









# STATE OF DELAWARE



## Journal of the House of Representatives

*137th General Assembly*

Convened  
Tuesday, January 12, 1993  
Dover, Delaware

1993-1994



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
137th GENERAL ASSEMBLY

**NEW CASTLE COUNTY**

District

- 1 Orlando J. George, Jr., 4401 Whittier Road, Wilmington
- 2 Al O. Plant, Sr., 523 Eastlawn Ave., Wilmington
- 3 Herman M. Holloway, Jr., 609 S. Heald Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18th Street, Wilmington
- 5 Casimir S. Jonkiert, 403 South Broom Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Road, Gordon Heights, Wilmington
- 7 Wayne A. Smith, 3 Richards Drive, Clair Manor, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Claymont
- 9 Oak M. Banning, Jr., 127 E. Main St., Middletown
- 10 Jane Maroney, 4605 Concord Turnpike, Wilmington
- 11 Peggy G. Bradley, 1909 Oaklane Rd., Wilmington
- 12 Liane M. Sorenson, 417 Snuff Mill Hill, Hockessin
- 13 John F. Van Sant, 311 Troy Avenue, Woodcrest, Wilmington
- 14 Richard A. DiLiberto, Jr., 2 Philip Ct., Mill Race, Newark
- 15 Bruce C. Reynolds, 10 Heather Loft Court, Bear
- 16 William I. Houghton, 9 Varmar Drive, Swanwyck Gardens, New Castle
- 17 Jeffrey G. Mack, 28 The Strand, New Castle
- 18 Terry R. Spence, 26 Freeport Road, Stratford, New Castle
- 19 Robert F. Gilligan, 2628 Sherwood Drive, Sherwood Park 1, Wilmington
- 20 Roger Roy, 3 Citation Court, Limestone Hills, Wilmington
- 21 Steven C. Taylor, 2640 Grendon Drive, Wilmington
- 22 Joseph R. Petrilli, 12 High Meadow Lane, Newark
- 23 Catherine Wojewodzki, 106 Briar Lane, Newark
- 24 William A. Oberle, Jr., 2 Danvers Way, Beechers Lot, Newark
- 25 Steven H. Amick, 449 West Chestnut Hill Road, 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 Donald M. Clark, Drawer D, Kenton
- 30 G. Robert Quillen, P.O. Box 38, Harrington
- 31 Nancy H. Wagner, 283 Troon Rd., Dover
- 32 Edward J. Bennett, 1129 Woodsedge Road, P.O. Box 344, Dover
- 33 G. Wallace Caulk, Jr., R.D. #2, Box 470, Frederica
- 34 Gerald A. Buckworth, 127 N. Old Mill Road, Dover

**SUSSEX COUNTY**

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

STAFF MEMBERS  
137th GENERAL ASSEMBLY

JoAnn M. Hedrick - Chief Clerk  
Thomas J. McCarthy, Jr. - Majority Chief-of-Staff  
Sally Baker - Podium Secretary  
Louise Banks - Head Bill Stamping Clerk  
Barbara Book - Secretary/Receptionist  
David A. Boswell - Majority Attorney  
Mark Brainard - Minority Administrative Assistant  
Joan Breault - Secretary  
Carol Breslin - Financial Assistant  
Carolyn Buckmaster - Secretary  
Kim Burdick - Caucus Liaison  
Nelson Camper - Sergeant-At-Arms

Albert Clark - Page  
 Scott Chambers - Majority Attorney  
 Deirdre Comer - Secretary  
 Brandie N. Connor - Legal Secretary  
 Kevin Coyle - Legislative Assistant  
 Lori Davis - Leadership Secretary  
 Mary Anne Dill - Legal Secretary  
 Craig Eliason - Minority Attorney  
 Patricia Elherman - Bill Stamping Clerk  
 Steven Engebretsen - Legislative Assistant  
 Shirley Ford - Secretary to the Speaker  
 Janet Gardner - Page  
 Luisa Georgov - Secretary  
 Susan Gohn - Secretary  
 Patricia Griffith - Legal Secretary  
 Regina Groff - Bill Prep Clerk  
 Rylene Harper - Minority Assistant  
 Charles Hebner - Legislative Assistant  
 Flo Herrman - Secretary/Receptionist  
 Helen Hicks - Secretary  
 Barbara Holton - Page  
 Margaret Hood - Page  
 Winifred Hulme - Legislative Assistant  
 Ruth Joyce - Majority Head Page  
 Joyce Keeler - Secretary  
 Rose Keenan - Page  
 Kathy Kelly - Secretary  
 Janet Kilpatrick - Secretary  
 Frank Kosakowski - Page  
 Patricia Lamb - Secretary  
 Ruth Lane - Secretary  
 Joan Marvel - Leadership Secretary  
 Adele Mayfield - Legal Secretary  
 Jack McGuire - Recorder  
 Anita Messick - Page  
 Jacqueline Paradee-Mette - Minority Attorney  
 Valerie Metzelaar - Legislative Assistant  
 Peggy Millman - Calendar Clerk  
 Richard Millman - Head Sergeant-at-Arms  
 Rosalie Millman - Bill Stamping Clerk  
 Margaret Moore - Assistant to the Speaker  
 Gerald Nagle - Minority Head Page  
 Laura Orth - Legal Secretary  
 Pamela Price - Research Assistant  
 Nelson Quillen - Page  
 Barbara Rossiter - Head Bill Prep  
 Gina Rothermel - Journal Clerk  
 Ayesha Sammander - Information Specialist  
 Elizabeth Shalley - Secretary  
 Suzanne Sheffield - Legal Secretary  
 Anne Marie Shields - Management Fellow  
 Ronald Smith - Senior Majority Attorney  
 Donna Snell - Bill Clerk  
 Beth Sproul - Legislative Assistant  
 Margaret Stafford - Page  
 Sean Stevens - Reading Clerk  
 Arzella Stewart - Bill Prep Clerk  
 Edith Sylvester - Page  
 Pearl Talley - Head Minority Page  
 Susan Tobin - Secretary  
 Fred Townsend - Majority Attorney  
 Lewes Trivits - Sergeant-at-Arms  
 Jim Tull - Minority Administrative Assistant  
 Helen Vincent - Secretary

Charles Welch - Majority Attorney  
Jane Welch - Communications Officer  
Mina Wells - Reading Clerk  
Janice Yerkes - Secretary  
Ellen Younghans - Bill Prep Clerk  
Eric Zoeckler - Secretary

STANDING COMMITTEES  
OF THE  
HOUSE OF REPRESENTATIVES  
137th GENERAL ASSEMBLY

**AGRICULTURE:** Representative G. Wallace Caulk, Jr. - Chairman; Representative V. George Carey; Representative Tina Fallon; Representative Vincent A. Lofink; Representative George H. Bunting; Representative Donald M. Clark; Representative John R. Schroeder.

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

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

**CORRECTIONS:** Representative Clifford G. Lee - Chairman; Representative Steven H. Amick; Representative Gerald A. Buckworth; Representative J. Benjamin Ewing; Representative Oakley M. Banning; Representative Richard A. DiLiberto; Representative Al O. Plant, Sr.

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

**EDUCATION:** Representative Liane M. Sorenson - Chairwoman; Representative Tina Fallon; Representative William A. Oberle, Jr.; Representative Bruce C. Reynolds; Representative Peggy G. Bradley; Representative David D. Brady; Representative Herman M. Holloway, Jr.

**ENVIRONMENT & NATURAL RESOURCES:** - Representative V. George Carey, Chairman; Representative G. Wallace Caulk, Jr.; Representative Vincent A. Lofink; Representative Jeffrey G. Mack; Representative George H. Bunting, Jr.; Representative Donald M. Clark; Representative John R. Schroeder.

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

**HAZARDOUS WASTE MANAGEMENT:** Representative Jeffrey G. Mack - Chairman; Representative V. George Carey; Representative G. Wallace Caulk, Jr.; Representative Vincent A. Lofink; Representative George H. Bunting, Jr.; Representative Donald M. Clark; Representative John R. Schroeder.

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

**HOUSE RULES:** Representative Steven H. Amick - Chairman; Representative Joseph G. DiPinto; Representative Roger P. Roy; Representative Nancy H. Wagner; Representative Donald M. Clark; Representative Bruce C. Ennis; Representative Casimir S. Jonkiert.

**HOUSING AND COMMUNITY AFFAIRS:** Representative Joseph G. DiPinto - Chairman; Representative David H. Ennis; Representative Wayne A. Smith; Representative Nancy H. Wagner; Representative Edward J. Bennett; Representative William I. Houghton; Representative Casimir S. Jonkiert.

**HUMAN NEEDS & DEVELOPMENT:** Representative Jane Maroney - Chairperson; Representative William A. Oberle, Jr.; Representative Bruce C. Reynolds; Representative Liane M. Sorenson; Representative Peggy G. Bradley; Representative David D. Brady; Representative Herman M. Holloway, Jr.

**JOINT SUNSET:** Representative Steven H. Amick - Chairman; Representative Wayne A. Smith; Representative Liane M. Sorenson; Representative Oakley M. Banning; Representative Casimir S. Jonkiert.

**JUDICIARY:** Representative Steven H. Amick - Chairman; Representative Gerald A. Buckworth; Representative J. Benjamin Ewing, Jr.; Representative Clifford G. Lee; Representative Oakley M. Banning; Representative Richard A. DiLiberto; Representative Al O. Plant, Sr.

**LABOR AND HUMAN RESOURCE MANAGEMENT:** Representative William A. Oberle, Jr. - Chairman; Representative Jeffrey G. Mack; Representative Bruce C. Reynolds; Representative Herman M. Holloway, Jr.; Representative Al O. Plant, Sr.

**PUBLIC SAFETY:** Representative J. Benjamin Ewing, Jr. - Chairman; Representative Steven H. Amick; Representative Gerald A. Buckworth; Representative Clifford G. Lee; Representative Oakley M. Banning; Representative Richard A. DiLiberto; Representative Al O. Plant, Sr.

**REVENUE AND FINANCE:** Representative Wayne A. Smith - Chairman; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Nancy H. Wagner; Representative Edward J. Bennett; Representative William I. Houghton; Representative Casimir S. Jonkiert.

**SMALL BUSINESS:** Representative Nancy H. Wagner - Chairperson; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Wayne A. Smith; Representative Edward J. Bennett; Representative William I. Houghton; Representative Casimir S. Jonkiert.

**SUBSTANCE ABUSE:** Representative Bruce C. Reynolds - Chairman; Representative Jane Maroney; Representative William A. Oberle, Jr.; Representative Liane M. Sorenson; Representative Peggy G. Bradley; Representative David D. Brady; Representative Herman M. Holloway, Jr.

**TRANSPORTATION & INFRASTRUCTURE:** Representative Steven C. Taylor - Chairman; Representative Vincent A. Lofink; Representative Roger Roy; Representative Bruce C. Ennis; Representative Catherine W. Wojewodzki.

PERMANENT RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
137TH GENERAL ASSEMBLY  
1993-1994

HOUSE RESOLUTION NO. 11

**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) Reading of 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 the House, the reading of the minutes for the previous day may be omitted.
- (2) Presentation of petitions, memorials, tributes, memoriams, citations or communications.
- (3) Reports from Standing and Special Committees.
- (4) Introduction and first reading of Bills and Resolutions.
- (5) Consideration of Agenda.
- (6) Consent Calendar, or Consent Agenda when available.
- (7) Announcement of Committee meetings.
- (8) Announcement of Agenda for next legislative day.

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

**Rule 3 - Messages**

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

## II. DUTIES OF THE SPEAKER

### **Rule 4 - Order and Decorum**

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

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

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

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

### **Rule 6 - Temporary Presiding Officer**

(a) The Speaker may name a member to serve as the Presiding Officer to perform the duties of Speaker, but such substitution shall not extend beyond an adjournment or recess except when the Speaker takes leave of absence, in which case he may name a member as Speaker pro tempore during such leave.

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

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 bills 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 announce the committee the measure is assigned to.

### **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.

## III. RIGHTS AND DUTIES OF MEMBERS

### **Rule 11 - Subpoena Issuance**

The Speaker may sign a subpoena as requested by a committee pursuant to Rule 34 (h). No subpoena shall be issued unless it is first signed by the Speaker. Upon the majority vote of all members elected to the House a subpoena shall be signed and issued by the Speaker, presiding officer or Speaker pro tempore.

### **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 is subject to the censure of the House.

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

### **Rule 13 - Quorum**

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

### **Rule 14 - Addressing the House**

(a) When a member wishes to speak, such member shall rise but shall not proceed to speak until recognized by the Speaker. Upon acknowledgement by the Speaker, the member shall 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 a manner as to interrupt the House proceedings.

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

(1) a call to order by the Speaker.

(2) a point of order by a member.

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

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

**Rule 16 - Rules of Legislative Conduct**

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

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

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

(D) For the purposes of this Rule:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) **Joint Resolutions:** A joint resolution is the most formal type of resolution, and is addressed to matters which are not internal affairs of either House individually, or 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 memoriam. Tributes and memoriams issued when the House stands in recess or adjournment shall be administratively managed by the Chief Clerk, who shall cause such items to be made a part of the official proceedings of the House.

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

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

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

each bill or resolution 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 joint 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) At the end of each bill or resolution which 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. Any such task force or similar entity may apply to the Legislative Council for funding, as appropriate.

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

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

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

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

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

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

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

(c) At the beginning of the day's session following the filing of a bill or resolution with the Clerk, the Clerk shall read in the bill or resolution. 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, unless otherwise ordered by the House. The bill or resolution shall be read by title only, or by reference to the prefile list, and then be assigned by the Speaker to its appropriate committee.

(e) Resolutions of condolence, congratulation or other non-controversial subject matter may be considered as part of a 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 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. The names of each prime sponsor shall be 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 the prime sponsor. 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 defers to a House sponsor. If the committee chairman declines to serve as floor manager, the Speaker shall designate a House member to be the floor manager of that measure.

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

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

Each bill or joint resolution, whether emanating from the House or the Senate, carrying 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 purpose of the proposed new fee or fee increase;

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

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

(D) 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 reasons presented for the new fees or fee increases, and shall issue a written report of its findings. The written report of the office of the controller general's findings shall be attached to the legislation, by the sponsor of the legislation, prior to the legislation's initial committee consideration in the house of origin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Rule 24 - Substitute Bills**

(a) A Substitute Bill may be introduced by a prime sponsor of any bill and shall be assigned to committee and follow the same procedure as other bills.

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

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

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

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

#### **Rule 26 - Voting**

(a) Except as provided for in Rule 45 or Rule 46, 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 the Speaker who shall vote last; and each shall, without debate or comment, answer 'yes', 'no', or 'not voting', from his or her respective seat.

(c) No member shall be permitted to change his or her vote after the decision 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 prime 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 for each committee and subcommittee he appoints. The Chief Clerk shall keep a list of current standing committees and members appointed thereto.

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

#### Standing Committees:

- (1) Agriculture
- (2) Appropriations
- (3) Bond bill
- (4) Corrections
- (5) Economic development, banking, and insurance
- (6) Education
- (7) Environment and natural resources
- (8) Hazardous waste management
- (9) House rules
- (10) Housing and community affairs
- (11) Human needs and development
- (12) Judiciary
- (13) Labor and human resources
- (14) Public safety
- (15) Revenue and finance
- (16) Small business
- (17) Substance abuse
- (18) Transportation and infrastructure

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

### **Rule 29 - Appointment of Special Committees**

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

### **Rule 30 - Ethics Committee**

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a member of the House upon submission in writing and under oath of an affidavit of disqualification stating that he cannot render an impartial and unbiased decision in the case in which he seeks to disqualify himself. 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 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. Each such Joint Committee shall select its own chairman and vice chairman.

#### **Rule 32 - Quorum on Committee**

A majority of the members of any committee, subcommittee or special committee shall constitute a quorum.

#### **Rule 33 - Committee Meetings**

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

(b) All committee meetings shall be chaired by the chairman or in his or her absence by his or her designee.

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

(d) All committee meetings will be open to the public except that the committee chairman may call an executive session at which no official action may be taken, in accordance with the provisions of Chapter 100, Title 29 of the Delaware Code.

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

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

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

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

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

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

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

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

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

**Rule 36 - Committee Reports**

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

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

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

**Rule 38 - Committee of the Whole**

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

## **VI. MOTIONS**

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

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

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

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

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

**Rule 40 - Precedence of Motions**

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

(1) to adjourn sine die. This motion is not debatable.

(2) to adjourn. This motion is not debatable and can neither 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 rising 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 yeas and nays, 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 'aye' 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 yeas and nays, 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 maybe made except to adjourn. A separate suspension of the Rules is necessary for each measure.

## **VII. CALENDAR AND AGENDA**

**Rule 44 - House Calendar**

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

**Rule 45 - Agenda**

(a) The Speaker shall place items on the agenda pursuant to Rule 10 of these rules.

(b) In lifting bills from the table, the motion to lift is the agenda item.

(c) Any House Bill amended by the Senate shall either be placed on the Agenda or assigned to committee, at the discretion of the Speaker.

(d) Measures brought to the top of the Agenda for the day shall be permitted only to be:

1. deferred to day certain two times only; or

2. deferred to the end of agenda one time only; or

3. laid on the table. A measure which has been on the table for six legislative days the measure shall be returned to the Ready list; or

4. brought to a vote.

**Rule 46 - Consent Agenda**

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

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

(c) All bills or 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 shall be compensated at a per diem rate of \$100.00 while serving as Chief Clerk.

**Rule 52 - Supervision of Legislative Staff**

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

**Rule 53 - Registration of News Media**

(a) Members of the news media shall be registered by Division of Research.

(b) Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the Speaker. Any person wishing to report proceedings of the House may apply to the Speaker for assignment of suitable available space.

(c) On approval of the Speaker, radio and television stations shall be permitted to air and record sessions of the House.

(d) Any use or reproduction of House tapes will require permission of the Speaker and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service. There shall be no charge for State agencies, nor for members of the General Assembly.

**Rule 54 - Registration of Legislative Agents**

Legislative agents shall be registered by the Division of Research pursuant to Chapter 16, Title 29 of the Delaware Code. No legislative agent shall be granted privilege of the floor unless so registered.

**Rule 55 - Privilege of Floor**

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

**Rule 56 - Expedited Procedures**

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

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

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

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

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

**Rule 58 - 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 59 - 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 60 - 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  
137th GENERAL ASSEMBLY  
First Session  
January 12, 1993

Representative-Elect William A. Oberle, Jr., as co-senior member of the House Majority Caucus, called the House to order at 2:12 P.M.

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

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

A prayer was offered by Reverend Brooks Reynolds, retired Methodist Minister.

Mr. Temporary Speaker Oberle 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 137th General Assembly.

Representative District No. 1-Representative-Elect Orlando J. George, Jr.  
Representative District No. 2-Representative-Elect Al O. Plant, Sr.  
Representative District No. 3-Representative-Elect Herman M. Holloway, Jr.  
Representative District No. 4-Representative-Elect Joseph G. DiPinto  
Representative District No. 5-Representative-Elect Casimir S. Jonkiert  
Representative District No. 6-Representative-Elect David H. Ennis  
Representative District No. 7-Representative-Elect Wayne A. Smith  
Representative District No. 8-Representative-Elect David D. Brady  
Representative District No. 9-Representative-Elect Oakley M. Banning, Jr.  
Representative District No. 10-Representative-Elect Jane Maroney  
Representative District No. 11-Representative-Elect Peggy G. Bradley  
Representative District No. 12-Representative-Elect Liane M. Sorenson  
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 Steven C. Taylor  
Representative District No. 22-Representative-Elect Joseph R. Petrilli  
Representative District No. 23-Representative-Elect Catherine W. Wojewodzki  
Representative District No. 24-Representative-Elect William A. Oberle, Jr.  
Representative District No. 25-Representative-Elect Steven H. Amick  
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 Donald M. Clark  
Representative District No. 30-Representative-Elect G. Robert Quillen  
Representative District No. 31-Representative-Elect Nancy H. Wagner  
Representative District No. 32-Representative-Elect Edward J. Bennett  
Representative District No. 33-Representative-Elect G. Wallace Caulk, Jr.  
Representative District No. 34-Representative-Elect Gerald A. Buckworth  
Representative District No. 35-Representative-Elect J. Benjamin Ewing, Jr.  
Representative District No. 36-Representative-Elect V. George Carey  
Representative District No. 37-Representative-Elect John R. Schroeder  
Representative District No. 38-Representative-Elect George H. Bunting  
Representative District No. 39-Representative-Elect Tina Fallon  
Representative District No. 40-Representative-Elect Clifford G. Lee  
Representative District No. 41-Representative-Elect Charles P. West

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

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

Mr. Temporary Speaker Oberle introduced Joanna Davis, daughter of Representative-Elect & Mrs. Richard F. Davis, who sang a solo. The Dover High School Choir performed before the House and introduced themselves by name.

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

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

The State of Delaware

New Castle County, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and ninety two 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 9th day of November, A.D. 1992.

Henry duPont Ridgely, President Judge

Vincent A. Bifferato, Resident Judge

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

Representative-Elect Petrilli moved that the oath of office of Representative be administered to Temporary Speaker Oberle by Justice Randy Holland, Supreme Court Justice from Sussex County.

Justice Holland then administered the following oath to Representative-Elect Oberle:

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

William A. Oberle, Jr.

State Representative

Sworn and subscribed before me this 12th day of January, A.D., 1993.

Randy J. Holland

Justice, State Supreme Court

Representative-Elect Petrilli moved that Justice Holland administer the oath of office to the other Representatives-Elect.

After comments by Justice Holland, the oath was administered to the Members-Elect.

Representative Petrilli moved that the Temporary Chief Clerk call the roll of the House of Representatives of the 137th General Assembly. The motion was seconded by Representative Quillen and adopted by voice vote.

The roll call was taken and revealed:

Members Present: - 40.

Member Absent - Representative-Elect Caulk - 1.

Representative Petrilli moved that the roll call as just called be adopted as the permanent roll of the House of Representatives of the 137th General Assembly. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli moved that the House operate temporarily under the rules of the 136th General Assembly until permanent rules are adopted. The motion was seconded by Representative Quillen and adopted by voice vote.

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

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

BE IT RESOLVED by the House of Representatives of the 137th General Assembly of the State of Delaware that Terry R. Spence, be and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 137th General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representative Petrilli moved that Justice Holland administer the oath of Speaker of the House of Representatives for the 137th General Assembly to Representative Spence. The motion was seconded by Representative Quillen and adopted by voice vote.

Justice Holland, after brief comments, 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 of Representatives 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 interest above any special or personal interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the Constitutions of my Country and my State, so help me God.

Terry R. Spence  
Speaker of the House

Sworn and subscribed before me this 12th day of January, A.D., 1993.

Randy J. Holland

Justice, State Supreme Court

Comments were made by Speaker Spence & Representative George.

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

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

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

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 137th General Assembly of the State of Delaware that JoAnn M. Hedrick is to serve as Chief Clerk of the House and Sally Baker is to serve as Assistant Chief Clerk of the House during the pleasure of the House.

HR 2 was adopted by voice vote.

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

1. The motion was properly seconded and adopted by voice vote.

Representative Petrilli introduced & brought HJR 1 before the House for consideration.

HJR 1 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives and the Senate of the 137th General Assembly of the State of Delaware, with the approval of the Governor, that Donna Snell is elected to serve as Bill Clerk during the pleasure of the House.

The roll call on HJR 1 was taken and revealed:

YES: - 40.

ABSENT: Representative Caulk - 1.

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

Representative Petrilli moved that Mr. Speaker Spence appoint a committee of two members to notify the Governor that the House is organized and ready for business.

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

Representative Petrilli moved that Mr. Speaker Spence appoint a committee of two members to notify the Senate that the House is organized and ready for business

Mr. Speaker Spence appointed Representative Gerald A. Buckworth and Representative Charles P. West to notify the Senate that the House is organized and ready for business.

Representative Plant requested and was granted personal privilege of the floor for comment and introduction of guests.

Representative Roy announced that the Governor has been notified that the House is ready for business and in session and delivered a message from the Governor.

Representative George was granted privilege of the floor for comment.

Representative Jonkiert was congratulated for being the longest serving House Member in Delaware history, having completed eleven terms.

Representative Jonkiert was granted the privilege of the floor for comment.

Representatives Spence, Amick, Davis and Petrilli made comments.

Each Representative introduced family members and guests who were present.

Former Representative Ada Leigh Soles was introduced.

Senator James P. Neal & Senator Harris B. McDowell announced that the Senate is organized and ready for business.

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

Representative Spence made a comment.

The following pre-session prefiled legislation was introduced:

HB 1 - QUILLEN, LEE - H/ADM: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Election of Members of the Various School Boards of Any Reorganized Vocational-Educational School Districts in This State.

HB 2 - OBERLE, DAVIS; SENATOR MARSHALL - H/ADM: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Works Contracts.

HB 3 - OBERLE - H/ADM: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Tenant Obligations and Landlord Remedies.

HB 4 - OBERLE - H/ADM: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedures.

HB 5 - OBERLE & SENATOR VAUGHN; REPRESENTATIVES WAGNER, SPENCE - H/ADM: An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Preference for Delaware Businesses and Delaware Labor in the Award of Contracts for Material and Work.

HB 6 - OBERLE, DAVIS - H/ADM: Act to Amend Chapter 69, Title 29, Relating to Public Works Contracts.

HB 7 - OBERLE - H/ADM: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to the Rules of the Road. (2/3 bill)

HB 8 - B. ENNIS & SENATOR VOSHEL; REPRESENTATIVES WEST, LEE, CLARK, CAREY, CAULK, HOUGHTON, VANSANT; SENATORS VAUGHN, TORBERT - H/ADM: An Act to Amend Chapter 21, Subchapter IV, Title 21, Delaware Code Relating to Vehicle Registration Fees.

HB 9 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES CLARK, BANNING - H/ADM: An Act to Amend Title 24 of the Delaware Code Relating to Limitations Upon the Times Certain Establishments are Permitted to be Open to the Public.

HB 10 - OBERLE - H/ADM: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

The Majority Leader moved to recess to the call of the Chair at 4:02 p.m.

2nd LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 13, 1993

Mr. Speaker Spence called the House to order at 2:10 p.m.

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: 40.

Member Absent: Representative Caulk - 1.

A prayer was offered by Representative G. Robert Quillen, Thirtieth Representative District.

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

Mr. Speaker Spence appointed Representatives Roy, Petrilli & Bennett to the Committee on Interstate Cooperation.

The following prefiled legislation was introduced:

HB 11 - MARONEY; SENATOR HOLLOWAY - HUM NEEDS & DEV: An Act to Amend Chapter 6, Title 13, Delaware Code Relating to Uniform Interstate Family Support.

HB 12 - OBERLE; JUD: An Act to Amend Chapter 2, Title 11, Delaware Code Relating to Time Limitations for Certain Offenses.

HB 13 - OBERLE - HOUSING & COM AFF: An Act to Amend Chapter 25, Title 6, Delaware Code, Relating to Prohibited Trade Practices and as Seller's Agents Duty to Disclose Information Concerning the Sale of Real Estate.

HB 14 - OBERLE & EWING - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper Heights. (2/3 bill)

HB 15 - OBERLE, ROY, BUCKWORTH - P/S: An Act to Amend Chapter 27, Title 21, Delaware Code Relating to License Qualifications, Suspension or Revocation of Licenses of Minors.

Representative Houghton requested that he be marked present.

Representative Petrilli introduced and brought SCR 1, sponsored by Senators Cordrey & Sharp, 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.

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

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

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

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

SJR 2 - In Reference to Election of Officers.

The roll call on SJR 2 was taken and revealed:

YES: 30.

ABSENT: Representatives Brady, Bunting, Caulk, Ewing, Gilligan, Holloway, Jonkiert, Mack, Plant, Reynolds, Wagner - 11.

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

Representative Petrilli introduced and brought HCR 1, jointly sponsored by Representatives Spence & Quillen, before the House for consideration.

HCR 1 - Providing That a Joint Session of the Senate and the House of Representatives be Convened for the Purpose of Hearing an Address From Governor Dale E. Wolf, Governor of the State of Delaware.

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

The Majority Leader moved to recess for caueus at 2:23 p.m.

The House reconvened at 5:18 p.m.

Representatives Plant, Gilligan, Brady, Holloway, Bunting, Jonkiert, Wagner & Ewing requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 1, SJR 2, HJR 1 & HCR 1.

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

HUM NEEDS & DEV: HB 11 - 6M.

Representatives Mack & Reynolds requested that they be marked present.

Representative Oberle introduced HB 16, jointly sponsored by Senator Marshall.

HB 16 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Mr. Speaker assigned HB 16 to the Labor & Human Resource Management Committee.

Representative Sorenson introduced HB 17, jointly sponsored by Senator Sokola.

HB 17 - An Act to Amend Chapter 1, Title 14 of the Delaware Code Relating to the State Board of Education.

Mr. Speaker assigned HB 17 to the Education Committee.

Representative Holloway introduced and brought HCR 2, jointly sponsored by Senator Holloway & cosponsored by Representatives Spence, George, Mack, D. Ennis, DiPinto, Ewing, Davis, Jonkiert, Bradley & DiLiberto, before the House for consideration.

HCR 2 - Expressing Heartfelt Sympathy to the Family of Cheryl Taylor, School Bus Driver, Who Was Fatally Injured on Thursday, January 7, 1993 While Attempting to Help a Stricken Dog in the Roadway; and Further Commending the Sixteen Students on the Bus Who Quickly Reacted for Assistance Under Very Emotional Circumstances.

HCR 2 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:28 p.m.

3rd LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 14, 1993

Mr. Speaker Spence called the House to order at 2:55 p.m.

The Majority Leader moved to adjourn at 2:56 p.m., thereby ending the current legislative day. The House reconvened at 2:57 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 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 two previous legislative days were approved as posted.

The following prefiled legislation was introduced:

HB 18 - QUILLEN, EWING - H/ADM: An Act to Amend Chapter 55, Title 15, Delaware Code Relating to Absentee Ballots for the Physically Disabled.

HB 19 - OBERLE, SPENCE, PETRILLI, DAVIS, DIPINTO, EWING, D. ENNIS - LABOR & HUM RES MAN: 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 20 - OBERLE, AMICK; SENATOR VAUGHN - HUM NEEDS & DEVEL: An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to the Controlled Substances Act and Anabolic Steroids.

HB 21 - OBERLE & SENATOR CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

HB 22 - OBERLE, AMICK; SENATOR VAUGHN - JUD: An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Controlled Substances Act.

HB 23 - ROY & SENATOR VENABLES - SUBS ABUSE: An Act to Amend Chapter 1, Title 4, of the Delaware Code, Relating to Alcoholic Liquors.

HB 24 - OBERLE, SPENCE, REYNOLDS, MACK, LOFINK, B. ENNIS, WEST; SENATORS SHARP, MARSHALL, MCBRIDE, MCDOWELL, CONNOR - ED: An Act to Amend Title 14, Delaware Code, Chapter 40 Relating to Fair Share Fees and the Public School Employment Relations Act.

HB 25 - (This number is reserved.)

HB 26 - (This number is reserved.)

HB 27 - PLANT - ED: An Act to Amend Chapter 10, Subchapter III, Title 14, Delaware Code, Relating to Post-Employment and/or Entering Into Contractual Relations of Former School Employees for a Period Not to Exceed Three Years.

HB 28 - PLANT - ED: An Act to Amend Chapter 13, Title 14, Delaware Code Relating to Certification of School Administrators.

HB 29 - B. ENNIS & SENATOR VOSHELL; REPRESENTATIVES WEST, LEE, CLARK, CAREY, CAULK, HOUGHTON, VANSANT; SENATORS VAUGHN, TORBERT - P/S: An Act to Amend Chapter 21, Subchapter IV, Title 21, Delaware Code Relating to Vehicle Registration Fees.

HB 30 - (This number is reserved.)

HB 31 - (This number is reserved.)

HB 32 - B. ENNIS, JONKIERT, SPENCE, CAREY, OBERLE - H/ADM: An Act to Amend Chapter 15, Title 28 of the Delaware Code Relating to the Delaware Gaming Control Board.

HB 33 - ROY & GILLIGAN, AMICK, CAREY, DAVIS, D. ENNIS, LEE, MACK, CAULK, MARONEY, TAYLOR; SENATORS MARSHALL, KNOX, BAIR, CONNOR, SOKOLA - HUM NEEDS & DEVEL: An Act to Amend Title 16 of the Delaware Code Relating to Limiting Exposure to Tobacco Smoke in Public Places Through the Creation of a Clean Indoor Air Act.

Pamela Price, Legislative Assistant, introduced the Legislative Fellows from the University of Delaware who stated their assignments.

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

Mr. Speaker reassigned HB 24 to the Labor & Human Resource Management Committee.

Representatives Bunting & Oberle requested that they be marked present.

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

HR 3 - WELCOMING THE ARRIVAL OF FUTURE AEROBICS MASTER AND TRIATHLETE BABY JOHN CONNER MCCARTHY.

WHEREAS, babies arrive whenever they please, so it was fitting that John Conner McCarthy made his way into this world a month earlier than his due date, athletically kicking and screaming January 9, 1993 at 8:15 P.M.; and

WHEREAS, already the center of attention, baby Conner preempted two baby showers, leaving his parents, Tom and Shari McCarthy with a veritable manger scene at home, as no preparations had been done, the parents-to-be waiting instead to sort out the deluge of gifts from relatives and friends, before Papa Tom had to take out his wallet and release the moths that have raised several generations of families in leathery peace; and

WHEREAS, the seven pound eight ounce chap, who reportedly has more hair than his father, is blessed with a set of caring parents, each who possess the stamina to sustain 2, 4 and 6 A.M. feedings and who will, as soon as he can sit up, find himself strapped to the back of a bicycle touring Delaware's back roads, viewing the abundant flora and fauna; and

WHEREAS, while still on a liquid diet, baby Conner will eventually switch to a high carb, low fat and high fiber diet enabling him to grow strong and healthy, although such a feed will mean an extra box or case of diapers and a surplus bar of antibacterial soap; and

WHEREAS, personal lives do in fact exist outside the hallowed halls of the legislature, so it is refreshing to know our House Chief of Staff has found hobbies outside reapportionment and daily readings of the Wall Street Journal that have occupied at least a few minutes of his time; and

WHEREAS, now that Tom and Shari have their baby, they can join the ranks of parents who carry dribble blankets over their shoulder, swear by the writings of Dr. T. Berry Brazelton and Parents magazine, eat baby food, watch countless infomercials at three in the morning and of course, play with all the great toys they have bought for Conner and enjoy their young son, a true gift from God.

NOW THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the 137th General Assembly of the State of Delaware that we hereby celebrate the arrival of John Conner McCarthy, son of Shari and Tom McCarthy, who was born on January 9, 1993.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be given to Tom McCarthy.

HR 3 was adopted by voice vote.

The Majority Leader moved to recess for the Joint Session at 2:50 P.M.

The Sergeant-at-Arms announced the Members of the Senate. They were admitted, welcomed and seated. Mr. Speaker Spence invited the President pro Tempore and the President of the Senate to share the rostrum.

The Sergeant-at-Arms announced the Members of the Judiciary. They were admitted, welcomed and seated.

The Sergeant-at-Arms announced the Members of the Governors Cabinet and the Statewide elected officials. They were admitted, welcomed and seated.

At 3:12 P.M. Representative Petrilli moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker appoint a committee to escort the Governor to the Joint Session.

Mr. Speaker appointed Representative Casimir S. Jonkiert, Representative G. Robert Quillen, Senator Herman M. Holloway, Sr. and Senator Robert T. Connor to escort the Governor to the Chamber.

Mr. Speaker Spence introduced guests.

Mr. Speaker Spence declared a recess at 3:15 P.M.

The House reconvened at 3:17 P.M.

The Sergeant-at-Arms announced the Governor and the duly appointed Committee to the House Chamber. They were admitted.

Representative Quillen introduced the Governor.

The Speaker welcomed the Governor to the Joint Session.

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

Speaker Spence, President pro Tem Cordrey, Members of the 137th General Assembly, Members of the Judiciary, the Cabinet, elected officials, my wife Clarice and my son Jim, I want to begin by thanking both the House and the Senate for allowing me to come before you today as your Governor to say a few words.

This time of year in central Nebraska, the snow is permanently drifted across the barn door and the howling western wind crackles across the wheatfields. As a kid, when I heard that howl, I'd think about having to get up and walk a mile through the fields to school, always freezing my left cheek going to school and my right cheek walking home.

Those I guess are the sights and the sounds and the feelings that flash through my memory as I recall my childhood, growing up -- halfway across this continent.

Today, as I'm about to finish a phase in my career in public life, fulfilling my part in the process of passing the baton from the Castle Administration to Governor-Elect Carper, the sensations that capture my memory are indeed vivid.

The bright glow of the Senate Chamber evokes many fond and cherished memories of friendship that marked my tenure as Delaware's Lieutenant Governor. Those moments when many of you, Republicans, Democrats, joined me in inaugurating programs that brought a smile to so many Delawareans as we tried to make our State just a little bit better.

Almost ten years ago, when Clairce and I were sitting around and contemplating what I might do after my business career at DuPont, Clarice asked me casually one day - what job I would most want when I got out of what I was doing. I said, "You know, Clarice, "I would like to be the Governor of Delaware."

After laughing for about five minutes she looked at me rather skeptically & said - "No, Dale - don't be ludicrous - I mean a job you can actually get."

I never gave that conversation much thought until the spring of '88 when Mike Castle asked me to run for the position of Lieutenant Governor. I want to thank Mike Castle for choosing me as his running mate and, perhaps even more importantly, for getting elected to Congress so that I could fulfill that wild dream.

In contemplating what remarks were appropriate for my appearance before you today, I reflected on the fact that regardless of one's age or position or station in life, not a day goes by without each of our experiences teaching us a new lesson in life.

Some lessons we learn from our religious heritage - like the lessons taught by the Ten Commandments. Lessons that shape our daily life.

Still other lessons come from speeches - like Lincoln's Gettysburg Address - which remind us of the value of freedom and the sacred honor of dying for one's country.

I have learned a few important lessons over the years which I would like to share with you today - though not as dramatic as Jefferson's "self-evident truths," they deserve to be pondered now and then.

I entered public service as Delaware's Director of Development.

The main job description was simple enough - hustle new jobs for Delaware and retain those we had.

That's where the simple part started.

Perhaps never in our nation's history have world events so shaped our domestic economy. It's no longer good enough just to be better than Pennsylvania or Maryland or New Jersey. Now, our work force must compete with Singapore, Germany and Japan. If you don't think we are required to operate in a global economy, talk to any DuPont worker who is unsure of what the future holds.

The sheepskin that our children obtain after four (well, maybe five or six sometimes) years at college is no longer a sure ticket to permanent careers.

Twenty years on the job - no absenteeism - always on time - doesn't mean that when the axe falls you will be spared.

The challenge is tough.

- States must work hard with the private sector to train and re-train their work force.
- States must demand excellence in their school systems to produce the best at both the professional and skilled trade levels.
- States must tackle the challenge of health care - both its cost and its coverage.
- States must provide the modern infrastructure needed to house high-tech jobs.

- States must understand that they, and not just businesses & the federal government, must seek new markets in the international arena for their businesses - States must keep their fiscal houses in order.

Those states that meet these challenges will prosper - their people will make a decent living, their citizens will enjoy "life, liberty and the pursuit of happiness."

Those state governments not prepared to make these basic commitments will have failed in their fundamental duty to citizens.

Reflect back with me just a few years - when this body took a bold step in changing our banking laws.

Other states & there were many of them said no! The status quo was fine.

Powerful special interests blocked such changes in other jurisdictions - jurisdictions that were perhaps better equipped to serve the needs of our nation's major financial institutions.

But the men and women in this Hall, both the first and the second floors, stepped forward and exercised leadership for the Delawareans who sent them to make the tough calls - yes, the sometimes courageous decisions.

Just stop for a minute and think with me where would Delaware be now if these 20,000 financial jobs were somewhere else.

Just last month, a hard lesson was brought home. At a moment's notice, we were subject to change that we in government could not control - the loss of thousands of jobs. Even our historic corporate employers must react to worldwide competition and those necessary changes have struck every corner of Delaware.

Unfortunately, these decisions are not just one-shot aberrations - the world has changed forever. For business both large and small to survive, their managers must continue to look for ways to do more with less.

Imagine where Delaware would be if this body and the Governors of the past 16 years had not focused on creating new jobs, but simply left the process of job creation to the vagaries of individual companies.

Government policy that stands for the status quo will soon have no foundation on which to stand.

Let me say that again.

Government policy that stands for the status quo will soon have no foundation on which to stand.

Another lesson I have learned in these past few years is that there is a compelling need for public officials to raise their eyes above the day-to-day operations of government, to lift their visions to the horizon and ensure that there is a brightness ahead.

Like an artist stepping back from a painting, we must constantly assure ourselves and our patrons that the shade of the colors we choose and the boldness of our brush strokes will create the intended effect. We simply don't do that enough.

We are a nation of people who want quick answers to thorny problems. We're impatient. 20-second sound bites serve as policy. But, I've learned that some issues simply defy that kind of solution because I have worked with one such issue during my tenure as Lieutenant Governor - drug abuse.

Early one morning our son Jim called from Virginia and said, "Dad, I need help. I have a drug and alcohol problem. I thought I could handle it - but I nearly committed suicide last night." A friend of mine drove to Virginia, picked Jim up, and he entered a treatment center. That was 8 years ago - today Jim is a Project Manager at DuPont and tries to help others battle the terrible problem of alcohol and drugs. I'm proud of you, Jim.

When Jim first told us the awful truth - that his drug problem was destroying his life - it was like a shot in the stomach. What was typically someone else's problem had struck our home. The lesson was dramatic. None of us are free from adversity. No home is really safe.

I relished the challenge and the assignment as Chairman of the Drug Abuse Coordinating Council because it gave me the opportunity to help raise community consciousness to the "real and present" danger that drug abuse brings to daily life.

Tom Sharp, Jim Vaughn, Jim Neal and Steve Amick joined me and other public- and private-sector leaders to raise the awareness of issues surrounding substance abuse and begin to pry loose its grip on our communities. We sought young people's opinions when we held the first Youth Summit to discuss Delaware's drug strategy. We held town meetings and we've begun to formally gather baseline data so that we can better link the focus of our efforts. We have improved educational programs, juvenile treatment, and multi-jurisdictional cooperative efforts. We have strived for continuous improvement.

Can we declare victory? No.

Does this mean that we should stop fighting? No.

This is an effort that will take more than one task force, more than one piece of legislation, and more than one program, before we can declare victory. It will take years of hard work. Wishing won't make it go away and I challenge you to continue that hard work to reach into every community in our State to fight substance abuse.

The other lesson I've learned is that government is not just about numbers or statistics or even taxes.

Government is about people.

Its power is derived from the people and its objectives are programs designed for the people. Sometimes, those of us entrusted with responsibility of government forget this very important lesson.

Too often, we get caught up in the numbers - the statistics, growth rates, spending formulas - and we forget about what those numbers really mean.

Many of you spend hours huddled away in "orientation" in the basement under this Chamber trying to match revenues and expenditures. The products have been good - you've produced balanced budgets even in the toughest times. But what do those numbers really mean?

While I was visiting Friendship House at 4th and Market Streets in Wilmington to review their literacy program, a lady named Dot told me her story. All her life, she had known only government welfare. She was homeless. She couldn't read or couldn't complete a job application.

She sought and got help. Today, Dot has a job, a home, and she's no longer receiving welfare. For that program - that program is more than just a line in the budget - it's a ticket for Dot to a new life.

While we must be diligent in living within our means, we should not forget that much of what we do provides the means for many Delawareans to live.

Just as standing by the status quo will fail to produce the jobs needed for our children's future, so too, the routine and continuing funding of programs just because "that's the way we always did it" will fail to meet the changing needs of the poor, the homeless, the less fortunate - for which government does have a responsibility.

If we could eliminate duplication of services and re-channel those resources to meet the real needs of our people, those in need would be better served.

But to make these changes - we must first build consensus.

We must find ways to foster the constructive involvement of those who support causes which will improve the lives of our people. For when we create ways to shelter the homeless, feed the hungry, teach the illiterate, and assist the poor, we are making progress for all Delawareans.

Fostering constructive involvement takes leadership. Our elected leaders and those who would tackle the challenges ahead must understand that the process of governing is not one where everyone can be happy with the outcome all the time. Governing is a process of tough choices, of sharp edges, and of hard surfaces.

As Harry Truman said, and I quote "Men [and I threw in women] make history, and not the other way around. In periods where there is no leadership. Society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better." I challenge each of you today to step up to the monumental task of managing effective and meaningful change. In so doing, you will make a valuable difference in the lives of our residents.

Last evening, I looked out the window of Woodburn at the weeping cherry tree that Clarice and I and the Dover Clovers 4-H Club had planted by the garden as our permanent contribution to our brief stay in that magnificent home.

I reflected that we do in life is fleeting - while nature is forever.

Perhaps one of the most rewarding assignments I've had as Lieutenant Governor was chairing the Delaware Coastal Heritage Greenway program.

Yes, someday our children and all children will be able to walk or bike from Claymont to Fenwick Island and enjoy the rich cultural heritage of Delaware as they do so. In many specific areas, we have enabled others to appreciate the natural beauty of a particular town or region. Bob Beck who many of you know of Port Penn has been able to see a lifelong dream come to fruition as a new Greenway was opened there.

Yes, we've started taking valuable steps to preserve our heritage for our children's children. Without those steps, this heritage of nature would simply disappear. Once a tree, or pond, or meadow is covered with asphalt, it is gone forever.

And I guess in the end, that is one of the greatest lessons of all.

Every day you will struggle in this Chamber and across the Hall with government decisions - large and small. Your contribution to that decision-making will give you great satisfaction and sometimes great pain.

And yet the span of history, in our brief time on earth, in our fleeting moment on stage, these decisions will have but small import.

The lasting beauty of the cherry tree at Woodburn will be in the end, rightfully, outlast anything I have said here today.

When Douglas McArthur left the national scene, he recalled an old ballad from West Point that said old soldiers never die - they just fade away.

As these seventeen days as Governor and four years as Lieutenant Governor fade away, they leave Clarice and me with very special memories that will never fade away.

To all of you in this Chamber whose many moments of friendship I shall never forget - I say "thank you." And for this unique opportunity to serve, may I also say to all the people of Delaware one last time - "thank you" and God Bless you all.

Mr. Speaker Spence requested that the duly appointed committee escort the Governor back to his Executive Office.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective journals.

The Chief Clerk of the House and the Secretary of the Senate compared their Journals, found them to agree and so notified the Speaker.

Representative Petrilli moved that the Joint Session be adjourned at 3:37 P.M. Representative Petrilli moved to recess for caucus.

The House reconvened at 5:12 p.m. with Representative Quillen as Acting Speaker.

Representatives Holloway & Buckworth requested that they be marked present.

Representative Petrilli introduced HB 25, jointly sponsored by Representatives Spence, Quillen & Davis & Senators Bair & Connor.

HB 25 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1994; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Acting Speaker assigned HB 25 to the Appropriations Committee.

Representative Petrilli introduced HB 26, jointly sponsored by Representatives Spence, Quillen & Davis & Senators Bair & Connor.

HB 26 - An Act to Provide for a Supplemental Appropriation for the Fiscal Year Ending June 30, 1994, to the Department of Health and Social Services, Division of Social Services for the Purpose of an Emergency Concerning Medicaid Funds for Non-State Institutions.

Mr. Acting Speaker assigned HB 26 to the Appropriations Committee.

Representative Maroney brought HB 11, jointly sponsored by Senator Holloway, before the House for consideration.

HB 11 - An Act to Amend Chapter 6, Title 13, Delaware Code Relating to Uniform Interstate Family Support.

Representative Maroney requested and was granted the privilege of the floor for Judge Battle Robinson, Family Court, Sussex County and a Delaware Representative for the National Conference of Commissioners on Uniform State Laws and member of the United States Interstate Child Support Commission.

Representative Maroney moved to place HB 11 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

The Reading Clerk read the following communication into the record:

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

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

4th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 19, 1993

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 6 w/SA 1 & 3.

January 15, 1993

## LEGISLATIVE ADVISORY #1

FROM: Office of Counsel to the Governor

The following Legislation was signed by Governor Dale E. Wolf on Thursday, January 14, 1993: - SJR 2, HJR 1.

January 19, 1993

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Dover, DE 19901

Dear Speaker Spence:

In response to your letter of January 13, 1993, this is to go on record that I was absent from session on January 12, 13 and 14, 1993, because I was out of town in connection with my job. I regret that I forgot to inform you of my intended absence in advance.

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

GWC:rral

cc: JoAnn Hedrick

Chief Clerk

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

Representatives Jonkiert, DiLiberto, Maroney & DiPinto were granted the privilege of the floor for introduction of guests.

Representatives George &amp; Plant made comments.

The following prefiled legislation was introduced:

HB 34 - AMICK; SENATOR SHARP - JUD: An Act Concurring in a Proposed Amendment to Section 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)

HB 35 - AMICK & SENATOR NEAL; REPRESENTATIVE D. ENNIS - HOUSING & COM AFF: An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties.

HB 36 - AMICK - JUD: An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware by Creating the Judicial Office of Senior Judge. (2/3 bill)

HB 37 - AMICK & SENATOR SHARP - JUD: An Act Concurring in a Proposed Amendment to Article 4, Sections 12, 13, and 38 of the Constitution of the State of Delaware to Harmonize Those Sections Regarding the Authority of a Justice Under Sections 12, 13, and 38 to Designate State Judges to Sit in Various Courts of the State or to Designate Retired State Judges or Justices to Temporarily Perform Judicial Service in the Absence, Disqualification or Incapacity of the Chief Justice or a Vacancy in That Office, and to Harmonize Section 13 With Sections 2, 3, and 12 to Make Uniform the References Therein to Members of the Supreme Court, to Eliminate Obsolete References in Section 13 to the Orphans' Court, Which No Longer Exists, and to Provide for the Designation of a State Judge From Various Courts of the State to Sit in the Court of Chancery and Superior Court to Temporarily Perform Judicial Service. (2/3 bill)

HB 38 - DAVIS, EWING, LEE, BENNETT, HOUGHTON; SENATOR VAUGHN - P/S: An Act to Amend Section 4177B, Title 21, Delaware Code Requiring Participants in the First Offender Program to Pay the Costs of Prosecution.

HB 39 - OBERLE, CAREY - H/ADM: An Act to Amend Chapter 91, Title 29, Delaware Code Establishing a State Planning and Coordination Act.

HB 40 - OBERLE, LEE, MACK, LOFINK, EWING, REYNOLDS - ECON. DEV. B & I - An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Casualty Insurance and Chapter 21, Title 21, Delaware Code Relating to Registration of Motor Vehicles.

HB 41 - MARONEY & SENATOR HOLLOWAY - HUM NEEDS & DEV: An Act to Amend Chapter 51 and 53 of Title 31, Delaware Code Relating to the Powers and Duties of the Department of Services for Children, Youth and Their Families Over the Ferris School for Boys and the Woods Haven School for Girls.

HB 42 - GILLIGAN, SMITH - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Modifications to Taxable Income.

HB 43 - SCHROEDER & SENATOR VOSHELL - HOUSING & COM AFF: An Act to Amend §7101, Chapter 71, Part IV, Title 14 of the Delaware Code Relating to District Libraries.

HA 1 to HB 12 - OBERLE - JUD: Placed with the bill.

SB 3 - CORDREY & REPRESENTATIVE SPENCE - JUD: An Act Concurring in a Proposed Amendment to Article IV, §11 of the Delaware Constitution of 1897, as Amended, Relating to Certification of Questions of Law to the Supreme Court. (2/3 bill)

SB 6 w/SA 1 & 3 - MCDOWELL, ADAMS, BLEVINS, CORDREY, SOKOLA, SHARP, MARTIN, MCBRIDE, TORBERT, HOLLOWAY, MARSHALL, VAUGHN, STILL, VOSHELL, BAIR, KNOX, NEAL, CONNOR, HAUGE; REPRESENTATIVES BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST, WOJEWODZKI, EWING, PETRILLI, SORENSON, MARONEY, OBERLE, SPENCE, REYNOLDS - H/ADM: An Act to Amend Chapter 20, Title 15, Delaware Code, Relating to Agency Based Registration.

The oath of office was administered to Representative-Elect Caulk by Mr. Speaker Spence as follows:

"I, G. Wallace Caulk, 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 personal interest, 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."

G. Wallace Caulk, Jr.

State Representative

Sworn and subscribed before me this day 19th of January A.D. 1993.

Terry R. Spence  
Speaker of the House  
State of Delaware

Representative Caulk requested that he be marked present.

Representative Caulk was granted the privilege of the floor for a comment.

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

Representative Spence resumed the Chair.

The House reconvened at 4:28 p.m.

Representatives Holloway, Brady, B. Ennis, Buckworth, Oberle, Reynolds & Mack 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: SB 5.

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

HUM NEEDS & DEV: HB 20 - 1F,4M.

The following prefiled Consent Calendar #1 was introduced:

HR 4 - AMICK & SENATOR NEAL - Mourning the Loss of Newark Symphony Orchestra Founder Harley Shuman Hastings.

HCR 3 - CAREY & SENATOR MCBRIDE - Commending the Ports of Philadelphia Maritime Exchange's Tracts System as Recipient of the 1993 Business and Industry Award From the Water Resources Association of the Delaware River Basin.

Consent Calendar #1 was adopted by voice vote and HCR 3 was sent to the Senate for concurrence.

Representative Roy introduced HB 44, jointly sponsored by Senator Sokola & Representative Taylor & Senator Blevins.

HB 44 - An Act to Amend Chapter 26, Title 9, Delaware Code Relating to New Castle County Zoning.

Mr. Speaker assigned HB 44 to the House Administration Committee.

The Majority Leader moved to recess to the call of the Chair at 4:35 p.m.

5th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 21, 1993

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

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, James T. Vaughn, do hereby request that my name be removed as Co-Sponsor of HB 49.

Date: 1/19/93.

Signed: James T. Vaughn.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Roy - 1.

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

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

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

The following prefiled legislation was introduced:

**HB 45 - MARONEY & SENATOR HOLLOWAY - HUM NEEDS & DEV:** An Act to Amend Chapter 9, Title 16, of the Delaware Code Relating to the Abuse of Children, and to Amend Subchapter I, Chapter 9, Title 10, of the Delaware Code Relating to the Family Court of the State of Delaware.

**HB 46 - DAVIS, SPENCE, CAULK, BUCKWORTH, EWING, LOFINK, REYNOLDS, TAYLOR, BUNTING, JONKIERT, SENATORS CONNOR, HOLLOWAY, MARSHALL - HUM NEEDS & DEV:** An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics. (2/3 bill)

**HB 47 - ROY - TRANS:** An Act to Amend Chapter 18, §1803, Title 2, Delaware Code Relating to Railroad Rights-of-Way and Acquisition of Same by the Department of State.

**HB 48 - ROY - TRANS:** An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Receiving Stolen Property.

**HB 49 - AMICK, LEE, EWING; SENATORS ADAMS, MCDOWELL, SHARP - JUD:** An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Increasing Various Justice of the Peace Court Costs. (3/5 bill)

**HB 50 - ROY, AMICK, PETRILLI, BUNTING - TRANS:** An Act to Amend the Delaware Code Relating to Outdoor Advertising Permits. (3/5 bill)

**HB 51 - ROY, TAYLOR, DIPINTO, DAVIS, EWING, OBERLE; SENATORS MARTIN, MARSHALL, SOKOLA - TRANS:** An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Fuel and Special Fuel Tax Law.

**HB 52 - ROY & GILLIGAN, TAYLOR, MARONEY, AMICK; SENATORS SOKOLA, BAIR, KNOX - HUM NEEDS & DEV:** An Act to Amend Part II, Title 16 of the Delaware Code Relating to Health and Safety and Restricting Smoking in Certain Places.

**SB 5 - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS MARSHALL, MCDOWELL - H/ADM:** An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave.

Representatives Carey, Houghton, George, Amick, Gilligan & Smith requested that they be marked present.

Representative B. Ennis requested that **HB 8** be stricken.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communications into the record:

#### **HOUSE TRIBUTE ANNOUNCEMENT #1**

DATE: January 21, 1993

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>
H137-1	D. Ennis	11/22/92	T	Sean G. Haley/Eagle Scout
H137-2	Spence	11/18/92	T	Christopher Alexander/Eagle Scout
H137-3	Buckworth	11/29/92	T	Neuk & Louise Balke/40th Wedding Anniversary
H137-4	Maroney	12/5/92	T	Priscilla Braverman/Out-standing Community Serv.
H137-5	Fallon	11/20/92	T	Megan E. Allen/ Homecoming Queen
H137-6	Amick	11/12/92	T	Ernest Chance/Heroics
H137-7	Amick	11/12/92	T	Eric Chance/Bravery
H137-8	Quillen	11/14/92	T	Sallie Beth Johnson/Cross Country Champ./3rd Title
H137-9	Quillen	2/23/92	T	Robert H. (Harry)
	cosponsors: All Members of the House			Quillen/100th Birthday
H137-10	B. Ennis	11/24/92	T	Bruce & Vicki Dempsey/ Young Farmer Award

H137-11	Carey	11/29/92	T	Florence Travers/90th Birthday
H137-12	Bennett	11/24/92	T	Frederick L. Smith, Jr./USAF/Retirement
H137-13	Bennett	11/24/92	T	Chief James L. Hutchison
H137-14	Quillen	11/30/92	T	Lake Forest High/Football Team/Division III Playoffs
H137-15	Quillen	12/01/92	T	Hazel M. Short/40 Yrs./Receiver of Taxes
H137-16	B. Ennis	12/03/92	T	Tyson Cohee/J.P./1966-1984
H137-17	Fallon	12/12/92	T	Lance Robinson/Seaford's Christmas Parade Marshall
H137-18	Bennett	11/26/92	T	Mr. & Mrs. Robert Trahan, Sr./50th Wedding Anniv.
H137-19	Houghton	12/02/92	T	Melissa McLaughlin/Mrs. Delaware/1992

#### HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: January 21, 1993

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>
H137-20	George	11/22/92	T	Daniel J. Monigle/Dedicated Service/Church
H137-21	Fallon	12/03/92	T	Turnabout Counseling & Com. Services/18 Yrs. Ded. Serv.
H137-22	Bennett	12/08/92	T	Asso. of Dutch Airborne Friends/50th Anniversary
H137-23	Bennett	12/08/92	T	Walton H. Simpson/Career College Assoc. Hall of Fame
H137-24	Reynolds cosponsor: Mack	12/19/92	T	Harvey C. Smith, Jr./15 Yrs Pres./Wilm. Manor Vol. Fire Co.
H137-25	George	12/08/92	T	Ronald James/"Good Samaritan"
H137-26	Bennett	12/25/92	T	David K. Mitten/40th Birthday
H137-27	Quillen	12/29/92	M	Walter Messick
H137-28	Quillen	12/18/92	T	Robert & Sara Emily Masten/50th Anniversary
H137-29	Ewing	1/1/93	T	Clifton & Lena Seely/50th Wedding Anniversary
H137-30	B. Ennis cosponsor: Banning	1/23/93	T	M.O.T. Pop Warner Girls League/2nd Place/Regional Championships
H137-31	Quillen	1/16/93	T	Mildred W. Welch/90th Birthday
H137-32	Carey	1/30/93	T	Duane E. Clendaniel/Eagle Scout
H137-33	Amick	1/20/93	T	Mr. & Mrs. Wilson C. Boswell/50th Anniversary
H137-34	Spence	1/12/93	T	Dian Taylor/Pres./Artesian Resources, Inc.
H137-35	Spence	1/5/93	T	Philip Cloutier/Service/N.C.C. President
H137-36	Fallon	2/13/93	T	Delino DeShields/Contributions/Behalf of Youth
H137-37	Fallon	2/13/93	T	Dr. Benjamin Carson/Contributions/Behalf of Youth
H137-38	Fallon	1/10/93	M	Richard C. Higgins

H137-39                      Clark                      1/13/93                      T                      Phyllis J. Johnson/Florida  
/Woman of Year

T - Tribute

M - Memoriam

An announcement was made by Representative Amick.

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

The House reconvened at 4:32 p.m.

Representatives Mack, Reynolds & Taylor requested that they be marked present.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: All Members of the House

FROM: Terry R. Spence

Speaker of the House

RE: Committee Assignments

DATE: January 21, 1993

House Bills 1-10 were introduced in a pre-session profile on January 7, 1993. Because the House had not organized on that date, all bills were assigned to the House Administration Committee. They are now being re-assigned as follows:

HB 1 - Education

HB 2 - Labor & Human Resource Management

HB 3 - Housing & Community Affairs

HB 4 - Judiciary

HB 5 - Labor & Human Resource Management

HB 6 - Labor & Human Resource Management

HB 7 - Public Safety

HB 8 - Stricken by the Sponsor

HB 9 - Small Business

HB 10 - Labor & Human Resource Management

TRS/gmr

Comments were made by Representative Quillen.

Representatives Holloway & Brady requested that they be marked present.

Announcements were made by Representatives Spence, Petrilli & D. Ennis.

A question was asked by Representative Holloway.

Representative Amick responded.

The Majority Leader moved to recess to the call of the Chair at 4:37 p.m.

6th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 26, 1993

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

Representative Roy requested that he be marked present.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefilled legislation was introduced:

HB 53 - AMICK - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 54 - DAVIS, OBERLE, D. ENNIS, DIPINTO, JONKIERT, VANSANT; SENATOR HOLLOWAY - ECON DEV, B & I: An Act to Amend Title 18, Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

HB 55 - BENNETT & WAGNER; SENATORS STILL & TORBERT - 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 the Issuance of General Obligation Bonds for Refunding Purposes. (2/3 bill)

HB 56 - PLANT - HUM NEEDS & DEV: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of a "Senior Citizens Medical Expenses Assistance Fund".

HB 57 - PLANT - HUM NEEDS & DEV: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of the Day-Care Assistance for Single Working Mothers Fund.

HB 58 - PLANT - ED: 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.

SB 2 - MARSHALL & SHARP - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 4 - VOSHELL; REPRESENTATIVE CAREY - H/ADM: An Act to Reincorporate the Town of Slaughter Beach. (2/3 bill)

SB 12 - VOSHELL, ADAMS, COOK, STILL; REPRESENTATIVES B. ENNIS, EWING, DIPINTO, SMITH, DAVIS, WAGNER, MARONEY, BUCKWORTH, SORENSON, CAREY, CAULK, LEE, LOFINK, D. ENNIS - P/S: An Act to Amend Title 21, Delaware Code Relating to Vehicles Owned or Used by Fire Companies.

SB 16 - COOK, VAUGHN, ADAMS, VOSHELL, CORDREY, VENABLES, TORBERT, HOLLOWAY; REPRESENTATIVES CLARK, EWING, B. ENNIS, HOUGHTON, QUILLEN, LEE, CAULK, CAREY, LOFINK, TAYLOR, ROY, SPENCE, BUCKWORTH, DAVIS, SCHROEDER - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Allowable Gross Weights on Commercial Motor Vehicles.

SJR 4 w/SA 1 - BLEVINS & VANSANT; SENATORS ADAMS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, SHARP, SOKOLA, TORBERT, VAUGHN, VENABLES, VOSHELL, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL; REPRESENTATIVES AMICK, BUCKWORTH, CAREY, DAVIS, DIPINTO, B. ENNIS, EWING, LEE, LOFINK, MACK, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SORENSON, SPENCE, TAYLOR, WAGNER, CAULK, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, D. ENNIS, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, PLANT, SCHROEDER, WEST, WOJEWODZKI - ECON DEV, B & I: Creating a Task Force to Develop Strategies to Address General Motors' Decision to Close Its Boxwood Road Plant in 1996, to Prepare for the Eventuality That General Motors Does Not Change Its Decision and to Make Recommendations Regarding Ways to Secure Our State's Manufacturing Base.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 2, SJR 4 w/SA 1, HCR 2, HCR 3, SB 16, SB 12 & SB 4.

Representative D. Ennis requested that he be marked present.

Mr. Speaker reassigned SB 12 & SB 16 to the Transportation & Infrastructure Committee.

An announcement was made by Speaker Spence.

The Majority Leader moved to recess for committee meetings at 2:13 p.m.

The House reconvened at 4:50 p.m. with Representative Quillen as Acting Speaker.

Representatives Schroeder, Brady, Buckworth, Spence, West, Mack, Reynolds & Jonkiert requested that they be marked present.

A comment was made by Representative Fallon.

The following prefiled Consent Calendar #2 was introduced:

HR 5 - BANNING & B. ENNIS - Honoring Helen Cannon, "Middletown-Odesa-Townsend Very Important Person (MOT VIP)".

HR 6 - DIPINTO ON BEHALF OF ALL REPRESENTATIVES - Bidding an Artistic Farewell to Cecelia Fitzgibbon, Director of the Delaware Division of the Arts.

HR 7 - DIPINTO ON BEHALF OF ALL REPRESENTATIVES - Bidding a Fond Farewell to Delaware State Arts Council Chairman Stuart B. Young.

HCR 4 - BENNETT & ALL REPRESENTATIVES & SENATOR TORBERT & ALL SENATORS - Extending Expressions of Condolences to the Family of Former United States Senator J. Allen Frear Who Passed Away at Age Eighty-Nine on Friday, January 15, 1993.

Consent Calendar #2 was adopted by voice vote and HCR 4 was sent to the Senate for concurrence.

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

H/ADM: SB 4 - 5M.

HOUSING & COM AFF: HB 35 - 6M; HB 43 - 6F.

SMALL BUS: HB 9 - 6M.

TRANS & INFRA: SB 12 - 1F,4M; SB 16 - 1F,3M,1U.

LABOR & HUM RES MAN: HB 21 - 3M; HB 24 - 3M; SB 2 - 3M.

P/S: HB 29 - 7M; HB 38 - 7M.

Mr. Speaker assigned HB 29 to the Appropriations Committee.

Representative George requested that he be marked present.

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

7th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 27, 1993

Mr. Acting Speaker Buckworth called the House to order at 2:40 p.m.

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

JUD: HB 22 - 1F,4M; HB 34 - 1F,5M; HB 36 - 1F,5M; HB 37 - 1F,5M; HB 49 - 1F,4M,1U; SB 3 - 1F,5M.

The Majority Leader moved to adjourn at 2:41 p.m., thereby ending the current legislative day. The House reconvened at 2:42 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 for HB 36 - AMICK - JUD: An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware by Creating the Judicial Office of Senior Judge. (2/3 bill)

HB 59 - GILLIGAN - JUD: An Act to Amend Chapter 23, Title 10 of the Delaware Code Relating to Prothonotarys' Recording of Judgments.

HB 60 - BUNTING, SCHROEDER, GILLIGAN, GEORGE, JONKIERT, BENNETT, BANNING, CLARK, B. ENNIS, PLANT, WEST, WOJEWODZKI; SENATOR HOLLOWAY - HOUSING & COM AFF: An Act to Amend Chapter 70, Part IV, Title 25 of the Delaware Code Relating to Mobile Home Park Rental Agreements.

HA 2 to HB 12 - OBERLE - JUD: Placed with the bill.

HA 1 to HB 29 - B. ENNIS - APPRO: Placed with the bill.

HA 1 to HB 39 - OBERLE - H/ADM: Placed with the bill.

Mr. Speaker Spence resumed the Chair.

Representatives Taylor, Wojewodzki & DiPinto requested that they be marked present.

Representative Jonkiert requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:49 p.m.

The House reconvened at 5:00 p.m.

Representatives Roy, Bennett, Houghton, Brady, Clark, Quillen, Wagner, Plant, VanSant, West, Holloway & D. Ennis requested that they be marked present.

The Majority Leader moved to recess to the call of the Chair at 5:05 p.m.

8th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
January 28, 1993

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

The Majority Leader moved to adjourn at 2:32 p.m., thereby ending the current legislative day. The House reconvened at 2:33 P.M.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 18 - QUILLEN, EWING - H/ADM: An Act to Amend Chapter 55, Title 15, Delaware Code Relating to Absentee Ballots for the Physically Disabled.

HB 61 - SMITH & SENATOR BAIR - H/ADM: An Act to Amend an Act Entitled "An Act to Reincorporate the Village of Arden" as Amended Relating to Registration Committees. (2/3 bill)

HB 62 - OBERLE - LABOR & HUM RES MAN: An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to State Labor Laws.

HIB 63 - MARONEY & SORENSON & BRADLEY; SENATOR SOKOLA; REPRESENTATIVES SPENCE, BUCKWORTH, DIPINTO, SMITH, D. ENNIS, EWING, LEE, QUILLEN, MACK, WAGNER, BRADY, HOUGHTON, SENATORS MCBRIDE, BAIR, CONNOR, KNOX - ED: An Act to Amend Chapters 2 and 27, Title 14, Delaware Code Relating to Mandatory Age of Attendance in Public Schools.

HA 1 to HIB 20 - REYNOLDS - AGENDA: Placed with the bill.

Representative D. Ennis moved to suspend the rules which interfere with action on SJR 4 w/SA 1. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis brought SJR 4 w/SA 1, jointly sponsored by Senator Blevins & Representative VanSant & Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal & Still & Representatives Amick, Buckworth, Carey, Davis, DiPinto, B. Ennis, Ewing, Lee, Lofink, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, George, Gilligan, Holloway, Houghton, Jonkiert, Plant, Schroeder, West & Wojewodzki & cosponsored by Representative Caulk, before the House for consideration.

SJR 4 - Creating a Task Force to Develop Strategies to Address General Motors' Decision to Close Its Boxwood Road Plant in 1996, to Prepare for the Eventuality That General Motors Does Not Change Its Decision and to Make Recommendations Regarding Ways to Secure Our State's Manufacturing Base.

Comments were made by Representative D. Ennis.

The roll call on SJR 4 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Brady, Holloway, Reynolds - 3.

Therefore, having received a constitutional majority, SJR 4 w/SA 1 was returned to the Senate.

Representatives George, Jonkiert, Mack & Schroeder requested that they be marked present during the roll call.

Representative Taylor brought SB 12, sponsored by Senators Voshell, Adams, Cook & Still & Representatives B. Ennis & Ewing & cosponsored by Representatives DiPinto, Smith, Davis, Wagner, Maroney, Buckworth, Sorenson, Carey, Caulk, Lee, Lofink & D. Ennis, before the House for consideration.

Comments were made by Representative Taylor.

SB 12 - An Act to Amend Title 21, Delaware Code Relating to Vehicles Owned or Used by Fire Companies.

The roll call on SB 12 was taken and revealed:

YES: 37.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Holloway, Reynolds - 3.

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

Representative Amick brought SB 3, sponsored by Senator Cordrey & Representative Spence, before the House for consideration.

SB 3 - An Act Concurring in a Proposed Amendment to Article IV, Section 11 of the Delaware Constitution of 1897, as Amended, Relating to Certification of Questions of Law to the Supreme Court. (2/3 bill)

Comments were made by Representative Amick.

The roll call on SB 3 was taken and revealed:

YES: 38.

ABSENT: Representatives Brady, Holloway, Reynolds - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 3 was returned to the Senate.

Representative Taylor brought SB 16, jointly sponsored by Senators Cook, Vaughn, Adams, Voshell, Cordrey, Venables, Torbert & Holloway & Representatives Clark, Ewing, B. Ennis, Houghton, Quillen, Lee, Carey, Lofink, Taylor, Roy, Spence, Buckworth, Davis & Schroeder & cosponsored by Representative Caulk, before the House for consideration.

SB 16 - An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Allowable Gross Weights on Commercial Motor Vehicles.

Comments were made by Representatives Taylor & Amick.

The roll call on SB 16 was taken and revealed:

YES: 38.

NO: Representative Roy - 1.

ABSENT: Representatives Brady, Holloway - 2.

Therefore, having received a constitutional majority, SB 16 was returned to the Senate.

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

The Reading Clerk read the following communication into the record:

## HOUSE TRIBUTE ANNOUNCEMENT #3

DATE: January 28, 1993

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>
H137-40	DiLiberto	1/13/93	T	Tri-State Bird Rescue/15th Anniversary
H137-41	DiLiberto	2/16/93	T	William E. Betit, III/Eagle Scout
H137-42	Carey	1/13/93	T	Charles E. Moses/School Superintendent of Year/1993
H137-43	Fallon	1/09/93	M	George Sapna
H137-44	Fallon	1/13/93	M	Mildred Williams
H137-45	Quillen	1/6/93	T	Eddie Hemphill/1992 Great Person of the Year
H137-46	Carey	1/13/93	T	John E. "Jack" Burris/DE Ch. of Com./Marvel Cup
H137-47	cosponsor: All House Members Gilligan	1/13/93	T	Bill Nuneville/All State Soccer Team
H137-48	Gilligan	1/13/93	T	Jeff Noonan/All State Football Team
H137-49	West	1/19/93	T	Thomas R. Taylor/Retirement/Dickerson Chapel
H137-50	Oberle	1/19/93	T	Mike Keeney/Glasgow Pines Maint. Org. Serv.
H137-51	Maroney	1/22/93	T	Charles E. Hayward
H137-52	cosponsor: Spence Maroney	1/27/93	T	/Dedicated Service
H137-53	cosponsor: All N.C.C. Representatives Maroney	1/26/93	T	Sara Brownlowe/Dedicated Serv./GWCVB
H137-54	VanSant	1/30/93	T	Joan T. Schwartz/Serv / AIDS Advisory Task Force
H137-55	B. Ennis	1/23/93	T	Christopher Crowl/Eagle Scout
H137-56	cosponsor: Banning B. Ennis	1/23/93	T	M O T. Pop Warner Cheerleaders/Pee Wee/Div./1st-State/2nd-Regional Champs
H137-57	B. Ennis	1/23/93	T	M.O.T. Pop Warner Cheerleaders/Midgets/1st-State Champs
H137-58	Ewing	1/23/93	T	Sadie Houk/84th Birthday
				Loretta G. Reese/Walter T. Miesse/Marriage

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:55 p.m.

The House reconvened at 4:38 p.m.

Representatives Brady & Holloway requested that they be marked present.

Representative Roy introduced & brought HR 8, cosponsored by Representatives Ewing, Spence, Sorenson, Carey, Buckworth, Quillen, Fallon, Lofink, Amick, Mack, Maroney, Davis, Reynolds & Wojewodzki, before the House for consideration.

HR 8 - Congratulating the Parent Teacher's Association for Its Devotion to Delaware Schools.

HR 8 was adopted by voice vote.

Representative Amick introduced HB 64, jointly sponsored by Representative Smith.

HB 64 - An Act to Amend Chapter 11, Title 30, Delaware Code Relating to State Taxes and Credit for Income Tax Paid to Another Taxing Jurisdiction.

Mr. Speaker assigned HB 64 to the Revenue & Finance Committee.

Representative Holloway introduced HR 9.

HR 9 - Requesting the Governor of the State of Delaware, the Honorable Thomas R. Carper, to Modify the Provisions of Executive Order Number Seventy-One Relative to Restricted Smoking in State Buildings.

Mr. Speaker assigned HR 9 to the House Administration Committee.

Representative Petrilli requested and was granted the privilege of the floor for former Representative Philip J. Corrozi.

Representative West requested and was granted the privilege of the floor for Thomas R. Taylor representing Dickerson Chapel A.M.E. Church.

The Reading Clerk read the following communications into the record at the request of Representative West:

State of Delaware  
House of Representatives  
Tribute  
Be it hereby known to all that  
the House of Representatives commends  
Thomas R. Taylor on the occasion  
of retiring from President of Local Lay Organization of Dickerson Chapen A.M.E.  
The House of Representatives extends it sincere  
congratulations and directs this tribute be presented on  
this 19th day of January, 1993.  
Thomas R. Taylor

- Resident of Millsboro since 1933
- Member of Dickerson Chapel A.M.E. church for 60 years
- Held a variety of leadership positions in the church including:
  1. Vice Chairman of the trustees board
  2. Historiographer of lay organization
  3. Member of the chancel choir
  4. Member of the layman choir
  5. Class leader
  6. Been elected 7 times to the general conference of the a.m.e. church
  7. Served 28 years as a delegate of the first episcopal church

Mr. Taylor has also served his community in a variety of organizations:

1. Treasurer of the lower branch of the Sussex N.A.A.C.P.
2. Treasurer of temple lodge #8 in Milford
3. Member of the Sussex County Shrine Club
4. Currently Sergeant at Arms for the State Senate

Most important, Mr. Taylor is a dedicated family man.

1. Married to his wife of 56 years, Reba Ingram Taylor
2. As a retiree from the Department of Corrections, he will now spend his free time with his 3 daughters, 10 grandchildren and 6 great grandchildren.

Representative Amick introduced and brought HR 10, sponsored on behalf of All Representatives, before the House for consideration.

HR 10 - Sending a Speedy Get Well Wish to News Journal Reporter James Merriweather.

Comments were made by Representative Amick.

HR 10 was adopted by voice vote.

Representative Smith introduced HB 65, jointly sponsored by Senator Knox & Representatives Spence, Maroney, D. Ennis, Brady & Bradley & Senator Bair.

HB 65 - An Act to Amend Chapter 87, Title 29, Delaware Code Relating to the Division of Libraries.

Mr. Speaker assigned HB 65 to the House Administration Committee.

Comments were made by Representative Davis.

Representative Petrilli moved to suspend the rules which interfere with action on SB 2. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 2, sponsored by Senators Marshall & Sharp, before the House for consideration.

SB 2 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Comments were made by Representative Oberle.

The roll call on SB 2 was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

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

The Majority Leader moved to recess to the call of the Chair at 5:01 p.m.

137th GENERAL ASSEMBLY  
First Extraordinary Session  
February 9, 1993

Mr. Speaker Spence called the House to order at 6:53 p.m.  
The Reading Clerk read the following communication into the record:

EXECUTIVE DEPARTMENT  
DOVER

PROCLAMATION

I, Thomas R. Carper, Governor of the State of Delaware, pursuant to the authority granted to me by Article III, Section 16 of the Delaware Constitution, do hereby convene the 137th General Assembly into Special Session on Tuesday, February 9, 1993 at 2:00 p.m. for the purpose of acting on a joint resolution to reject the report of the Delaware Compensation Commission filed with the General Assembly pursuant to 29 Del. C. Section 3303, and for the further purpose of considering and acting upon legislation that will address the same subject matter as the Commission's report.

IN WITNESS WHEREOF, I, THOMAS R. CARPER,  
Governor of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of said State to be affixed  
hereunto at Dover, this 5th day of February, in the  
year 1993, and of the Independence of the United States of  
America the 217th.  
Thomas R. Carper  
Governor  
ATTEST:  
William T. Quillen  
Secretary of State

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Clark, Smith, West - 3.

Announcements were made by Representatives George & Spence.

A prayer was offered by Pam Price, Legislative Assistant.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 7.

February 3, 1993

The Honorable Terry Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19903

Dear Speaker Spence,

Please be informed that I will be out of the State of Delaware from February 6, 1993 through February 13, 1993 on a previously planned business trip.

As such, I will be unable to attend any sessions of the House of Representatives which may be scheduled or called during this time period. I remain,

Very Truly Yours,  
Wayne A. Smith  
Representative  
Seventh District

MEMORANDUM

TO: Terry R. Spence

Speaker of the House

FROM: Rep. Charles P. West

DATE: February 9, 1993

Mr. Speaker:

Due to an unexpected illness, I will be unable to attend today's special session of the General Assembly.

Thank you for your attention to this matter.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 69.

Date: 1/28/93.

Signed: Al O. Plant, Sr.

February 9, 1993

## LEGISLATIVE ADVISORY #2

FROM: Office of Counsel to the Governor

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 2/8/93 - SJR 4 aab SA 1, SB 2, SB 12 & SB 16.

SB 3 is the second leg of a constitutional amendment and does not require the Governor's signature.

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

The following prefiled legislation was introduced:

HB 66 - OBERLE - HOUSING & COM AFF: An Act to Amend Chapter 25, Title 6 of the Delaware Code Relating to Prohibited Trade Practices.

HB 67 - AMICK & SENATORS BLEVINS, NEAL & MCBRIDE - H/ADM: An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

HB 68 - CLARK, BANNING, B. ENNIS, GILLIGAN, WEST, DAVIS, DIPINTO, MARONEY, SORENSON, WAGNER; SENATORS VENABLES, STILL - ED: An Act to Amend Chapter 15, Title 14, Delaware Code, Relating to School District Quarterly Reports.

HB 69 - WEST, CLARK, BENNETT, BUNTING, B. ENNIS, SCHROEDER, BRADY, VANSANT, HOUGHTON, BRADLEY, GEORGE, GILLIGAN, BANNING, JONKIERT, CAULK, FALLON; SENATORS BLEVINS, STILL - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmen's Compensation.

HA 1 to HB 15 - OBERLE - P/S: Placed with the bill.

HA 2 to HB 39 - OBERLE - H/ADM: Placed with the bill.

The Reading Clerk read the following communication into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #4**

DATE: February 9, 1993

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>
H137-59	Fallon	1/20/93	M	John Thomas
H137-60	Fallon	1/15/93	M	Nancy Virginia Thomas
H137-61	Clark	1/20/93	T	Danielle Campofreda/Ronald & Toni Reece/Pres. Inaug. Parade
H137-62	DiLiberto	1/31/93	T	St. John's-Holy Angels
H137-63	B. Ennis	1/20/93	T	/Reopening After Fire Jamie & Kristine Keeler/Pres. Inauguration Parade
H137-64	West	2/19/93	T	Miles Djakovich/100th Birthday
H137-65	VanSant	1/30/93	T	Anthony R. Dallatore/Eagle Scout
H137-66	Bradley	1/25/93	M	Nelson T. "Pete" Shields III
H137-67	Reynolds	1/29/93	T	Richard & Grace Farmer/50th Wedding Anniversary
H137-68	DiLiberto	1/28/93	T	DE Chapter Trout Unlimited Conservation
H137-69	George	1/28/93	T	Laura Orth/Dedicated Service/House Democrats
H137-70	DiLiberto	1/28/93	T	PFC. Robert C. Barnes/"Newark Police: 125 Yrs. Community Service"
H137-71	Carey	1/30/93	T	Gus & Ann Watson/50th Wedding Anniversary
H137-72	B. Ennis	2/06/93	T	Walter Reed/75th Birthday
H137-73	Buckworth	2/01/93	T	Kelly Mitten/Fran Lore Memorial Scholarship Award
H137-74	Wagner	2/16/93	T	James Hutchison/"Citizen of Year"/Dover Elks
H137-75	Wagner	1/08/93	T	Michael L. Papp/Eagle Scout
H137-76	Wagner	1/12/93	T	Clealyn B. Wilson/Teacher of Year

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HB 70. The motion was seconded by Representative George and adopted by voice vote.

Representative Petrilli introduced and brought HB 70, jointly sponsored by Representatives Spence, George, Quillen & Davis & Senators Holloway & Cordrey, before the House for consideration.

HB 70 - An Act to Adjust Salaries and Pensions for Certain State Officials; Authorizing the Transfer of Funds to Accommodate Certain Salary Adjustments; Amending Chapter 55, Title 29 of the Delaware Code Relating to Pension Benefits for Certain Elected Officials; and Amending Chapter 33, Title 29 of the Delaware Code Relating to the Delaware Compensation Commission. (F/N)

Comments were made by Representative Petrilli.

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

Comments were made by Representatives Davis, George, Jonkiert, Roy, Caulk, Petrilli, Oberle & Plant

Representative Amick introduced and brought HA 1 to HB 70, jointly sponsored by Representatives D. Ennis, Taylor, Quillen, Lee, Carey, Buckworth, Wagner, Lofink, Maroney, DiPinto, Petrilli, Ewing, Sorenson, Spence, Oberle, Reynolds, George, Gilligan, Bennett, Houghton, VanSant, Brady & Wojewodzki & cosponsored by Representative Mack, before the House for consideration.

Comments were made by Representatives Amick & Petrilli

HA 1 to HB 70 was adopted by voice vote.

Comments were made by Representatives George, Holloway, Oberle, Caulk, Davis, B. Ennis, Amick, DiLiberto & Plant.

The roll call on HB 70 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bradley, Brady, Davis, DiLiberto, DiPinto, D. Ennis, George, Gilligan, Lofink, Maroney, Petrilli, Plant, Sorenson, Taylor, Wojewodzki, Mr. Speaker Spence - 17.

NO: 20.

ABSENT: Representatives Clark, Smith, West - 3.

NOT VOTING: Representative Holloway - 1.

Therefore, not having received a constitutional majority, HB 70 w/HA 1 was declared defeated.

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

Representative Petrilli introduced and brought SJR 7, jointly sponsored by Senators Venables, Blevins, Cook, Marshall, Martin, McBride, McDowell, Sokola, Voshell, Bair, Connor, Hauge, Knox, Neal & Still & Representatives Spence, Gilligan, Amick, Banning, Bennett, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Holloway, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Oberle, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Sorenson, Taylor, VanSant, Wagner, West & Wojewodzki, before the House for consideration.

SJR 7 - Rejecting In Its Entirety the Report of the Delaware Compensation Commission.

The roll call on SJR 7 was taken and revealed:

YES: 38.

ABSENT: Representatives Clark, Smith, West - 3.

Therefore, having received a constitutional majority, SJR 7 was returned to the Senate.

Comments were made by Representatives Petrilli & Davis.

The Majority Leader moved to adjourn the extraordinary session at 7:56 p.m.

9th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 16, 1993

Mr. Speaker Spence called the House to order at 2:18 p.m.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Richard DiLiberto, do hereby request that my name be removed as Co-Sponsor of HB 69.

Date: 2/09/93.

Signed: Richard A. DiLiberto.

February 12, 1993

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2/10/93 - SJR 7.

M E M O R A N D U M

TO: The Honorable Terry R. Spence  
Speaker of the House

FROM: Representative William A. Oberle, Jr.

RE: Absence from Session

DATE: March 15, 1993

Unfortunately my private sector job responsibilities prevent my attendance at session on Tuesday, March 16, 1993.

I hope to be able to return on Wednesday, March 17.  
WAO:jmh

March 15, 1993

The Honorable  
Representative Terry R. Spence  
Speaker of the House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Dear Speaker Spence:

This letter is to inform you that I will not be in attendance for legislative session on March 16, 17, and possibly March 18 due to my having dental work done.

Thank you for your consideration in this matter.

Sincerely,  
William I. Houghton

MEMORANDUM

TO: Terry Spence

Speaker of the House

FROM: Representative Charles P. West

DATE: March 16, 1993

I am unable to attend today's session. However I do hope to be here tomorrow.

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current legislative day. The House reconvened at 2:20 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Houghton, Oberle, West - 3.

A prayer was offered by Representative J. Benjamin Ewing, 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 30 - DAVIS, D. ENNIS, MARONEY, PETRILLI, SMITH, BRADY, BUNTING, HOLLOWAY, HOUGHTON, PLANT, WOJEWODZKI; SENATOR HOLLOWAY - H/ADM: An Act Concurring in a Proposed Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

HCR 5 - D. ENNIS & SENATOR MCBRIDE; REPRESENTATIVES CAREY, HOUGHTON - NAT RES: Requesting the Delaware River and Bay Authority Allow the Public to Walk Across the Delaware Memorial Bridge in October 1993 to Raise Awareness for the Delaware Estuary Program.

HCR 6 - BUCKWORTH, BENNETT; SENATORS TORBERT, VOSHELL, STILL - NAT RES: Requesting the Secretary of the Department of Natural Resources and Environmental Control to Suspend Stage II Vapor Recovery Implementation in Kent County Until the Department Considers Current Air Quality Test Results; Evaluates the Economic Impact of Added Costs of Stage II Systems on Small Businesses and Consumers Compared to Any Benefit of Implementation; Evaluates the Impacts of the On-Board Cannister Ruling From Federal EPA Which Would Impact Air Quality.

HA 1 to HB 22 - OBERLE, AMICK - READY LIST: Placed with the bill.

Representatives Holloway & Wojewodzki requested that they be marked present.

Mr. Speaker reassigned HB 56 & 57 to the Revenue & Finance Committee.

Representative Plant introduced HCR 7.

HCR 7 - Calling for the Establishment of an Ad Hoc Committee to Investigate the Use of State Owned Buses to Transport Members of the Klu Klux Klan to a Rally Held in Newark, Delaware on Saturday, February 27, 1993.

Comments were made by Representative Plant.

Mr. Speaker assigned HCR 7 to the House Administration Committee.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #5**

DATE: March 16, 1993

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>
H137-80	Quillen	2/19/93	T	G. Wallace "Pat" Caulk/Retirement 12 Years/Farmer's Home Adm.

H137-81	Gilligan	2/11/93	T	Emma T. DiDonato/ Retirement/46 Yrs./DE State Police
H137-82	Holloway	2/10/93	M	Theodore Edwards, Jr.
H137-83	cosponsor: Gilligan DiLiberto	2/09/93	T	Jeff Smith/Fire Chief/Aetna Hose Hook & Ladder, Co.
H137-84	DiLiberto	1/19/93	T	Alexandria Janie Wailes/Sign Language/Pres. Clinton's Inaug.
H137-85	DiLiberto	2/09/93	T	Newark Police Department/125 Yrs. Service
H137-86	B. Ennis	2/09/93	T	Town of Smyrna/Number One Among Towns in DE
H137-87	Carey	3/03/93	T	James Jehu Hudson/Eagle Scout
H137-88	DiLiberto	1/31/93	T	Suzanne P. Godwin/Retirement
H137-89	Banning	2/18/93	T	Brooks & Brady Noll/ Outstanding Maturity & Courage
H137-90	DiLiberto	2/19/93	T	19 Stephen Ministers Ebenezer Church/Care Giving & Sup. Groups
H137-91	DiLiberto	3/07/93	T	Michael T. Carr/State Assist. Principal of Year
H137-92	VanSant	2/23/93	T	Robert C. Romig/Elected Pres. N.C.C. Fireman's Assoc./1992
H137-93	VanSant	2/23/93	T	Thomas Stigile/Member of Year/ Five Points Fire Company, 1992
H137-94	VanSant	2/23/93	T	Ladies Aux./Five Points Fire Co./Best Appearing Ladies Aux.
H137-95	Bradley	3/19/93	T	The Springer Intensive Learning Center/11th Anniversary
H137-96	Spence	2/23/93	T	Margaret H. McKenna/80th Birthday
H137-97	Lofink	2/13/93	T	Lou Bender/Caravel Academy Basketball Coach/300th Victory

#### HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: March 16, 1993

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>
H137-98	Spence	2/28/93	T	Christopher Kraft/Eagle Scout
H137-99	Brady	2/10/93	T	Terry Lloyd Clark & Diane Mc- Henry Clark/25 Wed. Anniv.
H137-100	Schroeder	3/02/93	T	Lt. Gov. Ruth Ann Minner/ <sup>93</sup> Wom. of Hist. Note/DeVries Bus. & Prof. Women's Club
H137-101	Holloway	2/17/93	M	James W. Whitfield
H137-102	Holloway	2/17/93	M	George A. Bayard, Jr.
H137-103	Holloway	2/23/93	M	James Glover, Sr.
H137-104	B. Ennis	2/18/93	M	Jack S. Boys
H137-105	George	2/17/93	T	Robert Donnell Tucker/Eagle Scout
H137-106	Wagner	2/08/93	T	Wade Paugh/Employee of Year 1992/City of Dover
H137-107	Banning	2/28/93	T	Brit Evans/St. Wrestling Champ.
H137-108	Wagner	3/09/93	T	Mavis A. Newton/Lammott DuPont Sr. Memorial Award
H137-108	George	2/20/93	T	Margaret M. & Joseph J. Coughlan/50th Wed. Anniversary
H137-109	Wagner	3/11/93	T	Bess Baumgardner/97th Birthday
H137-110	Buckworth	4/01/93	T	Lt. Col. Ronald Edward Bukevicz/Retirement/U.S.A.F.

11137-111	Quillen	3/08/93	T	James Steward & Jeff Torres/ Henlopen Conference Champions
11137-112	Bunting	3/13/93	T	Daniel W. Magee/President/ S.C/Vol. Fireman's Assoc./1993
11137-113	Wagner	3/19/93	T	Gene & Nancy Hughes/Chris & John Hughes/Visit to DE
11137-114	Wagner	3/19/93	T	Dr. Reed M. Stewart/10th Anniv./Pres. of Wesley College
11137-115	Holloway	3/10/93	M	Anna Bell White

T - Tribute  
M - Memoriam

Representative Bennett requested that he be marked present.

An announcement was made by Representative Jonkiert.

The House observed a moment of silence for former Speaker Kenneth Boulden.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: February 9, 1993

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
11137-59	Fallon	1/20/93	M	John Thomas
11137-60	Fallon	1/15/93	M	Nancy Virginia Thomas
11137-61	Clark	1/20/93	T	Danielle Campofreda/Ronald & Toni Reece/Pres. Inauguration Parade
11137-62	DiLiberto	1/31/93	T	St. John's-Holy Angels Re- opening After Fire
11137-63	B. Ennis	1/20/93	T	Janie & Kristine Keeler/ Pres. Inauguration Parade
11137-64	West	2/19/93	T	Miles Djakovich/100th Birthday
11137-65	VanSant	1/30/93	T	Anthony R. Dallatore /Eagle Scout
11137-66	Bradley	1/25/93	M	Nelson T. "Pete" Shields III
11137-67	Reynolds cosponsor: Mack	1/29/93	T	Richard & Grace Farmer/ 50th Wedding Anniversary
11137-68	DiLiberto	1/28/93	T	DE Chapter Trout Unlimited /Stream & Fish Conservation
11137-69	George cosponsor: Gilligan	1/28/93	T	Laura Orth/Dedicated Service/House Democrats
11137-70	DiLiberto	1/28/93	T	PFC. Robert C. Barnes/"New- ark Police: 125 Yrs. Com. Serv."
11137-71	Carey	1/30/93	T	Gus & Ann Watson/50th Wedding Anniversary
11137-72	B. Ennis	2/06/93	T	Walter Reed/75th Birthday
11137-73	Buckworth	2/01/93	T	Kelly Mitten/Fran Lore Memorial Scholarship Award
11137-74	Wagner	2/16/93	T	James Hutchison/"Citizen of Year"/Dover Elks
11137-75	Wagner	1/08/93	T	Michael L. Papp/Eagle Scout
11137-76	Wagner	1/12/93	T	Clealyn B. Wilson/Teacher of Year

T - Tribute

M - Memoriam

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

The House reconvened at 5:11 p.m.

Representative Davis requested that he be marked present.

Representative B. Ennis brought HB 9, jointly sponsored by Senator Vaughn & Representatives Clark & Banning, before the House for consideration.

HB 9 - An Act to Amend Title 24 of the Delaware Code Relating to Limitations Upon the Times Certain Establishments Are Permitted to be Open to the Public.

Comments were made by Representatives B. Ennis & George.

The roll call on HB 9 was taken and revealed:

YES: 32.

NO: Representatives Reynolds, Roy, Mr. Speaker Spence - 3.

NOT VOTING: Representatives Davis, Taylor - 2.

ABSENT: Representatives Buckworth, Houghton, Oberle, West - 4.

Therefore, having received a constitutional majority, HB 9 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:19 p.m.

10th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 17, 1993

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 8, SCR 7, SCR 6, SCR 5, SCR 4, SCR 3, SCR 2, SJR 6 & HCR 4.

March 17, 1993

TO: House Speaker Terry Spence

FROM: Representative Vincent A. Lofink

I am unable to attend today's session because of illness.

VAL:jsy

cc: Joanne Hedrick

M E M O R A N D U M

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative William A. Oberle, Jr.

RE: Absence from Session

DATE: March 17, 1993

Unfortunately my private sector job responsibilities prevent my attendance at session today, March 17, 1993.

I hope to be able to return on Thursday, March 18.

WAO:jmh

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Houghton, Lofink, Oberle - 3.

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:

HS 1 for HB 32 - B. ENNIS - H/ADM: An Act to Amend Chapter 15, Title 28 of the Delaware Code Relating to the Delaware Gaming Control Board.

HB 71 - JONKIERT & SENATOR MARSHALL - R & F: An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to the State Lottery; and Providing That a Portion of Lottery Receipts be Utilized for Programs for the Elderly.

HB 72 - SCHROEDER; SENATORS CORDREY & MCBRIDE - NAT RES: An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. (2/3 bill)

HA 2 to HB 29 - B. ENNIS - APPRO: Placed with the bill.

SCR 2 - HOLLOWAY - H/ADM: Authorizing the President Pro Tempore of the Senate and the Speaker of the House of Representatives to Appoint a Two-Member Committee to Keep the 20-Year Honor Roll Plaque Up to Date.

SCR 6 - MCBRIDE, VAUGHN & VOSHELL; REPRESENTATIVES 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.

SJR 6 - HOLLOWAY - ED: Relating to Extending the Reporting Date of the Task Force on Discipline in the Schools and Requiring an Interim Report.

Representatives Holloway, Wagner, Amick & Jonkiert requested that they be marked present.

Representative Schroeder requested that HB 43 be stricken.

The Reading Clerk read the following communication into the record at the request of Representative Plant after comments by Representative Plant:

March 17, 1993

The Honorable Terry R. Spence  
Speaker of the House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Dear Mr. Speaker:

I read with great concern the remarks of Police Chief Hogan of Newark in today's News-Journal, and I am not certain that Mr. Hogan has made clear to the citizens of Delaware what his agenda is.

Nevertheless, Mr. Speaker, in keeping with my remarks to you yesterday on the House floor, it is certainly the policy of the United States to lend no support whatsoever to any terrorist group or organization.

Certainly, the Federal Bureau of Investigation, whom we all look to for our protection, has said for the record that the Ku Klux Klan is a domestic security terrorist group. Thus, the position of the FBI gives, in my opinion a clear message that our tax dollars should not be used to lend any support whatsoever to this known violent group. Perhaps if they were to come out from under their hoods, we might know who these individuals are.

Frankly, Mr. Speaker, I am somewhat amazed when it appears that some legislators who are very outspoken about the use of Federal and State tax dollars are now silent on this issue and, it appears, would attempt to bury House Concurrent Resolution 7.

Mr. Speaker, this issue will not be swept under the rug. As a matter of fact, there may be a statewide summit to address this question, to assure that this kind of problem will not raise its ugly head again.

Respectfully,  
Al O. Plant, Sr.  
State Representative  
2nd District

AOP,Sr/hjv

Additional comments were made by Representative Plant.

Representative B. Ennis requested that he be marked present.

The Majority Whip moved to recess for committee meetings at 2:47 p.m.

The House reconvened at 5:15 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 47 w/SA 1.

TO: REPRESENTATIVE TERRY SPENCE  
SPEAKER OF THE HOUSE

FROM: REPRESENTATIVE STEVEN C. TAYLOR

DATE: MARCH 18, 1993

RE: SESSION DAY, MARCH 18, 1993

I will not be able to attend the March 18, 1993 Session of the House because I will be out of town on business.

SCT/kk

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

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

SUBS ABUSE: HB 23 - 1F,4M.

NAT RES: HC 5 - 1F,4M.

HUMAN NEEDS & DEV: HB 33 - 5M.

H/ADM: HB 55 - 5M.

ED: HB 17 - 2F,4U.

Representative West requested that he be marked present.

The following prefiled Consent Calendar #3 was introduced:

SCR 3 - ADAMS; REPRESENTATIVE BENNETT - In Recognition of Delaware Day at Vero Beach, Florida, on Monday, February 15, 1993, Honoring Former and Present Delawareans.

SCR 4 - KNOX; REPRESENTATIVES BRADLEY, MARONEY - Expressing Condolences to the Family of Nelson T. "Pete" Shields, III, a Widely Recognized Foe of Handguns in the United States, Who Passed Away on Monday, January 25, 1993 at the Age of Sixty-Nine.

SCR 5 - NEAL, BAIR, HAUGE, MCBRIDE, SOKOLA; REPRESENTATIVES AMICK, PETRILLI - Congratulating Bangalore T. Lakshman, P.E. Recipient of the Prestigious "1993 Engineer of the Year" Award Presented by the Delaware Engineering Society, Inc.

SCR 7 - MCBRIDE, BLEVINS, REPRESENTATIVE VANSANT - Commending St. Matthew's School Located in Woodcrest, Wilmington, Delaware on Its Selection by U.S. Department of Education in Recognition for Schools That Excelled in History and Mathematics.

SCR 8 - CORDREY, SHARP, HOLLOWAY - Providing for a Joint Session of the House and Senate for the Purpose of Hearing an Address From the Honorable Thomas R. Carper, Governor of the State of Delaware.

Representative Holloway introduced HCR 8.

HCR 8 - Extending Many, Many Thanks to the Delaware State Highway Employees Who Performed Their Duties of Snow and Ice Removal From Our Highways in a Noteworthy and Commendable Manner During the Blizzard of 1993, and Further Requesting the Secretary of Transportation to Give Serious Consideration of Compensating Highway Employees at a Rate of Double-Time When Called Out on Sundays.

HCR 8 was placed on Consent Calendar #3.

Representative Davis requested that HCR 8 be removed from Consent Calendar #3 after comments Consent Calendar #3 was adopted by voice vote and SCR 3, SCR 4, SCR 5, SCR 7 & SCR 8 were returned to the Senate.

Comments were made by Representatives Holloway, Davis, Plant, West & Petrilli.

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

JUD: HB 12 - 1F,5M; HS 1/HB 36 - 1F,5M; HB 53 - 1F,5M.

The Majority Whip moved to recess to the call of the Chair at 5:29 p.m.

11th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 18, 1993

Mr. Speaker Spence called the House to order at 4:31 p.m.

Representatives Houghton & Lofink requested that they be marked present for the current legislative day.

The Reading Clerk read the following communication into the record:

M E M O R A N D U M

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative William A. Oberle, Jr.

RE: Absence from Session

DATE: March 18, 1993

It is with regret that I must inform you that my private sector job responsibilities prevent my attendance at session again today, March 18, 1993.

WAO:jmh

The Majority Leader moved to adjourn at 4:33 p.m., thereby ending the current legislative day. The House reconvened at 4:34 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Oberle, Taylor - 2.

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.

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

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

The following prefiled legislation was introduced:

HB 73 - DAVIS - ED: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Number of Hours in a School Day and Days in a School Year.

HB 74 - BUCKWORTH & SENATOR BLEVINS, REPRESENTATIVES SPENCE, EWING, LEE, BRADLEY, BRADY; SENATOR STILL - P/S: An Act to Amend Chapter 31, Title 20, and Chapter 82, Title 29 of the Delaware Code Relating to Civil Defense and the Department of Public Safety.

HB 75 - BENNETT & B. ENNIS - H/ADM: An Act to Amend Chapter 8, Title 29, Delaware Code Relating to the Composition of and Reapportionment of the General Assembly.

HB 76 - SCHROEDER & SENATOR VOSHELL - HOUSING & COM AFF: An Act to Amend §7101, Chapter 71, Part IV, Title 14 of the Delaware Code Relating to District Libraries.

HB 77 - WEST, B. ENNIS, BRADY - H/ADM: An Act to Amend Chapter 33, Title 29, Delaware Code, Relating to the Delaware Compensation Commission.

HB 78 - BUNTING - H/ADM: An Act to Amend Chapter 7, Title 29, of the Delaware Code Relating to State Government.

SB 47 w/SA 1 - ADAMS; REPRESENTATIVES WEST, CAREY - H/ADM: An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" Regarding the Debt Ceiling. (2/3 bill)

The following Prefiled Legislation II was introduced:

HB 80 - SPENCE & SENATOR SHARP - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Education.

HB 81 - SPENCE, MACK, WAGNER & SENATOR SHARP - ED: An Act to Amend Chapter 5, Subchapter VII, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 82 - SPENCE, MACK & SENATOR SHARP - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Education.

HB 83 - SPENCE & SENATOR SHARP - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Education.

HB 84 - SPENCE & SENATOR SHARP - ED: An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 85 - SPENCE & SENATOR SHARP - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions. (2/3 bill)

HB 86 - AMICK & SENATOR BLEVINS - COM AFF: An Act to Amend Chapters 1, 5 and 7 of Title 4 of the Delaware Code Regarding a License for a Multi-Purpose Sports Facility. (3/5 bill)

HB 87 - BUNTING - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Length of Legislative Sessions. (2/3 bill)

HB 88 - BANNING, B. ENNIS; SENATOR VAUGHN - H/ADM: An Act to Amend Title 9 of the Delaware Code Relating to Vacancies on New Castle County Council.

HB 89 - JONKIERT & SENATORS MARSHALL, HOLLOWAY; REPRESENTATIVES BENNETT, LEE, PETRILLI, WAGNER, HOLLOWAY, BUNTING, QUILLEN, MARONEY GILLIGAN, GEORGE, SCHROEDER, SPENCE, BUCKWORTH, REYNOLDS, CLARK, BANNING, DILIBERTO, VANSANT, DAVIS, BRADY, BRADLEY, LOFINK, SORENSON, B. ENNIS, CAREY, PLANT, SMITH, MACK, DIPINTO, D. ENNIS, FALLON, CAULK, TAYLOR - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Crimes; and Providing Penalties for Carjacking.

HB 90 - BUNTING, CAREY, EWING, FALLON & SCHROEDER; SENATORS ADAMS, CORDREY, VENABLES & VOSHELL - ED: An Act to Amend Chapter 26, Title 14 of the Delaware Code Relating to the Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.

Representatives B. Ennis, Clark & Maroney requested that they be marked present.

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

Representative Jonkiert requested that he be marked present.

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

Representative Wagner introduced HB 79, jointly sponsored by Senator Sharp & Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Banning, Bennett, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Plant, VanSant & West & Senators Blevins, Sokola, Venables, Voshell, Bair, Connor, Hauge & Still.

HB 79 - An Act to Amend Chapter 5, Subchapter II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Mr. Speaker assigned HB 79 to the Judiciary Committee.

Mr. Speaker assigned HB 33 to the Appropriations Committee.

Representative Amick introduced & brought HR 11, jointly sponsored by Representatives DiPinto, Roy, Wagner, B. Ennis, Jonkiert & Clark, before the House for consideration.

Representative Roy requested that he be marked present.

HR 11 - Relating to Permanent Rules of the House of Representatives of the 137th General Assembly of the State of Delaware.

Comments were made by Representatives Amick, George & Spence.

HR 11 was adopted by voice vote.

Representative Petrilli deferred to Representative Bennett.

Representative Bennett brought HB 55, jointly sponsored by Representative Wagner & Senators Still & Torbert, before the House for consideration.

HB 55 - An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Being the Charter of the City of Dover, Relating to the Issuance of General Obligation Bonds for Refunding Purposes. (2/3 bill)

Comments were made by Representative Bennett.

The roll call on HB 55 was taken and revealed:

YES: 39.

ABSENT: Representatives Oberle, Taylor - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 55 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey moved to suspend the rules which interfere with action on SB 47 w/SA 1. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Carey brought SB 47 w/SA 1, jointly sponsored by Senator Adams & Representative West, before the House for consideration.

SB 47 - An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" Regarding the Debt Ceiling. (2/3 bill)

Representative Smith announced that he will not be voting on SB 47 w/SA 1 because of a possible conflict of interest.

The roll call on SB 47 w/SA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Oberle, Taylor - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 47 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 37, jointly sponsored by Senator Sharp, before the House for consideration.

HB 37 - An Act Concurring in a Proposed Amendment to Article 4, Sections 12, 13, and 38 of the Constitution of the State of Delaware to Harmonize Those Sections Regarding the Authority of a Justice Under Sections 12, 13, and 38 to Designate State Judges to Sit in Various Courts of the State or to Designate Retired State Judges or Justices to Temporarily Perform Judicial Service in the Absence, Disqualification or Incapacity of the Chief Justice or a Vacancy in That Office, and to Harmonize Section 13 with Sections 2, 3, and 12 to Make Uniform the References Therein to Members of the Supreme Court, to Eliminate Obsolete References in Section 13 to the Orphans' Court, which No Longer Exists, and to Provide for the Designation of a State Judge From Various Courts of the State to Sit in the Court of Chancery and Superior Court to Temporarily Perform Judicial Service. (2/3 bill)

Comments were made by Representatives Amick, Jonkiert & DiLiberto.

The roll call on HB 37 was taken and revealed:

YES: 39.

ABSENT: Representatives Oberle, Taylor - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 37 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey introduced and brought SCR 11, jointly sponsored by Senators Adams, Cook, Cordrey, Vaughn, Venables & Still & Representatives Caulk, Lofink, Mack, Bunting, Clark & Schroeder, before the House for consideration.

SCR 11 - Proclaiming the Week of March 16-22, 1993 as Delaware Agriculture Week and Reaffirming the Support of the General Assembly for Delaware's Number One Industry.

Comments were made by Representative Carey.

SCR 11 was adopted by voice vote and returned to the Senate.

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 15 & SCR 11.

The Majority Leader moved to recess to the call of the Chair at 5:07 p.m.

12th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 23, 1993

Mr. Speaker Spence called the House to order at 3:30 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 20 w/SA 1, SCR 9, SCR 10, SCR 12 & SCR 13.

MEMORANDUM

TO: Terry R. Spence, Speaker of the House

FROM: Representative Roger Roy  
 SUBJECT: Absence from Session  
 DATE: March 18, 1993

As Chairman of NCSL's Transportation Committee, I will be attending a HAZMAT Task Force meeting from Sunday, March 21 to Tuesday, March 23, 1993.

Therefore, I will be unable to attend Session on Tuesday, March 23rd. I will, however, be returning on Wednesday, March 24th.

Thank you for your attention in this matter.

/set

cc: JoAnn Hedrick, Chief Clerk

# MEMORANDUM

TO: Representative Terry R. Spence, Speaker of the House  
 JoAnn M. Hedrick, Chief Clerk

FROM: Representative G. Wallace Caulk

DATE: March 23, 1993

RE: Absence from session

This is to inform you that I will be absent from session today, March 23, 1993 and until further notice. I am at Christiana Hospital with my daughter as her husband was critically injured on Sunday night in an automobile accident. We are standing by and ask for your prayers.

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

The Majority Whip moved to adjourn at 3:31 p.m., thereby ending the current legislative day. The House reconvened at 3:32 p.m.

The Chief Clerk called the roll

Members Present: 38.

Members Absent: Representatives Caulk, Holloway, Roy - 3.

An announcement was made by Representative Ewing.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 91 - EWING & SENATOR ADAMS - H/ADM: An Act to Amend Section 29, Chapter 237, Volume 71, Laws of Delaware, as Amended by Section 1, Chapter 165, Volume 53 Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Borrow Money. (2/3 bill)

HB 92 - EWING; SENATOR VAUGHN - JUD: An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to the Disposition of Marital Property.

HB 93 - AMICK - H/ADM: An Act to Amend Chapter 33, Title 24, Delaware Code, Relating to the Board of Veterinarians.

HB 94 - BENNETT - P/S: An Act to Amend Chapter 42, Title 21 of the Delaware Code Relating to Motor Vehicles.

HB 95 - SCHROEDER; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Henlopen Acres" to Permit the Sale of Bonds by the Town of Henlopen Acres at Private Sale. (2/3 bill)

HB 96 - WEST, VANSANT, BRADY, CLARK, B. ENNIS - R & F: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to the Exclusion of Unearned and Pension Income for Persons Under Sixty Years of Age and Persons 60 Years of Age or Older.

HB 97 - WEST - ECON DEV, B & I: An Act to Amend Chapter 7, Title 18 of the Delaware Code Relating to the Special Fund for Payments to Non-Profit Organizations That Provide Ambulance or Rescue Services.

HB 98 - WEST, BENNETT, BRADY, BUNTING, CAREY, CAULK, CLARK, DIPINTO, B. ENNIS, EWING, GEORGE, HOUGHTON, JONKIERT, LEE, PETRILLI, REYNOLDS, SCHROEDER, SPENCE & VANSANT; SENATORS ADAMS, COOK, CORDREY, MARSHALL, NEAL, SHARP, VENABLES, TORBERT, VAUGHN - HUM NEEDS & DEV: An Act to Amend Title 31, Chapter 5, Delaware Code, Relating to the Medicaid Income Eligibility Limit for Nursing Home Care.

HB 99 - WEST, HOUGHTON, VANSANT, BENNETT, B. ENNIS, CLARK, CAULK - R & F: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code, Relating to Credit for Expenses Incurred for Home Health Care for the Elderly and Handicapped.

HB 100 - WEST, JONKIERT - R & F: An Act to Amend Subchapter II, Chapter 13, Title 30 Delaware Code Relating to Exempting Beneficiaries Over the Age of Sixty Five From Inheritance Tax.

HR 12 - GEORGE, PETRILLI, QUILLEN, SPENCE & GILLIGAN - H/ADM: Resolving the Issues Raised by Thomas Alexander, Jr. Pertaining to the Qualifications of Herman M. Holloway, Jr. to be a

Member of the Delaware House of Representatives and Confirming Herman M. Holloway, Jr. as a Member of the Delaware House of Representatives.

HA 2 to HB 15 - BANNING - P/S: Placed with the bill.

SS 1 for SB 15 - TORBERT & STILL; REPRESENTATIVES BENNETT, WAGNER - HOUSING & COM AFF: An Act to Amend Subchapter II, Chapter 81, Title 9, Delaware Code, Relating to Property Tax Exemption for Certain Persons Over 65 Years of Age.

SB 20 w/SA 1 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, EWING, LOFINK, QUILLLEN, BUNTING, CLARK, SCHROEDER - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Regarding Waiver of Requirement for Registration of Farm Vehicles.

Representatives George, Oberle & Gilligan were granted personal privilege of the floor for comments.

The House observed a moment of silence in memory of former Speaker of the House, Ken Boulden. Representative Mack requested that he be marked present.

Mr. Speaker assigned HS 1 for HB 36 to the Appropriations Committee.

Representative Petrilli requested that he be marked present.

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

The Majority Leader moved to recess for the Joint Session at 3:47 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. At the invitation of the Lieutenant Governor, Speaker of the House Terry R. Spence and President Pro Tempore, Richard Cordrey joined her on the podium.

The Sergeant-at-Arms announced the arrival of Senior Judge Henry Horsey and other members of the Judiciary. They were admitted, welcomed and seated.

The Sergeant-at-Arms announced the arrival of the State elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the arrival of the members of the Governor's Cabinet. They were admitted, welcomed and seated.

At 2:03 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing an address by Thomas R. Carper, Governor of the Great State of Delaware. There was no objection.

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

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

Senator Sharp moved that the Lieutenant Governor appoint a committee of four to escort the Governor to the Chamber. The Lieutenant Governor appointed Senator Herman M. Holloway, Sr., (spokesperson) and Senator Andrew G. Knox; Representative Peggy G. Bradley and Representative Tina Fallon to escort the Governor.

At 2:05 p.m. the Lieutenant Governor called a temporary recess until the arrival of the Governor.

At 2:06 p.m. the Joint Session reconvened.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Carper. They were admitted.

Senator Holloway introduced the Governor to the Joint Session.

The Lieutenant Governor welcomed the Governor to the Joint Session and the Governor addressed the Assembly as follows:

Thank you very much Lieutenant Governor Minner, President pro Tem Cordrey, Speaker Terry Spence, members of the 137th General Assembly, Members of our judiciary, statewide elected officials, members of my cabinet, fellow Delawareans:

I am honored and privileged to have this opportunity to carry on an important Delaware tradition by speaking before this Joint Session of the General Assembly.

Sixteen years have passed since I sat in the chamber just on the other side of that hallway with many of you and heard a new governor -- also fresh from Capitol Hill -- address a Joint Session of the General Assembly on the state of our state and what he believed we should do about it. The first few months of that administration were rocky ones -- as indeed they are for most new administrations -- but that Governor assembled a quality team which ultimately governed this State well -- in concert with Democrats and Republicans in the General Assembly.

We haven't had a real transition in State government since that time. This week, as our nation emerges from winter into spring, my young administration emerges from a period of transition to **begin the real work of governing** -- in cooperation with each of you. My team is now in place and I believe **it's a good**

one. I want to thank the Executive Committee Chairman Thurman Adams and the entire Senate for their support in the confirmation process. I look forward to seeing it completed. Next week, I will send to the Senate my nomination for Adjutant General.

Today, I would like to talk with you about what my administration will concentrate on this year. I want to focus on six issues: the State's FY 1994 budget; building a vibrant economy; promoting clean air for a healthy environment; improving the effectiveness and the integrity of our government; strengthening our families; and revitalizing our schools.

Though the elements of my agenda are diverse, they are linked by common principles: that Delaware must leverage its limited resources through partnerships among governments, nonprofit organizations, and the private sector; that some old ways of doing business must give way to more effective means of governing; and that State government should be open to citizen input and be accountable for its performance.

Let me say from the outset that I will not ask this Legislature to take on extensive new initiatives this year. I will not ask you to pass legislation just for the sake of legislating. But what I will ask from you, in my view, will be critical to our State and its people. A number of the goals I have established can be achieved during this legislative session -- others will take longer.

Relative to neighboring states, we start from a position of strength, born of a tradition of fiscal integrity that this General Assembly, and the governors who have preceded me, have made possible.

Today, we are one of only 12 states with a AA plus bond rating or better. That standing saves our State millions of dollars each year in interest charges and further underscores our financial well-being.

I believe that we can pursue important new initiatives and keep the budget balanced.

Indeed we must.

I want to commend the Joint Finance Committee, under the leadership of Representative Rich Davis and Senator Nancy Cook, for their hard work thus far this year. Thank you. The budget presented by the Castle Administration in January leaves little room for maneuvering. While it is one that I largely agree with, I will begin to outline this afternoon some ideas that reflect my priorities and I hope some of yours.

I do so, recognizing that the latest numbers from DEFAC on projected revenues are not encouraging. The March figures predict only very modest revenue increases for FY 1994. Both the Administration and the General Assembly must avoid building into the base of future budgets spending that may not be backed up by available revenues in the years ahead.

We have inherited several major fiscal problems: a vastly overcommitted Transportation Trust Fund; an adult corrections system that is again bulging at the seams; and a Children's Department in need of an overhaul and significant additional resources. We are reshaping policies and priorities in each of these areas, and will continue to do so throughout the coming year.

I would also like to improve upon the one percent increase provided in the Castle budget for State employee salaries. I do so, bearing in mind that every additional percent will cost more than \$6 million.

Let me mention two other aspects of the Castle budget which have drawn public attention -- the 10 percent local share for pupil transportation and the responsibility and control of dog control management.

I recognize that neither proposal meets with widespread support in this chamber today, but both represent areas where State government has assumed too much of the responsibility for what are entirely, or at least in part, matters of local jurisdiction.

Working under these tight budget constraints is a pointed reminder that our state's financial health, and the financial health of every Delaware family, depends on the strength of our economy.

Making our economy strong is a priority of my Administration which is second to none.

This Administration had not yet taken wing when we heard the news of the scheduled closing of the General Motors plant in New Castle County. Our response has been quick. I have traveled already to Detroit and Kentucky to visit with top management from General Motors, Ford, and Toyota to discuss options for the Boxwood Road Plant. The first legislation I signed as Governor -- introduced by Senator Patti Blevins and Representative John Van Sant, and co-sponsored I believe by all of you -- created the GM Task Force.

I am pleased to announce today that the Task Force will be led by Irving Shapiro, former Chairman of the DuPont Company. We will do all that we can do to keep those workers employed, while aggressively pursuing a strategy to secure Delaware's manufacturing base. One element of that initiative will be the creation of a manufacturing extension service similar to the successful agriculture extension service, and capitalizing on a half-billion dollar proposal from the Clinton Administration.

During the campaign, I outlined a four-part strategy that emphasized a top-notch workforce, responsive government, infrastructure development, and a "grow our own" philosophy to create new jobs. The strategy is designed to keep Delaware competitive in the global economy, by focusing our resources and partnering with local governments, with universities, businesses, and labor organizations.

We are already implementing that strategy in several important ways:

In the area of workforce development, Delaware will be ready to participate in the \$270 - million national youth apprenticeship initiative announced already by President Clinton.

Development Director Bob Coy, Labor Secretary Darrell Minnott and Superintendent Pat Forgione are collaborating on a youth apprenticeship program that will emphasize strong technical and academic training to prepare students to succeed in the workplace of the future, where continuous learning and retraining will be the norm.

The Development Office is also negotiating with Chrysler to provide training to the workforce at the Newark plant to prepare for building the Dodge Intrepid later this year. This is in addition to retraining efforts already underway at Delaware Technical and Community College.

To improve government responsiveness, I have asked DNREC Secretary Christophe Tulou, DelDot Secretary Anne Canby, and Agriculture Secretary Jack Tarburton to work with the Development Office to streamline the State's permitting processes, and to develop legislation for expedited permitting for high-priority economic development projects.

I have also directed DNREC to use an approach to environmental enforcement which relies more on education and helping people to comply with our environmental laws. DNREC and the Department of Agriculture have already begun exploring ways to help the agriculture community meet State environmental standards in more cost-effective ways.

To help "grow our own" Delaware businesses, several important initiatives are also underway.

The Delaware Development Office has begun to redirect its staff to emphasize helping existing businesses to grow.

With your help, the State's Small Business Development Center plans to expand to Kent and to Sussex Counties, with offices at the Delaware State College and DelTech's Georgetown campus.

The Development Office and the Department of Agriculture are collaborating with the Port of Wilmington to assist farmers and food processors as they seek to maximize export opportunities. I believe agriculture will continue to be a growth industry in our State, and can help "grow" blue collar jobs at the Port of Wilmington, as well.

The Development Office and the State Housing Authority are working on a comprehensive strategy to help revitalize distressed neighborhoods which link economic development and housing activities. Our State has already benefited from millions of dollars flowing into low-income areas from investments spurred by the federal Community Reinvestment Act. I believe we can build on past successes and, with the help of our state's financial institutions, grow communities from within by combining housing initiatives with capital access and technical assistance programs which nurture small business and entrepreneurs.

In anticipation of the Clinton Administration moving research and development money away from defense and into commercial applications, I will create a Delaware Technology Advisory Committee. This group will be comprised of representatives from business, from government, from academia, and our Congressional delegation, to identify and seize opportunities for federal research and for development funds.

And finally, our economy cannot grow without adequate infrastructure. This Administration has begun a serious review of the State Chamber of Commerce's report on water and wastewater infrastructure. That report supports my call for careful review of State-funded projects to guarantee that tax dollars are being wisely used. We now must agree on how to fund our growing need in this area. I will work with the State Chamber and with you in the General Assembly to develop that consensus this year.

Maintaining an adequate infrastructure means more than water lines, more than sewers and more than highways -- though each is critical. Our infrastructure in Delaware, in this state needs also include maintaining the natural beauty of our beach, our parks and our open spaces, and even the clean air that we breathe.

This afternoon, I want to discuss an issue that concerns many legislators, and very soon, will confront every Delawarean -- and that is the federal Clean Air Act.

The Clean Air Act isn't just another federal mandate imposed unfairly on the states.

Congress passed the Clean Air Act, and President Bush signed it into law, why, because we have serious air pollution problems in this country -- problems that are damaging our environment and problems that are damaging our health.

Northern Delaware is in one of the seven worst areas in America for ozone pollution. The rest of Delaware also falls below safe standards for ozone pollution.

To ignore these air quality problems, and to reject these federal standards, means more than the loss of \$73 million federal dollars in transportation funds -- though I would point out that we would have to raise the gasoline tax in this State by roughly 18¢ per gallon to compensate for that loss.

Our dirty air poses a special risk to our children and to the elderly. Kids at play are more likely to develop respiratory problems and lung disease because of ozone.

Implementation of the Clean Air Act will mean changes in the lives of every Delawarean, and those changes will take some getting used to. We will have to drive our cars less and commute more with colleagues to work and some of us may even take up driving to work in mini-vans. Car inspection will cost more and will take longer. But I believe that ultimately these sacrifices are worthwhile for cleaner air.

I have heard some say that the Clinton Administration or Congress will roll back the Clean Air Act. Don't count on it. Neither has shown any inclination to reopen the issue. In fact, the EPA is already holding up nearly \$2 million of our federal transportation money because we are moving too slowly in Delaware.

To rectify that, I am reconstituting the Clean Air Task Force. It will be chaired by Transportation Secretary Anne Canby.

I will ask the General Assembly to pass legislation required for Clean Air Act implementation. The first will establish an air permitting program for major facilities emitting air pollutants.

The second will impose a fee schedule on those facilities for the purpose of administering the permit program and related activities. The fees will also fund a business assistance program to make compliance easier.

A third piece of legislation will establish enforcement provisions necessary for the EPA to approve Delaware's employee commuter plan.

Finally, I will need your help in developing a workable plan that will allow the enhanced inspection requirements of the Clean Air Act to be performed outside of State government. I understand the difficult issues that are involved, not the least of which are the State employees who may be affected. We need to work together to make that transition smooth, and to minimize the disruption in the lives of Delawareans, including those employees.

The Clean Air Act not only makes sense for our health, but also helps us to focus on the complicated -- and often times contradictory -- challenges of land use planning, infrastructure, and economic development.

I believe we need a statewide vision and plan for transportation, for land use, for air quality and development which involves all levels of government. It is not something that will happen easily or overnight, but with groups like WILMAPCO and the newly formed Dover Metropolitan Planning Organization, some of these pieces have already begun to take shape.

I will ask leaders in all three counties and the City of Wilmington to work with my Administration to begin developing a long-range plan this Spring.

From this effort, we can realize tremendous long-term savings one in infrastructure costs, preserve more open spaces, and also reduce traffic gridlock.

I think we all realize that various levels of government in Delaware can function more effectively by coordinating our efforts. The same can be said within State government.

Across America, state governments are taking a hard look at themselves; rethinking their purpose; refining the way they do business; and yes, sometimes even "reinventing" themselves.

Last month, I appointed a 12-member Commission, chaired by Lieutenant Governor Ruth Ann Minner, to begin the task of examining how we might make changes in our government structure to help us perform our jobs more effectively. Delaware taxpayers deserve no less.

Each of us has questioned whether we might be able to make government operate better in some way.

Is it time to rethink the organization of our public education system?

Are we properly coordinating the delivery of social services in our State?

Do we have land use, transportation and other infrastructure policies that preserve open space, that reduce air emissions, and promote long-term economic growth?

These questions, and many others like them, are critical to our State's future.

Of course, this Commission won't solve every problem facing government today, but it can help us redirect resources and enable us to do more -- without a great deal more revenue.

I have no intention of raising personal income taxes on Delawareans. We must rely on making better use of the resources now at our disposal.

Some changes have already been identified:

--For years, the Bond Bill for our capital improvement program has been the responsibility of the Delaware Development Office, the State's economic development agency. I believe it makes good business sense to have the Bond Bill handled by the Budget Office so that our Development Director can devote his full attention to promoting jobs and economic growth. I will send to the General Assembly legislation to make that change and I hope you will support it.

--Our State passenger fleet of more than 1,600 vehicles is too large, too old, too costly, and inequitably distributed among State agencies. At my direction, Administrative Services Secretary Vince Meconi is developing a plan that can save the State millions of dollars; reduce the fleet by half; cut the average age from six years to less than three; reduce maintenance costs; and contribute to the State's Clean Air Act compliance.

--And government effectiveness goes beyond the Executive Branch. With your help, I will sign into law legislation to add two new judges and Court Commissioners to the Superior Court, funding them with increased fees in the Justice of the Peace Courts. But, adding new judges is not enough. Several distinguished committees of the Bar have recommended the consolidation of the Common Pleas and Superior Courts, and other efficiencies to help unclog the Superior Court's docket. I want to work with the Judiciary and with the General Assembly to implement those recommendations.

These changes are merely a down payment on what I believe will be a productive and thorough review of how our State government operates.

In looking for new and better ways to govern, we need also to look at ourselves and ways we can better uphold the trust of the people we serve.

Last Friday, my Cabinet and senior staff held a three-hour ethics seminar at Buena Vista in which we discussed the rules of proper conduct for the Executive Branch. I will soon issue an Executive Order on meals, gifts and travel by Executive Branch officers.

When the Legislature returns from its Easter break, I will send you a legislative package that includes important reforms on lobbying the Executive Branch; gift limits; strengthening Delaware's campaign finance laws; establishing a public integrity commission with adequate resources to do its job; and improving public access to financial disclosure and campaign reports about public officials and candidates.

And when you send me a "motor voter" bill, I will sign it.

Most of all, I want my Administration to be accessible and accountable to members of the Legislature and to every citizen in this State. It's time, as Transportation Secretary Anne Canby likes to say, to "pop the hood" on State government.

She is already beginning to transform her Department, long identified as a place where many decisions were made behind closed doors, into one that treats citizens like valued customers and takes the concerns of communities seriously.

I want every department of our government to do the same.

I don't want to leave anyone here today thinking that this governor wants change just for the sake of change -- but some change is long overdue.

The Children's Department has languished for too long, and it's time for change.

Last December, I asked Tom Eichler to take over this troubled Department, taking what I viewed then, and what I view now, to be one of the toughest jobs in State government.

Secretary Eichler has already begun to take a fresh and systematic look at the service delivery and capacity of his new department.

I am committed to developing the capacity of the Children's Department, and that of our entire Administration, to partner with families in proactive and preventive ways. We need to get beyond the point of reacting to individual crises, to the point where we are actively working with families to keep them together whenever possible.

There are some issues that must be addressed now. We must find a lasting solution to the problems at the Ferris School.

The inadequacies of our Youth Rehabilitation Program have been debated for years. When I selected Tom Eichler to take his new job, I told him that his first mission was to forge consensus behind a youth rehabilitation reform proposal. He is already making headway with new dispositional guidelines -- being piloted in New Castle County -- to provide children with services tailored to their needs.

This spring, my Administration will present a plan to the General Assembly to address a whole range of youth rehabilitation issues -- from the lack of alternatives for kids who don't need to be in secure care facilities, to problems at Ferris itself. I am confident that, with your help, we can implement that reform plan this year.

I must be candid with you. I must be candid with you. We will need additional resources to make the Children's Department run the way it must. I need for the General Assembly to work with me to find the money to pay for it.

Despite the daunting task at the Children's Department, I am heartened to find others who share our commitment to strengthening families. The Business/Public Education Council has already shared with me their desire to help us better address the needs of families to assure that youngsters showing up for school are ready to learn. Programs like Parents as Teachers, and others throughout the State, are working to teach parenting skills and to train parents to be their children's first teacher. Both are critical undertakings if our kids are to enter the first grade ready to compete and ready to succeed.

What's lacking is a coordinated effort to ensure that all these efforts complement each other.

In the end, what we seek to create are strong and effective linkages between community partners, schools and the State's network of service centers -- to serve families in a new, "family-friendly" way. I will soon sign an Executive Order creating a Cabinet Council, comprised of Health and Social Services Secretary Carmen Nazario, Children's Department Secretary Tom Eichler, and State Superintendent of Public Schools Pat Forgione. They will be responsible for, among other things, coordinating Delaware's social service efforts and bringing them closer to our schools and to the many youngsters who need them.

Four years from now, four years from now, I want us to ensure that every elementary school has a counselor and that every high school has a wellness center for its students. As revenues become available this year, I will ask the General Assembly to fund additional wellness centers and counselors.

In the area of health care reform, we have already undertaken some important changes. In much the same way that we are considering "reinventing" our government, the Health Care Commission is now, in a

sense, reinventing itself to prepare for the next step in health care reform here in Delaware --formulating a comprehensive strategy for our State. We are committed to charting a course which is consistent with the national health care reform plan being developed in Washington, and which may serve as a model for other states to emulate.

The Health Care Commission, under the new leadership of Sally Gore, will begin to lay the groundwork for systemic changes in the months ahead. As they do so, they will work closely with the Nemours Foundation to get their proposed children's clinics up and running, while evaluating the managed-care demonstration project that has already been launched.

Just as we are committed to ensuring that children have healthy bodies as they enter school each morning, we are equally committed to ensuring that they enter an environment which is conducive to quality interaction and quality learning.

We are entering an exciting new era in education. Under the leadership of the State School Board and the Department of Public Instruction, Delaware is implementing a coherent education reform agenda that encompasses issues from early childhood to workforce readiness. The centerpiece of New Directions is holding all students to the same high standards and measures of performance, and ensuring equity for all Delaware children.

I want Delaware's education system to be the envy of this nation.

To continue moving forward, we need the General Assembly to require that local school districts provide assured funding for New Directions.

Other education initiatives that I want our State to undertake this year include:

--Developing a vigorous minority teacher recruitment effort to help local school districts attract and retain talented minority teachers;

--Using recommendations from the School Discipline Task Force, created by this General Assembly, to increase the uniformity and the fairness of school discipline codes and make schools places that are free of violence and conducive to learning;

--Holding schools accountable by publishing individual school profiles which benchmark the achievements of schools against the new assessments being used in New Directions; and, finally,

--Increasing the Governor's flexibility to appoint the best School Board possible. Certainly, the State School Board should have representation from local boards of education, but it does not necessarily need four of its seven members to have local board experience. HB 17, sponsored by Representative Liane Sorenson and Senator Dave Sokola, would provide for at least two members with local board experience, but would also allow for greater diversity on the State Board. I request its swift passage, so that I may make new State Board appointments this spring.

I cannot leave education reform issues without speaking directly to the desegregation case in New Castle County.

In recent months, I have been working closely with our Attorney General and with School Board President, Paul Fine, on the issue of federal court supervision of the New Castle County Schools. I want to share with you the direction we are taking.

In many respects, we have a proud history here in Delaware. But like every other State in the union, the history of our treatment of African-Americans and other minorities has often been characterized by its unfairness.

The unequal treatment of African-Americans in Delaware was visited upon black children as forcefully as it was upon adults. When the United States Supreme Court decided the historic case of Brown v. The Board of Education, it also affirmed a Delaware case requiring school integration.

But more than 20 years later, another federal court ruled that Delaware schools in New Castle County were still violating the rights of black children. The desegregation order that resulted is one that most of us remember well, and one that much of New Castle County lives with to this day.

Fifteen years have passed since the desegregation order was implemented. Thousands of Delaware children have been educated at fully-desegregated schools.

I want to say very clearly that it is the policy and the Constitutional responsibility of this State to provide an excellent education and an equal opportunity for a better life to every single child -- regardless of the color of their skin, regardless of whether that child lives in Greenwood or lives in Greenville.

I will never waver from that responsibility.

We will meet our responsibility to provide an equal education without a federal court's supervision. We intend to move forward later this year with an initiative to lift the federal court order.

But we will not turn back the clock. We will move forward, fully committed to racial equality and with the flexibility to give our kids the best education possible.

Our goal is to improve the education system for every child in every county of our State.

Let me close by saying that in the weeks to come, we will be sending to the General Assembly legislation enabling us to do many of the things that I have outlined for you today. We also want to work with the leadership of both chambers and with individual members on your ideas to improve our State.

As we learn and as we grow, I want each member of this General Assembly to know that the members of my Administration value your insight and value your guidance, and we respect your constitutional prerogatives as a co-equal branch of our government. I intend for our Administration to work in a cooperative and a bipartisan way to serve, with you, the people of our State.

Together, Delaware can move confidently toward the 21st century. The talent and experience in this room, in this Chamber and in this State, can surely meet any challenge that the future may hold for us.

Thank you very much.

The Lieutenant Governor 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 Sharp moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals to see if they agree.

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

At 2:41 p.m. Senator Sharp moved that the Joint Session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the Lieutenant Governor declared the Joint Session adjourned.

The House reconvened at 4:34 p.m.

Mr. Speaker Spence introduced guests.

Representative Oberle brought HB 20, jointly sponsored by Representative Amick & Senator Vaughn, before the House for consideration.

HB 20 - An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to the Controlled Substances Act and Anabolic Steroids.

Representative Oberle deferred to Representative Reynolds.

Representative Reynolds brought HA 1 to HB 20 before the House for consideration.

Representative Reynolds made comments.

HA 1 to HB 20 was adopted by voice vote.

Representative Oberle introduced guests and also made comments.

The roll call on HB 20 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Holloway, Roy - 3.

Therefore, having received a constitutional majority, HB 20 w/HA 1 was sent to the Senate for concurrence.

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

Representatives Spence, D. Ennis & Gilligan made comments.

Representative Oberle brought HB 21, jointly sponsored by Senator Connor, before the House for consideration.

HB 21 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

Representatives Oberle & Maroney made comments.

Representative Plant requested and was granted the privilege of the floor for Mark Reardon, House Attorney.

Representative Oberle moved to place HB 21 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Amick brought HB 35, jointly sponsored by Senator Neal & Representative D. Ennis, before the House for consideration.

HB 35 - An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties.

Comments were made by Representative Amick.

The roll call on HB 35 was taken and revealed:

YES: 35.

NO: Representatives DiLiberto, Jonkiert, Quillen - 3.

ABSENT: Representatives Caulk, Holloway, Roy - 3.

Therefore, having received a constitutional majority, HB 35 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:08 p.m.

13th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 24, 1993

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

The Reading Clerk read the following communication into the record:

March 24, 1993

LEGISLATIVE ADVISORY #4

FROM: Office of Counsel to the Governor

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 3/19/93  
- SB 47 aab SA 1.

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

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 1.

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 prefilled legislation was introduced:

HB 101 - AMICK & SENATOR VENABLES - SUBS ABUSE: An Act to Amend Sub-Chapter II, Chapter 5, Title 4, of the Delaware Code Relating to Alcoholic Liquors.

HB 102 - AMICK - SUBS ABUSE: An Act to Amend Chapter 26, Title 6 of the Delaware Code Relating to Unfair Cigarette Sales Act.

HB 103 - MACK & SENATOR CONNOR - H/ADM: An Act Authorizing and Directing the Secretary of State to Convey to the City of New Castle Fee Simple Title to Two Parcels of Land Both of Which Are Located in the City of New Castle, Delaware, One of Which is Commonly Known as Bull Hill, and the Other Being a Small Triangular Parcel of Land Located Adjacent to Route 9, Said Lands Having Been Given to the Commissioners of the Town of New Castle in Trust by Two Separate Acts of the Delaware Legislature on March 5, 1851, Being Chapter 587, Volume 10, Laws of Delaware, and a Subsequent Supplement to the Act, Being Chapter 624, Volume 10, Laws of Delaware; Metes and Bounds to Said Parcels Herein Specified Comprising of Approximately 5.61 Acres.

HB 104 - EWING & SENATOR ADAMS; REPRESENTATIVES AMICK, BANNING, BRADLEY, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, FALLON, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, LEE, LOFINK, MACK, MARONEY, PETRILLI, PLANT, QUILLIN, REYNOLDS, ROY, SCHROEDER, SMITH, SORENSON, SPENCE, VANSANT, WAGNER, WEST, WOJEWODZKI; SENATORS BAIR, BLEVINS, CONNOR, COOK, CORDREY, HAUGE, HOLLOWAY, KNOX, MARSHALL, MARTIN, MCBRIDE, NEAL, SHARP, SOKOLA, STILL, TORBERT, VAUGHN, VENABLES, VOSHALL - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Recipients of the Purple Heart.

HB 105 - BENNETT; SENATOR TORBERT - H/ADM: An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36 of the Laws of Delaware, as Amended, Relating to Real Property Reassessments. (2/3 bill)

HB 106 - WEST, SENATOR VENABLES; REPRESENTATIVES BUNTING, SCHROEDER, CAULK, CLARK, B. ENNIS, HOUGHTON - ED: An Act to Amend Chapter 10 of Title 14, Delaware Code, Relating to Changes in the Boundaries of the Indian River School District Board of Education Representative Districts.

HB 107 - WEST, CAULK, BRADY, SPENCE, JONKIERT, VANSANT, B. ENNIS, CAREY, SCHROEDER, BUNTING; SENATORS VENABLES, ADAMS - ED: An Act to Amend Subchapter III, Chapter 10, Title 14, Delaware Code, Relating to the Authority of a Reorganized School District to Reassign, Transfer or Relocate Pupils Within a District Without First Conducting a Public Referendum of the Qualified Voters So Affected in the District to Determine Its Approval or Rejection.

HB 108 - WEST, B. ENNIS, HOUGHTON, CAULK, VANSANT, JONKIERT, CLARK, BRADY - LABOR & HUM RES MAN: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

HB 109 - WEST & SENATOR ADAMS - HOUSING & COM AFF: An Act to Amend Title 29 of the Delaware Code Relating to Compensatory Payments for Certain Exempt Properties Owned by the State of Delaware to the Town of Georgetown.

HB 110 - WEST - HAZ WASTE MAN: An Act Prohibiting the Delivery, Disposal, Deposit, Transference, or the Transporting of Any Sludge From a Waste Treatment Plant or Facility Whose Point of Origin is Outside the Boundaries of Sussex County; and Further Providing a Penalty Therefor.

HB 111 - WEST, B. ENNIS, BRADY, CLARK, JONKIERT, HOUGHTON, BENNETT, CAULK, VANSANT; SENATORS HOLLOWAY, MARSHALL - H/ADM: An Act to Amend Title 29, Delaware Code, Relating to the Establishment of Provisions Regarding the Operations of the Various Departments of State Government.

HB 112 - WEST - HOUSING & COM AFF: An Act to Amend Title 24 of the Delaware Code Relating to Auctioneers.

HB 113 - WEST & CLARK, BRADY, BUNTING, CAREY, CAULK, HOUGHTON, JONKIERT, PETRILLI, QUILLEN, REYNOLDS, SMITH; SENATORS CONNOR, CORDREY, HOLLOWAY, VAUGHN, VENABLES - HUM NEEDS & DEV: An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

HJR 2 - PETRILLI, AMICK, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, QUILLEN, REYNOLDS, ROY, SMITH, SORENSON, SPENCE, WAGNER, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, HOLLOWAY, HOUGHTON, JONKIERT, PLANT, SCHROEDER, WEST, WOJEWODZKI; SENATORS HOLLOWAY, SOKOLA, TORBERT, VENABLES, VOSHELL, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL - H/ADM: Requesting the Delaware Congressional Delegation to Meet With a Joint Session of the General Assembly to Discuss Unfunded Federal Mandates and Other Burdens Imposed by the Federal Government on the State.

HA 1 to HB 68 - CLARK - ED: Placed with the bill.

HA 1 to HB 77 - AMICK - H/ADM: Placed with the bill.

Representatives Amick & Smith requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: March 24, 1993

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>
H137-116	Holloway	3/06/93	M	Charles Henry Cornish
H137-117	Mack	3/19/93	T	Wilmington Manor Lions Club/50th Anniversary
	cosponsor: Senator Connor			
H137-118	Amick	3/13/93	M	Bob Balmer
H137-119	Sorenson	3/17/93	T	A. I. DuPont High Sch./Lead Off St. Patrick's Parade/Ireland
H137-120	Reynolds	3/18/93	T	Jim Phillips/Wm. Penn Basketball Team/Flight A Championship
	cosponsors: Mack, Brady			
H137-121	Gilligan	3/17/93	M	Edward Joseph Dugan
	cosponsor: Sorenson			
H137-122	VanSant	3/20/93	T	Elsmere Fire Company/74th Anniversary/Ded. Service to Comm.
	cosponsor: Houghton			
H137-123	Fallon	3/05/93	T	Seaford Christian Academy/11th Place/Nat. Christian Athletes Basketball Tournament
H137-124	Carey	3/18/93	T	DE Tech/U. of D./25th Anniv. of Parallel Program
	cosponsors: Ewing, Schroeder, Bunting, Fallon, Lee, West			
H137-125	Mack	3/06/93	T	Coach Jack Holloway/William Penn Wrestling/State Champs
	cosponsors: Reynolds, Brady			
H137-126	Plant	3/18/93	T	Nancy Ford/Participated in Ed. and Nutrition Prog.
H137-128	Fallon	3/22/93	T	Tom & Catherine Temple/60 Yrs. Marriage
H137-129	Fallon	3/22/93	T	Walter & Lillian Soroka/65 Yrs. Marriage
H137-130	Fallon	3/22/93	T	Henry & Jean Dunham/50 Yrs. Marriage
H137-131	Fallon	3/22/93	T	James & Gladys Wright/51 Yrs. Marriage
H137-132	Fallon	3/22/93	T	George & Elizabeth Isenhower/51 Yrs. of Marriage
H137-133	Fallon	3/22/93	T	Sherwood & Catherine Marvel/51 Yrs. of Marriage

T - Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings at 2:15 p.m.

The House reconvened at 5:35 p.m. with Representative Quillen as Acting Speaker.

Representatives Carey, Sorenson, Wagner, Taylor, Mack, Holloway, Bradley, Brady, Wojewodzki & Plant requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

The following prefiled Consent Calendar #4 was introduced:

HR 13 - WAGNER; SENATOR STILL - Mourning the Loss of Dr. Clauzell W. Smith, Former Assistant Dean of Delaware State College.

HR 14 - MACK, BUCKWORTH, DAVIS, REYNOLDS, SPENCE, BRADY, HOLLOWAY, HOUGHTON; SENATORS HOLLOWAY, MCBRIDE, VAUGHN, CONNOR - Congratulating the William Penn Wrestling Team for a Perfect Season Distinguished by the Additional Honor of Winning the Title of Team State Champions.

HR 15 - AMICK - Correcting the Table of Contents to House Resolution No. 11 Relating to the Permanent Rules of the House of Representatives of the 137th General Assembly of the State of Delaware.

HR 16 - WAGNER - Celebrating Dr. Ronald W. Starnes' Contributions to the Humanities.

HR 17 - WAGNER, BUCKWORTH, SPENCE - Mourning the Loss of Dover's Dr. James V. Gallagher, III.

HCR 9 - BRADY, DAVIS, HOLLOWAY, HOUGHTON, LOFINK, MACK, REYNOLDS, SPENCE; SENATORS CONNOR, HOLLOWAY, MCBRIDE, VAUGHN - Congratulating the William Penn High School Girls' Basketball Team, the "Colonials," on Winning the State Championship in the Delaware High School Girls' Basketball Tournament.

HCR 10 - AMICK & SENATOR NEAL; REPRESENTATIVES OBERLE, PETRILLI, DAVIS, WOJEWODZKI, LOFINK - Congratulating the Glasgow High School Boys Basketball Team on Their Championship Season.

SCR 9 - NEAL, VAUGHN - Commending the Star Enterprise Delaware City Plant on Receiving the First Roe Partnership Award Established by Betz Laboratories, Inc. to Recognize Environmental, Health and Safety Innovations.

SCR 10 - STILL, TORBERT, COOK; REPRESENTATIVES WAGNER, BENNETT, CLARK, BUCKWORTH - Commending Clealyn B. Wilson, a First Grade Teacher at East Elementary School, Capital School District, Dover, Recipient of the Distinguished 1993 Delaware Teacher of the Year Award.

SCR 12 - MARSHALL & REPRESENTATIVE MARONEY; ALL SENATORS & REPRESENTATIVES - Recognizing March 23, 1993 as National Diabetes Alert Day.

SCR 13 - VAUGHN; REPRESENTATIVES EWING; SENATOR COOK; REPRESENTATIVES CLARK, BUCKWORTH - Commending and Congratulating the Smyrna High School Wrestling Team and Its Head Coach, Mike Dulin, for Winning the Division II State Wrestling Title.

Consent Calendar #4 was adopted by voice vote and HCR 9 & HCR 10 were sent to the Senate for concurrence and SCR 9, SCR 10, SCR 12 & SCR 13 were returned to the Senate.

Representative George requested and was granted the privilege of the floor for Mark Reardon, House Attorney, for presentation of a House Tribute.

Representative Gilligan requested and was granted the privilege of the floor for John Paradee, House Attorney, for presentation of a House Tribute.

Representative George introduced two new House Minority Attorneys.

Representative Jonkiert requested that he be marked present.

Representative Wagner requested and was granted the privilege of the floor for introduction of guests.

Representative Reynolds requested that he be marked present.

Representative West requested that he be marked present.

Comments were made by Representative Brady regarding HCR 9.

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

P/S: HB 104 - 1F,5M.

HUM NEEDS & DEV: HB 41 - 1F,5M.

ENVIR & NAT RES: SCR 6 - 4F,2M.

H/ADM: HS 1/HB 18 - 5M; HB 30 - 5M; HS 1/HB 32 - 4M; HB 44 - 4M; HB 61 - 4M; HB 67 - 5M; HR 12 - 5F, SB 6 w/SA 1 & 3 - 5M; SCR 2 - 5M.

ED: HB 68 - 3M,2U.

Mr. Speaker assigned SB 6 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:56 p.m.

14th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 25, 1993

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

Representatives Maroney & Caulk requested that they be marked present for the current legislative day.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth - 1.

A prayer was offered by Representative Peggy G. Bradley, Eleventh 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 114 - OBERLE, B. ENNIS, D. ENNIS, LEE, BUCKWORTH, REYNOLDS, SMITH, AMICK, DAVIS, EWING, WAGNER, CAREY, LOFINK - JUD: An Act to Amend Chapter 5, Subchapter II, Subpart D of Title 11 of the Delaware Code by Adding the New Sexual Crime of Bestiality.

HB 115 - ROY, JONKIERT; SENATORS COOK, MARTIN, KNOX - TRANS: An Act to Amend 68 Laws of Delaware, Chapter 156, Being the 1992 Bond and Capital Improvements Act of the State of Delaware and 68 Laws of Delaware, Chapter 405, Being the 1993 Bond and Capital Improvements Act of the State of Delaware. (3/4 bill)

HB 116 - ROY - HOUSING & COM AFF: An Act to Amend Chapter 40, Title 31 Relating to Welfare and the Department of Housing.

HB 117 - ROY, DAVIS; SENATORS COOK, MARTIN - TRANS: An Act to Amend Chapter 13, Title 2, Delaware Code Relating to Auditing and the Delaware Transportation Authority.

HB 118 - AMICK & SENATOR HAUGE - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gubernatorial Appointments. (2/3 bill)

HB 119 - VANSANT, BANNING, BRADY, B. ENNIS, EWING, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SPENCE, WEST - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to LeRoy O'Neal, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

HB 120 - GEORGE, AMICK, BANNING, BRADLEY, BRADY, BUNTING, CLARK, DAVIS, DILIBERTO, D. ENNIS, HOLLOWAY, PETRILLI, PLANT, QUILLEN, ROY, SORENSON, SMITH, DIPINTO, SPENCE, SCHROEDER, CAREY, LOFINK, TAYLOR, MARONEY, HOUGHTON, WAGNER, LEE, VANSANT, WOJEWODZKI, SENATORS HOLLOWAY, SOKOLA, VOSHELL - ED: An Act to Amend Chapter 41, Title 14, Delaware Code, Relating to the Parents as Teachers Program.

HC 11 - CLARK, BANNING, CAREY, MACK, VANSANT, HOUGHTON, DILIBERTO, DIPINTO, REYNOLDS, B. ENNIS, PLANT, BENNETT, WEST; SENATORS VAUGHN, VOSHELL, BLEVINS, TORBERT - JUD: Requesting the Department of Justice to Make Recommendations Concerning Expansion of Legally Accepted Use of Force in Protecting One's Personal Property in Response to the Increases in Carjackings and Other Assaults on Person's in Motor Vehicles.

HA 1 to HB 17 - WAGNER, DAVIS - AGENDA: Placed with the bill.

HA 1 to HB 67 - AMICK - H/ADM: Placed with the bill.

Representatives Amick, West, B. Ennis, Bennett, Smith & Holloway requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:10 p.m.

Mr. Speaker Spence resumed the Chair.

The House reconvened at 4:30 p.m.

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

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

Representative George moved to suspend the rules which interfere with action on HR 12. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative George brought HR 12, jointly sponsored by Representatives Petrilli, Quillen, Spence & Gilligan, before the House for consideration.

HR 12 - Resolving the Issues Raised by Thomas Alexander, Jr. Pertaining to the Qualifications of Herman M. Holloway, Jr. to be a Member of the Delaware House of Representatives and Confirming Herman M. Holloway, Jr. as a Member of the Delaware House of Representatives.

Representative Holloway announced that he will not be voting on HR 12 because of a possible conflict of interest.

Representative George made comments..

HR 12 was adopted by voice vote.

Representative Sorenson brought HB 17, jointly sponsored by Senator Sokola, before the House for consideration.

HB 17 - An Act to Amend Chapter 1, Title 14 of the Delaware Code Relating to the State Board of Education.

Representative Sorenson made comments..

Representative Davis requested that HA 1 to HB 17 be stricken.

Representative Spence introduced a guest.

Representative Davis introduced and brought HA 2 to HB 17, jointly sponsored by Representative Wagner, before the House for consideration.

Comments were made by Representatives Davis, Sorenson, Wagner & Gilligan.

The roll call on HA 2 was taken and revealed:

YES: Representatives Bennett, Carey, Davis, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Reynolds, Roy, Taylor, Wagner, West - 14.

NO: 26.

ABSENT: Representative Buckworth - 1.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

The roll call on HB 17 was taken and revealed:

YES: 30.

NO: Representatives Bennett, Carey, Davis, Fallon, Lee, Mack, Reynolds, Taylor - 8.

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

ABSENT: Buckworth - 1.

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

Representative Roy brought HB 23, jointly sponsored by Senator Venables, before the House for consideration.

HB 23 - An Act to Amend Chapter 1, Title 4, of the Delaware Code, Relating to Alcoholic Liquors.

Comments were made by Representatives Roy & Ewing.

The roll call on HB 23 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, George - 2.

Therefore, having received a constitutional majority, HB 23 was sent to the Senate for concurrence.

Representative Smith brought HB 61, jointly sponsored by Senator Bair, before the House for consideration.

HB 61 - An Act to Amend an Act Entitled "An Act to Reincorporate the Village of Arden" as Amended Relating to Registration Committees. (2/3 bill)

Representative Smith made comments..

The roll call on HB 61 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, George - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 61 was sent to the Senate for concurrence.

Representative Quillen brought HS 1 for HB 18, cosponsored by Representative Ewing before the House for consideration.

HB 18 - An Act to Amend Chapter 55, Title 15, Delaware Code Relating to Absentee Ballots for the Physically Disabled.

Representatives Quillen, Oberle & Davis made comments.

The roll call on HS 1 for HB 18 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HS 1 for HB 18 was sent to the Senate for concurrence.

Representative Davis brought HB 30, jointly sponsored by Representatives D. Ennis, Maroney, Petrilli, Smith, Brady, Bunting, Holloway, Houghton & Plant & Senator Holloway & cosponsored by Representative Wojewodzki, before the House for consideration.

HB 30 - An Act Concurring in a Proposed Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

Representative Davis made comments..

The roll call on HB 30 was taken and revealed:

YES: 31.

NO: Representatives Banning, Bennett, Clark, Jonkiert, Mack, Oberle, VanSant, West - 8.

NOT VOTING: Representative B. Ennis - 1.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 30 was sent to the Senate for concurrence.

Representative Amick moved to suspend the rules which interfere with action on HB 86. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HB 86, jointly sponsored by Senator Blevins, before the House for consideration.

HB 86 - An Act to Amend Chapters 1,5 and 7 of Title 4 of the Delaware Code Regarding a License for a Multi-Purpose Sports Facility. (3/5 bill)

Representative D. Ennis announced that he will not be voting on HB 86 because of a possible conflict of interest.

Representatives Jonkiert, Amick, Oberle & Taylor made comments.

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

Representatives Oberle & Taylor made comments.

Representative Taylor introduced and brought HA 1 to HB 86 before the House for consideration.

Representative Taylor made comments..

HA 1 to HB 86 was adopted by voice vote.

Representatives Gilligan, Davis, Amick, Taylor, Houghton, DiLiberto, VanSant & Ewing made comments.

The roll call on HB 86 w/HA 1 was taken and revealed:

YES: 30.

NO: Representatives Bunting, Carey, Caulk, DiLiberto, Ewing, Houghton, Oberle - 7.

NOT VOTING: Representatives Clark, Davis, D. Ennis - 3.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 86 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:55 p.m.

# 15th LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session  
March 30, 1993

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 41, SB 10 w/SA 1, SCR 14, SCR 15, SCR 16, SCR 17, SJR 8, HCR 9, HCR 10, SB 26 w/SA 1 & 2, SB 21 w/SA 1 & SB 58.

## MEMORANDUM

TO: THE HONORABLE TERRY SPENCE

Speaker of the House

FROM: Representative Bruce C. Ennis

DATE: March 30, 1993

Due to a commitment in Pennsylvania I will not be able to attend session today. I will be in Wednesday, March 31.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative B. Ennis - 1.

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

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

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

The following prefiled legislation was introduced:

HB 121 - AMICK - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Property; and Providing for a Uniform Condominium Act.

HB 122 - TAYLOR; SENATOR MARTIN - TRANS & INFRA: An Act to Amend Title 21, Part III, Chapter 41, Subchapter IX Relating to the Rules of the Road.

HB 123 - DIPINTO, BENNETT, EWING, PETRILLI, QUILLEN, VANSANT, BUCKWORTH, CAULK; SENATORS HOLLOWAY, CORDREY, ADAMS, MCBRIDE, CONNOR, SHARP, VAUGHN, MARTIN, MARSHALL - H/ADM: An Act to Amend Titles 16 and 19 of the Delaware Code Relating to the Health, Safety, Employment and Privacy Rights of Non-Smokers and Smokers; and Providing for Balanced Protection and Accommodation Safeguards Therefore Through Clean Indoor Air Prohibitions and Requirements in Public Places and In the Work Place; and Further Providing Protection Against Unwarranted Government Intrusion Into and Regulation of Private Spheres of Conduct and Choice With

Respect to the Use or Nonuse of Tobacco Products in Certain Designated Public and Private Places; and Further Affording Protections to Persons From Discriminatory and Retaliatory Employers' Actions for Private Conduct and Choice Concerning Tobacco Product Use or Nonuse.

**HB 124** - ROY, AMICK, BUCKWORTH, CAREY, DAVIS, EWING, LOFINK, MACK, QUILLEN, REYNOLDS, TAYLOR, HOUGHTON, JONKIERT, PLANT, VANSANT; SENATORS BLEVINS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, TORBERT, VOSHALL - ECON DEV, B & I: An Act to Amend Chapter 7, Title 24, Delaware Code Relating to Insurance and the Board of Chiropractic.

**HB 125** - SMITH & SENATOR VAUGHN; REPRESENTATIVES D. ENNIS, WAGNER, DIPINTO, JONKIERT, HOUGHTON, BENNETT - ECON DEV, B & I: An Act to Amend Chapter 7, Title 18, Delaware Code, Regarding Fees and Taxes.

**HB 126** - PETRILLI & SENATOR KNOX - HOUSING & COM AFF: An Act to Amend Title 6 of the Delaware Code Relating to Full, Fair and Timely Disclosure of Material Terms of Residential Heating Fuel Service Contracts.

**HB 127** - LEE, AMICK, BUCKWORTH, EWING & SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to the Compensation of Members of the Board of Parole.

**HA 1 to HB 7** - OBERLE - P/S: Placed with the bill.

**HA 1 to HB 104** - EWING - AGENDA: Placed with the bill.

**HR 18** - AMICK, DIPINTO, ROY, WAGNER, B. ENNIS, JONKIERT, CLARK - H/ADM: Relating to Procedures of the House of Representatives of the 137th General Assembly of the State of Delaware for Ethics Violations.

**SB 10 w/SA 1** - MCBRIDE; REPRESENTATIVES REYNOLDS & HOLLOWAY - JUD: An Act to Amend Title 11 of the Delaware Code, Relating to the Offense of Patronizing a Prostitute. (2/3 bill)

**SB 21 w/SA 1** - TORBERT & SENATOR STILL; REPRESENTATIVE WAGNER - LABOR & HUM RES MAN: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Protection of Public Employees Reporting Suspected Violation of Law.

**SB 26 w/SA 1 & 2** - SHARP & REPRESENTATIVE OBERLE; SENATORS VAUGHN, HOLLOWAY, MARSHALL, MCBRIDE, MCDOWELL, CONNOR; REPRESENTATIVES WEST, SPENCE, WAGNER - ECON DEV, B & I: An Act to Amend Title 19 of the Delaware Code Relating to Workmen's Compensation Insurers' Subrogation Rights and Title 21 of the Delaware Code Relating to Insurance Benefits.

**SB 41** - VAUGHN & REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend The Laws of Delaware, Volume 66, Chapter 29I, as Amended, Being the Charter of the Town of Clayton, to Change the Fiscal Year. (2/3 bill)

**SB 58** - ADAMS; REPRESENTATIVE EWING - ECON DEV, B & I: An Act to Amend Title 5 of the Delaware Code Relating to Building and Loan Associations.

**SJR 8** - SOKOLA & REPRESENTATIVE SORENSON - ED: Recognizing Delaware Technical and Community College in Celebrating National Community College Month.

**SCR 14** - MCBRIDE, CONNOR & REPRESENTATIVE LOFINK - HAZ WASTE MAN: Requesting That a Working Glossary of Definitions for Key Words, Terms and Phrases in Solid Waste Management be Developed Jointly by the Department of Natural Resources and Environmental Control, and the Delaware Solid Waste Authority.

**SCR 15** - SOKOLA & REPRESENTATIVE ROY; SENATORS COOK, MARTIN, MCDOWELL, SHARP, VENABLES, VOSHALL, KNOX, NEAL; REPRESENTATIVES LOFINK, TAYLOR, BRADLEY, SCHROEDER, WOJEWODZKI - TRANS & INFRA: Requesting State Agencies to Encourage and Promote Bicycle Use and Bicycle Commuting as an Alternative Method of Transportation.

Representative Smith requested that he be marked present.

Representative Wagner was granted the privilege of the floor to introduce a guest.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 30, 1993

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>
H137-134	Fallon	3/22/93	T	Phillip & Eleanor C. Moore/52 Yrs. of Marriage
H137-135	Fallon	3/22/93	T	Walter & Jean Ruark/52 Yrs. of Marriage
H137-136	DiLiberto	4/30/93	T	F. Tucker Mulrooney/Outstanding Service to Men of Malvern

H137-137	Quillen	3/22/93	T	Courtland & Cathryn Dill/ Centennial Anniv. of Family Farm
H137-138	George	3/25/93	T	Mark L. Reardon/Ded. Service/ /Democratic Caucus Attorney
H137-139	Gilligan		T	John W. Paradee/Ded. Service/ /Democratic Caucus Attorney
H137-140	Carey	3/27/93	T	Grand Exalted Ruler Vincent R. Collura/Visit/Elks Lodge 2401
H137-141	Wagner	4/10/93	T	Jennifer Williams & Rohan Rudolph/Marriage
H137-142	Houghton	4/18/93	T	Bryan May - Troop 274/Eagle Scout
H137-143	Fallon	3/25/93	T	Leon & Hilda Knetz/52 Yrs. of Marriage
H137-144	Fallon	3/25/93	T	Carl & Helen Stump/52 Yrs. of Marriage
H137-145	Fallon	3/25/93	T	Frank & Louise Monaco/52 Yrs. Of Marriage
H137-146	Fallon	3/25/93	T	James & Anna Smith/53 Yrs. of Marriage
H137-147	Fallon	3/25/93	T	Charles & Kathleen Davidson/ 53 Yrs. of Marriage
H137-148	Fallon	3/25/93	T	Ed & Alice McCauley/58 Yrs. of Marriage
H137-149	Fallon	3/25/93	T	Carlton & Louise King/51 Yrs. of Marriage
H137-150	Fallon	3/25/93	T	Edward & Emily Maas/58 Yrs. of Marriage

T - Tribute

M - Memoriam

Representatives West & Buckworth requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:44 p.m.

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

Representative Buckworth requested that HB 74 be stricken.

Representative Holloway requested that he be marked present.

Representative Amick requested that HB 53 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 24 w/SA 1.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as Co-Sponsor of HB 113.

Date: 3/30/93.

Signed: Gerald A. Buckworth.

Representative Reynolds requested that he be marked present.

The House observed a moment of silence in memory of Senator J. Caleb Boggs.

Representative Petrilli introduced and brought HR 19, jointly sponsored by Representatives Spence, Quillen, George & Gilligan on Behalf of All Representatives, before the House for consideration.

HR 19 - Congratulating Former Legislator and Legislative Agent George Jarvis Upon His Retirement From Delmarva Power and Light.

Representative Petrilli made comments..

Representative Clark requested that he be marked present.

HR 19 was adopted by voice vote.

Representative Holloway was granted personal privilege of the floor to introduce a guest.

Representative Carey brought SCR 6, jointly sponsored by Senators McBride, Vaughn & Voshell & Representatives D. Ennis & Mack, before the House for consideration.

SCR 6 - 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 Committee.

Representative Carey introduced and brought HA 1 to SCR 6 before the House for consideration.

Representative Carey made comments..

HA 1 was adopted by voice vote.

Representatives Carey, George & Davis made comments.

SCR 6 w/HA 1 was adopted by voice vote and returned to the Senate for concurrence on HA 1.

Representative Roy requested that he be marked present.

Representative Roy brought HB 44, jointly sponsored by Senators Sokola & Blevins & Representative Taylor, before the House for consideration.

HB 44 - An Act to Amend Chapter 26, Title 9, Delaware Code Relating to New Castle County Zoning.

Representatives Roy, Petrilli, Amick & Oberle made comments.

The roll call on HB 44 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 44 was sent to the Senate for concurrence.

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

Representative Petrilli introduced HB 128, jointly sponsored by Representatives Spence, Quillen, Roy, Davis, George & Gilligan & Senators Cordrey, Cook, Sharp, Holloway, Martin, Bair & Connor.

HB 128 - An Act to Amend Chapter 10 of Title 14 and Chapters 50, 63, 66, 69 and 74 of Title 29 of the Delaware Code Relating to the Transfer of Capital Budget Responsibilities of the Delaware Development Office to the Office of the Budget, and Authorizing the Transfer of Related Positions and Funding, and the Advanced Planning and Real Property Acquisition Fund.

Mr. Speaker assigned HB 128 to the Appropriations Committee.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 38, jointly sponsored by Representatives Ewing, Lee, Bennett & Houghton & Senator Vaughn, before the House for consideration.

HB 38 - An Act to Amend Section 4177B, Title 21, Delaware Code Requiring Participants in the First Offender Program to Pay the Costs of Prosecution. (F/N)

Representative Davis introduced and brought HA 1 to HB 38 before the House for consideration.

Representative Davis made comments.

HA 1 to HB 38 was adopted by voice vote.

Representatives Davis & Plant made comments.

The roll call on HB 38 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Plant - 1.

ABSENT: B. Ennis - 1.

Therefore, having received a constitutional majority, HB 38 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 104, jointly sponsored by Senator Adams & Representatives Amick, Banning, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Holloway, Houghton, Lee, Lofink, Mack, Maroney, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Sorenson, Spence, VanSant, Wagner, West & Wojewodzki & Senators Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables & Voshell, before the House for consideration.

HB 104 - An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Recipients of the Purple Heart. (F/N)(3/5 bill)

Representative Ewing brought HA 1 to HB 104 before the House for consideration.

Representatives Ewing & VanSant made comments.

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

Representatives Bennett & Ewing made comments.

HA 1 to HB 104 was adopted by voice vote.

Representative Davis made comments.

The roll call on HB 104 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 104 w/HA 1 was sent to the Senate for concurrence.

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

The Purple Heart recipients who are House Members were recognized by the House.

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

The Majority Leader moved to recess to the call of the Chair at 5:30 p.m.

16th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
March 31, 1993

Mr. Speaker Spence called the House to order at 2:05 p.m.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 59.

M-E-M-O-R-A-N-D-U-M

To: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Orlando J. George, Jr.  
Minority Leader  
DATE: March 30, 1993

Due to a professional commitment at Delaware Technical & Community College, I will not be able to attend session on Wednesday, March 31, 1993.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 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 129 - LEE, CAREY, CAULK, EWING, FALLON, WAGNER, BENNETT, BUNTING, SCHROEDER, WEST & SENATOR VENABLES - P/S: An Act to Amend Chapters 1, and 21, Title 21 of the Delaware Code Relating to Recreational Trailers. (3/5 bill)

HB 130 - LEE, BUCKWORTH, EWING, BANNING & SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to the Duties of the Parole Board.

HB 131 - EWING - P/S: An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Survivors' Eligibility for Pension Benefits.

HB 132 - EWING; SENATOR ADAMS - H/ADM: An Act to Amend Section 29, Chapter 237, Volume 71, Laws of Delaware, as Amended by Section 1, Chapter 165, Volume 53 Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Borrow Money. (2/3 bill)

HB 133 - MACK, CAREY, SMITH; SENATOR VAUGHN - HAZ WASTE MAN: An Act to Amend Chapter 91, Title 7, Delaware Code Relating to Taxation of Petroleum Products.

HA 1 to HB 21 - OBERLE - L.O.T.: Placed with the bill.

HA 1 to HB 24 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 47 - ROY - TRANS & INFRA: Placed with the bill.

HA 1 to HB 79 - WAGNER - JUD: Placed with the bill.

HA 1 to HB 89 - JONKIERT - JUD: Placed with the bill.

SB 24 w/SA 1 - TORBERT; REPRESENTATIVES SPENCE, EWING - H/ADM: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to Boiler Safety.

SB 59 - CORDREY & REPRESENTATIVE WEST - H/ADM: An Act to Amend Chapter 138, Volume 68, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Dagsboro" as Amended, to Revise the Procedures for Registration of Voters. (2/3 bill)

Representative West requested that he be marked present.

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

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #9**

DATE: March 31, 1993

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>
H137-151	Gilligan	3/25/93	M	Kenneth W. Boulden/Former Speaker of the House
H137-152	Quillen	4/06/93	T	Claudia Moore Onken/Merit Award Superior Perf./U. of D.
H137-153	Quillen	4/15/93	T	Elizabeth M. Schorsk/80th Birthday

H137-154	Brady	2/03/93	M	Thomas J. Conner
H137-155	Brady	2/05/93	M	William W. (Bill) Yetter
H137-156	DiLiberto	3/21/93	T	Holy Angels Basketball Team/ Championship
H137-157	Fallon	3/25/93	T	Alan Jones/Dist. Serv. Award/ Life Ins. Industry
H137-158	Roy	3/25/93	T	Alex Spinelli/Statewide Honors/ Junior Achievement
H137-159	Roy	3/25/93	T	Aaron Augenblick/Statewide Honors/Junior Achievement
H137-160	Roy	3/25/93	T	Kimberli Lulu/Breaking McKean High School's Diving Record
H137-161	Roy	3/25/93	T	Marianne Kellner/1992 Teacher of Year/Wilm. West Kiwanis
H137-162	Taylor cosponsors: Roy, Gilligan	3/25/93	T	Jim Montebell/Recipient/Junior Achievement's Chairman Award
H137-163	Bradley	3/25/93	M	Doctor Edgar N. Johnson
H137-164	Quillen	3/25/93	T	Lake Forest High School/State Finals/"We the People"
H137-165	Quillen	4/18/93	T	Benjamin L. Alexander/Eagle Scout
H137-166	Wagner	3/26/93	M	George M. Fisher III
H137-167	Wagner	4/03/93	T	Marjorie Baumgardner Wagner/76th Birthday
H137-168	Clark	3/30/93	T	Paul R. Persak/Hartley & Marydel LittleLeague/Concession Building

T - Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings at 2:12 p.m.

The House reconvened at 4:51 p.m.

Representatives Smith, DiPinto, Mack, Reynolds, Plant, Wagner, Jonkiert, Houghton, Taylor, D.

Ennis, Bennett, Holloway & Clark requested that they be marked present.

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

H/ADM: HB 95 - 4M.

APPRO: HB 128 - 2F,4M.

TRANS & INFRA: HB 47 - 2F,3M; HB 48 - 2F,3M; HB 50 - 2F,3M; HB 51 - 3F,2M.

LABOR & HUM RES MAN: HB 19 - 3F.

P/S: SB 20 w/SA 1 - 1F,3M,1U.

SUBS ABUSE: HB 102 - 5M.

Mr. Speaker assigned HB 19 & HB 50 to the Appropriations Committee.

Representative Brady requested that he be marked present.

The following prefiled Consent Calendar #5 was introduced:

HR 20 - VANSANT - Congratulating Cosimo "Sam" Ferrainola on Being the First Ever Recipient of the Man of the Year Award From the National Italian American Sports Hall of Fame.

HCR 12 - SPENCE & SENATOR CORDREY - Requesting Congress to Reject Any Legislation Imposing Unrealistic Automobile Fuel Economy Standards on the Automobile Industry.

HCR 13 - SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN IN BEHALF OF ALL REPRESENTATIVES & SENATORS BAIR, CONNOR, CORDREY, SHARP, HOLLOWAY IN BEHALF OF ALL SENATORS - Mourning the Death of Former Delaware Governor J. Caleb Boggs Who Passed Away on Friday, March 26, 1993 at the Age of Eighty-Three.

SCR 16 - CONNOR, BAIR, HAUGE, KNOX, NEAL, STILL, CORDREY, MCBRIDE, VAUGHN, VENABLES; REPRESENTATIVES AMICK, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SORENSON, SPENCE, TAYLOR, WAGNER, BRADY, WEST, WOJEWODZKI - Proclaiming the Week of April 18-24 as Professional Secretaries Week.

SCR 17 - COOK; REPRESENTATIVES CLARK, B. ENNIS, SENATOR VAUGHN, ALL SENATORS - Wishing a Speedy Recovery to Harold "Stamper Quicker" Hilyard, of Kenton, Long-Time Senate Employee Who Has Entered Christiana Hospital for Heart Bypass Surgery.

Representative Gilligan requested that HCR 12 be removed from Consent Calendar #5.

Representative Holloway introduced HR 21.

HR 21 - Extending Many, Many Thanks to the Delaware State Highway Employees Who Performed Their Duties of Snow and Ice Removal From Our Highways in a Noteworthy and Commendable Manner During the Blizzard of 1993.

HR 21 was placed on Consent Calendar #5.

Consent Calendar #5 was adopted by voice vote and HCR 13 was sent to the Senate for concurrence and SCR 16 & SCR 17 were returned to the Senate.

Representative Mack introduced HR 22, jointly sponsored by Representatives Amick, Lofink, Oberle, Davis, D. Ennis, Brady & Houghton.

HR 22 - Requesting New Castle County Government to Maintain Their Current Extractive Use Regulations Should the State Implement Less Stringent Extractive Use Regulations.

Mr. Speaker assigned HR 22 to the House Administration Committee.

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

JUD: HB 79 - 4F,3M; HB 89 - 2F,3M; HCR 11 - 2F,3M.

The Majority Leader moved to recess to the call of the Chair at 5:03 p.m.

17th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 1, 1993

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

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

ED: HB 90 - 1F,3M; SJR 6 - 4F; SJR 8 - 3F,1M.

The Majority Whip 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: 39.

Members Absent: Representatives Maroney, Petrilli - 2.

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

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

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

The following prefiled legislation was introduced:

HB 134 - CAULK, FALLON, BUNTING - H/ADM: An Act Proposing an Amendment to Section 2, Article II of the Constitution of the State of Delaware, Relating to the Terms of Office of Members of the General Assembly. (2/3 bill)

HB 135 - DAVIS, BUCKWORTH, CAREY, DIPINTO, FALLON, QUILLEN, REYNOLDS, WAGNER, BENNETT, BRADLEY, B. ENNIS, SCHROEDER, WEST, SENATORS STILL, SOKOLA, VENABLES - ED: An Act to Amend Title 14, Delaware Code, Relating to Tuition Reimbursement for School Employees and Establishing a State Tuition Reimbursement Fund.

HB 136 - GILLIGAN - ED: An Act to Amend Section 1318, Title 14, Delaware Code Relating to Use of Personal Leave Days by School Employees.

HA 1 to HB 51 - ROY - READY LIST: Placed with the bill.

The Reading Clerk read the following communication into the record:

March 31, 1993

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Speaker Spence:

I will not be attending session on April 1, 1993 as I have business out of state.

Thank you for your consideration.

Sincerely,  
Joseph R. Petrilli  
House Majority Leader  
22nd District Representative

JRP/fjm

Representative Ewing requested that HB 132 & HB 92 be stricken.

Representatives Bennett & Amick requested that they be marked present.

Representative Wojewodzki requested and was granted the privilege of the floor for Diana Brown, Chair, Action Planning Committee for Delaware Libraries.

Representatives Houghton, Banning, D. Ennis, Plant, Smith & B. Ennis requested that they be marked present.

The Majority Whip moved to recess for caucus at 2:20 p.m.

The House reconvened at 4:00 P.M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SJR 11.

Representative D. Ennis brought HCR 5, jointly sponsored by Senator McBride & Representatives Carey & Houghton, before the House for consideration.

HCR 5 - Requesting the Delaware River and Bay Authority Allow the Public to Walk Across the Delaware Memorial Bridge in October 1993 to Raise Awareness for the Estuary Program.

Representative D. Ennis had a comment.

Representative D. Ennis moved to place HCR 5 on the Speaker's table. The motion was seconded by Representative Carey and adopted by voice vote.

Representatives George, Brady, Lofink, Reynolds, Bunting, Gilligan & Buckworth requested that they be marked present.

Representative Oberle brought HB 24, jointly sponsored by Representatives Spence, Reynolds, Mack, Lofink, B. Ennis & West & Senators Sharp, Marshall, McBride, McDowell & Connor, before the House for consideration.

HB 24 - An Act to Amend Title 14, Delaware Code, Chapter 40 Relating to Fair Share Fees and the Public School Employment Relations Act.

Representative DiLiberto announced that he will not be voting on HB 24 because of a possible conflict of interest.

Representative Holloway requested that he be marked present.

Representative Oberle brought HA 1 to HB 24 before the House for consideration.

Representative Oberle had a comment.

HA 1 to HB 24 was adopted by voice vote.

Representatives Oberle, Smith & Bennett made comments.

The roll call on HB 24 w/HA 1 was taken and revealed:

YES: 30.

NO: Representative Smith - 1.

NOT VOTING: Representatives Bennett, Caulk, Clark, DiLiberto, Ewing, Fallon, Holloway, Wagner -

8.

ABSENT: Representatives Maroney, Petrilli - 2.

Therefore, having received a constitutional majority, HB 24 w/HA 1 was sent to the Senate for concurrence.

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

Representative Clark brought HB 68, jointly sponsored by Representatives Banning, B. Ennis, Gilligan, West, Davis, DiPinto, Maroney, Sorenson & Wagner & Senators Venables & Still, before the House for consideration.

HB 68 - An Act to Amend Chapter 15, Title 14, Delaware Code, Relating to School District Quarterly Reports.

Representative Clark brought HA 1 to HB 68 before the House for consideration.

Representative Clark had a comment.

Representative Davis introduced and brought HA 1 to HA 1 to HB 68 before the House for consideration.

Representatives Davis & Clark had comments.

HA 1 to HA 1 to HB 68 was adopted by voice vote. HA 1 w/HA 1 to HB 68 was adopted by voice vote.

The roll call on HB 68 w/HA 1 w/HA 1 was taken and revealed:

YES: 35.

NO: Representatives Brady, Ewing, Quillen - 3.

NOT VOTING: Representative Carey - 1.

ABSENT: Representatives Maroney, Petrilli - 2.

Therefore, having received a constitutional majority, HB 68 w/HA 1 w/HA 1 was sent to the Senate for concurrence.

Representative Wagner requested that action on HB 79 be deferred to a Day Certain, Tuesday, April 6, 1993.

Representative Bunting brought HB 90, jointly sponsored by Representatives Carey, Ewing, Fallon & Schroeder & Senators Adams, Cordrey, Venables & Voshell, before the House for consideration.

HB 90 - An Act to Amend Chapter 26, Title 14 of the Delaware Code Relating to the Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.

Representatives Bunting, Jonkiert, Wagner, George, West, Fallon, Davis, Lee, Mack & Ewing had comments.

The roll call on HB 90 was taken and revealed:

YES: 33.

NO: Representative Lee - 1.

NOT VOTING: Representatives Caulk, Holloway, VanSant, West - 4.

ABSENT: Representatives Jonkiert, Maroney, Petrilli - 3.

Therefore, having received a constitutional majority, HB 90 was sent to the Senate for concurrence.

Representative B. Ennis requested that action on HS 1 for HB 32 be deferred to a Day Certain, Tuesday, April 6, 1993.

Representative Schroeder brought HB 95, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 95 - An Act to Amend Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Henlopen Acres" to Permit the Sale of Bonds by the Town of Henlopen Acres at Private Sale. (2/3 bill)

Representative Schroeder introduced and brought HA 1 to HB 95 before the House for consideration.

HA 1 was adopted by voice vote.

The roll call on HB 95 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Petrilli - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 95 w/HA 1 was sent to the Senate for concurrence.

Representative Sorenson brought SJR 8, jointly sponsored by Senator Sokola, before the House for consideration.

SJR 8 - Recognizing Delaware Technical and Community College in Celebrating National Community College Month.

Representative Sorenson had a comment.

The roll call on SJR 8 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Petrilli - 2.

Therefore, having received a constitutional majority, SJR 8 was returned to the Senate.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence requested that action on HCR 12 be deferred to a Day Certain, Tuesday, April 6, 1993.

Mr. Speaker Spence resumed the Chair.

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

Representative Roy moved to suspend the rules which interfere with introduction of and action on HB 137. The motion was properly seconded and adopted by voice vote.

Representative Roy introduced and brought HB 137, jointly sponsored by Representatives Petrilli, Spence, Quillen, Davis, George & Gilligan & Senators Cordrey, Cook, Sharp, Holloway, Martin, Bair & Connor, before the House for consideration.

HB 137 - An Act to Amend Chapter 10 of Title 14 and Chapters 50, 63, 66A, 69 and 74 of Title 29 of the Delaware Code Relating to the Transfer of Capital Budget Responsibilities of the Delaware Development Office to the Office of the Budget; and Authorizing the Transfer of Related Positions and Funding, and the Advanced Planning and Real Property Acquisition Fund.

Representative Roy moved to place HB 137 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

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

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

Mr. Speaker Spence had a comment.

Representative Holloway introduced and brought HR 23 before the House for consideration.

HR 23 - Commending Sgt. David Citro of the Delaware State Police Who Assisted a Disturbed Man Who Escaped From Delaware State Hospital From Jumping to His Death From a 150 Foot Water Tower off U.S. 13.

Representative Holloway had a comment.

HR 23 was adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 5:19 p.m.

Mr. Speaker Spence called the House to order at 2:00 P.M.

Representatives Maroney & Petrilli requested that they be marked present for the current legislative day.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current legislative day. The House reconvened at 2:02 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 138 - AMICK, CAREY, SMITH, JONKIERT, VANSANT, BLEVINS, SOKOLA, VOSHELL - HUM NEEDS & DEV: An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Occupations and Professions; and Providing for the Regulation of Persons Practicing Nutrition. (3/5 bill)

HB 139 - EWING; SENATOR ADAMS - H/ADM: An Act to Amend Chapter 237, §29, Volume 51, Laws of Delaware, as Amended by Chapter 165, §1, Volume 53, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Borrow Money. (2/3 bill)

HB 140 - CAULK - APPRO: An Act to Amend the Laws of Delaware to Give Certain State Employees in the Lower Pay Ranges a Raise in Compensation.

HA 2 to HB 22 - OBERLE, AMICK - READY LIST: Placed with the bill.

HA 1 to HB 50 - ROY - APPRO: Placed with the bill.

HA 2 to HB 79 - WAGNER - AGENDA: Placed with the bill.

HA 1 to HB 111 - WEST - H/ADM: Placed with the bill.

SB 22 w/SA 1 - ADAMS, VOSHELL, SHARP, CORDREY; REPRESENTATIVES PETRILLI, EWING - JUD: An Act to Amend Chapter 15 of Title 13 of the Delaware Code Relating to the Disposition of Marital Property.

SB 44 w/SA 2 & 4 - VOSHELL; REPRESENTATIVE EWING; SENATOR BLEVINS - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Increased Fines for Altered or Fictitious Vehicle Registrations and/or Registration Plates and Violations of Registration Provisions.

SJR 5 - CONNOR - ED: Relating to Extending the Reporting Date of the Task Force to Study the Feasibility of a Voluntary Community Saturday School Program.

SJR 10 - MARTIN; REPRESENTATIVE SPENCE; SENATORS SOKOLA, NEAL; REPRESENTATIVES OBERLE, AMICK, DAVIS, TAYLOR, SORENSON - H/ADM: Welcoming the 1993 National Association of Student Council High School Leadership Conference to Delaware on June 26-30 and Providing Auxiliary Funds Therefore.

SJR 11 - COOK; REPRESENTATIVE CLARK; SENATOR VAUGHN & ALL SENATORS & ALL REPRESENTATIVES - H/ADM: Mourning the Death of Former Governor J. Caleb Boggs, Who Passed Away on Friday, March 26, 1993 at the Age of 83.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 44 w/SA 2 & 4, SJR 5, SJR 10, SB 22 w/SA 1, SCR 18, HB 86 w/HA 1 & HCR 13.

April 6, 1993

The Honorable Terry Spence

Speaker of the House

Legislative Hall

Dover, Delaware

Dear Mr. Speaker:

Due to a work commitment I will be unable to attend the session of the House scheduled for Wednesday, April 7.

Sincerely,  
Steven H. Amick  
Representative  
25th District

SHA/cb

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

Representatives Bennett, Maroney & Fallon were granted personal privilege of the floor for an announcement.

Representatives Oberle, Smith, Gilligan, Schroeder, Bunting, Jonkiert & Ewing requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:12 p.m.

The House reconvened at 4:33 p.m.

Representatives Brady, Holloway & DiPinto 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 9 w/SA 1, HB 55 & SB 28 w/SA 1.  
WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. J. B. Ewing, do hereby request that my name be removed as Co-Sponsor of HB 138.  
 Date: 4/06/93.

Signed: J.B. Ewing.

Representatives Mack & Reynolds requested that they be marked present.

Representative Mack requested that HB 133 be stricken.

Representative Mack introduced HB 141, jointly sponsored by Representatives Carey & Smith & Senator Vaughn.

HB 141 - An Act to Amend Chapter 91, Title 7, of the Delaware Code Relating to Hazardous Substance Cleanups.

Representative Mack had a comment.

Mr. Speaker assigned HB 141 to the Hazardous Waste Management Committee.

Representative Petrilli moved to lift HB 137 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought HB 137, jointly sponsored by Representatives Spence, Quillen, Roy, Davis, George & Gilligan & Senators Cordrey, Cook, Sharp, Holloway, Martin, Bair & Connor, before the House for consideration.

HB 137 - An Act to Amend Chapter 10 of Title 14 and Chapters 50, 63, 66A, 69 and 74 of Title 29 of the Delaware Code Relating to the Transfer of Capital Budget Responsibilities of the Delaware Development Office to the Office of the Budget; and Authorizing the Transfer of Related Positions and Funding, and the Advanced Planning and Real Property Acquisition Fund.

Representatives Petrilli & Taylor had comments.

The roll call on HB 137 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 137 was sent to the Senate for concurrence.

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

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence brought HCR 12, jointly sponsored by Senator Cordrey, before the House for consideration.

HCR 12 - Requesting Congress to Reject Any Legislation Imposing Unrealistic Automobile Fuel Economy Standards on the Automobile Industry.

Representative Spence had a comment.

HCR 12 was adopted by voice vote and sent to the Senate for concurrence.

Representative Wagner brought HB 79, jointly sponsored by Senator Sharp & Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Banning, Bennett, Brady, Bunting, Clark, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, VanSant & West & Senators Belvins, Sokola, Venables, Voshell, Bair, Connor, Hauge & Still, before the House for consideration.

HB 79 - An Act to Amend Chapter 5, Subchapter 11, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representative Wagner had a comment.

Mr. Speaker Spence resumed the Chair.

Representative Wagner brought HA 1 to HB 79 before the House for consideration.

Representative Wagner had a comment.

HA 1 to HB 79 was adopted by voice vote.

Representative Wagner brought HA 2 to HB 79 before the House for consideration.

Representative Wagner had comments.

HA 2 to HB 79 was adopted by voice vote.

Representatives Schroeder, VanSant, Plant & Bennett had comments.

Representative Bennett requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

Representatives Bennett, Holloway, West & Wagner had comments.

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

Representatives Davis, Bradley, Clark & Schroeder had comments.

Representative Wagner moved to place HB 79 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker Spence had a comment.

The Majority Leader moved to recess to the call of the Chair at 5:23 p.m.

19th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 7, 1993

Mr. Acting Speaker Oberle called the House to order at 2:02 p.m.

The Reading Clerk read the following communications into the record:

State of Delaware

House of Representatives

I deeply appreciate the memorial to my husband Dr. Benjamin Burton, given to me by the State of Delaware House of Representatives.

For forty three years and three generations Ben did what he truly loved to do - helped babies to grow up to be healthy and happy adults. It absolutely delighted him that in the latter part of his life - so many of his "babies" were taking care of him in many various ways. He was a truly happy man who never thought he was doing anything unusual in making house calls all over Kent County - weekends - holidays - whenever he was called. He thrived on it because he loved each and every child. It was truly a labor of love.

Again, my sincerest thanks.

Isabelle Burton

Mrs. Benjamin Burton

The Senate wishes to inform the House that it has passed: SB 32, SB 46 w/SA 1.

TO: The Honorable Terry R. Spence

FROM: Representative Casimir S. Jonkiert

DATE: April 7, 1993

I will not be able to attend session on Wednesday, April 7th, 1993.

April 7, 1993

LEGISLATIVE ADVISORY #5

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 4/6/93 - HB 86 aab HA 1.

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.

Because a quorum was not present, the Majority Leader moved to recess to the call of the Chair.

The House reconvened at 4:33 p.m.

Mr. Speaker Spence resumed the Chair.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Amick, Jonkiert - 2.

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

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

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

The following prefiled legislation was introduced:

HB 142 - AMICK - SM BUS: An Act to Amend Chapter 20, Title 6 of the Delaware Code Relating to Trade Secrets.

HB 143 - AMICK; SENATOR BLEVINS - H/ADM: An Act to Amend Chapter 1, Title 26, Delaware Code Relating to the Public Service Commission.

HB 144 - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES SPENCE, EWING, LEE, BRADLEY, BRADY; SENATOR STILL - P/S: An Act to Amend Title 16, Title 18, Title 20, and Title 29, Relating to the Division of Emergency Planning and Operations: and Changing the Code References to That Division.

HB 145 - B. ENNIS, CLARK, VANSANT, BANNING, LEE, HOUGHTON, WEST, BRADY, D. ENNIS, OBERLE, EWING; SENATORS VAUGHN, VOSHELL, MARSHALL, MCBRIDE, KNOX - P/S: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Leave for Volunteer Emergency Service.

HB 146 - BANNING; SENATOR VAUGHN - JUD: An Act to Amend Chapter 5, Subchapter II, Subpart D, Title 11 of the Delaware Code Relating to the Definition of Voluntary Social Companion.

HA 1 to HS 1 for HB 32 - B. ENNIS - AGENDA: Placed with the bill.

HA 2 to HB 89 - JONKIERT - AGENDA: Placed with the bill.

HA 3 to HB 89 - JONKIERT - AGENDA: Placed with the bill.

HCR 14 - DILIBERTO; SENATOR SHARP - ED: Requesting the Professional Standards Council to Investigate the Feasibility of Requiring Discipline Training for the Certification of Teachers and Encouraging the Department of Public Instruction and the Delaware Teacher Center to Offer Workshops as Part of Its In-Service Program.

**SB 28 w/SA 1** - CORDREY, VAUGHN, COOK, ADAMS, VOSHELL, MARTIN, HOLLOWAY, TORBERT, BLEVINS, CONNOR, BAIR, STILL; REPRESENTATIVES SPENCE, QUILLEN, EWING, CAREY, HOUGHTON, OBERLE, SCHROEDER, JONKIERT, VANSANT, B. ENNIS, BENNETT, BANNING, D. ENNIS, LEE, SMITH, AMICK, WEST, FALLON - H/ADM: An Act to Amend Chapter 1, Title 23, Delaware Code Relating to Pilots. (F/N)

**SB 32** - VENABLES, ADAMS, CORDREY; REPRESENTATIVE BANNING & SENATOR HAUGE - P/S: An Act to Amend Chapter 39, Title 18 of the Delaware Code Relating to the Consequences of License Suspension for Non Driving Related Offenses.

**SB 46 w/SA 1** - VAUGHN; REPRESENTATIVES SPENCE, PLANT - HUM NEEDS & DEV: An Act to Amend Chapters 15, 37, and 39 of Title 12, Delaware Code, by Repealing Chapter 37 in Its Entirety and by Enacting Certain Laws Relating to the Appointment of Guardians for Disabled Persons.

Representative Schroeder requested that he be marked present.

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

H/ADM: HB 75 - 5M; HB 105 - 5M; HB 123 - 3M; HB 139 - 5M; HR 22 - 5M; SB 41 - 5M; SB 59 - 5M; SJR 10 - 5M; SJR 11 - 5M.

SUBS ABUSE: HB 101 - 6M.

P/S: HB 129 - 5M; HB 131 - 5M.

CORR: HB 127 - 3F,2M; HB 130 - 2F,3M.

ED: HB 63 - 4F,1M.

NAT RES: HB 72 - 2F,4M.

TRANS & INFRA: HB 115 - 5M; SCR 15 - 2F,3M.

HAZ WASTE MAN: SCR 14 - 5M.

Representative Holloway requested that he be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: April 7, 1993

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
H137-169	Clark	3/30/93	T	James Hutchinson, III, Building/Hartley & Marydel Little League
H137-170	Banning	3/30/93	T	Stephanie Waters/DE Young Woman of the Year
H137-171	Brady	3/31/93	T	George E. Chellew/Wm. Penn /Girls Basketball Coach of Yr.
H137-172	cosponsors: Reynolds & Mack VanSant	4/13/93	T	Mary E. Seagraves/80th Birthday
H137-173	Carey	4/17/93	T	Judy & Randy Redard/Milton Cham. of Com./Citizen of Yr.
H137-174	Carey	4/17/93	T	Pat & Joze Saez/Milton Cham. of Com./Com. Serv. Award
H137-175	Carey	4/17/93	T	Charles "Charlie" Fleetwood/ 1993 Governors Vol. Award
H137-176	Carey	4/17/93	T	William Wagamon/Milton Cham. of Com./Lifetime Achievement Award
H137-177	Carey	4/17/93	T	Sara Lou "Dill" Wilkinson/ Milton Cham. of Com./Dist. Service
H137-178	Carey	4/17/93	T	Millard (Bud) Jenkins/Milton Cham. of Com./Dist. Service
H137-179	Carey	4/17/93	T	Doris Howell/Milton Cham. of Com./Distinguished Serv.
H137-180	Holloway	4/01/93	M	Mr. Alexander Wright
H137-181	Bradley	4/01/93	T	Mathew D. DeGuglielmo/ Century III Leaders/St. Winner
H137-182	Ewing	4/03/93	T	John Robert Collins/USAFR/ Retirement/36 Yrs.
H137-183	Carey	4/17/93	T	Diamond State Telephone Co. Milton Chamber of Commerce/Business of Year

H137-184 Ewing

4/29/93

T

Grover A. Biddle/Retirement/  
State Service

T - Tribute

M - Memoriam

The following prefiled Consent Calendar #6 was introduced:

Representatives DiPinto, DiLiberto & Spence requested that they be marked present.

HR 24 - ROY, DIPINTO, DILIBERTO, SPENCE - Celebrating the Community Spirit of MBNA's Charles M. Cawley and Applaud the Work Done by His Employees in the Name of Volunteerism.

HR 25 - PETRILLI, SPENCE, QUILLEN, GEORGE, GILLIGAN; ON BEHALF OF ALL REPRESENTATIVES - Proclaiming May Superstars! in Education Month in Delaware.

HCN 15 - PETRILLI & SENATOR SHARP; REPRESENTATIVES SPENCE, QUILLEN; SENATORS CORDREY, HOLLOWAY - Celebrating Delaware's Number One Turnaround Bank, Star States Corporation, Whose Principal Subsidiary is Wilmington Savings Fund Society.

HCN 16 - BRADLEY; SENATOR BLEVINS - Recognizing the Week of April 23-30, 1993, as the New Castle County Community Partnership Alcohol and Other Drug Abuse Prevention Week.

HCN 17 - VANSANT, BENNETT, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, EWING, LEE; SENATORS CORDREY, MARSHALL, VAUGHN, VOSHELL - Mourning the Death and Celebrating the Life of Harry J. Maichle, Jr., Lifelong Delawarean and Leader in the Law Enforcement Community.

SCR 18 - SOKOLA & REPRESENTATIVE SORENSON - Recognizing April of 1993 as Mathematics Education Month.

Representative Petrilli made an announcement.

Representative Mack brought HR 22, jointly sponsored by Representatives Amick, Lofink, Oberle, Davis, D. Ennis, Brady & Houghton, before the House for consideration.

HR 22 - Requesting New Castle County Government to Maintain Their Current Extractive Use Regulations Should the State Implement Less Stringent Extractive Use Regulations.

HR 22 was placed on Consent Calendar #6 at the request of Representative Mack.

Consent Calendar #6 was adopted by voice vote and HCN 15, HCN 16 & HCN 17 were sent to the Senate for concurrence and SCR 18 was returned to the Senate.

Representative DiLiberto had a comment regarding HR 24.

Representatives Ewing, Gilligan & VanSant had comments regarding HCN 17.

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

HOUSING & COM AFF: HB 76 - 3F,3M; SS 1 to SB 15 - 6F.

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

20th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 8, 1993

Mr. Speaker Spence called the House to order at 2:02 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 79, SB 77, SJR 13.

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

Mr. Speaker assigned HB 123 & HB 131 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Al O. Plant, Sr., Second Representative District.

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

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

The following prefiled legislation was introduced:

HB 147 - DAVIS & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, EWING, FALLON, LEE, LOFINK, MACK, REYNOLDS, SMITH, TAYLOR, WAGNER, SPENCE, BANNING, BUNTING; SENATORS COOK, ADAMS, VOSHELL, BAIR - JUD: An Act to Amend Chapter 5, Title 11, of the Delaware Code to Increase the Penalty for Assault in the First Degree When the Assault Causes the Death of a Fetus Carried by the Victim.

HCN 3 - QUILLEN, FALLON, COOK, ADAMS, VOSHELL, BAIR - AG: Directing the Department of Agriculture to Name State Owned Forest Lands in Southwestern Kent County the "William S. Taber State Forest" in Honor of Delaware's First State Forester.

HA 1 to HB 123 - DIPINTO - APPRO: Placed with the bill.

HA 1 to HB 127 - EWING, LEE, BUCKWORTH, BANNING, PLANT - READY LIST: Placed with the bill.

HA 1 to HB 136 - GILLIGAN - ED: Placed with the bill.

SB 77 - MCDOWELL, BLEVINS, VENABLES, HOLLOWAY; REPRESENTATIVES VANSANT, DAVIS, DIPINTO, BENNETT, MARONEY - APPRO: An Act Adjusting the Salary of the Secretary-Services for Children, Youth and Their Families and Authorizing the Transfer of Funds to Accommodate the Salary Adjustment.

SS 1 for SB 79 - HOLLOWAY, SHARP, CORDREY, BLEVINS, MARTIN, MCDOWELL; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, DAVIS, GEORGE, GILLIGAN - APPRO: An Act Superseding Portions of Chapter 290, Volume 68, Laws of Delaware and Amending Chapter 7, Title 29 of the Delaware Code Relating to Adjustments of Salaries for Certain State Officials and Legislative Stipends and Authorizing the Transfer of Funds to Accommodate Such Adjustments.

SJR 13 - MCBRIDE, COOK, CONNOR, NEAL, VAUGHN; REPRESENTATIVES DIPINTO, MACK, MARONEY, REYNOLDS, VANSANT, WEST - NAT RES: Urging the Delaware Open Space Council and the Secretary of the Department of Natural Resources and Environmental Control to Consider the Purchase of the Ash Property.

HA 1 to SB 28 - SPENCE - H/ADM: Placed with the bill.

HA 1 to SB 79 - CAULK - APPRO: Placed with the bill.

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

P/S: HB 144 - 1F,3M.

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

The House observed a moment of silence in memory of Marian Anderson.

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

Representative Taylor had comments.

Mr. Speaker Spence introduced guests.

Representatives Sorenson, Jonkiert, Bunting & Buckworth requested that they be marked present.

Representative Petrilli had an announcement.

Representative George requested that he be marked present.

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

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:45 p.m. with Representative Quillen as Acting Speaker.

Representatives Bennett, Brady, West, Holloway, 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: SB 45 w/SA 1 & 3, HB 17 & SJR 1.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto introduced & brought HCR 18, jointly sponsored by Representatives VanSant & Oberle & Senators Marshall, McBride & McDowell, before the House for consideration.

HCR 18 - Recognizing April 28, 1993, as Workers' Memorial Day on Behalf of Our Colleagues, Co-Workers, and Others Who Have Been Either Injured, Made Sick, or Died on the Job.

Mr. Speaker Spence resumed the Chair.

Representatives DiLiberto, Jonkiert, Petrilli & George had comments.

Representative DiLiberto moved to place HCR 18 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Roy requested that he be marked present.

Representative Holloway introduced & brought HCR 19, jointly sponsored by Representative Plant & Senator Holloway, before the House for consideration.

HCR 19 - Congratulating the New Castle Boys Club Basketball Team of the Rose Hill Community Center for Their Outstanding 1993 Basketball Season, Having Won 37 of Their 38 Game Schedule and Further Extending Many Thanks to the Basketball Coach, Craig Kelly, to Mr. William Jenkins, Member of the Board of Directors, Mr. Maynard "Jack" Miles, Executive Director, and Mr. Ken Davis, Chairman of the Board for All of Their Unrelenting Support and Moral Backing That Has Led to the Team's Outstanding Basketball Season.

Representative Holloway had a comment.

Representative Holloway requested and was granted the privilege of the floor for Craig Kelly, Unit Director and Basketball Coach & William Jenkins, Member, Board of Directors, representing the New Castle Boys & Girls Clubs.

Representatives Reynolds, Brady, Plant, Gilligan, George, Mack & Holloway had comments.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative D. Ennis introduced & brought HR 26, sponsored by Representative Wagner, before the House for consideration.

HR 26 - Continuing the Study Committee Established by House Resolution No. 95 in the 136th General Assembly, Providing Summary of Progress by Study Committee, and Setting Completion Dates on Outstanding Work.

Representative DiLiberto announced that he will not be voting on HR 26 because of a possible conflict of interest.

Representative D. Ennis had comments.

Representative D. Ennis moved to suspend the rules which interfere with introduction of and action on HR 26. The motion was seconded by Representative Quillen and adopted by voice vote.

HR 26 was adopted by voice vote.

Representative Mack introduced HB 148, jointly sponsored by Representatives DiPinto, Quillen, Spence & Plant & Senator Holloway.

HB 148 - An Act to Amend Chapter 60, Title 7 of the Delaware Code and Repealing Chapter 385, Volume 63 of the Laws of Delaware, Chapter 111, Volume 64 of the Laws of Delaware, Chapter 16, Volume 65 of the Laws of Delaware and Chapter 272, Volume 66 of the Laws of Delaware Relating to the Recovery and Recycling of Beverage Containers.

Mr. Speaker assigned HB 148 to the Hazardous Waste Management Committee.

Representative Clark introduced HB 149, jointly sponsored by Representatives Banning, B. Ennis, Quillen, Smith & West & Senators Hauge & Neal.

HB 149 - An Act to Amend Chapters 6, 11, and 101 of Title 29, Delaware Code, Relating to the Establishment of Procedures and Methods for the Initial and Preliminary Adoption and Amendment or Repeal of Rules and Regulations by State Agencies Authorized to Do So by Channelling Same Through the Office of the Division of Research as a Conduit for Publication and Dissemination in a State Register of All Proposed Rules and Regulations Prior to Their Official Promulgation by State Agencies.

Mr. Speaker assigned HB 149 to the House Administration Committee.

Representative Smith made comments.

Representative Smith introduced HB 151, jointly sponsored by Representative Gilligan & Representative George & Representative Brady.

HB 151 - An Act to Amend Title 11, Section 1325 of the Delaware Code, Relating to Cruelty to Animals.

Mr. Speaker assigned HB 151 to the Judiciary Committee.

Representative Caulk introduced HB 152.

HB 152 - An Act to Amend Chapter 70, Title 25 of the Delaware Code Relating to Mobile Home Lots and Leases.

Mr. Speaker assigned HB 152 to the Housing & Community Affairs Committee.

Representative Roy brought HB 115, jointly sponsored by Representative Jonkiert & Senators Cook, Martin & Knox, before the House for consideration.

HB 115 - An Act to Amend 68 Laws of Delaware, Chapter 156, Being the 1992 Bond and Capital Improvements Act of the State of Delaware and 68 Laws of Delaware, Chapter 405, Being the 1993 Bond and Capital Improvements Act of the State of Delaware. (3/4 bill)

Representative Roy made comments.

Representative Davis introduced and brought HA 1 to HB 115, jointly sponsored by Representative Oberle, before the House for consideration.

Representatives Davis & Roy made comments.

HA 1 to HB 115 was adopted by voice vote.

The roll call on HB 115 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 115 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought SB 77, sponsored by Senators McDowell, Blevins, Venables & Holloway & Representatives VanSant, Davis, DiPinto, Bennett & Maroney, before the House for consideration.

SB 77 - An Act Adjusting the Salary of the Secretary-Services for Children, Youth and Their Families and Authorizing the Transfer of Funds to Accommodate the Salary Adjustment.

Representative Petrilli moved to suspend the rules which interfere with action on SB 77. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney made comments.

The roll call on SB 77 was taken and revealed:

YES: 33.

NO: Representatives Banning, Bunting, Caulk, Clark, B. Ennis, Fallon, Wagner, West - 8.

Therefore, having received a constitutional majority, SB 77 was returned to the Senate.

Representative Petrilli brought SS 1 for SB 79, jointly sponsored by Representatives Holloway, Sharp, Cordrey, Blevins, Martin & McDowell & Representatives Spence, Quillen, Davis, George & Gilligan, before the House for consideration.

SB 79 - An Act Superseding Portions of Chapter 290, Volume 68, Laws of Delaware and Amending Chapter 7, Title 29 of the Delaware Code Relating to Adjustments of Salaries for Certain State Officials and Legislative Stipends and Authorizing the Transfer of Funds to Accommodate Such Adjustments. (F/N)

Representative Petrilli moved to suspend the rules which interfere with action on SS 1 for SB 79. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli made comments.

Representative Caulk requested that HA 1 to SB 79 be stricken.

Representative Caulk introduced and brought HA 1 to SS 1 for SB 79 before the House for consideration.

Representatives Caulk & George made comments.

HA 1 to SS 1 for SB 79 was defeated by voice vote.

The roll call on SS 1 for SB 79 was taken and revealed:

YES: 24.

NO: Representatives Banning, Bennett, Buckworth, Bunting, Carey, Caulk, Clark, B. Ennis, Ewing, Fallon, Lee, Mack, Oberle, Reynolds, Taylor, Wagner, West - 17.

Therefore, having received a constitutional majority, SS 1 for SB 79 was returned to the Senate.

Representative Petrilli brought SJR 11, jointly sponsored by Senator Cook & Representative Clark & Senator Vaughn & All Senators & All Representatives, before the House for consideration.

SJR 11 - Mourning the Death of Former Governor J. Caleb Boggs, Who Passed Away on Friday, March 26, 1993 at the Age of 83.

Representative Petrilli made comments.

The roll call on SJR 11 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SJR 11 was returned to the Senate.

Representative Petrilli brought SJR 10, sponsored by Senator Martin & Representative Spence & Senators Sokola & Neal & Representatives Oberle, Amick, Davis, Taylor & Sorenson, before the House for consideration.

SJR 10 - Welcoming the 1993 National Association of Student Council High School Leadership Conference to Delaware on June 26-30 and Providing Auxiliary Funds Therefore.

Representatives Petrilli & Amick made comments.

The roll call on SJR 10 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SJR 10 was returned to the Senate.

Representative Petrilli brought SJR 13, sponsored by Senators McBride, Cook, Connor, Neal & Vaughn & Representatives DiPinto, Mack, Maroney, Reynolds, VanSant & West, before the House for consideration.

SJR 13 - Urging the Delaware Open Space Council and the Secretary of the Department of Natural Resources and Environmental Control to Consider the Purchase of the Ash Property.

Representative Petrilli moved to suspend the rules which interfere with action on SJR 13. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative DiPinto.

Representatives DiPinto, Davis, Bunting, Bennett, Taylor, Roy, Gilligan, D. Ennis, Amick, George, West, Caulk, Plant & Jonkiert made comments.

The roll call on SJR 13 was taken and revealed:

YES: 26.

NO: Representatives Amick, Bennett, B. Ennis, Lee, Roy, Sorenson, Taylor, Wagner - 8.

NOT VOTING: Representatives Banning, Buckworth, Bunting, Carey, Caulk, Holloway, Schroeder - 7.

Therefore, having received a constitutional majority, SJR 13 was returned to the Senate.

Representative Sorenson brought SJR 5, sponsored by Senator Connor, before the House for consideration.

SJR 5 - Relating to Extending the Reporting Date of the Task Force to Study the Feasibility of a Voluntary Community Saturday School Program.

Representative Sorenson moved to suspend the rules which interfere with action on SJR 5. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sorenson made comments.

The roll call on SJR 5 was taken and revealed:

YES: 41.

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

Representative Petrilli introduced HB 153, sponsored by Representative D. Ennis & jointly sponsored by Senator Holloway & Representatives Carey, Davis, Ewing, Lofink, Mack, Petrilli, Quillen, Reynolds, Banning, Brady, Bradley, Bunting, Plant, Houghton, VanSant & West & Senators Hauge, Still, Blevins, Marshall, Sharp, McBride & Torbert.

HB 153 - An Act to Amend Chapter 21, Title 24, Delaware Code, Relating to the Definition of the Practice of Optometry, the Use of Drugs or Surgery in the Practice of Optometry, and the Licensing and Certification Thereof.

Mr. Speaker assigned HB 153 to the House Administration Committee.

Representative Petrilli brought the Consent Agenda, which requires a two-thirds vote, before the House for consideration.

HB 105 - BENNETT; SENATOR TORBERT - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36 of the Laws of Delaware, as Amended, Relating to Real Property Reassessments. (2/3 bill)

HB 139 - EWING; SENATOR ADAMS - An Act to Amend Chapter 237, Section 29, Volume 51, Laws of Delaware, as Amended by Chapter 165, Section 1, Volume 53, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Borrow Money. (2/3 bill)

SB 59 - CORDREY & REPRESENTATIVE WEST - An Act to Amend Chapter 138, Volume 68, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Dagsboro" as Amended, to Revise the Procedures for Registration of Voters. (2/3 bill)

SB 41 - VAUGHN & REPRESENTATIVE B. ENNIS - An Act to Amend the Laws of Delaware, Volume 68, Chapter 291, as Amended, Being the Charter of the Town of Clayton, to Change the Fiscal Year. (2/3 bill)

SS 1/SB 15 - TORBERT, STILL; REPRESENTATIVES BENNETT, WAGNER - An Act to Amend Subchapter II, Chapter 81, Title 9, Delaware Code, Relating to Property Tax Exemption for Certain Persons Over 65 Years of Age.

The roll call on Consent Agenda was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 105 & HB 139 were sent to the Senate for concurrence and SB 59, SB 41 & SS 1 for SB 15 were returned to the Senate.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 73 w/SA 1, HB 95 w/HA 1, HB 137, HB 90, HCR 12, HCR 15, HCR 16 & HCR 17.

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

AG: HJR 3 - 2F,5M.

The Majority Leader moved to recess to the call of the Chair at 6:25 p.m.

21st LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 27, 1993

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

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Terry R. Spence, Speaker of the House

FROM: Representative Roger Roy

SUBJECT: Absence from Session

DATE: April 27, 1993

Due to the recent death of my mother-in-law, I will be unable to attend session today.

Thank you for your attention in this matter.

/set

cc: JoAnn Hedrick, Chief Clerk

April 26, 1993

The Honorable Terry R. Spence  
Delaware House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Dear Speaker Spence,

Please excuse my absence from Session on Tuesday, April 27th, as I will be out of state on legislative business.  
Thank you.

Sincerely,  
V. George Carey  
State Representative  
36th District

VGC:lt  
26 April 1993  
The Honorable Terry R. Spence  
Delaware House of Representatives  
Legislative Hall  
Dover, Delaware 19901  
Dear Speaker Spence,  
Please excuse my absence from Session on Tuesday, April 27th, as I will be out of state on legislative business.  
Thank you.  
Sincerely,  
G. Robert Quillen  
Majority Whip  
30th District State Representative  
GRQ:lt

April 14, 1993

LEGISLATIVE ADVISORY #6

The Governor signed the following legislation on the dates indicated: 4/08/93 - SJR 8, 4/13/93 - SB 77, SS 1 for SB 79, HB 55.

April 20, 1993

LEGISLATIVE ADVISORY #7

The Governor signed the following legislation on the date indicated: 4/19/93 - SJR 11, HB 137, HB 90, HB 95 aab HA 1, SJR 13.

April 20, 1993

LEGISLATIVE ADVISORY #8

The Governor signed the following legislation on the date indicated: 4/19/93 - SS 1 for SB 15, SB 41, SB 59, SJR 5, SJR 10, HB 17.

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: 38.

Members Absent: Representatives Carey, Quillen, Roy - 3.

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.

Mr. Speaker Spence introduced guests.

The following out-of-session profile was introduced:

HB 154 - SPENCE & BRADLEY - JUD: An Act to Amend Chapter 5, Title 11, of the Delaware Code to Prohibit Persons Under the Age of 21 Carrying or Possessing Knives on Primary or Secondary School Property and School Buses.

HB 155 - SPENCE & BRADLEY - JUD: An Act to Amend Chapter 19, Section 1904 of Title 11 of the Delaware Code Relating to Arrest Without Warrant.

HB 156 - SPENCE & BRADLEY - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code to Prohibit Carrying or Possessing Firearms on Primary or Secondary School Properties and School Buses.

HB 157 - PETRILLI, CAREY, CAULK, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, QUILLEN, ROY, SORENSON, SPENCE, TAYLOR, WAGNER, BANNING, BENNETT, BUNTING, CLARK, DILIBERTO, B. ENNIS, GILLIGAN, JONKIERT, WEST; SENATORS ADAMS, COOK, HOLLOWAY, MARSHALL, SHARP, SOKOLA, TORBERT, VAUGHN, VOSHELL, BAIR, HAUGE, KNOX, NEAL - SUBS ABUSE: An Act to Amend Chapter 47, Title 16, Delaware Code Relating to Uniform Controlled Substances Act and Drug Free Communities.

HB 158 - DAVIS, SMITH, CAREY, MARONEY, MACK, CAULK, SPENCE, DIPINTO, ROY, D. ENNIS; SENATORS NEAL, HAUGE - NAT RES: An Act to Amend Chapter 60, Title 7, Relating to the Formulation and Implementation of a Wellhead Protection Program.

HB 159 - OBERLE, D. ENNIS, LEE, BUCKWORTH, SMITH, REYNOLDS, AMICK, DAVIS, EWING, WAGNER, CAREY, LOFINK, B. ENNIS - JUD: An Act to Amend Chapter 5, Subchapter II, Subpart D of Title 11 of the Delaware Code by Adding the New Sexual Crime of Bestiality.

HB 160 - AMICK & SENATOR BLEVINS - HUM NEEDS & DEV: An Act to Amend Title 24 of the Delaware Code Relating to Nursing.

HB 161 - BUCKWORTH & SENATOR TORBERT; REPRESENTATIVE BENNETT; SENATOR STILL - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Salaries of School Employees.

HB 162 - EWING, VANSANT, BUCKWORTH - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, to Allow Special Plates for Pearl Harbor Survivors and Retired State and County Police Officers. (3/5 bill)

HB 163 - CAREY; SENATOR MCBRIDE - NAT RES: An Act to Amend Chapter 5, Title 7, Delaware Code Relating to Exemptions for License Requirements. (2/3 bill)

HB 164 - ROY - TRANS & INFRA: An Act to Amend Chapter 18, §1803, Title 2, Delaware Code Relating to Railroad Rights-of-Way and Acquisition of Same by the Department of Transportation.

HB 165 - BUNTING & SENATOR CORDREY - JUD: An Act to Amend Title 29 of the Delaware Code Relating to the Transfer of the Functions of the Division of Consumer Affairs, the Consumer Affairs Board and Consumer Affairs Councils From the Department of Administrative Services to the Department of Justice.

HB 166 - BENNETT & WAGNER; SENATOR TORBERT - H/ADM: An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36, of the Laws of Delaware, as Amended, by Providing That the City Treasurer Shall Sign Warrants in Place of the Mayor; and Providing that the Mayor, Members of Council, or Other Members of Any Commission or Body Appointed by the Mayor or Council Automatically Relinquishes Their Office by Filing for an Elective County, State, or Federal Position. (2/3 bill)

HA 1 to HB 131 - EWING - APPRO: Placed with the bill.

SB 45 w/SA 1 & 3 - VOSHALL; REPRESENTATIVE EWING; SENATOR BLEVINS - P/S: An Act to Amend Chapters 21 and 27, Title 21, Delaware Code, Relating to License and Registration of Vehicles Owned by New Delaware Residents.

SB 73 w/SA 1 - VENABLES - P/S: An Act to Amend Title 21, Delaware Code Relating to Special License Plates for Members of Ducks Unlimited. (3/5 bill)(F/N)

SJR 1 - COOK, ADAMS, BAIR, BLEVINS, CONNOR, CORDREY, HAUGE, HOLLOWAY, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, SHARP, SOKOLA, STILL, TORBERT, VAUGHN, VENABLES, VOSHALL; REPRESENTATIVES SPENCE, PETRILLI, GEORGE, GILLIGAN, BUCKWORTH, DAVIS, QUILLEN, ROY, BENNETT, DIPINTO, CAULK, ENNIS, CLARK, WEST - H/ADM: Commending Donald F. McArdle, State Pension Administrator, for a Job Well Done and Extending Best Wishes to Him for a Long and Happy Retirement.

HA 2 to SB 28 - SPENCE - H/ADM: Placed with the bill.

The Reading Clerk read the following communication at the request of Representative Plant:

Mr. Speaker:

Much has been written and said in the media about me since we last convened in this chamber so I'd like a few minutes to clarify some issues.

First, I'd like to make a few observations.

1. Managers do the right thing.
2. Leaders do what is right.
3. Ignorance is incurable, and
4. Stupidity is terminal.

I make such observations because inaccurate and inflammatory reporting by the media in recent weeks has forced me to say that is my intent to insure that the Eastlawn Area Human Services Agency is treated like any other state funded agency is treated.

Eastlawn has undergone an auditor's scrutiny and it has now been shown that no theft of funds has occurred and that important services have been delivered to the people in compliance with the charge as outlined by the funding agencies - Department of Labor, Health and Human Services, and Division of Public Health.

These allegations raised in recent weeks stem from the unauthorized smuggling of Eastlawn's financial records from the agency by a person who acted without acknowledgment or approval of the board.

This agency has proper security, such as deadbolt locks and a security system with automatic police notification upon unauthorized entry.

We now have evidence that the former director of Eastlawn was seen with these files and had shared them with members of the Joint Finance Committee. We also now learn that the State Auditor has retreated on his charge that no laws were violated at Eastlawn, particularly as they relate to the expenditure of funds.

The State Auditor has made a mistake and I wish others would be as understanding in recognizing some of the mistakes made at the agency by lay people.

Mr. Speaker, I find it very interesting that at a time when I have been fighting to prevent the expenditure of state funds for the protection of the KKK, the media chooses to focus on an audit that has found no illegalities, no theft, nothing.

Mr. Speaker, I resent implications that I took something that wasn't mine. I resent unjustly being called a thief. I never received a salary from Grant-In-Aid Funds, never.

We need to flush this current system of the double standards that exist and I look forward to doing just that. I will continue to fight to insure that an adequate amount of resources reach the City of Wilmington, its people, and the outlying communities.

I served my country in the U.S. Army. I never even considered following the draft dodgers, and those who decided to run from responsibility.

Mr. Speaker, I will continue to serve and will never run from responsibility.

Mr. Speaker, Eastlawn Area Human Services Agency should be treated like all other agencies in this state.

Thank you.

Representatives Plant, Bennett & Davis made comments.

Representative Holloway requested that he be marked present.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 29 w/SA 2.

#### HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: April 27, 1993

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>
H137-185	Buckworth cosponsor: Quillen	4/09/93	T	Gertrude H. McGuire/60th Birthday
H137-186	VanSant	3/04/93	T	Veronica M. & Charles R. Hartis/50th Wedding Anniversary
H137-187	Gilligan cosponsor: Wojewodski	4/06/93	T	Vance A. Funk III/Speedy Recovery
H137-188	Bennett	4/06/93	T	Anne Swierc/Credit Union /Outstanding Employee of Year
H137-189	Bennett	4/06/93	T	Albert J. Schmidt/Credit Union /Outstanding Supervisor
H137-190	Brady	4/03/93	T	Shannon Ann Thomas & David Lawrence Elder/Wedding
H137-191	Brady	4/04/93	T	Sylvia (Chesler) & Bernard Greenhouse/50th Wedding Anniv.
H137-192	Roy cosponsor: Gilligan	4/07/93	T	Father Daniel W. Gerres/Rank of Colonel/DE National Guard
H137-193	Quillen	4/10/93	T	Emma W. Ryan/90th Birthday
H137-194	Brady	4/01/93	M	Nicholas P. Chieffo
H137-195	Fallon	5/01/93	T	Bryan A. Perry/Eagle Scout
H137-196	Carey	4/08/93	T	Lt. Gov. Ruth Ann Minner/DE Mother of the Year
H137-197	Maroney	4/07/93	T	Mrs. Sproul's Class/Visit to Legislative Hall
H137-198	Fallon	4/02/93	M	Wayne Boggs
H137-199	Smith	4/08/93	T	Irene N. White/Music Div. Winner/Nat. PTA Cultural Arts
H137-200	Smith	4/08/93	T	Beverly White/N.J. Teacher of Yr./Pennsgrove Point Schools.
H137-201	DiLiberto	4/10/93	M	Rachael Booker
H137-202	Oberle	4/14/93	T	Anna Ciulla/Dedication/Field of Medical Technology
H137-203	Wagner	4/02/93	M	Dimity P. Weingard
H137-204	B. Ennis	4/16/93	T	Elizabeth R. Greenwell/74th Birthday

T - Tribute

M - Memoriam

Representatives DiPinto & Mack requested that they be marked present.

Representative George made comments.

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

Representative Fallon was granted personal privilege of the floor for introduction of the Red Clay Garden Club whose names were announced individually by Speaker Spence.

Representative DiLiberto requested that HCR 18 be stricken.

The Majority Leader moved to recess for caucus at 2:47 p.m.

The House reconvened at 4:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 23 & SB 66.

Representative B. Ennis brought HS 1 for HB 32 before the House for consideration.

HB 32 - An Act to Amend Chapter 15, Title 28 of the Delaware Code Relating to the Delaware Gaming Control Board.

Representatives Buckworth requested that he be marked present.

Representative B. Ennis brought HA 1 to HS 1 for HB 32 before the House for consideration.

Representatives B. Ennis, Davis & Jonkiert made comments.

Representative Jonkiert requested that he be marked present.

HA 1 to HS 1 for HB 32 was adopted by voice vote.

Representative B. Ennis made comments.

The roll call on HS 1 for HB 32 w/HA 1 was taken and revealed:

YES: 35.

NO: Representatives Sorenson, Taylor, West - 3.

ABSENT: Representatives Carey, Quillen, Roy - 3.

Therefore, having received a constitutional majority, HS 1 for HB 32 w/HA 1 was sent to the Senate for concurrence.

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

Mr. Speaker Spence introduced a guest.

Representatives Taylor & Amick made comments.

Representative Plant introduced a guest.

Representative Jonkiert brought HB 89, jointly sponsored by Senators Marshall & Holloway & Representatives Bennett, Lee, Petrilli, Wagner, Holloway, Bunting, Quillen, Maroney, Gilligan, George, Schroeder, Spence, Buckworth, Reynolds, Clark, Banning, DiLiberto, VanSant, Davis, Brady, Bradley, Lofink, Sorenson, B. Ennis, Carey, Plant, Smith, Mack, DiPinto, D. Ennis, Fallon, Caulk & Taylor & cosponsored by Representative Ewing, before the House for consideration.

HB 89 - An Act to Amend Title 11 of the Delaware Code Relating to Crimes; and Providing Penalties for Carjacking.

Representative Jonkiert made comments.

Representative Jonkiert brought HA 1 to HB 89 before the House for consideration.

Representative Jonkiert requested that HA 1 be stricken.

Representative Jonkiert brought HA 2 to HB 89 before the House for consideration.

Representative Jonkiert made comments.

HA 2 to HB 89 was adopted by voice vote.

Representative Jonkiert brought HA 3 to HB 89 before the House for consideration.

Representative Jonkiert made comments.

HA 3 to HB 89 was adopted by voice vote.

Representatives Jonkiert, Gilligan, Oberle & B. Ennis made comments.

The roll call on HB 89 w/HA 2 & 3 was taken and revealed:

YES: 38.

ABSENT: Representatives Carey, Quillen, Roy - 3.

Therefore, having received a constitutional majority, HB 89 w/HA 2 & 3 was sent to the Senate for concurrence.

Representative Amick brought HB 102 before the House for consideration.

HB 102 - An Act to Amend Chapter 26, Title 6 of the Delaware Code Relating to Unfair Cigarette Sales Act.

Representative Amick moved to place HB 102 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney requested that action on HB 41 be deferred to a Day Certain, Thursday, April 29, 1993.

Representative Oberle requested that action on HB 12 be deferred to a Day Certain, Tuesday, May 11, 1993.

Representative B. Ennis brought HB 9 w/SA 1, jointly sponsored by Senator Vaughn & Representatives Clark & Banning & Senator McBride, before the House for concurrence on SA 1.

HB 9 - An Act to Amend Title 24 of the Delaware Code Relating to Limitations Upon the Times Certain Establishments Are Permitted to be Open to the Public.

Representative B. Ennis made comments.

Representative B. Ennis introduced and brought HA 1 to HB 9 before the House for consideration.

Representative B. Ennis made a comment.

HA 1 to HB 9 was adopted by voice vote.

The roll call on HB 9 w/SA 1 & HA 1 was taken and revealed:

YES: 33.

NOT VOTING: Representatives Caulk, Davis, Sorenson, Mr. Speaker Spence - 4.

ABSENT: Representatives Carey, Ewing, Quillen, Roy - 4.

Therefore, having received a constitutional majority, HB 9 w/SA 1 & HA 1 was sent to the Senate for concurrence on HA 1.

Mr. Speaker Spence introduced a guest.

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

22nd LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 28, 1993

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, R. DiLiberto, do hereby request that my name be removed as Co-Sponsor of HB 79.

Date: April 27, 1993.

Signed: Richard A. DiLiberto.

Representatives Roy, Quillen & Carey requested that they be marked present for the current Legislative

Day.

The Majority Whip 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 George H. Bunting, Thirty-Eighth Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 45 - MARONEY & SENATOR HOLLOWAY - HUM NEEDS & DEV: An Act to Amend Chapter 9, Title 16, of the Delaware Code Relating to the Abuse of Children, and to Amend Subchapter I, Chapter 9, Title 10, of the Delaware Code Relating to the Family Court of the State of Delaware.

HB 167 - WAGNER - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to the Criminal Code and the Sale of Self Defense Spray to Minors. (2/3 bill)

HB 168 - AMICK, BUCKWORTH, CAREY, DIPINTO, LOFINK, QUILLEN, WAGNER, BUNTING, B. ENNIS, CLARK, SCHROEDER; SENATORS TORBERT, VOSHALL, NEAL, STILL, HAUGE - HOUSING & COM AFF: An Act to Amend Chapter 29, Title 24, Delaware Code, Relating to Real Estate Brokers and Salespersons, and Chapter 25, Title 6, Relating to Prohibited Trade Practices and Seller's Disclosure of the Condition of Real Property.

HB 169 - BRADY & SCHROEDER - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Violent Criminals and Drug Dealers.

HB 170 - BRADY & SCHROEDER - CORR: An Act to Amend Chapter 21, Title 11 of the Delaware Code Pertaining to Noncompliance With Conditions of Bail.

HB 171 - BRADY & SCHROEDER - JUD: An Act to Amend Subchapter II, Subpart D, Section 761(g)(3) of Title 11 of the Delaware Code Relating to the Definition of "Without Consent" in Sex Crime Prosecutions.

HB 172 - BRADY & SCHROEDER - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Violent Criminals During Felonies.

HB 173 - GILLIGAN & REPRESENTATIVE GEORGE & REPRESENTATIVE BRADY (by request) - JUD: An Act to Amend Title 10, Section 101 of the Delaware Code Relating to the Place Where the Supreme Court Holds Court.

HB 174 - GILLIGAN & REPRESENTATIVE BRADY & REPRESENTATIVE GEORGE (by request) - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Criminal Use of Firearms by Violent Criminals.

HB 175 - GILLIGAN & REPRESENTATIVES GEORGE (by request), EWING, BUCKWORTH - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Bail for Persons Convicted of a Felony for Which a Mandatory Jail Sentence is Required.

HB 176 - GILLIGAN & REPRESENTATIVE GEORGE (by request) - SUBS ABUSE: An Act to Amend Section 4177, Title 21 of the Delaware Code, Relating to Penalties for a Third Conviction of Driving Under the Influence.

**HB-177** - GILLIGAN & REPRESENTATIVE GEORGE & REPRESENTATIVE BRADY (by request) - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to Extended Jurisdiction Over Juvenile Offenders by the Family Court.

**HB 178** - DAVIS, GILLIGAN & BRADY & REPRESENTATIVES GEORGE (by request) - SUBS ABUSE: An Act to Amend Chapter 9, Title 10 and Chapter 47, Title 16, Delaware Code Relating to Drug Related Offenses.

**HB 179** - GILLIGAN & REPRESENTATIVE GEORGE (by request) - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Death or Serious Physical Injury Caused by a Driver of a Motor Vehicle.

**HCR 20** - BUCKWORTH, WAGNER, DAVIS, QUILLEN & SENATORS COOK, HOLLOWAY, STILL, BAIR, CONNOR, HAUGE, KNOX, NEAL, VAUGHN - LABOR & HUM RES MAN: Continuing the Flexible Benefit Plan Study Commission and Urging Appropriate State Agencies to Facilitate and Expedite Implementation of the Commission's Recommendations to Achieve More Cost-Effective Benefits for State Employees and Cost Savings to the State.

**SB 29 w/SA 2** - MARSHALL & REPRESENTATIVE OBERLE; SENATORS BLEVINS, HOLLOWAY, MARTIN, MCBRIDE, MCDOWELL, VAUGHN, CONNOR; REPRESENTATIVES MACK, REYNOLDS, ROY, SPENCE, BANNING, BRADY, B. ENNIS, GILLIGAN, HOLLOWAY, HOUGHTON, PLANT, VANSANT, BUNTING - LABOR & HUM RES MAN: An Act to Amend Chapter 69, §6912, Title 29, Delaware Code Relating to Public Works Contracts and Prevailing Wage Rates. (F/N)

**SB 66** - VOSHELL - H/ADM: An Act to Amend 65 Delaware Laws Chapter 455 Relating to Uniformed and Overseas Citizens Absentee Voting.

Comments were made by Representative Bunting.

Representatives Bradley, Sorenson, Fallon, Wagner & Taylor were granted the privilege of the floor for introduction of guests.

Representative Oberle made comments.

Representatives D. Ennis, Lofink, Petrilli & Holloway requested that they be marked present.

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

Speaker Spence granted the privilege of the floor to Laura Randa Edwards, Executive Director of Delaware Teacher's Academy for Service Learning who introduced students from participating schools in honor of National Youth Service Recognition Day in the State of Delaware.

Comments were made by Speaker Spence.

Representative Spence granted the privilege of the floor to Annette Hubbard, member of Delta Sigma Theta Sorority.

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

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #12

DATE: April 28, 1993

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>
H137-77	Wagner	1/12/93	T	Karen MacMurray/State Art Teacher of Year
H137-78	Wagner	2/01/93	T	Richard P. McCall/Pat Knight Award
H137-79	VanSant	2/11/93	T	Students & Faculty of Dodson St. Elem. School/Apprec./Joyce Grymes
H137-127	Spence	3/28/93	M	Dr. Benjamin Franklin Burton, IX
H137-205	Quillen	4/24/93	T	The Harrington Little League/ Dedication/New Ball Fields
H137-206	Wagner	5/08/93	T	Michelle Lee Shaner & David Paul Barnes/Marriage
H137-207	Ewing	4/27/93	T	June Warrington Bostick/ Retirement/Greenwood Lib.
H137-208	VanSant	4/24/93	T	Elsmere Com. Ath. Assoc./State Championship
H137-209	Bradley	5/13/93	T	Barbara Houston/D.S.E.A.'s Human & Civil Rights Awd.
H137-210	B. Ennis	5/16/93	T	Ward Mesick/Eagle Scout
H137-211	Fallon	4/24/93	T	Robert H. LaPrad/Designing Instruments Used by Surgeons
H137-212	Fallon	4/24/93	T	Ralph & Kay German/50th Wedding Anniversary

H137-213	Fallon	4/30/93	T	Everett Moore/S.C./Republican
	cosponsors: Carey, Ewing, Lee			Chairman/Eight Years Ded. Serv.
H137-214	Fallon	5/04/93	T	Bruce Shorter/Birthday
H137-215	DiPinto	4/28/93	T	Mildred Forman, M.D./St.
				Francis Hosp. Hall of Fame
H137-216	DiLiberto	4/27/93	T	Andrew Hetzler/"Honors in
				Music"/De Music Ed. Assoc.
H137-217	Wagner	5/07/93	T	Reginald Bowden, M.D./Grad./
				Howard Univ. Col. of Med.
H137-218	Wagner	2/28/93	M	Rachel A. Ross

T - Tribute

M - Memoriam

The Majority Leader moved to recess at 3:00 p.m.

The House reconvened at 3:18 p.m.

Representative DiLiberto introduced and brought HCR 21, jointly sponsored by Representatives VanSant & Oberle & Senators Marshall, McBride & McDowell, before the House for consideration.

HCR 21 - Recognizing April 28, 1993, as Workers' Memorial Day on Behalf of Our Colleagues, Co-Workers, and Others Who Have Been Either Injured, Made Sick, or Died on the Job.

HCR 21 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to recess for committee meetings at 3:20 p.m.

The House reconvened at 5:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 21, SCR 20 & HB 9 w/SA 1 & HA 1.

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

TRANS & INFRA: HB 164 - 1F,3M.

LABOR & HUM RES MAN: HB 2 - 3M; SB 29 w/SA 2 - 3F.

NAT RES: HB 163 - 4F,1M.

H/ADM: HB 88 - 4M; HB 91 - 4M; HB 149 - 4M; HJR 2 - 1F,2M,1U; SB 28 w/SA 1 - 4M; SJR 1 -

4M.

APPRO: HB 131 - 4M.

ECON & DEV, B & I: HB 124 - 4M,1U; HB 125 - 2F,3M.

ED: HB 120 - 3F,2M; HB 81 - 5M; HB 82 - 5M; HB 84 - 5M; HB 85 - 4M.

Representative Maroney made a comment.

Representative Petrilli introduced HB 180, jointly sponsored by Representatives Lee, Buckworth, Carey, Davis, D. Ennis, Ewing, Fallon, Lofink, Mack, Oberle, Reynolds, Sorenson, Spence, Taylor, Wagner, Banning, Bradley, Bunting, Clark, DiPinto, B. Ennis, Schroeder, VanSant & Wojewodzki & Senators Bair, Marshall, Martin, McBride, McDowell, Voshell, Connor & Knox.

HB 180 - An Act to Amend Chapter 66, Title 16 of the Delaware Code Relating to Smoke Detectors.

(2/3 bill)

Mr. Speaker assigned HB 180 to the Housing & Community Affairs Committee.

Representative Mack requested that he be marked present.

The following prefiled Consent Calendar #7 was introduced:

HR 27 - MARONEY - Honoring the Delaware Council to Prevent Suicide Among Youth and the Men and Women Who Work Tirelessly on Its Behalf.

HCR 11 - CLARK, BANNING, CAREY, MACK, VANSANT, HOUGHTON, DILIBERTO, DIPINTO, REYNOLDS, B. ENNIS, PLANT, BENNETT, WEST; SENATORS VAUGHN, VOSHELL, BLEVINS, TORBERT - Requesting the Department of Justice to Make Recommendations Concerning Expansion of Legally Accepted Use of Forces in Protecting One's Personal Property in Response to the Increases in Carjackings and Other Assaults on Person's in Motor Vehicles.

HCR 22 - SPENCE ON BEHALF OF ALL REPRESENTATIVES AND SENATOR CORDREY ON BEHALF OF ALL SENATORS - Honoring Those Individuals Who Have Been Selected as Recipients of the Delaware Award for Excellence and Commitment in State Service.

Representative Petrilli introduced SCR 20, sponsored by Senator McBride & Representative Spence.

A comment was made by Representative Jonkiert.

SCR 20 - Supporting the Candlelight Vigil of April 28, 1993, Which is Sponsored by the Victims Rights Task Force, to Call Attention to the Need for Justice for Victims of Crimes.

SCR 20 was placed on Consent Calendar #7.

Consent Calendar #7 was adopted by voice vote and HCR 11 & HCR 22 were sent to the Senate for concurrence and SCR 20 was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 5:33 p.m.

23rd LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
April 29, 1993

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

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

JUD: HB 146 - 2F,4M; SB 10 w/SA 1 - 5U.

P/S: HB 145 - 5M; HB 162 - 4M,1U.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 181 - WAGNER & BENNETT & BUCKWORTH, CLARK, B. ENNIS, QUILLEN, EWING;  
SENATOR STILL - H/ADM: An Act to Amend Chapter 41, Title 9, of the Delaware Code Relating to Kent County.

HB 182 - GILLIGAN & SPENCE - AG: An Act to Amend Chapter 72, Title 3, Delaware Code Relating to Possession of Mammals or Reptiles Exotic to Delaware. (3/5 bill)

HB 183 - OBERLE & SENATOR MCDOWELL; REPRESENTATIVES SPENCE, BENNETT;  
SENATOR STILL - ED: An Act to Amend Chapter 14, Title 14 of the Delaware Code Relating to Fair Dismissal of Teachers.

HA 1 to HB 11 - MARONEY - L.O.T.: Placed with the bill.

HA 1 to HB 41 - MARONEY - AGENDA: Placed with the bill.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Quillen.

Representative Quillen brought HJR 3, jointly sponsored by Representative Fallon & cosponsored by Senators Voshell, Cook, Bair & Adams, before the House for consideration.

HJR 3 - Directing the Department of Agriculture to Name State Owned Forest Lands in Southwestern Kent County the "William S. Taber State Forest" in Honor of Delaware's First State Forester.

Representative Quillen requested and was granted the privilege of the floor for Robert Tjaden, Forestry Administrator, Department of Agriculture.

Mr. Acting Speaker Oberle appointed Representative Roy as Acting Speaker.

The roll call on HJR 3 was taken and revealed:

YES: 30.

ABSENT: Representatives Bradley, Brady, Buckworth, Holloway, Jonkiert, Lofink, Mack, Oberle, Reynolds, Smith, Mr. Speaker Spence - 11.

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

Representatives Clark, DiLiberto, D. Ennis, Lee, Plant, Wojewodzki, George, Bennett, Gilligan & Amick requested that they be marked present during the roll call.

Representative Fallon requested and was granted the privilege of the floor for Beatrice Taber Derickson, William S. Taber's daughter.

Representative Maroney brought HB 41, jointly sponsored by Senator Holloway, before the House for consideration.

HB 41 - An Act to Amend Chapter 51 and 53 of Title 31, Delaware Code Relating to the Powers and Duties of the Department of Services for Children, Youth and Their Families Over the Ferris School for Boys and the Woods Haven School for Girls.

Comments were made by Representative Maroney.

Representative Maroney brought HA 1 to HB 41 before the House for consideration. HA 1 was adopted by voice vote.

Comments were made by Representatives Amick & D. Ennis.

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

YES: 32.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives Brady, Davis, Holloway, Lofink, Mack, Oberle, Reynolds, Mr. Speaker Spence - 8.

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

Representatives Buckworth, Jonkiert, Smith & Bradley requested that they be marked present during the roll call.

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

Representative Maroney brought HB 63, jointly sponsored by Representatives Sorenson & Bradley & Senator Sokola & Representatives Spence, Buckworth, Smith, DiPinto, D. Ennis, Ewing, Lee, Quillen, Mack, Wagner, Brady & Houghton & Senators McBride, Bair, Connor & Knox, before the House for consideration.

HB 63 - An Act to Amend Chapters 2 and 27, Title 14, Delaware Code Relating to Mandatory Age of Attendance in Public Schools.

Comments were made by Representatives Maroney, Gilligan, DiPinto, Bradley, Wagner & Fallon.

The roll call on HB 63 was taken and revealed:

YES: 36.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Holloway, Mack, Reynolds - 4.

Therefore, having received a constitutional majority, HB 63 was sent to the Senate for concurrence.

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

Comments were made by Representative B. Ennis.

Mr. Speaker Spence resumed the Chair.

Representative B. Ennis requested and was granted the privilege of the floor for Charles B. deFord, representing the Disabled Citizens of Delaware.

Comments were made by Representative Spence.

Representative Lee requested that action on HB 129 be deferred to a Day Certain, Thursday, May 6, 1993.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought SB 28 w/SA 1, jointly sponsored by Senators Cordrey, Vaughn, Cook, Adams, Voshell, Martin, Holloway, Torbert, Blevins, Connor, Bair & Still & Representatives Spence, Quillen, Ewing, Carey, Houghton, Oberle, Schroeder, Jonkiert, VanSant, B. Ennis, Bennett, Banning, D. Ennis, Lee, Smith, West & Fallon, before the House for consideration.

SB 28 - An Act to Amend Chapter 1, Title 23, Delaware Code Relating to Pilots. (2/3 bill)(F/N)

Mr. Speaker Spence appointed Representative Roy as Acting Speaker.

Representative Spence requested that HA 1 to SB 28 be stricken.

Representative Spence brought HA 2 to SB 28 before the House for consideration.

Representative Spence made comments.

HA 2 to SB 28 was adopted by voice vote.

Comments were made by Representatives Amick & Gilligan.

Comments were made by Representative Spence.

Representative Ewing requested and was granted the privilege of the floor for Ronald L. Jefferson, representing the Delaware Pilot's Association.

Comments were made by Representatives Plant & Amick.

The roll call on SB 28 w/SA 1 & HA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Brady, Holloway - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 28 w/SA 1 & HA 2 was returned to the Senate for concurrence on HA 2.

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

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 20 w/SA 1, sponsored by Senators Adams, Cook, Cordrey, Vaughn, Venables & Still & Representatives Caulk, Carey, Lofink, Quillen, Bunting, Clark & Schroeder & cosponsored by Representative Ewing, before the House for consideration.

SB 20 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Regarding Waiver of Requirement for Registration of Farm Vehicles.

Comments were made by Representative Ewing.

Representative Ewing requested and was granted the privilege of the floor for Michael Shahan, Director, Division of Motor Vehicles.

Comments were made by Representatives Davis, Caulk, DiLiberto, Ewing & Houghton.

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

Comments were made by Representatives Amick, Ewing, Taylor, Wagner, DiLiberto, Bennett & Caulk.

Comments were made by Representatives Caulk, Houghton, Carey, DiLiberto, Ewing, Bunting & West.

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

Comments were made by Representative Davis.

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

YES: 34.

NO: Representatives Amick, DiLiberto, Petrilli, Taylor - 4.

NOT VOTING: Representatives Holloway, Plant, Mr. Speaker Spence - 3.

Therefore, having received a constitutional majority, SB 20 w/SA 1 was returned to the Senate.

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

Representative Quillen introduced & brought HCR 23, jointly sponsored by Representatives Petrilli & Spence, before the House for consideration.

HCR 23 - Providing That a Joint Session of the Senate and the House of Representatives be Convened for the Purpose of Hearing an Address From E. Norman Veasey, Chief Justice of the Delaware Supreme Court on the State of the Judiciary.

HCR 23 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth brought HB 144, jointly sponsored by Senator Blevins & Representatives Spence, Ewing, Lee, Bradley & Brady & Senator Still, before the House for consideration.

HB 144 - An Act to Amend Title 16, Title 18, Title 20, and Title 29, Relating to the Division of Emergency Planning and Operations: and Changing the Code References to That Division.

Comments were made by Representatives Buckworth & Davis.

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

Comments were made by Representative Davis.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 144 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 144 was sent to the Senate for concurrence.

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

Representative Smith requested that HB 151 be stricken.

Comments were made by Representatives George & Gilligan.

An announcement was made by Representative Taylor.

Representative Roy requested that HB 47 be stricken.

Mr. Speaker assigned SB 29 to the Appropriations Committee.

Mr. Speaker reassigned HB 183 to the Labor & Human Resource Management Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 25.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, David B. McBride, do hereby request that my name be removed as Co-Sponsor of HB 9.

Date: 4/6/93.

Signed: David B. McBride.

Representatives Quillen & Plant made comments.

The Majority Leader moved to recess to the call of the Chair at 3:45 p.m.

### 24th LEGISLATIVE DAY 137th GENERAL ASSEMBLY First Session May 4, 1993

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 91, HB 105 w/SA 1, HB 139, HJR 3, SB 25, SCR 21, SCR 22, SCR 23, SCR 24, HCR 11, HCR 19 & HCR 22.

#### M E M O R A N D U M

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative Herman M. Holloway, Jr.

DATE: April 29, 1993

RE: Legislative Session

Please be informed that due to a prior commitment, I will not be in session on May 4, 5, or 6th. Thank you.

April 30, 1993

The Honorable Terry R. Spence

Speaker of the House  
House of Representatives, Legislative Hall  
Dover, DE 19903

Dear Speaker Spence:

Please be advised that I will be unable to attend the Session on Tuesday, May 11, as I will be out of state. I will return to Session on Wednesday May 12, 1993.

Sincerely,  
Wayne A. Smith, State Representative  
7th District

WAS:jsty

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Holloway - 1.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 7 - OBERLE - LABOR & HUM RES MAN: An Act to Amend Subchapter XII, Chapter 41, Title 21, Delaware Code Relating to the Rules of the Road. (2/3 bill)

HB 184 - OBERLE & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, EWING, LOFINK, B. ENNIS, HOUGHTON, WEST, VANSANT - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 185 - SMITH & GILLIGAN & GEORGE & BRADY - JUD: An Act to Amend Title 11, Section 1325 of the Delaware Code, Relating to Cruelty to Animals.

HB 186 - SORENSON & SENATOR SOKOLA - ED: An Act to Amend Chapter 25 of Title 29, Relating to Supplying of Legal Advice and Counsel to Delaware Technical and Community College.

HB 187 - BUCKWORTH, WAGNER, BENNETT, REYNOLDS, SPENCE; SENATORS TORBERT, VOSHELL - ED: An Act to Amend Chapter 41, Title 14, Delaware Code Relating to Reporting Criminal Activity of Students.

HA 1 to HB 165 - BRADY - JUD: Placed with the bill.

SB 25 - SHARP, HOLLOWAY, CORDREY - HUM NEEDS & DEV: An Act to Amend Chapter 99, Title 16, of the Delaware Code Relating to the Establishment of the Delaware Health Care Commission.

SB 91 - VENABLES, VOSHELL, MCDOWELL - P/S: An Act to Amend Chapter 28, Title 21 of the Delaware Code Relating to Habitual Offenders.

SCR 22 - MCBRIDE & REPRESENTATIVE CAREY - NAT RES: Requesting State Agencies to Purchase Products Which Contain, or Are Manufactured From, Recycled Materials and/or Components Such as (But Not Limited to) Wood Chips and Mulch That Has Been Derived From Wood Waste, Road Safety Cones That Have Been Manufactured From Recycled Rubber; Office Paper Produced From Post-Consumer Recycled Paper; Pallets Manufactured From Recycled Plastic, Etc.

Representative West requested that he be marked present.

Representative Sorenson introduced and brought SCR 25, jointly sponsored by Senator Sokola & All Senators & All Representatives, before the House for consideration.

SCR 25 - Joining in Recognition of National Teacher Day, May 4, 1993, and Commending Delaware Teachers for Their Dedication in Performing the Significant Role of Educating Future Generations of Delawareans.

SCR 25 was adopted by voice vote and returned to the Senate.

Representative George requested that he be marked present.

#### JOINT SESSION - HOUSE CHAMBER

The Sergeant-at-Arms announced the Members of the Senate. They were admitted, welcomed and seated. Mr. Speaker Spence invited the President of the Senate and the President pro Tempore to share the rostrum.

Mr. Speaker Spence introduced and welcomed former Governor Carvel.

The Sergeant-at-Arms announced the Justices of the State Supreme Court, the Court of Chancery, the Superior Court, and other Chief Judges. They were admitted, welcomed and seated.

Representative Petrilli moved that the Speaker appoint a Committee to escort the Governor to the House Chamber. The motion prevailed.

Mr. Speaker appointed Representative John F. VanSant, spokesperson & Senator Myrna L. Bair to escort the Governor to the Chamber.

The Sergeant-at-Arms announced and admitted the Governor and the duly appointed Committee to the House Chamber.

The Speaker welcomed the Governor & invited him to the rostrum.

At 2:37 p.m. Representative Petrilli moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker appoint a Committee to escort the Chief Justice to the House Chamber.

Mr. Speaker appointed Representative Steven H. Amick, spokesperson & Senator Thomas B. Sharp to escort the Chief Justice to the Chamber.

The Sergeant-at-Arms announced and admitted the Chief Justice and the duly appointed Committee to the House Chamber.

Representative Amick introduced Chief Justice Norman Veasey to the Joint Session.

The Speaker welcomed the Chief Justice to the Joint Session. The Chief Justice addressed the members of the General Assembly as follows:

Governor Carper, Lieutenant Governor Minner, Speaker Spence, President pro Tem Cordrey, members of the 137th General Assembly, members of the Judiciary, distinguished public officials, Governor Carvel, leaders of the Delaware Bar, distinguished guests and citizens of Delaware.

It is a high honor to present the State of the Judiciary Message to this Body. I am particularly grateful to the members of the House and Senate for extending this distinct privilege to me at this time. I have served a little over a year in this term and I have learned a great deal about the judiciary and the role of the branches of government. Most of all, I have learned and I have mentioned to many of you on several occasions that one should never take anything for granted.

And I do not take for granted your invitation to present the State of the Judiciary Message. I know that, in the exercise of your independent role as the legislative branch of government, you will scrutinize carefully any requests that I may present to you for your consideration and I expect that and I welcome it. And in all events I appreciate your continuing support for the courts. I know there are perhaps differing views within this State and in this country about the function of a State of the Judiciary Message presented by a Chief Justice to a legislative branch of government. And I have read State of the Judiciary Messages which have been presented by my fellow Chief Justices to their legislatures, and I see quite a variety of approaches.

Delaware law requires the Chief Justice to present the State of the Judiciary Message. 10 Del. C. § 1901. The language of that statute is virtually identical to the language in the Constitutional provision (art. 111 § 15) requiring the Governor to give the State of the State Message to the General Assembly. Like that constitutional provision, the statute relating to the Chief Justice simply says:

The Chief Justice....shall from time to time give to the General Assembly information....concerning the judiciary and recommend to its consideration such measures as he shall deem expedient.

And I would expect that on some occasions it would be sufficient, with your approval, to fulfill this message in writing. I particularly appreciate your invitation at this time, shortly after the end of my first year to deliver the message personally, because I think we are at a watershed now in developing long-range structural solutions to some of our problems.

The next question is: What should a State of the Judiciary Message be about? And I do not believe it should be a long "wish list" detailing all the needs of the courts. It should not be repetitive of, or a substitute for, the detailed presentations to the Joint Finance Committee in connection with the budget or the capitol budget committee or presentations that I have made at the request of the House Judiciary Committee or the invitations that I have received from Senator Sharp's committee to speak to the Senate Judiciary Committee.

I like to limit this message to one central theme and that's a partnership among the three branches of government to forge a refined structure for our judiciary so that it will more efficiently, fairly, promptly, inexpensively and competently serve the citizens of the State and so it will become a model for the nation.

Many of you, perhaps all of you, are familiar with Senate Joint Resolution 14 which was introduced last Thursday. I appreciate very much the fact that there are many co-sponsors among the leadership of this body on that Joint Resolution and it relates to the commission which I am about to discuss.

Delaware has benefited from the competence, hard work and national preeminence of our judiciary and today I ask you and the Governor to join me in a partnership to assure that Delaware will be preeminent not only in the quality of its judiciary and its judicial decisions, but in terms of the structure of

its judicial system. That structure does need attention, possible revision, new resources, and coordinated planning to achieve excellence as we approach the 21st Century.

It is my mission and that of my fellow judges to provide fair, prompt, competent, inexpensive decision making for our citizens. That means that it is our job to manage what we have, with the resources that are provided, to carry out our constitutional mandate.

The powers of these three branches are exercised separately and independently, but in a spirit of partnership and harmony, much like a symphony orchestra. One branch does not invade the turf of the other, yet we are interdependent. The judiciary cannot function effectively without adequate resources and wise legislation from this Body. And without the Governor's wise exercise of his appointing authority and the Senate's wise exercise of its power to consent to such appointments the judiciary would not have the quality personnel it needs to operate the system.

While the Constitution delegates the administration, and supervision of the judiciary to the Chief Justice there is a limit on the ability of the judiciary to arrange the structure to keep up with the challenges of today, and those which lie ahead as we approach the 21st Century. We need your help in helping us to think through the kinds of structural improvements which are appropriate, and to provide the statutory and constitution changes which will be required.

That is why I respectfully urge you to pass and the Governor to sign Senate Joint Resolution 14, that proposes a joint task force "Commission on Delaware Courts 2000." This task force most notably involves the three branches working together to make Delaware a model state.

Why do we need this? Isn't it just another study committee? To be sure, we have had very effective study committees in the past. In 1986 we had the Court Consolidation Commission; we had Superior Court study committees, a recent committee on the Common Pleas Court. We have a Delaware Courts Planning Committee, which is a permanent committee advisory to the judiciary.

But, in my view, what we really need is an action-oriented, broad-based task force directly involving all three branches of government to move immediately and comprehensively to address the problems that are interconnected among our various courts and I hope that committee will report and get their work done in less than a year. At least 33 states around this country have some form of futures commission which has recommended changes to their legislative bodies. We need to review those studies and those methodologies, but we don't necessarily need to copy them because we're unique. We're small enough and we're good enough so that we should have the best state court system in the country.

Why is that important to us? It is not simply to win an award for the best structure. Most important is the fact that it will help the people of this State who live here and who deal with our courts every day. I am concerned about people in all walks of life who may find themselves in a Justice of the Peace Court, the Municipal Court, an Alderman's Court, the Court of Common Pleas, the Family Court, the Superior Court, the Court of Chancery, or even in the Supreme Court. We need to provide those citizens with a framework which makes sense and will enable us to provide our citizens with those prompt, fair, inexpensive, and competent decision making that they deserve.

Delaware also has, as one of the major components of its public policy, a judiciary which is truly national. More than half of the Fortune 500 companies are attracted to Delaware, not only because of the advanced legislation for which this body is responsible, but because of our judiciary that administers our law. Today we have in Delaware 207,721 domestic corporations whose businesses and affairs are often determined by our courts in one way or another. Streamlining our court structure will help that image and will be to Delaware's economic advantage.

So the problem areas should be brought into sharp focus by this Commission, because many are interconnected. Action affecting Court A will probably affect Court B or will affect other parts of the justice system, the Department of Justice, the Public Defender's office. There are a number of specific areas that have to properly into the mosaic of a modern, smooth functioning, and model structure. The Commission should, in my view focus on the following areas among others:

Court of Common Pleas. We've had a study that suggests a merger with Superior Court. That may or may not be the best idea. It has recommended other steps in terms of jurisdiction. They need to be studies because they have an effect on other courts.

Other areas include the Wilmington Municipal Court, the Alderman Court. Whether we should a unified general trial court with divisions such as a Family Division, an Appellate Division, Common Pleas Division, Criminal Division and a Civil Division.

Whether the Family Court or the Court of Common Pleas or both of them should become constitutional courts. That's a very important issue that this commission should focus on.

One should focus on the jurisdiction of the Justice of the Peace Courts.

What are the impact of "minor traffic offenses," in terms of the burdens on the Court. What are "minor offenses".

How about the jury system, how can we improve that?

Is there an impact of mandatory minimum sentencing that ought to be looked at, whether it should be changed. We ought to know what it's impact is.

A permanent solution to the security problems in Delaware courts needs to be undertaken. A model is the US Marshal system. That's very expensive, that's long range. But I'm worried about the security in our courts, particularly in our Justice of the Peace Court which is one of my highest priorities in this next coming budget year.

We need a permanent solution to our housing problems for courts. Georgetown is an immediate problem, Wilmington Justice Center is the next problem, the next shoe to drop if you will.

We need to study all kinds of issues: what is a fair compensation system, what is the flexibility needed by the Chief Justice in order to move things around within the system and not violate any caps on the budgetary system.

Do we really need a senior judge system. We have one leg of a constitutional amendment. This commission should study that issue.

We need to, most of all, I think in the end we need to consider the feasibility of establishing goals involving enhanced non-judicial staffing: commissioners, masters, staff attorneys, law clerks, advanced technology and other resources, particularly alternate dispute resolution mechanisms, mediation and arbitration and the like.

This final item may be last on this list, but its not least, because it calls on the Commission to consider the feasibility of establishing goals in those areas. To be sure, we have an immediate need for two Superior Court judgeships today. That's the number one priority. That cannot wait. But what do we do in the future?

This Commission will study caseloads, will study projections and will see how we can deal without involving additional judgeships anytime soon, how we can deal with the situation with these other tools that we have available and come up with a plan for when we're going to need these judgeships.

The Superior Court and the other courts are already are already making great strides alternate dispute resolution mechanisms that are attached to the Court, court-annexed. The Superior Court, for example, has mandatory arbitration for cases involving \$100,000 or less and, if the litigants don't like that they get a trial de novo. This weeds out over 80 percent of the cases and that's a good system.

The Family Court and other courts have outstanding alternate dispute resolution mechanisms. We need to strengthen that.

The Superior Court has trained mediators who are trained to talk to people in court to keep the case away from involving juries and judges as long as possible. To be sure you have to have a judge at the end of the line as an enforcement mechanism but we need to look cooperatively as a partnership at all of these methods to try to come up with a solution.

In the technology area, the Superior Court, for example, has its Complex Litigation Automated Docketing system which is nationally known for its efficiency in electronic filing. I think we need to look and see how that can be expanded.

I have not mentioned the Supreme Court or the Court of Chancery. The Supreme Court has a tremendous workload but I don't recommend that we add any more judges to the Supreme Court or that we add another layer of courts, an intermediate appellate court. What we need are more staff and more mechanisms through the way of staff attorneys which is one of my high priorities or law clerks in the future.

The Court of Chancery, which is our outstanding business court, nationally known. It's a Court whose resources are valuable to the State and perhaps they can be expanded.

I'm particularly delighted that Governor Carvel is here because we have a Supreme Court of five justices now and he started with the help of this body many years ago in 1951, the separate Supreme Court which has helped propel, I think, our judicial system into national recognition along with the quality of our judiciary. Governor Carvel has been a leader in judicial reform and he's a prime example of what we're about today in 1993 as we start on this new venture. Thank you for being here.

Unlike most states we can get things done in Delaware. We can get it done cooperatively. We can all work together. You all have been very kind to me in the number of times I have been before you and I know we can get this done. If you look at Senate Joint Resolution 14, you'll see that it proposes a commission of sixteen people. The chairs, cochairs, of that commission are named in there, O. Francis Biondi, Esquire and Rodman Ward, Jr., Esquire, who are here. They would be outstanding leaders for this commission. It also calls on the Governor to appoint four, the Chief Justice to appoint four and the President Pro Tem to appoint two, the Speaker to appoint two, all bipartisan and there are mandates in there to appoint members of the public who are not lawyers and not public officials. The key, however, is having members of this body involved in the process.

When should the Commission report? Well, as I mentioned earlier in this message, I think it would be desirable for the Commission to have presented to you for your action, constitutional and legislative changes to implement their study early next year. Any constitutional changes then can be considered by the 137th General Assembly in 1994. This is a very ambitious undertaking but I'm certain we'll have an outstanding and hardworking commission who with your help will get the job done.

You're gracious to have invited me and you have been extraordinarily courteous and attentive to me, not only today but each time I have had the privilege of speaking with each of you directly or in your committees or on the floor. And as I said at the outset, I do not take that for granted. I think it is important to maintain frequent contact and work together. My door is always open to you and I will always return your phone calls, the same day if it's at all possible and I'll always be available to you to answer any questions you may have about judicial administration or legislation or structural change. I cannot speak to you and no judge can speak to you about any case but I welcome the opportunity to discuss these matters with you at any time.

I think that's about twenty minutes, in the Supreme Court we limit the lawyers to about twenty minutes so now I will thank you very much for your attention. I appreciate it.

Mr. Speaker thanked Justice Veasey for his comments.

Mr. Speaker announced that the duly appointed committees would escort the Governor and the Chief Justice from the Chamber.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their journals to see if they agree. The motion prevailed.

The Chief Clerk of the House and the Secretary of the Senate compared their Journals, found them to agree and so notified the Speaker.

Representative Petrilli moved that the Joint Session be adjourned at 3:00 P.M.

The Majority Leader moved to recess for caucus at 3:01 P.M.

The House reconvened at 4:58 p.m. with Representative Quillen as Acting Speaker.

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

Representatives Bennett, Mack, Buckworth, Gilligan & Reynolds 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: SB 69 & HCR 23.

Representatives Brady & Jonkiert requested that they be marked present.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson introduced and brought HCR 24, jointly sponsored by Senator Sokola, before the House for consideration.

HCR 24 - Commending the Students Selected as State Superintendent's Scholars of 1993.

Representative Sorenson moved to suspend the rules which interfere with action on HCR 24. The motion was properly seconded and adopted by voice vote.

HCR 24 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Roy.

Representative Roy introduced HB 188, jointly sponsored by Representatives Petrilli, B. Ennis & Plant & Senators Blevins, Holloway, Sokola & Neal.

HB 188 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Mr. Acting Speaker assigned HB 188 to the House Administration Committee.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 164 before the House for consideration.

HB 164 - An Act to Amend Chapter 18, Section 1803, Title 2, Delaware Code Relating to

Railroad Rights-of-Way and Acquisition of Same by the Department of Transportation.

Representative Roy introduced and brought HA 1 to HB 164 before the House for consideration.

Comments were made by Representative Roy.

HA 1 to HB 164 was adopted by voice vote.

Comments were made by Representatives Roy & Amick.

Representative Amick requested and was granted the privilege of the floor for Thomas Hickey, Railroad Administrator, Delaware Railroad Administration.

Comments were made by Representatives Amick, Jonkiert, B. Ennis, Caulk, Clark, Houghton, D. Ennis, Bunting, Houghton & Mack.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 164 w/HA 1 was taken and revealed:

YES: 19.

NO: Representatives Banning, Caulk, Clark, DiLiberto, Ewing, Houghton, Lee, Mack, Oberle, Wagner, West - 11.

NOT VOTING: Representatives Bennett, Carey, Davis, B. Ennis, Fallon, Maroney, Plant, Schroeder, VanSant - 9.

ABSENT: Representatives Holloway, Wojewodzki - 2.

Therefore, not having received a constitutional majority, HB 164 w/HA 1 was declared defeated.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 57, SB 17 w/SA 2.  
The Majority Leader moved to recess to the call of the Chair at 5:55 p.m.

25th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
May 5, 1993

Mr. Speaker Spence called the House to order at 2:07 p.m.  
The Reading Clerk read the following communications into the record:  
May 6, 1993

LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/4/93 - HB 139, HB 23, HB 9 aab SA 1 & HA 1, HJR 3 & SB 28 aab SA 1 & HA 2.

May 5, 1993

The Honorable Terry R. Spence  
Delaware House of Representatives  
Legislative Hall  
Dover, Delaware 19901  
Dear Speaker Spence,

Please excuse my absence from Session on Thursday, May 6th, as I will be out of state on legislative business.

Thank you.

Sincerely,  
V. George Carey  
State Representative  
36th District

VGC:ldt

May 4, 1993

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19901  
Dear Speaker Spence:

I will be unable to attend session on May 5, 1993 due to personal business.  
Thank you for your attention to this matter.

Sincerely,  
Joseph R. Petrilli  
House Majority Leader

JRP/jm

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House

FROM: Representative Joseph G. DiPinto

DATE: May 4, 1993

On Thursday, May 6, I will be participating in a Housing Leadership Program at Johns Hopkins University, and therefore will be absent during the legislative session that day.

During my absence, I am confident that the interests of my constituents will continue to be served by your even-handed and unbiased leadership.

JGD/scg

5 May 1993

The Honorable Terry R. Spence  
Delaware House of Representatives  
Legislative Hall  
Dover, Delaware 19901  
Dear Speaker Spence,

Please excuse my absence from Session on Thursday, May 6th, as I will be out of state on legislative business.

Thank you.

Sincerely,

G. Robert Quillen  
 Majority Whip  
 30th District State Representative  
 GRQ:ld

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry R. Spence, do hereby request that my name be removed as Co-Sponsor of  
SB 33.

Date: 5/04/93.

Signed: Terry R. Spence.

The Majority Whip moved to adjourn at 2:09 p.m., thereby ending the current legislative day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Clark, Holloway, Petrilli, Taylor - 4.

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 189 - WAGNER, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, JONKIERT, LOFINK, MACK, OBERLE, QUILLEN, SPENCE; SENATOR STILL - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Members of the Benevolent Protective Order of the Elks. (3/5 bill)

HB 190 - PLANT, EWING, BANNING - JUD: An Act to Amend Title 11, Delaware Code Relating to the Burning of Crosses or Other Religious Symbols.

HB 191 - SCHROEDER & SENATOR CORDREY - H/ADM: An Act to Amend Chapter 59, Volume 63 Laws of Delaware, as Amended, Entitled an Act to Incorporate the Town of Dewey Beach. (2/3 bill)

HA 1 to HB 49 - DAVIS - READY LIST: Placed with the bill.

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

HA 1 to HB 163 - CAREY - AGENDA: Placed with the bill.

SB 17 w/SA 2 - SOKOLA, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, SHARP, BAIR, CONNOR; REPRESENTATIVES AMICK, DAVIS, MARONEY, SPENCE, TAYLOR, VANSANT, EWING - JUD: An Act to Amend Title 11, Delaware Code by Adding the Crime of Continuous Sexual Abuse of a Child.

SB 57 - VAUGHN; REPRESENTATIVE ROY - CORR: An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to the Method and Imposition of Sentence of Death.

SB 69 - SHARP; REPRESENTATIVE SPENCE; SENATORS BLEVINS, HOLLOWAY, MCBRIDE, VAUGHN - JUD: An Act to Amend Chapter 39, Title 11, and Chapter 9, Title 10, Delaware Code, to Provide for Mandatory Human Immunodeficiency Virus Testing of Certain Sex Crime Offenders. (F/N)

Representatives Amick & West requested that they be marked present.

Representatives Plant & Bunting requested that they be marked present.

Representative D. Ennis requested and was granted the privilege of the floor for a class & teachers from the Pilot School who introduced themselves.

Representatives Buckworth & Ewing requested that they be marked present.

The Reading Clerk read the following communication into the record:

May 4, 1993

Mr. Terry R. Spence  
 Speaker of the House  
 Delaware House of Representatives  
 Dover, DE 19903

Dear Speaker Spence:

This letter is to inform you that I will be out of town on business on Thursday, May 6, 1993, and will not be at session.

Sincerely,  
 David H. Ennis  
 State Representative  
 6th District

DHE/dlc

Representative Ewing requested that HB 91 be stricken.

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

Representative Smith requested that he be marked present.

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

The House reconvened at 4:10 p.m.

Mr. Speaker reassigned HB 153 to the Human Needs & Development Committee.

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

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

P/S: SB 73 w/SA 1 - 7M.

HUM NEEDS & DEV: SB 25 - 5M; SB 46 w/SA 1 - 5M.

ED: HB 135 - 4F; HB 161 - 4F, 1M; HB 186 - 5F.

Representative Jonkiert moved to recess to the call of the Chair at 4:13 p.m.

26th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
May 6, 1993

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

Representatives Taylor & Petrilli requested that they be marked present for the current Legislative Day..

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

JUD: HB 147 - 5M; HB 155 - 6M; HB 159 - 7M; SB 22 w/SA 1 - 7M.

NAT RES: HB 158 - 6M.

The following prefiled Consent Calendar #8 was introduced:

HR 28 - DIPINTO, EWING, D. ENNIS, B. ENNIS; ON BEHALF OF ALL

REPRESENTATIVES - Mourning the Untimely Passing of Charles Gordon Henderson, Delaware's Planning Coordinator for Hazardous Materials Emergencies.

HR 29 - WEST, VANSANT, JONKIERT, GILLIGAN, BRADY, B. ENNIS, SCHROEDER, BRADLEY, DILIBERTO, BANNING, CLARK - Joining in the Salute to Our Professional Nurses as the Nation Observes National Nurses Week, May 6-12, 1993.

HR 30 - WEST, VANSANT, JONKIERT, GILLIGAN, BRADY, B. ENNIS, SCHROEDER, BRADLEY, DILIBERTO, BANNING, CLARK - Supporting Senate Joint Resolution No. 79 of the Senate of the United States Designating June 19, 1993, as "National Baseball Day".

HCR 25 - SMITH & SENATOR BAIR - Mourning the Death of Arden Trustee and Community Servant, Joan Ware Colgan.

HCR 26 - BUCKWORTH ON BEHALF OF ALL REPRESENTATIVES & SENATOR TORBERT ON BEHALF OF ALL SENATORS - In Recognition of Marion D. Tracy of Camden, Delaware, Who Established the Renown Marion Tracy Dance Studio in Dover, Delaware in 1962 Who is Retiring May 15, 1993 After Having Contributed Enormously to the Cultural Heritage of the Greater Dover Community, and Further Extending to Her and Her Family a Healthy and Rich Future.

SCR 21 - MCBRIDE & REPRESENTATIVE SPENCE - Commending Delaware Crime Stoppers Organization on Their 10th Anniversary and Extending to Them Best Wishes for a Prosperous and Successful Future.

SCR 23 - STILL, VAUGHN, COOK, TORBERT; REPRESENTATIVES WAGNER, B. ENNIS, QUILLEN, BENNETT, CAULK, BUCKWORTH, ROY - Commending the City of Dover, the Office of Kent County Tourism, the Boys and Girls Club of Dover, Delaware, and the Kent County Levy Court for Their Active Participation and Hard Work in Helping to Make What is Rapidly Becoming Acclaimed as the Most Watched Athletic Contest in the World, Namely, the 1993 Tour DuPont Which Will Kick Off Stage I of a 1100 Mile Race on May 7 in Front of Legislative Hall.

SCR 24 - COOK, VAUGHN, TORBERT; REPRESENTATIVES CLARK, QUILLEN, BUCKWORTH, B. ENNIS, BENNETT, SORENSON - Mourning the Death of Calvin Boggs of Cheswold, Delaware Who Passed Away on Sunday, April 11, 1993, at the Age of 72.

Consent Calendar #8 was adopted by voice vote and HCR 25 & HCR 26 were sent to the Senate for concurrence and SCR 21, SCR 23 & SCR 24 were returned to the Senate.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: May 4, 1993

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>
H137-219	Maroney	4/28/93	T	George T. Barnhill, III/ 1993 Gov. Vol. Award

H137-220	Wagner	2/24/93	T	Geoffrey David Young/State Amer. Legion Oratorical Contest
H137-221	Buckworth	4/24/93	T	Paul E. Wilhelm, Jr./Pat Knight Award/Camden-Wyoming Little League
H137-222	West	5/04/93	T	Arlene Roth/1993 DE Award/ Excellence/State Service
H137-223	Smith	5/04/93	T	Joseph P. Hickey/1993 DE Award/Excellence/State Service
H137-224	Quillen	5/04/93	T	Dr. H. Wesley Towers/1993 DE Award/Excellence/State Service
H137-225	Quillen	5/04/93	T	Eileen Wray/1993 DE Award/ Excellence/State Service
H137-226	Maroney	4/28/93	T	Robert A. Kasey, Jr./1993 Governor's Outstanding Vol. Award
H137-227	DiPinto	4/26/93	M	William R. Smith/Former Headmaster/Tower Hill Lower School
H137-228	Lee	4/28/93	T	Oliver Hill/1993 Laurel Citizen of the Year
H137-229	Sorenson	4/29/93	T	Major Sherry Sczubelek/Officer of the Year/N.C.C. Police
H137-230	Quillen	5/06/93	T	William & Elizabeth Lord/50th Wedding Anniversary
H137-231	Oberle	6/07/93	T	Dawn M. Vanderworker/ Grad./From Sterck School
H137-232	Oberle	6/07/93	T	Regina A. Tilghman/Graduating From Sterck School
H137-233	Oberle	6/07/93	T	Steven M. Thomas/Graduating From Sterck School
H137-234	Oberle	6/07/93	T	Steven D. Ruiz/Graduating From Sterck School
H137-235	Oberle	6/07/93	T	John J. Nunemann II/Graduating From Sterck School
H137-236	Oberle	6/07/93	T	Theodore L. Jackson/Graduating From Sterck School

T - Tribute

M - Memoriam

The Senate wishes to inform the House that it has passed: HB 104 w/HA 1, HB 89 w/HA 2,3 & SA 1 & HCR 24.

#### MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: JoAnn M. Hedrick

Chief Clerk of the House

RE: Attendance at Session

DATE: May 5, 1993

On Wednesday, April 28, 1993, Representative John R. Schroeder was in attendance during the House Session. He did not have an opportunity to have his presence recorded.

Today, May 5, 1993, Representative Jeffrey G. Mack and David D. Brady were present at 4:00 p.m. and were involved in committee meetings when the House reconvened and were not able to have their presence recorded.

I make this a part of the official House record so that the Journal will be as accurate as possible.  
JMH/gmr

Mr. Speaker assigned HB 135 & HB 161 to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 35.

Members Absent: Representatives Carey, DiPinto, D. Ennis, Holloway, Quillen, Roy - 6.

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 proposed legislation was introduced:

**HB 192** - BUCKWORTH & SENATOR MARTIN - H/ADM: An Act Concurring in a Proposed Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Registration and Absentee Voting. (2/3 bill)

**HR 31** - WAGNER, SPENCE, PETRILLI, AMICK, DIPINTO, SMITH, LOFINK, BANNING, BRADY, CAREY, BENNETT, BRADLEY, BUCKWORTH, BUNTING, CLARK, DAVIS, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HOLLOWAY, HOUGHTON, JONKIERT, LEE, MARONEY, OBERLE, QUILLEN, TAYLOR, REYNOLDS, SCHROEDER, WEST, SORENSON, WOJEWODZKI - SM BUS: Requesting That the Delaware Development Office Immediately Look Into the Feasibility of Creating a Capital Access Program or Small Business Reserve Fund.

**HA 1 to HB 88** - BANNING - AGENDA: Placed with the bill.

**HA 1 to HB 120** - GEORGE - AGENDA: Placed with the bill.

**HA 1 to HB 182** - GILLIGAN - AG: Placed with the bill.

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

Representative Caulk introduced **HB 193**, jointly sponsored by Senator Torbert & Representatives Spence, Amick, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Oberle, Reynolds, Smith, Sorenson, Wagner, Banning, Brady, Bradley, Bunting, Clark, DiLiberto, B. Ennis, Gilligan, Schroeder, West & Wojewodzki & Senator Voshell.

**HB 193** - An Act to Amend Chapter 47, Title 7, of the Delaware Code Relating to State Parks.

Mr. Speaker assigned **HB 193** to the Natural Resources Committee.

The Majority Leader moved to recess for caucus at 2:42 p.m.

The House reconvened at 4:06 p.m.

Representatives Mack, Brady, Schroeder, Buckworth & Reynolds requested that they be marked present.

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

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

The House observed a moment of silence in memory of former Secretary of State Walton Simpson and former State Senator Lemuel Hickman.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: May 6, 1993

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>
H137-237	Oberle	6/07/93	T	Ayanna Harmon/Graduating From Sterck School
H137-238	Oberle	6/07/93	T	Alfonso Colon/Graduating From Sterck School
H137-239	Oberle	6/07/93	T	Ryan J. Breasure/Graduating From Sterck School
H137-240	Oberle	6/07/93	T	Joshua Becker/Graduating From Sterck School
H137-241	VanSant	5/04/93	T	Eddie Sylvester/70th Birthday
H137-242	Schroeder	5/08/93	T	Nicholas C. Imperial/Eagle Scout
H137-243	Gilligan	5/04/93	T	Joseph Reardon/Former Chairman/N.C.C. Democratic Committee/Dedicated Service
	cosponsors: Brady, Banning, VanSant, Bradley, DiLiberto, Houghton, Wojewodzki, B. Ennis			
H137-244	Petrilli	5/06/93	T	Stephanie Welch/Multiple Sclerosis Read-A-Thon/Ursuline Academy
H137-245	Lofink	4/27/93	T	Sgt. Mark Daniels/Trooper of Year for 1992
H137-246	Wagner	5/01/93	T	John Phillips/50th Birthday
H137-247	DiPinto	5/13/93	T	Mrs. Anna Bradley/80th Birthday
H137-248	Fallon	5/05/93	T	Norma Lee Keiser/Retirement/Dedicated Teacher
H137-249	Fallon	4/24/93	M	Esther Head

H137-250	Maroney	4/27/93	T	Catherine Janes Dedman/60th Birthday
H137-251	DiPinto	4/29/93	M	Charles Gordon Henderson/ State Coordinator/Emerg./Haz. Mat.
	cosponsors: B. Ennis, D. Ennis			
H137-252	Ewing	5/08/93	T	Kevin Vereide/Speaker/Kiwanis Club's Prayer Breakfast
H137-253	Caulk	5/05/93	T	Douglas Achuff/Excellence/ School Achievement
H137-254	Reynolds	5/16/93	T	Ring Lardner/Eagle Scout
H137-255	Reynolds	5/16/93	T	Sean Ferry/Eagle Scout
H137-256	DiLiberto	5/06/93	T	Kathy Johnson/Brookhaven "Speed Watch"

T - Tribute

M - Memoriam

Representative Jonkiert brought HB 89 w/HA 2 & 3 & SA 1, jointly sponsored by Senators Marshall & Holloway & Representatives Bennett, Lee, Petrilli, Holloway, Bunting, Quillen, Maroney, Gilligan, George, Schroeder, Spence, Buckworth, Reynolds, Clark, Banning, DiPinto, VanSant, Davis, Brady, Bradley, Lofink, Sorenson, B. Ennis, Carey, Plant, Smith, Mack, DiLiberto, D. Ennis, Fallon, Caulk & Taylor & cosponsored by Representative Ewing, before the House for concurrence on SA 1.

HB 89 - An Act to Amend Title 11 of the Delaware Code Relating to Crimes; and Providing Penalties for Carjacking.

Comments were made by Representative Jonkiert.

The roll call on HB 89 w/HA 2 & 3 & SA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives Carey, Clark, DiPinto, D. Ennis, Holloway, Quillen, Roy - 7.

Therefore, having received a constitutional majority, HB 89 w/HA 2 & 3 & SA 1 was sent to the Governor.

Comments were made by by Representative Davis.

Representative Davis requested that HB 147 be stricken.

Representative Davis introduced HB 194, jointly sponsored by Representatives Buckworth, Carey, Caulk, Ewing, Lee, Lofink, Mack, Reynolds, Smith, Taylor, Wagner, Spence, Banning & Bunting & Senators Neal, Hauge, Venables & Marshall.

HB 194 - An Act to Amend Chapter 5, Title 11, of the Delaware Code to Increase the Penalty for Assault in the First Degree When the Assault Causes a Miscarriage of a Pregnant Victim.

Representative Oberle requested that HB 16 be stricken.

Mr. Speaker assigned HB 194 to the Judiciary Committee.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought HB 129, jointly sponsored by Representatives Carey, Caulk, Ewing, Fallon, Wagner, Bennett, Bunting, Schroeder, West & Senator Venables, before the House for consideration.

HB 129 - An Act to Amend Chapters 1, and 21, Title 21 of the Delaware Code Relating to Recreational Trailers. (3/5 bill)(F/N)

Representative Lee moved to place HB 129 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli requested that action on HJR 2 be deferred to a Day Certain, Thursday, May 13, 1993.

Representative Bennett brought HB 105 w/SA 1, jointly sponsored by Senator Torbert, before the House for concurrence on SA 1.

HB 105 - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36 of the Laws of Delaware, as Amended, Relating to Real Property Reassessments. (2/3 bill)

Comments were made by Representative Bennett.

Representative Wagner introduced and brought HA 1 to HB 105 before the House for consideration.

Comments were made by Representatives Wagner, Bennett & George.

Representative Wagner moved to place HA 1 to HB 105 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Bennett moved to place HB 105 w/SA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative George requested that action on HB 120 be deferred to a Day Certain, Thursday, May 13, 1993.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 131 before the House for consideration.

HB 131 - An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Survivors' Eligibility for Pension Benefits. (F/N)

Comments were made by Representative Ewing.

Representative Ewing brought HA 1 to HB 131 before the House for consideration. HA 1 was adopted by voice vote.

Comments were made by Representatives Ewing, VanSant, George, Jonkiert, Oberle & Davis.

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

The roll call on HB 131 w/HA 1 was taken and revealed:

YES: 21.

NO: Representatives Caulk, Jonkiert - 2.

NOT VOTING: Representatives Banning, Bennett, Bradley, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Plant, VanSant, West - 11.

ABSENT: Representatives Carey, Clark, DiPinto, D. Ennis, Holloway, Quillen, Roy - 7.

Therefore, having received a constitutional majority, HB 131 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:40 p.m.

27th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY

First Session

May 11, 1993

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 26, HCR 25 & HCR 26.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Ewing, do hereby request that my name be removed as Co-Sponsor of SB 81.

Date: May 11, 1993.

Signed: J. B. Ewing.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Ewing, do hereby request that my name be removed as Co-Sponsor of HB 148.

Date: May 11, 1993.

Signed: J. B. Ewing.

Representatives Quillen, Carey, Roy & DiPinto requested that they be marked present for the current Legislative Day.

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: 40.

Member Absent: Representative Smith - 1.

A prayer was offered by Representative G. Robert Quillen, Thirtieth Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 72 - SCHROEDER & SENATORS MCBRIDE & CORDREY - ENV & NAT RES:

An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. (2/3 bill)

HB 195 - DAVIS, SPENCE, AMICK, BUCKWORTH, DIPINTO, EWING, LOFINK, MARONEY, OBERLE, QUILLEN, TAYLOR, WAGNER, HOUGHTON; SENATORS VENABLES, VOSHALL - P/S: An Act to Amend Chapters 27 and 41, Title 21, Delaware Code Relating to Driver's License and Operation of a Vehicle While Under the Influence of Intoxicants. (2/3 bill)

HB 196 - TAYLOR; SENATOR MARTIN - P/S: An Act to Amend Title 21, Chapter 27 and Chapter 41 of the Delaware Code, Relating to Driver's Licenses and Violations of Rules of the Road.

HB 197 - EWING & SENATOR ADAMS - H/ADM: An Act to Waive the Statutory Provisions of §107(a), Title 13, of the Delaware Code Relating to the Marriage of Kevin Patrick O'Brien and Michelle Ann Taylor.

HB 198 - BRADY & SCHROEDER, BANNING, BENNETT, BRADLEY, BUNTING, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, VANSANT, WEST, WOJEWODZKI, AMICK, BUCKWORTH, CAREY, DAVIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, PETRILLI, QUILLEN, REYNOLDS, SORENSON, WAGNER - JUD: An Act to Amend Chapter 47, Title 29 of the Delaware Code Related to Blood Specimen Testing for DNA Analysis.

HB 199 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES EWING, LEE, VANSANT, BANNING, WEST, CLARK, AMICK; SENATOR TORBERT; REPRESENTATIVES CAULK, WAGNER, SPENCE, DAVIS, LOFINK, OBERLE, PETRILLI, SORENSON, TAYLOR, DIPINTO, REYNOLDS, JONKIERT, GILLIGAN; SENATORS BLEVINS, COOK, HOLLOWAY, SOKOLA, VOSHELL, BAIR, KNOX - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Prosecution of Homicides Committed by Juveniles.

HB 200 - BANNING, BRADY; SENATOR MCDOWELL - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to When Lighted Lamps Are Required. (2/3 bill)

HA 1 to HB 101 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 159 - OBERLE - READY LIST: Placed with the bill.

Representatives Gilligan & George requested that they be marked present.

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

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

Representative B. Ennis requested that he be marked present.

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

The Majority Leader moved to recess for caucus at 2:28 p.m.

The House reconvened at 4:28 p.m. with Representative Quillen as Acting Speaker.

Representatives Bennett, Buckworth, Jonkiert, West, Brady, Mack & Taylor requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Oberle moved to restore HB 164 w/HA 1. The motion was seconded by Representative Taylor and adopted by voice vote.

HB 164 - An Act to Amend Chapter 18, §1803, Title 2, Delaware Code Relating to Railroad Rights-of-Way and Acquisition of Same by the Department of Transportation.

Representative Roy moved to place HB 164 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 12 before the House for consideration.

HB 12 - An Act to Amend Chapter 2, Title 11, Delaware Code Relating to Time Limitations for Certain Offenses.

Representative Oberle moved to place HB 12 on the Speaker's table. The motion was seconded by Representative Taylor and adopted by voice vote.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought SB 10 w/SA 1, sponsored by Senator McBride & Representative Reynolds & cosponsored by Representative Holloway, before the House for consideration.

SB 10 - An Act to Amend Title 11 of the Delaware Code, Relating to the Offense of Patronizing a Prostitute. (2/3 bill)

Representative Amick deferred to Representative Reynolds.

Representative Reynolds requested that he be marked present.

Representative Reynolds moved to place SB 10 w/SA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Holloway requested that he be marked present.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 163, jointly sponsored by Senator McBride, before the House for consideration.

HB 163 - An Act to Amend Chapter 5, Title 7, Delaware Code Relating to Exemptions for License Requirements. (2/3 bill)

Representative Carey brought HA 1 to HB 163 before the House for consideration.

Comments were made by Representative Carey.

HA 1 to HB 163 was adopted by voice vote.

Comments were made by Representative Carey.

The roll call on HB 163 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 163 w/HA 1 was sent to the Senate.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 162, jointly sponsored by Representatives VanSant & Buckworth, before the House for consideration.

HB 162 - An Act to Amend Chapter 21, Title 21, Delaware Code, to Allow Special Plates for Pearl Harbor Survivors and Retired State and County Police Officers. (3/5 bill)

Representative Ewing made comments.

The roll call on HB 162 was taken and revealed:

YES: 32.

NOT VOTING: Representatives Amick, Bennett, Davis, Holloway, Houghton, Jonkiert, Maroney, Sorenson - 8.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 162 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 88, jointly sponsored by Representative B. Ennis & Senator Vaughn, before the House for consideration.

HB 88 - An Act to Amend Title 9 of the Delaware Code Relating to Vacancies on New Castle County Council.

Representative Banning brought HA 1 to HB 88 before the House for consideration.

Comments were made by Representative Banning.

HA 1 to HB 88 was adopted by voice vote.

Comments were made by Representatives Banning, Petrilli & Fallon.

The roll call on HB 88 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Jonkiert, Smith - 2.

Therefore, having received a constitutional majority, HB 88 w/HA 1 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder brought HB 76, jointly sponsored by Senator Voshell, before the House for consideration.

HB 76 - An Act to Amend Section 7101, Chapter 71, Part IV, Title 14 of the Delaware Code Relating to District Libraries.

Comments were made by Representative Schroeder.

The roll call on HB 76 was taken and revealed:

YES: 39.

ABSENT: Representatives Petrilli, Smith - 2.

Therefore, having received a constitutional majority, HB 76 was sent to the Senate for concurrence.

Comments were made by Representative Clark.

Representative Clark requested that HB 149 be stricken.

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

28th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
May 12, 1993

Mr. Speaker Spence called the House to order at 2:39 p.m.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder introduced HCR 27, jointly sponsored by Representatives Bunting & West & Senator Voshell.

HCR 27 - Urging the Federal Department of Housing and Urban Development to Take No Action Which Would Adversely Affect the Affordability of Manufactured Housing.

Mr. Speaker assigned HCR 27 to the Housing & Community Affairs Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 81 w/SA 3 & SCR 28.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Terry R. Spence, do hereby request that my name be removed as Co-Sponsor of HB 188.

Date: 5/11/93.

Signed: Terry R. Spence.

The Majority Leader moved to adjourn at 2:42 p.m., thereby ending the current legislative day. The House reconvened at 2:43 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Gilligan - 1.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 189 - WAGNER, SPENCE, BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, MACK, OBERLE, QUILLEN, BRADY, BUNTING, JONKIERT; SENATOR STILL - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Members of the Benevolent Protective Order of Elks. (3/5 bill)

HB 201 - MACK & SENATOR CONNOR - H/ADM: An Act Authorizing and Directing the Secretary of State to Convey to the City of New Castle Title to Two Parcels of Land Both of Which Are Located in the City of New Castle, Delaware, One of Which is Commonly Known as Bull Hill, and the Other Being a Small Triangular Parcel of Land Located Adjacent to Route 9, Said Lands Having Been Given to the Commissioners of the Town of New Castle in Trust by Two Separate Acts of the Delaware Legislature on March 5, 1851, Being Chapter 587, Volume 10, Laws of Delaware, and Subsequent Supplement to the Act, Being Chapter 624, Volume 10, Laws of Delaware; Metes and Bounds to Said Parcels Herein Specified Comprising of Approximately 5.61 Acres.

HB 202 - LEE & SENATOR VENABLES - H/ADM: An Act to Amend an Act Being Chapter 137, Volume 61, Laws of Delaware, as Amended, to Increase the Amount Which May be Raised by the Taxation of Real Estate, to Provide for Absentee Voting at the Municipal Election to Provide for a Deputy Mayor and to Increase the Amount Which May be Expended by the Town Council Without Competitive Bidding. (2/3 bill)

HB 203 - WEST, B. ENNIS, BANNING, VANSANT, LEE - ENV & NAT RES: An Act to Amend Chapter 272, 66 Laws of Delaware, Relating to the Beverage Container Act.

HA 3 to HB 12 - OBERLE - L.O.T.: Placed with the bill.

HA 3 to HB 79 - WAGNER - L.O.T.: Placed with the bill.

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

HA 2 to HB 164 - AMICK - L.O.T.: Placed with the bill.

HA 1 to HB 188 - PLANT - H/ADM: Placed with the bill.

SB 81 w/SA 3 - BLEVINS, MCDOWELL & STILL; REPRESENTATIVES AMICK, HOUGHTON, GILLIGAN & OBERLE - H/ADM: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

HA 1 to SB 10 - REYNOLDS - DEFERRED: Placed with the bill.

HA 2 to SB 10 - AMICK - DEFERRED: Placed with the bill.

Representatives Jonkiert, Wojewodzki & Roy requested that they be marked present.

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

Mr. Speaker Spence granted the privilege of the floor to Judy Hendricks & Kathleen Warren, representing the Delaware Nurses Association.

Comments were made by Representatives Spence & Oberle.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: May 12, 1993

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>
H137-257	Bradley	5/06/93	T	Jeffrey Feidler/Pres. Award/Excellence/Nat. Science Found.
H137-258	Sorenson	5/06/93	T	CHILD, Inc./30 Yrs. Serv./DE Children & Families
H137-259	Fallon	5/06/93	T	William C. Allen/Return to Seaford/Speak to Hist. Soc.
H137-260	George	5/06/93	T	Randolph M. Allen/Eagle Scout
H137-261	Houghton	5/06/93	T	Rose Miller/90th Birthday
H137-262	Sorenson	5/07/93	T	Kenneth Wicks/Eagle Scout
H137-263	DiLiberto	5/04/93	T	Cathy Knox/Organizing Brook- haven "Speed Watch"
H137-264	Sorenson	5/06/93	T	Benjamin Tarbell/Eagle Scout
H137-265	B. Ennis	5/08/93	T	Donald Knauer/Del-Mar-Va/ Vol. Firemen's Assoc./President
H137-266	Buckworth	5/06/93	T	Eric Powell/"Honors in Music" Award
H137-267	Maroney	5/11/93	T	R. Nelson Franz/1993 Gov's Outstanding Volunteer Award

H137-268	Maroney	5/11/93	T	Jerome Stockhausen/1993 Gov's Outstanding Vol. Award
H137-269	Oberle	5/12/93	T	DE State Council of Senior Citizens/7th Convention
H137-270	Wagner	4/23/93	T	Frank & Sylvia Latourette/Central DE YMCA/Citizen of Year
H137-271	Schroeder	5/11/93	T	Michelle Wrightsman/State Superintendent Scholar 1993
H137-272	Schroeder	5/11/93	T	Jonathan Sharp/State Superintendent Scholar of 1993
H137-273	Quillen	5/15/93	T	Frederick A. Townsend, III, & Carrie D. Shugart /Marriage
H137-274	DiLiberto	5/10/93	T	Donna & David Mitchell/Birth of Daughter/Jennifer Rhea
H137-275	Quillen	5/15/93	T	Seth Van Neerden/All Amer. Swimming/Record Holder

T - Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings at 2:53 p.m.

The House reconvened at 5:11 p.m. with Representative Quillen as Acting Speaker.

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

H/ADM: HB 166 - 4M; HB 181 - 4M; HB 188 - 3M; HB 191 - 4M; HB 192 - 4M; HB 197 - 4M; SB 66 - 3M.

ED: HCR 14 - 4F,1M.

ENV & NAT RES: HS 1/HB 72 - 2F,4M; SCR 22 - 5F,1M.

CORR: HB 170 - 6M.

P/S: HS 1/HB 189 - 4M; SB 91 - 6M.

HOUSING & COM AFF: HB 180 - 3F,2M; HCR 27 - 4F,2M.

ECON DEV & BANKING & INS: SB 58 - 7M.

JUD: HB 172 - 4M,2U; HB 185 - 5M; HB 177 - 5M; HB 173 - 4M; HB 174 - 5M; HB 167 - 6M; HB 171 - 5M.

Representatives Holloway, Bennett, Buckworth & B. Ennis requested that they be marked present.

Representative Schroeder moved to suspend the rules which interfere with action on HCR 27.

The motion was properly seconded and adopted by voice vote.

Representative Schroeder brought HCR 27, jointly sponsored by Representatives Bunting & West & Senator Voshell, before the House for consideration.

HCR 27 - Urging the Federal Department of Housing and Urban Development to Take No Action which Would Adversely Affect the Affordability of Manufactured Housing.

HCR 27 was adopted by voice vote and sent to the Senate for concurrence.

The following prefiled Consent Calendar #9 was introduced:

HR 32 - OBERLE, REYNOLDS, SPENCE, MACK, DAVIS, LOFINK, HOUGHTON, GILLIGAN; ON BEHALF OF ALL REPRESENTATIVES - Recognizing and Appreciating the Public School Custodian and Maintenance Workers in Delaware During the Week of June 6-12 for the Unsung Work They Do.

HR 33 - BUCKWORTH, CAULK, QUILLEN, WAGNER, BENNETT, B. ENNIS, CLARK - Mourning the Loss of Walton H. Simpson, Former Secretary of State, State Senator and Area Business Leader.

HCR 28 - DIPINTO & SENATOR MARSHALL; REPRESENTATIVE JONKIERT; SENATOR MARTIN - Mourning the Loss of Wilmington Restaurateur William A. DiNardo, Sr.

HCR 29 - DIPINTO & SENATOR HAUGE; REPRESENTATIVE D. ENNIS - Mourning the Loss of Frank "Luke" Lucas, Long-Time Baseball Coach.

SCR 15 - SOKOLA & REPRESENTATIVE ROY; SENATORS COOK, MARTIN, MCDOWELL, SHARP, VENABLES, VOSHELL, KNOX, NEAL; REPRESENTATIVES LOFINK, TAYLOR, BRADLEY, SCHROEDER, WOJEWODZKI - Requesting State Agencies to Encourage and Promote Bicycle Use and Bicycle Commuting as an Alternative Method of Transportation.

SCR 26 - ADAMS ON BEHALF OF ALL SENATORS; REPRESENTATIVES WEST, BUNTING - Mourning the Death of Former State Senator Lemuel H. Hickman of Frankford, Delaware Who Passed Away on Wednesday, May 5, 1993, at the Age of 78.

SCR 28 - TORBERT ON BEHALF OF ALL SENATORS AND REPRESENTATIVE BUCKWORTH ON BEHALF OF ALL REPRESENTATIVES - Mourning the Death of Walton H.

Simpson of Camden, Former State Senator, Secretary of State, and Chairman of the Kent County Republican Committee.

Consent Calendar #9 was adopted by voice vote and HCR 28 & HCR 29 were sent to the Senate for concurrence and SCR 15, SCR 26 & SCR 28 were returned to the Senate.

Representative Reynolds requested that he be marked present.

Comments were made by Representative Maroney.

Comments were made by Representative Maroney.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 63.

Representative Bennett requested & was granted personal privilege of the floor for Steve Steinwedel, University of Delaware basketball coach, and his team & staff.

Comments were made by Representatives George, Sorenson, DiLiberto, Fallon & DiPinto.

Representative DiPinto moved to recess to the call of the Chair at 5:30 p.m.

## 29th LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session

May 13, 1993

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: SJR 14 w/SA 1 & HB 115 w/HA 1 &

SA 2

### WITHDRAWAL OF SPONSORSHIP REQUEST

I, J. Benjamin Ewing, do hereby request that my name be removed as Co-Sponsor of SB 107.

Date: May 12, 1993.

Signed: J. B. Ewing.

### MEMORANDUM

TO: Terry R. Spence

Speaker of the House

FROM: JoAnn M. Hedrick

Chief Clerk of the House

RE: Attendance at Session

DATE: May 12, 1993

Today, May 12, 1993, Representative Jeffrey G. Mack was present at 4:00 P.M. He was attending a meeting in another building when the House reconvened and was not able to have his presence recorded.

I make this a part of the official House record so that the Journal will be as accurate as possible.

JMH/gmr

Representative Caulk 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: 41.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

The following prefilled legislation was introduced:

HB 204 - DAVIS, D. ENNIS, MARONEY, PETRILLI, ROY, BUNTING, HOLLOWAY, HOUGHTON, PLANT, WOJEWODZKI; SENATOR HOLLOWAY - CORR: An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to the Qualifications for Registration as a Qualified Voter and Evidence Thereof From the Department of Corrections.

HB 205 - DAVIS & SORENSON & MARONEY & SENATORS BAIR & SOKOLA; REPRESENTATIVES SMITH, OBERLE, WAGNER, D. ENNIS, BRADY, BRADLEY, B. ENNIS; SENATORS BLEVINS, KNOX, HOLLOWAY, VENABLES, CONNOR, HAUGE - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to the Guaranteed Unit Count.

HB 206 - FALLON & SENATOR SOKOLA - ED: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to the Salaries of Certain School Employees.

HB 207 - WAGNER, SPENCE, AMICK, CAULK, DAVIS, EWING, LEE, LOFINK, OBERLE, PETRILLI, SORENSON, TAYLOR, DIPINTO, D. ENNIS, REYNOLDS, BANNING, JONKIERT, GILLIGAN; SENATORS BLEVINS, COOK, HOLLOWAY, SOKOLA, VOSHELL, BAIR, KNOX - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Prosecution of Homicides Committed by Juveniles.

HB 208 - WOJEWODZKI & DILIBERTO, BANNING, BRADLEY, BUNTING, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOLLOWAY, PLANT, WEST, FALLON, SORENSON; SENATORS BLEVINS, SOKOLA - HOUSING & COM AFF: An Act to Amend Chapter 25, Title 6, Delaware Code Relating to Automatic Dialing-Announcing Devices.

HB 209 - CLARK, BANNING, B. ENNIS, QUILLEN, SMITH, WEST; SENATORS HAUGE, NEAL - H/ADM: An Act to Amend Chapters 6, 11 and 101 of Title 29 of the Delaware Code Relating to Regulations and Certain Other Governmental Information.

SJR 14 w/SA 1 - CORDREY, SHARP, BAIR, ADAMS, VAUGHN, HAUGE; REPRESENTATIVES SPENCE, GEORGE, AMICK, WAGNER, QUILLEN, BUCKWORTH, BRADLEY, DILIBERTO, WOJEWODZKI - JUD: Establishing a Futures Commission, to be Known as "Commission on Delaware Courts 2000," to Operate as a Task Force on Court Structures and Long-Range Planning for Court Systems in the State of Delaware. (F/N)

Representative Petrilli requested and was granted the privilege of the floor for Steve Barbato and staff and students of the Vocational Student Organizations.

Representative Petrilli introduced and brought HCR 30, jointly sponsored by Representatives Spence, Quillen, George & Gilligan on Behalf of All Representatives & Senators Cordrey, Sharp, Holloway, Bair & Connor on Behalf of All Senators, before the House for consideration.

HCR 30 - 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.

Representatives Petrilli, George, Spence & Banning made comments.

HCR 30 was adopted by voice vote and sent to the Senate for concurrence.

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

Mr. Speaker assigned HB 172 & HB 174 to the Appropriations Committee.

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

Representatives Jonkiert, Roy & Bennett requested that they be marked present.

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

Representative Spence introduced guests.

Representative Bennett requested that he be marked present.

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

The House reconvened at 3:53 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 27, SB 95 w/SA 2 & 3, SB 13 w/SA 1 & HCR 30.

May 13, 1993

#### LEGISLATIVE ADVISORY #10

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

5/06/93 - SB 20 aab SA 1. 5/12/93 - HB 104 aab HA 1.

Representatives Buckworth, Reynolds, Schroeder & Mack requested that they be marked present.

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

SM BUS: HR 31 - 5F,2M.

Representative Roy brought HB 115 w/HA 1 & SA 2, jointly sponsored by Representative Jonkiert & Senators Cook, Martin & Knox, before the House for concurrence on SA 2.

HB 115 - An Act to Amend 68 Laws of Delaware, Chapter 156, Being the 1992 Bond and Capital Improvements Act of the State of Delaware and 68 Laws of Delaware, Chapter 405, Being the 1993 Bond and Capital Improvements Act of the State of Delaware. (3/4 bill)

Representative Roy made a comment.

The roll call on HB 115 w/HA 1 & SA 2 was taken and revealed:

YES: 40.

NO: Representative Oberle - 1.

Representatives Brady, Davis, Smith, Holloway & Plant requested that they be marked present during the roll call.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 115 w/HA 1 & SA 2 was sent to the Governor.

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

Representative George brought HB 120, jointly sponsored by Representatives Amick, Banning, Bradley, Brady, Bunting, Clark, Davis, DiLiberto, D. Ennis, Holloway, Petrilli, Plant, Quillen, Roy, VanSant, Wojewodzki, Sorenson, Spence, Smith, Carey, DiPinto, Lofink, Taylor, Maroney, Houghton, Schroeder, Wagner & Lee & Senators Holloway, Sokola & Voshell, before the House for consideration.

HB 120 - An Act to Amend Chapter 41, Title 14, Delaware Code, Relating to the Parents as Teachers Program. (F/N)

Representative George made a comment.

Representative George brought HA 1 to HB 120 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Caulk, George, Holloway, Sorenson, Maroney & Bradley had comments.

The roll call on HB 120 w/HA 1 was taken and revealed:

Comments were made by Representatives Caulk, George, Holloway, Sorenson, Maroney & Bradley.

YES: 41.

Therefore, having received a constitutional majority, HB 120 w/HA 1 was sent to the Senate for concurrence.

Representative Quillen introduced and brought HR 34 before the House for consideration.

HR 34 - Congratulating Frederick A. Townsend, III and Carrie D. Shugart Upon the Occasion of Their Marriage on May 15, 1993.

WHEREAS, House Attorney Frederick A. Townsend, III now affectionately known as Freddie "Boom-Boom" Townsend, was born a rather simple-minded, squeamish, and downright goofy child; and

WHEREAS, as a schoolboy, Freddie gained an early and profound understanding of the nature of cooties, and therefore, was never fond of girls in general or pretty ones in particular; and

WHEREAS, despite his considerable mental, physical, and social shortcomings, Freddie somehow managed to dupe his elders and peers throughout the course of his adolescence by creating the illusion that he was an accomplished Casanova as well as a distinguished scholar, gentleman, and athlete (just ask him, he'll tell you); and

WHEREAS, those who really know Freddie realize that his incredible odyssey of delusion continues even today, as evidenced by his otherwise unlikely series of fortuitous achievements, including graduation from kindergarten, grade school, high school, college, and law school, a rudimentary understanding of the use of table utensils, admission to the Delaware Bar, mastery over the entire spectrum of knowledge relating to inadvertent flatulence, hire by a well-respected law firm, and even selection as a House Attorney, which to everyone's dismay continues today; and

WHEREAS, an unsuspecting and nimble little minx named Carrie D. Shugart met Freddie during the summer of 1984, when the two of them both worked as interns in the Washington, D.C. office of United States Senator William Roth; and

WHEREAS, upon meeting Freddie, Carrie was immediately overwhelmed with mercy, finding pity at first sight; and

WHEREAS, Carrie is now the subject of Freddie's latest tragicomedy misadventure, having responded to the big Q with an "aye", when surely any reasonable person under similar circumstances could have, would have, and should have said "nay"; and

WHEREAS, the members of the House of Representatives cannot understand how such a striking, charming, and seemingly astute young woman as Carrie could possibly see any redeeming qualities in Freddie; and

WHEREAS, the romantic tale of Freddie and Carrie is truly a riddle, locked inside a mystery, wrapped in an enigma; and

WHEREAS, notwithstanding the above, the members of the House of Representatives are willing to acknowledge that even losers get lucky sometimes; and

WHEREAS, in the instance of Carrie's impending union with Freddie, it may be fairly said that Carrie is the unfortunate one while Freddie is certainly more than lucky.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 137th General Assembly of the State of Delaware that congratulations and the best of all wishes are hereby extended to both Frederick A. Townsend, III and Carrie D. Shugart upon the occasion of their marriage on May 15, 1993.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be presented to Frederick A. Townsend, III and Carrie D. Shugart.

HR 34 was adopted by voice vote.

Representatives Bennett, Quillen & Spence made comments.

Representative Petrilli brought HJR 2, jointly sponsored by Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, Holloway, Houghton, Jonkiert, Plant, Schroeder, West & Wojewodzki & Senators Holloway, Sokola, Torbert, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

Comments were made by Representatives Petrilli, Davis, Bennett, D. Ennis & Plant.

HJR 2 - Requesting the Delaware Congressional Delegation to Meet With a Joint Session of the General Assembly to Discuss Unfunded Federal Mandates and Other Burdens Imposed by the Federal Government on the State.

The roll call on HJR 2 was taken and revealed:

YES: 41.

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

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds moved to lift SB 10 w/SA 1 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Reynolds brought SB 10 w/SA 1, jointly sponsored by Senator McBride & cosponsored by Representative Holloway, before the House for consideration.

SB 10 - An Act to Amend Title 11 of the Delaware Code, Relating to the Offense of Patronizing a Prostitute. (2/3 bill)

Representative Reynolds brought HA 1 to SB 10 before the House for consideration.

Representative Reynolds made comments.

HA 1 to SB 10 was adopted by voice vote.

Representative Amick brought HA 2 before the House for consideration.

Representative Reynolds requested and was granted the privilege of the floor for Captain Ray Hancock, Special Investigator, Delaware State Police.

Representative Amick requested that HA 2 to SB 10 be stricken.

Representative Reynolds requested and was granted the privilege of the floor for Captain Ray Hancock, Special Investigator, Delaware State Police.

Representatives Amick, Schroeder, Reynolds, George D. Ennis, West, DiLiberto & Holloway made comments.

Representative Mack rose on a point of order. Mr. Speaker did not concur.

Representatives Spence, Petrilli & Plant made comments.

The roll call on SB 10 w/SA 1 & HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representatives DiLiberto & B. Ennis - 2.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 10 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Spence made comments.

Representative Quillen deferred to Representative Wagner.

Representative Wagner requested that the motion to lift HB 79 w/HA 1 & 2 from the Speaker's table be deferred to a Day Certain, Tuesday May 18, 1993.

Representative Quillen deferred to Representative Roy.

Representative Roy requested that action on HB 124 be deferred to a Day Certain, Thursday, May 20, 1993.

Representative Quillen deferred to Representative Smith.

Representative Smith requested that action on HB 125 be deferred to a Day Certain, Tuesday, May 18, 1993.

The Majority Whip moved to recess to the call of the Chair at 5:31 p.m.

30th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
May 18, 1993

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: SCR 27, SCR 29, SCR 30, SCR 31, SCR 32, HB 163 w/HA 1, HCR 28, HCR 29 & SB 98.

Representative Roy requested that action on HB 188 be deferred to a Day Certain, Thursday, May 20, 1993.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

**HB 210** - TAYLOR; SENATOR SOKOLA - TRANS & INFRA: An Act to Amend Chapter 13, Title 9, Delaware Code Related to the New Castle County Department of Parks and Recreation.

**HB 211** - EWING; SENATORS BLEVINS & VOSHELL - P/S: An Act to Amend Chapter 1, Title 21, of the Delaware Code Relating to the Definition of a Vehicle Dealer.

**HB 212** - D. ENNIS & REYNOLDS, DIPINTO, WAGNER, SMITH, JONKIERT, HOUGHTON, BENNETT - P/S: An Act to Amend Title 21, Delaware Code to Permit Issuance of Insurance I.D. Cards for One Year if the Insurance Has Been Paid in Advance for One Year.

**HB 213** - SORENSON & SENATOR SOKOLA; REPRESENTATIVES SPENCE, AMICK, BRADLEY, BRADY, DAVIS, DILIBERTO, DIPINTO, EWING, FALLON, GILLIGAN, LOFINK, MARONEY, OBERLE, PETRILLI, PLANT, REYNOLDS, ROY, SMITH, VANSANT, WAGNER, WOJEWODZKI; SENATORS BLEVINS, MCDOWELL - ED: An Act to Amend Title 14, Chapter 17 of the Delaware Code Relating to State Appropriations.

**HB 214** - SCHROEDER, DAVIS - HUM NEEDS & DEV: An Act to Amend Title 13, Chapter 5 of the Delaware Code Relating to Support.

**HB 215** - BENNETT & WAGNER; SENATORS TORBERT & STILL - H/ADM: An Act to Amend Section 305, Chapter 3, Title 22 of the Delaware Code Relating to Municipalities.

**HA 1 to HB 166** - BENNETT - AGENDA: Placed with the bill.

**HA 1 to HB 183** - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

**SB 13 w/SA 1** - MCBRIDE & REPRESENTATIVE DIPINTO - HOUSING & COM AFF: An Act to Amend Chapter 79, Title 16, of the Delaware Code, Relating to Plumbing. (2/3 bill)

**SB 95 w/SA 2 & 3** - CORDREY & REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Chapters 1,3,7,8,9,21, and 27 of Title 5, Delaware Code, and Chapter 303 of 68 Del. Laws Relating to Banks, Building and Loans and Other Financial Institutions. (2/3 bill)

**SB 98** - CORDREY - NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Public Hearings for Permits Relating to Use of Subaqueous Lands.

Representatives George, West, B. Ennis, Plant, Amick, Bradley, Smith & DiLiberto requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:18 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 12 & SB 92 w/SA 1.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought **HB 125**, jointly sponsored by Senator Vaughn & Representatives D. Ennis, Wagner, DiPinto, Jonkiert, Houghton & Bennett, before the House for consideration.

**HB 125** - An Act to Amend Chapter 7, Title 18, Delaware Code, Regarding Fees and Taxes. (F/N) Representative Smith made comments.

The roll call on **HB 125** was taken and revealed:

YES: Representatives 38.

ABSENT: Representatives Buckworth, Jonkiert, Spence - 3.

Therefore, having received a constitutional majority, **HB 125** was sent to the Senate for concurrence.

Representatives Brady, D. Ennis, Mack, Reynolds, Schroeder, Taylor & Holloway requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on **HB 2** be deferred to a Day Certain, Thursday, May 20, 1993.

Representative Petrilli deferred to Representative Lee.

Representative Lee requested that action on **HB 180** be deferred to a Day Certain, Tuesday, June 1, 1993.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought **HB 197**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 197** - An Act to Waive the Statutory Provisions of Section 107(a), Title 13, of the Delaware Code Relating to Marriage of Kevin Patrick O'Brien and Michelle Ann Taylor.

Representative Ewing made comments.

The roll call on **HB 197** was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Bunting - 2.

Therefore, having received a constitutional majority, **HB 197** was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 67, jointly sponsored by Senators Blevins, Neal & McBride, before the House for consideration.

HB 67 - An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

Mr. Speaker Spence resumed the Chair.

Representative Amick made comments.

Representative Amick brought HA 1 to HB 67 before the House for consideration.

Representative Amick made comments.

HA 1 to HB 67 was adopted by voice vote.

Representative Amick made a comment.

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

YES: 39.

ABSENT: Representatives Buckworth, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 67 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner moved to lift HB 79 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Wagner brought HB 79 w/HA 1 & 2, jointly sponsored by Senator Sharp & Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Banning, Bennett, Brady, Bunting, Clark, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, VanSant & Senators Blevins, Sokola, Venables, Voshell, Bair, Connor, Hauge & Still, before the House for consideration.

HB 79 - An Act to Amend Chapter 5, Subchapter II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representative Wagner brought HA 3 to HB 79 before the House for consideration.

Representative Wagner made a comment.

HA 3 to HB 79 was adopted by voice vote.

Representative Wagner made comments.

Representative Wagner requested and was granted the privilege of the floor for Vincent J. Poppiti, Family Court Chief Judge.

Representatives VanSant, Ewing, Wagner, Houghton, D. Ennis, Plant & Bradley made comments.

The roll call on HB 79 w/HA 1, 2 & 3 was taken and revealed:

YES: 32.

NO: Representatives Holloway, Houghton, Jonkiert, Plant, VanSant, West, Wojewodzki - 7.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 79 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

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

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

Representative Taylor made a comment.

Representative Quillen deferred to Representative B. Ennis.

Representative B. Ennis brought HB 145, jointly sponsored by Representatives B. Ennis, Clark, VanSant, Banning, Lee, Houghton, West, Brady, D. Ennis, Oberle & Ewing & Senators Vaughn, Voshell, Marshall, McBride & Knox, before the House for consideration.

HB 145 - An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Leave for Volunteer Emergency Service.

Representative B. Ennis introduced and brought HA 1 to HB 145 before the House for consideration.

Representative B. Ennis made comments.

HA 1 to HB 145 was adopted by voice vote.

Representatives B. Ennis, Bennett, Davis & Plant made comments.

The roll call on HB 145 w/HA 1 was taken and revealed:

YES: 32.

NO: Representatives Bennett, Davis, DiPinto, Jonkiert - 4.

NOT VOTING: Representatives Plant, Smith, Sorenson - 3.

ABSENT: Representatives Petrilli, Roy - 2.

Therefore, having received a constitutional majority, HB 145 w/HA 1 was sent to the Senate for concurrence.

Representative Quillen deferred to Representative Oberle.

Representative Oberle moved to lift HB 21 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 21, jointly sponsored by Senator Connor, before the House for consideration.

HB 21 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

Representative Oberle brought HA 1 to HB 21 before the House for consideration.

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

Representative Oberle made comments.

HA 1 to HA 1 to HB 21 was adopted by voice vote.

Representative Oberle made comments.

HA 1 w/HA 1 to HB 21 was adopted by voice vote.

Representatives Oberle, Maroney & Plant made comments.

Representative Plant introduced and brought HA 2 to HB 21 before the House for consideration.

Representatives Oberle, Davis, Plant, Bunting, Oberle, Davis & Plant made comments.

The roll call on HA 2 was taken and revealed:

YES: Representatives George, Jonkiert, Plant - 3.

NO: 28.

NOT VOTING: Representatives Bennett, Brady, Bunting, B. Ennis, Holloway, Schroeder,

Wagner - 7.

ABSENT: Representatives Maroney, Petrilli, Roy - 3.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

Representatives Holloway, Oberle & Plant made comments.

Representative Plant requested and was granted the privilege of the floor for Craig Eliassen,

House Attorney.

Representative Plant made comments.

The roll call on HB 21 w/HA 1 w/HA 1 was taken and revealed:

YES: 33.

NO: Representatives Bunting, George, Holloway, Jonkiert, Plant, Wojewodzki - 6.

ABSENT: Representatives Petrilli, Roy - 2.

Therefore, having received a constitutional majority, HB 21 w/HA 1 w/HA 1 was sent to the

Senate for concurrence.

Representative Taylor made an announcement.

Representative Smith introduced HB 216, jointly sponsored by Senator Marshall &

Representatives Amick, Davis, DiPinto, Mack, Maroney, Reynolds, Sorenson, Wagner, Jonkiert, Houghton, Plant & Wojewodzki & Senators Blevins, Knox, Hauge, Bair & Still.

HB 216 - An Act to Amend Chapter 20, Title 30, Delaware Code Concerning Tax Credits and the Donation of Computers to School Districts.

Mr. Speaker assigned HB 216 to the Revenue & Finance Committee.

Representative Plant made comments.

The Majority Whip moved to recess to the call of the Chair at 6:00 p.m.

### 31st LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session  
May 19, 1993

Mr. Speaker Spence called the House to order at 2:07 p.m.

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: 41.

A prayer was offered by Representative Peggy G. Bradley, Eleventh 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 31 - DAVIS, D. ENNIS, MARONEY, PETRILLI, ROY, BUNTING, HOLLOWAY, HOUGHTON, PLANT, WOJEWODZKI, SENATOR HOLLOWAY - CORR: An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to the Qualifications for Registration as a Qualified Voter and Evidence Thereof From the Department of Corrections.

HB 217 - DAVIS, OBERLE, WOJEWODZKI - APPRO: An Act to Amend Chapter 75, Title 29, Delaware Code Relating to School Construction Capital Improvements.

HB 218 - SMITH & PETRILLI - H/ADM: An Act to Amend Chapter 9, Title 29, Delaware Code, Relating to the Legislative Process and Political Subdivisions of the State and School Districts.

HB 219 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES BANNING, HOUGHTON, WEST - R & F: An Act to Amend Chapter 30, Title 30, Delaware Code, Relating to Motor Vehicle Dealer License Fee.

HA 1 to HB 2 - OBERLE - DEFERRED: Placed with the bill.

HA 1 to HB 170 - BRADY - READY LIST: Placed with the bill.

HA 1 to HB 171 - BRADY - READY LIST: Placed with the bill.

HA 1 to HB 180 - LEE - DEFERRED: Placed with the bill.

HA 2 to HB 180 - LEE - DEFERRED: Placed with the bill.

HA 2 to HB 188 - GILLIGAN - DEFERRED: Placed with the bill.

HA 3 to HB 188 - GILLIGAN - DEFERRED: Placed with the bill.

HA 1 to HB 203 - WEST - ENV & NAT RES: Placed with the bill.

SB 92 w/SA 1 - SHARP & REPRESENTATIVE SPENCE - JUD: An Act to Amend Chapter 42, Title 11, Delaware Code Relating to Statutory Aggravating Circumstances in Capital Murder Prosecutions.

SB 93 w/SA 1 & 2 - VAUGHN; REPRESENTATIVES B. ENNIS, BANNING - ENV & NAT RES: An Act to Amend Chapter 5, Title 7, Delaware Code, Relating to Mandatory Trapper Education Training Before Issuance of a License.

SB 94 w/SA 1 - VAUGHN; REPRESENTATIVES B. ENNIS, BANNING - ENV & NAT RES: An Act to Amend Chapter 23, Title 7, Delaware Code, Relating to Vessels Used by Crab Dredgers While Dredging for Crabs in Delaware. (2/3 bill)

SB 97 - CONNOR; REPRESENTATIVE MACK - H/ADM: An Act to Amend Volume 27, Chapter 216, Laws of Delaware, as Amended, Being the Charter of the City of New Castle, and Relating to the Day on Which the City Council Should Meet for the Transaction of Business. (2/3 bill)

SB 110 w/SA 1 - CORDREY & REPRESENTATIVE WEST - H/ADM: An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro" to Authorize Exemptions From Taxation Under Certain Circumstances and Conditions. (2/3 bill)

SB 114 - VAUGHN; REPRESENTATIVE BANNING - H/ADM: An Act to Amend an Act, Being Chapter 128, Volume 33, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Middletown" Regarding the Debt Ceiling. (2/3 bill)

SJR 12 - VOSHELL; REPRESENTATIVE CAREY; SENATOR SOKOLA; REPRESENTATIVE SORENSON - ED: Establishing an Assessment Practice Review Committee to Further Develop a Recommendation of the Local Subcommittee of the Education Finance Reform Committee as Set Forth in the Report Provided by This Group.

Representative Smith 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 93 w/SA 1 & 2, SB 94 w/SA 1, SB 97, SB 114, SB 110 w/SA 1, HB 61 w/SA 1 & HB 44.

Representative B. Ennis requested that he be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: May 19, 1993

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>
H137-276	Carey	5/11/93	T	Milford Senior Center/20th Anniversary
H137-277	Gilligan	5/12/93	M	Vincent LaPash
H137-278	Banning	5/11/93	T	Woodrow "Duke" McDonald/Little League Ballfield Ded.
H137-279	DiPinto	5/12/93	M	Frank Lucas
H137-280	DiPinto	5/12/93	M	William A. DiNardo, Sr.
H137-281	Wagner	5/05/93	M	George D. Hill, Jr.
H137-282	DiPinto	5/13/93	M	James F. Farley
H137-283	DiPinto	5/13/93	T	The Highlands Elementary School/40th Birthday
H137-284	Reynolds	5/14/93	T	Michael E. Chen/Eagle Scout
	cosponsor: Mack			

H137-285	Buckworth	5/15/93	T	Marion D. Tracy/Retire/30 Yrs. Dance Instructor
H137-286	DiPinto	5/18/93	T	James Bazzoli/President/DE Avenue Community Assoc., Inc.
H137-287	Bennett	5/13/93	T	William "Chuckles" & Viola Smallwood/50th Wedding Anniv.
H137-288	Wagner	5/16/93	T	Dana M. Bordley/Master of Science Degree/Biology
H137-289	Bradley	5/13/93	T	Jeffery Ubersax/State Superin- tendent Scholar of 1993
H137-290	Bradley	5/13/93	T	Megan Costello/State Superin- tendent Scholar of 1993
H137-291	Bradley	5/13/93	T	Matthew D. DiGieglielmo/State Superintendent Scholar of 1993
H137-292	Bradley	5/13/93	T	Cynthia L. Corr/State Superin- tendent Scholar of 1993
H137-293	Reynolds	5/14/93	T	Doug Brown/1993 Republican of Year
H137-294	Ewing	5/14/93	T	Dean Stephen J. Betze/Hall of Fame/DE Tech. Employee
H137-295	Banning	5/18/93	T	Nicholas C. Imperial/Eagle Scout

T - Tribute

M - Memoriam

Representative Davis requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:15 p.m.

The House reconvened at 4:48 p.m.

Representatives DiLiberto, Mack, Buckworth, Jonkiert, Schroeder, Bennett, Wagner & Taylor requested that they be marked present.

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

H/ADM: HB 201 - 5M; HB 202 - 5M; HB 209 - 5M; HR 18 - 3M; SB 97 - 5M.

ECON DEV, B & I: SB 95 w/SA 2 & 3 - 5M.

ENV & NAT RES: HB 203 - 7M.

SM BUS: HB 142 - 5M.

HUM NEEDS & DEV: HB 160 - 2F,2M.

APPRO: SB 6 w/SA 1 & 3 - 4M.

JUD: HB 190 - 5M; HB 194 - 5M; SB 17 w/SA 2 - 1F,5M; SJR 14 w/SA 1 - 5M.

HOUSING & COM AFF: HB 168 - 4M.

Representatives Bunting, Banning, Brady, D. Ennis & Gilligan requested that they be marked present.

The following prefiled Consent Calendar #10 was introduced:

HR 35 - WEST & ALL REPRESENTATIVES - Lamenting the Death of Marka Truesdale DuPont, of Greenville, a National Citizen in the Campaign for Improved Mental Health.

SCR 27 - TORBERT, COOK, STILL; REPRESENTATIVES BENNETT, WAGNER - Mourning the Death of George D. Hill, Jr., Former Kent County Sheriff and Dover City Councilman.

SCR 29 - BAIR & REPRESENTATIVE BUCKWORTH; SENATOR STILL; REPRESENTATIVES BENNETT & WAGNER - Mourning the Death of Former State Senator and Secretary of State, Walton H. Simpson of Camden, Delaware Who Passed Away on Thursday, May 6, 1993 at the Age of 81.

SCR 30 - BAIR & REPRESENTATIVE MARONEY; SENATORS HOLLOWAY, BLEVINS, MCDOWELL; REPRESENTATIVES DIPINTO, SORENSON, WOJEWODZKI, PLANT, HOLLOWAY, BRADLEY - Commending Beverly Lawrence, Dorothy Duker-Robinson, Valerie Dorsey, and Elizabeth White for Having Been Selected as the 1993 YWCA Achievers, and Further Congratulating the YWCA of New Castle County, Its Staff and Board of Directors for Honoring These Women as Achievers in Housing, Employment Preparation, Child Care, and Wellness.

SCR 31 - BLEVINS & REPRESENTATIVE HOUGHTON - Mourning the Death and Celebrating the Life of James F. Farley, Patriarch of One of Delaware's Leading Political Families.

SCR 32 - MARTIN, ALL SENATORS; REPRESENTATIVES AMICK, WOJEWODZKI, ALL REPRESENTATIVES - Commending and Congratulating the University of Delaware's Fighting Blue Hen Basketball Team for a Successful 1992-1993 Basketball Season, Culminating in Their Second Straight Appearance in the NCAA National Division I Tournament.

Representatives Reynolds & Holloway requested that they be marked present.

Consent Calendar #10 was adopted by voice vote and SCR 27, SCR 29, SCR 30, SCR 31 & SCR 32 were returned to the Senate.

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

CORR: HB 31 - 5M; SB 57 - 4M.

LABOR & HUM RES MAN: HS 1/HB 7 - 3F,1M; HB 108 - 4M; HB 119 - 2F,2M; HB 183 - 1F,2M; HB 184 - 4M.

Mr. Speaker assigned HB 209 to the Appropriations Committee.

Representative Davis requested that HB 204 be stricken.

Representative Bennett requested that HB 94 be stricken.

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

### 32nd LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session  
May 20, 1993

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 76.

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

Amended Report From Judiciary: HB 190 - 6M.

SUBS ABUSE: HB 176 - 5M; HB 178 - 5M.

P/S: HB 196 - 4M; HB 200 - 1F,3M.

Mr. Speaker assigned HB 108, HB 183, HB 184, SJR 14 w/SA 1, HB 176 & HB 178 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day.

The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives DiPinto, Jonkiert - 2.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 220 - GILLIGAN & OBERLE; SENATORS MCBRIDE, MARSHALL - ECON DEV, B & I: An Act to Amend Title 29 Chapter 52 Delaware Code Relating to Health Care Insurance.

HB 221 - WEST - P/S: An Act to Amend Subchapter II, Chapter 43, Title 21, Delaware Code Relating to the Penalties for First Time Violations of Certain Light Requirements on Motor Vehicles.

HA 1 to HB 177 - GILLIGAN - READY LIST: Placed with the bill.

HA 1 to HB 198 - BRADY & SCHROEDER - JUD: Placed with the bill.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative V. George Carey, do hereby request that my name be removed as Co-Sponsor of SB 141.

Date: May 20, 1993.

Signed: V. George Carey.

May 20, 1993

#### LEGISLATIVE ADVISORY #11

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

5/19/93 - SB 10 aab SA 1 & HA 1, HB 89 aab HA 2 & 3 & SA 1, HB 115 aab HA 1 & SA 2, HB 163 aab HA 1 & HB 44.

#### M E M O R A N D U M

TO: The Honorable Terry R. Spence

FROM: Representative Casimir S. Jonkiert

DATE: May 20, 1993

Due to illness I will be unable to attend session on Thursday, May 20, 1993.

Representatives Davis, Arnick, Lee & DiLiberto requested that they be marked present.

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

The House reconvened at 3:35 p.m.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: The Honorable Terry Spence  
Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: May 20, 1993

Due to illness, I will be unable to attend the Legislative session today, May 20, 1993.

JGD/scg

Representative Petrilli made an announcement.

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

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 61 w/SA 1, jointly sponsored by Senator Bair, before the House for concurrence on SA 1.

HB 61 - An Act to Amend an Act Entitled "An Act to Reincorporate the Village of Arden" as Amended Relating to Registration Committees. (2/3 bill)

The roll call on HB 61 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

HB 61 w/SA 1 was sent to the Governor.

Representatives Buckworth, Clark, B. Ennis, Holloway, Mack, Reynolds, Taylor, VanSant & Wojewodzki requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Bennett.

Representative Bennett moved to lift HB 105 w/SA 1 from the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Bennett brought HB 105 w/SA 1, jointly sponsored by Senator Torbert, before the House for consideration.

HB 105 - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36 of the Laws of Delaware, as Amended, Relating to Real Property Reassessments. (2/3 bill)

Representative Bennett made comments.

The roll call on HB 105 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

HB 105 w/SA 1 was sent to the Governor.

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

Representative Petrilli deferred to Representative Banning.

Representative Banning moved to suspend the rules which interfere with action on SB 114. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Banning brought SB 114, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 114 - An Act to Amend an Act, Being Chapter 128, Volume 33, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Middletown" Regarding the Debt Ceiling. (2/3 bill)

Representative Smith announced that he will not be voting on SB 114 because of a possible conflict of interest.

Representative Petrilli announced that he will not be voting on SB 114 because of a possible conflict of interest.

Representative Banning made comments.

The roll call on SB 114 was taken and revealed:

YES: 37.

NOT VOTING: Representatives Petrilli, Smith - 2.

ABSENT: Representatives DiPinto, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

SB 114 was returned to the Senate.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 124, jointly sponsored by Representatives Amick, Buckworth, Carey, Davis, Ewing, Lofink, Mack, Quillen, Reynolds, Taylor, Houghton, Jonkiert, Plant & VanSant & Senators Blevins, Cook, Cordrey, Holloway, Marshall, Martin, McDowell, Torbert & Voshell, before the House for consideration.

HB 124 - An Act to Amend Chapter 7, Title 24, Delaware Code Relating to Insurance and the Board of Chiropractic.

Representative Roy introduced and brought HA 1 to HB 124 before the House for consideration.

Representatives Roy & D. Ennis made comments.

HA 1 to HB 124 was adopted by voice vote.

Representative Roy made comments.

Representative Bennett introduced and brought HA 2 to HB 124 before the House for consideration.

Representative Bennett made comments.

Representative Roy rose on a point of order.

Representative Roy made a request for a ruling.

Representatives Bennett, Davis & Roy made comments.

Mr. Speaker Spence granted the privilege of the floor to Ron Smith, House Attorney.

Representatives Roy & Bennett made comments.

The roll call on HB 124 w/HA 1 was taken and revealed:

YES: 37.

NO: Representatives Maroney, Smith - 2.

ABSENT: Representatives DiPinto, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 124 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 188, jointly sponsored by Representatives Petrilli, B. Ennis & Plant & Senators Blevins, Holloway, Sokola & Neal, before the House for consideration.

HB 188 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Representative Roy made a comment.

Representatives Bunting & D. Ennis announced that they will not be voting on HB 188 because of a possible conflict of interest.

Representative Plant requested that HA 1 to HB 188 be stricken.

Representative Gilligan brought HA 2 to HB 188 before the House for consideration.

Representative Gilligan moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Gilligan brought HA 3 to HB 188 before the House for consideration.

Representatives Gilligan & Roy made comments.

HA 3 to HB 188 was adopted by voice vote.

Representatives Holloway, Plant & Roy made comments.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Plant requested and was granted the privilege of the floor for Drew Angeline, liquor store owner & manager.

Representatives Holloway, Davis, Taylor, Maroney & Roy made comments.

Mr. Speaker Spence resumed the Chair.

Representatives Petrilli, Roy, Taylor & Amick made comments.

The roll call on HB 188 w/HA 3 was taken and revealed:

YES: 23.

NO: Representatives Bradley, Carey, Caulk, Davis, B. Ennis, Ewing, George, Gilligan, Lee, Maroney, Schroeder, Taylor, West - 13.

NOT VOTING: Representatives Bunting, Clark, D. Ennis - 3.

ABSENT: Representatives DiPinto, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 188 w/HA 3 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on HB 2 be deferred to a Day Certain, Thursday, June 3, 1993.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 73 w/SA 1, sponsored by Senator Venables, before the House for consideration.

SB 73 - An Act to Amend Title 21, Delaware Code Relating to Special License Plates for Members of Ducks Unlimited. (3/5 bill)(F/N)

Representatives Ewing, Gilligan, Davis, Fallon & Sorenson made comments.

The roll call on SB 73 w/SA 1 was taken and revealed:

YES: 30.

NO: Representatives Houghton, West - 2.

NOT VOTING: Representatives Amick, Davis, Holloway, Maroney, Smith, Sorenson - 6.

ABSENT: Representatives DiPinto, Jonkiert, VanSant - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 73 w/SA 1 was returned to the Senate.

Representative West made comments.

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

Representative Holloway introduced HB 222.

HB 222 - An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to Punishment and Method of Punishment for First Degree Murder.

Mr. Speaker assigned HB 222 to the Corrections Committee.

Representative Holloway introduced HB 223.

HB 223 - An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to the Prohibition of Publicly Elected Bodies From Establishing Independent Compensation Commissions and/or Entities for the Purpose of Remunerating Publicly Elected Officials, and Further Providing Criteria for Publicly Elected Officials to be Compensated for Their Services.

Mr. Speaker assigned HB 223 to the House Administration Committee.

Representative Holloway introduced HB 224.

HB 224 - An Act to Amend Chapter 51, Title 29, Delaware Code, Prohibiting Publicly Elected Bodies of This State From Holding Follow-Up Referendums on the Same Question and/or Issue Until After a Three-Year Period of Time Has Elapsed.

Mr. Speaker assigned HB 224 to the House Administration Committee.

Representatives Petrilli, Davis & Amick made comments.

Representative Oberle introduced HB 225.

Representative Oberle made comments.

HB 225 - An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade: and Providing for Item Pricing in Retail Food Stores.

Mr. Speaker assigned HB 225 to the Small Business Committee.

The Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

### 33rd LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session

June 1, 1993

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 87 w/SA 3,4,5,6,7,8 & 9 & SCR 33,34 & 35.

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: 40.

Member Absent: Representative Buckworth - 1.

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 prefilled legislation was introduced:

HB 226 - MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

HB 227 - MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

HB 228 - MARONEY - HUM NEEDS & DEV: An Act to Amend Title 31 of the Delaware Code Relating to the Bringing or Sending of Nonresident Children Into the State of Delaware.

HB 229 - MACK & SENATOR CONNOR - H/ADM: An Act Authorizing and Directing the Secretary of State to Convey to the City of New Castle Title to Two Parcels of Land Both of Which Are Located in the City of New Castle, Delaware, One of Which is Commonly Known as Bull Hill, and the Other Being a Small Triangular Parcel of Land Located Adjacent to Route 9, Said Lands Having Been Given to the Commissioners of the Town of New Castle in Trust by Two Separate Acts of the Delaware Legislature, Being Chapter 587, Volume 10, Laws of Delaware, and a Subsequent Supplement to the Act, Being Chapter 654, Volume 10, Laws of Delaware. (3/4 bill)

HB 230 - CAREY, EWING, LEE, SENATORS ADAMS, VENABLES - HOUSING & COM AFF: An Act to Amend Title 9, Chapter 69, of the Delaware Code Relating to the Power of the Board of Adjustments of Sussex County, to Hear Variances.

HB 231 - DILIBERTO & SENATOR SOKOLA; REPRESENTATIVES BANNING, BENNETT, BRADLEY, BRADY, B. ENNIS, HOLLOWAY, HOUGHTON, JONKIERT,

SCHROEDER, WEST, DIPINTO, EWING, QUILLEN & WAGNER; SENATORS ADAMS, BLEVINS, MARTIN & SHARP - JUD: An Act to Amend Chapter 23, Title 12, Delaware Code, Relating to the Effect of Manslaughter or Murder on Estate Distribution.

HA 2 to HB 11 - MARONEY - L.O.T.: Placed with the bill.

HA 1 to HB 80 - SPENCE - ED: Placed with the bill.

HA 1 to HB 85 - SPENCE - READY LIST: Placed with the bill.

HA 1 to HB 172 - BRADY - APPRO: Placed with the bill.

HA 1 to HB 208 - WOJEWODZKI - HOUSING & COM AFF: Placed with the bill.

SB 87 w/SA 3,4,5,6,7,8 & 9 - HOLLOWAY, MARSHALL, BAIR, BLEVINS, SHARP, REPRESENTATIVES HOLLOWAY, PLANT, SPENCE, GEORGE, GILLIGAN, WEST, B. ENNIS, LEE - HOUSING & COM AFF: An Act to Amend Chapter 66, Title 16, Delaware Code Relating to Establishing Minimum, Mandatory Requirements for the Installation of Smoke Detectors and/or Smoke Detection Systems in All Residential Occupancies, Used Wholly or in Part as a Home, Residence, Dwelling, or Sleeping Place for One or More Persons, Either Permanent or Transient, Including But Not Limited to the Following: One and Two Family Dwellings, Mobile Homes, Modular Homes, Townhouses; Lodge Rooming or Boarding Houses; Hotels, Motels or Bed and Breakfast; Dormitory; Apartment or Multi-Family Dwelling; Board and Care; or a Residential Occupancy by Any Other Name. (2/3 bill)

The Reading Clerk read the following communications into the record:

May 21, 1993

#### LEGISLATIVE ADVISORY #12

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

5/20/93 - HB 63 & HB 76.

TO: The Honorable Terry R. Spence

FROM: Representative Gerald A. Buckworth

DATE: May 26, 1993

RE: Absence from Session

I will be unable to attend session on Tuesday, June 1 and Wednesday, June 2, 1993, due to surgery.

cc: JoAnn Hedrick

GAB/pcl

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

The House observed a moment of silence for Memorial Day.

#### HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: June 1, 1993

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>
H137-296	Sorenson	5/12/93	T	Hockessin Pike Creek Rotary/ New Chapter/Charter Night
H137-297	cosponsors: Petrilli, Roy	5/19/93	T	H.B. DuPont Middle School/1st Place/DE Science Olympiad/
H137-298	cosponsors: Petrilli, Roy	5/29/93	T	Kristen Charles Hull/U.S. Military Academy/Graduation
H137-299	Oberle	5/12/93	M	Andrew Lee Allen
H137-300	Fallon	5/12/93		
H137-300	cosponsors: Ewing, Lee	5/18/93	T	Renee Leary/Outstanding Player/NAIA All-Dist. 19 Softball Team
H137-301	Brady	5/18/93		
H137-301	Ewing	5/28/93	T	Dr. Rudolph H. Beckert/50 Yrs./ Physican in Bridgeville
H137-302	Buckworth	5/13/93	T	Gary Camp/1st Place/Drivers Ed. Competition
H137-303	Wagner	5/22/93	T	Stanley Kirk Gordon/Grad./ Widener Univ. School of Law
H137-304	Fallon	5/16/93	T	Evelyn Hall/80th Birthday
H137-305	Petrilli	5/13/93	T	Harold Bojanowski/Chairman/ /Wilm. Housing Authority
H137-306	Wagner	5/22/93	T	Karryl Denise Hubbard/Grad./ Temple Univ./J.D.D.
H137-307	Wagner	5/20/93	T	Alfredo Castro/Outstanding Tutor

H137-308	DiPinto	5/22/93	T	Alexis I. DuPont School/ 100-Year Anniversary
H137-309	Clark	5/19/93	T	Doris Panerie/Post Mistress/ Kenton Post Office
H137-310	Clark	5/19/93	T	Mary Lou Vierdin/Assist. Post Mistress/Kenton Post Office
H137-311	Mack	5/20/93	T	Evan Clawson/Eagle Scout
H137-312	Holloway	5/30/93	T	Miss Linda Henry/Daughters of Faith/Eighth Anniversary
H137-313	Holloway	5/30/93	M	Sergeant James R. McCoy, Sr./ Killed in Desert Storm

T - Tribute

M - Memoriam

Representatives Ewing, Gilligan & D. Ennis requested that they be marked present.  
 Representative DiLiberto was granted personal privilege of the floor for an announcement.  
 The House observed a moment of silence in memory of Chief Justice Andrew D. Christie.  
 The Majority Leader moved to recess for caucus at 2:14 p.m.  
 The House reconvened at 4:00 p.m.  
 Mr. Speaker reassigned HB 220 to the Labor & Human Resource Management Committee.  
 Representatives Brady, Plant, Mack, Bunting & Jonkiert requested that they be marked present.  
 The Reading Clerk read the following communications into the record:  
 The Senate wishes to inform the House that it has passed: SB 71 & SB 133.

#### MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE

Speaker of the House

FROM: Rep. Richard A. DiLiberto, Jr.

DATE: June 1, 1993

RE: Absence from Legislature on Wednesday, June 2, 1993

I will be unable to attend session on Wednesday, June 2, 1993, due to an unavoidable conflict with the Annual Bench and Bar Conference in Newark. Thank you for your consideration.

Representative Sorenson was granted personal privilege of the floor to introduce guests.

Representatives Bennett & Reynolds requested that they be marked present.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 22, jointly sponsored by Representative Amick & Senator Vaughn, before the House for consideration.

HB 22 - An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Controlled Substances Act.

Representative Oberle deferred to Representative Amick.

Representative Amick brought HA 1 to HB 22, jointly sponsored by Representative Oberle, before the House for consideration. Representative Amick moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Amick brought HA 2 to HB 22, jointly sponsored by Representative Oberle, before the House for consideration. Representative Amick made comments. HA 2 to HB 22 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 22 w/HA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Clark - 2.

Therefore, having received a constitutional majority, HB 22 w/HA 2 was sent to the Senate for concurrence.

Representatives Smith & Taylor requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 25, sponsored by Senators Sharp, Holloway & Cordrey, before the House for consideration.

SB 25 - An Act to Amend Chapter 99, Title 16, of the Delaware Code Relating to the Establishment of the Delaware Health Care Commission.

Representatives Maroney, Davis & Petrilli made comments.

The roll call on SB 25 was taken and revealed:

YES: 37.

NOT VOTING: Representatives Caulk, DiPinto, Petrilli - 3.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, SB 25 was returned to the Senate.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 146, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 146 - An Act to Amend Chapter 5, Subchapter II, Subpart D, Title 11 of the Delaware Code Relating to the Definition of Voluntary Social Companion.

Representatives Banning & Sorenson made comments.

The roll call on HB 146 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 146 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 159, jointly sponsored by Representatives D. Ennis, Lee, Buckworth, Smith, Reynolds, Amick, Davis, Ewing, Wagner, Carey, Lofink & B. Ennis, before the House for consideration.

HB 159 - An Act to Amend Chapter 5, Subchapter II, Subpart D of Title 11 of the Delaware Code by Adding the New Sexual Crime of Bestiality.

Representative Oberle brought HA 1 to HB 159 before the House for consideration.

Representative Oberle made comments. HA 1 to HB 159 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 159 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 159 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Bennett.

Representative Bennett brought HB 166, jointly sponsored by Representative Wagner & Senator Torbert, before the House for consideration.

HB 166 - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36, of the Laws of Delaware, as Amended, by Providing That the City Treasurer Shall Sign Warrants in Place of the Mayor; and Providing That the Mayor, Members of Council, or Other Members of Any Commission or Body Appointed by the Mayor or Council Automatically Relinquishes Their Office by Filing for an Elective County, State, or Federal Position. (2/3 bill)

Representative Bennett brought HA 1 to HB 166 before the House for consideration.

Representative Bennett made comments. HA 1 to HB 166 was adopted by voice vote.

Representative Bennett made comments.

The roll call on HB 166 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 166 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 101, jointly sponsored by Senator Venables, before the House for consideration.

HB 101 - An Act to Amend Subchapter II, Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Representative Amick made comments.

Representative Amick brought HA 1 to HB 101 before the House for consideration.

Representative Amick made comments. HA 1 to HB 101 was adopted by voice vote.

Representative Amick deferred to Representative Oberle.

Representative Oberle introduced and brought HA 2 to HB 101, jointly sponsored by Representative DiPinto, before the House for consideration. Representatives Oberle & Amick made comments. HA 2 to HB 101 was adopted by voice vote.

Representatives Ewing, Amick & Houghton made comments.

Representative Amick requested and was granted the privilege of the floor for John McCarnan, Director, Alcoholic Beverage Control Commission.

Representatives Houghton, Amick, Ewing, Plant, DiLiberto, Clark, D. Ennis, Banning & Gilligan made comments.

The roll call on HB 101 w/HA 1 & 2 was taken and revealed:

YES: 32.

NO: Representatives Banning, Bradley, Carey, Caulk, Clark, Ewing, Fallon, West - 8.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 101 w/HA 1 & 2 was sent to the Senate for concurrence.

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

34th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY

First Session  
June 2, 1993

Mr. Speaker Spence called the House to order at 2:02 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 61 w/SA 1 & 2, SB 76, SB 116, SB 118, SB 119 w/SA 1 & 2, SJR 16, HB 68 w/HA 1 w/HA 1, HS 1 for HB 18, SB 108 w/SA 1, SB 109, HS 1 for HB 32 w/HA 1, HB 197 & SB 54.

June 1, 1993

The Honorable Terry R. Spence  
House of Representatives  
Dover, DE 19901  
Dear Mr. Speaker:

Due to the press of DuPont business, I will be unable to attend our legislative session on Wednesday, June 2nd.

Sincerely,  
Steven H. Amick  
State Representative  
25th District

SHA/cb

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: 37.

Members Absent: Representatives Amick, Buckworth, DiLiberto, Taylor - 4.

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.

Representatives George & Plant requested that they be marked present.

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

Representative Gilligan requested that he be marked present.

The following prefiled legislation was introduced:

HS 1 to HB 199 - B. ENNIS & REPRESENTATIVE WAGNER & SENATOR VAUGHN; REPRESENTATIVES EWING, LEE, VANSANT, BANNING, WEST, CLARK, AMICK, SPENCE, CAULK, DAVIS, LOFINK, OBERLE, PETRILLI, SORENSON, TAYLOR, DIPINTO, REYNOLDS, JONKIERT, GILLIGAN; SENATORS TORBERT, BLEVINS, COOK, HOLLOWAY, SOKOLA, VOSHELL, BAIR, KNOX - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Prosecution of Homicides Committed by Juveniles.

HB 232 - SPENCE & SENATOR SHARP; REPRESENTATIVES BUCKWORTH, CAREY, DAVIS, DIPINTO, EWING, LOFINK, MACK, REYNOLDS, ROY, SMITH, SORENSON, WAGNER, BANNING, CLARK, JONKIERT; SENATORS CONNOR, MCBRIDE - JUD: An Act to Amend Chapter 7, Title 13, of the Delaware Code Relating to Parents and Children.

HB 233 - SMITH & SENATOR VAUGHN - R & F: An Act to Amend Title 12, Chapter 45 of the Delaware Code to Make Further Provision for the Recovery of Certain Assets by Custodians.

HB 234 - BUCKWORTH; SENATORS VAUGHN & VOSHELL; REPRESENTATIVES SPENCE, DIPINTO, D. ENNIS, LEE, LOFINK, OBERLE, SMITH, BANNING, BENNETT, CLARK, B. ENNIS, JONKIERT, VANSANT, WEST - P/S: An Act to Amend Title 11, Chapter 92, Relating to Law Enforcement Officers' Bill of Rights.

HB 235 - MACK, D. ENNIS, SMITH; SENATOR VAUGHN - HAZ WASTE MAN: An Act to Amend Titles 7 and 30 of the Delaware Code Relating to Fees and Taxes Imposed to Fund the Cleanup of Hazardous Substances. (3/5 bill)

HB 236 - MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 1, Title 13, Delaware Code to Provide for the Establishment of a Marriage License Surcharge for the Delaware Children's Trust Fund. (3/5 bill)

HB 237 - MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy and Athletic Training.

HB 238 - HOUGHTON, BANNING, BENNETT, BRADLEY, BRADY, CLARK, B. ENNIS, VANSANT, WEST, AMICK, BUCKWORTH, DAVIS, DIPINTO, EWING, MACK, OBERLE, REYNOLDS, SMITH, SPENCE, TAYLOR; SENATORS BLEVINS, SOKOLA, VAUGHN, VOSHELL - JUD: An Act to Amend the Model Defender Act, Chapter 46, Title 29, Delaware Code.

HCR 31 - ROY, SPENCE, PETRILLI, AMICK, BUCKWORTH, CAREY, DAVIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, QUILLEN, REYNOLDS, SMITH, TAYLOR, WAGNER, BANNING, BENNETT, BRADLEY, BUNTING, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WOJEWODZKI; SENATORS BAIR, SOKOLA, BLEVINS, COOK, HOLLOWAY, TORBERT, VENABLES, VOSHELL - H/ADM: Encouraging the Full Ways and Means Committee of the United States Senate to Approve Legislation Currently Pending Before the United States Senate to Substantially Raise the Federal Insurance Contributions Act Tax Threshold for Domestic Employment.

HA 1 to HB 221 - WEST - P/S: Placed with the bill.

HA 1 to HB 223 - HOLLOWAY - H/ADM: Placed with the bill.

HA 1 to HB 224 - HOLLOWAY - H/ADM: Placed with the bill.

SB 54 - CORDREY, ADAMS, VENABLES & VOSHELL; REPRESENTATIVES CAREY & WEST - H/ADM: An Act to Authorize and Approve the Transfer of Certain Real Property in Georgetown Hundred, Sussex County, to Mr. & Mrs. Alfred Chavez. (3/4 bill)

SB 61 w/SA 1 & 2 - TORBERT - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Assault in the Second Degree.

SB 71 - TORBERT; REPRESENTATIVES EWING, B. ENNIS, BANNING, GILLIGAN, SCHROEDER, BRADLEY, DIPINTO - NAT RES: An Act to Amend Chapter 66, Title 18, Delaware Code, Relating to Line-of-Duty Death Benefits; Providing for the Addition to "Covered Persons" of the Department of Natural Resources and Environmental Control Environmental Response Team. (F/N)

SB 76 - VOSHELL & STILL & MARSHALL, NEAL; REPRESENTATIVES QUILLEN, WAGNER, JONKIERT - H/ADM: An Act to Amend Titles 9, 20, and 29 of the Delaware Code Relating to Merchant Marines.

SB 108 w/SA 1 - MARSHALL & REPRESENTATIVE OBERLE - LABOR & HUM RES MAN: An Act to Amend Chapter 21, Title 19 of the Delaware Code, Relating to the Composition and Compensation of Members of the Industrial Accident Board. (F/N)

SB 109 - MARSHALL & REPRESENTATIVE OBERLE - LABOR & HUM RES MAN: An Act to Amend Title 19 Delaware Code Providing for the Removal of Industrial Accident Board Members.

SB 116 - BLEVINS, VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 27, Title 21 Delaware Code Relating to Requirements and Qualifications for Licensing School Bus Drivers.

SB 118 - BLEVINS, VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Suspension or Revocation.

SB 119 w/SA 1 & 2 - BLEVINS, VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 27, Title 21 Delaware Code Relating to Requirements and Qualifications for Licensing School Bus Drivers.

SB 133 - HOLLOWAY; REPRESENTATIVE MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 5, Title 13, Delaware Code Relating to Child Support Enforcement.

SJR 16 - SOKOLA & REPRESENTATIVE SORENSON; SENATORS BAIR, BLEVINS, MARTIN, MCDOWELL & VOSHELL; REPRESENTATIVES MARONEY, WOJEWODZKI, BRADLEY - ED: Requesting the Interagency Resource Management Committee to Study Early Intervention Alternatives for the Education of Children at Risk of Failure in School and to Report the Findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

HA 1 to SB 17 - AMICK - READY LIST: Placed with the bill.

Representative Ewing introduced HB 239, jointly sponsored by Representatives Spence, Petrilli & Quillen & Senator Adams.

HB 239 - An Act to Redesignate Existing Chapter 74A of Title 16 of the Delaware Code as Chapter 100 of Title 16 of the Delaware Code, and to Add a New Chapter 101 to Chapter 16 of the Delaware Code to Provide for the Establishment and Operation of a Trust Fund to be Used to Reimburse Governmental Costs Associated With 911-Enhanced Emergency Reporting Systems.

Mr. Speaker assigned HB 239 to the Public Safety Committee.

Representative Jonkiert requested that he be marked present.

Representative Petrilli made an announcement.

Representative Roy requested and was granted the privilege of the floor for Alan Sokolow, Executive Director and Representative Stephen J. Karol, Chairman, Eastern Regional Conference, Council of State Governments.

Representatives Roy & Spence made comments.

Representative Holloway requested that he be marked present.

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

The House reconvened at 4:26 p.m. with Representative Quillen as Acting Speaker.

Representative Mack requested that he be marked present.

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

LABOR & HUM RES MAN: HB 220 - 3M.

P/S: HB 211 - 4M; HB 212 - 4M.

ENVIRONMENT & NAT RES: SB 93 w/SA 1 & 2 - 5M; SB 94 w/SA 1 - 5M; SB 98 - 5M.

H/ADM: HB 93 - 4M; HB 215 - 4M; HB 218 - 4M; HCR 31 - 3M; SB 24 w/SA 1 - 4M; SB 54 - 4M; SB 110 w/SA 1 - 4M.

ED: HB 205 - 5M; HB 213 - 5M.

Representatives B. Ennis, Reynolds, Brady, D. Ennis & Wagner requested that they be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:31 p.m.

### 35th LEGISLATIVE DAY 137th GENERAL ASSEMBLY

First Session

June 3, 1993

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m.

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

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

HOUSING & COM AFF: SB 13 w/SA 1 - 5F, 1M.

HUM NEEDS & DEV: HS 1 for HB 45 - 4M.

APPRO: HB 33 - 5M; HB 123 - 5M; HB 178 - 4M; HB 183 - 5M; HB 217 - 4M;

SJR 14 w/SA 1 - 4M.

R & F: HB 216 - 5F, 1M.

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

The following prefiled Consent Calendar #11 was introduced:

HR 18 - AMICK, DIPINTO, ROY, WAGNER, B. ENNIS, JONKIERT, CLARK - Relating to Procedures of the House of Representatives of the 137th General Assembly of the State of Delaware for Ethics Violations.

HR 36 - D. ENNIS, BRADY, BRADLEY - Commending the American Lung Association of Delaware for Their Work in Showcasing Delaware's Top Rated Health Education at Mount Pleasant Elementary School.

HR 37 - PETRILLI, SPENCE, QUILLEN, GEORGE, GILLIGAN, SORENSON ON BEHALF OF ALL REPRESENTATIVES - Congratulating State Representative Jane Maroney on Receiving the University of Delaware's Medal of Merit Award.

HR 38 - HOLLOWAY, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, LEE, LOFINK, MACK, MARONEY, OBERLE, PLANT, QUILLEN, REYNOLDS, SCHROEDER, SMITH, VANSANT, WAGNER, WEST, WOJEWODZKI - Commending William T. Garfinkel, Director of Audit Recovery Management Services, Department of Health and Social Services for His Diligent Efforts in Curbing the Rampant Food Stamp Fraud Taking Place, and Further Requesting of Him That Should Additional Legislation be Needed to Put a Stop to This Illicit Business That the Legislature Stands Ready and Willing to Assist Him in This Most Worthwhile Effort.

SCR 33 - VAUGHN; REPRESENTATIVE BANNING - Commemorating the 50th Anniversary of the Death of Sgt. William L. Nelson, 25, of Middletown, Killed in Combat in North Africa on April 24, 1943, and Honoring Him as One of Two Delawareans Awarded the Congressional Medal of Honor During World War II.

SCR 34 - VAUGHN; REPRESENTATIVES BANNING, B. ENNIS - Mourning the Death of Dr. Louis Levinson, of Middletown, Delaware, Father of Former Insurance Commissioner, David Levinson, Who Passed Away on Wednesday, April 21, 1993 at the Age of Ninety-Six.

SCR 35 - CONNOR, MCBRIDE; REPRESENTATIVES MACK, HOUGHTON - Extending Congratulations to Barbara M. Hrinak Upon Her Retirement From the State of Delaware After Completing Twenty-Four Years of Dedicated Service in a Variety of Positions in Delaware's Superior Court System.

Consent Calendar #11 was adopted by voice vote and SCR 33, SCR 34 & SCR 35 were returned to the Senate.

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: 40.

Member Absent: Representative Buckworth - 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:

SB 120 - BLEVINS, VOSHELL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 42, Title 21 of the Delaware Code Relating to Reports of Accidents; Penalties, Interpretation of Laws.

SB 127 - VOSHELL & BLEVINS; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 25 of Title 21 of the Delaware Code Relating to Application for Certificate of Title and Late Fee. (3/5 bill)

SB 128 - VOSHELL & BLEVINS; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 45, Title 21 of the Delaware Code Relating to Size and Weight of Vehicles and Loads.

SB 129 - VOSHELL & BLEVINS; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 23, Title 21, of the Delaware Code Relating to Age Requirement for Application for Certificate of Title.

SB 131 - VOSHELL & BLEVINS; REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Certificate of Title Issuance.

SB 132 w/SA 1 - VENABLES, ADAMS, SOKOLA, TORBERT & VOSHELL; REPRESENTATIVES BUNTING, CLARK, B. ENNIS, WEST & WOJEWODZKI - P/S: An Act to Amend Subchapter III, Chapter 27, Title 21 of the Delaware Code Relating to Suspension and Revocation of License for Refusal to Submit to Chemical Test.

HA 1 to SB 44 - EWING - P/S: 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: SB 132 w/SA 1 & SB 120, SB 127, SB 128, SB 129, SB 131 & HB 145 w/HA 1.

#### MEMORANDUM

TO: The Honorable Terry R. Spence

FROM: Representative Gerald A. Buckworth

DATE: June 3, 1993

RE: Absence from Session

I am unable to attend session on Thursday, June 3, 1993, due to recovery from surgery.

cc: JoAnn Hedrick

GAB/pcl

Representatives Roy, Smith & Bradley requested that they be marked present.

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

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

Representative Plant made a comment.

Representative Smith introduced HB 240, jointly sponsored by Representative D. Ennis & Senator Vaughn & Representatives DiPinto, Wagner, Bennett, Jonkiert & Houghton.

Representative Lofink requested that he be marked present.

HB 240 - An Act to Amend Chapter 50, Title 18, Delaware Code Regarding the Payment of Dividends by Insurers.

Mr. Acting Speaker assigned HB 240 to the Economic Development, Banking & Insurance Committee.

The Majority Leader moved to recess for caucus at 2:13 p.m.

The House reconvened at 3:35 p.m. with Representative Quillen as Acting Speaker.

Representatives Mack & Spence requested that they be marked present.

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

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

Representative Oberle brought HB 2, jointly sponsored by Representative Davis & cosponsored by Senator Marshall, before the House for consideration.

HB 2 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Works Contracts.

Representative Oberle made comments.

Representative Oberle brought HA 1 to HB 2 before the House for consideration.

Representative Oberle made comments.

Mr. Speaker Spence resumed the Chair.

HA 1 to HB 2 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Edward Peterson, President of Delaware A.F.L. - C.I.O.

Representatives Plant, Amick, VanSant, Smith & West made comments.

Representative Smith requested and was granted the privilege of the floor for Paul H. Morrill, Jr., Director of Government Relations, Delaware Contractors Association.

Representatives Smith, Oberle & VanSant made comments.

Representative Oberle moved to place HB 2 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HB 49, jointly sponsored by Representatives Lee & Ewing & Senators Adams, McDowell & Sharp, before the House for consideration.

HB 49 - An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Increasing Various Justice of the Peace Court Costs. (3/5 bill)(F/N)

Representative Amick made comments.

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

Representatives Davis, George, Bennett, Amick, DiLiberto, Plant, Fallon & Holloway made comments.

Representative Holloway requested that he be marked present.

Representative Amick introduced and brought HA 2 to HB 49 before the House for consideration.

Representatives Banning & Plant made comments.

Representative West requested that he be marked present.

Representatives West & Amick made comments.

HA 2 to HB 49 was adopted by voice vote.

The roll call on HB 49 w/HA 2 was taken and revealed:

YES: 33.

NO: Representatives Taylor, West - 2.

NOT VOTING: Representatives Bennett, B. Ennis, Fallon, VanSant - 4.

ABSENT: Representatives Buckworth, Jonkiert - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 49 w/HA 2 was sent to the Senate for concurrence.

Representatives Brady, Caulk & Reynolds requested that they be marked present during the roll call.

Representative Bennett introduced HB 241, jointly sponsored by Representatives Houghton, Jonkiert, DiPinto, D. Ennis, Smith & Wagner & Senator Cordrey.

HB 241 - An Act to Amend Title 19 of the Delaware Code Relating to Workmen's Compensation Loss Costs Rating.

Mr. Speaker assigned HB 241 to the Labor & Human Resource Management Committee.

Representative Caulk introduced HB 242, jointly sponsored by Senator Torbert & Representatives Buckworth, Lee, Carey, DiPinto, Smith, Reynolds, Fallon, Gilligan, Bunting, Clark, Schroeder, B. Ennis, West & Brady.

HB 242 - An Act to Amend Chapter 47, Title 7, of the Delaware Code Relating to State Parks.

Mr. Speaker assigned HB 242 to the Environment & Natural Resources Committee.

Representative Caulk introduced HB 243, jointly sponsored by Representatives Carey, DiPinto, Ewing, Fallon, Lee, Lofink, Oberle, Petrilli, Reynolds, Smith, Wagner, B. Ennis, Sorenson & West.

HB 243 - An Act to Amend Chapter 1, Title 3 of the Delaware Code Relating to Agriculture.

Mr. Speaker assigned HB 243 to the Agriculture Committee.

Representative Smith introduced HB 244, jointly sponsored by Representatives DiPinto, D. Ennis, Wagner, Bennett, Houghton & Jonkiert & Senator Marshall.

HB 244 - An Act to Amend Title 30 of the Delaware code Relating to Delaware Taxes. (3/5 bill)

Mr. Speaker assigned HB 244 to the Revenue & Finance Committee.

Representative Smith introduced HB 246, jointly sponsored by Senator Knox & Representatives Spence, Maroney, D. Ennis, Brady & Bradley & Senator Bair.

HB 246 - An Act to Amend Chapter 8, Title 9, Delaware Code Relating to County Libraries and Chapter 71, Title 14, Delaware Code Relating to District Libraries.

Mr. Speaker assigned HB 246 to the House Administration Committee.

Representative D. Ennis introduced HR 39, jointly sponsored by Representative B. Ennis.

HR 39 - Requesting the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control to Reduce the Rental Fee for Use of the Showmobile for Community Service Organizations and Non-Profit Organizations.

Mr. Speaker assigned HR 39 to the Natural Resources Committee.

Representative Lee requested that action on HB 130 & HB 127 be deferred to a Day Certain, Thursday, June 10, 1993.

Mr. Speaker Spence requested that action on HB 85 & HB 84 be deferred to a Day Certain, Tuesday, June 8, 1993.

Representative Wagner requested that HB 207 be stricken.

Representative Oberle made an announcement.

Representative Smith brought HB 185, jointly sponsored by Representatives Gilligan, George & Brady, before the House for consideration.

HB 185 - An Act to Amend Title 11, Section 1325 of the Delaware Code, Relating to Cruelty to Animals.

Representatives Smith & DiLiberto made comments.

Representative Jonkiert requested that he be marked present.

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

Representatives DiLiberto, Ewing, Smith, Holloway, Banning, D. Ennis & Mack made comments.

The roll call on HB 185 was taken and revealed:

YES: 38.

NO: Representative Bunting - 1.

ABSENT: Representatives Buckworth, George - 2.

Therefore, having received a constitutional majority, HB 185 was sent to the Senate for concurrence.

Representative Petrilli introduced HB 247, jointly sponsored by Representatives Spence, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Sorenson, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Schroeder, VanSant, West & Wojewodzki & Senators Adams, Blevins, Holloway, Marshall, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal & Still.

HB 247 - An Act to Amend Title 14, Delaware Code, by Adding a New Chapter 16 and by Amending Chapters 13 and 17, Relating to the Establishment of a Comprehensive Statewide Program to Improve Student Discipline in the Public Schools.

Mr. Speaker assigned HB 247 to the Education Committee.

Representative Lee introduced HS 1 for HB 180, jointly sponsored by Senator Holloway & Representatives Buckworth, Carey, Davis, D. Ennis, Ewing, Fallon, Lofink, Mack, Oberle, Petrilli, Reynolds, Sorenson, Spence, Taylor, Wagner, Banning, Bradley, Bunting, Clark, DiPinto, B. Ennis, Schroeder, VanSant & Wojewodzki & Senators Marshall, Martin, McBride, McDowell, Voshell, Bair, Connor & Knox.

HB 180 - An Act to Amend Chapter 66, Title 16 of the Delaware Code Relating to Smoke Detectors. (2/3 bill)

Mr. Speaker assigned HS 1 for HB 180 to the Housing & Community Affairs Committee.

Representative Petrilli made an announcement.

Representative Schroeder brought HB 191, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 191 - An Act to Amend Chapter 59, Volume 63 Laws of Delaware, as Amended, Entitled An Act to Incorporate the Town of Dewey Beach. (2/3 bill)

Representative Schroeder made a comment.

The roll call on HB 191 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, George, West - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 191 was sent to the Senate for concurrence.

Representative Sorenson brought HB 186, jointly sponsored by Senator Sokola, before the House for consideration.

HB 186 - An Act to Amend Chapter 25 of Title 29, Relating to Supplying of Legal Advice and Counsel to Delaware Technical and Community College.

Representative Sorenson made comments.

Representatives Gilligan, D. Ennis & VanSant announced that they will not be voting on HB 186 because of a possible conflict of interest.

Representatives Houghton, Sorenson & Fallon made comments.

The roll call on HB 186 was taken and revealed:

YES: 36.

NOT VOTING: Representatives D. Ennis, Gilligan, VanSant - 3.

ABSENT: Representatives Buckworth, George - 2.

Therefore, having received a constitutional majority, HB 186 was sent to the Senate for concurrence.

Representative Plant introduced HB 248.

HB 248 - An Act to Amend Chapter 10, Subchapter III, Title 14, Delaware Code, Relating to Entering Into Contractual Relations of Former School Board Members for a Period Not to Exceed Three Years.

Mr. Speaker assigned HB 248 to the Education Committee.

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

The Majority Leader moved to recess to the call of the Chair at 5:38 p.m.

36th LEGISLATIVE DAY  
137th GENERAL ASSEMBLY  
First Session  
June 8, 1993

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 102, SB 165, SB 104, SB 105, SB 107 w/SA 1, SB 146, SB 70, SB 135 w/SA 1, SB 147, SB 148, SB 99, SB 122

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Sharp, do hereby request that my name be removed as Co-Sponsor of HS 1 for HB 180.

Date: 6/03/93.

Signed: Thomas Sharp.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Blevins, do hereby request that my name be removed as Co-Sponsor of HS 1 for HB 180.

Date: 6/03/93.

Signed: Patricia M. Blevins.

MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative Joseph G. DiPinto

DATE: June 3, 1993

I will be absent from the legislative session on Tuesday, June 8, and Wednesday, June 9. I regret the absence, but am honoring a long-standing commitment to participate in a national health care conference. I expect to return to legislative duties on Thursday, June 10.

JGD/scg

MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative Tina Fallon

DATE: June 3, 1993

Please excuse my absence from the Legislative Session on June 10 as I will be out of the state.

Thank you.

TF/scg

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative DiPinto - 1.

A prayer was offered by Representative G. Robert Quillen, Thirtieth Representative District.

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

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

The following prefiled legislation was introduced:

HB 245 - DAVIS, SPENCE, BUCKWORTH, EWING, WAGNER; SENATORS ADAMS, CORDREY, HOLLOWAY, SHARP, STILL - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles.

HB 249 - DAVIS, DIPINTO, MARONEY, HOLLOWAY; SENATORS HAUGE, NEAL - ENV & NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code Relating to Dogs. (3/5 bill)

HB 250 - DIPINTO & GEORGE, DAVIS, VANSANT; SENATOR NEAL - ENV & NAT RES: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Dogs. (3/5 bill)

HB 251 - DAVIS & SENATOR VAUGHN - SUBS ABUSE: An Act to Amend Chapter 48A, Title 16, Delaware Code Relating to the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund.

HB 252 - TAYLOR & SENATOR MARTIN; REPRESENTATIVES B. ENNIS, WOJEWODZKI - TRANS & INFRA: An Act to Amend Title 2 of the Delaware Code Relating to Employee Commute Options and a Provision of Title 30 of the Delaware Code Relating Thereto.

HB 253 - SMITH & SENATOR VAUGHN - R & F: An Act to Amend Chapter 12 of Title 38 of the Delaware Code Relating to Business Trusts.

HB 254 - CAREY & SENATOR VAUGHN - ENV & NAT RES: An Act to Amend Chapter 23, Title 7 of the Delaware Code Relating to the Commercial Crab Pot License. (3/5 bill)

HB 255 - CAREY, BUNTING; SENATOR VENABLES - HOUSING & COM AFF: An Act to Amend Chapter 70, Title 9 of the Delaware Code Relating to Sussex County Procedure.

HB 256 - SCHROEDER - R & F: An Act Awarding Special Pension Benefits to Louise P. Smarrelli, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

HB 257 - SCHROEDER, BANNING, EWING - JUD: An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to Compensation for Innocent Victims of Crime.

HA 1 to HS 1 to HB 45 - DAVIS, OBERLE - AGENDA: Placed with the bill.

HA 2 to HB 85 - WAGNER, BRADY - AGENDA: Placed with the bill.

HA 1 to HB 168 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 190 - PLANT - AGENDA: Placed with the bill.

HA 2 to HB 190 - PLANT - AGENDA: Placed with the bill.

HA 1 to HB 205 - DAVIS - READY LIST: Placed with the bill.

HA 1 to HB 211 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 212 - EWING - READY LIST: Placed with the bill.

SB 70 - SHARP & REPRESENTATIVES GILLIGAN, HOUGHTON, ROY, VANSANT - AG: An Act to Amend Chapter 101, Title 3, Delaware Code, Relating to the Delaware Thoroughbred Racing Commission.

SB 99 - HOLLOWAY; REPRESENTATIVE GEORGE; SENATORS NEAL, BLEVINS, SOKOLA, REPRESENTATIVE WEST - APPRO: An Act Authorizing and Directing the Department of Health and Social Services of the State of Delaware to Amend the Spousal Impoverishment Provisions of the State Plan Under Title XIX (Medicaid) of the Social Security Act. (F/N)

SB 102 - SHARP & REPRESENTATIVE SPENCE - H/ADM: An Act to Amend Chapter 59, Title 29, Section 5903(17) Relating to the Term of Employment of Temporary, Casual and Seasonal Employees.

SB 104 - SHARP & REPRESENTATIVE SPENCE - R & F: An Act to Amend Chapter 5, Title 8, of the Delaware Code Relating to Corporation Franchise Tax.

SB 105 - SHARP & REPRESENTATIVE SPENCE - R & F: An Act to Amend Chapter 5, Title 8, of the Delaware Code Relating to Corporation Franchise Tax.

SB 107 w/SA 1 - SHARP - LABOR & HUM RES MAN: An Act to Amend Chapter 92, Title 11, Delaware Code Relating to Bill of Rights for Law Enforcement Officers.

SB 122 - VAUGHN & REPRESENTATIVE D. ENNIS, EWING, HOUGHTON, SPENCE - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Subchapter III, Title 19, Delaware Code Relating to a Reasonable Fee to Claimant's Attorney for Services on an Appeal.

SB 135 w/SA 1 - VAUGHN & REPRESENTATIVE B. ENNIS - CORR: An Act to Amend Chapter 69, Title 29, Delaware Code Relating to Procurement of Products and Services From the Prison Industries by State Agencies.

SB 146 - SHARP; REPRESENTATIVE SMITH - R & F: An Act to Amend Chapter 1, Title 8 of the Delaware Code, Relating to the General Corporation Law. (2/3 bill)

SB 147 - VAUGHN; REPRESENTATIVES B. ENNIS, BUCKWORTH, CAULK - HUM NEEDS & DEV: An Act to Amend Chapter 31, Part III, Title 16, Delaware Code, Relating to Vital Statistics.

SB 148 - VAUGHN; REPRESENTATIVES B. ENNIS, BUCKWORTH, CAULK - HOUSING & COM AFF: An Act to Amend Chapter 31, Title 24, Delaware Code, Relating to the Board of Funeral Services.

SB 165 - SHARP & REPRESENTATIVE SPENCE - R & F: An Act to Amend Title 8 of the Delaware Code Relating to General Corporation Law. (3/5 bill)

Representatives Amick & Maroney requested that they be marked present.