINS; REPRESENTATIVES WELCH, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, OBERLE, PETRILLI, QUILLEN, REYNOLDS, STONE, WAGNER, GILLIGAN, VANSANT, BANNING, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE, SCHROEDER, WILLIAMS; SENATORS BAIR, CONNOR, HAUGE, SORENSON - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Mammograms.

HB 283 - ROY - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Registration of Sexual Offenders.

HB 284 - KEELEY - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Private Mortgage Insurance.

HA 2 to HB 121 - WEST - LABOR: Placed with the bill.

HA 1 to HB 175 - MARONEY - ECON DEV, B & I: Placed with the bill.

HA 1 to HB 182 - PRICE - LAND USE & INFRA: Placed with the bill.

HA 1 to HB 205 - DILIBERTO - POL ANAL & GOV ACCT: Placed with the bill.

HA 1 to HB 219 - CLOUTIER - AGENDA: Placed with the bill.

HA 1 to HB 220 - PRICE - AGENDA: Placed with the bill.

HA 1 to HB 251 - D. ENNIS - READY LIST: Placed with the bill.

HA 1 to HB 255 - ROY - READY LIST: Placed with the bill.

HA 1 to HB 259 - CLOUTIER - APPRO: Placed with the bill.

HA 1 to HB 266 - CLOUTIER - ED: Placed with the bill.

HA 1 to HCR 28 - SPENCE - READY LIST: Placed with the bill.

SB 90 - STILL & REPRESENTATIVES B. ENNIS, WAGNER, STONE - H/ADM: An Act to Amend Chapter 282 of Volume 21 of the Laws of Delaware as Amended Entitled "An Act to Re-Incorporate the Town of Leipsic" by Providing for an Increase in the Limit of Taxation. (2/3 bill)

SB 124 w/SA 1 - ADAMS & REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Section 6112, Title 12, Delaware Code, Relating to the Allocation of Trust Income and Principal.

SB 132 w/SA 1 & 2 - MARSHALL & BLEVINS; REPRESENTATIVE MAIER; SENATORS HENRY, MCBRIDE & VOSHELL; REPRESENTATIVES SPENCE, DIPINTO, OBERLE, GILLIGAN, KEELEY, PLANT, SCOTT & WILLIAMS - HEALTH & HUM DEV: An Act to Amend Title 11 and Title 19 of the Delaware Code Relating to Employment Practices and Quality in Hiring. (F/N)

SB 136 w/SA 1 & 2 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS BUNTING, SOKOLA, REED & STILL; REPRESENTATIVES MAIER, CAPANO & SCOTT - POL ANAL & GOV ACCT: An Act to Amend Title 24, Delaware Code Relating to Real Estate Brokers, Salespersons and Appraisers.

SB 150 - SHARP - H/ADM: An Act Waiving the Statutory Provisions of §107(a) of Chapter 1, Title 13, Delaware Code, as It Relates to the Marriage of Steven Shelton and Stephanie Campbell, Non-Residents of the State of Delaware.

SB 157 - CONNOR; REPRESENTATIVES MACK, REYNOLDS - H/ADM: An Act to Waive Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

SIR 3 - CONNOR, HAUGE, BAIR, REED, SORENSON, STILL, BONINI; REPRESENTATIVES CAPANO, OBERLE, EWING, STONE, WEST, FALLON, CAREY, MAIER, LEE, DAVIS, WAGNER, WELCH, DIPINTO, ULBRICH, MACK, BANNING, PRICE, SPENCE, BRADY, BUCKWORTH, CATHCART, VANSANT - TRANS: Designating U.S. Route 13 From Dover to the Pennsylvania State Line as a Blue Star Memorial Highway.

SIR 4 - SHARP ON BEHALF OF ALL SENATORS & REPRESENTATIVE SPENCE ON BEHALF OF ALL REPRESENTATIVES - H/ADM: Observing the Centennial Celebration of the Constitution of the State of Delaware of 1897.

Representative Wagner requested that she be marked present.

Mr. Speaker assigned HB 273 to the Appropriations Committee.

Representatives West, Williams & Boulden requested that they be marked present.

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

The Reading Clerk read the following communication into the record:

June 5, 1997

#### LEGISLATIVE ADVISORY #15

Governor Thomas R. Carper signed the following legislation on the date indicated: 6/4/97 - SB 62 aab

#### SA 1.

The Majority Leader moved to recess for caucus at 2:23 p.m.

The House reconvened at 4:14 p.m.

Representatives Davis, DiLiberto, Keeley, Price & Mack requested that they be marked present.

Representative Smith brought Consent Agenda A before the House for consideration.

Representative Smith requested that HB 209 be removed from Consent Agenda A.

HB 157 - SPENCE - An Act to Amend Title 1, Chapter 6, Delaware Code Establishing Native-American Day.

HB 209 - EWING, LEE, WAGNER - An Act to Amend Title 21 of the Delaware Code Regarding the Disposition of Fines and Costs.

HB 241 - CAPANO; SENATOR BLEVINS - An Act to Amend Subchapter II, Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Civil Air Patrol Members.

HB 247 - CAREY; SENATOR VENABLES; REPRESENTATIVE PRICE; SENATOR VOSHELL; REPRESENTATIVES QUILLEN, SCHROEDER - An Act to Amend Chapter 18 of Title 7 of the Delaware Code Relating to Eel Fishing.

The roll call on Consent Agenda A was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, Maroney - 2.

Therefore, having received a constitutional majority, HB 157, HB 241 & HB 247 were sent to the Senate for concurrence.

Representatives Brady, Capano, B. Ennis, Maier, Oberle, Reynolds, Schroeder, Ulbrich & Stone requested that they be marked present during the roll call.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought HB 209, cosponsored by Representatives Lee & Wagner, before the House for consideration.

HB 209 - An Act to Amend Title 21 of the Delaware Code Regarding the Disposition of Fines and Costs.

Representatives Gilligan, Ewing, Lee, Caulk, Ewing, B. Ennis, Scott & Plant made comments.

Representative Plant requested and was granted the privilege of the floor for Brian Shirey, House Attorney.

Representative Plant made comments.

The roll call on HB 209 was taken and revealed:

YES: 30.

NOT VOTING: Representatives Cloutier, DiLiberto, B. Ennis, Gilligan, Keeley, Mack, Schroeder, VanSant - 8.

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

Therefore, having received a constitutional majority, HB 209 was sent to the Senate for concurrence.

Representative Ewing made comments.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth requested that action on HB 211 be Deferred to a Day Certain, Tuesday, June 10, 1997.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought SB 90, jointly sponsored by Senator Still & Representatives Wagner & Stone, before the House for consideration.

SB 90 - An Act to Amend Chapter 282 of Volume 21 of the Laws of Delaware as Amended Entitled "An Act to Re-Incorporate the Town of Leipsic" by Providing for an Increase in the Limit of Taxation. (2/3 bill)

Representative B. Ennis moved to suspend the rules which interfere with action on SB 90. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative B. Ennis made comments.

The roll call on SB 90 was taken and revealed:

YES: 38.

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

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 90 was returned to the Senate.

Representatives Plant & DiPinto requested and were granted personal privilege of the floor for the introduction of guests.

Representative Plant made a comment.

Representative B. Ennis requested that HB 278 be stricken.

Representatives Spence, DiLiberto & Welch made announcements.

Mr. Speaker reassigned HB 270 to the Transportation Committee.

Mr. Speaker reassigned HB 271 to the Public Safety Committee.