

STATE OF DELAWARE



JOURNAL *of the* *HOUSE OF REPRESENTATIVES*

136TH GENERAL ASSEMBLY

CONVENED
TUESDAY, JANUARY 8, 1991

DOVER, DELAWARE

1991-1992

MEMBERS OF THE HOUSE OF REPRESENTATIVES
136th GENERAL ASSEMBLY

NEW CASTLE COUNTY

District

- 1 Orlando J. George, Jr., 4401 Whittier Road, Wilmington
- 2 Rourke A. Moore, 29 West 36th Street, Wilmington
- 3 James H. Sills, Jr., 502 East Sixth Street, Wilmington
- 4 Joseph G. DiPinto, 2607 West 18th Street, Wilmington
- 5 Casimir S. Jonklert, 403 South Broom Street, Wilmington
- 6 David H. Ennis, 304 Beechwood Road, Gordon Heights, Wilmington
- 7 Mayne A. Smith, 3 Richards Drive, Clair Manor, Wilmington
- 8 David D. Brady, 406 Pennsylvania Avenue, Claymont
- 9 Charles L. Hebner, 913 Darley Road, Wilmington
- 10 Jane Maroney, 4605 Concord Turnpike, Wilmington
- 11 Marybeth T. Boykin, 3200 Tanya Drive, Delwynn, Wilmington
- 12 Philip J. Corrozi, 2511 Woodview Drive, Tybrook, Wilmington
- 13 John F. Van Sant, 311 Troy Avenue, Woodcrest, Wilmington
- 14 John A. Campanelli, 1206 Charles Place, Cleland Heights, Wilmington
- 15 Bruce C. Reynolds, 23 Freeport Road, New Castle
- 16 William I. Houghton, 9 Varmar Drive, Swanwyck Gardens, New Castle
- 17 Jeffrey G. Mack, 116 Harmony Street, 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 Ada Leigh Soles, 215 Vassar Drive, Newark
- 24 William A. Oberle, Jr., 2 Danvers May, 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 E. Stuart Outten, Jr., 6 Winged Foot Court, 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 851, Selbyville
- 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

136th GENERAL ASSEMBLY

JoAnn M. Hedrick - Chief Clerk
Thomas J. McCarthy, Jr. - Majority Administrative Assistant
Susan Abramson - Secretary
Sally Baker - Podium Secretary
Louise Banks - Head Bill Stamping Clerk
V. Edward Banks - Sergeant-at-Arms
Barbara Book - Secretary/Receptionist
Mark Brainard - Minority Administrative Assistant
Mary J. Breault - Secretary
Carol Breslin - Financial Assistant
Kim Burdick - Caucus Liaison
Agnes Burris - Head Legal Secretary
Michell Carroll - Committee Assistant
Albert Clark - Page
Scott Chambers - Majority Attorney
Hope Cochran - Minority Assistant
Deirdre Comer - Secretary
Kevin Coyle - Legislative Assistant
Lori Davis - Secretary
Donald Dean - Legal Secretary
Patricia Ellerman - Bill Stamping Clerk
Shirley Ford - Secretary to the Speaker
Robert Furlong - Committee Assistant
Janet Gardner - Page

Melanie George - Page
 Doris Givens - Secretary/Receptionist
 Susan Gohn - Secretary
 Patricia Griffith - Legal Secretary
 Regina Groff - Bill Prep Clerk
 Steven Grossman - Legislative Assistant
 Rylene Harper - Minority Assistant
 Flo Herrman - Secretary/Receptionist
 Barbara Holton - Page
 Margaret Hood - Page
 Bonnie Johnson - Leadership Secretary
 Ruth Joyce - Majority Head Page
 Joyce Keeler - Secretary
 Rose Keenan - Page
 Kathy Kelly - Secretary
 Mary Keough - Secretary
 Frank Kosakowski - Page
 Jackie Kyle - Secretary
 Patricia Lamb - Leadership Secretary
 Ruth Lane - Secretary
 Kathy Leon - Secretary
 Joan Marvel - Leadership Secretary
 Jack McGuire - Recorder
 Anita Messick - Page
 Valerie Metzelaar - Legislative Assistant
 Doris Miller - Page
 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
 John Paradee - Minority Attorney
 Pamela Price - Research Assistant
 Mark Reardon - Minority Attorney
 Jack Robinson - Sergeant-at-Arms
 Marie Robinson - Secretary
 Barbara Rossiter - Head Bill Prep
 Gina Rothermel - Journal Clerk
 Ayesha Sammander - Information Specialist
 Elizabeth Shalley - Secretary
 Carilee Short - Page
 Ronald Smith - Senior Majority Attorney
 Donna Snell - Bill Clerk
 Beth Sproul - Legislative Assistant
 Margaret Stafford - Page
 John Stevens - Reading Clerk
 Arzella Stewart - Bill Prep Clerk
 Edith Sylvester - Page
 Pearl Talley - Page
 Margaret Tappan - Secretary
 Susan Tobin - Secretary
 Fred Townsend - Majority Attorney
 Lewes Trivits - Recorder
 Helen Vincent - Secretary
 Jane Welch - Communications Officer
 Mina Wells - Reading Clerk
 Ellen Youngmans - Bill Prep Clerk

STANDING COMMITTEES
 OF THE
 HOUSE OF REPRESENTATIVES
 136th GENERAL ASSEMBLY

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

APPROPRIATIONS: Representative Philip J. Corrozi - Chairman; Representative Richard F. Davis; Representative Joseph G. DiPinto; Representative Tina Fallon (Alternate); Representative G. Robert Quillen; Representative Ada Leigh Soles; Representative Charles P. West; Representative Edward J. Bennett (Alternate).

BANKING AND INSURANCE: Representative David H. Ennis - Chairman; Representative Marybeth T. Boykin; Representative Joseph G. DiPinto; Representative Wayne A. Smith; Representative Casimir S. Jonkiert; Representative James H. Sills, Jr.; Representative John F. VanSant.

CORRECTIONS: Representative Richard F. Davis - Chairman; Representative J. Benjamin Ewing, Jr.; Representative Clifford G. Lee; Representative Edward J. Bennett; Representative William I. Houghton.

EDUCATION: Representative Tina Fallon - Chairperson; Representative Steven H. Amick; Representative William A. Oberle, Jr.; Representative G. Robert Quillen; Representative Bruce C. Reynolds; Representative David D. Brady; Representative Rourke A. Moore; Representative E. Stuart Outten, Jr.

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

HAZARDOUS WASTE MANAGEMENT: Representative Jeffrey G. Mack - Chairman; Representative Vincent A. Lofink; Representative Roger Roy; Representative Steven C. Taylor; Representative Bruce C. Ennis; Representative E. Stuart Outten, Jr.

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

HOUSING AND COMMUNITY AFFAIRS: Representative Joseph G. DiPinto - Chairman; Representative Marybeth T. Boykin; Representative David H. Ennis; Representative Wayne A. Smith; Representative Casimir S. Jonkiert; Representative James H. Sills, Jr.; Representative John F. VanSant.

HUMAN RESOURCES: Representative Jane Maroney - Chairperson; Representative Steven H. Amick; Representative Tina Fallon; Representative Charles L. Hebner; Representative David D. Brady; Representative Rourke A. Moore; Representative E. Stuart Outten, Jr.

JUDICIARY: Representative Charles L. Hebner - Chairman; Representative Richard F. Davis; Representative J. Benjamin Ewing, Jr.; Representative Clifford G. Lee; Representative Edward J. Bennett; Representative William I. Houghton.

LABOR AND HUMAN RESOURCE MANAGEMENT: Representative William A. Oberle, Jr. - Chairman; Representative Jeffrey G. Mack; Representative Bruce C. Reynolds; Representative John A. Campanelli; Representative William I. Houghton.

LAND USE AND GOVERNMENT RELATIONS: Representative Steven C. Taylor - Chairman; Representative Vincent A. Lofink; Representative Jeffrey G. Mack; Representative Roger Roy; Representative Bruce C. Ennis; Representative E. Stuart Outten, Jr.

NATURAL RESOURCES: Representative V. George Carey - Chairman; Representative G. Wallace Caulk, Jr.; Representative G. Robert Quillen; Representative Jeffrey G. Mack; Representative George H. Bunting, Jr.; Representative Donald M. Clark; Representative John R. Schroeder.

PUBLIC SAFETY: Representative J. Benjamin Ewing, Jr. - Chairman; Representative Richard F. Davis; Representative Clifford G. Lee; Representative Edward J. Bennett; Representative William I. Houghton.

REVENUE AND FINANCE: Representative Wayne A. Smith - Chairman; Representative Marybeth T. Boykin; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Casimir S. Jonkiert; Representative James H. Sills, Jr.; Representative John F. VanSant.

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Representative Marybeth T. Boykin - Chairperson; Representative Joseph G. DiPinto; Representative David H. Ennis; Representative Wayne A. Smith; Representative Casimir S. Jonkiert; Representative James H. Sills, Jr.; Representative John F. VanSant.

SUBSTANCE ABUSE: Representative Steven H. Amick - Chairman; Representative Charles L. Hebner; Representative William A. Oberle, Jr.; Representative Bruce C. Reynolds; Representative David D. Brady; Representative Rourke A. Moore; Representative E. Stuart Outten, Jr.

SUNSET & OVERVIEW: Representative Steven H. Amick - Chairman; Representative Clifford G. Lee; Representative Steven C. Taylor; Representative Casimir S. Jonkiert; Representative John F. VanSant.

TRANSPORTATION: Representative Roger Roy - Chairman; Representative Vincent A. Lofink; Representative Jeffrey G. Mack; Representative Steven C. Taylor; Representative Bruce C. Ennis; Representative E. Stuart Outten, Jr.

BOND BILL COMMITTEE: Representative Roger Roy - Chairman; Representative Marybeth T. Boykin, Representative V. George Carey, Representative William A. Oberle, Jr., (Alternate) Representative Steven C. Taylor, Representative Bruce C. Ennis, Representative Casimir S. Jonkier.

PERMANENT RULES
OF THE
HOUSE OF REPRESENTATIVES
OF THE
136TH GENERAL ASSEMBLY
1990-1991

HOUSE RESOLUTION NO. 13
AS AMENDED BY HOUSE AMENDMENT NO. 1

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 the designated hour and shall call the House to order. To begin the new 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, pledge to the flag and the business of the day. The minutes shall be made public and normally 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.

Rule 2 - Order of Business

(a) After the reading of the minutes, the order of business shall be as follows:

1. Presentation of petitions, memorials, tributes, memoriams or communications.
2. Reports from Standing and Special Committees.
3. Introduction and first reading of Bills and Resolutions.
4. Consideration of Agenda.
5. Consent Calendar, or Consent Agenda when available.
6. Announcement of Committee meetings.
7. 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 a question is being put or 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 he shall confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker.

(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 - Decide 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 appeals from his own decision.

Rule 6 - Acting Speaker or Speaker Pro Tempore

(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 a 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 or Speaker Pro Tempore shall be present, the House shall be called to order and presided over by the senior member in terms of service for the Majority Party who shall serve in the interim as the presiding officer. In the event 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.

An appointed presiding officer shall serve no longer than six consecutive legislative days.

Rule 7 - Signing of Bills and Resolutions

The Speaker shall sign all Bills and Resolutions requiring his signature. 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 sign when and where necessary.

Rule 8 - 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 9 - 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 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

(a) The Speaker may sign a subpoena as requested by a committee pursuant to Rule 36 (h). No subpoena shall be issued without it being signed by the Speaker.

(b) 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) Members must answer roll call from their respective seats.

Rule 13 - Quorum

Twenty-one members of the House shall constitute a quorum. When the lack of a quorum exists, the Sergeant-at-Arms, by signal or otherwise, shall notify the members who are absent from the Chamber, but not from Legislative Hall, that their presence is required therein. Upon receiving the notification, the absentee members shall report to the House Chamber. After a proper interval for the notifications, the Speaker shall order a roll call of the House to ascertain if a quorum is present.

Rule 14 - Addressing the House

(a) Every member desirous of speaking shall rise from his or her seat 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 is entitled to the floor.

(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) Every 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) Point of order by a member.

(3) 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 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:

(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:

(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 of 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) Receiving unlawful gratuities in violation of Section 1206, Title 11, Delaware Code.

(3) Receiving a bribe in violation of Section 1203, Title 11, Delaware Code.

(4) Profiteering in violation of Section 1212, Title 11, Delaware Code.

(5) Engaging in conduct constituting official misconduct in violation of Section 1211, Title 11, Delaware Code.

(6) Failure to comply with the financial disclosure requirements of Chapter 58, Title 29, Delaware Code.

(7) Appearing for, representing or assisting another in respect to a matter before the General Assembly or one of its Committees for compensation other than that provided by law.

(8) Releasing without authorization of the Ethics Committee any confidential matter pertaining to proceedings of the Ethics Committee.

(9) Knowingly filing a false statement with the Ethics Committee or the House in connection with any proceeding involving a Rule of Legislative Conduct.

(10) Engaging 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 prohibited conduct occurring subsequent to being elected to the House. A member shall also be subject to sanction for any prohibited conduct occurring prior to being elected to the House provided that the conduct bears a reasonable relationship to the member's fitness to hold legislative office.

(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, a Resolution shall be presented 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 dissenting votes 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 petition of any member 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 2/3 the House concurring therein.

IV. BILLS AND RESOLUTIONS

Rule 17 - Content of Resolutions

The following types of Resolutions may be considered by this body:

(a) Simple Resolutions: A Simple Resolution is a motion of the House 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.

(b) Concurrent Resolutions: A Concurrent Resolution is used to accomplish the same purpose in relation to the entire Legislature that the simple Resolution accomplished for either the House or Senate singly. A Concurrent Resolution adopted by the Legislature 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.

(c) 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 signed 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, including subpoena power. 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 Legislature and Governor combined.

Rule 18 - Tributes and Memoriams

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.

Rule 19 - Preparation and Custody

(a) Every 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 to the following: The Speaker, the Sponsor, and the Legislative Council. Upon introduction a copy of each Bill or Resolution shall be delivered to every member. Copies shall also be delivered to the Legislative Council.

(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 shall also contain the text of the 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 and 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 Author and 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 to any person designated in the Bill or Resolution to be a member of the committee, task force or similar entity.

Rule 20 - Introduction of Bills and Resolutions: Filing with Clerk

(a) Every 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 on the original bill.

(b) Every Bill or Resolution shall be introduced by:

(1) Prefiling 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 initials in the 'Prefile-Yes' block on the request form;

b. Verbal approval from the sponsor to the Chief Clerk (original Bill must be signed by the floor manager before start of session);

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

(c) 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. 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.

(d) Introduction of the Bill or Resolution shall be considered the first reading. Unless otherwise ordered by the House, it shall be read by title only or by reference to the profile list and 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. 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(s) of a Bill or Resolution is the House member (or members whose names are joined by "and" or "&") listed first to the right of the word "sponsor" in the upper right side on the first page of a Bill or Resolution. The floor manager of a House Bill or House Resolution shall be the 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 has a conflict of interest with a particular Senate measure 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 21 - Assignment to Sunset Committee

Every bill or joint resolution, whether emanating from the House or the Senate, amending Title 29 of the Delaware Code (which has been previously referred by the Speaker under the Rules to any committee of the House other than the Sunset Committee) shall, after the same has been reported back to the House, be referred to the Sunset Committee.

Rule 22 - Assignment to Appropriations Committee

Every Bill or Joint Resolution, whether emanating from the House or the Senate, carrying an appropriation or which may involve any financial loss or obligation on the part of the State 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 23 - Fiscal Notes

No Bill or Resolution either authorizing expenditures 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 as required by that Chapter.

Rule 24 - 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. Each House or Senate Bill prior to final reading shall have been checked for errors by a House attorney.

(b) Every 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 and voted on as part of a single group. 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 25 - Amendments

(a) Amendments to a measure shall be introduced by prefiling the amendment if the amendment makes substantive changes or when the measure is being discussed on the floor if the amendment makes only technical corrections.

(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.

(e) No title of a Bill or Resolution, however, may be changed except for typographical errors.

(f) When the amendment sponsor is present, all prefiled amendments shall be acted upon before final action on the main Bill or Resolution.

(g) When a bill that has been previously amended is before the House and it is desired to remove the effects of such previous amendment from the bill, this may be done by another amendment that strikes the numbered lines of the earlier amendment, which shall have the effect of restoring the wording and punctuation of the bill as it existed immediately prior to the adoption of the earlier amendment.

(h) 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.

Rule 26 - Substitute Bills

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

(b) Once assigned to committee 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 27 - Petition of Bill or Resolution out of Committee

Every Bill or Resolution, except those assigned to the Appropriations Committee pursuant to rule 33, which shall have been in committee for a period of more than twelve legislative days 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 28 - Voting

(a) Except as provided for in Rules 46, or 47 each Bill or Joint Resolution which comes before the House for final action shall be acted upon by a separate roll call vote.

(b) The names of the members of the House shall be called alphabetically, except the Speaker who shall vote last, and each shall, without debate or comment, answer 'yes', 'no', or 'not voting', from their respective seats.

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

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

Rule 29 - 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 termination 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 30 - Standing Committees

(a) The standing committees and subcommittees of the House shall include members of the two political parties and shall be appointed by the Speaker. The Speaker shall designate a chairman for each committee 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.

COMMITTEES

- (1) AGRICULTURE
- (2) APPROPRIATIONS
- (3) BANKING & INSURANCE
- (4) CORRECTIONS
- (5) EDUCATION
- (6) ETHICS
- (7) HAZARDOUS WASTE MANAGEMENT
- (8) HOUSING & COMMUNITY AFFAIRS
- (9) HUMAN RESOURCES
- (10) JUDICIARY
- (11) LABOR & HUMAN RESOURCE MANAGEMENT
- (12) LAND USE & GOVERNMENT RELATIONS
- (13) NATURAL RESOURCES
- (14) PUBLIC SAFETY
- (15) REVENUE & FINANCE
- (16) RULES
- (17) SMALL BUSINESS & ECONOMIC DEVELOPMENT
- (18) SUBSTANCE ABUSE
- (19) SUNSET & OVERVIEW
- (20) TRANSPORTATION

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

Rule 31 - Appointment of Special Committees

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

Rule 32 - 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 it 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 the 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.

(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 33 - Joint Committees

The House of Representatives and the Senate by mutual agreement may establish a Joint Committee for some particular specified purpose. The House members of any Joint Committee shall be appointed by the Speaker. The Joint Committee shall select its own chairman and vice chairman.

Rule 34 - Quorum on Committees

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

Rule 35 - 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.

(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 Section 10004 (b) and (c) of Title 29.

Rule 36 - 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.

(d) 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.

(e) All Bills and Resolutions shall be acted upon by the appropriate standing committee within twelve legislative days of that legislative session after being assigned to that committee.

(f) The Chairman will return the Bill or Resolution to the Chief Clerk within two legislative days after a Bill or Resolution has been voted out of committee.

(g) 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.

(h) 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 37 - 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 38 - Committee Recommendations to Appropriations Committee

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

Rule 39 - 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. So far as may be applicable, the rules of the House shall be observed in the committee of the whole.

VI. MOTIONS

Rule 40 - Debate and Vote on Motions

(a) After a motion is stated by the Speaker or read by the Clerk, it is in the possession of the House, but with the consent of the House, it may be withdrawn at any time before a decision thereon.

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

(c) 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.

(d) 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.

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

(f) 'Measure' as used in these Rules means a Bill, Resolution, Amendment, motion, or other question before the House.

Rule 41 - 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. If a motion to postpone indefinitely is pending when this motion is made, this motion is not debatable.

(2) To adjourn. This motion is not debatable and can neither be amended nor reconsidered. The motion shall state the hour and day to which it is proposed the House adjourn. A motion to adjourn having been determined in the negative, another motion to adjourn cannot be put to the House until some legislative business has intervened. This motion is out of order on the legislative day for the final calendar day of any session.

(3) To recess. If a motion to postpone indefinitely is pending when this motion is made, 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 postpone indefinitely. This motion is not debatable, may not be amended, and if carried affirmatively, may not be reconsidered.
- (13) To reconsider.
- (14) 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 42 - 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 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 43 - 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 Senate measure, 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 subject to debate.

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 and the name of the prime sponsor. 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 if the changes are technical or if the amendment makes substantive, non-technical changes, then assigned to committee.

(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. When a measure has remained laid on the table for six legislative days the measure shall be returned to the Ready list; or

4. Otherwise considered.

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 or if a member objects to its inclusion thereon.

(c) All Bills or Joint Resolutions on a Consent Agenda shall be read and voted upon as a simple 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. All Resolutions on a particular Consent Calendar shall have the same vote requirements.

(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 or if a member objects to its inclusion thereon.

(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 committee, the Bills, Resolutions or other measures that are being placed on the Agenda for that legislative day. The Agenda shall not contain more than 30 items.

(c) All enacted Bills and concurrent 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 rules of parliamentary procedure comprised in 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 Chief Clerk, or in his or her absence, the Assistant Chief Clerk, unless otherwise directed by the Speaker and House Administration Committee shall have jurisdiction over the members of the legislative staff. In this respect, the Chief Clerk, or the Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration Committee. The Chief Clerk of the House will 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 Legislative Council.

(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 of the House and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service. A member of the General Assembly shall not be charged a fee for this service.

Rule 54 - Registration of Legislative Agents

Legislative agents shall be registered by Legislative Council.

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 in writing on the agenda certain items to be determined by expedited procedures. 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, representatives of the Legislative Council, 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 – 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 can neither be reconsidered, laid on the table, nor postponed indefinitely, and while it is pending no motion may be made except to adjourn. A separate suspension of the Rules is necessary for each proposition.

Rule 59 – Repeal or Amendment of Rules

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

Rule 60 – Rules to be Printed

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

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

Rule 61 – State Mail and Postage

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

1st LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 8, 1991

Mr. Acting Speaker Hebner called the House to order at 2:00 P.M.

Mr. Petrilli moved that Mr. Hebner be made Temporary Speaker until a permanent Speaker of the House is elected. The motion was seconded by Mr. Buckworth and adopted by voice vote.

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

Mr. Petrilli moved that the House operate temporarily under the rules of the 135th General Assembly until permanent rules for the 136th are adopted. The motion was seconded by Mr. Buckworth and adopted by voice vote.

A prayer was offered by Reverend Mr. Charles E. Covington, Centenary United Methodist Church, Laurel, DE.

Mr. Temporary Speaker Hebner 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 136th General Assembly.

Representative District No. 1 - Representative-Elect Orlando J. George, Jr.
Representative District No. 2 - Representative-Elect Rourke A. Moore
Representative District No. 3 - Representative-Elect James H. Sills, 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 Charles L. Hebner
Representative District No. 10 - Representative-Elect Jane Maroney
Representative District No. 11 - Representative-Elect Marybeth T. Boykin
Representative District No. 12 - Representative-Elect Philip J. Corrozi
Representative District No. 13 - Representative-Elect John F. VanSant
Representative District No. 14 - Representative-Elect John A. Campanelli
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 Ada Leigh Soles
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 E. Stuart Outten, Jr.
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
Representative District No. 36 - Representative-Elect V. George Cramer
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 of two members be appointed to receive and examine the Certificates of Election. The motion was seconded by Representative-Elect Buckworth and adopted by voice vote.

Mr. Temporary Speaker Hebner appointed Representative-Elect Quillen and Representative-Elect Soles to receive and examine the Certificates of Election of the Members-Elect.

Mr. Temporary Speaker Hebner declared a recess at 2:14 p.m. for the purpose of examining the Certificates of Election.

Mr. Temporary Speaker Hebner introduced the Laurel High School Chorus, which performed during the recess.

The House reconvened at 2:37 p.m.

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

Mr. Temporary Speaker Hebner requested that the Temporary Chief Clerk read the 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 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 J. Poppiti 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. 1990.

Henry duPont Ridgely, President Judge
Vincent J. Poppiti, Resident Associate Judge

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

Representative-Elect Petrilli moved that the oath of office of Representative be administered to Temporary Speaker Hebner by Justice Randy Holland, Supreme Court Justice from Sussex County. The motion was seconded by Representative-Elect Buckworth and adopted by voice vote.

Justice Holland then administered the following oath to Representative-Elect Hebner:
I, Charles Hebner, 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 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.

Charles L. Hebner
State Representative

Sworn and subscribed before me this 8th day of January, A.D., 1991.

Justice Randy J. Holland
Supreme Court of Delaware

Representative-Elect Petrilli moved that Justice Holland administer the oath of office to the other forty Representatives-Elect. The motion was seconded by Representative-Elect Buckworth and adopted by voice vote.

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

The roll call was taken and revealed:

Members Present: - 41.

Representative Petrilli moved that the roll be adopted as the permanent roll of the House of Representatives of the 136th General Assembly. The motion prevailed.

Representative Petrilli introduced and brought HR 1, jointly sponsored by Representative Buckworth, 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 136th 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 136th General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representatives Petrilli and Buckworth were appointed to escort Representative Spence to the podium.

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

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

I, Terry R. Spence, do proudly swear to carry out the responsibilities of the office of Speaker of the House 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 8th day of January, A.D., 1991.

Justice Randy J. Holland
Supreme Court of Delaware

Representative Hebner announced that the Majority Caucus has met and elected Representative Joseph R. Petrilli from the 22nd District as Majority Leader and Representative Gerald A. Buckworth from the 34th District as Majority Whip.

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

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

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 136th 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 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 136th 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.

Representative Petrilli moved to suspend the rules which interfere with action on HJR 1.

1. There was no objection.

The roll call on HJR 1 was taken and revealed:

YES: - 40.

ABSENT: Representative Campanelli - 1.

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

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

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

HR 3 was adopted by voice vote.

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

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

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

HR 4 was adopted by voice vote.

Mr. Speaker Spence appointed Representative William A. Oberle, Jr. and Representative Charles L. West to notify the Senate that the House is organized and ready for business.

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

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

The Majority Leader moved to recess to the call of the Chair at 3:25 p.m.

2nd LEGISLATIVE DAY 136th GENERAL ASSEMBLY

First Session

January 9, 1991

Mr. Acting Speaker Buckworth called the House to order at 2:00 p.m.

Mr. Speaker Spence resumed the Chair.

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 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.

Representatives Maroney, Fallon, Brady & Outten requested that they be marked present.

Representative Roy requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:10 p.m.

The House reconvened at 4:11 p.m.

Representatives George, Schroeder, D. Ennis, Corrozi, Mack & Campanelli requested that they be marked present.

Representatives Sills & Jonklert requested that they be marked present.

The following prefilled Consent Calendar #1 was introduced:

HR 5 - OBERLE, SPENCE, BUCKWORTH, CAREY, MACK, SMITH, B. ENNIS, BRADY, SOLES, HOUGHTON, WEST, CORROZI, BOYKIN, D. ENNIS, DIPINTO, LEE, REYNOLDS, TAYLOR, GEORGE, GILLIGAN, BUNTING, HEBNER, QUILLEN, LOFINK, MARONEY, EWING, FALLON, PETRILLI, DAVIS, SCHROEDER, OUTTEN, BENNETT, CLARK - Honor and Recognize the Men and Women of the Delaware Army and Air National Guard Serving in the Middle East and Throughout the World in Support of Operation Desert Shield.

HCR 1 - SPENCE, BUCKWORTH, PETRILLI & ALL REPRESENTATIVES & ALL SENATORS - Mourning the Loss of Clifford F. Lee, Fortieth District Representative and a Much Admired Man to All Who Had the Good Fortune to Know Him.

HCR 2 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVE SPENCE - Expressing Condolences to the Family of Harry A. Shagrin of Middletown, Delaware, an Astute Businessman and Active Community Leader Who Passed Away at the Age of Ninety.

At the request of Representative Petrilli, HCR 1 was read in its entirety.

HCR 1 - Mourning the Loss of Clifford F. Lee, Fortieth District Representative and a Much Admired Man to All Who Had the Good Fortune to Know Him.

WHEREAS, there are few men who are truly admired for their quiet wisdom and unbending sense of right from wrong but we in the House of Representatives were blessed with four years of quality leadership from Clifford F. Lee, who was taken away from us in the prime of his career on October 1, 1990, causing widespread mourning in the town of Laurel, in Dover's Legislative Hall and many other places in Delaware; and

WHEREAS, though Cliff Lee got his start in Newark above the canal, he quickly developed deep and lasting roots in Sussex County and was soon a familiar face in Delaware civic, community and political organizations; and

WHEREAS, community and public service came easily to Cliff Lee, for he served as councilman and mayor of Laurel, President of the Delaware Volunteer Firemen's Association, past president of the Laurel Fire Department was a member of American Legion Post #19, was a 30 year member of the Centenary United Methodist Church, plus held many positions with little league, basketball and football organizations throughout the state; and

WHEREAS, Cliff Lee made history in 1986 by becoming the first Republican elected to serve the people of the fortieth district in over fifty years, so Cliff went to work in January 1987 by chairing the Small Business and Economic Development Committee, then advancing to chair the Revenue and Finance Committee and served as a member of the Banking and Insurance, Housing and Community Affairs and was an alternate of the budget writing Joint Finance Committee; and

WHEREAS, Cliff Lee was a man with the patience to hear all sides of an issue, which made him a favorite legislator in the hallowed halls of the General Assembly; fair and kind to the staff and truthful to his colleagues, Cliff was a fair man and one who did not enjoy grandstanding or dog and pony shows which are often usual fare in Legislative Hall; and

WHEREAS, Cliff Lee was a very special person; he was a builder of people, of the community, of the church and everything around him. We knew, when we heard the news, what a hole he would leave in our lives; and

WHEREAS, wounds of loved ones now lost are slow to heal but comfort can be taken by the family of Cliff Lee as we in the General Assembly share your loss and send our prayers to Janet and his children Randy, Tommy and newly elected 40th District State Representative Biff and grandchildren in this their greatest time of sorrow; and

WHEREAS, perhaps the words of Rossiter Worthington Raymond may help those now grieving, for he wrote, "Life is eternal; and love is immortal; and death is only a horizon; and a horizon is nothing save the limit of our sight;" and it is hoped these words add a much needed comfort to the family of Cliff Lee, for we know we shall always cherish the memories we hold dear and that we shall never be without the spirit of Cliff Lee's goodness and honesty, which brought out the best in each of us.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware, the Senate concurring therein, that we mourn the loss of Clifford F. Lee, fortieth district State Representative and much respected member of the General Assembly, and offer our prayers to his family and friends.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be forwarded to his widow Janet and children Biff, Randy and Tommy.

The House observed a moment of silence in memory of Representative Clifford F. Lee. Consent Calendar #1 was adopted by voice vote and HCR 1 & HCR 2 were sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:43 p.m.

3rd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 10, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HJR 1, SCR 1, SCR 2, SCR 3 &

SCR 4.

January 10, 1991

MEMORANDUM

TO: The Honorable Terry R. Spence

FROM: The Honorable Charles P. West

RE: The General Assembly Session of January 10, 1991

Due to illness in my immediate family, I will not be able to attend today's session.

CPW/jk

Representative Petrilli introduced and brought SCR 3, sponsored by Senators Cordrey, Sharp & McDowell, before the House for consideration.

SCR 3 - Providing for a Joint Session of the House of Representatives and the Senate to be Convened to Hear the Annual State of the State Address by Governor Michael N. Castle, Governor of the State of Delaware.

SCR 3 was adopted by voice vote and returned to the Senate.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative West - 1.

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.

Representative Brady requested that he be marked present.

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

The following prefilled legislation was introduced:

HB 1 - QUILLEN & GILLIGAN; SENATORS MCBRIDE & HOLLOWAY - H/ADM: An Act Concurring in a Proposed Amendment to Article II of the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

HB 2 - QUILLEN, DAVIS, EWING, BUNTING, OUTTEN - B & I: An Act to Amend Chapter 39, Part I, Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

HB 3 - ROY - LAND USE & GOV REL: An Act to Amend Title 9, Delaware Code Relating to Changes in Zoning.

HB 4 - ROY - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Receiving Stolen Property.

HB 5 - ROY - B & I: An Act to Amend Chapter 32, Title 5, Delaware Code Relating to the Transportation of Money and Valuables.

HB 6 - ROY - TRANS: An Act to Amend Title 21 of the Delaware Code, Relating to Van Pools and Car Pools.

HB 7 - ROY - HUM RES: An Act to Amend Title 16 of the Delaware Code Relating to Health and Safety; and Providing for a Clean In-Door Air Act.

HB 8 - SILLS; SENATOR MARSHALL - R & F: An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to the Neighborhood Assistance Act.

HB 9 - SILLS, AMICK, D. ENNIS, DAVIS, MOORE, BRADY, GEORGE, SPENCE, SCHROEDER, SOLES, LEE, BUNTING, GILLIGAN, CAULK - R & F: An Act to Amend Title 30, Delaware Code Relating to Business Tax Credits and Deductions.

HB 10 - SILLS, DIPINTO, D. ENNIS, MOORE; SENATORS HOLLOWAY, MCDOWELL - R & F: An Act to Amend Chapter 20, Title 30, Delaware Code by Creating a Tax Credit for the Creation and Operation of Low Income Housing Units.

SCR 1 - MINNER; REPRESENTATIVE CAREY; SENATOR VAUGHN; REPRESENTATIVE D. ENNIS - NAT RES: Extending the Life of the Delaware River and Bay Oversight Committee for the Purpose of Studying and Considering Additional Matters, Including the Design and Establishment of a Permanent Delaware River and Bay Oversight Commission.

The Majority Whip moved to recess for the Joint Session at 1:55 p.m.

JOINT SESSION
SENATE CHAMBER
January 10, 1991

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

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

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

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

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

At 2:02 P.M. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State Address by Michael N. Castle, Governor of the State of Delaware. There was no objection.

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

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

Senator Sharp moved that the President appoint a committee of four to escort the Governor to the Chamber. There was no objection and the President appointed Senator Thurman Adams, Jr., (Spokesperson), Senator Andrew G. Knox, Representative Orlando J. George, Jr. & Representative Tina Fallon.

The President declared a short recess to await the arrival of the Governor and the escort committee.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Castle.

Senator Adams introduced the Governor to the Joint Session.

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

Lieutenant Governor Wolf, Mr. President Pro Tem, Mr. Speaker, members of the 136th General Assembly, other elected officials, the Judiciary, the Cabinet, honored guests, and the people of Delaware:

As I first sat down a few weeks ago to begin thinking of what I would say today in this, my seventh State of the State address, I realized that, unfortunately for me, a majority of the members in this Chamber have endured all of them -- all delivered in more prosperous times.

And since no politician, especially a Governor, ever wants to be the bearer of anything but good news, I was tempted to reach for the phone and see if Dale wanted to try this one.

But on reflection, I felt that perhaps Teddy Roosevelt's approach was more appropriate.

In October of 1912, as Teddy Roosevelt was beginning a formal address, he was shot in the chest. Determined to give the speech despite his serious injury, Roosevelt turned to his audience and declared, "I will deliver this speech and die, one way or the other." Which goes to prove that almost nothing can stop a politician from giving a speech.

In January of 1985, when I delivered my first State of the State address, we were preparing to celebrate the Bicentennial of the United States Constitution and Delaware's unique role in the adoption of that document. We reflected that day not only on the history of those two hundred years, but on the principles of the Constitution which protect future generations.

I said that day, "For as long as one child is in danger or neglected, for as long as one senior citizen is denied the benefits of modern medical technology, as long as one community must endure the threat posed by hazardous wastes, as long as one family is denied the opportunity to enjoy the benefits of a growing economy, then the challenge to make this state the best place to live in remains before us."

Those principles -- the best education system for our children; health care for those in our society unable to meet costs; preservation of the environment to ensure that our grandchildren have clean air and water; and, an economy that provides real opportunity for our citizens -- are principles that stand as true today in harsh times as they stood six years ago in more prosperous surroundings.

They are principles for which we must all draw the line in the sand.

They are principles for which we must all continue to fight.

In the end, however, it is not politicians, governors legislators or cabinet officials who protect these principles. Rather, it is the unique character and strength of the people of Delaware which in the past allowed us to prosper by working together and which in the future will allow us to continue to move forward -- not retreat as the resources at our disposal diminish.

It is difficult to describe the strength of character that is unique in Delawareans, but there are times that it's presence touches us all.

A year ago when I delivered the State of the State speech, Cliff Lee sat among us. Today, his son Biff represents those Sussex Countians who had developed a close and personal tie to his father's gentle quality of leadership.

On a crisp, clear fall day last October, most of us here sat in that quiet church in Laurel at Cliff's funeral and I am sure that you, like me, were moved when Cliff's grandson left the family pew and walked down the aisle to join his fellow Laurel students in tribute to his grandfather by singing,

Did you ever know that you're my hero
And everything I would like to be
I can fly higher than an eagle
'Cause you are the wind beneath my wings.

The strength and courage of the Lee family in those moments of deep personal anguish personified that character unique to Delaware.

The character of the Lee family should remind us today that there are thousands of Delaware families who are struggling to face difficult challenges -- in education, in health care, in job opportunities.

For six consecutive years, I have been able to declare in the State of the State that the resources available to meet the growing needs of our citizens were more than ample. Today I cannot make that statement.

In just one year, despite the tough decisions that you made last session by increasing revenues, the Delaware Economic and Financial Advisory Council estimates have fallen nearly 100 million dollars.

Even Washington has finally recognized what any Delaware family could have told them months ago: the economy is in a recession and the prospect of a quick turnaround that will send revenues soaring again is virtually non-existent.

Those of you sitting here for the first time, Senators Patricia Blevins and Dave Sokola, and Representatives Wayne Smith, Rourke Moore, Vince Lofink and Biff Lee, face the prospect of serving a full term without significant revenue growth -- growth your colleagues have considered routine.

Caught in the tide of national economic problems -- from the massive federal deficit to rising fuel prices to the threat of war in the Middle East -- our greatest challenge for 1991 will be to protect the strong economic foundation that has already helped shelter us from the winds of the storms around us.

We have all seen the accounts of the fiscal disasters encountered by many of our sister states resulting in massive cuts of programs and people.

Part of their problems were caused by the slowing economy. Others, however, were caused by the failure of those states to deal with changing economic conditions. They did not reduce spending -- they merely depleted the reserves. They did not re-examine priorities. There were no legal restraints.

As we cope with the downturn in our economy, we cannot look for a quick fix.

We must not follow Massachusetts where massive tax increases have fallen short of balancing the budget. We will not go the way of New York, where the never-ending shell game has finally been played out on the backs of thousands of employees who are suddenly turned out onto the streets.

We cannot allow a divided government to be reduced to the wrangling of Philadelphia, where the future of a once great city has faded.

None of that will happen in Delaware because Richard Cordrey and Terry Spence; Tom Sharp and Joe Petrilli; Nancy Cook and Phil Corrozi; Lonnie George and Myrna Bair, and, most importantly, the people of Delaware will not let it happen.

We have learned in the last decade the valued lesson of a true government/private sector partnership. We have learned that by challenging outmoded concepts with visionary thinking, we create new jobs and opportunities for our people. We have learned that the easy solution of tax and spend didn't work in the past and won't work now.

And yet, as we prepare to weather the storm of this spring and beyond, we need not abandon the course that we have set -- in education, in environmental protection, in health care services and in economic growth.

* * *

For a long time, in large measure, the basic quality of the education that a child received in Delaware was decided by geography.

If you lived in a wealthy district with vast resources, your local school boards had the ability to pay teachers more, to fund innovative programs and to meet special needs. Since then, the foundation of Delaware's education system has radically changed. Step-by-step we have narrowed the gap between rich and poor districts by massive increases in state equalization.

In each of the last six years, we have increased equalization by an average annual growth rate of 27 percent and we will continue that progress. In these same years, we made dramatic progress in pay for our teachers. In 1985 the average teacher's salary was 24,624 dollars. Today, it is 35,246 dollars, moving us in rank among the states from 21st place to tenth.

But, as we in Delaware realized, money alone will not improve our system.

In 1989, with that realization weighing on our minds, the Nation's 50 Governors joined in only their third summit in history to address the one subject we all resoundingly agreed was of sufficient magnitude to warrant this gathering. The subject was America's education system.

In preparation for this meeting, hundreds of concerned citizens and professional educators joined me at Delaware's own Summit. I carried their ideas to that historic meeting of Governors and the President in Charlottesville, Virginia, where, for the first time, a national education agenda was agreed upon.

We determined that we must build flexibility, accountability and results into our education system. At the conclusion of that conference, the President and Governors committed to accomplishing six goals by the year 2000.

Now, nearly one and a half years later, it is only fitting that we measure the progress we have made in achieving these goals and what we will do in the future to meet them.

Goal One: All children will start school ready to learn.

Delaware began meeting this challenge when it became one of the first states to mandate universal kindergarten and launched the "Focus on the First Sixty Months" program, helping set the national trend towards preparing children for school through proper health care and early exposure to education. We have made substantial progress preparing our youngsters for school by improving the health of babies born to at-risk mothers and by increasing resources available to our poorest mothers and children.

One program begun last year, -- the SMART START project that provides enhanced prenatal care to Medicaid-eligible women with a history of high risk pregnancies, has had tremendous results. Last year, nearly 200 babies were born at healthy weights under this program, and as I held one on my lap at a birthday party to celebrate this success, I was struck by the fact of how much we can lessen the obstacles for our children as they begin their odyssey into life.

Goal Two: The high school graduation rate will increase to at least 90 percent.

Through our Children-At-Risk and alternative high school initiatives, we have reduced our dropout rate by 12 percent. The Adult Secondary Education program has also contributed to this decline, giving us a great leg up in our climb to have ALL our children complete school.

Goal Three: Students will leave grades 4, 8 and 12 having demonstrated competency in challenging, basic subject matter.

Under legislation you passed last year, the Department of Public Instruction has begun redesigning our testing and student assessment programs. When done, it will provide the accountability that has been so lacking in our system before, by measuring the competence of our students at at least four grade levels, and thus measuring the quality of our schools.

To further that progress, we produced the State's first-ever set of school profiles, and as restructured testing comes on-line, the results should be incorporated in our profiles so that every citizen can see what a school does well and where it needs improvement.

Goal Four: Our student's math and science achievement will match the best of our international competitors.

With Delaware's great resources in the sciences, we should be first among all the states. We are beginning. We are beginning thanks to people such as the parents and teachers at Eisenberg Elementary School in New Castle, who this year created a "hands-on" science room for their kids. The genius of this approach is that parents and teachers together made it, and that kids learn science by experimenting with it -- not just reading about it.

This same active learning approach is growing around the state. Student participation in the Science Olympiad, the Math League, and the Computer Fair are all on the rise. These are undoubtedly just beginnings, but as we give educators more flexibility to create these types of programs, there will be specific results.

Goal Five: Every adult will be literate and possess the skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

When we pursue the adult literacy goal we get a double benefit because, as adults gain confidence in their own academic abilities, they become more productive in the workplace and more helpful teachers at home. In another results-oriented project, Adult Basic Education, participation increased 17 percent in 1990, 90 percent of its participants reported gains in their academic skills and half said their new skills had translated into economic gains.

In addition, the Lieutenant Governor's summit on literacy held last year set goals and established a statewide task force to manage the programs to achieve them in the coming year.

Goal Six: Every school will be free of violence and drugs and offer a disciplined environment conducive to learning.

We can be cautiously optimistic on this front. Our annual student survey shows a downturn in drug use in almost every area. The Christina and Colonial Districts have put in place student assistance programs that help students who recognize their abuse problems to address them and, in time, overcome them. And our community cluster programs against substance abuse continue spreading to new areas in need. The key is to allow individual groups to determine how to solve their own specific problems.

We are making progress toward total fulfillment of these six goals by the year 2000, but we still have a long way to go. The key to achieving these goals is to incorporate flexibility, accountability and results into all our programs. When I first received the National Geographic poster commemorating these goals, I was struck by the complete commitment that would be needed by every member of our community to fulfill them. Today I am sharing these posters with you because we have a shared responsibility to achieve that goal.

Recognizing where we have been in education, and where we are now, we must turn our focus to the future.

We must remain open to revising other rigid systems, such as school transportation. While we must be assured that our children are safely transported to school, we need to examine whether our present system makes sense economically and logistically.

Can we adjust the formulas that dictate the routes? Can we use alternative methods such as public transportation options for older students? Would these changes allow us to re-direct dollars to the classroom?

I am asking the State School Board to examine this multi-million dollar issue and to determine if we can make changes that would save dollars that we can put toward teaching our children and not merely busing them.

The challenges to the education community and our ongoing efforts to meet the National Education goals will bring us the means and methods necessary to make our education system the very best in the nation.

Besides the benefits that the education system provides all of us, nothing affects our daily lives more than the environment in which we live.

On more than one balmy summer evening, many of us have sat looking across the still waters of Rehoboth Bay and watched the orange glow of the sun setting behind Thompson's Island. It is that scene which captures the essence of what we must do to protect the land.

It is also a scene that Department of Natural Resources and Environment Control Secretary Toby Clark saw for the first time just one year ago. Yet he, more than any other individual I know, has worked tirelessly and creatively to protect Delaware's environmental legacy.

Toby has strengthened the effort we began three years ago when we embarked on a program of land acquisition and conservation with a goal to preserve those pristine acres, like Thompson's Island, that could disappear in an instant -- forever -- in the name of progress.

The initial investment of 21 million dollars combined with conservation easements has already protected nearly 4,000 acres. Your actions last session in passing Senate Bill 110 and providing over 70 million dollars for land acquisition will begin to produce additional results next year as the Open Space Council begins to select specific parcels for acquisition.

This February we will unveil a comprehensive, statewide plan for establishing the Delaware Greenways Program, a program which I hope will result in hiking trails and bike paths linking communities, parks, and greenspace throughout the state.

To further this process, I would ask each legislator to join me in considering the enhancement that would occur in each of your districts if you allocated up to 15 percent of your existing suburban streets funds for acquisition and development for fitness trails, hiking trails, bike paths, and other types of greenways.

If each of you were to participate, that would mean an allocation of 1.5 million dollars a year toward the effort of making a greenway program a reality in every corner of Delaware.

Cooperation has been a cornerstone for our environmental progress. Through the efforts of hundreds of Delawareans, a comprehensive program has been formulated, debated, adopted and is being implemented to address threats to the stability and livability of our Inland Bays.

The implementation of that plan will continue this year -- including stricter marina regulations designed to reduce impacts on water quality, continuation of successful demonstration projects for shoreline protection, establishment of a central sewer system in West Rehoboth to help eliminate both septic and surface water pollution, and a current conservation plan being adopted by owners of 14,000 acres of farm land in the Inland Bays to help reduce pollution caused by present agricultural practices.

Cooperation also brought us one of our most significant new initiatives in 1991 -- the statewide voluntary recycling program -- RECYCLE DELAWARE.

This program is now offering people the opportunity to recycle household materials at 19 centers -- and another 20 will be opened by June. The success has been instantaneous. The Delaware Solid Waste Authority estimates that more than 50,000 families will routinely use those centers and already almost 55,000 pounds of paper, plastic, glass and cans have been collected.

And RECYCLE DELAWARE is just one part of DNREC's new waste minimization and pollution prevention program "Three Rs for the 90s" which means that we will reduce, reuse and recycle our wastes. The program establishes a whole new thrust for our pollution control effort, an approach based on the realization that it is much better economically, as well as environmentally, to avoid producing pollution at the outset.

Delaware turned a corner in 1990 with a nearly unanimous public, private and political commitment to environmental protection. Yet we still face significant challenges: maintaining this level of commitment through strict regulatory enforcement and program development, and forcing industry to improve operating standards to the point that no citizens in Delaware -- from Delmar to Delaware City -- should be fearful or threatened by the affects of their operations.

The actions that we have taken in the last six years are a beginning toward meeting our basic goals of assuring that future Delawareans have clean air and water, open space and greenways and the chance to enjoy the beauty of a sunset on Rehoboth Bay uncluttered by development.

In so much as we have dedicated ourselves to the protection of the environment which sustains us, we have made an equally strong commitment to protecting the wellbeing of our people.

* * *

When I first took office, among the problems we faced was the high rate of infant mortality.

With that challenge, we created the programs I spoke of earlier when I discussed education to meet the first goal of preparing children for school, but we have taken many other steps. In 1985, we had a very basic Medicaid program that reached fewer than half the poor pregnant women and children. Today we have reversed that trend and are providing health coverage for an additional 2500 women and children.

During this time, we also built comprehensive women's health clinics in New Castle County and began offering prenatal care and maternity services in Kent and Sussex Counties. At Kent General Hospital alone, 50 percent of the women giving birth receive services through the prenatal care clinic in Kent County.

Today, our infant mortality rate is declining, thanks to efforts such as SMART START and the Diamond Deliveries programs.

And our efforts in this area will continue. In 1991 we will further expand Medicaid coverage to pregnant women and children up to age eight. We will offer coverage to children up to age 18 living below the poverty level. And, this year, for the first time, we will offer health care coverage to the general assistance population.

By October, Delaware will receive 2.2 million new federal dollars for child care services. In order to effectively determine the best use of these new dollars, I will later this month form an interagency group to develop strategies and programs.

With this money, we will be able address the needs of the thousands of Delaware children who are in child care programs. Also, to improve the quality of these efforts, we will soon announce the implementation of the nation's first statewide effort to train child care providers.

Our work in protecting people goes much farther than helping children. Through our continuing shift from institutional-based mental health care to community-based care, we have begun providing services in a more humane and effective manner. Through this shift, we have funded 35 residential facilities for the mentally retarded and dramatically increased the number of mentally retarded and mentally ill clients we serve in the community rather than in institutions. Thanks to Tom Eichler's strong leadership, the people of Delaware are receiving these services in a much more effective manner.

As we look to the leadership of Nev Curtis and the Delaware Health Care Commission to begin implementing a strategy to provide adequate health care to the 72,000 medically indigent Delawareans, we again expand our efforts in helping people in need.

The Delaware State Housing Authority has developed a multi-faceted program providing a variety of housing related resources and services. Through this expansion the Authority has:

*Offered a variety of home loan assistance programs to different income level families.

*Created on-site child care at State-owned facilities, such as the Mifflin Meadows Child Development Center.

*And, provided assistance to housing units through the Housing Development Fund. For the family struggling to make ends meet, or the homeless, housing is much more than just bricks and mortar, housing is a right of humanity and is a foundation for the family structure.

In order to meet the demands of a growing homeless population, the state has already invested 1.1 million dollars in projects to aid the homeless by assisting with the construction of Sojourner's Place and the Home Life Management Center in Wilmington, Northport in Georgetown and Shepard Place in Dover.

Caring means not only sheltering people, but protecting them from outside threats. When I took office, only one state and the District of Columbia had mandatory seatbelt laws. As I stand here today, that number has risen to 36. Ladies and gentlemen, the time has come for the Delaware General Assembly to pass mandatory seatbelt legislation.

We consider the safety of our people enough to create a program that will move us this year from providing just local paramedic services to providing these critical state services statewide when the first people will graduate from the training program. And after years of careful planning and study, we will break ground on two new prison facilities in 1991, broadening our efforts to meet the increasing demands of public protection from crime.

* * *

While the 80s saw an explosion of new job opportunities, the year ahead will not match that growth. Working together, we in this state have done everything in our power to provide meaningful job opportunities for our citizens in the last six years. In fact, job growth has outpaced our new workforce population by nearly 10 percent.

In my 1987 State of the State address, I spoke of the link between a strong economy and our ability to fund government services.

I said, "A strong and growing economy provides the means to pay our teachers and state employees better, do more for our young children, preserve and protect open space and wetlands, to shelter the homeless, to feed the poor, to comfort the aged.

"A strong and growing economy makes all that possible -- without imposing a tax burden so great that we destroy individual initiative and shut down the economic engine."

The growth of Delaware's economy has paused, it has not stopped; in fact, Delaware is better poised than any other state to take advantage of a recovery when it comes.

The development of the financial service industry as a new significant employer will be a key to realizing that rebound.

In the financial services industry alone, the job growth since 1985 has been about 11,000. Even as the economy turns down nationally, this industry continues to expand locally. The Associates, one of the largest credit operations in the country, will establish its bank here; Sears/Discover Card, Manufacturers Hanover, Corestate, and NCNB have all expanded in 1990 and will add more jobs in 1991.

With the passage of the Banking and Insurance legislation, we correctly recognized our right to empower Delaware-chartered banks to engage in insurance activities.

We are hopeful that the attempt by the Federal Reserve to thwart our decision will be quickly decided in the courts so that Citibank can proceed with its plans here in Dover to bring another major source of job opportunity to central Delaware.

While the success in our financial industry has been stunning, we all recognize that economic diversity -- from food production at General Foods in Dover, to auto manufacturing at Chrysler in Newark -- has paid off in new jobs as well.

In 1992, the new Hewlett-Packard facility will be completed and the tax revenue from their estimated 800 excellent jobs and almost 300 million dollars in payroll will be a major revenue source for decades to come.

The Department of Labor and the Delaware Development Office will establish, through the use of Blue Collar Tax revenue, a scholarship program to allow adults to upgrade their skills. This program will include matching participation with small business employers.

In addition, we have expanded one of our most important industries in an exciting new way, thanks to the leadership of Dale Wolf. Dale has made the innovative industry of aquaculture a viable economic and agricultural development for Delaware in the 90s.

Also with Dale's help, and the leadership of a newly created Board of Directors, the Composites Park -- a joint project of the Delaware Development Office, the University of Delaware and private industry, is moving forward. This Park will put Delaware at the forefront of developing high performance materials used in the automotive and aerospace industries.

With our natural proximity to high-tech companies such as Du Pont, Hercules, and ICI, this project represents our best prospect for a new industry providing job opportunities.

Delaware remains the dominant legal home of corporate America. The Department of State and the Delaware Development Office will seek to expand that dominance by accelerating existing programs directed at companies not presently legally located here. In addition, the departments will target international investors and companies already Delaware residents to convince them to physically locate their financial and management headquarters here. Success in this area would complement our growing reputation as the state where financial and management operations should be headquartered.

In all that we do in attempting to develop new job opportunities for Delawareans, nothing has been more critical to our success than the personal attention that is the hallmark of our efforts. It is essential that one-on-one involvement at all levels of government continue if we are to be successful in expanding job opportunities in these difficult times.

It is also essential that we continue our extraordinary efforts in transportation to sustain this economic growth. With all of the highway and road improvements in recent years, we are building on that achievement and moving successfully into the area of mass transit. Last year alone we introduced a popular beach park and ride service, expanded commuter rail service to Philadelphia and transit service for Dover. We expect these services to expand further as ridership increases.

Not forgetting that our highways, however, are a reflection of our state, I am asking the Department of Transportation to take the success of the Adopt-A-Highway program and establish a State Highway Beautification program in 1991.

* * *

In looking back over the past six years, it is fair to say that we have made significant progress toward building the very best education system, to expanding health benefits to those in need, to protecting the environment and to providing economic security for our citizens.

But much more needs to be accomplished.

In my budget address this year, you will see we have not retreated from these principles -- we will go forward despite the fact that we will not have the resources to expand programs as rapidly as we have in the past.

And as you examine the overall economy and its effect on our revenues, I believe that you will join me in concluding that our sound, rational, prudent approach has provided the foundation which will allow this progress to continue in these difficult times.

Those of us in this hall and chamber tend to concentrate particularly as we begin each new session on the specific needs and problems of Delaware. Those problems pale in comparison to the threat that looms before us as a nation in the next few days.

Today, more than a thousand military reservists, hundreds of National Guard members under the leadership of Major General Art Episcopo, as well as Delawareans serving on active duty in the United States armed forces -- many from the Dover Air Force Base, are responding as citizen soldiers have responded throughout our nation's history -- from Bunker Hill to Guadalcanal to the Mekong delta.

Just a few weeks ago, they were our neighbors -- the nurse who manned the night shift at Wilmington General -- the minister who delivered the Sunday sermon -- the construction worker helping to complete a new office building in Dover -- the son-in-law who left on Labor Day weekend and was missing from the family table at Thanksgiving.

In the next five days, as the world heads for that deadline and perhaps beyond -- much will be written and said about why we are there, about oil prices, about a new world order.

But to those Delawareans far away and their loved ones here, there is one issue pervading their thoughts: will they survive whatever comes, will they see Delaware again, alive and well.

I spoke at the beginning of this address about the difficulty of getting a politician to resist the temptation to give a speech. Perhaps the real contribution that we could make today is not to speak, but to pray.

Senator Adams' son-in-law, Captain Jay Mervine, is a pilot in the Gulf.

Thurman, would you lead us in offering for Jay, and to all those brave Delawareans, their families, and all the men and women in America prepared to defend freedom -- a prayer for their safe return. Ladies and gentlemen would you please rise. Senator Adams:

Let us bow our heads & be in attitude of prayer.

Our heavenly Father, we pray not only for members of our own families but for each member of the armed forces who is standing up for countries who are incapable of standing for themselves. We ask that you keep them safe, granting each one comfort in the knowledge that they are continually in our prayers. We pray for our world leaders who are trying to bring this stalemate to a peaceful conclusion. We ask that you give each one of them the wisdom to work toward avoiding any types of conflict. Heavenly Father, we know that you are the King of Kings, the Lord of Lords and the all-seeing eye and we do know that your power and wisdom are capable of miracles and now we pray that you will help us to seek peace and return all of our loved ones back to their families so that they again can go on and live a normal life. We ask all of this is thy name. Amen.

I would like to thank Senator Adams and each and every Delawarean who in their own way, everyday, continues the legacy of our great state, described so well by Thomas Jefferson when he said of Delaware, "It is a jewel among the states."

Mr. President, Mr. Speaker -- the State of the State and the character of its people could not be stronger.

Thank you very much.

* * * *

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

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

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

At 2:51 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 President declared the Joint Session adjourned.

* * * *

The House reconvened at 4:58 p.m.

Representatives Mack, Jonkiert & Bunting requested that they be marked present.
Representative Amick requested that he be marked present.

The following House Committee assignments were read into the record at the request of the Speaker:

MEMORANDUM

TO: All House Members

FROM: Terry R. Spence
Speaker of the House

Date: December 19, 1990

RE: House Committees 136th General Assembly

Rev. & Fin. - W. Smith (C), DiPinto, D. Ennis, Boykin, Jonkiert, Sills, VanSant

Sm. Bus. & Ec. Dev. - Boykin(C), D. Ennis, W. Smith, DiPinto, Jonkiert, Sills, VanSant

Bank. & Ins. - D. Ennis(C), W. Smith, DiPinto, Boykin, Jonkiert, Sills, VanSant

Hous. & Com. Aff. - DiPinto(C), D. Ennis, W. Smith, Boykin, Jonkiert, Sills, VanSant

Transportation - Roy(C), Taylor, Mack, Lofink, B. Ennis, Outten

Land Use & Gov. Rel. - Taylor(C), Roy, Lofink, Mack, B. Ennis, Outten

Haz. Waste Man. - Mack(C), Roy, Taylor, Carey, B. Ennis, Outten

Human Res. - Maroney(C), Hebner, Amick, Fallon, Brady, Moore, Outten

Education - Fallon(C), Amick, Quillen, Oberle, Reynolds, Brady, Moore, Outten

Substance Abuse - Amick(C), Hebner, Reynolds, Oberle, Brady, Moore, Outten

Judiciary - Hebner(C), Davis, Ewing, Lee, Bennett, Houghton

Public Safety - Ewing(C), Davis, Lee, Bennett, Houghton

Corrections - Davis(C), Ewing, Lee, Bennett, Houghton

Agriculture - Caulk(C), Carey, Quillen, Lofink, Bunting, Clark, Schroeder

Nat. Res. - Carey(C), Caulk, Quillen, Lofink, Bunting, Clark, Schroeder

Labor & Human Res. Manag. - Oberle(C), Reynolds, Mack, Campanelli, Houghton

Sunset - Amick(C), Taylor, Lee, Jonkiert, VanSant

Approp. - Corrozi(C), Quillen, Davis, DiPinto, (Fallon/alt), Soles, West, (Bennett/alt)

Bond - Roy(C), Carey, Taylor, Boykin, (Oberle/alt.), B. Ennis, Jonkiert

TRS/sf

Representative Petrilli introduced and brought SCR 4, sponsored by Representative Caulk & Senator Minner & cosponsored by Representatives Carey & Ewing, before the House for consideration.

SCR 4 - Commending Paynter A. Lynch of Milford for His Many Years of Outstanding and Dedicated Service to the State of Delaware and Its Citizens and Expressing Best Wishes for a Healthy, Long and Happy Retirement.

SCR 4 was adopted by voice vote and returned to the Senate.

Representative Roy introduced and brought HR 6, jointly sponsored by Representative Gilligan & All Representatives, before the House for consideration.

HR 6 - Extending Our Warmest Congratulations to Friend and Fellow Legislator, The Honorable Orlando J. George, Jr., Upon Earning His Ed.D. in Educational Leadership From the University of Delaware on January 5, 1991.

WHEREAS, three years ago our friend and colleague, Orlando J. George, Jr., embarked on a most ambitious course, the pursuit of his Ed.D. in Educational Leadership - an undertaking guaranteed to entail countless hours of additional work for this already busy family man, legislator and Del Tech Campus Director; and,

WHEREAS, given his abiding commitment to excellence and his enthusiastic personality, doctoral candidate George entered the classroom once again as a student graciously accepting hours upon hours of lectures, assigned readings, heavy research and the juggling of his personal and professional schedules; and,

WHEREAS, throughout his period of study, doctoral candidate George's Del Tech's colleagues marvelled at his determination and joked that the textbooks he carried every day for three years might "have to be surgically removed at graduation;" and,

WHEREAS, after two years of study and just when he was ready to begin his thesis and gain a little control over his daily schedule, doctoral candidate Orlando George learned that revising a thesis is the norm and not the exception but still managed a smile despite the numerous changes suggested by his thesis committee; and,

WHEREAS, his thesis submitted with nary a typo, graduation did indeed take place January fifth on the University of Delaware campus while Dr. Orlando George's proud wife Linda and daughters Melanie, Leana, Natalie and Olivia recorded the ceremony lest he awaken one morning with the fear that he had dreamt it all.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware that we do hereby extend our warmest congratulations to friend and fellow legislator Dr. Orlando J. George, Jr.

BE IT FURTHER RESOLVED that we ask to be placed on the mailing list for the many books and scholarly papers Dr. George will publish in the years to come and hope that he finds continued personal, intellectual and professional satisfaction from having attained this impressive educational milestone.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be presented to Dr. Orlando George.

HR 6 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:15 p.m.

4th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 15, 1991

Mr. Speaker Spence called the House to order at 2:00 P.M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 5, SCR 6, HCR 1 & HCR 2.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative D. Ennis - 1.

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

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

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

The following prefiled legislation was introduced:

HB 11 - PETRILLI, LOFINK - LAND USE & GOV REL: An Act to Amend Title 9 of the Delaware Code Relating to Collection of Taxes.

HB 12 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Title 29 of the Delaware Code Regarding Performance and Payment Bonds in Connection With Public Works Contracts.

HB 13 - ROY & SENATOR VENABLES; REPRESENTATIVES BOYKIN, HOUGHTON, JONKIERT; SENATORS MINNER, KNOX & J. STILL - SUNSET & OVERVIEW: An Act to Amend Chapter 1021, Title 29 of the Delaware Code Relating to the Final Report of the Joint Sunset Committee.

HB 14 - ROY & DIPINTO - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Satisfaction of Mortgages.

HB 15 - ROY, OBERLE, AMICK, PETRILLI, SOLES, BUNTING, SCHROEDER, SPENCE - TRANS: An Act to Amend Chapter 11, Title 17, Delaware Code Relating to Outdoor Advertising. (2/3 bill)

HB 16 - ROY, AMICK, PETRILLI & BUNTING - TRANS: An Act to Amend the Delaware Code Relating to Outdoor Advertising Permits. (3/5 bill)

HB 17 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Selection Process for Professional Services Contracts.

HB 18 - HEBNER, PETRILLI, SPENCE; SENATORS CORDREY, SHARP, VAUGHN - JUD: An Act Proposing the Addition of Article IV, Section 38B, to the Constitution of the State of Delaware Relating to the Appointment of Senior Status Judges and Justices, and the Redesignation of Existing Article IV, Section 38 as Section 38A. (2/3 bill)

HB 19 - HEBNER & SENATOR SHARP - JUD: An Act to Amend 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 20 - HEBNER & SENATOR SHARP - HUM RES: An Act to Amend Title 16 and Title 24, Delaware Code Relating to the State Board of Health and the Board of Medical Practice and Warnings to Pregnant Women Regarding Possible Problems From Use or Consumption of Alcohol, Cocaine, Marijuana, Heroin or Other Narcotics. (2/3 bill)

HB 21 - HEBNER & SENATOR SHARP - JUD: An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court and Relating to the Right to Jury Trial in the Superior Court.

HB 22 - HEBNER & SENATOR SHARP - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Right to Jury Trial in the Court of Common Pleas and in the Superior Court.

HB 23 - HEBNER & SENATOR SHARP - JUD: An Act Proposing an 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 24 - BENNETT, FALLON & OUTTEN; SENATORS COOK & VAUGHN - ED: An Act to Amend Title 14, Chapter 13, Delaware Code, Relating to Speech and Hearing Specialists.

HCR 3 - CLARK, MOORE, HOUGHTON, BENNETT, VANSANT, B. ENNIS, WEST, QUILLEN, EWING, CAULK, LEE; SENATORS COOK, MINNER, HOLLOWAY, J. STILL - H/ADM: Urgently Requesting the Delaware Administrative Commission Established Pursuant to Chapter 101, Title 29, Delaware Code, To Implement and Pursue Its Legal Task With Respect to the Official Publication of a Register of Regulations at the Office of Secretary of State.

Representatives Corrozi & Gilligan requested that they be marked present.

Representatives Jonkiert, B. Ennis, Roy & Taylor requested that they be marked present.

Representative Oberle introduced HB 25, jointly sponsored by Representative Spence & Senators McBride & Sharp & Representatives Buckworth, Carey, Mack, Lofink, Smith, B. Ennis, Brady, Soles, Houghton & West & Senators Bair, Torbert & Connor & cosponsored by Representative Gilligan.

HB 25 - An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for Members of the Delaware National Guard and Reserves.

Mr. Speaker assigned HB 25 to the House Administration Committee.

Representatives West & Reynolds requested that they be marked present.

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

The House reconvened at 4:30 p.m. with Representative Buckworth as Acting Speaker.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Casimir S. Jonkiert, do hereby request that my name be removed as Co-Sponsor of HB 1.

Date: 1/10/90.[sic]

Signed: Casimir S. Jonkiert.

January 11, 1990[sic]

Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19903

Dear Mr. Speaker:

Congratulations on your re-election as Speaker of the Delaware House of Representatives. It is a tribute to you personally and an endorsement of the effectiveness of your prior leadership.

It was a pleasure and an honor for me to participate in the opening day ceremonies of the 136th General Assembly. I wish you and all of the members of the Delaware House of Representatives every great success in discharging your important responsibilities.

Best personal regards,

Randy J. Holland

Justice

Supreme Court of Delaware

RJH/mkp

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

Representatives Brady, Houghton, Sills, Bunting & Mack requested that they be marked present.

Mr. Acting Speaker Buckworth announced that SB 6 had been received from the Senate.

SB 6 - MINNER; REPRESENTATIVES BUNTING, CAREY, D. ENNIS; SENATOR VAUGHN - An Act to Amend Title 10, Delaware Code, Relating to Limitation of Liability for Oil and Hazardous Material Discharge Cleanup.

Mr. Acting Speaker Buckworth assigned SB 6 to the Natural Resources Committee.

The Majority Leader moved to recess to the call of the Chair at 4:33 p.m.

5th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 16, 1991

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:00 P.M.

Representative D. Ennis requested that he be marked present.

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 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:

HB 26 - TAYLOR, ROY, GILLIGAN, SOLES; SENATORS SHARP, BAIR, J. STILL, NEAL - SUB ABUSE: An Act to Amend Title 16 and Title 30 of the Delaware Code, Relating to Tobacco Products; and Regulating the Sale of Tobacco Products to Minors. (2/3 bill)

HB 27 - ROY, TAYLOR, AMICK, SCHROEDER; SENATOR MARTIN - TRANS: An Act to Amend Title 2 of the Delaware Code Relating to Public Carriers, Regulatory Duties and Functions, Regulatory Requirements, Powers and Limitations, and Public Carrier Rates. (3/5 bill)

HB 28 - DAVIS, OBERLE, D. ENNIS, BOYKIN, DIPINTO, JONKIERT, SILLS, VANSANT; SENATOR HOLLOWAY - B & I: An Act to Amend Title 18, Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

HB 29 - DAVIS, MACK, REYNOLDS, BRADY; SENATORS CONNOR, NEAL, MCBRIDE - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Certain Graduate Credits.

HB 30 - DAVIS, CORROZI, D. ENNIS, HEBNER, ROY, MARONEY, PETRILLI, SOLES; SENATOR HOLLOWAY - H/ADM: An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

HB 31 - DAVIS, CORROZI, D. ENNIS, HEBNER, MARONEY, PETRILLI, ROY, SOLES; SENATOR HOLLOWAY - H/ADM: An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to the Qualifications for Registration as a Qualified Voter.

HB 32 - DAVIS, AMICK, LOFINK, MACK, OBERLE, REYNOLDS, CAMPANELLI, HOUGHTON - LABOR & HUM RES MAN: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to State Purchases of Vehicles.

HB 33 - DAVIS, HEBNER, 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 34 - DAVIS, EWING, HEBNER, LEE, BENNETT, HOUGHTON; SENATOR HOLLOWAY - JUD: An Act to Amend Chapter 47, Title 29 of the Delaware Code Relating to Medical Examiners.

HB 35 - AMICK - R & F: An Act to Amend Chapter 13, Title 30 of the Delaware Code Relating to Inheritance Tax.

HB 36 - AMICK - R & F: An Act to Amend Title 30 of the Delaware Code Relating to a Credit for Taxes Paid to Political Subdivision of Other States.

HB 37 - AMICK - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Condominium Management Councils.

HB 38 - AMICK - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Insurance for Motor Vehicles.

HB 39 - OBERLE, BUNTING - H/ADM: An Act Proposing an Amendment to Article II of the Delaware Constitution Relating to Legislative Sessions. (2/3 bill)

HB 40 - OBERLE & SPENCE - SUBS ABUSE: An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to the Purchasing, Buying or Giving of Alcoholic Liquor to a Minor or the Consumption of Alcoholic Liquor by Supervised Minors and Penalties Therefor. (2/3 bill)

HB 41 - OBERLE & SPENCE - ED: An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Limiting Local School Taxes as Applied to Certain Persons and Their Spouses.

HB 42 - OBERLE - JUD: An Act to Amend Chapter 19, Title 10 of the Delaware Code Relating to Admission of Attorneys.

HB 43 - OBERLE & DAVIS & CAMPANELLI & SENATOR MARSHALL - B & I: An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Workmen's Compensation Insurance.

HB 44 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES MACK, DAVIS, REYNOLDS, CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Claims Which May be Brought by Employees Against Their Employers and Reimbursement of Employees or Insurers.

HB 45 - OBERLE, BUCKWORTH, SPENCE, PETRILLI, AMICK, BOYKIN, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, HEBNER, LEE, MACK, LOFINK, QUILLEN, REYNOLDS, TAYLOR, BRADY, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKERT, SCHROEDER, SILLS, VANSANT, WEST - R & F: An Act to Amend Subchapter II, Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax of Resident Individuals.

HB 46 - OBERLE, DAVIS, TAYLOR, MACK - HOUSING & COM AFF: An Act to Amend Title 10 of the Delaware Code Relating to Waiver of Sovereign Immunity in Cases of Loss of Property Value Due to Location of Residential Facilities for Mentally Retarded or Developmentally Disabled Persons.

HB 47 - OBERLE & SENATOR MARTIN - B & I: An Act to Amend Chapter 66, Title 18 of the Delaware Code Relating to Line-of-Duty Death Benefits.

HB 48 - OBERLE, DAVIS, SOLES, AMICK; SENATOR MARTIN - ED: An Act to Amend Chapter 31, Title 14 of the Delaware Code Relating to Handicapped Persons.

HB 49 - B. ENNIS & SENATOR HOLLOWAY; REPRESENTATIVES HOUGHTON, CAMPANELLI, VANSANT, BRADY, GILLIGAN, CLARK, OUTTEN, WEST, DAVIS, CAULK, EWING, LEE; SENATOR VAUGHN - P/S: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Lights and Equipment on Vehicles.

HB 50 - SILLS & TAYLOR, MOORE, CAULK, BRADY, SCHROEDER, BUNTING, B. ENNIS, D. ENNIS, VANSANT, GILLIGAN; SENATORS HOLLOWAY, VEABLES, McDOWELL - ED: An Act to Amend Chapter 10, Title 14, of the Delaware Code Relating to School Board Elections.

HB 51 - BUNTING & 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.

HB 52 - OUTTEN, BENNETT, CLARK; SENATORS TORBERT, STILL - H/ADM: An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'the Town of Dover' to 'the City of Dover' and Establishing a Charter Therefor" Relating to the Civilian Pension Plan. (2/3 bill)

HB 53 - OUTTEN, BENNETT, CLARK; SENATORS TORBERT, STILL - H/ADM: An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'the Town of Dover' to 'the City of Dover' and Establishing a Charter Therefor" Relating to Replacement of the Council President. (2/3 bill)

SB 12 - VAUGHN; REPRESENTATIVE B. ENNIS - NAT RES: An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to the Hunting of Red Foxes.

SB 14 - VAUGHN, TORBERT, CORDREY, BAIR, KNOX, HAUGE, J. STILL; REPRESENTATIVES SPENCE, BUCKWORTH, BRADY, BUNTING, AMICK, CAULK, WEST, EWING, REYNOLDS, CAMPANELLI - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to James H. Harbison, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representatives Bennett, Soles, Moore & Oberle requested that they be marked present. Representative George requested and was granted the privilege of the floor for Nathan Hayward, former Delaware Development Office Director.

Representative Buckworth introduced and brought HR 7, jointly sponsored by Representatives Quillen, Caulk, Clark & Bennett & cosponsored by Representatives Reynolds, Spence & Taylor, before the House for consideration.

HR 7 - Commending the Caesar Rodney Riders Football Team on Capturing the Division I State Championship, and Further Congratulating the Head Coach, Tom Leonard and His Staff on Their Spectacular Victory Which Makes for the Twelfth Time in the Twenty Year History of the Tournament, That the Championship Title for Division I and Division II Football Has Gone to a Henlopen Conference Team.

Representatives Outten, Reynolds & Fallon requested that they be marked present.

HR 7 was adopted by voice vote.

Representative Schroeder requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:28 p.m.

The House reconvened at 4:56 p.m.

Representatives Brady, West, Lee, Ewing, Mack, Davis, Carey, Houghton, B. Ennis, Sills & Taylor requested that they be marked present.

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

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

SJR 1 - In Reference to Election of Officers.

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

YES: - 37.

ABSENT: Representatives Clark, Hebner, Maroney, Roy - 4.

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

The following prefiled **Consent Calendar #2** was introduced:

HR 8 - BUCKWORTH, OUTTEN, QUILLEN, BENNETT, CAULK, CLARK - Commending and Extending Sincere Thanks to Mrs. Janet Scheidt, Supervisor of School Food Services, Caesar Rodney School District Who Will be Retiring on January 31, 1991, After Completing Forty Years of Excellent and Devoted Public Service, All of Which Has Been Achieved Within the Caesar Rodney School District, and Further Wishing Her the Best of Health and Happiness in Her Retirement Years.

HR 9 - OBERLE - Encouraging Continued Efforts in Seeking a Peaceful Solution to the Persian Gulf Crisis.

HR 10 - BUCKWORTH - Honoring Christine M. Donkin, Dover Business and Professional Women's Club "Woman of the Year".

HR 11 - PETRILLI, SPENCE, BUCKWORTH, GEORGE, GILLIGAN - Expressing Deep Appreciation to Arden B. Engebretsen for His Many Years of Service to Hercules, Inc., and For His Years of Service to the Many State and Community Organizations to Which He Belongs.

HCR 4 - PETRILLI & SENATOR SOKOLA; REPRESENTATIVES ROY, CORROZI, GILLIGAN, VANSANT; SENATOR BLEVINS - Congratulating McKean High School Soccer Coach Gus Highfield on Being Named Delaware Coach of the Year of 1990.

HCR 5 - EWING & SENATOR ADAMS - Honoring Twelve Year Old Bridgeville Hero Michael Williams for Saving His Younger Brother's Life by Administering Cardiopulmonary Resuscitation (CPR).

SCR 2 - VAUGHN & COOK & REPRESENTATIVES B. ENNIS, CLARK, QUILLEN - Commending Eddie Davis of Smyrna, Delaware on His Recent Achievement of Five Thousand Wins in Harness Racing During His Career, Making Him the Ninth Driver in the History of Harness Racing Ever to Accomplish Such an Outstanding Milestone.

SCR 5 - MCBRIDE & REPRESENTATIVE FALLON; ALL SENATORS & ALL REPRESENTATIVES - Commending William B. Keene for Thirty Years of Dedicated Service to the Delaware Public School System.

SCR 6 - ADAMS; REPRESENTATIVE EWING - Extending the Commendation and Congratulations of the General Assembly to Mr. Douglas P. Corey of Seaford on the Occasion of His Being Named Delaware's "Outstanding Young Farmer" for 1990.

Consent Calendar #2 was adopted by voice vote and **HCR 4** & **HCR 5** were sent to the Senate for concurrence and **SCR 2**, **SCR 5** & **SCR 6** were returned to the Senate.

Representative Oberle introduced and brought **HCR 6**, jointly sponsored by Representatives Petrilli & Spence & Senator Hauge & Representatives Davis, Boykin, Corrozi, Mack, Roy, Caulk, Lee, Ewing, Maroney, Quillen, Smith, DiPinto, Carey, Gilligan, Brady, VanSant & Houghton & Senators Connor, Knox, Sharp, Martin, Cook, Vaughn, Venables & Torbert, before the House for consideration.

HCR 6 - Relating to the Busing of School Children in New Castle County, Delaware.

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

Representative Oberle moved to suspend the rules which interfere with action on **HCR 6**.

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

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

Representative Oberle rose on a point of order.

Representative Sills moved to assign **HCR 6** to the House Education Committee. The motion was seconded by Representative Moore.

The roll call on the motion was taken and revealed:

YES: Representatives Amick, Bennett, Bunting, Campanelli, Clark, B. Ennis, D. Ennis, George, Jonkiert, Moore, Outten, Reynolds, Schroeder, Sills, Soles - 15.

NO: - 24.

ABSENT: Representatives Hebner, Maroney - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated.

The roll call on **HCR 6** was taken and revealed:

YES: - 28.

NO: Representatives Bunting, Clark, George, Jonkiert, Moore, Sills - 6.
NOT VOTING: Representatives Bennett, Campanelli, D. Ennis, Outten, Schroeder - 5.
ABSENT: Representatives Hebrer, Maroney - 2.
Therefore, having received a constitutional majority, HCR 6 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

TO: Representative Terry R. Spence
FROM: Representative Tina Fallon
DATE: January 16, 1991

Due to a prior commitment I will be unable to attend session tomorrow, January 17, 1991.

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

H/ADM: HB 1 - 4F; HB 25 - 3F,1M.
JUD: HB 4 - 3M; HB 18 - 3M; HB 19 - 3M; HB 23 - 3M.
NAT RES: SB 6 - 4F,1M; SCR 1 - 1F,3M,1U.
LABOR & HUM RES MAN: SB 14 - 2F,3M.

The Majority Leader moved to recess to the call of the Chair at 5:53 p.m.

6th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 17, 1991

Mr. Speaker Spence called the House to order at 2:00 P.M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 1, SB 12 & SB 14.

M E M O R A N D U M

TO: All Legislators and Staff
FROM: Don Coker
SUBJECT: All Day TV Coverage of the Middle East Crisis
DATE: January 17, 1991

For anyone interested, during any leisure moments you may have today, we have within our library a tv set tuned to channel 6 (ABC) giving constant coverage of the latest developments on the Middle East crisis. You are more than welcome to stop by the library at any time today to keep abreast with the latest developments in the Middle East.
LC:McDTC:MJS

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: 40.

Member Absent: Representative Sills.

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

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

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

The following prefiled legislation was introduced:

HB 54 - OBERLE & SENATOR MCBRIDE - LABOR & HUM RES MAN: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Approved Leaves of Absence.

HB 55 - QUILLEN, SPENCE, BUCKWORTH, CAULK, BOYKIN, CAREY, WEST, BENNETT, SCHROEDER - H/ADM: An Act to Amend Chapters 31 and 33, Title 15, Delaware Code, Relating to the Prohibition of Political Parties Nominating Candidates for the Offices of State Senator, State Representative and the Various County and Municipal Offices, and to Eliminate the Need for Either One of the Two Principal Parties to Have Election Officials Present at Primary Election Districts When There is No Contest.

HB 56 - OBERLE & SENATOR HOLLOWAY - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Homeowners Protection. (2/3 bill)

HB 57 - VANSANT - P/S: An Act to Amend Title 21 and Title 30 of the Delaware Code Relating to Exemptions to Certain Motor Vehicles Fees.

HA 1 to HB 11 - PETRILLI - LAND USE & GOV REL: Placed with the bill.

Representative George requested that he be marked present.

Representative Petrilli requested and was granted the privilege of the floor for Stephen Golding, Secretary, Department of Finance.

The Majority Leader moved to recess for caucus at 3:43 p.m.

The House reconvened at 4:34 p.m. with Representative Buckworth as Acting Speaker.

Representatives Brady & Clark 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 11.

Representative Jonkiert requested that he be marked present.

Representative Oberle brought HB 25, jointly sponsored by Representative Spence & Senators McBride & Sharp & Representatives Buckworth, Carey, Mack, Lofink, Smith, B. Ennis, Brady, Soles, Houghton & West & Senators Bair & Torbert & cosponsored by Representative Gilligan, before the House for consideration.

HB 25 - An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for Members of the Delaware National Guard and Reserves. (F/N)(3/5 bill)

Representatives Mack & Reynolds requested that they be marked present.

Representative Oberle introduced and brought HA 1 to HB 25 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 25 w/HA 1 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 25 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought SB 14, sponsored by Senators Vaughn, Torbert, Cordrey, Bair, Knox, Hauge & J. Still & Representatives Spence, Buckworth, Brady, Bunting, Amick, Caulk & West & cosponsored by Representatives Ewing, Reynolds & Campanelli, before the House for consideration.

SB 14 - An Act Awarding Special Pension Benefits to James H. Harbison, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Mr. Speaker Spence resumed the Chair.

The roll call on SB 14 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

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

Representative Hebner brought HB 23, jointly sponsored by Senator Sharp, before the House for consideration.

HB 23 - An Act Proposing an 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)

The roll call on HB 23 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 23 was sent to the Senate for concurrence.

Representative Hebner brought HB 19, jointly sponsored by Senator Sharp, before the House for consideration.

HB 19 - An Act to Amend 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)

The roll call on HB 19 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 19 was sent to the Senate for concurrence.

Representative Carey brought SB 6, jointly sponsored by Senators Minner & Vaughn & Representative D. Ennis & cosponsored by Representative Bunting, before the House for consideration.

SB 6 - An Act to Amend Title 10, Delaware Code, Relating to Limitation of Liability for Oil and Hazardous Material Discharge Cleanup.

The roll call on SB 6 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, SB 6 was returned to the Senate.

Representative Quillen brought HB 1, jointly sponsored by Senators McBride & Holloway & cosponsored by Representative Gilligan, before the House for consideration.

HB 1 - An Act Concurring in a Proposed Amendment to Article II of the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Representative Bennett announced that he will not be voting on HB 1 because of a possible conflict of interest.

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

The roll call on HB 1 was taken and revealed:

YES: - 33.

NO: Representatives Davis, Jonkier, Soles - 3.

NOT VOTING: Representatives Bennett, Boykin, Moore, Smith - 4.

ABSENT: Representative Sills - 1.

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

Representative Hebner brought HB 18, jointly sponsored by Representatives Petrilli & Spence & Senators Cordrey, Sharp & Vaughn, before the House for consideration.

HB 18 - An Act Proposing the Addition of Article IV, Section 38B, to the Constitution of the State of Delaware Relating to the Appointment of Senior Status Judges and Justices, and the Redesignation of Existing Article IV, Section 38 as Section 38A. (2/3 bill)

Representative Jonkiert introduced and brought HA 1 to HB 18 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 18 w/HA 1 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 18 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought SCR 1, jointly sponsored by Senators Minner & Vaughn & Representative D. Ennis, before the House for consideration.

SCR 1 - Extending the Life of the Delaware River and Bay Oversight Committee for the Purpose of Studying and Considering Additional Matters, Including the Design and Establishment of a Permanent Delaware River and Bay Oversight Commission.

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

The Majority Leader moved to recess to the call of the Chair at 5:23 p.m.

7th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 22, 1991

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 22 w/SA 1 & 2. SCR 7. SCR 9. SCR 10. SCR 11. HCR 4 & HCR 5.

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 Tina Fallon, Thirty-Ninth Representative District.

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

The following prefilled legislation was introduced:

HB 58 - DAVIS, TAYLOR, MACK, EWING, SPENCE, CAULK, CORROZI, FALLON, DIPINTO, BOYKIN, B. ENNIS; SENATORS HOLLOWAY, HAUGE - HUM RES: An Act to Amend Chapter 7, Title 16, Delaware Code Relating to Venereal Diseases. (2/3 bill)

HB 59 - DAVIS, HEBNER, SPENCE, BUCKWORTH, PETRILLI, LOFINK, CAULK, EWING, LEE, CAREY - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Feticide.

HB 60 - DAVIS, D. ENNIS, BOYKIN, DIPINTO, JONKIERT, SILLS - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Requirement of Insurance for Motor Vehicles. (2/3 bill)

HB 61 - OBERLE & B. ENNIS & WEST - B & I: An Act to Amend Chapter 7, Title 1B of the Delaware Code Relating to the Special Fund for Payments to Non-Profit Organizations That Provide Ambulance or Rescue Services.

HB 62 - OBERLE - P/S: An Act to Amend Chapter 21, Subchapter II, of Title 21 of the Delaware Code Relating to License Plates.

HB 63 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES DAVIS, CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Chapter 21, Part III, Title 30 of the Delaware Code Relating to Business Licenses.

HB 64 - FALLON & SENATOR MCBRIDE - ED: An Act to Amend Chapter 27, Title 14, Delaware Code, Relating to Truancy.

HB 65 - AMICK - SUNSET & OVERVIEW: An Act to Amend Title 4 of the Delaware Code Relating to the Establishment of a Responsible Alcoholic Beverage Server Training Program. (3/5 bill)

HB 66 - AMICK, JONKIERT, VANSANT, LEE; SENATORS MINNER, R. VENABLES, BLEVINS - SUNSET & OVERVIEW: An Act to Amend Title 24 Relating to Terms of Officers of Professional Regulatory Boards and the Compensation of Board Members.

HB 67 - TAYLOR - HUM RES: An Act to Amend Title 16 and Title 30 of the Delaware Code, Relating to Tobacco Products; and Regulating the Sale of Tobacco Products to Minors. (2/3 bill)

HB 68 - TAYLOR - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Criminal Offenses; and Providing Certain Penalties for Possession of Assault Weapons, Registration and Permit Fees for Assault Weapons. (3/5 bill)

HB 69 - BUNTING, CLARK, JONKIERT, MOORE, VANSANT, BOYKIN, CAULK, DIPINTO, D. ENNIS, LOFINK, OBERLE, REYNOLDS & SPENCE; SENATORS HOLLOWAY & MCBRIDE - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicles; and Providing Special License Plates for Persons Who Have Been Awarded the Purple Heart Medal. (3/5 bill)

HB 70 - WEST, HOUGHTON, VANSANT, BENNETT, BUNTING, B. ENNIS, CAMPANELLI, 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 71 - WEST, CAULK, BRADY, SPENCE, CAMPANELLI, JONKIERT, VANSANT, B. ENNIS, CAREY, SCHROEDER, BUNTING; SENATORS VENABLES, MINNER - 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 72 - WEST & SENATOR CORDREY; REPRESENTATIVES B. ENNIS, VANSANT, D. ENNIS; SENATORS MINNER, VAUGHN, HOLLOWAY - NAT RES: An Act to Amend Part I, Chapter 1, Title 7, Delaware Code, Relating to the Fixing of Hunting Seasons for the Taking of Migratory Waterfowl in This State to Include Bag Limit on Said Species of Waterfowl.

HB 73 - WEST & SENATOR CORDREY; REPRESENTATIVES B. ENNIS, HOUGHTON, VANSANT, D. ENNIS; SENATORS MINNER, VAUGHN, HOLLOWAY - SUNSET & OVERVIEW: An Act to Amend Chapter 80, Title 29, Delaware Code, Relating to the Abolishment of the Council of Game and Fish and the Establishment of the Commission on Game and Fish.

HB 74 - WEST, CAMPANELLI, 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 Employee's Pension Plan.

HB 75 - WEST - 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 76 - 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 77 - 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.

SB 11 - VENABLES & REPRESENTATIVE AMICK; SENATORS MCBRIDE, NEAL; REPRESENTATIVES TAYLOR, HOUGHTON, OUTTEN - SUNSET & OVERVIEW: An Act to Amend Chapter 28, Title 24 of the Delaware Code Relating to Professional Engineers and the Practice of Engineering.

SB 22 w/SA 1 & 2 - BLEVINS & REPRESENTATIVE CAMPANELLI; SENATOR MARSHALL; REPRESENTATIVE VANSANT - H/ADM: An Act to Reincorporate the Town of Elsmere. (2/3 bill)

SCR 8 - MCBRIDE, CORDREY, VAUGHN; REPRESENTATIVES BRADY, BENNETT, BUNTING, CAMPANELLI, CLARK, B. ENNIS, HEBNER, HOUGHTON, OBERLE, OUTTEN, QUILLLEN, VANSANT, WEST, EWING, CAREY, PETRILLI - H/ADM: Respectfully Requesting the Secretary of the Department of Administrative Services to Study the Feasibility of Flying the POW-MIA Flag at All State Facilities Where the American Flag is Flown.

Representatives Hebner & Gilligan requested that they be marked present.

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

Representatives Bennett & Outten requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:11 p.m.

The House reconvened at 4:12 p.m.

Representatives Brady & Mack requested that they be marked present.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Richard S. Cordrey, do hereby request that my name be removed as Co-Sponsor of **HB 71**.

Date: 1/22/91.

Signed: Richard S. Cordrey.

Representatives Sills & Schroeder requested that they be marked present.

Representative Hebner introduced **HR 12**, jointly sponsored by Representatives Roy, DiPinto, Jonkiert, Soles & B. Ennis.

HR 12 - Relating to Procedures of the House of Representatives of the 136th General Assembly of the State of Delaware for Ethics Violations.

Mr. Speaker assigned **HR 12** to the House Administration Committee.

Representatives B. Ennis, Jonkiert & Taylor requested that they be marked present.

Representative Petrilli introduced **HB 80**, jointly sponsored by Representatives Spence & Maroney & Senators Holloway & Neal & Representatives Amick, Boykin, Buckworth, Corrozi, DiPinto, D. Ennis, Fallon, Reynolds, Roy, Smith, Hebner, Taylor, Clark, Gilligan, Jonkiert, Moore & Soles & Senators Bair & Knox.

HB 80 - An Act to Amend Title 21, Delaware Code, Relating to Occupant Protection Systems, Usage, Standards and Condition Thereof.

Mr. Speaker assigned **HB 80** to the Public Safety Committee.

The Majority Leader moved to recess to the call of the Chair at 4:25 p.m.

**8th LEGISLATIVE DAY
136th GENERAL ASSEMBLY**

First Session

January 23, 1991

Mr. Speaker Spence called the House to order at 2:02 p.m.

Representative Roy introduced **HB 87**, jointly sponsored by Senator Martin & Representatives Petrilli, Buckworth, Spence, Maroney, DiPinto, Boykin, Ewing, Smith, Taylor, Hebner, Corrozi, Davis, Quillen, Amick, Lofink, Lee, Reynolds, D. Ennis, Carey, Fallon, Gilligan, Bennett, Outten, Sills, B. Ennis, West, Clark, Jonkiert, Houghton, VanSant & Bunting & Senators Holloway, Bair, Knox, Neal, Still, Connor, Cook & Venables.

HB 87 - An Act to Amend Title 29 Relating to Limitations on the Issuance of Debt and Other Obligations by the State and Its Agencies and Authorities.

Mr. Speaker assigned **HB 87** to the Transportation Committee.

Representative Petrilli introduced HB 88, jointly sponsored by Senator Cook & Representatives Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Lofink, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Jonkiert, Outten, Schroeder, Sills, Soles, VanSant & West & Senators Bair, Connor, Knox, Neal, J. Still, Holloway, Venables & Martin.

HB 88 - An Act to Amend Title 29 of the Delaware Code Relating to an Early Retirement Option for State Employees.

Mr. Speaker assigned HB 88 to the House Administration Committee.

Representative Ewing introduced HB 89, jointly sponsored by Senator Torbert & Representatives Carey, Caulk & B. Ennis.

HB 89 - An Act to Amend Subchapter I, Chapter 43, Title 21, Delaware Code, Relating to Federal Safety Standards Applicable to Window Tinting.

Mr. Speaker assigned HB 89 to the Public Safety Committee.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Gilligan - 1.

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

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

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

The following prefilled legislation was introduced:

HB 78 - AMICK, JONKIERT & SENATORS MCBRIDE & CONNOR - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Property; and Providing for a Uniform Condominium Act.

HB 79 - OUTTEN - ED: An Act to Amend Title 14 of the Delaware Code Relating to Summer Schools for Teachers and Instructional Aides.

HB 81 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES OBERLE, HOUGHTON, WEST, D. ENNIS, VANSANT, BRADY, CLARK, CAMPANELLI, GILLIGAN, CORROZI, SCHROEDER, LEE, EWING; SENATORS MINNER, MARSHALL, MCBRIDE, TORBERT, BLEVINS, STILL, BAIR - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for Delaware Firemen, Ladies Auxiliary, and Volunteer Ambulance or Rescue Companies Within the Firemen's Association.

HB 82 - WEST, BENNETT, BRADY, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DIPINTO, B. ENNIS, EWING, GEORGE, HEBNER, HOUGHTON, JONKIERT, LEE, OUTTEN, PETRILLI, REYNOLDS, SCHROEDER, SILLS, SOLES, SPENCE & VANSANT: SENATORS ADAMS, COOK, CORDREY, MARSHALL, MINNER, NEAL, SHARP, VENABLES, TORBERT, VAUGHN - HUM RES: An Act to Amend Title 31, Chapter 5, Delaware Code, Relating to the Medicaid Income Eligibility Limit for Nursing Home Care.

HB 83 - WEST; SENATOR VENABLES; REPRESENTATIVES BUNTING, SCHROEDER, CAULK, CLARK, B. ENNIS, HOUGHTON, CAMPANELLI - 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 84 - WEST, CAULK, BUCKWORTH, B. ENNIS, QUILLEN, JONKIERT, CAMPANELLI, VANSANT; SENATORS MARSHALL, MCDOWELL, VAUGHN, MCBRIDE, HOLLOWAY, CORDREY - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code Relating to Dog Immunization.

HB 85 - WEST, BRADY, CAMPANELLI, CAREY, CAULK, CLARK, B. ENNIS, EWING, LEE, REYNOLDS, SCHROEDER; SENATORS VENABLES, MINNER - NAT RES: An Act to Amend Subchapter 1, Chapter 17, Title 7, Delaware Code, Relating to Compensation for Domesticated Wild Ducks and Wild Geese Destroyed by Dogs.

HB 86 - CAMPANELLI - SM BUS & ECON DEV: An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for Item Pricing in Retail Food Stores.

Representative Maroney introduced and brought HR 14, jointly sponsored by All representatives, before the House for consideration.

HR 14 - Congratulating Mark J. Manno for Inclusion in the 1989 Edition of the Outstanding Young Men of America.

WHEREAS, there are those in our community who enrich our lives and make an area a better place in which to live and to raise a family; and

WHEREAS, each year men between the ages of twenty-one and forty are selected to be called an outstanding young man in America, so in 1989 the honor was bestowed upon Mark J. Manno of Newark; and

WHEREAS, the outstanding men are chosen on the basis of community service, professional leadership, academic achievement, business achievement, cultural accomplishments and civic and political participation; and

WHEREAS, Mark J. Manno serves New Castle County in the Cooperative Extension Service and serves his community as a 4-H leader; and

WHEREAS, many members of the House of Representatives are familiar with the fine detail of work he gave us during the 134th General Assembly, as a Legislative Assistant to the Human Resources, Children and Aging Committee.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware that we honor Newark resident Mark J. Manno for being chosen as an Outstanding Young Man of America for 1989.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be forwarded to Mark J. Manno.

Representative Taylor requested that he be marked present.

HR 14 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Mark J. Manno.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 25 w/HA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative George H. Bunting, do hereby request that my name be removed as Co-Sponsor of HB 80.

Date: 1/22/91.

Signed: George H. Bunting.

HOUSE TRIBUTE ANNOUNCEMENT #1

Date: January 23, 1991

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>Issue Date</u>	<u>Type</u>	<u>Description</u>
H91-1	B. Ennis	1/10/91	T	Ida Reamy - 105th Birthday
H91-2	Oberle	1/10/91	T	John Pidcock - Service to Beechers Lot
H91-3	Oberle	1/10/91	T	Dave Rodehauer - Service to Cherokee Woods
H91-4	Oberle	1/10/01	T	Gary & Linda Hesel - Service to Chestnut Hill Estates
H91-5	Oberle	1/10/91	T	Dennis Ross - Service to Glasgow Pines
H91-6	Oberle	1/10/91	T	Clara Graham - Service to Kimberton
H91-7	Oberle	1/10/91	T	Frank Hann - Service to Scottfield
H91-8	Oberle	1/10/91	T	Thomas Burns - Service to Stafford I
H91-9	Oberle	1/10/91	T	Blaine & Mary Zippler - Service to Stafford II
H91-10	Oberle	1/10/91	T	Randy & Carol Smith - Service to Todd Estates & Newark Oaks
H91-11	Oberle	1/10/91	T	Carol Hall - Service to Windy Hills
H91-12	Quillen	1/15/91	T	Mr. & Mrs. Gardner Kersey - 50th Wedding Anniversary
H91-13	Spence	1/10/91	T	DSEA Friend of Education Award

HOUSE TRIBUTE ANNOUNCEMENT #2

Date: January 23, 1991

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>Issue Date</u>	<u>Type</u>	<u>Description</u>
H91-14	Houghton	1/19/91	T	Minquedale Fire Co. Community Service
H91-15	cosponsor: Reynolds Mack	1/10/91	T	Charles Neel - Chief Emeritus, Delaware City Fire Company
H91-16	Roy	1/10/91	T	Representative Orlando J. George - Earning Ed.D.
H91-17	Corrozi	1/15/91	M	In Memory of Velma "Jessie" Grady
H91-18	Oberle	1/10/91	T	Karen Kolodi - Service to Breezewood II
H91-19	Spence	1/10/91	T	Marie Allen - Home Economics Teacher of the Year
H91-20	Spence	1/10/91	T	Robert Jacobs - Basketball Tournament "Slam Dunk to the Beach"
H91-21	Oberle	1/10/91	T	Rose Yannes - Service to Brookside

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

The House reconvened at 4:53 p.m.

Representatives Brady, Buckworth & Jonkiert requested that they be marked present.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Martin, do hereby request that my name be removed as Co-Sponsor of HB 84.

Date: 1/23/91.

Signed: R. A. Martin.

Representative Mack requested that he be marked present.

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

HOUSING & COM AFF: HB 37 - 5F, 1M.

SUBS ABUSE: HB 40 - 4F, 2M.

JUD: HB 21 - 1F, 3M; HB 22 - 1F, 3M; HB 34 - 1F, 3M.

HOUSE ADM: HB 52 - 3M; HB 53 - 3M; HB 88 - 3F; HCR 3 - 3M; SB 22 w/SA 1 & 2 - 3M.

ED: HB 24 - 1F, 6M; HB 29 - 7M.

HUM RES: HB 7 - 1F, 5M; HB 20 - 6M.

TRANS: HB 15 - 1F, 4M; HB 17 - 1F, 5M; HB 87 - 1F, 5M.

Mr. Speaker assigned HB 20 to the Sunset & Overview Committee.

The following prefilled Consent Calendar #3 was introduced:

HCR 7 - PETRILLI & SPENCE, BUCKWORTH - Providing That a Joint Session of the Senate and the House of Representatives be Convened for the Purpose of Hearing the Annual Budget Message of Governor Michael N. Castle, Governor of the State of Delaware.

HCR 8 - BENNETT, SCHROEDER; SENATORS CORDREY, ADAMS - Mourning the Death of Milton R. Roberts, Member of the Lacrosse Hall of Fame, and Premiere Lacrosse Figure in Delaware.

SCR 7 - TORBERT; REPRESENTATIVE BUCKWORTH; ALL SENATORS; ALL REPRESENTATIVES - Commending the Caesar Rodney High School Riders Football Team on Winning the Division I State Championship Tournament and Congratulating Head Coach Tom Leonard and Members of His Staff for a Magnificent Victory.

SCR 10 - VAUGHN & REPRESENTATIVE LOFINK - Commending the Caravel Academy Buccaneers Football Team on Their Victory Over Dickinson High School Giving the Buccaneers the Division II Football Championship for the Third Time in the Division II Tournaments' Sixteenth Year History.

SCR 11 - STILL, VAUGHN, COOK, TORBERT, MINNER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH - Mourning the Death of Mrs. Helen Hess of Dover, Delaware, a Civic and Community Leader Who Devoted Endless Hours of Her Time Gratuitously Assisting the Ladies Auxilliary of the American Legion in Girls State, an Event Held Annually at Legislative Hall.

Consent Calendar #3 was adopted by voice vote and HCR 7 & HCR 8 were sent to the Senate for concurrence and SCR 7, SCR 10 & SCR 11 were returned to the Senate.

Representative Hebner introduced HR 13, jointly sponsored by Representatives Roy, DiPinto, Jonkiert, Soles & B. Ennis & cosponsored by Representative Gilligan.

HR 13 - Relating to Permanent Rules of the House of Representatives of the 136th General Assembly of the State of Delaware.

Mr. Speaker assigned HR 13 to the House Administration Committee.

The Majority Leader moved to recess to the call of the Chair at 5:03 p.m.

9th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 24, 1991

Madam Acting Speaker Fallon called the House to order at 2:05 p.m.

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

P/S: HB 33 - 1F,4M; HB 38 - 4M; HB 49 - 5M; HB 57 - 3M,2U; HB 80 - 1M,4U.

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: 41.

A prayer was offered by Representative J. Benjamin Ewing, 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 prefilled legislation was introduced:

HB 90 - LEE - H/ADM: An Act to Amend an Act Being Chapter 288, Volume 64, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Laurel" to Change the Fiscal Year and to Make Other Changes for Fixing of the Budget Necessitated by the Change in the Fiscal Year. (2/3 bill)

HB 91 - AMICK, LEE, JONKIERT, VANSANT; SENATORS MINNER, BLEVINS, VENABLES - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Examinations, Qualifications for Licensure and Reciprocity for Professional Regulatory Boards and Commissions.

HB 92 - (This Number Has Been Reserved.)

HB 93 - AMICK, HOUGHTON; SENATOR MCDOWELL - SUNSET & OVERVIEW: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

HB 94 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 86, Title 29 of the Delaware Code Relating to the Office of the Public Advocate.

HB 95 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to the Regulation of Physical Therapists and Athletic Trainers. (2/3 bill)

HCR 9 - EWING & SENATOR STILL - NAT RES: Urging the Department of Natural Resources and Environmental Control to Determine the Feasibility of Providing Retired Delawareans Free Passes to Our State Parks.

HA 1 to HB 49 - B. ENNIS - READY LIST: Placed with the bill.

SB 31 - CORDREY - 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 Permit the Sale of Bonds by Public or Private Sale. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 31 & SCR 12.

January 23, 1991

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Mr. Speaker:

Due to a prior commitment on January 29, 1991, I will be out of state and will be unable to attend session.

Sincerely,
Steven C. Taylor
21st District

SCT/kk

Representative Petrilli introduced and brought SCR 12, sponsored by Senator Adams & Representative West & cosponsored by Representatives Carey, Ewing & Fallon, before the House for consideration.

SCR 12 - Honoring the Town of Georgetown on the Occasion of the 200th Anniversary of Its Establishment by the General Assembly on January 29th, 1791.

SCR 12 was adopted by voice vote and returned to the Senate.

Representative Jonkiert requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 3:53 p.m.

Mr. Speaker Spence resumed the Chair.

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

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Minner, do hereby request that my name be removed as Co-Sponsor of HB 87.

Date: 1/24/91.

Signed: Ruth Ann Minner.

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

SUNSET & OVERVIEW: HB 13 - 1F,4M; HB 20 - 4M.

Representative Hebner introduced and brought HR 15, jointly sponsored by Representative Brady, before the House for consideration.

HR 15 - Commending Samuel M. Kelly on the Celebration of His Golden Anniversary of Active Membership in the Claymont Fire Company Number 1, Incorporated, Also Known as Station 13.

HR 15 was adopted by voice vote.

Representative Outten brought HB 52, jointly sponsored by Representatives Bennett & Clark & Senators Torbert & Still, before the House for consideration.

HB 52 - An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor" Relating to the Civilian Pension Plan. (2/3 bill)

The roll call on HB 52 was taken and revealed:

YES: - 41.

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

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

Representative Outten brought HB 53, jointly sponsored by Representatives Bennett & Clark & Senators Torbert & Still, before the House for consideration.

HB 53 - An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor" Relating to Replacement of the Council President. (2/3 bill)

The roll call on HB 53 was taken and revealed:

YES: - 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 53 was sent to the Senate for concurrence.

Representative Petrilli brought SB 22 w/SA 1 & 2, sponsored by Senator Blevins & Representative Campanelli & Senator Marshall & Representative VanSant, before the House for consideration.

SB 22 - An Act to Reincorporate the Town of Elsmere. (2/3)

Representative Petrilli deferred to Representative Campanelli.

The roll call on SB 22 w/SA 1 & 2 was taken and revealed:

YES: - 40.

NOT VOTING: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 22 w/SA 1 & 2 was returned to the Senate.

Representative Roy brought HB 87, jointly sponsored by Senator Martin & Representatives Petrilli, Buckworth, Spence, Maroney, DiPinto, Boykin, Ewing, Smith, Taylor, Hebner, Corrozi, Davis, Quillen, Amick, Lofink, Lee, Reynolds, D. Ennis, Carey, Fallon, Gilligan, Bennett, Outten, Sillis, B. Ennis, West, Clark, Jonkiert, Houghton, VanSant & Bunting & Senators Holloway, Bair, Knox, Neal, Still, Connor, Cook & Venables, before the House for consideration.

HB 87 - An Act to Amend Title 29 Relating to Limitations on the Issuance of Debt and Other Obligations by the State and Its Agencies and Authorities.

The roll call on HB 87 was taken and revealed:

YES: - 39.

NO: Representative Caulk - 1.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, HB 87 was sent to the Senate for concurrence.

Representative Oberle introduced HB 96, jointly sponsored by Representatives Gilligan, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Davis, DiPinto, D. Ennis, Hebner, Lee, Lofink, Mack, Maroney, Reynolds, Roy, Smith, Taylor, Ewing, Brady, Bunting, Bennett, Campanelli, B. Ennis, Houghton, Moore, Schroeder, Sillis, Soles, VanSant & West & Senators Bair, Hauge, Connor, Neal, Knox & J. Still.

HB 96 - An Act to Amend Chapter 20, Title 30, Delaware Code and 64 Delaware Laws, Chapter 460 as Amended Relating to Eligibility for Business Tax Credits.

Mr. Speaker assigned HB 96 to the Revenue & Finance Committee.

Representative Petrilli brought HB 88, jointly sponsored by Senator Cook & Representatives Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Lofink, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Jonklert, Outten, Schroeder, Sills, Soles, VanSant & West & Senators Bair, Connor, Knox, Neal, J. Still, Holloway, Venables & Martin, before the House for consideration.

HB 88 - An Act to Amend Title 29 of the Delaware Code Relating to an Early Retirement Option for State Employees.

Representative Buckworth announced that he will not be voting on HB 88 because of a possible conflict of interest.

Representative Petrilli introduced and brought HA 1 to HB 88 before the House for consideration.

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

The Majority Leader moved to recess for an Ethics Committee Meeting at 4:30 p.m.

The House reconvened at 5:15 p.m.

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

January 24, 1991

The Honorable David D. Brady
House of Representatives
Legislative Hall
Dover, DE 19901

RE: Advisory Opinion

Dear Representative Brady:

This opinion is in response to your request of January 24, 1991, (the "Request"), for an advisory opinion relating to your participation and voting on House Bill 88. This opinion is based solely upon the following facts:

1. You are employed as a Career Counselor at William Penn High School.
2. You would be eligible for early retirement pursuant to the terms of H. B. 88.
3. There are approximately 4500 other individuals in the same class i.e. those persons eligible for early retirement under H. B. 88.

The critical question for this committee to determine is whether the proposed legislation would affect you to a greater extent than other members of the same class or group of persons, or other like entities.

House Rule 16 places restrictions upon a Representative when he has a personal or private interest in a legislative matter. A personal or private interest in a measure or bill is defined as 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.

"A member has an interest which tends to impair his or her independence of judgment...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, or (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." House Rule 16 (B) (i), (ii).

It is the opinion of this committee, based solely upon the facts conveyed by you to the committee that you have no conflict of interest in participating in the debate or voting on H.B. 88. The facts set forth above do not indicate that you would be affected by enactment or defeat of H.B. 88 to a greater extent than other members of the same group or class.

This opinion is concurred in by the following committee members:

Joseph R. Petrilli	Orlando J. George
Chairman	House Minority Leader
House Majority Leader	
Terry R. Spence	Robert F. Gilligan
Speaker of the House	House Minority Whip

JRP/jm

HA 1 to HB 88 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 88, jointly sponsored by Representatives Davis & Outten, before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Donald McArdle, Pension Administrator.

HA 2 to HB 88 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Scott R. Douglass, Budget Director.

Representative Clark requested and was granted the privilege of the floor for Donald McArdle, Pension Administrator.

The roll call on HB 88 w/HA 1 & 2 was taken and revealed:

YES: - 40.

NOT VOTING: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 88 w/HA 1 & 2 was sent to the Senate for concurrence.

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

H/ADM: HR 12 - 5F; HR 13 - 5F.

B & I: HB 28 - 7M.

The Majority Leader moved to recess to the call of the Chair at 6:15 p.m.

10th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 29, 1991

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 37, SB 15, HB 1, SB 29, SB 25 w/SA 1, SCR 13, SJR 3, HCR 7 & HCR 8.

January 22, 1991

LEGISLATIVE ADVISORY #1

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/17/91 - HJR 1.
1/18/91 - SB 14.

January 29, 1991

LEGISLATIVE ADVISORY #2

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/17/91 - SJR 1.
1/28/91 - HB 25 aab HA 1.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Taylor - 1.

A prayer was offered by Representative Bruce C. Reynolds, Fifteenth 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 43 - OBERLE, DAVIS, CAMPANELLI; SENATOR MARSHALL - B & I: An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Workmen's Compensation Insurance.

HB 97 - CORROZI, PETRILLI, BUCKWORTH, SPENCE, AMICK, ROY, DAVIS, DIPINTO, LOFINK, TAYLOR, GILLIGAN, BENNETT, SOLES, JONKIERT - APPRO: An Act to Amend Chapter 1, Title 20, of the Delaware Code Relating to Uniform and Equipment Allowance to Delaware National Guard Officers.

HB 98 - CORROZI, PETRILLI, BUCKWORTH, SPENCE, AMICK, ROY, DAVIS, DIPINTO, LOFINK, TAYLOR, GILLIGAN, BENNETT, SOLES, JONKIERT - H/ADM: An Act to Amend Chapter 1, Title 20 of the Delaware Code Relating to Courts-Martial.

HB 99 - AMICK & SENATOR MCBRIDE; REPRESENTATIVES OBERLE, DAVIS, OUTTEN - ED: An Act to Amend Title 14, Delaware Code, Creating a Professional Standards Board for Teachers. (3/5 bill)

HB 100 - (This number has been reserved.)

HB 101 - AMICK & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Examinations, Qualifications for Licensure and Reciprocity for Professional Regulatory Boards and Commissions.

HB 102 - TAYLOR - LAND USE & GOV REL: An Act to Amend Part II, Title 2 of the Delaware Code Relating to State Transportation Impact Taxes. (3/5 bill)

HB 103 - TAYLOR; SENATOR SHARP - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to Florence Knieriem, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 104 - SILLS, CAMPANELLI, DAVIS, JONKIERT, MACK, MOORE, OBERLE, SPENCE; SENATORS HOLLOWAY, MARSHALL - LABOR & HUM RES MAN: An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices.

HB 105 - 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 106 - BUNTING, CLARK, JONKIERT, MOORE, VANSANT, BOYKIN, CAULK, DIPINTO, D. ENNIS, LOFINK, OBERLE, REYNOLDS & SPENCE; SENATORS HOLLOWAY & MCBRIDE - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicles; and Providing Special License Plates for Persons Who Have Been Awarded the Purple Heart Medal. (3/5 bill)

HB 107 - VANSANT, EWING, REYNOLDS, LEE, D. ENNIS, BRADY, BOYKIN, WEST, CLARK, ROY, HOUGHTON, CAMPANELLI, B. ENNIS, SILLS, OUTTEN, BUNTING, SCHROEDER; SENATOR VAUGHN - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code to Allow Special Motor Vehicle License Plates for Pearl Harbor Survivors.

HB 108 - CLARK, SCHROEDER - SUNSET & OVERVIEW: An Act to Amend Chapter 101, Title 29, Delaware Code Relating to the Delaware Administrative Commission.

HB 109 - HOUGHTON, AMICK, BENNETT, BOYKIN, BRADY, CAMPANELLI, CORROZI, DAVIS, B. ENNIS, EWING, GILLIGAN, MACK, MOORE, OBERLE, PETRILLI, REYNOLDS, SPENCE, VANSANT; SENATORS ADAMS, BLEVINS, CONNOR, HOLLOWAY, MARTIN, MCBRIDE, MINNER, VENABLES - JUD: An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation of and Expenses for Jurors.

HA 1 to HB 38 - AMICK - AGENDA II: Placed with the bill.

HA 1 to HB 57 - VANSANT - READY LIST: Placed with the bill.

SB 15 - VAUGHN; REPRESENTATIVE HEBNER; SENATOR CONNOR; REPRESENTATIVES VANSANT, AMICK, LEE - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to Compensation for Victims of Crime.

SB 25 w/SA 1 - MCBRIDE; REPRESENTATIVE OBERLE; SENATORS CONNOR, MARSHALL, MCDOWELL, MARTIN, HOLLOWAY, SHARP; REPRESENTATIVES HOUGHTON, CAMPANELLI, MACK, REYNOLDS - LABOR & HUM RES MAN: An Act to Amend Chapters 9 and 11 of Title 19, Delaware Code, Relating to the Minimum Wage and Wage Payment and Collection Acts.

SB 29 - CORDREY - H/ADM: An Act to Amend Section 10203, Title 29 of the Delaware Code Relating to the Delaware Sunset Committee.

SB 37 - ADAMS; REPRESENTATIVE WEST - 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" to Increase the Municipality's Indebtedness Limitation. (2/3 bill)

SJR 3 - MCBRIDE & REPRESENTATIVE FALLON; SENATORS BLEVINS, MCDOWELL, MINNER, SOKOLA, TORBERT, NEAL; REPRESENTATIVES AMICK, OBERLE, QUILLEN, REYNOLDS, BRADY, MOORE, OUTTEN - ED: Providing for the Establishment of a Task Force to Review and Make Recommendations On a Number of Issues Relating to School Transportation.

Representatives Roy, Gilligan, West, Campanelli, Maroney & DiPinto requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT NO. 3

DATE: January 29, 1991.

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	Issue Date	Type	Description
H91-22	Roy/Taylor	1/22/91	T	Tom DeMatteis/Soccer Coach of the Year
H91-23	B. Ennis	1/17/91	M	Pauline W. Matthews
H91-24	Hebner/Brady	1/24/91	T	Samuel Kelly-50 Years/Claymont Fire Company
H91-25	Brady	1/24/91	T	Willie & Adeline Critzer-60th Wedding Anniversary
H91-26	Quillen	1/24/91	T	Earl & Annabelle McColley-50th Wedding Anniversary
H91-27	Reynolds	1/24/91	T	Richard M. Farmer Retirement
H91-28	cosponsors: Brady & Mack VanSant	1/24/91	T	Five Points Volunteer Fire Co.-1991 Annual Banquet
H91-29	Bennett	1/24/91	M	Raymond B. "Scotty" Duncan
H91-30	Spence	1/24/91	T	Chick Welsh-40 Years Distinguished Service

T - Tribute

M - In Memoriam

Representatives B. Ennis, Bunting & Bennett requested that they be marked present.

Representative Corrozi introduced HB 110.

HB 110 - An Act to Amend Titles 11, 5, 7, 23, 30, 21, 19, and 3 of the Delaware Code Relating to Certain Revenues of the State. (3/5 bill)

Mr. Speaker assigned HB 110 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 3:40 p.m.

Representatives D. Ennis, Brady & Buckworth requested that they be marked present.

Representative Buckworth requested and was granted the privilege of the floor for Gerald & Mary Ellen Burke, recipients of the Lewis Hine Award.

The Chief Clerk read the following communication at the request of the Speaker:

TO: GOVERNOR MICHAEL CASTLE
DELAWARE STATE SENATE
DELAWARE HOUSE OF REPRESENTATIVES

DATE: JANUARY 29, 1991

NAME: GERALD AND MARY ELLEN BURKE

ADDRESS: R.D. 3, BOX 152, DOVER, DE 19901

AWARD: THE LEWIS HINE AWARD - THIS IS A NATIONAL AWARD GIVEN ANNUALLY BY THE NATIONAL CHILD LABOR COMMITTEE, TO HONOR SIGNIFICANT VOLUNTEER CONTRIBUTIONS THAT IMPROVE THE LIVES OF CHILDREN. ON JANUARY 16, 1991, THE BURKE'S TRAVELED TO NEW YORK CITY FOR A RECOGNITION CEREMONY DURING WHICH THEY WERE HONORED.

WHY

NOMINATED: SINCE 1987, THE BURKE'S HAVE PROVIDED FOSTER CARE SERVICES TO SEVEN HIV+ CHILDREN AND SEVEN OTHER MEDICALLY FRAGILE CHILDREN INCLUDING DRUG ADDICTED, AND PREMATURE BABIES. THE BURKE'S ADOPTED TWO OF THEIR FOSTER CHILDREN WHO WERE UNABLE TO RETURN TO THEIR NATURAL FAMILIES.

IN ADDITION, THE BURKE'S ARE ACTIVE MEMBERS OF THE DELAWARE FOSTER PARENT ASSOCIATION, SERVE ON THE AIDS ADVISORY TASK FORCE, AND SOON WILL BECOME MEMBERS OF THE CITIZEN'S ADVISORY TASK FORCE TO THE GOVERNOR, ADVOCATING FOR HIV+ CHILDREN AND CHILDREN WITH AIDS.

The Chief Clerk read the following communication at the request of Representative Hebner:

Supreme Council
Republic of Estonia
1 Rahukohtu St.
Tallinn, Estonia

Mr. Charles L. Hebner
House of Representatives
State of Delaware, U.S.A.
FAX (302) 577-6396

The Presidium of the Supreme Council of the Republic of Estonia invites Mr. Charles L. Hebner - Convener, Delaware House of Representatives, born April 9, 1926, address: 913 Darley Road, Wilmington, Delaware, and his son William L. Hebner, born Feb. 20, 1953, address: Springdale, Utah, to visit Estonia for two weeks during February or March 1991 when it is suitable for them.

The Presidium of the Supreme Council will take full responsibility for the program during the stay of Mr. Charles L. Hebner and William L. Hebner in Estonia.

With respect towards the USSR Washington Consulate we will appreciate your processing visa for Mr. C.L. Hebner and W.L. Hebner.

With best regards

ARNO AIMANN
Secretary of the Presidium
of the Supreme Council Republic of Estonia

Representative Petrilli requested and was granted the privilege of the floor for Arthur Episcopo, Adjutant General, Delaware National Guard and Captain Jolly Bailey, Family Program Coordinator, Delaware National Guard and Major Ed Smith, Attorney, Delaware National Guard.

Representatives Jonkiert, Mack, Outten & Sills requested that they be marked present.

Representative Clark requested that he be marked present.

Representative Oberle moved to suspend the rules which interfere with action on HB 96. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 96, jointly sponsored by Representatives Gilligan, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Davis, DiPinto, D. Ennis, Hebner, Lee, Lofink, Mack, Maroney, Reynolds, Roy, Smith, Taylor, Ewing, Brady, Bunting, Bennett, Campanelli, B. Ennis, Houghton, Moore, Schroeder, Sills, Soles, VanSant & West & Senators Bair, Hauge, Connor, Neal, Knox & J. Still, before the House for consideration.

HB 96 - An Act to Amend Chapter 20, Title 30, Delaware Code and 64 Delaware Laws, Chapter 460 as Amended Relating to Eligibility for Business Tax Credits. (F/N)

Representative Oberle introduced and brought HA 1 to HB 96 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 96 w/HA 1 was taken and revealed:

YES: - 39.

ABSENT: Representatives B. Ennis, Taylor - 2.

Therefore, having received a constitutional majority, HB 96 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 37, cosponsored by Representative DiPinto, before the House for consideration.

HB 37 - An Act to Amend Title 25 of the Delaware Code Relating to Condominium Management Councils.

The roll call on HB 37 was taken and revealed:

YES: - 39.

NO: Representative Quillen - 1.

ABSENT: Representative Taylor - 1.

Therefore, having received a constitutional majority, HB 37 was sent to the Senate for concurrence.

The Majority Leader declared a recess at 4:40 p.m. for the purpose of changing the recording tape.

The House reconvened at 4:44 p.m.

Representative Davis brought HB 34, jointly sponsored by Representatives Ewing, Hebner, Lee, Bennett & Houghton & Senator Holloway, before the House for consideration.

HB 34 - An Act to Amend Chapter 47, Title 29 of the Delaware Code Relating to Medical Examiners.

Representative VanSant requested and was granted the privilege of the floor for Mike Cochran, House Attorney.

Representative Davis moved to place HB 34 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Hebner brought HR 12, jointly sponsored by Representatives Roy, DiPinto, Jonkiert, Soles & B. Ennis, before the House for consideration.

HR 12 - Relating to Procedures of the House of Representatives of the 136th General Assembly of the State of Delaware for Ethics Violations.

HR 12 was adopted by voice vote.

Representative Hebner brought HR 13, jointly sponsored by Representatives Roy, DiPinto, Jonkiert, Soles & B. Ennis & cosponsored by Representative Gilligan, before the House for consideration.

HR 13 - Relating to Permanent Rules of the House of Representatives of the 136th General Assembly of the State of Delaware.

Representative Hebner introduced and brought HA 1 to HR 13 before the House for consideration. HA 1 was adopted by voice vote.

HR 13 w/HA 1 was adopted by voice vote.

Representative Roy brought HB 13, jointly sponsored by Senator Venables & Representatives Boykin, Houghton & Jonkiert & Senators Minner, Knox & J. Still, before the House for consideration.

HB 13 - An Act to Amend Chapter 102, Title 29 of the Delaware Code Relating to the Final Report of the Joint Sunset Committee.

The roll call on HB 13 was taken and revealed:

YES: - 40.

ABSENT: Representative Taylor - 1.

Therefore, having received a constitutional majority, HB 13 was sent to the Senate for concurrence.

Representative Hebner brought HB 20, jointly sponsored by Senator Sharp, before the House for consideration.

HB 20 - An Act to Amend Title 16 and Title 24, Delaware Code Relating to the State Board of Health and the Board of Medical Practice and Warnings to Pregnant Women Regarding Possible Problems From Use or Consumption of Alcohol, Cocaine, Marijuana, Heroin or Other Narcotics. (2/3 bill)

The roll call on HB 20 was taken and revealed:

YES: - 40.

ABSENT: Representative Taylor - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 20 was sent to the Senate for concurrence.

The Majority Leader moved to recess for caucus at 5:00 p.m.

The House reconvened at 5:24 p.m. with Representative Oberle as Acting Speaker.

Representative Corrozi moved to suspend the rules which interfere with action on HB 110. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Corrozi brought HB 110 before the House for consideration.

HB 110 - An Act to Amend Titles 11, 5, 7, 23, 30, 21, 19, and 3 of the Delaware Code Relating to Certain Revenues of the State. (3/5 bill)

The roll call on HB 110 was taken and revealed:

YES: - 40.

ABSENT: Representative Taylor - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 110 was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative DiPinto introduced HCR 10, jointly sponsored by Representatives Boykin, Smith, D. Ennis, Sills, VanSant & Jonkiert & Senators Holloway, Minner, Bair & Connor.

HCR 10 - Commending the Landlord-Tenant Study Committee and Extending the Date By Which the Landlord-Tenant Study Committee is to Issue Its Final Report.

Mr. Speaker assigned HCR 10 to the Housing & Community Affairs Committee.

The Majority Leader moved to recess to the call of the Chair at 5:33 p.m.

11th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 30, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 14, SCR 16, SCR 15 & SJR

4.

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 George, Taylor - 2.

A prayer was offered by Representative E. Stuart Outten, Jr., Thirty-First Representative District.

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

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

The following prefiled legislation was introduced:

HB 111 - MARONEY & BRADY, AMICK, BOYKIN, CAREY, CORROZI, BUNTING, CAMPANELLI, CLARK, JONKIERT, SOLES - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to When Lighted Lamps Are Required. (2/3 bill)

HB 112 - AMICK - HUM RES: An Act to Amend Chapter 10, Title 16 of the Delaware Code Relating to the Hospital Advisory Council.

HB 113 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 59, Title 29 of the Delaware Code, Relating to the Merit System of Personnel Administration; and Providing for Provisional Employment Under Certain Circumstances.

HB 114 - GILLIGAN - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Modifications to Taxable Income.

HB 115 - OUTTEN, BENNETT, CLARK; SENATORS STILL, TORBERT; REPRESENTATIVE GILLIGAN - H/ADM: An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'the Town of Dover' to 'the City of Dover' and Establishing a Charter Therefor" Relating to Creation of Election Board and Council Appointments. (2/3 bill)

HB 116 - SILLS, DIPINTO, D. ENNIS, MOORE; SENATORS HOLLOWAY, MARSHALL, MCBRIDE - LAND USE & GOV REL: An Act to Amend Chapter 96, Title 9 Delaware Code, Relating to Recording Surcharges.

HB 117 - CAMPANELLI - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25 of the Delaware Code Relating to the Payment of Mortgages and Related Expenses.

HB 118 - BRADY; SENATOR TORBERT; REPRESENTATIVES AMICK, BOYKIN, BUNTING, CAMPANELLI, CAULK, CLARK, DAVIS, DIPINTO, B. ENNIS, GEORGE, HEBNER, HOUGHTON, LOFINK, MARONEY, OBERLE, QUILLEN, REYNOLDS, SPENCE, SCHROEDER, SILLS, WEST; SENATORS BAIR, CONNOR, COOK, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, MINNER, SOKOLA, VAUGHN, VENABLES - HUM RES: An Act to Amend Chapter 79, Title 29, Delaware Code Relating to Financial Liability of Relatives of Persons Served by the Department of Health and Social Services.

HB 119 - BRADY, AMICK, BOYKIN, BUCKWORTH, BUNTING, CAMPANELLI, CAULK, CLARK, DAVIS, B. ENNIS, D. ENNIS, GILLIGAN, HOUGHTON, LOFINK, MARONEY, MOORE, OBERLE, QUILLEN, REYNOLDS, SCHROEDER, SILLS, SOLES, TAYLOR, WEST, SPENCE; SENATORS CONNOR, COOK, HAUGE, HOLLOWAY, MARTIN, MCBRIDE, MCDOWELL, MINNER, SOKOLA, TORBERT - ED: An Act to Amend Delaware Code, Title 14, Chapters 13 and 17, Relating to the Length of the Program Year for Orthopedically Handicapped Students in the Delaware Public School System.

HB 120 - BRADY, BUNTING, CAMPANELLI, CAREY, CLARK, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, FALLON, GEORGE, GILLIGAN, LOFINK, MACK, MARONEY, OBERLE, REYNOLDS, SCHROEDER, SILLS, SOLES, TAYLOR, WEST, SPENCE; SENATORS ADAMS, CONNOR, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, MINNER, SOKOLA, STILL, TORBERT, VAUGHN - B & I: An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.

HA 1 to HB 89 - EWING - P/S: Placed with the bill.

SJR 4 - HOLLOWAY, COOK; REPRESENTATIVES BOYKIN, SMITH, DAVIS, AMICK, GEORGE, DIPINTO, CAREY, EWING, LEE, QUILLEN, MACK, REYNOLDS, LOFINK - H/ADM: Authorizing and Directing the Delaware Development Office to Provide a Delaware Flag to Each Delawarean Who Serves in Operation Desert Storm: and Providing the Funds Therefor.

SCR 16 - MARSHALL & REPRESENTATIVE D. ENNIS; ALL SENATORS & ALL REPRESENTATIVES - B & I: Urging the State Bank Commissioner to Work With Delaware Lending Institutions to Minimize the Financial Problems of Those Serving in the Gulf Conflict and Their Immediate Families.

HA 1 to SB 12 - B. ENNIS - NAT RES: Placed with the bill.

HA 1 to SJR 3 - FALLON - ED: Placed with the bill.

Representatives VanSant, Bennett, Bunting, Houghton, Campanelli, Jonkiert, DiPinto & Clark requested that they be marked present.

Representative Maroney introduced and brought HCR 11, jointly sponsored by Senator Knox & Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Mack, Petrilli, Quillen, Reynolds, Spence, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Moore, Outten, Schroeder, Sils & West & Senators Bair, Hauge, Blevins, Marshall, Martin, Minner & Vaughn, before the House for consideration.

HCR 11 - Memorializing the President of the United States of America, the Secretary of Defense, the Secretary of the Navy, and Our Delaware Congressional Delegation to Posthumously Advance in Rank Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the Rank of Admiral on the List of Retired Naval Officers.

WHEREAS, Admiral Husband E. Kimmel was Commander-in-Chief of the U.S. Pacific Fleet at the time of the surprise Japanese attack on Pearl Harbor, December 7, 1941; and

WHEREAS, at the time of the attack Admiral Kimmel was serving in a temporary appointment as Admiral but following the attack was retired as Rear Admiral, his permanent grade; and

WHEREAS, a Naval Court of Inquiry found that no offenses had been committed nor serious blame incurred on the part of any person or persons in the naval service and specifically approved the judgments and actions under the circumstances of Admiral Kimmel prior to and during the attack; and

WHEREAS, the Officer Personnel Act of 1947 permitted previously retired officers who had served in the rank of Admiral, with the approval of the President and advice and consent of the Senate, to be advanced to the rank of Admiral on the retired list of naval officers; and

WHEREAS, when the aforementioned provision of the Officer Personnel Act of 1947 was implemented, Rear Admiral Kimmel's name was not submitted by the Navy Department to the President for advancement to the rank of Admiral on the retired list; and

WHEREAS, under the aforementioned Act advancement is at the discretion of the President; and

WHEREAS, no President has ever had the matter of advancement of Rear Admiral Kimmel to the rank of Admiral on the retired list submitted to him for the exercise of his discretion; and

WHEREAS, on October 25, 1990 the Officers and Trustees of the United States Naval Academy Alumni Association unanimously adopted a resolution urging the Secretaries of the Navy and Defense to submit the name of Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the President with the recommendation that the President nominate Rear Admiral Husband E. Kimmel for posthumous advancement to the rank of Admiral on the list of retired naval officers and further that copies of its resolution be sent to the Secretaries of Defense and Navy, the President, the Chairman and each member of the Armed Forces Committee of the U.S. Senate; and

WHEREAS, on December 6, 1990 the Pearl Harbor Survivors Association unanimously adopted a resolution urging the same action as the aforescribed United States Naval Academy Alumni resolution and directing that copies be sent to the same persons.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, the Senate concurring therein, hereby memorializes the President of the United States, the Secretary of Defense, the Secretary of the Navy to take the necessary actions to posthumously advance Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the rank of Admiral on the list of retired naval officers.

BE IT FURTHER RESOLVED that upon passage of this Resolution suitably prepared copies be forwarded to the President of the United States, the Secretary of Defense, the Secretary of the Navy, Senator William V. Roth, Senator Joseph R. Biden, Representative Thomas R. Carper, the Secretary of the U.S. Senate and Clerk of the U.S. House of Representatives.

Representatives Roy, Schroeder & West requested that they be marked present.

Representative Maroney requested and was granted the privilege of the floor for Edward R. Kimmel, brother of Admiral Husband E. Kimmel.

Representative Maroney moved to suspend the rules which interfere with action on HCR

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

HCR 11 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Whip moved to recess for committee meetings at 2:25 p.m.

The House reconvened at 4:51 p.m. with Representative Buckworth as Acting Speaker.

Representative Spence requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

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

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

P/S: HB 60 - 2F,1M; HB 89 - 3M.

LABOR & HUM RES MAN: SB 25 w/SA 1 - 2F,2M.

JUD: SB 15 - 4M.

HOUSING & COM AFF: HB 56 - 2F,3M; HCR 10 - 2F,3M.

H/ADM: HB 90 - 4M; HB 115 - 4M; SB 29 - 4M; SB 31 - 4M; SB 37 - 4M; SCR 8 - 4M.

NAT RES: SB 12 - 1F,6M.

Representative Bunting requested that HB 69 be stricken.

Representative Smith introduced HB 121, jointly sponsored by Senator Blevins & All

Representatives & Senators Cordrey, Adams, McBride, Sokola, Bair, Connor, Hauge, Knox, Neal & Still.

HB 121 - An Act to Amend Chapter 3, Title 30 of the Delaware Code Relating to the Administration of Tax Laws in the Event of Service in a Combat Zone.

Mr. Speaker assigned HB 121 to the Revenue & Finance Committee.

Mr. Speaker assigned HB 56 to the Appropriations Committee.

The following prefilled Consent Calendar #4 was introduced:

HCR 12 - MARONEY & SENATOR BAIR - Congratulating Robin Mayforth and the Lark Quartet for Their Outstanding Accomplishments.

HCR 13 - BENNETT, EWING; SENATORS COOK, CORDREY - In Recognition of the 22nd Annual Delaware Day in Florida in Pompano Beach on Thursday, February 14, 1991, and Encouraging Delawareans to Attend and Participate in the Many Festive Activities Planned for the Day.

HCR 14 - CORROZI, SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN; ALL REPRESENTATIVES - Extending Fond Thanks and Appreciation to Stephen T. Golding, Secretary of Finance, for His Ten Years of Service to the State of Delaware and Wishing Him Well in His New Position at the University of Pennsylvania.

SCR 13 - ADAMS; REPRESENTATIVE BENNETT - In Recognition of Delaware Day at Vero Beach, Florida, on Monday, February 18, 1991, in Honor of Former and Present Delawareans.

SCR 14 - SHARP; REPRESENTATIVES ROY, TAYLOR - Congratulating St. Marks Coach, Tom DeMatteis, Upon Being Honored as the Top Regional Soccer Coach of the Year.

SCR 15 - NEAL, SOKOLA, MCBRIDE; REPRESENTATIVE PETRILLI - Congratulating Arkan Say, P.E. Recipient of the Prestigious "1991 Engineer of the Year" Award Presented by the Delaware Engineering Society, Inc.

Representative Corrozi requested that HCR 14 be removed from Consent Calendar #4.

Representative Corrozi moved to place HCR 14 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle introduced HR 16, cosponsored by Representatives Spence, Brady, Petrilli, Ewing & Buckworth.

HR 16 - Encouraging Private Sector Employers to Explore and Pursue Modification of Employee Benefit and Salary Programs of Employees Called to Active Duty in the Persian Gulf.

HR 16 was placed on #Consent Calendar 4.

Consent Calendar #4 was adopted by voice vote and HCR 12 & HCR 13 were sent to the Senate for concurrence and SCR 13, SCR 14 & SCR 15 were returned to the Senate.

Representative Sills requested that he be marked present.

Representative Davis brought HB 33, jointly sponsored by Representatives Hebner, Ewing, Lee, Bennett & Houghton & Senator Vaughn, before the House for consideration.

HB 33 - An Act to Amend Section 4177B, Title 21, Delaware Code Requiring Participants in the First Offender Program to Pay the Costs of Prosecution.

The roll call on HB 33 was taken and revealed:

YES: - 37.

ABSENT: Representatives Carey, George, Roy, Taylor - 4.

Therefore, having received a constitutional majority, HB 33 was sent to the Senate for concurrence.

Representative Amick brought HB 38 before the House for consideration.
HB 38 - An Act to Amend Title 21 of the Delaware Code Relating to Insurance for Motor Vehicles.

Representative Amick moved to place HB 38 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Bennett brought HB 24, jointly sponsored by Representatives Fallon & Outten & Senators Cook & Vaughn, before the House for consideration.

HB 24 - An Act to Amend Title 14, Chapter 13, Delaware Code, Relating to Speech and Hearing Specialists.

Representative Bennett introduced and brought HA 1 to HB 24 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 24 w/HA 1 was taken and revealed:

YES: - 39.

ABSENT: Representatives George, Taylor - 2.

Therefore, having received a constitutional majority, HB 24 w/HA 1 was sent to the Senate for concurrence.

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

12th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

January 31, 1991

Mr. Speaker Spence called the House to order at 1:37 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, SB 41, SB 34, SB 46, HB 96 & HB 87.

January 30, 1991

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/30/91 - SB 22 aab SA 1 & 2.

HB 1 is the second leg of a constitutional amendment and does not require the Governor's signature.

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

H/ADM: SJR 4 - 2F, 1M.

R & F: HB 121 - 4F.

Representative Taylor requested that he be marked present.

The Majority Leader moved to adjourn at 1:38 p.m., thereby ending the current legislative day. The House reconvened at 1:39 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

Cub Scout Pack 941 Webelos Den led those present in a pledge of allegiance to the American Flag.

Representatives Lee, Jonkiert, Amick, Outten & VanSant requested that they be marked present.

Representative Corrozi requested that HCR 14 be stricken.

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

The following prefiled legislation was introduced

HB 122 - OBERLE - R & F: An Act to Amend Chapter 53, Title 30 of the Delaware Code Relating to the Tobacco Tax.

HB 123 - AMICK - SUBS ABUSE: An Act to Amend Title 11 and Title 30, of the Delaware Code Relating to Tobacco Products; and Providing a Prohibition Against Certain Activities. (2/3 bill)

HB 124 - QUILLEN, LOFINK, REYNOLDS, CAREY, CAULK - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for Members of the American Legion and Veterans of Foreign Wars. (3/5 bill)

HB 125 - CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Title 19 of the Delaware Code Relating to Vocational Rehabilitation Services.

HB 126 - WEST, GILLIGAN - 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.

HJR 2 - DIPINTO & GEORGE, SILLS, JONKIERT; SENATORS HOLLOWAY, MARSHALL, MCDOWELL - JUD: Extending the Date by Which the Court Consolidation Committee is to Issue Its Draft Municipal Court Consolidation Bill.

HA 1 to HB 34 - DAVIS, EWING, HEBNER, LEE, BENNETT, HOUGHTON; SENATOR HOLLOWAY - L.O.T.: Placed with the bill.

HA 1 to HB 46 - OBERLE - HOUSING & COM AFF: Placed with the bill.

SB 34 - BLEVINS - APPRO: An Act to Amend Title 14 and Title 29 Relating to Leave of Absence for Military Service. (F/N)

SB 41 - COOK, MINNER, STILL, TORBERT, VAUGHN; REPRESENTATIVES BENNETT, OUTTEN, CLARK, QUILLEN, BUCKWORTH - ED: An Act Approving and Validating All Actions Taken by the Capital School District Relating to Authorization of the Issuance of Bonds for a School Construction Program.

SB 46 - VAUGHN & REPRESENTATIVE DAVIS; SENATORS COOK, ADAMS, CORDREY, MARSHALL, MINNER, TORBERT, MARTIN, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL; REPRESENTATIVES CAREY, BUCKWORTH, CORROZI, DIPINTO, D. ENNIS, EWING, FALLOW, B. ENNIS, GEORGE, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINK, MARONEY, OBERLE, OUTTEN, PETRILLI, QUILLEN, ROY, SCHROEDER, SMITH, TAYLOR, VANSANT, WEST, SPENCE, AMICK, BENNETT, BOYKIN - CORR: An Act Authorizing the Issuance of Obligations of the State of Delaware to Fund Adult Correctional Facilities. (3/4 bill)

SB 47 - MINNER & REPRESENTATIVE CAREY; SENATORS MCDOWELL, HOLLOWAY, MARSHALL, BLEVINS, SOKOLA, SHARP, MARTIN, MCBRIDE, VAUGHN, COOK, TORBERT, ADAMS, CORDREY, VENABLES, HAUGE, BAIR, KNOX, NEAL, CONNOR, STILL; REPRESENTATIVES AMICK, BENNETT, BOYKIN, BUCKWORTH, BUNTING, CAMPANELLI, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MARONEY, MOORE, OBERLE, OUTTEN, PETRILLI, QUILLEN, REYNOLDS, ROY, SCHROEDER, SILLS, SMITH, SOLES, SPENCE, TAYLOR, VANSANT, WEST, EWING - R & F: An Act Amending Chapter 54, Title 30, Delaware Code Relating to Realty Transfer Tax Revenue Bonds in Support of the Conservation Trust Fund; Authorizing the Issuance of Realty Transfer Tax Revenue Bonds; and Providing for the Use of Certain Bond Proceeds for Greenways. (3/4 bill)

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

CORR: SB 46 - 5F.

SUNSET & OVERVIEW: HB 65 - 2F, 2M.

The Majority Leader moved to recess for the Joint Session at 1:50 p.m.

JOINT SESSION
House Chamber
January 31, 1991

Pursuant to HCR 7, the House and Senate met for a Joint Session in the House Chamber. The Sergeant-at-Arms announced the Members of the Senate. They were admitted and seated. The Speaker invited the President of the Senate and the President pro Tem to be his guests on the rostrum.

The Sergeant-at-Arms announced the county and statewide elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the members of the Governor's cabinet. They were admitted & seated.

The Majority Leader moved that the House and Senate convene in Joint Session at 1:58 p.m. The motion prevailed.

The Majority Leader moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

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

The Majority Leader moved that a committee of four be appointed to escort the Governor to the House Chamber. The motion prevailed.

The Speaker appointed Representatives G. Robert Quillen (spokesperson) & Casimir S. Jonkiert & Senators Ruth Ann Minner & James P. Neal to escort the Governor to the Chamber.

The Sergeant-at-Arms announced the Governor and the duly appointed Committee. They were admitted. The Speaker invited the Governor to the rostrum and Representative Quillen introduced him to the Joint Session.

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

Thank you very much, Mr. Speaker and Lieutenant Governor Wolf and Mr. President Pro Tempore, members of the 136th General Assembly, other elected officials who are here, the Judiciary, my Cabinet, honored guests, and the people of Delaware:

Since the ball dropped in Times Square just a month ago to the familiar strains of "Auld Lang Syne," the world has turned upside down.

We have witnessed the dramatic debates by Congress, which endorsed President Bush's policy to go forward to war illustrating that our deliberative process does produce unity of purpose. Our television screens daily flash images of journalists delivering their latest Scud versus Patriot missile reports from the rooftops in Tel Aviv, Riyadh and Dhahran -- showing to the world that preparedness is vital to stop aggression. The bruised faces of our filers on Iraqi television personalize the commitment of fighting for principles as well as the tragic impact of that fight.

While our attention will remain drawn halfway around the world until we have removed Saddam Hussein from Kuwait, here in Delaware we must maintain our focus to shaping the course of government for the next 18 months.

Before January 16th, the newspaper front pages were dominated by the economy -- rising unemployment, falling consumer confidence, slowing gross national product -- all signals of the nation in recession. Today those problems are hard-pressed to make the second section.

The economic downturn has hit many of our sister states hard -- some face layoffs of up to 10,000 employees -- others have 30 percent of their budgets unfunded -- others face elimination of entire programs in such key areas as social services and many must borrow large sums of money to close their budget gaps, threatening their bond ratings. And most of the longer term remedies to these budget woes involve large tax increases.

The impact of the economic slowdown has taken its toll here in Delaware as well; but we have managed the downturn without similar dramatic impact.

In just one year, from the December 1989 meeting of the Delaware Economic and Financial Advisory Council to its December 1990 meeting, we witnessed a decline of almost 100 million dollars in available revenues. Yet, during that period through a spirit of cooperation, we managed to maintain state services.

Last spring, we met in a series of frank and open meetings to map out a long-range plan that included both cuts in my proposed budget and revenue measures to meet the shortfall.

Two weeks ago, I said that Delaware's economy had paused -- not stopped. This budget reflects that pause as well as our commitment not to stop providing the very best education for our children, protection for our water and air, health care for the needy and job opportunities for all Delawareans.

We will not lay off thousands of employees.

We will not retreat from our capital funding commitments to schools, health care facilities, and our transportation system.

We will continue our dedication to addressing health care needs of our children.

We will continue to narrow the gap between rich and poor school districts.

While tomorrow's headlines certainly cannot read, "1992: Boom Year for Delaware," they also cannot read "Doom and Gloom Year for Delaware" because Delaware will continue to move ahead.

* * *

One of the nation's leading bond analysts recently warned us that it is not the size of a state's economic problem that determines its bond rating; rather, it is the success or failure of government, through both the executive and legislative branches, to enact a reasonable plan to manage the problems. Delaware, thus far, has strictly adhered to a reasonable plan.

Together, we have managed each change in our economy directly, quickly and effectively.

Together, we have built a system that guarantees Delaware's fiscal integrity.

And together we will protect that system of prudent financial management and use it as our best weapon in this financial fight.

In 1976, the "75 Percent Rule" was established to force down our bonded indebtedness.

In 1976, we began to fully fund the Pension Fund.

In 1977, DEFAC was established to remove revenue forecasting from the partisan arena.

In 1980, proposals to amend the Constitution to require an extraordinary vote for spending the two percent set-aside account and permanently establish the Rainy Day Fund were enacted.

In fiscal years 1988, 1989, 1990, and again in 1991 we directed one-time surplus revenues to the Bond Bill to finance important capital projects without borrowing.

In 1988, the Transportation Trust Fund was funded to manage requirements of our transportation infrastructure.

All of these important management decisions have built a structure that allows us -- even in these tough times -- to present a recommended budget that, for the fifteenth straight year, is balanced without the necessity of a general tax increase.

Further, this budget is designed to minimize negative impact on state services and employees. However, recognizing the world's instability and the fact that fiscal conditions could dramatically change prior to June's markup, I will stand ready to ask the Joint Finance Committee and the Joint leadership to work with me in making whatever adjustments we must to present a balanced budget.

So, as Phil Corrozi, Nancy Cook, and the members of the Joint Finance Committee prepare a budget for fiscal year '92, I would suggest they look carefully at the budget's long-term impacts.

We must adopt a budget in June that can be reasonably sustained in fiscal years '93 and '94 on a revenue base that will show a little growth.

Today I recommend to you a budget of 1.19 billion dollars while setting aside 18.4 million dollars for Grant-in-Aid. This is actually 32.2 million dollars less than the budget enacted last June. Without the substantial cuts made during this current fiscal year, we would not have had the funds needed to meet the increases in automatic obligations that will begin this July 1st. While the total fiscal year '92 budget represents a 1.0 percent increase over this year's reduced budget, we have, in fact, made cuts in the base to accommodate costs generated from formula spending, entitlements and inflation.

In other words, ladies and gentlemen, the decision was to pay now by making the cuts, rather than paying far too dear a price later when the problem would only have worsened.

Let me caution, though, that while the budget is balanced without a proposed tax increase, it will require the appropriation of almost 100 percent of available revenues.

My highest priority in this budget is to continue funding existing programs and I recommend implementation of four key policies to meet that goal:

- *An early retirement option;

- *A transfer of the Department of Transportation General Fund personnel operating costs to the Transportation Trust Fund;

- *An appropriation of the two percent set-aside; and,

- *Additional budget cuts in fiscal year '92.

First, the early retirement option will produce a net savings of 10.6 million dollars in fiscal year '92 by permanently eliminating 500 currently filled positions. As we began our internal deliberations, it was clear we could not close the budget gap without addressing personnel costs, which represent more than half of the total budget.

If we adopted a policy of immediate layoffs, the number of positions eliminated would be substantially more than 500, since the salaries would be at the lower end of the scale. Instead, we fashioned an alternative that can achieve the necessary savings through voluntary retirement, not through forced firing. The cost of this program, including the additional benefits paid out, will be recovered in just two budget cycles. But additional and more permanent savings can be achieved if positions do not creep back into the budget. Our recommendations prevent that from occurring.

The second policy that involves the transfer of all remaining general fund personnel costs in the Department of Transportation to the Transportation Trust Fund, is being recommended to help make 32 million dollars available to the General Fund and because it is the correct policy to follow organizationally.

Since June of 1987, the Administration and the Legislature have pursued a policy of establishing and funding the State's transportation needs by means of a separate fund with dedicated revenues. This policy recognizes the continuing need to address the infrastructure of our transportation system and the direct link it serves in sustaining economic growth and prosperity. Further, it was clear that in order to design and construct improved transportation systems, as outlined in the Department's Six Year Plan, dedicated funding would be necessary to create the continuity required to meet the Plan's goals.

Since the initial proposal for the Trust Fund and its accompanying financial package was presented, it has undergone substantial revisions, including the addition of Municipal Street Aid, increases to the Suburban Street Program, and increased emphasis on mass transit statewide. Construction of a new bridge over the Chesapeake and Delaware Canal also has financial implications on the Trust Fund.

But, by transferring the balance of operating expenses of the Department of Transportation to the Trust Fund, we will be taking the next logical step in fully establishing a fund that will contain all transportation expenses and include all required dedicated transportation revenues. This does not mean, however, that we will not have to continue adding transportation-related and dedicated revenues in future years. In the course of your budget debate, Secretary Justice will outline the proposed time table for those revenue decisions.

Two points you should note -- One, this does not mean that salary and related operating expenditures will be bonded -- they will be paid by the on-going revenues to be dedicated to the Trust Fund; and two, this decision does not, in any way, remove the Department from the direct appropriation control of the legislature in the budget or the Bond Bill.

The third measure I am recommending is use of the two percent reserve account as an extraordinary appropriation at the time the budget is adopted to produce almost 24 million dollars.

If the two percent was not used, we would have no other choice than to make even deeper budget cuts during the course of this budget cycle. In my previous budgets, appropriation of these funds has not been recommended; however, the final budget I signed last June showed an anticipated expenditure of a part of that reserve. In light of our reduced revenues this year, I have concluded that this step must be taken at the outset.

And fourth, I am proposing cuts in the fiscal year '92 budget in addition to the ones made during this year. It would be unwise -- and indeed almost imprudent -- to balance a budget without making reductions. If you do not have the revenues, you must make cuts. And this budget reflects that necessity.

These four policies are the fundamental tools used to build this budget. Yet there is one tool -- far more drastic than all these -- that I will not consider using at this time.

Last year, as we faced reduced revenues after the budget was adopted, many suggested we merely continue to spend according to that budget and at the end of the year, tap into the Rainy Day Fund to cover the deficit. The most common question I heard was: "When is it raining?"

Before you can answer that question, you must answer the question: "What is the Rainy Day Fund?" Very simply, it is government's savings account -- government's protection against the costs of emergencies or occurrences over which we have no control. Like your family's savings account, it is something you manage carefully and spend only after every other dollar is used up.

And like the family savings account, the Rainy Day Fund is something to be protected, and those who established this fund did so with important restrictions and as an ultimate safeguard.

First, the law requires that the Fund be replenished almost immediately, which in unpredictable economic times may be virtually impossible.

Second, the Fund itself is a safeguard, considered very seriously when Moody's and Standard and Poors determines our bond rating. A healthy Rainy Day Fund helps guarantee us low interest rates on our bond payments; a depleted Fund would almost certainly lead to a lower rating and higher interest costs.

And third, in times of deteriorating revenues, the Fund remains our only insulation from financial disaster -- from drastic lay offs, program cuts and tax increases -- that could cripple not only our economy, but also our ability to provide essential services and to respond in the event of a national disaster.

So, the Rainy Day Fund, in my opinion, is the very last place we turn when faced with hard times and should be used only after all other approaches to closing a budget gap have been exhausted.

I reject the notion that the Rainy Day Fund should be counted on or used in any way to construct the proposed budget.

Using the Rainy Day Fund would be a dangerous short-term, quick fix that would create a long-term financial fiasco. So it is important in structuring the next budget that we recognize that any spending level adopted must be sustainable for future revenue sources.

Each of the components I have discussed today is essential to the continued prudent management of Delaware's finances that will result in a balanced and fair budget on June 30.

Ladies and gentlemen, we all talk freely about the future -- about more and better jobs, about progress and prosperity. But talk will not balance the budget, and a budget balanced on sound principles and not on anyone's back is the only true way to do more than just talk about the future. The budget is our opportunity to shape the future.

Damaging policies used by other states, such as endless tax and spend cycles, short-term borrowing and expenditure of one-time money, simply cannot be used in Delaware. We cannot leverage our future in this way. Remember that the budget you adopt for fiscal year 1992 will determine whether the budgets for 1993 and 1994 are balanced -- whether Delaware will go forward or fall back.

I believe that the budget I am offering you today will move us forward and is our best chance for maintaining the quality of our people's lives.

Building a budget is far more than number-crunching and the end result is much more than cold calculations. The budget process is government's way of addressing citizens' needs. The budget itself is a means of getting those needs by funding programs which give people a clean environment, a good education system, accessible social and health services and the opportunity for employment.

While Delaware's slowing economic growth cannot be disputed, the strength of our solid foundation -- built upon our commitment to sound fiscal management and focused long-term planning -- will sustain our momentum.

It is this foundation which will energize our efforts to do more with less.

And, it is this foundation which will continue providing an unequalled quality of life in Delaware.

Delaware has weathered far worse storms than the one hitting us today and when these storms have passed we will have far better times than perhaps we can imagine today.

Programs created and expanded in the last six years remain basically intact in this budget -- an achievement of paramount priority.

Efforts in environmental protection, public safety, health and social services and economic development have sustained reductions during the course of the last two years as revenues declined. But public education -- the largest single area of our budget -- has had no reductions in state funding.

In my State of the State address I devoted great attention to the strides we are making toward achievement of the National Education Goals -- goals based on three premises: that our education system should have flexibility, should have accountability and that this combination should produce results.

One of my greatest continuing commitments has been to the substantial financial investments needed to support an excellent education system. The recent announcement by local school district superintendents of their plan for changes in education shows we are all moving toward creation of such a system. We cannot, however, allow this energy to go unchanneled or to have impact only at the margins.

Today we stand at the crossroads in education. We must continue to challenge both ourselves and the status quo; we must ask fundamental questions about the current number and organization of districts; about the basic formulas and about the proper roles of the Department of Public Instruction and the State Board of Education. We must move from a system that prescribes only the hours and content of instruction to a system that demands specific outcomes and abilities; from a system that runs on common practice to one that is based on common sense.

What I offer today is a first step toward building this system together -- toward providing our educators with the flexibility to meet individual school needs and to establishing accountability for these efforts.

What I offer today is a slightly modified budget for education; a renewed commitment to helping our poorer districts and a few new initiatives.

First, to provide the flexibility and accountability our present system lacks, and manage the cuts we felt must be made, I am proposing measures to restructure approximately 30 individual line-items -- known as pass-throughs -- into four broad categories of block grants. These grant categories include: State Board of Education Contractual Services, Adult Education and Work Force Training, Professional Accountability and Instructional Advancement, and Ancillary Education Services. While the funds for these programs are reduced, the new funding structure allows the State Board and local districts flexibility to set their own priorities in these areas.

Second, to protect the core classroom programs provided by Divisions I, II, and III, I am proposing a 5.5 percent increase in these Divisions largely due to increased student population counts. And under equalization, we will continue our commitment to close the resource gap between poor and wealthy school districts. I am maintaining that commitment by putting 1.8 million new dollars in addition to the increase associated with unit growth, into this formula so that the districts are eligible to receive increases in funding up to 20 percent.

Finally, my third offering is a few new initiatives in education -- including a federally mandated 1.4 million dollar Therapeutic Preschool Program which will provide developmental educational services to mildly handicapped youngsters aged three to five and the Children's Service Cost Recovery Project.

These polices cannot succeed without the commitment of our educators. Many of our teachers and administrators are already working to raise our system to the caliber our students deserve. With their willingness to work and your cooperation in implementing the initiatives I have outlined, I am confident that the important process of building an excellent education system based on the good one we have today will be successful.

While education has had six years of undisturbed financial investment, other agencies have sustained cuts; yet, they still continue to provide essential and innovative services and will do so again in 1992.

Since I submitted my first budget, operating expenditures have increased by 56 percent for an average annual budget growth of 9.3 percent.

I could easily discuss most of the new programs, new positions and new expenditures you have heard announced in all my previous budget addresses again today because they will continue to benefit our citizens in this year. We will also renew our commitment to the type of economic development initiatives that in the last six years have increased employment opportunities and broadened our tax base. And while there are some new programs in key areas of this budget that I will discuss, we must all remember that our focus has shifted from surplus spending to deficit management and from program creation to program reduction.

Budgets for departments including Agriculture, Administrative Services, and Public Safety, will generally remain flat compared to fiscal year '91, but will still provide essential services created through the growth experienced in the last six years.

However, there are small increases in certain key areas.

For example, the Judicial branch will receive 700,000 dollars for civil development of automated child support information systems and the Board of Parole and Department of Labor will receive funding for new positions in key areas.

The budget for the Department of Health and Social Services is increasing by nearly four percent over last year for total growth since 1985 of 81 percent. Under federal Medicaid mandates, we will provide services for children aged eight and an additional 124,000 dollars for the Early Periodic Screening, Diagnostic and Treatment program. This means that more poor children whose health may have been neglected can have their eyes, their ears and their hearts checked just like your children can. This may sound simple to you and me, but to the six-year old who may never have seen a doctor, it is one of the most important services we could offer.

I am recommending full year funding for Paramedic Training Funds at 700,000 dollars and have set aside adequate funds in the Grant-in-Aid Bill to pay the State's 60 percent share of the implementation cost so that people from Magnolia to Millsboro will have accessible emergency medical services. I am also proposing small increases for the Special School Graduates program and the Post-21 program to expand assistance to those who require the services.

Our greatest effort in this area will be the beginning of our Indigent Health Care strategy. And while economic restraints will prevent the funding levels I had hoped for this year, we will still move boldly ahead to help this needy population. As part of this plan we will provide health care coverage for the General Assistance population and children age six and seven, as well as increased services for pregnant women and infants. If we can help a teenager manage her pregnancy so that the end result is a happy and healthy baby, or help the 64-year old man at high risk for diabetes but with no money to be diagnosed for it, then not only have we reduced costs to society, but we have helped give the greatest gift of all -- the gift of life.

While protecting and helping people remains my highest priority this year, I am also looking to the Department of Natural Resources and Environmental Control for continued dynamic efforts to preserve and protect the environment. Over the last three years, 21 million dollars has been made available for Land Acquisition and 70 million dollars over the next 10 years will be made available for the Land and Water Conservation programs.

While we have substantially funded land protection programs, we have also found ways to protect environmentally sensitive land at no cost through property transfers to the state or conservation easements. And with the help of volunteers and community committees dedicated to problem-solving, DNREC will continue looking for public and private support in efforts such as the Atlantic Coast Beach Nourishment project under my Environmental Legacy program.

A recent editorial in the Washington Post noted that the two fastest growing demands on state budgets are Medicaid mandates and prisons -- trends we are experiencing in Delaware.

The construction of two new prisons will create needs for other operating expansions including the addition of 41 full-time positions for guards and community supervision, and the purchase of an additional 50 electronic monitoring anklets to expand the successful House Arrest program. And finally, Professor Jim Inciardi of the University of Delaware has received a 4.8 million dollar federal grant to develop drug treatment programs for prisoners on work release in conjunction with the State to help address the drug problem and reduce recidivism.

All state government agencies will have the opportunity this year to be more effective through restructuring because of initiatives such as the Early Retirement Option, but it is not the only way we can reduce the size of government or make it more efficient.

In the spring, I will present a plan to reorganize the delivery of some state services. Many of these ideas will be at the divisional level and will be justified by new economies of scale. There is one initiative, however, that I am announcing today, because it is the largest, and will require the most time to work through in an orderly fashion. This is the merger of the functions of the Department of Community Affairs into other state agencies.

Functions which are important to the people of this State. This is being done at the suggestion of Secretary Frances West, and I would like to thank her for her foresightedness.

While some states have asked their employees to give back benefits or salaries in order to balance the budget, we will not. However, there will not be a general salary increase included in the budget I am recommending to you. Teachers who are proceeding from one step to another or changing degree lanes will receive that step increase. While everything that we read and hear indicates that revenues are more likely to fall than rise, if that situation is reversed and we do enjoy an increase in available revenues before mark-up, I believe that the increase in pay for our state employees should be our first priority.

* * *

I am also presenting the capital budget today, which calls for new expenditures of 79.1 million dollars in fiscal year '92. This capital budget is premised on the adoption of a new rule for state debt issuance, which has already been passed by the House. As you know, that formula will impose a "cap" each year on all new bonds authorized equal to five percent of total state general fund revenues.

The Bond Bill reflects our continuing commitment to capital projects which have a direct impact on people's lives.

In the area of public education, 25 million dollars is being recommended for school renovations and improvements and a total of 15.9 million dollars is earmarked for higher education projects including the University of Delaware's Chemical, Biochemical & Marine Science Lab, Delaware State's Science Center Annex construction and Delaware Tech's Higher Education Facility completion.

In addition, 8.1 million dollars is recommended for health and social service-related projects; 6.9 million dollars for infrastructure, including 1.2 million dollars for the 800 megahertz system and 2.5 million dollars for the Port of Wilmington expansion; 1.4 million dollars for the completion of the juvenile detention facility and 200,000 dollars for the Sussex Fire Training Center and 2 million dollars for the Housing Development Fund. In the area of housing we will be embarking on a new initiative that I will announce in the next few months and, that will expand our efforts to provide safe and affordable housing.

To build two new prisons, I am recommending 37 million new dollars to complete the 50 million dollar commitment for these facilities.

Each of the projects recommended for funding has been funded in some manner in some previous bond bill. Many of these expenditures represent the final phase of the project; others continue the necessary funds recommended by their agencies to keep their construction on schedule, while others represent the remaining share of the state's commitment to projects which require private sector action before these funds can be expended.

The bottom line in the departmental budgets is that state services will continue and Delaware will move forward in the positive direction we have set for the last six years. Our ability to maintain services and go forward, as states surrounding us eliminate services and fall backwards, can be directly attributed to the innovative policies and prudent management we have used. The creativity with which we have traditionally approached problems has helped ensure that we are not crippled in the face of challenges such as those facing us today.

We have shown a great ability to be flexible and creative in times of plenty -- to develop new programs and experiment with cutting-edge projects. Now we must stretch the limits of these abilities in these times of reductions.

* * *

History teaches us that difficult times do not last forever and that it is the people who make tough decisions during these times who eventually enjoy better ones. Delaware has not only made tough decisions, but you and I working together have made the right decisions.

Together, we have succeeded and our people have prospered.

Together, we have worked hard and our state has progressed.

Together, I believe we can manage the economic challenge before us today as we have managed those in the past.

There is one person in particular who has been an integral part of this process and who I am sorry to say will not be together with us as he has been for the last 10 years.

As you all know, my Secretary of Finance, Steve Golding is concluding his service to the State of Delaware.

Please know, Steve, that you will be missed in my office for your intelligence and patience; that you will be missed in these chambers for your honesty and innovation, and that while they may not know it, the people of this State will miss the compassion you have shown them.

You were given the very special opportunity to touch peoples' lives and you did so in many important ways that none of us will ever forget.

Please know, Steve, that you leave with my deep personal thanks, my wishes for a successful future and hope that you will always remain a Delawarean.

* * *

Delawareans understand that in managing our way through this downturn we will become stronger. Delawareans know that even now we must look forward to a time when our economy resumes its rapid growth and the world is at peace.

Peace is perhaps our most elusive goal: that one achievement from which we learn our most important and difficult lessons.

The war has forced us to teach our children lessons we had hoped they would never need to learn, and it has forced us to confront issues ourselves that we had prayed would never surface.

No person in state government has felt the reality of this war more than Major General Art Episcopo. I would like to take a moment today and ask you to join me in saluting General Episcopo, his troops, the men and women of Dover Air Force Base and the families of each of these courageous soldiers. Thank you, General.

As I watched President Bush deliver his State of the Union message Tuesday night I realized that the determination and resolve he is using to successfully fight this war are the characteristics you and I must use in the coming months.

Determination to see that every option is known and pursued.

Determination not to waver.

Determination to make the right decisions and the resolve to stick to a decision once made.

One of the President's statements I feel captures the message I would like to leave you with is, "The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to this victory for world peace and justice is the same spirit that gives us the power and potential to meet our toughest challenges at home."

Our commitment to these brave people must equal the commitment they have made to us.

Let us remember that it is within our power to overcome any obstacle and defend against any threat.

It is within our power to prosper in the face of problems and progress with unity of purpose.

And, Ladies and Gentlemen, it is within our power to provide a quality of life that is worth fighting for now, and in the future.

Thank you very much.

Representatives Quillen & Jonkiert & Senators Minner & Neal escorted the Governor from the Chamber.

The Majority Leader moved that the Chief Clerk & the Secretary of the Senate compare their respective Journals. 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.

The Majority Leader moved that the Joint Session be adjourned at 2:46 p.m. and that the two Houses separate to reconvene in their respective Chambers. The motion prevailed.

The House reconvened at 4:32 p.m.

Representative Oberle introduced HB 127, jointly sponsored by Representatives Spence, Boykin, Roy & Corrozi & Senators McBride & Bair.

HB 127 - An Act to Amend Title 22 of the Delaware Code and Applicable Municipal Charters Relating to Residency Requirements for Municipal Employees. (2/3 bill)

Representatives Brady & Gilligan requested that they be marked present.

Mr. Speaker assigned HB 127 to the House Administration Committee.

Representatives Mack, B. Ennis, Boykin & Sills requested that they be marked present.

Representative Petrilli introduced HB 92, jointly sponsored by Representatives Spence & Buckworth & Senators Bair & Connor.

HB 92 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 92 to the Appropriations Committee.

Representative Petrilli introduced HB 100, jointly sponsored by Representatives Spence & Buckworth & Senators Bair & Connor.

HB 100 - An Act to Provide for a Supplemental Appropriation for the Fiscal Year Ending June 30, 1992, 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. (3/5 bill)

Mr. Speaker assigned HB 100 to the Appropriations Committee.

Representative Buckworth introduced HB 128, jointly sponsored by Representatives Spence & Senator Sharp & Representatives Boykin, Carey, Corrozi, Fallon, Quillen, Lofink, Lee, Bennett, Brady, Clark, Jonkiert, B. Ennis & West & Senators Cordrey, Vaughn, Torbert, Connor, Bair & Hauge & cosponsored by Representative Ewing.

HB 128 - An Act to Amend Chapter 42, Title 11, Delaware Code Relating to Sentences and Punishment for First-Degree Murder.

Mr. Speaker assigned HB 128 to the Judiciary Committee.

Representative Campanelli introduced HB 129.

HB 129 - An Act to Amend Chapter 21, Title 25 of the Delaware Code Relating to Mortgages, Interest, Advance Payments and Escrow.

Mr. Speaker assigned HB 129 to the Banking & Insurance Committee.

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

R & F: HB 121 - 4F, 1M. (amended)

ED: SJR 3 - 7M.

Representative Smith brought HB 121, jointly sponsored by Senator Blevins & All Representatives & Senators Cordrey, Adams, McBride, Sokola, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

HB 121 - An Act to Amend Chapter 3, Title 30 of the Delaware Code Relating to the Administration of Tax Laws in the Event of Service in a Combat Zone. (F/N)

Representative Smith introduced and brought HA 1 to HB 121 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 121 w/HA 1 was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority, HB 121 w/HA 1 was sent to the Senate for concurrence.

Representative Fallon brought SJR 3, jointly sponsored by Senators McBride, Blevins, McDowell, Minner, Sokola, Torbert & Neal & Representatives Amick, Oberle, Quillen, Reynolds, Brady, Moore & Outten, before the House for consideration.

SJR 3 - Providing for the Establishment of a Task Force to Review and Make Recommendations on a Number of Issues Relating to School Transportation.

Representative Fallon brought HA 1 to SJR 3 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to SJR 3, jointly sponsored by Representative Maroney, before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SJR 3 w/HA 1 & 2 was taken and revealed:

YES: - 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority, SJR 3 w/HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Bennett moved to suspend the rules which interfere with action on SB 41. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Bennett brought SB 41, jointly sponsored by Senators Cook, Minner, Still, Torbert & Vaughn & Representatives Outten, Clark & Quillen & cosponsored by Representative Buckworth, before the House for consideration.

SB 41 - An Act Approving and Validating All Actions Taken by the Capital School District Relating to Authorization of the Issuance of Bonds for a School Construction Program.

The roll call on SB 41 was taken and revealed:

YES: 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 41 was returned to the Senate.

Representative Davis moved to suspend the rules which interfere with action on SB 46.

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

Representative Davis brought SB 46, jointly sponsored by Senators Vaughn, Cook, Adams, Cordrey, Marshall, Minner, Torbert, Martin, Bair, Connor, Hauge, Knox, Neal & Still & Representatives Carey, Buckworth, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, B. Ennis, George, Hebner, Houghton, Jonkiert, Lee, Lofink, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Schroeder, Smith, Taylor, VanSant, West, Spence, Amick, Bennett & Boykin, before the House for consideration.

SB 46 - An Act Authorizing the Issuance of Obligations of the State of Delaware to Fund Adult Correctional Facilities. (3/4 bill)

The roll call on SB 46 was taken and revealed:

YES: - 39.

NO: Representative Moore - 1.

NOT VOTING: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 46 was returned to the Senate.

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

Representative Carey brought SB 47, jointly sponsored by Senator Minner & All Senators & Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Moore, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, VanSant & West & cosponsored by Representative Ewing, before the House for consideration.

SB 47 - An Act Amending Chapter 54, Title 30, Delaware Code Relating to Realty Transfer Tax Revenue Bonds in Support of the Conservation Trust Fund; Authorizing the Issuance of Realty Transfer Tax Revenue Bonds; and Providing for the Use of Certain Bond Proceeds for Greenways. (3/4 bill)

Representative Carey requested and was granted the privilege of the floor for Stephen Golding, Secretary, Department of Finance.

The roll call on SB 47 was taken and revealed:

YES: - 40.

NO: Representative West - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 47 was returned to the Senate.

Representative Petrilli brought HB 88 w/HA 1 & 2 & SA 2,3,5,7 & 8, jointly sponsored by Senator Cook & Representatives Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Lofink, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Jonkiert, Outten, Schroeder, Sills, Soles, VanSant & West & Senators Bair, Connor, Knox, Neal, J. Still, Holloway, Venables & Martin, before the House for consideration.

HB 88 - An Act to Amend Title 29 of the Delaware Code Relating to an Early Retirement Option for State Employees.

Representative Petrilli requested and was granted the privilege of the floor for Donald McArdle, Pension Administrator.

Representative Buckworth announced that he will not be voting on HB 88 because of a possible conflict of interest.

The roll call on HB 88 w/HA 1 & 2 & SA 2,3,5,7 & 8 was taken and revealed:

YES: - 40.

NOT VOTING: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 88 w/HA 1 & 2 & SA 2.3.5.7 & 8 was sent to the Governor.

Representative Corrozi introduced & brought HR 17, jointly sponsored by Representatives Spence, Petrilli, Buckworth, George & Gilligan & All Representatives, before the House for consideration.

HR 17 - Extending Fond Thanks and Appreciation to Stephen T. Golding, Secretary of Finance, for His Ten Years of Service to the State of Delaware and Wishing Him Well in His New Position at the University of Pennsylvania.

WHEREAS, Stephen T. Golding first became known to this body for his capable and timely response to requests for stump removal forwarded to the Department of Transportation; and

WHEREAS, Steve Golding's finesse to magically work numbers boosted him to Director of Administration in the Department of Transportation, giving him the chance to orchestrate one of the State's most confusing budgets; and

WHEREAS, his command performance in this position catapulted him to the position of Budget Director where he dutifully earned the "bean counter" moniker; and

WHEREAS, as Delaware's Secretary of Finance Steve Golding has performed finance magic with tax cuts, tax payment speed-ups and other financing schemes like Defeasances, which no one can pronounce, let alone understand; and

WHEREAS, this former Friends School civics teacher learned to think so globally that he ably tackled the problems of prison siting, indigent health care and other non-finance issues in addition to worrying about tax and payroll administration and Lottery games; and

WHEREAS, Steve's energetic manner, sincere concern for the State's well-being and sensitivity and caring for others will be missed; and

WHEREAS, his long-winded explanations, charts and slide shows will not be missed; and

WHEREAS, Steve Golding has served the State of Delaware well, having given more of himself than most public servants, by meeting each new challenge eagerly, guarding the State's finances with personal attention; and

WHEREAS, Steve Golding leaves state government to become Executive Director of the University of Pennsylvania Office of Resource Planning and Budget. His warm personality will be fondly remembered and he will be missed in Legislative Hall.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, that sincere thanks and appreciation for Steve's years of service to the State of Delaware be extended, and by this resolution the members of the House express their good wishes to Steve in his new position.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be forwarded to Stephen T. Golding.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence declared a recess at 5:55 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:56 p.m.

Representative Corrozi requested and was granted the privilege of the floor for Stephen T. Golding, Secretary, Department of Finance.

HR 17 was adopted by voice vote.

Representative Petrilli brought SJR 4, sponsored by Senators Holloway & Cook & cosponsored by Representatives Boykin, Smith, Davis, Amick, George, DiPinto, Carey, Ewing, Lee, Quillen, Mack, Reynolds & Lofink, before the House for consideration.

SJR 4 - Authorizing and Directing the Delaware Development Office to Provide a Delaware Flag to Each Delawarean Who Serves in Operation Desert Storm: and Providing the Funds Therefor.

The roll call on SJR 4 was taken and revealed:

YES: - 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, SJR 4 was returned to the Senate.

Representative Taylor introduced HR 18, jointly sponsored by Senator Sharp.

HR 18 - Honoring American Karate Studio's Jim Clapp as Outstanding Martial Artist of the Decade by the United States Martial Arts Association.

HR 18 was placed on Consent Calendar #5.

Representative B. Ennis introduced HCR 15, jointly sponsored by Senator Vaughn & cosponsored by Representatives Clark & DiPinto & Senators Cook & Still.

HCR 15 - Commending the Clayton Fire Company on Its Upcoming One Hundredth Golden Anniversary (1891-1991) and Extending Many Thanks for the Fine and Exemplary Service They Have Performed Over the Years, and Further Wishing the Company Best of Success in Its Future.

HCR 15 was placed on Consent Calendar #5.

Representative Gilligan introduced HR 19, jointly sponsored by Representative George & cosponsored by Representatives Corrozi, Boykin, DiPinto & Fallon.

HR 19 - Congratulating Representative Ada Leigh Soles Upon Receiving the Delaware State Bar Association's Distinguished Legislative Service Award for 1991.

HR 19 was placed on Consent Calendar #5.

Representative Petrilli introduced SCR 17, sponsored by Senators Still, Vaughn, Cook, Torbert & Minner & Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk & Buckworth.

SCR 17 - Expressing Sympathy to the Family of Willis Edward Powell of Dover, Delaware, a Kent County Educator and a Member of Delaware State Hall of Fame, Who Died on Saturday, January 19, 1991 at the Age of Seventy-One.

SCR 17 was placed on Consent Calendar #5.

Representative Petrilli introduced SCR 18, jointly sponsored by Senators Torbert, Adams, Cook, Minner, Vaughn & Still & Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk & Buckworth.

SCR 18 - Commending Gerald and Mary Ellen Burke of Dover, Recipients of the National Child Labor Committee's Lewis Hine Award to Honor Significant Volunteer Contributions That Improve the Lives of Children.

SCR 18 was placed on Consent Calendar #5.

Representative Petrilli introduced SCR 19, jointly sponsored by Senator Holloway.

SCR 19 - Thanking the DuPont Company for Donating the Nylon Necessary to Make Delaware Flags Which Will be Sent to Delawareans Serving in the Persian Gulf Conflict Now and in the Future.

SCR 19 was placed on Consent Calendar #5.

Consent Calendar #5 was adopted by voice vote and HCR 15 was sent to the Senate for concurrence and SCR 17, SCR 18 & SCR 19 were returned to the Senate.

Representative Petrilli brought the Consent Agenda, which requires a two-thirds vote, before the House for consideration.

HB 90 - LEE - An Act to Amend an Act Being Chapter 288, Volume 64, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Laurel" to Change the Fiscal Year and to Make Other Changes for Fixing of the Budget Necessitated by the Change in the Fiscal Year. (2/3 bill)

SB 31 - CORDREY - 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 Permit the Sale of Bonds by Public or Private Sale. (2/3 bill)

SB 37 - ADAMS; REPRESENTATIVE WEST - 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" to Increase the Municipality's Indebtedness Limitation. (2/3 bill)

HB 115 - OUTTEN, BENNETT, CLARK; SENATORS STILL, TORBERT; REPRESENTATIVE GILLIGAN - An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'the Town of Dover' to 'the City of Dover' and Establishing a Charter Therefor" Relating to Creation of Election Board and Council Appointments.

The roll call on the Consent Agenda was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 90 & HB 115 were sent to the Senate for concurrence and SB 31 & SB 37 were returned to the Senate.

Representative Oberle brought SB 25 w/SA 1, jointly sponsored by Senators McBride, Connor, Marshall, McDowell, Martin, Holloway & Sharp & Representatives Houghton, Campanelli, Mack & Reynolds, before the House for consideration.

SB 25 - An Act to Amend Chapters 9 and 11 of Title 19, Delaware Code, Relating to the Minimum Wage and Wage Payment and Collection Acts.

Representative Oberle introduced and brought HA 1 to SB 25 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle moved to place SB 25 w/SA 1 & HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 88 w/HA 1 & 2 & SA 2.3, 5.7 & 8, HB 110, SCR 17, SCR 18, SCR 19, HCR 12, HCR 13, HCR 11 & SB 26 w/SA 1.

The Majority Leader moved to recess to the call of the Chair at 6:33 p.m.

13th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 19, 1991

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Reading Clerk read the following communications into the record:

January 30, 1991

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/30/91 - SB 22 aab SA 1 & 2.

HB 1 is the second leg of a constitutional amendment and does not require the Governor's signature.

MEMORANDUM

TO: JoAnn Hedrick

Chief Clerk

FROM: Margaret L. Moore

Assistant to the Speaker

DATE: January 23, 1991

RE: Addition to House Agriculture Committee

Please be advised Representative Tina Fallon has been appointed to the House Agriculture Committee today by the Speaker.

This will necessitate the ordering of appropriate stationary. Thank you for your cooperation.

MLM/sf

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: 38.

Members Absent: Representatives Brady, Davis, Soles - 3.

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.

A moment of silence was observed in memory of servicemen & women who died in the Persian Gulf Conflict.

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

The following out-of-session prefiled legislation was introduced:

OUT-OF-SESSION-PREFILED LEGISLATION

February 20, 1991

HB 130 - REYNOLDS, SPENCE, PETRILLI, BUCKWORTH, AMICK, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, LEE, LOFINK, MACK, OBERLE, QUILLEN, ROY, GEORGE, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKIERT, MOORE, SCHROEDER, SILLS, SOLES, VANSANT, WEST; SENATOR MCBRIDE - SUNSET & OVERVIEW: An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance.

HB 131 - ROY & SENATOR MARTIN; REPRESENTATIVE TAYLOR - TRANS: An Act to Amend Section 146 of Title 17 of the Delaware Code Relating to Fees for Entrance Permits for Access to State-Maintained Highways, Streets, and Roads. (3/5 bill)

HB 132 - AMICK - SUBS ABUSE: An Act to Amend Title 16 and Title 30 of the Delaware Code, Relating to Tobacco Products; and Regulating the Sale of Tobacco Products to Minors. (2/3 bill)

HB 133 - SILLS; SENATOR HOLLOWAY - APPRO: An Act to Authorize and Direct the Department of Health and Social Services to Increase General Assistance Payments.

HB 134 - SILLS; SENATORS HOLLOWAY, MCDOWELL - APPRO: An Act to Amend Chapter 5, Title 31 of the Delaware Code to Authorize the Department of Health and Social Services to Increase Aid to Families With Dependent Children.

HB 135 - WEST, AMICK, BRADY, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DAVIS, B. ENNIS, EWING, FALLON, JONKIERT, LEE, MOORE, REYNOLDS, SILLS, SPENCE; SENATORS ADAMS, MINNER - P/S: An Act to Amend Chapter 39, Title 25, Delaware Code, Relating to Liens.

SB 26 w/SA 1 - MCBRIDE & REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 437, Volume 67, Laws of Delaware Relating to Ignition Interlock Devices.

OUT-OF-SESSION-PREFILED LEGISLATION

March 6, 1991

HB 136 - AMICK - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Give the Board of Nursing the Authority to Temporarily Suspend a License, Pending a Final Hearing, When There is Immediate or Imminent Danger to the Public Health, Welfare, and Safety.

HB 137 - CAULK & SENATOR TORBERT - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Borrow Pits.

HB 138 - B. ENNIS, HOUGHTON, CAMPANELLI, VANSANT, WEST, OBERLE, QUILLEN, CAREY; SENATORS MINNER, VAUGHN - NAT RES: An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Hunting of Deer With a Muzzle Loader.

HB 139 - ROY - LAND USE & GOV REL: An Act to Amend Chapter 11, Title 9 of the Delaware Code Relating to Expanding the Number of New Castle County Council Members.

HB 140 - D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT- B & I: An Act to Amend Chapter 42, Title 18, Delaware Code, Relating to Various Aspects of the Insurance Guaranty Act.

HB 141 - D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Title 18, Delaware Code, Chapter 44, to Set Forth in Greater Details the Obligations and Powers of the Delaware Life and Health Insurance Guaranty Association.

HA 1 to HB 81 - B. ENNIS - P/S: Placed with the bill.

Representatives Bennett, D. Ennis, Dipinto, Boykin & Carey requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: March 19, 1991

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>Issue Date</u>	<u>Type</u>	<u>Description</u>
H91-31	Spence	1/29/91	T	Gerald & Mary Ellen Burke - Service to Children
H91-32	Petrilli	1/29/91	T	Dianne L. D'Onofrio Dickinson Teacher of the Year
H91-33	Buckworth	1/29/91	M	Robert J. Muzik
H91-34	West	1/29/91	T	Mary Messick Baker - 106th Birthday
H91-35	Petrilli	1/31/91	T	Cindy Funk - Republican of the Month
H91-36	Moore	1/31/91	M	Dr. Kirby Kirksey
H91-37	Moore	1/28/91	T	Annie M. Moore-ICI Retirement

Number	Sponsor	Issue Date	Type	Description
H91-38	Schroeder	1/31/91	T	Rehoboth Beach - 100th Anniversary
H91-39	Buckworth	1/29/91	M	Helen Hess
H91-40	cosponsor: Quillen Quillen	1/31/91	T	Marie Shultie - Distinguished Government Service Award
H91-41	B. Ennis	1/31/91	T	Brian Hill - Firefighter of the Year
H91-42	B. Ennis	1/31/91	T	Calvin Foxwell - Fireman of the Year

T = Tribute

M = In Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #5

DATE: March 19, 1991

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	Issue Date	Type	Description
H91-43	Davis	2/4/91	T	Mr. & Mrs. John J. Sawczuk - 50th Wedding Anniversary
H91-44	Amick	2/21/91	T	Delta Fau House - Greater Newark Award
H91-45	Taylor	2/23/91	T	H. James Clapp - Martial Artist of the Decade
H91-46	D. Ennis	2/21/91	T	Robert Emrich - Brandywine Teacher of the Year
H91-47	Bennett	2/21/91	M	James R. Hamilton
H91-48	Bennett	2/21/91	M	Agnes McGeehin Branigan
H91-49	Quillen	2/21/91	T	Mr. & Mrs. H. Arthur Hoffman - 50th Wedding Anniversary
H91-50	Quillen	2/21/91	T	MacHolmes - 1,000th Career Point - Lake Forest Basketball
H91-51	Spence	3/7/91	T	Albert Volpe - Eagle Scout
H91-52	Soles	3/7/91	T	Alexander C. Graham, IV - Eagle Scout
H91-33	Buckworth	3/8/91	T	Troy Johnson - Wrestling Championship
H91-54	Fallon	3/8/91	T	Sarah Lee Thomas - Beauty Salon - 20th Anniversary
H91-55	B. Ennis	3/8/91	T	Michael Walker - Eagle Scout
H91-56	Carey	3/12/91	T	Louis Spencer - 90th Birthday

T = Tribute

M = In Memoriam

MEMORANDUM

TO: Representative Terry R. Spence
Speaker of the House
FROM: Representative Richard F. Davis
DATE: February 28, 1991
RE: Absence from Session

Due to a business trip for Dupont, I will be out of the state on March 18 and 19, 1991. As a result, I will be absent from session on March 19, 1991.

RFD:ral

MEMORANDUM

TO: The Honorable Terry Spence
FROM: The Honorable Ada Leigh Soles
DATE: March 14, 1991

Dear Mr. Speaker:

Due to family obligations I will be absent for two weeks of session - March 19-28.

Thank you for your understanding.

cc: The Honorable Orlando George

March 19, 1991

The Honorable Terry R. Spence, Speaker

House of Representatives

State of Delaware

Legislative Hall

Dover, DE 19901

Dear Mr. Speaker:

By means of this letter, I would like to inform you that due to a daylong commitment at William Penn High School, I will be unable to attend the March 19 session of the House of Representatives.

Thank you for your attention to this matter and I look forward to seeing you on

Wednesday, March 20th.

Very truly yours,

David D. Brady

Representative

8th Representative District

DDB/o

March 12, 1991

The Honorable Terry Spence

Speaker of The House

Legislative Hall

Dover, Delaware 19901

Dear Representative Spence:

The Joint Finance Committee hearings are coming to an end and everyone is preparing to return for what will be a very busy and challenging session. The end of January was so hectic that in the past six weeks I have wondered whether or not I expressed my appreciation and gratefulness (sic) to the membership for their kind words on the last day. The purpose of this letter is in part to ask you to convey my heartfelt thanks to all the members for their kindness and warm wishes that were extended to me at the end of the session.

I would also like to say that the troubles confronting Delaware are no different than those that I have encountered in Pennsylvania. The basic difference is that the numbers seem to have more zeros. Governor Casey who is dealing with what some estimate to be a \$2.5 billion revenue shortfall cut the University's appropriation by \$18.6 million and I have been playing defense since I arrived a month ago. (Some things never seem to change.) I have been to Harrisburg and we are today informing the schools that they will have to trim back their proposed F.Y. 1992 spending plans.

Suffice it to say that there are new challenges and many days that are longer than what was originally imagined. Cally was wise in reserving judgement as to what this job change would mean for my being home more. On the other hand I have no office to go to on weekends so that I am getting more work done around the house. My neighbors have even stopped making jokes about my being home. Life is slowly changing, but I will never forget and will always have a very special feeling for the members of the House for their kind words and encouragement as I accepted this new challenge. Please convey to each of them my sincerest thanks and appreciation.

Sincerely
Stephen T. Golding
January 31, 1991

The following communications were not read but were made a part of the record:

Dear Ms. Hedrick:

On behalf of President Bush, thank you for sending House Resolution 9 as adopted by the Delaware House of Representatives. The President appreciates receiving the views of State and local officials, and you may be sure that the recommendation has been fully noted. While there is every reason to be proud of the successes won thus far by the courageous troops involved in Operation Desert Storm, the Administration is well aware that there will be setbacks and obstacles along the way. However, President Bush has made it clear: "He will stay the course, and we will succeed."

The President sends his best wishes to you and the citizens of Delaware.

Sincerely,
Shirley M. Green
Special Assistant to the President
for Presidential Messages and
Correspondence

The Honorable JoAnn M. Hedrick
Chief Clerk
The House of Representatives
of the State of Delaware
Dover, Delaware 19901

February 28, 1991

Ms. JoAnn M. Hedrick
Chief Clerk
House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19903
Dear Ms. Hedrick:

Thank you for sending me a copy of House Concurrent Resolution 11, regarding the case of Admiral Husband E. Kimmel.

Recently, I wrote a letter to the Secretary of Defense urging him to recommend the posthumous promotion of Admiral Kimmel. Enclosed for your information is a copy of the letter.

Again, thank you for writing.

Sincerely,
Joseph R. Biden, Jr.
United States Senator

Enclosure

February 21, 1991

The Honorable Dick Cheney
Secretary
Department of Defense
Washington, DC 20301
Dear Mr. Secretary:

I am writing to urge you to recommend to the President the posthumous promotion of Rear Admiral Husband E. Kimmel, commander of U.S. naval forces at Pearl Harbor at the time of the Japanese attack on December 7, 1941.

Rear Admiral Kimmel was temporarily appointed to the grade of full admiral while serving as Commander in Chief, Pacific Fleet. He reverted to the grade of rear admiral when relieved of command on December 17, 1941, and, as required by law at that time, retired in the grade of rear admiral in March 1942. Subsequently, the enactment of the Officer

Personnel Act of 1947 permitted previously retired officers to be advanced on the retired list to the highest grade held while on active duty.

Admiral Kimmel's posthumous advancement to the rank of full admiral has the support of many organizations with an obvious interest in the accuracy of the historical record relating to the Pearl Harbor attack. These include the U.S. Naval Academy Alumni Association, the Pearl Harbor Survivors Association, and the Pearl Harbor Commemorative Committee.

It is my understanding that you have been hesitant to recommend Admiral Kimmel's promotion to the President until you can ascertain whether the Senate would act favorably on this matter. While I cannot speak for my colleagues, I can assure you that I would heartily support this action.

I hope you will give this matter every consideration. I also respectfully suggest that you consider meeting with the sons of Admiral Kimmel -- Edward Kimmel and Capt. Thomas Kimmel USN (Ret.) -- to discuss this issue.

Thank you for your prompt attention to this matter.

Sincerely,
Joseph R. Biden, Jr.
United States Senator
February 26, 1991

Honorable Members of the 136th General Assembly:

I would like to thank the General Assembly for honoring me with the adoption of Senate Concurrent Resolution No. 15, recognizing the receipt of the "1991 Engineer of the Year" award from the Delaware Engineering Society. Special thanks go to Senators Neal, Sokola and McBride and Representative Petrilli for their sponsorship of this resolution. I shall remain most grateful to the General Assembly for their kind consideration.

Respectfully yours,

Arkan Say, P.E.

alw

February 28, 1991

Ms. JoAnn M. Hedrick
Chief Clerk of the House
Legislative Hall
Dover, Delaware 19903
Dear JoAnn:

Thank you for sending to my office a copy of the Delaware House of Representatives Resolution concerning the case of Admiral Husband E. Kimmel and the efforts of his family to have his name entered upon the Navy's roll of retired officers as a full, four star admiral, his acting rank at the time of the Japanese attack on Pearl Harbor.

For several years, I have been involved in the effort to have Admiral Kimmel's name entered on the retired roll as a full admiral. I have dealt personally both with former Defense Secretary Carlucci and with Secretary Cheney on this matter. However, last June I received a letter from Secretary Cheney on the Kimmel case, a copy of which I enclose. As you will see, so far as the Department of Defense is concerned, this case appears to be closed.

Sincerely,
William V. Roth, Jr.
U.S. Senate

WVR:rib
Enclosure
The Honorable William V. Roth
United States Senate
Washington, D.C. 20510
Dear Senator Roth:

This is in reply to your letter of February 8, 1990 requesting reconsideration of the Department's decision during the last Administration not to recommend that the President initiate action for posthumous promotion of the late Rear Admiral H.E. Kimmel, USN (retired) to the rank of full Admiral on the retired list.

Rear Admiral Kimmel was in command of the United States Pacific Fleet on December 7, 1941, when Japanese Forces attacked the Fleet at Pearl Harbor, Hawaii. In that position, he held a temporary appointment as a full Admiral, with the permanent grade of Rear Admiral. His command of the Pacific Fleet ended on December 17, 1941, and he reverted to his permanent grade of Rear Admiral. On March 1, 1942, after more than 40 years of service, he voluntarily retired from the Navy. At that time, the law did not provide for advancement of officers on the retired list to the highest temporary grade in which they had served; thus, he was retired in the normal course of events in his permanent grade of Rear Admiral. The possibility of promoting Rear Admiral Kimmel posthumously to the rank of Admiral has been reviewed a number of times in the succeeding decades, and each time the determination has been made not to proceed with such action.

I can understand the desire of the Kimmel family for the posthumous promotion of Rear Admiral Kimmel to the rank of Admiral, but I cannot on that ground alone recommend to the President that he initiate such action. The promotion process generally would not seem to be the best way to address issues about the place in history of those who are no longer with us.

I regret that my response is not what you wished, but I believe it is the right thing to do.

Sincerely,
Dick Cheney
February 15, 1991

Ms. JoAnn M. Hedrick
Chief Clerk of the House
State of Delaware
Legislative Hall
Dover, Delaware 19903
Dear Ms. Hedrick:

This letter will acknowledge receipt of House Concurrent Resolution 11 memorializing the President of the United States of America, the Secretary of Defense, the Secretary of the Navy, the Delaware Congressional Delegation to posthumously advance in rank Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the rank of Admiral on the list of retired Naval Officers.

The above mentioned resolution has been transmitted to the Speaker of the United States House of Representatives for referral to the appropriate committees.

Sincerely yours,
Donna K. Anderson, Clerk
U.S. House of Representatives
February 14, 1991

Ms. JoAnn M. Hedrick
Chief Clerk of the House
State of Delaware
Legislative Hall, Room 109
Dover, Delaware 19903
Dear Ms. Hedrick:

Receipt is acknowledged of House Concurrent Resolution Number.

This will be presented to the United States Senate and appropriately referred.

Sincerely,
Walter J. Stewart
Office of the Secretary
United States Senate

Thank You So Much

"Every act of kindness done makes life nicer for someone."

You're so kind and thoughtful. So this card is meant to bring a sincere and very grateful word of thanks for everything.

The Family of James R. Hamilton would like to express our appreciation to the members of the House of Representatives for your thoughtfulness in remembering Jim through the Memorial.

Sincerely,
Elina & Family

Mr. Speaker assigned HB 29 to the Appropriations Committee.

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

The Majority Leader moved to recess for caucus at 2:22 p.m.

The House reconvened at 3:54 p.m.

Representatives George, Gilligan & Mack 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: HC 15.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, William C. Torbert, do hereby request that my name be removed as Co-Sponsor of HB 84.

Date: March 19, 1991.

Signed: William C. Torbert.

Representatives Sills & Reynolds requested that they be marked present.

Representative Oberle introduced HB 142, jointly sponsored by Senator McBride.

HB 142 - An Act to Amend Chapter 55 Title 29, Delaware Code, Relating to State Employees' Pension Plan.

Mr. Speaker assigned HB 142 to the Labor & Human Resource Management Committee.

Representative Oberle brought HB 40, jointly sponsored by Representative Spence, before the House for consideration.

HB 40 - An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to the Purchasing, Buying or Giving of Alcoholic Liquor to a Minor or the Consumption of Alcoholic Liquor by Supervised Minors and Penalties Therefor. (2/3 bill)

Representative Oberle introduced and brought HA 1 to HB 40 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 40 w/HA 1 was taken and revealed:

YES: - 38.

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 40 w/HA 1 was sent to the Senate for concurrence.

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

Representative B. Ennis brought HB 49, jointly sponsored by Senator Holloway & Representatives Houghton, Campanelli, VanSant, Brady, Gilligan, Clark, Outten, West, Davis, Caulk, Ewing & Lee & Senator Vaughn, before the House for consideration.

HB 49 - An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Lights and Equipment on Vehicles.

Representative B. Ennis brought HA 1 to HB 49 before the House for consideration. HA 1 was adopted by voice vote.

Representative B. Ennis introduced and brought HA 2 to HB 49 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 49 w/HA 1 & 2 was taken and revealed:

YES: - 38.

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, having received a constitutional majority, HB 49 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Hebner brought HB 21, jointly sponsored by Senator Sharp, before the House for consideration.

HB 21 - An Act to Amend Chapter 7, Title 11 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court and Relating to the Right to Jury Trial in the Superior Court.

The roll call on HB 21 was taken and revealed:

YES: - 25.

NO: Representatives Bunting, Caulk, Clark, B. Ennis, Moore, Oberle, Outten, Schroeder, Sills, VanSant, West - 11.

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

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, having received a constitutional majority, HB 21 was sent to the Senate for concurrence.

Representative Hebner brought HB 22, jointly sponsored by Senator Sharp, before the House for consideration.

HB 22 - An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Right to Jury Trial in the Court of Common Pleas and in the Superior Court.

The roll call on HB 22 was taken and revealed:

YES: - 26.

NO: Representatives Bunting, Campanelli, Caulk, Clark, B. Ennis, Moore, Oberle, Outten, Schroeder, Sills, VanSant, West - 12.

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, having received a constitutional majority, HB 22 was sent to the Senate for concurrence.

Representative Carey brought SB 12, sponsored by Senator Vaughn & Representative B. Ennis, before the House for consideration.

SB 12 - An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to the Hunting of Red Foxes.

Representative B. Ennis brought HA 1 to SB 12 before the House for consideration. HA 1 was adopted by voice vote.

Representative West introduced and brought HA 2 to SB 12 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: Representatives Bunting, Campanelli, Jonkiert, Quillen, West - 5.

NO: - 26.

NOT VOTING: Bennett, Boykin, Ewing, Fallon, Moore, Oberle, Sills - 7.

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

The roll call on SB 12 w/HA 1 was taken and revealed:

YES: - 30.

NO: Representatives Amick, Boykin, Caulk, DiPinto, Jonkiert, Roy - 6.

NOT VOTING: Representatives Bennett, Petrilli - 2.

ABSENT: Representatives Brady, Davis, Soles - 3.

Therefore, having received a constitutional majority, SB 12 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Roy introduced HJR 3, jointly sponsored by Senator Martin.

HJR 3 - Resolution in Support of the Delaware Alliance to Improve Transportation, Commerce and the Environment and Its Concern Over the Necessity to Reauthorize the Federal Surface Transportation Act by October 1, 1991.

Mr. Speaker assigned HJR 3 to the Transportation Committee.

Representative Campanelli requested that HB 117 be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:01 P.M.

14th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 20, 1991

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

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, V. George Carey, do hereby request that my name be removed as Co-Sponsor of HB 84.

Date: 3/20/91.

Signed: V. George Carey.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives George, Reynolds, Soles - 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.

Representative West requested that HB 84 be stricken.

Representatives Gilligan & Schroeder requested that they be marked present.

Representative Quillen requested that HB 124 be stricken.

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

The following prefiled legislation was introduced:

HS 1 for HB 16 - ROY, AMICK, PETRILLI, BUNTING - TRANS: An Act to Amend the Delaware Code Relating to Outdoor Advertising Permits. (3/5 bill)

HB 143 - QUILLEN - JUD: An Act to Amend Chapter 19, Title 12, Delaware Code, Relating to Inventory and Appraisal Filed With the Register of Wills.

HB 144 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 73, Title 29, Delaware Code Relating to the Architectural Accessibility Board.

HB 145 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES EWING, LEE, SPENCE, VAN SANT - P/S: An Act to Amend Title 7 and Title 11, Delaware Code, Relating to Making It a Criminal Penalty for Inflicting Harm on Any Dog of the K-9 Unit of the Delaware State Police, or Any Political Subdivision Within the State Having Such a Unit.

HB 146 - B. ENNIS; SENATOR VAUGHN - LAND USE & GOV REL: An Act to Authorize and Approve the Transfer of Certain Real Property Known as the "Little Schoolhouse in the Meadow" Also Known as the "Finley Street School" Located on Finley Street in Townsend, Delaware to the Town of Townsend, Inc. (3/4 bill)

HA 1 to HB 65 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 131 - ROY - TRANS: Placed with the bill.

HA 1 to SB 11 - AMICK; SENATOR VENABLES - SUNSET & OVERVIEW: Placed with the bill.

Representative Petrilli introduced and brought HR 21, jointly sponsored by Representatives Spence, Buckworth, Ewing, Quillen, George & Gilligan & cosponsored by Representative Carey, before the House for consideration.

HR 21 - Thanking Our State Telephone Operators For All the Assistance They Give Throughout the Year.

WHEREAS, without the telephone, modern legislative business would not exist; and

WHEREAS, with the introduction of a computerized state telephone system, the day to day business of the legislature is a smooth operation, especially with the commendable work done by Bliss Williams, Doris Veasey and Jessie Lyons, who do their duty each day to make sure those who need to get through on a state telephone line indeed get the party to whom they wish to speak; and

WHEREAS, these telephone operators manage to get the business of the state connected each day so state officials can get their work done in record time, without having to pour through the state directory or the blue pages in back of the Diamond State phone book; and

WHEREAS, now there are three state operators but that will be reduced to a force of two after Jessie Lyons ends her time in state employment and retires in hopes of spending time with her family and concentrating on letting others answer the phone for awhile.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware that we hereby thank Bliss Williams, Doris Veasey and Jessie Lyons for their work as State Operators.

BE IT FURTHER RESOLVED that three suitably prepared copies of this resolution be forwarded to Kay Warren, c/o Administrative Services, Townsend Building, Dover, for distribution to the three operators.

Representative Petrilli requested and was granted the privilege of the floor for Jessie Lyons, Bliss Williams and Doris Veasey.

HR 21 was adopted by voice vote.

Representative D. Ennis introduced and brought HCR 16, jointly sponsored by Representative Boykin & Senators Hauge & Knox & Representatives Spence, Petrilli, Buckworth, George & Gilligan & Senators Cordrey, Sharp, Marshall, Bair & Connor & cosponsored by Representatives Carey, Lee, Bunting & Corrozi & Senators Blevins & Sokola, before the House for consideration.

HCR 16 - Welcoming United States Marine Corps Staff Sergeant H. James Crew Back From His Courageous Battles in Operation Desert Storm and Honoring His Valor on Behalf of the People of Delaware, This Nation and the Citizens of Kuwait.

WHEREAS, H. James Crew born in Wilmington, raised in the suburbs in a community known as Delaire the son of Mr. and Mrs. Burnett Crew; and

WHEREAS, a 1970 graduate of Mount Pleasant High School, James Crew lettered in track, football and wrestling and served as Captain of the football team in his freshmen year and was co-captain of his Varsity Football team in his senior year; and

WHEREAS, James Crew served two tours of duty in the United States Marines during the Vietnam War and was wounded on July 8, 1971 when hit during a mortar attack on his unit, for which he received service awards including the Purple Heart for his injuries; and

WHEREAS, upon return from the war, James Crew married the former Denise Antonelli, a 1973 graduate of Brandywine High School and they now have two children, Dorothy, seven and Michael, ten; and

WHEREAS, throughout his working career he has continued his pursuit of a police career including obtaining a police science degree from Delaware Technical and Community College and a liberal arts degree from Brandywine College and in June 1990 was hired as a police officer for the town of Greenwood, Delaware; and

WHEREAS, James Crew had been an active member of the Wilmington, Delaware Marine Corps Reserve Center and transferred to a Maryland Reserve Unit in 1990 which was a light armored infantry unit; and

WHEREAS, Sergeant Crew's unit was mobilized in November 1990 and was sent to Saudi Arabia December 27, 1990, with the primary duty of forward reconnaissance, where he was stationed in the desert right on the front line and in the performance of their duties the men of the B company Fourth Light Armored Vehicle Battalion 2nd Marine Division, had to remain on constant patrol which required sleeping on the ground each night; from that advanced position they were able to see and feel the bombing of the Iraqi troops by the allies; and

WHEREAS, as the commander of the vehicle, Sergeant Crew was in the gunnery position which made him exposed when an incoming artillery round blew his vehicle over sideways and the concussion knocked him out of the vehicle; and

WHEREAS, Sergeant Crew received a fractured pelvis and multiple injuries to his left arm and hand; which has required surgery, with more expected in the near future; and

WHEREAS, because of his injuries, Sergeant Crew is among a rare group of marines eligible for a second Purple Heart after being wounded in two wars twenty years apart; and

WHEREAS, James Crew a Marine in the best of Marine tradition, has responded in the most dramatic way possible to show his belief and support of the American philosophy to defend world peace and he has repeatedly placed his life in jeopardy to defend that peace; and

WHEREAS, by so doing Sergeant James Crew has had to endure prolonged separation from his family and loved ones and has lived with the daily strains and unknowns of war; and

WHEREAS, this nation and this State in the past had missed the opportunity to show our deep and sincere appreciation for the sacrifices and hardships endured and the losses of life by thousands of sons and daughters, and husbands and fathers and mothers during the Vietnam War.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, the Senate concurring therein, that we do this day pay tribute to this son of Delaware both on a personal basis for his commitment to defend freedom in the Persian Gulf as a United States Marine but in a larger sense let it be known that James Crew should be considered one of the exemplary models and symbols of United States servicemen and women from all branches of the Armed Forces who gave so much of their lives during the last major conflict in Vietnam and may this token of our genuine appreciation begin the process of reaching back in time to his companions who fought and the memory of those who died in defense of peace in Vietnam; may this begin a process of healing and a filling in of a void that has been left too long in the minds and hearts of that earlier generation of dedicated and equally proud groups of citizens from Delaware--the State that started this nation.

BE IT FURTHER RESOLVED that Sergeant Crew, in the finest tradition of team spirit has acknowledged his close Marine associates still in the Gulf and we salute them for their continued effort on our behalf; they are: Captain Richard Marino--Commanding Officer; Captain Richard Martin T. Wolf; First Sergeant Willie Harris; Staff Sergeant Israel Toucet; Gunning Sergeant Blake Burn; Sergeant Marvel Colon; Sergeant Louis Ponticas and Corporal Robert Wirtainen.

BE IT FURTHER RESOLVED that suitably prepared copies of this resolution be prepared for Staff Sergeant H. James Crew and Mr. & Mrs. Burnett Crew, Mr. Quinton Sterling, Principal of Mt. Pleasant High School with additional copies forwarded to Sergeant Crew's fellow soldiers.

Representative D. Ennis requested and was granted the privilege of the floor for Sergeant H. James Crew.

HCR 16 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Whip moved to recess for committee meetings at 2:45 p.m.

The House reconvened at 4:58 p.m.

Representative Brady requested that he be marked present.

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

LABOR & PENSIONS: HB 142 - 3M.

B & I: HS 1 for HB 43 - 6M; HB 120 - 6M; SCR 16 - 3F, 3M.

NAT RES: HB 137 - 1F, 3M, 2U.

ED: HB 50 - 4M, 2U.

P/S: HB 111 - 4M, 1U; HB 135 - 5M; SB 26 w/SA 1 - 5M.

JUD: HB 59 - 1F, 4M; HB 109 - 2F, 3M; HJR 2 - 5M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 21 & HCR 16.

Representative Jonkiet requested that he be marked present.

Mr. Speaker assigned HB 120 to the Appropriations Committee.

The following prefiled Consent Calendar #5 was introduced:

HR 20 - FALLON - Honoring Seaford High School's Lovett Purnell as Athlete of the Year.

HR 22 - MARONEY, SMITH - Honoring Concord High School Junior Andrea Simkins Upon Placing First in the VFW Voice of Democracy Essay Competition.

HCR 17 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVE CLARK; SENATOR COOK - Commending the Clayton Fire Company on Its Upcoming One Hundredth Anniversary (1891-1991) and Extending Many Thanks for the Fine and Exemplary Service They Have Performed Over the Years, and Further Wishing the Company Best of Success in Its Future.

HCR 18 - CAREY & SENATOR MINNER; ALL REPRESENTATIVES; SENATORS ADAMS, COOK, HOLLOWAY, MCBRIDE, MCDOWELL, SOKOLA, TORBERT, VENABLES, BAIR, HAUGE, KNOX, NEAL, STILL - Honoring the Delaware Students in the Friendship Caravan Who Will Travel to the Soviet Union as Part of a People to People Friendship Caravan.

HCR 19 - D. ENNIS & SENATOR HAUGE; REPRESENTATIVES HEBNER, BRADY; SENATORS BAIR, BLEVINS, SOKOLA, HOLLOWAY, SHARP, CONNOR - Honoring the Brave Men and Women of Mount Pleasant and Claymont High Schools Who Served the United States Who Risked Their Lives During the Persian Gulf War.

SCR 21 - MARSHALL, HOLLOWAY & MCDOWELL; REPRESENTATIVES DIPINTO, GEORGE, JONKIERT, MOORE & SILLS - Expressing Our Gratitude to the Men and Women of the Wilmington Police Department for Their Courage in Foiling Two Recent Bank Robberies and Wishing for Speedy and Complete Recoveries for Patrol Officers Michael A. Smagala and Thomas B. Monahan, Both of Whom Sustained Wounds in the Performance of Their Duties.

Consent Calendar #5 was adopted by voice vote and HCR 17, HCR 18 & HCR 19 were sent to the Senate for concurrence and SCR 21 was returned to the Senate.

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

TRANS: HB 131 - 5M; HJR 3 - 4M.

Representative Mack requested that he be marked present.

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

LAND USE & GOV REL: HB 11 - 5M.

The Majority Leader moved to recess to the call of the Chair at 5:06 p.m.

15th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 21, 1991

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

The Reading Clerk read the following communication into the record:

March 20, 1991

To: JoAnn Hedrick
Chief Clerk

Please be advised that I was unable to be marked present today. I was tied up in a meeting in the Senate and was not able to make the roll call.

Sincerely,

Representative Bruce Reynolds

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Campanelli, Soles - 2.

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.

Representatives Roy & Corrozi requested that they be marked present.

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

The following prefiled legislation was introduced:

HB 147 - BUCKWORTH & SENATOR TORBERT - H/ADM: An Act to Amend Laws of Delaware, Volume 43, Chapter 189, as Amended, the Charter of the Town of Wyoming, Relating to the Power of the Town of Wyoming to Impose and Collect a Realty Transfer Tax. (2/3 bill)

HB 148 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Inspection Fees for Suburban Community Street Construction. (3/5 bill)

HB 149 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Franchises and Licenses Granted to Public Service Corporations, Imposing Fees for the Costs Relating to Those Franchises and Licenses, and Creating a New Section in Title 17 of the Delaware Code Relating to Fees for Utility Construction Permits and Locating Underground Utilities Within the State's Rights-of-Way. (3/5 bill)

HB 150 - CAULK, PETRILLI, BUCKWORTH, AMICK, BOYKIN, CAREY, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, LEE, MARONEY, LOFINK, OBERLE, QUILLEN, REYNOLDS, SMITH, TAYLOR, BUNTING, CAMPANELLI, CLARK, JONKIERT, MOORE, SILLS, VANSANT; SENATORS HOLLOWAY, BAIR, CONNOR - P/S: An Act to Amend Chapter 43, Title 21, Delaware code, Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

HCR 20 - CLARK, CAULK, WEST; SENATORS MINNER, J. STILL - Requesting the Office of Vehicle Safety Standards Within the Office of Occupant Protection National Highway Traffic Safety Administration of the U.S. Department of Transportation Consider Amending the Federal Safety Standards Relating to Automobile Seat Belts to Standardize Release Mechanisms.

Mr. Speaker assigned HB 109 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:10 p.m.

The House reconvened at 4:07 p.m.

Representatives Brady, Gilligan, Reynolds, Boykin, Taylor, Jonkiert, Mack, VanSant, B. Ennis, D. Ennis, Outten & Buckworth 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: HCR 19.

Representative Petrilli brought SCR 8, sponsored by Senators McBride, Cordrey & Vaughn & Representatives Brady, Bennett, Bunting, Campanelli, Clark, B. Ennis, Hebner, Houghton, Oberle, Outten, Quillen, VanSant & West & cosponsored by Representatives Ewing, Carey & Petrilli, before the House for consideration.

SCR 8 - Respectfully Requesting the Secretary of the Department of Administrative Services to Study the Feasibility of Flying the POW-MIA Flag at All State Facilities Where the American Flag is Flown.

SCR 8 was adopted by voice vote and returned to the Senate.

Representative Davis moved to lift HB 34 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Davis brought HB 34, jointly sponsored by Representatives Ewing, Hebner, Lee, Bennett & Houghton & Senator Holloway, before the House for consideration.

HB 34 - An Act to Amend Chapter 47, Title 29 of the Delaware Code Relating to Medical Examiners.

Representative Davis brought HA 1 to HB 34, jointly sponsored by Representatives Ewing, Hebner, Lee, Bennett & Houghton & Senator Holloway, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 34 w/HA 1 was taken and revealed:

YES: - 38.

ABSENT: Representatives Campanelli, Soles, West - 3.

Therefore, having received a constitutional majority, HB 34 w/HA 1 was sent to the Senate for concurrence.

Representatives Carey & Oberle requested that they be marked present during the roll call.

Representative Davis brought HB 60, jointly sponsored by Representatives D. Ennis, Boykin, DiPinto, Jonklert & Sills, before the House for consideration.

HB 60 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Requirement of Insurance for Motor Vehicles. (2/3 bill)

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

The roll call on HB 60 was taken and revealed:

YES: - 30.

NO: Representatives Amick, Bennett, Fallon, Houghton, Oberle, Quillen - 6.

NOT VOTING: Representatives Clark, B. Ennis, VanSant - 3.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 60 was sent to the Senate for concurrence.

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

Representative Clark brought HCR 3, jointly sponsored by Representatives Moore, Houghton, Bennett, VanSant, B. Ennis, West, Quillen, Ewing, Caulk & Lee & Senators Cook, Minner, Holloway & J. Still, before the House for consideration.

HCR 3 - Urgently Requesting the Delaware Administrative Commission Established Pursuant to Chapter 101, Title 29, Delaware Code, to Implement and Pursue Its Legal Task With Respect to the Official Publication of a Register of Regulations at the Office of Secretary of State.

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

Representative DiPinto brought HCR 10, jointly sponsored by Representatives Boykin, Smith, D. Ennis, Sills, VanSant & Jonklert & Senators Holloway, Minner, Bair & Connor, before the House for consideration.

HCR 10 - Commending the Landlord-Tenant Study Committee and Extending the Date by Which the Landlord-Tenant Study Committee is to Issue Its Final Report.

HCR 10 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle brought HB 142, jointly sponsored by Senator McBride, before the House for consideration.

HB 142 - An Act to Amend Chapter 55 Title 29, Delaware Code, Relating to State Employees' Pension Plan.

Representative Oberle introduced and brought HA 1 to HB 142 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: - 37.

NOT VOTING: Representative Boykin - 1.

ABSENT: Representatives Campanelli, Soles, West - 3.

Therefore, having received a constitutional majority, HB 142 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HJR 3, jointly sponsored by Senator Martin, before the House for consideration.

HJR 3 - Resolution in Support of the Delaware Alliance to Improve Transportation, Commerce and the Environment and Its Concern Over the Necessity to Reauthorize the Federal Surface Transportation Act by October 1, 1991.

The roll call on HJR 3 was taken and revealed:

YES: - 39.

ABSENT: Representatives Campanelli, Soles - 2.

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

Representative Roy brought HB 131, jointly sponsored by Senator Martin & Representative Taylor, before the House for consideration.

HB 131 - An Act to Amend Section 146 of Title 17 of the Delaware Code Relating to Fees for Entrance Permits for Access to State-Maintained Highways, Streets, and Roads. (3/5 bill)

Representative Roy moved to place HB 131 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HS 1 for HB 43, jointly sponsored by Representatives Davis & Campanelli & Senator Marshall, before the House for consideration.

HB 43 - An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Workmen's Compensation Insurance.

The roll call on HS 1 for HB 43 was taken and revealed:

YES: - 39.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HS 1 for HB 43 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:53 p.m.

16th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 26, 1991

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: HB 53, HB 90, HB 115, SB 68, SB 24 w/SA 1, SCR 20, SCR 22, SCR 23, SCR 24, SCR 25, HCR 17 & HCR 18.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Roger Roy, do hereby request that my name be removed as Co-Sponsor of HB 150.

Date: 3/21/91.

Signed: Roger Roy.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Campanelli, Soles - 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 151 - LEE - H/ADM: An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended Entitled "An Act to Reincorporate the Town of Delmar" as It Relates to Supplemental Assessments. (2/3 bill)

HB 152 - OBERLE & MACK, DAVIS, SPENCE - LABOR & HUM RES MAN: 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 153 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES DAVIS, CAMPANELLI; SENATOR SHARP - R & F: An Act to Amend Chapter 21, Part III, Title 30 of the Delaware Code Relating to Business Licenses.

SB 24 w/SA 1 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 24 Delaware Code Relating to the Board of Architects. (2/3 bill)(F/N)

SB 68 - MCDOWELL; REPRESENTATIVES DIPINTO, GEORGE - LABOR & HUM RES MAN: An Act Relating to Eligibility for Certain Benefits for Patricia Schaffer, a Retired State Employee. (F/N)

HA 2 to SB 11 - AMICK - SUNSET & OVERVIEW: Placed with the bill.

SCR 23 - MINNER; REPRESENTATIVE CAREY - NAT RES: Establishing a Task Force on Environmental Education Implementation to Review and Evaluate the Environmental Education Component of the 1988 Delaware Environmental Legacy Report and Recommend a Workable Plan for Its Implementation, Including Ways and Means.

Representatives Oberle, Houghton & Carey requested that they be marked present.

Representative Fallon requested and was granted the privilege of the floor for John Chapis, representing the Safety Activities Committee, duPont Seaford Plant.

Representatives Schroeder, West, Outten & VanSant requested that they be marked present.

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

The House reconvened at 3:47 p.m.

Representatives Brady, Quillen, Reynolds & Moore requested that they be marked present.

Mr. Speaker Spence reassigned SB 68 to the Banking & Insurance Committee.

Mr. Speaker Spence retracted the reassignment of SB 68.

Representative Maroney requested that she be marked present.

Representative Petrilli brought HB 80, jointly sponsored by Representatives Spence & Maroney & Senators Holloway & Neal & Representatives Amick, Boykin, Buckworth, Corrozi, DIPinto, D. Ennis, Fallon, Reynolds, Roy, Smith, Hebner, Taylor, Clark, Gilligan, Jonkiert, Moore & Soles & Senators Bair & Knox, before the House for consideration.

HB 80 - An Act to Amend Title 21, Delaware Code, Relating to Occupant Protection Systems, Usage, Standards and Condition Thereof.

Representative Oberle introduced and brought HA 1 to HB 80 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

The roll call on HA 1 was taken and revealed:

YES: - 22.

NO: Representatives Amick, Bennett, Boykin, Buckworth, Corrozi, Davis, DiPinto, Fallon, Hebner, Petrilli, Smith - 11.

NOT VOTING: Representatives George, Jonkiert, Roy, Taylor, Mr. Speaker Spence - 5.

ABSENT: Representatives Campanelli, Gilligan, Soles - 3.

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

Therefore, having received a constitutional majority, HA 1 was adopted.

The roll call on HB 80 w/HA 1 was taken and revealed:

YES: - 27.

NO: Representatives Bennett, Brady, Carey, Caulk, B. Ennis, Ewing, Houghton, Lee, Mack, Quillen, Reynolds, West - 12.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HB 80 w/HA 1 was sent to the Senate for concurrence.

Representative West brought HB 135, jointly sponsored by Representatives Amick, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Ewing, Fallon, Jonkiert, Lee, Moore, Reynolds, Sills & Spence & Senators Adams & Minner, before the House for consideration.

HB 135 - An Act to Amend Chapter 39, Title 25, Delaware Code, Relating to Liens.

The roll call on HB 135 was taken and revealed:

YES: - 39.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HB 135 was sent to the Senate for concurrence.

Representative Maroney brought HB 111, jointly sponsored by Representatives Brady, Amick, Boykin, Carey, Corrozi, Bunting, Campanelli, Clark, Jonkiert & Soles, before the House for consideration.

HB 111 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to When Lighted Lamps are Required.

The roll call on HB 111 was taken and revealed:

YES: - 38.

NO: Representative Hebner - 1.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HB 111 was sent to the Senate for concurrence.

Representative Taylor introduced HB 154, jointly sponsored by Representative Roy & Senator Blevins & cosponsored by Representatives DiPinto & VanSant.

HB 154 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Pupils.

Mr. Speaker assigned HB 154 to the Land Use & Government Relations Committee.

Mr. Speaker Spence announced that SB 74 has come over from the Senate.

SB 74 - HOLLOWAY, COOK, MCBRIDE, STILL, VAUGHN; REPRESENTATIVES MARONEY, CORROZI, DIPINTO, WEST - An Act to Amend Volume 67, Chapter 335, Laws of Delaware, Making an Appropriation and Authorizing Positions for the Delaware Health Care Commission and Related Programs of the Department of Health and Social Services, Etc.

Mr. Speaker assigned SB 74 to the Human Resources Committee.

Representative DiPinto brought HJR 2, jointly sponsored by Representatives George, Sills & Jonkiert & Senators Holloway, Marshall & McDowell, before the House for consideration.

HJR 2 - Extending the Date by Which the Court Consolidation Committee is to Issue Its Draft Municipal Court Consolidation Bill.

Representative DiPinto introduced and brought HA 1 to HB 2 before the House for consideration. Representative DiPinto moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto requested that HA 1 be stricken.

Representative DiPinto moved to place HJR 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli requested that HB 155, sponsored by Representatives Schroeder & Carey & Senators Minner & Cordrey, be given its first reading.

HB 155 - An Act to Amend Chapter 9, Title 7, Delaware Code to Implement Resolutions of the Delaware Bay Weakfish Commission for the Calendar Year 1991.

Mr. Speaker assigned HB 155 to the Natural Resources Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 74.

The Majority Leader moved to recess to the call of the Chair at 4:51 p.m.

17th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 27, 1991

Mr. Speaker Spence called the House to order at 5:25 p.m.

The Majority Leader moved to adjourn at 5:26 p.m., thereby ending the current legislative day. The House reconvened at 5:27 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives DiPinto, Soles, Taylor - 3.

A prayer was offered by Representative Rourke A. Moore, 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 prefilled legislation was introduced:

HB 156 - BUCKWORTH & SENATOR MINNER - NAT RES: An Act to Amend Chapter 21, Title 23, Delaware Code Relating to Arrests Made Without Warrants.

HB 157 - QUILLEN, BOYKIN, BUNTING, BRADY, MOORE, BENNETT, CLARK - P/S: An Act to Amend Section 2138, Title 21, Delaware Code Relating to Special License Plates for Disabled Veterans.

HB 158 - SMITH - R & F: An Act to Amend Chapter 54, Title 30 of the Delaware Code Relating to the Realty Transfer Tax. (3/5 bill)

HB 159 - CAREY - NAT RES: An Act to Amend Chapter 9, Title 7 Delaware Code Relating to the Seasonal Prohibition Against the Taking of the Tautog Fish.

HB 160 - DAVIS & OBERLE, LOFINK, MACK, REYNOLDS, HOUGHTON; SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation and Unemployment Compensation.

HB 161 - EWING, BENNETT, B. ENNIS, LEE & SENATOR VAUGHN; REPRESENTATIVES BOYKIN, BRADY, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DIPINTO, D. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, LOFINK, MOORE, OBERLE, OUTTEN, QUILLEN, REYNOLDS, ROY, SCHROEDER, SILLS, VANSANT, WEST; SENATORS BAIR, BLEVINS, HOLLOWAY, MCBRIDE, MARSHALL, MINNER, STILL, TORBERT - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)

HB 162 - GILLIGAN, MARONEY; SENATOR HOLLOWAY - HUM RES: An Act to Amend Chapter 93, Title 16, Delaware Code Relating to Health Planning and Certificate of Need Programs.

HB 163 - MOORE - P/S: An Act to Amend Chapter 41, Title 21 Delaware Code Relating to Funeral Processions. (2/3 bill)

HB 164 - WEST & SENATOR COOK; REPRESENTATIVES LEE, FALLON, CAREY, CLARK, DIPINTO, CORROZI, B. ENNIS, SPENCE, JONKIERT, BRADY, EWING, MOORE, HOUGHTON, BENNETT, BUCKWORTH, BUNTING, GILLIGAN, SCHROEDER, GEORGE, VANSANT, SMITH, REYNOLDS, OUTTEN, SILLS; SENATORS MINNER, VAUGHN, CORDREY, ADAMS, VENABLES, MARSHALL - SUNSET & OVERVIEW: An Act to Amend Title 24, Delaware Code, Relating to the Establishment of a Licensure Board for Resident, Non-Resident and Apprentice Auctioneers.

HA 1 to HB 79 - OUTTEN - ED: Placed with the bill.

HA 1 to HB 118 - BRADY - HUM RES: Placed with the bill.

SB 48 - CORDREY, VENABLES, ADAMS - LAND USE & GOV REL: An Act to Amend Title 9, Delaware Code, Relating to Mileage Rates for Officers or Employees of the Counties.

HA 2 to SB 25 - OBERLE - L.O.T: Placed with the bill.

Representative Oberle introduced **HB 165**, jointly sponsored by Representatives Davis & Campanelli & Senators Sharp & Marshall.

HB 165 - An Act to Amend Chapter 25, Title 30 of the Delaware Code Relating to Contractor's License Requirements.

Mr. Speaker assigned **HB 165** to the Revenue & Finance Committee.

Representative Maroney requested that she be marked present.

Representatives George & Mack requested that they be marked present.

Representative Davis introduced **HJR 4**, jointly sponsored by Representatives Spence & Lofink & Senators Adams & Venables & cosponsored by Representatives Ewing & DiPinto.

HJR 4 - Requesting State of Delaware to File an Amicus Brief in United States Supreme Court in Favor of Allowing Benediction at Public School Graduation Ceremonies.

Mr. Speaker assigned **HJR 4** to the House Administration Committee.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: March 27, 1991

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	Issue Date	Type	Description
H91-57	Ewing	3/20/91	T	Jessie Lyons - State Telephone Operator - Retirement
H91-58	Boykin	3/20/91	T	H. James Crew - Safe Return from Persian Gulf
H91-59	Outten	3/21/91	T	Salvation Army - New Dover Facility
H91-60	Buckworth	3/26/91	T	Rita Ryan - Assistant Principal of the Year
H91-61	Bennett	3/26/91	M	Everett D. Bryan
H91-62	Lee	3/26/91	T	Justine Wood - Seiko Youth Challenge
H91-63	Lee	3/26/91	T	Charles Pheiffer - Seiko Youth Challenge
H91-64	Lee	3/26/91	T	Kimberly Brittingham - Seiko Youth Challenge
H91-65	Lee	3/26/91	T	Rachel Wood - Faculty Advisor Seiko Youth Challenge
H91-66	Quillen	3/26/91	T	Bessie Derrickson Jester - 90th 90th Birthday

Number	Sponsor	Issue Date	Type	Description
H91-67	Brady	3/26/91	T	Private Stephen Shaefer - Silver Star Award
H91-68	Spence	3/26/91	T	Mark McNulty - AASHTO President's Award
H91-69	Roy	3/26/91	T	Nancy Churchman Sawin - Hall of Fame of DE Women

T = Tribute

M = In Memoriam

The following prefiled Consent Calendar #6 was introduced:

HR 23 - BENNETT - Expressing Sympathy to the Family of Civic Leader, Mrs. Regina Mitten of Dover, Delaware Who Passed Away Monday, February 25, 1991 at the Age of 85.

HR 24 - CLARK, QUILLEN, BUCKWORTH - Congratulating Jack and Audrey Whitby of Whitby Farms Upon Being Named One of 50 "Good Earth Families" by the National Endowment for Soil and Water Conservation Awards Program Funded by the duPont Company.

HCR 21 - B. ENNIS; SENATOR TORBERT - Proclaiming May 1991 as "Motorcycle Safety and Awareness Month".

HCR 22 - ROY, DAVIS; SENATORS SHARP, SOKOLA - Requesting the State Public Service Commission Investigate and Implement the Use of Water Conservation Oriented Rate Structures by Water Utilities Under Its Jurisdiction.

HCR 23 - OUTTEN; SENATOR STILL - Congratulating the Kent County Salvation Army Upon Its Opening of a New 10,000 Square Foot Facility on Forest Street in Dover and Expressing Best Wishes for Continued Success in Serving the Citizens of Kent County.

HCR 24 - ROY, DAVIS; SENATORS SHARP, SOKOLA - Asking the Public Service Commission to Reject Artesian Water Company's Proposal to Pass Rate Increases Onto Their Customers.

SCR 20 - STILL, VAUGHN, COOK, TORBERT, MINNER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH - Expressing Sympathy to the Family of Everett D. Bryan, Local Pharmacist and Community Leader, Who Died Saturday, February 23, 1991 at the Age of Eighty-Two.

SCR 22 - VAUGHN & REPRESENTATIVES B. ENNIS, BENNETT - Expressing Sympathy to the Family of William Brady, Age 73, a Former Legislator and Prominent Middletown Farmer Who Passed Away on Wednesday, March 6, 1991.

SCR 24 - ADAMS & REPRESENTATIVE CAULK; SENATORS COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAREY, FALLON, CLARK, LOFINK, QUILLEN, BUNTING & SCHROEDER - Expressing Appreciation to the Delaware Council of Farm Organizations and the University of Delaware for Hosting the 21st Annual Delaware Agricultural Industry Dinner on March 16, 1991.

SCR 25 - ADAMS & REPRESENTATIVE CAULK; SENATORS COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAREY, FALLON, CLARK, LOFINK, QUILLEN, BUNTING, SCHROEDER - Proclaiming March 17-23, 1991, as Delaware Agriculture Week and Reaffirming Support of Delaware's Number One Industry.

Representative Jonkiert introduced HCR 25, jointly sponsored by Senator Marshall & cosponsored by Representative Spence.

HCR 25 - Celebrating the Bicentennial of the Polish Constitution of May 3, 1791 and Recognizing the Polish American Citizens Who Continue to Honor the Constitution Which Arose Out of the Polish Era of Enlightenment.

HCR 25 was placed on Consent Calendar #6.

Representative Petrilli introduced SCR 30, sponsored by Senators McBride, Minner & Still & Representatives B. Ennis & Jonkiert.

SCR 30 - Calling for the Immediate Relocation of Justice of the Peace Courts 7 and 16 in Dover as a Result of Serious Termite Infestation at the Existing Facility.

Representative Buckworth introduced HR 25, sponsored by Representative Spence.

HR 25 - Honoring Wilmington College Freshman Basketball Team Member Missy Burris for an Outstanding First Year.

HR 25 was placed on Consent Calendar #6.

Representative Jonkiert requested that SCR 30 be added to Consent Calendar #6.

Representative B. Ennis introduced SCR 26, jointly sponsored by Senator Vaughn & Representative Ewing & Senators McBride, Sharp & Minner & Representative Carey & cosponsored by Representative Clark.

SCR 26 - Memorial to Members of the Delaware Congressional Delegation and the Congress of the United States Urging Them to Deny Financial Aid and Diplomatic Recognition to Vietnam, Cambodia, and Laos; Continue Funding of the POW/MIA Special Investigation by the United States Senate; Form a Senate Select Committee on POW/MIA Affairs; and Support the Passage of the POW/MIA Truth Bill (H.R. 1147) That Relates to the Declassification of Live Sighting Information on American Service Personnel Missing or Reported Killed in Action.

SCR 26 was placed on Consent Calendar #6.

Consent Calendar #6 was adopted by voice vote and HCR 21, HCR 22, HCR 23, HCR 24 & HCR 25 were sent to the Senate for concurrence and SCR 20, SCR 22, SCR 24, SCR 25, SCR 26 & SCR 30 were returned to the Senate.

Representative Ewing requested and was granted the privilege of the floor for Captain Eugene B. McDaniel, representing the American Defense Institute.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 52 w/SA 1, SCR 26 & SCR 30.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator McDowell, do hereby request that my name be removed as Co-Sponsor of HB 164.

Date: 3/26/91.

Signed: Harris B. McDowell, III.

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

P/S: HCR 20 - 4M.

H/ADM: HB 30 - 4M; HB 31 - 4M; HB 98 - 4M; HB 147 - 4M; HB 151 - 4M.

LABOR & HUM RES MAN: SB 68 - 3M.

HUM RES: HB 58 - 5M; HB 82 - 5M; HB 112 - 5M; HB 118 - 4F,1M; SB 74 - 2F,3M.

APPRO: HB 97 - 4F.

SUBS ABUSE: HB 123 - 1F,3M.

B & I: HB 141 - 5M.

Mr. Speaker assigned HB 82 & HB 118 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 6:15 p.m.

18th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

March 28, 1991

Mr. Speaker Spence called the House to order at 2:27 p.m.

Representatives Taylor & DiPinto requested that they be marked present.

The Majority Leader moved to adjourn at 2:28 p.m., thereby ending the current legislative day. The House reconvened at 2:29 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Soles - 1.

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 166 - BUCKWORTH - P/S: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to the Accessibility of the Driver and Vehicle Records as Retained by the Division of Motor Vehicles.

HB 167 - VANSANT, GEORGE, DAVIS, CAMPANELLI, CLARK, CORROZI, B. ENNIS, SILLS, OUTTEN, JONKIERT, BENNETT, QUILLEN, WEST, HOUGHTON, MOORE, SCHROEDER, CAULK; SENATOR HOLLOWAY - HOUSING & COM AFF: An Act to Amend Chapter 25, Title 6 Delaware Code Relating to Permissible Hours for Telephone Solicitations.

HB 168 - JONKIERT, VANSANT, WEST; SENATOR MARSHALL - 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 169 - JONKIERT; SENATOR MARSHALL - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability for Certain Criminal Offenders.

HJR 5 - QUILLEN - H/ADM: Designating the Month of April as National Parkinson's Disease Awareness Month.

HA 1 to HB 50 - SILLS - AGENDA: Placed with the bill.

HA 2 to HB 50 - SILLS - AGENDA: Placed with the bill.

HA 3 to HB 50 - SILLS - AGENDA: Placed with the bill.

HA 1 to HB 155 - CAREY - NAT RES: Placed with the bill.

SB 17 w/SA 1 & 2 - HOLLOWAY; REPRESENTATIVE DIPINTO - HOUSING & COM AFF: An Act to Amend Title 6, Delaware Code, to Establish a Delaware Lease-Purchase Agreement Act. (2/3 bill)(F/N)

Representative Smith introduced HB 170.

HB 170 - An Act to Amend Chapter 31 of Title 16 of the Delaware Code to Provide for the Issuance of Vanity Birth Certificates. (3/5 bill)

Mr. Speaker assigned HB 170 to the Human Resources Committee.

Mr. Speaker reassigned HB 165 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: SB 17 w/SA 1 & 2, SCR 27, SCR 28, SCR 29, HCR 10 & SB 48.

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

SUNSET & OVERVIEW: HB 93 - 1F,3M; HB 136 - 2F,3M; SB 11 - 4M.

Representative Outten brought HB 52 w/SA 1, jointly sponsored by Representatives Bennett & Clark & Senators Torbert & Still, before the House for consideration.

HB 52 - An Act to Amend Chapter 158, Volume 36, Laws of Delaware, as Amended, Entitled "An Act Changing the Name of 'the Town of Dover' to 'the City of Dover' and Establishing a Charter Therefor" Relating to the Civilian Pension Plan. (2/3 bill)

The roll call on HB 52 w/SA 1 was taken and revealed:

YES: - 33.

ABSENT: Representatives Brady, B. Ennis, Gilligan, Mack, Reynolds, Roy, Soles, West - 8. Representatives D. Ennis & Corrozi requested that they be marked present during the roll call.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 52 w/SA 1 was sent to the Governor.

Representative Buckworth introduced HCR 27, jointly sponsored by Representatives Spence, Petrilli, George & Gilligan & Senators Cordrey, Sharp, McDowell, Bair & Connor.

HCR 27 - Extending Many Thanks to the Vocational Student Organizations of Delaware for the Gorgeous Easter Lilies, Given Annually at Easter Time, a Most Significant and Thoughtful Gesture During One of Our Most Sacred Holidays.

Representative Buckworth requested and was granted the privilege of the floor for William Dannenhauer, State Supervisor, Agricultural Occupations; Tammy Ward, representing Business and Professionals of America, Tim Schenck, President, DECA, Lisa Ralph, FFA, Tresa Ivins, Vocational Industrial Clubs of America and Quang Lee, Technology Student Association.

HCR 27 was adopted by voice vote and sent to the Senate for concurrence.

Representatives Brady & Reynolds requested that they be marked present.

The Majority Leader moved to recess for caucus at 3:01 p.m.

The House reconvened at 4:39 p.m.

Representatives Mack & Gilligan 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 84 w/SA 1.

The following prefilled Consent Calendar #7 was introduced:

HR 26 - QUILLEN - Acknowledging the Important Contributions of Judge Thomas White in the Growth of Methodism in the States of Delaware and Maryland.

HCR 26 - REYNOLDS & SENATOR CONNOR; REPRESENTATIVES SPENCE, DAVIS, MACK - Honoring New Castle Resident Annie B. King Upon Being Awarded the J. Thompson Brown Award.

SCR 27 - BAIR, KNOX, HAUGE; REPRESENTATIVES MARONEY, SMITH, BOYKIN, D. ENNIS, GEORGE, BRADY - Commending Dr. Louise V. Maslin for Her Years of Service to Public Education in Delaware.

SCR 28 - BAIR, KNOX, HAUGE; REPRESENTATIVES MARONEY, SMITH, BOYKIN, D. ENNIS, GEORGE, BRADY, BENNETT - Congratulating Dr. Frank Furgele for His Many Years of Service to Public Education in Delaware and Wishing Him Well in His Retirement as Superintendent of the Brandywine School District.

SCR 29 - CONNOR, BAIR, MCBRIDE & REPRESENTATIVES FALLON, MACK, REYNOLDS, SPENCE, BRADY - Commending Renee O'Leary, on Her Selection to Receive the 1991 Christa McAuliffe Fellowship Award.

Consent Calendar #7 was adopted by voice vote and HCR 26 was sent to the Senate for concurrence and SCR 27, SCR 28 & SCR 29 were returned to the Senate.

Representative Maroney brought SB 74, jointly sponsored by Senators Holloway, Cook, McBride, Still & Vaughn & Representatives Corrozi, DiPinto & West, before the House for consideration.

SB 74 - An Act to Amend Volume 67, Chapter 335, Laws of Delaware, Making an Appropriation and Authorizing Positions for the Delaware Health Care Commission and Related Programs of the Department of Health and Social Services, Etc.

Representative Maroney requested and was granted the privilege of the floor for Joan R. Medland, Office Administrator, Dover Family Physicians.

The roll call on SB 74 was taken and revealed:

YES: - 40.

ABSENT: Representative Soles - 1.

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

Therefore, having received a constitutional majority, SB 74 was returned to the Senate.

Representative DiPinto moved to lift HJR 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto brought HJR 2, jointly sponsored by Representatives George, Sills & Jonkiert & Senators Holloway, Marshall & McDowell, before the House for consideration.

HJR 2 - Extending the Date by Which the Court Consolidation Committee is to Issue Its Draft Municipal Court Consolidation Bill.

Representative DiPinto introduced and brought HA 2 to HJR 2 before the House for consideration. HA 2 was adopted by voice vote.

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

YES: - 40.

ABSENT: Representative Soles - 1.

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

Representative Amick moved to suspend the rules which interfere with action on SB 11.

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

Representative Amick brought SB 11, jointly sponsored by Senators Venables, McBride & Neal & Representatives Taylor, Houghton & Outten, before the House for consideration.

SB 11 - An Act to Amend Chapter 28, Title 24 of the Delaware Code Relating to Professional Engineers and the Practice of Engineering.

Representative Amick brought HA 1 to SB 11, jointly sponsored by Senator Venables, before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick requested that HA 2 be stricken.

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

YES: - 40.

ABSENT: Representative Soles - 1.

Therefore, having received a constitutional majority, SB 11 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Smith moved to suspend the rules which interfere with introduction of and action on SB 84 w/SA 1. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith introduced and brought SB 84 w/SA 1, jointly sponsored by All Senators & Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Spence, Taylor, Bunting, B. Ennis, George, Gilligan, Moore, Outten, Schroeder & West, before the House for consideration.

SB 84 - An Act to Amend Title 14 and Title 29 Relating to Leave of Absence for Military Service. (F/N)

The roll call on SB 84 w/SA 1 was taken and revealed:

YES: - 40.

ABSENT: Representative Soles - 1.

Therefore, having received a constitutional majority, SB 84 w/SA 1 was returned to the Senate.

Representative Smith brought HB 121 w/HA 1 & SA 2, jointly sponsored by Senator Blevins & All Representatives & Senators Cordrey, Adams, McBride, Sokola, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

HB 121 - An Act to Amend Chapter 3, Title 30 of the Delaware Code Relating to the Administration of Tax Laws in the Event of Service in a Combat Zone. (F/N)

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

Representative Smith moved to place HB 121 w/HA 1 & SA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative George introduced and brought HR 27, jointly sponsored by Representatives Gilligan, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonklert, Moore, Outten, Schroeder, Sillis, Soles, VanSant & West & cosponsored by Representatives Quillen, Carey, Petrilli, Roy, Spence, DiPinto, Hebner, Mack, Lee, Boykin, Maroney, D. Ennis, Fallon & Reynolds.

HR 27 - Extending Best Wishes and Expressing Sincere Appreciation to Mike Cochran, House Attorney for the Democratic Caucus, for His Many Years of Invaluable Service to the House of Representatives.

WHEREAS, C. Malcolm Cochran, IV, better known to the Legislative Hall crowd as "Mike", will be leaving the ranks of legislative legal staff to dedicate more of his time and talents to his legal career as an associate with the prestigious Wilmington law firm of Richards, Layton and Finger; and

WHEREAS, Mike developed his political roots as a young man growing up in the Middletown area working for a variety of Democratic candidates and then, as a young college student at the University of Delaware, joined the legions of loyal volunteers for Representative Ada Leigh Soles in her many campaigns; and

WHEREAS, since first starting his duties with the House in 1988, Mike has developed a reputation throughout Legislative Hall as a bright, energetic, thorough and dedicated attorney whose impeccable integrity has been respected by legislators and staff alike, among both Democrats and Republicans; and

WHEREAS, Mike has served the Democratic Caucus well over the years as he developed a variety of legislation in the areas of housing, health care and criminal justice, and having found a special interest in the area of recycling as the co-author of a mandatory recycling bill, working very closely with another House staffer to complete this admirable task; and

WHEREAS, in addition to benefitting from a wide array of experiences and benefits as Democratic House Attorney, Mike also takes from his Legislative Hall experience, a lovely wife, Legislative Assistant Hope Day Cochran, whom he met while serving the members of the caucus and the citizens of our state; and

WHEREAS, Mike, with, now, only one full time job, can dedicate more attention to his law career and, most important, his family duties in years ahead.

NOW, THEREFORE:

BE IT RESOLVED the House of Representatives of the 136th General Assembly of the State of Delaware hereby extends best wishes and expresses sincere appreciation to C. Malcolm "Mike" Cochran, IV, House Attorney for the Democratic Caucus, for his many years of invaluable service to the House of Representatives.

BE IT FURTHER RESOLVED that upon adoption a suitably prepared copy of this Resolution be forwarded to Mike as an expression of our appreciation for his dedicated service to the citizens of our state.

HR 27 was adopted by voice vote.

Mr Speaker declared a recess for the purpose of changing the recording tape at 6:15 p.m.

The House reconvened at 6:20 p.m.

Representative D. Ennis introduced HB 171, jointly sponsored by Senator Marshall & Representatives Davis, Smith & Bennett & Senator McDowell.

HB 171 - An Act to Amend Chapter 83, Title 29, Chapters 1, 11, 13, 19, 20, 23, 29, 51, 52, 54 and 55, Title 30, Chapter 11 of Title 5, Chapter 5 of Title 8 and Chapters 7, 53, 55, 61, 63 and 64 of Title 18 of the Delaware Code Relating to Tax Preferences.

Mr. Speaker assigned HB 171 to the Revenue & Finance Committee.

Representative Smith moved to lift HB 121 w/HA 1 & SA 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith brought HB 121 w/HA 1 & SA 2, jointly sponsored by Senator Blevins & All Representatives & Senators Cordrey, Adams, McBride, Sokola, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

HB 121 - An Act to Amend Chapter 3, Title 30 of the Delaware Code Relating to the Administration of Tax Laws in the Event of Service in a Combat Zone. (F/N)

Representative Smith requested and was granted the privilege of the floor for Don Dryden, Controller General.

The roll call on HB 121 w/HA 1 & SA 2 was taken and revealed:

YES: - 38.

ABSENT: Representatives Reynolds, Roy, Soles - 3.

Therefore, having received a constitutional majority, HB 121 w/HA 1 & SA 2 was sent to the Governor.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 3, HCR 21, HCR 22, HCR 23, HCR 24 & HB 121 w/HA 1 & SA 2.

Representative D. Ennis rose on a point of order.

Representative Sillis requested that action on HB 50 be deferred to a Day Certain, Thursday, April 18, 1991.

Representative Sillis requested and was granted the privilege of the floor for Nancy Kenyon & Gemma Buckley, residents of Red Clay School District.

The Majority Leader moved to recess to the call of the Chair at 6:53 p.m.

19th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 16, 1991

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Reading Clerk read the following communications into the record:

February 11, 1991

LEGISLATIVE ADVISORY #4

FROM: Office of the Counsel to the Governor

The following legislation was signed by the Governor on the dates indicated: 1/31/91 - SB 6, 2/8/91 - HB 96 aab HA 1, HB 110, SB 31, SB 37, SB 41, SJR 3 aab HA 1 & 2, 2/1/91 - HB 88 aab HA 1 & 2, SA 2.3.5.7 & 8, 2/11/91 - HB 87, SB 46 & SB 47.

February 15, 1991

LEGISLATIVE ADVISORY #5

FROM: Office of the Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2/15/91 - SJR 4.

March 28, 1991

LEGISLATIVE ADVISORY #6

FROM: Office of the Counsel to the Governor

The Governor signed the following legislation on the date indicated: 3/28/91 - SB 12 aab HA 1, HB 53, HB 90 & HB 115.

April 9, 1991

LEGISLATIVE ADVISORY #7

FROM: Office of the Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 3/28/91 - SB 74, 4/4/91 - HB 52 aab SA 1, 4/9/91 - SB 84 aab SA 1 & HB 121 aab HA 1 & SA 2.

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 Oberle - 1.

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:

HS 1 for HB 158 - SMITH - R & F: An Act to Amend Chapter 54, Title 30 of the Delaware Code Relating to the Realty Transfer Tax. (3/5 bill)

HB 172 - MARONEY, SPENCE, CAREY, FALLON, HEBNER, SMITH, BUNTING, CAMPANELLI, B. ENNIS, MOORE, SCHROEDER; SENATORS BLEVINS, HOLLOWAY, MINNER, TORBERT, VAUGHN, BAIR, KNOX - HUM RES: An Act to Amend Chapters 5 and 15, Title 13 Relating to Child Support Civil Enforcement.

HB 173 - MARONEY, SPENCE, BUCKWORTH, PETRILLI, CORROZI, FALLON, LEE, BUNTING, JONKIERT; SENATORS HOLLOWAY, MINNER, KNOX - HUM RES: An Act to Amend Chapter 15, Title 13, of the Delaware Code Relating to Contested and Uncontested Petitions.

HB 174 - MARONEY, D. ENNIS, BUNTING, CAMPANELLI, B. ENNIS, JONKIERT, SCHROEDER, VANSANT, WEST - HUM RES: An Act to Amend Chapter 7 and Chapter 15, Title 13 of the Delaware Code Relating to Commencement of Custody Proceedings and Preliminary Injunctions and Interim Orders.

HB 175 - CAULK & SENATOR J. STILL; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, DAVIS, D. ENNIS, DIPINTO, EWING, LEE, LOFINK, TAYLOR, BUNTING, JONKIERT, B. ENNIS, WEST; SENATORS MARSHALL, TORBERT, CONNOR - JUD: An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code, Relating to Notice of Abortions Performed on Minors. (2/3 bill)

HB 176 - FALLON & SENATOR MCBRIDE - ED: An Act to Amend Chapter 27, Title 14, Delaware Code, Relating to Truancy.

HB 177 - VANSANT, WEST, BRADY, JONKIERT, B. ENNIS, HOUGHTON, CAMPANELLI; SENATORS TORBERT, SOKOLA, ADAMS - SUNSET & OVERVIEW: An Act to Amend Chapter 25, Title 6 Delaware Code Relating to Prohibited Practices in Telephone Solicitations.

HB 178 - MARONEY & AMICK; SENATOR BLEVINS; REPRESENTATIVES DIPINTO, EWING - SUNSET & OVERVIEW: An Act to Amend Chapter 30, Title 24, Delaware Code, Relating to Professional Counselors.

HB 179 - B. ENNIS - HAZ WASTE MAN: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Adoption of Additional Federal Requirements With Respect to Transportation of Hazardous Materials in This State.

HB 180 - CAULK, CAREY, BUCKWORTH, D. ENNIS, EWING, TAYLOR, BUNTING; SENATORS MARSHALL, TORBERT, CONNOR - JUD: An Act to Amend Chapter 17, Title 24 and Chapter 9, Title 10 of the Delaware Code Relating to Parental/Legal Guardian Involvement in Abortion Decisions of Minors. (2/3 bill)

HR 28 - GILLIGAN & MACK, BENNETT, BRADY, BUNTING, CAULK, CLARK, CORROZI, B. ENNIS, EWING, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, MACK, MOORE, OBERLE, CUTTEN, QUILLEN, REYNOLDS, SCHROEDER, VANSANT, WEST - HAZ WASTE MAN: Opposing Acceptance of Deregulated Radioactive Waste at Delaware's Waste Facilities and Supporting Efforts to Urge the U.S. Congress to Rescind Section 10 of the 1985 Low-Level Radioactive Waste Policy Amendments Act That Permits the Nuclear Regulatory Commission to Establish Below Regulatory Concern Standards (BRC).

HR 29 - BRADY, AMICK, BENNETT, BUCKWORTH, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MARONEY, MOORE, OBERLE, CUTTEN, PETRILLI, QUILLEN, REYNOLDS, SCHROEDER, SILLS, SMITH, SPENCE, TAYLOR, VANSANT, WEST - H/ADM: Petitioning the United States Congress to Reconsider the Federal Statutory Guidelines Limiting the Amount of Rehabilitative Treatment to Veterans With Service and Combat Related Brain Injuries and to Reinstate the Rehabilitative Services to Thomas J. Murphy and All Other Similarly Situated Veterans.

HCR 28 - QUILLEN & SENATOR ADAMS; AMICK, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, FALLON, HEBNER, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, REYNOLDS, TAYLOR, SPENCE, BENNETT, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, VANSANT, WEST; SENATORS COOK, TORBERT, VAUGHN, CONNOR, KNOX, STILL - H/ADM: Memorializing the United States Congress to Propose a Constitutional Amendment for Ratification by the States, Which Would Specify That the Congress and the Individual States Shall Have the Power to Prohibit the Physical Desecration of the American Flag.

Representatives George, Jonkiert, Campanelli & Clark requested that they be marked present.

Representative Bunting requested that HB 105 be stricken.

Representative Petrilli requested and was granted the privilege of the floor for Senator Andrew G. Knox who introduced Vytas Navickas, Minister of Economics of Lithuania and Dalia Merkevičienė, his interpreter.

Representatives Bennett, West & Gilligan requested that they be marked present.

Representative Sills requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:29 p.m.

The House reconvened at 3:55 p.m.

Mr. Speaker assigned HB 65 to the Appropriations Committee.

Mr. Speaker reassigned HB 178 to the Human Resources Committee.

Representatives Brady & Mack requested that they be marked present.

The Reading Clerk read the following communications into the record:

M E M O R A N D U M

TO: Members of the House of Representatives

FROM: Don Coker, Acting Director

SUBJECT: House Rules

DATE: April 16, 1991

Pursuant to Rule No. 60, this office was charged with the responsibility of publishing the House Rules in pocket-size editions. Attached are 123 copies, enough so that there is one for your desk on the chamber floor, one for your legislative office, and one for home. However, if you should need additional copies, simply call this office and we can provide you with additional copies.

I hope you find the document practical and useful.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, G. Robert Quillen, do hereby request that my name be removed as Co-Sponsor of HB 164.

Date: April 15, 1991.

Signed: Representative G. Robert Quillen.

Representatives Reynolds & Maroney requested that they be marked present.

Representative Davis brought HB 30, jointly sponsored by Representatives Corrozi, D. Ennis, Hebner, Roy, Maroney, Petrilli & Soles & Senator Holloway, before the House for consideration.

HB 30 - An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

The roll call on HB 30 was taken and revealed:

YES: - 30.

NO: Representatives Bennett, Clark, Ewing, Jonkiert, Quillen, West - 6.

NOT VOTING: Representatives Campanelli, B. Ennis, Mack, VanSant - 4.

ABSENT: Representative Oberle - 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 Davis brought HB 31, jointly sponsored by Representatives Corrozi, D. Ennis, Hebner, Maroney, Petrilli, Roy & Soles & Senator Holloway, before the House for consideration.

HB 31 - An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to the Qualifications for Registration as a Qualified Voter.

The roll call on HB 31 was taken.

YES: - 33.

NO: Representatives Bennett, Clark, West - 3.

NOT VOTING: Representatives Campanelli, Jonkiert, VanSant - 3.

ABSENT: Representatives B. Ennis, Oberle - 2.

Therefore, having received a constitutional majority, HB 31 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 141, jointly sponsored by Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 141 - An Act to Amend Title 18, Delaware Code, Chapter 44, to Set Forth in Greater Details the Obligations and Powers of the Delaware Life and Health Insurance Guaranty Association.

Representative D. Ennis moved to place HB 141 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Amick brought HB 112 before the House for consideration.

HB 112 - An Act to Amend Chapter 10, Title 16 of the Delaware Code Relating to the Hospital Advisory Council.

The roll call on HB 112 was taken and revealed:

YES: - 40.

ABSENT: Representative Oberle - 1.

Therefore, having received a constitutional majority, HB 112 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:28 p.m.

20th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 17, 1991

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 23 w/SA 1.

TO: The Honorable Terry Spence

Speaker of the House

FROM: Representative George H. Bunting

DATE: April 16, 1991

Due to personal business, I will be absent from session April 17, 1991.

Thank you.

George H. Bunting

Representative Oberle requested that he be marked present.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Bunting, Gilligan - 2.

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:

SB 23 w/SA 1 - MCBRIDE; REPRESENTATIVE CAULK - SUNSET & OVERVIEW: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Provision of Telephone Service for Persons With Speech and Hearing Impairments.

Representatives George, Jonkiert, VanSant, Bennett, DiPinto, Boykin, Maroney, D. Ennis & Lofink requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:12 p.m.

The House reconvened at 4:40 p.m.

Representatives Reynolds & Brady requested that they be marked present.

Mr. Speaker assigned HB 153 to the Labor & Human Resources Management Committee.

Representatives Smith & Sills requested that they be marked present.

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

HOUSING & COM AFF: SB 17 w/SA 1 & 2 - 1F,4M.

H/ADM: HJR 4 - 4M.

ED: HB 79 - 4F,2M; HB 119 - 4F,2M.

LAND USE & GOV REL: HB 139 - 2F,3M; HB 154 - 5F,1M.

LABOR & HUM RES MAN: HB 152 - 4M; HB 160 - 4M.

P/S: HB 157 - 5M; HB 161 - 5M.

NAT RES: HB 138 - 5M; HB 155 - 1F,5M; SCR 23 - 1F,5M.

JUD: HB 143 - 5M; HB 169 - 4M,1U.

R & F: HS 1 for HB 158 - 5M.

HUM RES: HB 162 - 2F,4M.

Representatives Buckworth & Schroeder requested that they be marked present.

Mr. Speaker assigned HB 79 & HB 119 to the Appropriations Committee.

Representative Fallon requested that HB 64 be stricken.

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: April 17, 1991

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>Issue Date</u>	<u>Type</u>	<u>Description</u>
H91-70	Ewing	3/27/91	T	James H. Cannon - Contributions to DE Farm Bureau
H91-71	Mack	3/27/91	T	Jack Holloway - Wrestling Coach of the Year
H91-72	cosponsor: Reynolds Maroney	3/28/91	T	Katherine Esterly, M.D. - Hall of Fame of DE Women
H91-73	Gilligan	4/11/91	T	Edward Bachman - 100th Birthday
H91-74	Fallon	4/16/91	T	Mr. & Mrs. George Sapna - 50th Anniversary
H91-75	Smith	4/16/91	T	Jeanne Murray & Leslie Raia - 1990 Winning Walls Contest
H91-76	Fallon	4/16/91	M	William Rugg
H91-77	Fallon	4/16/91	M	Gene Horner
H91-78	Fallon	4/16/91	T	Mr. & Mrs. Donald Shelor - 50th Wedding Anniversary
H91-79	Fallon	4/16/91	T	The Reverend Robert W. Hastings
H91-80	Bennett	4/16/91	M	Barbara Ann Arseneau
H91-81	B. Ennis	4/17/91	T	Mr. & Mrs. Russell A. Parker - 50th Anniversary
H91-82	B. Ennis	4/17/91	T	Bernice Bailey - 91st birthday
H91-83	Quillen	4/17/91	T	Kimberly Alexander - DE Young Woman of the Year
H91-84	Buckworth	4/17/91	T	Terrance L. Higgins - 30 Years of Service - Wesley College
H91-85	Fallon	4/17/91	M	Delmas K. Koski

T = Tribute

M = In Memoriam

The following prefilled Consent Calendar #8 was introduced:

HCR 29 - BENNETT; SENATOR TORBERT - Mourning the Passing of Robert Pippin, Former Kent County Sheriff and County Jail Warden.

HCR 30 - FALLON; SENATOR MCBRIDE - Commending the Students Selected as State Superintendent's Scholars of 1991.

HCR 31 - CAREY & SENATOR ADAMS; REPRESENTATIVES FALLON, LEE, EWING, QUILLEN, GEORGE, WEST, BUNTING, SCHROEDER; SENATORS CORDREY, VENABLES, MINNER - Celebrating With Jack F. Owens as He Reaches His Twenty-Fifth Year at Delaware Technical and Community College's Southern Campus.

HCR 32 - LEE & SENATORS VENABLES, CORDREY; REPRESENTATIVES CAREY, WEST - Congratulating Youth in Government Governor Mark Goodrich and All Students Who Participated in the 1991 Mock Legislative Session April 6-8, 1991 Sponsored by the YMCA.

Representative Lee requested that HCR 32 be stricken.

Consent Calendar #8 was adopted by voice vote and HCR 29, HCR 30 & HCR 31 were sent to the Senate for concurrence.

Representative Fallon introduced HJR 6, jointly sponsored by Senator McBride.

HJR 6 - Proclaiming May Superstars! In Education Month in Delaware.

Mr. Speaker assigned HJR 6 to the Education Committee.

The Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

**21st LEGISLATIVE DAY
136th GENERAL ASSEMBLY**

First Session

April 18, 1991

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 13.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative E. Stuart Outten, Jr., Thirty-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 prefilled legislation was introduced:

HB 181 - EWING & SENATOR ADAMS - P/S: An Act to Amend Title 21, Part II, Chapter 21 of the Delaware Code Relating to the Rescission, Cancellation, or Suspension of Registration.

HA 2 to HB 79 - FALLON - APPRO: Placed with the bill.

HA 1 to HB 136 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 160 - DAVIS - READY LIST: Placed with the bill.

Representative Roy requested and was granted the privilege of the floor for Jacqueline B. Faulcon, Director and the Skyline Middle School Chorus, who performed before the House. Representative Taylor requested that he be marked present.

Representative Taylor moved to suspend the rules which interfere with action on HB 154. The motion was properly seconded and adopted by voice vote.

Representative Taylor brought HB 154, jointly sponsored by Representative Roy & Senator Blevins & cosponsored by Representatives DiPinto & VanSant, before the House for consideration.

HB 154 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Pupils.

The roll call on HB 154 was taken and revealed:

YES: - 36.

NO: Representative Hebner - 1.

ABSENT: Representatives Brady, Jonkiert, Reynolds, West - 4.

Representatives Amick, Bennett, Buckworth, Campanelli, Clark, B. Ennis, Gilligan, Lee, Mack, Maroney, Moore, Sills, Smith & VanSant requested that they be marked present during the roll call.

Therefore, having received a constitutional majority, HB 154 was sent to the Senate for concurrence.

Representative Brady requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:59 P.M.

The House reconvened at 5:27 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 64 & SB 89.

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

ED: HJR 6 - 6F, 1M.

SUNSET & OVERVIEW: HB 66 - 3M; HB 94 - 3M; HB 108 - 3M; HB 113 - 3M; SB 24 w/SA 1 - 3M.

Representative Amick introduced HB 182, jointly sponsored by Senator Cordrey & Representatives Petrilli, Boykin, Corrozi, Hebner, DiPinto, Smith & Bennett & Senators Adams, Venables, Bair, Knox, Neal & Still.

HB 182 - An Act to Amend Titles 10, 18, and 21 of the Delaware Code Regarding Motor Vehicle Insurance.

Mr. Speaker assigned HB 182 to the Banking & Insurance Committee.

Representative Amick introduced and brought HR 30, jointly sponsored by Representatives Oberle, Petrilli & Soles & Senators Neal & Martin, before the House for consideration.

HR 30 - Celebrating Twenty Five Years of Friends of the Newark Library.

HR 30 was adopted by voice vote.

Representative Bennett introduced and brought HCR 33, jointly sponsored by Senator Cook & Representatives Soles, Fallon, Maroney & Boykin & Senators Minner, Blevins & Bair & Representative Clark & cosponsored by Representatives Corrozi, Carey, Quillen, Outten & Buckworth, before the House for consideration.

HCR 33 - Commending Mrs. B. Claire Zaragoza of Wyoming, Delaware on Her Recent Selection as Delaware's 1991 Mother of the Year Award and Extending Best Wishes in Her Efforts at the National Competition in St. Louis, Missouri.

HCR 33 was adopted by voice vote and sent to the Senate for concurrence.

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

Mr. Speaker assigned HB 152 to the Appropriations Committee.

Representative Lee introduced and brought HCR 34, jointly sponsored by Senators Venables & Cordrey & Representatives Carey & West & cosponsored by Representative Corrozi, before the House for consideration.

HCR 34 - Congratulating Youth In Government Governor Katrina M. Bubas and All Students Who Participated in the 1991 Mock Legislative Session April 12-14, 1991 Sponsored by the YMCA.

HCR 34 was adopted by voice vote and sent to the Senate for concurrence.

Representative Davis brought HJR 4, jointly sponsored by Representatives Spence & Lofink & Senators Adams & Venables & cosponsored by Representatives Ewing & DiPinto, before the House for consideration.

HJR 4 - Requesting State of Delaware to File an Amicus Brief in United States Supreme Court in Favor of Allowing Benediction at Public School Graduation Ceremonies.

The roll call on HJR 4 was taken and revealed:

YES: - 39.

NO: Representative Soles - 1.

ABSENT: Representative Jonkiert - 1.

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

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

Representative Fallon brought HJR 6, jointly sponsored by Senator McBride, before the House for consideration.

HJR 6 - Proclaiming May Superstars! In Education Month in Delaware.

The roll call on HJR 6 was taken and revealed:

YES: - 41.

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

Representative Sills brought HB 50, jointly sponsored by Representatives Taylor, Moore, Caulk, Brady, Schroeder, Bunting, B. Ennis, D. Ennis, VanSant & Gilligan & Senators Holloway, Sharp, Venables & McDowell, before the House for consideration.

HB 50 - An Act to Amend Chapter 10, Title 14, of the Delaware Code Relating to School Board Elections.

Representative Sills moved to place HB 50 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy requested that action on HB 139 be deferred to a Day Certain, Thursday, April 25, 1991.

Representative Schroeder brought HB 155, jointly sponsored by Senators Cordrey & Minner & Representative Carey, before the House for consideration.

HB 155 - An Act to Amend Chapter 9, Title 7, Delaware Code to Implement Resolutions of the Delaware Bay Weakfish Commission for the Calendar Year 1991.

Representative Carey brought HA 1 to HB 155 before the House for consideration. HA 1 was adopted by voice vote.

Representative Schroeder introduced and brought HA 2 to HB 155 before the House for consideration. HA 2 was adopted by voice vote.

Representative Quillen introduced and brought HA 3 to HB 155 before the House for consideration.

Representative Schroeder requested and was granted the privilege of the floor for Edwin Clark, Secretary, Department of Natural Resources & Environmental Control.

Mr Speaker declared a recess at 6:04 p.m. to confer with House Attorneys.

The House reconvened at 6:08 p.m.

Mr. Speaker Spence ruled that HA 3 to HB 155 is out of order.

Representative Schroeder requested and was granted the privilege of the floor for Edwin Clark, Secretary, Department of Natural Resources & Environmental Control.

The roll call on HB 155 w/HA 1 & 2 was taken and revealed:

YES: - 40.

NOT VOTING: Representative Fallon - 1.

Therefore, having received a constitutional majority, HB 155 w/HA 1 & 2 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 6:38 p.m.

22nd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 23, 1991

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: SCR 31, HCR 25, HCR 26, HCR 27, HCR 29, HCR 30, HCR 31 & SB 62 w/SA 2.

M E M O

TO: Rep. Terry R. Spence
Speaker of the House
FROM: Rep. Gerald A. Buckworth
Majority Whip
DATE: April 23, 1991
IN RE: Absences

Please excuse Rep. Gerald A. Buckworth from session today as he is sick with the flu.

bwj

cc: Chief Clerk

M E M O R A N D U M

TO: TERRY R. SPENCE, SPEAKER OF THE HOUSE
FROM: REPRESENTATIVE G. ROBERT QUILLEN
DATE: APRIL 23, 1991
RE: ABSENCE FROM SESSION

Please be advised that I will not be able to attend the Session on the following days:
April 23rd, 24th, and 25th.

I will return for Session on April 30th.

Thank you.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Buckworth, Clark, Quillen - 3.

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

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

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

The following prefiled legislation was introduced:

HS 1 to HB 91 - AMICK, LEE, JONKIERT, VANSANT; SENATORS MINNER, BLEVINS, VENABLES -
SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Examinations, Qualifications for Licensure and Reciprocity for Professional Regulatory Boards and Commissions.

HB 183 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 7, Title 4, Delaware Code Relating to Shipping of Alcoholic Liquor by the Manufacturer or Importer. (2/3 bill)

HB 184 - CAREY - H/ADM: An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Michele Joan Madeksza and Glenn David Krasker, Non-Residents of the State of Delaware.

HB 185 - GILLIGAN & QUILLEN, BUCKWORTH, GEORGE, ROY, JONKIERT, PETRILLI, SPENCE, VANSANT, EWING; SENATORS ADAMS, HOLLOWAY, MARSHALL, MCBRIDE, SHARP - H/ADM: An Act to Amend Chapter 3 of Title 28 of the Delaware Code Relating to Racing and Racing Dates, Hours of Racing, Wagering on Simulcast Races and Combined Pari-Mutuel Pools.

HB 186 - SCHROEDER, BUNTING, CLARK; SENATOR VENABLES - ED: An Act to Proposing an Amendment to Article X of the Constitution of the State of Delaware Relating to Transportation of Nonpublic School Students and Deleting Section 2905 of Title 14, Delaware Code, Relating to Transportation of Students of Nonpublic, Nonprofit Elementary and High Schools. (2/3 bill)

HA 1 to HB 35 - AMICK - R & F: Placed with the bill.

HA 1 to HB 59 - DAVIS - READY LIST: Placed with the bill.

HA 1 to HB 125 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

HA 1 to HB 139 - CAMPANELLI - DEFERRED: Placed with the bill.

SB 62 w/SA 2 - MARSHALL, OBERLE; SENATORS HOLLOWAY, MCBRIDE; REPRESENTATIVE CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to the Employment of Strikebreakers.

SB 64 - MINNER; REPRESENTATIVE QUILLEN - H/ADM: An Act to Amend Chapter 215, Volume 64, Laws of Delaware, Entitled "An Act to Re-Incorporate the City of Harrington," as Amended, Relating to the Power to Borrow Money. (2/3 bill)

SB 89 - SOKOLA - SUNSET & OVERVIEW: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Mr. Speaker Spence reassigned **HB 178** to the Sunset & Overview Committee.

Representatives Amick & Houghton requested that they be marked present.

Representative Carey requested and was granted the privilege of the floor for Petty Officer Joseph H. McFaul, United States Navy.

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

HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: April 23, 1991

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	Issue Date	Type	Description
H91-86	Ewing	4/17/91	T	L/Cpl. John Boddy - Service in Gulf
H91-87	Davis	4/18/91	T	Barbara Rossiter - President NCC Ladies Auxillary - Volunteer Firemen
H91-88	Buckworth	4/18/91	T	B. Claire Zaragoza - DE Mother of the Year
H91-89	Schroeder	4/18/91	T	Anthony Pratt - Rescue Submerged Motorist
H91-90	Schroeder	4/18/91	T	Robert McPhatter - Rescue Submerged Motorist
H91-91	Petrilli	4/18/91	T	Mike Ramone - All State Swimmers Coach of the Year
H91-92	Outten	4/18/91	T	1st Lt. Michael Pyott - Return Home - Persian Gulf
H91-93	Houghton	4/18/91	T	Ronald Patterson, Jr. - Eagle Scout
H91-94	Lofink	4/18/91	T	Katherine Jester - Executive Director Family Law Comm.
H91-95	Buckworth	4/19/91	T	Ethel Tyndall - Retirement Caesar Rodney
H91-96	Clark	4/21/91	T	Mr. & Mrs. Philip Messina - 45th Anniversary
H91-97	DiPinto	4/18/91	T	Andrew Rudawsky - Athletic Trainer - U.S. Soccer Team
H91-98	Carey	4/23/91	T	Henlopen Ruritan Club - Adopt- -A-Highway Participation
H91-99	Carey	4/23/91	T	Retired Telephone Co., Employees.- Adopt-A-Highway Participation
H91-100	Carey	4/23/91	T	Bill & Gail Moore - Adopt-A- Highway Participation

T = Tribute

M = In Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: April 23, 1991

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	Issue Date	Type	Description
H91-101	Carey	4/23/91	T	Sylvan Acres Homeowners Assoc. Adopt-A-Highway Participation
H91-102	Carey	4/23/91	T	Big Brothers/Big Sisters - Adopt-A-Highway-Participation
H91-103	Carey	4/23/91	T	Mary Lou Emory - Adopt-A- Highway-Participation

Number	Sponsor	Issue Date	Type	Description
H91-104	Carey	4/23/91	T	Milford Chapter AARP - Adopt-A-Highway-Participation
H91-105	Carey	4/23/91	T	Barry & Aileen Maloney - Adopt-A-Highway-Participation
H91-106	Carey	4/23/91	T	Ernest & Susie Bennett - Adopt-A-Highway-Participation
H91-107	Carey	4/23/91	T	Wilson Construction Co. - Adopt-A-Highway-Participation
H91-108	Carey	4/23/91	T	Coverdale Associates - Adopt-A-Highway-Participation
H91-109	Carey	4/23/91	T	Bailey's Lawnmower Services - Adopt-A-Highway-Participation
H91-110	Carey	4/23/91	T	Milton Century Club - Adopt-A-Highway-Participation
H91-111	Carey	4/23/91	T	Reformation Lutheran Church Youth Group/Adopt-A-Highway/Participation
H91-112	Carey	4/23/91	T	Dean, Margy & Greg Hazzard - Adopt-A-Highway-Participation
H91-113	Quillen cosponsor: B. Ennis	4/23/91	T	William D. Brode - Harrington Fireman of the Year
H91-114	Quillen cosponsor: B. Ennis	4/23/91	T	J. Robert Wyatt - Harrington Fireman of the Year
H91-115	Quillen cosponsor: B. Ennis	4/23/91	T	Robert A. Taylor - Harrington Junior Fireman of the Year

T = Tribute

M = In Memoriam

The Reading Clerk read the following communication at the request of Representative Hebner:

MEMORANDUM

TO: Mrs. Kathy Leon
Secretary to Representative Hebner

FROM: Terry R. Spence
Speaker of the House

DATE: March 28, 1991

RE: Estonian/Latvian Visitors April 27, 1991 - May 4, 1991

Please be advised that effective immediately no House staff is to be used in any way to further the above event. Representative Hebner was advised of this last evening as was JoAnn Hedrick, the Chief Clerk.

If you have any questions regarding this directive or need advice or assistance in handling the situation, please do not hesitate to ask me.

TRS/sf

The Reading Clerk read the following communications into the record:

April 23, 1991

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, due to legislative duties, I will not be in attendance during the session on Wednesday, April 24, 1991.

I expect to return for session on Thursday, April 25, 1991.

Sincerely,
David H. Ennis
State Representative
6th District

DHE/dlw

Dear Terry-

To you and all Legislators we send our sincere thanks for the fine Resolution written in Cliff's memory. It is so beautifully written we will always treasure it. You folks have all been so kind. We truly appreciate your thoughtfulness and will always be grateful.

Fondest regards to all,
Janet

Representative Brady requested that he be marked present.

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

The House reconvened at 4:10 p.m.

Representatives Mack & Reynolds requested that they be marked present.

Representative Smith brought HS 1 for HB 158 before the House for consideration.

HB 158 - An Act to Amend Chapter 54, Title 30 of the Delaware Code Relating to the Realty Transfer Tax. (3/5 bill)

The roll call on HS 1 for HB 158 was taken and revealed:

YES: - 35.

NO: Representative West - 1.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives Buckworth, Clark, Jonkiert, Quillen - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 158 was sent to the Senate for concurrence.

Representatives Outten, Schroeder, Sills & Taylor requested that they be marked present during the roll call.

Representative Davis brought HB 160, jointly sponsored by Representatives Oberle, Lofink, Mack, Reynolds & Houghton & Senator Marshall, before the House for consideration. HB 160 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation and Unemployment Compensation.

Representative Davis brought HA 1 to HB 160 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 160 w/HA 1 was taken and revealed:

YES: - 38.

ABSENT: Representatives Buckworth, Clark, Quillen - 3.

Therefore, having received a constitutional majority, HB 160 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought SCR 23, jointly sponsored by Senator Minner, before the House for consideration.

SCR 23 - Establishing a Task Force on Environmental Education Implementation to Review and Evaluate the Environmental Education Component of the 1988 Delaware Environmental Legacy Report and Recommend a Workable Plan for Its Implementation, Including Ways and Means.

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

Representative B. Ennis brought HB 138, jointly sponsored by Representatives Houghton, Campanelli, VanSant, West, Oberle, Quillen & Carey & Senators Minner & Vaughn, before the House for consideration.

HB 138 - An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Hunting of Deer With a Muzzle Loader.

The roll call on HB 138 was taken and revealed:

YES: - 38.

ABSENT: Representatives Buckworth, Clark, Quillen - 3.

Therefore, having received a constitutional majority, HB 138 was sent to the Senate for concurrence.

Representative Hebner requested that action on SB 15 be deferred to a Day Certain, Tuesday, April 30, 1991.

The Majority Leader moved to recess at 4:30 p.m.

The House reconvened at 4:35 p.m. with Representative Oberle as Acting Speaker.

Representative Gilligan brought HB 162, jointly sponsored by Representative Maroney & Senator Holloway, before the House for consideration.

HB 162 - An Act to Amend Chapter 93, Title 16, Delaware Code Relating to Health Planning and Certificate of Need Programs.

Representative Maroney introduced and brought HA 1 to HB 162 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 162 w/HA 1 was taken and revealed:

YES: - 35.

ABSENT: Representatives Buckworth, Caulk, Clark, Petrilli, Quillen, West - 6.

Therefore, having received a constitutional majority, HB 162 w/HA 1 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HCR 4.

Mr. Speaker Spence resumed the Chair.

The Acting Majority Leader moved to recess to the call of the Chair at 4:44 p.m.

23rd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 24, 1991

Mr. Speaker Spence called the House to order at 2:07 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HJR 4. (Corrected Announcement)

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Thomas Sharp, do hereby request that my name be removed as Co-Sponsor of HB 190.

Date: 4/23/91.

Signed: Thomas B. Sharp.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Joseph R. Petrilli, do hereby request that my name be removed as Co-Sponsor of HB 175.

Date: 4/23/91.

Signed: Joseph R. Petrilli.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Joseph R. Petrilli, do hereby request that my name be removed as Co-Sponsor of HB 180.

Date: 4/23/91.

Signed: Joseph R. Petrilli.

April 15, 1991

Ms. JoAnn M. Hedrick
Chief Clerk
House of Representatives

Legislative Hall
Legislative Avenue
Dover, Delaware 19901
Dear Ms. Hedrick:

Thank you for forwarding to the President the State of Delaware Concurrent Resolution Number 11 concerning Rear Admiral Husband E. Kimmel, United States Navy (Retired).

As the resolution indicates, Rear Admiral Kimmel held a temporary appointment to the grade of admiral while serving as the Commander of the United States Pacific Fleet. He reverted to his permanent grade, rear admiral, when his command of the Pacific Fleet ended. At that time, the law did not provide for the advancement of officers on the retired list to the highest temporary grade in which they had served. Therefore, in the normal course of events, he retired in the grade of rear admiral on March 1, 1942.

The possibility of promoting Rear Admiral Kimmel posthumously to the grade of admiral has been reviewed a number of times in the succeeding decades, and each time, the Department has determined that it would not be appropriate to proceed with such action. I fully appreciate the importance of this issue to the Kimmel family and their supporters and am sorry we could not reply more favorably.

Sincerely,
Robert S. Silberman
Principal Deputy Assistant Secretary
Department of Defense

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: 36.

Members Absent: Representatives Bennett, Clark, D. Ennis, Jonkiert, Quillen - 5.

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 187 - MARONEY, SPENCE, PETRILLI, CAREY, CORROZI, DIPINTO, FALLON, LEE, QUILLEN, GEORGE, BENNETT, GILLIGAN, BRADY, BUNTING, JONKIERT, SCHROEDER; SENATORS MARSHALL, HAUGE, KNOX - HUM RES: An Act to Amend Subchapter I, Chapter 9, Title 13, of the Delaware Code Relating to the Adoption of Minors.

HB 188 - VANSANT, BRADY, CAMPANELLI, CAULK, B. ENNIS, EWING, HOUGHTON, JONKIERT, PETRILLI, REYNOLDS, WEST; SENATORS MARSHALL, MCBRIDE, MINNER - JUD: An Act to Amend Chapter 5, Title 11, Relating to Licenses to Carry Concealed Deadly Weapons.

HB 189 - VANSANT, BENNETT, BRADY, BUNTING, CAMPANELLI, CAULK, CLARK, B. ENNIS, EWING, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MOORE, OBERLE, OUTTEN, PETRILLI, REYNOLDS, SCHROEDER, SMITH, WEST; SENATORS MCBRIDE, MINNER, TORBERT, VAUGHN - JUD: An Act to Amend Chapter 5, Title 11 Relating to Firearms.

HB 190 - MOORE & SENATOR HOLLOWAY; REPRESENTATIVES AMICK, BRADY, BUNTING, B. ENNIS, GEORGE, HOUGHTON, MARONEY, REYNOLDS, SMITH, WEST; SENATORS BAIR, BLEVINS - HUM RES: An Act to Amend Chapter 39, Title 31, Delaware Code, Relating to Adult Protective Services. (2/3 bill)

HB 191 - JONKIERT & SENATOR MARSHALL - HUM RES: An Act to Amend Part II, Title 16, Delaware Code, by Adding a New Chapter 29 to Require That Health Care Professionals be Tested for Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV), That Positive Results be Reported, That Infected Health Care Professionals Notify Their Patients and Potential Patients and be Prohibited From Certain Practices, and Providing Penalties for Violations.

HA 1 to HB 144 - AMICK - SUNSET & OVERVIEW: Placed with the bill

Representatives Outten & VanSant requested that they be marked present.

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

The House reconvened at 4:57 p.m.

Representatives Hebnar, Carey, Reynolds, George, Bunting, Lofink, Schroeder & Brady requested that they be marked present.

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

TRANS: HS 1/HB 16 - 1F,3M.

ED: HB 176 - 5M.

H/ADM: HB 127 - 4M; HB 184 - 5M; HB 185 - 1F,4M; HJR 5 - 5M; HR 29 - 5M; HCR 28 - 1F,4M.

LABOR & HUM RES MAN: HB 153 - 4M.

APPRO: HB 120 - 5M.

NAT RES: HB 156 - 4F,1M.

LAND USE & GOV REL: SB 48 - 1F,4M.

HAZ WASTE MAN: HB 179 - 1F,4M.

Mr. Speaker assigned HS 1 to HB 16 & HB 153 to the Appropriations Committee.

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

Representative Carey requested and was granted the privilege of the floor for Stavert Huestis, Deputy Speaker, Canadian Legislative Assembly and Allison Ellis, Member of the Canadian Legislative Assembly.

Representatives Sillis & Gilligan requested that they be marked present.

The following prefilled Consent Calendar #9 was introduced:

HR 31 - PETRILLI, SPENCE, BUCKWORTH, GEORGE, GILLIGAN - Thanking Our House Secretaries for All Their Efforts in Keeping the General Assembly Running Smoothly.

HR 32 - BENNETT - Congratulating the Kent County Theatre Guild on Winning the 1991 Delaware Community Theater One-Act Play Competition Sponsored by the Delaware Theater Association.

HR 33 - ROY - Designating May 6-12 American Lung Association of Delaware's Clean Air Week.

HCR 35 - OBERLE & SENATOR BAIR; REPRESENTATIVES SPENCE, PETRILLI, AMICK, BOYKIN, CAREY, CAULK, CORROZI, DIPINTO, EWING, FALLON, HEBNER, LOFINK, MACK, MARONEY, REYNOLDS, ROY, SMITH, TAYLOR, QUILLEN, GEORGE, HOUGHTON, OUTTEN, SCHROEDER, CLARK, BRADY, VANSANT, WEST; SENATORS ADAMS, BLEVINS, COOK, CORDREY, VAUGHN, STILL - Thanking John Rago for His Work on Behalf of Children While Employed by the Department of Services for Children, Youth and Their Families.

SCR 31 - SHARP & REPRESENTATIVE CAMPANELLI & ALL SENATORS AND ALL REPRESENTATIVES - Recognizing April 28, 1991 as Worker Memorial Day on Behalf of Our Fellow Colleagues, Co-Workers and Others Who Have Been Either Injured, Made Sick or Died on the Job.

Consent Calendar #9 was adopted by voice vote and HCR 35 was sent to the Senate for concurrence and SCR 31 was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 5:10 p.m.

24th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 25, 1991

Mr. Acting Speaker Hebner called the House to order at 2:32 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 92 w/SA 1 & 2, SB 45 w/SA 1 & 2 & HCR 6 w/SA 1.

Representative Bennett requested that he be marked present.

The Acting Majority Leader 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: 40.

Member Absent: Representative Quillen - 1.

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

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

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

HS 1 to HB 140 - D. ENNIS, BOYKIN, DIPINTO, SMITH, SILLS, VANSANT, JONKIER - B & I: An Act to Amend Chapter 42, Title 18, Delaware Code, Relating to Various Aspects of the Insurance Guaranty Act.

HA 1 to HB 58 - DAVIS - READY LIST: Placed with the bill.

HA 2 to HB 58 - DAVIS - READY LIST: Placed with the bill.

HA 1 to HB 159 - CAREY - NAT RES: Placed with the bill.

HA 1 to HB 161 - EWING - READY LIST: Placed with the bill.

SB 45 w/SA 1 & 2 - MCBRIDE & REPRESENTATIVE FALLON - ED: An Act to Amend Chapters 2, 13, 17 and 31, Title 14, Delaware Code, to Change the Terms Used for Certain Groups of Handicapped Students.

SB 92 w/SA 1 & 2 - VENABLES, ADAMS, BLEVINS, KNOX, NEAL, SHARP, SOKOLA, TORBERT, VAUGHN; REPRESENTATIVES AMICK, BUCKWORTH, CAMPANELLI, CORROZI, DAVIS, B. ENNIS, EWING, FALLON, HOUGHTON, PETRILLI, ROY, TAYLOR, WEST - SUNSET & OVERVIEW: An Act to Amend Chapters 1 and 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Representatives Smith, B. Ennis & Brady requested that they be marked present.

Representative Brady requested and was granted the privilege of the floor for Private Steven L. Shafer, U.S. Army, Silver Star Recipient.

Representative Amick requested that he be marked present.

The Acting Majority Leader moved to recess for caucus at 2:48 p.m.

The House reconvened at 4:17 p.m. with Representative Hebner as Acting Speaker.

Representative Spence requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

Representatives Gilligan & Buckworth requested that they be marked present.

Representative Maroney introduced HB 192, jointly sponsored by Senator Holloway.

HB 192 - An Act to Amend Chapter 4, Title 11, Delaware Code, Relating to Defenses to Criminal Liability.

Mr. Speaker assigned HB 192 to the Judiciary Committee.

Representative George requested that he be marked present.

Representatives Clark, D. Ennis, Mack & Sils requested that they be marked present.

Representative Lee requested and was granted the privilege of the floor for Katrina Bubas, Governor, YMCA Youth in Government Program.

Representative Petrilli requested that he be marked present.

Representative Reynolds requested that he be marked present.

Representative Roy brought HB 139 before the House for consideration.

HB 139 - An Act to Amend Chapter 11, Title 9 of the Delaware Code Relating to Expanding the Number of New Castle County Council Members.

Representative Campanelli brought HA 1 to HB 139 before the House for consideration. Representative Campanelli requested that HA 1 be stricken.

Representative Sills requested and was granted the privilege of the floor for Samuel L. Guy, Esquire, Member, Executive Board, Wilmington Branch, NAACP.
Representative Roy rose on a point of order. Mr. Speaker concurred.
The roll call on HB 139 was taken and revealed:
YES: - 22.
NO: Representatives Brady, Bunting, Campanelli, Caulk, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Outten, Schroeder, Sills, Soles, VanSant, West - 16.
NOT VOTING: Representatives Bennett, Jonkiert - 2.
ABSENT: Representative Quillen - 1.
Therefore, having received a constitutional majority, HB 139 was sent to the Senate for concurrence.
Representative Carey introduced HB 193, jointly sponsored by Senator Venables.
HB 193 - An Act to Amend Chapter 9, Title 7, Delaware Code Relating to Finfishing in Tidal Waters.
Mr. Speaker assigned HB 193 to the Natural Resources Committee.
The Chief Clerk read the following committee reports into the record:
SUNSET & OVERVIEW: HS 1 to HB 91 - 3M; HB 95 - 3M; HB 144 - 3M; HB 178 - 4M.
The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: SB 88 w/SA 2, SCR 35 & SB 91.
The Majority Leader moved to recess to the call of the Chair at 5:37 p.m.

25th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

April 30, 1991

Mr. Speaker Spence called the House to order at 2:11 p.m.
The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: SCR 32, SCR 33, SCR 34, HCR 33, HCR 34 & HCR 35.
The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the current legislative day. The House reconvened at 2:13 p.m.
The Chief Clerk called the roll.
Members Present: 41.
A prayer was offered by Maart Laar, Member of Estonian Parliament.
The Speaker led those present in a pledge of allegiance to the American Flag.
The minutes of the previous legislative day were approved as posted.
The following prefiled legislation was introduced:
HB 194 - TAYLOR & SENATOR HOLLOWAY - LABOR & HUM RES MAN: An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Child Labor.
HB 195 - OUTTEN - APPRO: An Act to Amend Chapter 281, Volume 67, Laws of Delaware, as Amended, Entitled "An Act Making Appropriations for the Expense of the State for the Fiscal Year Ending June 30, 1991; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds: and Amending Certain Pertinent Statutory Provisions" Relating to Revenue Compliance Officers.
HB 196 - GILLIGAN & CAMPANELLI & GEORGE & ROY & DAVIS, VANSANT, DIPINTO, JONKIERT, SPENCE; SENATORS MARSHALL, CONNOR - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Transportation of Nonpublic School Students.
HCR 36 - EWING & SENATOR ADAMS - P/S: Forming a Committee to Study the Possibility of Reissuing Motor Vehicle License Plates and Examining the Feasibility of Dual Plates.
HA 1 to HS 1 for HB 16 - ROY - APPRO: Placed with the bill.
HA 1 to HB 28 - DAVIS - AGENDA: Placed with the bill.
HA 2 to HB 38 - AMICK - L.O.T.: Placed with the bill.
HA 1 to HB 153 - OBERLE - APPRO: Placed with the bill.
HA 1 to HB 176 - MOORE - READY LIST: Placed with the bill.
SB 88 w/SA 2 - SHARP, VAUGHN, HAUGE; REPRESENTATIVES HEBNER, OUTTEN - JUD: An Act to Amend Chapters 5, 9, 13 and 95 of Title 10, Delaware Code, Relating to Appeals in Certain Civil Actions.
SB 91 - VAUGHN, HOLLOWAY, MARSHALL, MCDOWELL; REPRESENTATIVES SILLS, MOORE - SUNSET & OVERVIEW: An Act to Amend Chapter 31, Title 24, Delaware Code, Relating to Board of Funeral Practitioners.
HA 1 to SB 15 - HEBNER - AGENDA: Placed with the bill.
Representative Hebner requested and was granted the privilege of the floor for Ulo Nugis, Speaker of Supreme Council of Estonia and Vello Pettai, Interpreter.
Representatives Jonkiert, Roy, West & Maroney requested that they be marked present.
The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: April 30, 1991
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>Issue Date</u>	<u>Type</u>	<u>Description</u>
H91-116	Spence	4/24/91	T	Stavert Huestis - Deputy Speaker Canadian Legislative Assembly
H91-117	Spence	4/24/91	T	Allison Ellis - Member of Canadian Legislative Assembly

Number	Sponsor	Issue Date	Type	Description
H91-118	Caulk	4/24/91	T	Rev. Wayne & Rev. Janet Trout - 30 Years Service to Kent Christian Center
H91-119	Carey	4/24/91	T	Eduardo & Christine Quintal - Academic Exchange - Mexico
H91-120	Schroeder	4/25/91	T	Jenney Dey - Geography Bee Champion
H91-121	VanSant	4/27/91	T	Lydia & Alexander Leonetti - 50th Anniversary
H91-122	VanSant	4/27/91	T	Dr. Melvin Rosenthal - 25 Years - Chiropractic Service
H91-123	Carey	4/27/91	T	Joseph H. McFaul - Desert Storm Service
H91-124	Carey	4/27/91	T	Rebecca Pulley - Desert Storm Service
H91-125	Petrilli	4/28/91	T	Chuck & Nancy Hebner - 40th Wedding Anniversary
H91-126	B. Ennis	4/28/91	T	Louis Levinson - 95th Birthday

T - Tribute

M - In Memoriam

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

The House reconvened at 4:10 p.m.

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

Representative Hebner requested that HA 1 to SB 15 be stricken.

Representative Hebner requested that action on SB 15 be deferred to a Day Certain,

Thursday, May 2, 1991.

Representatives Boykin & Brady requested that they be marked present.

Representative Petrilli brought the Consent Agenda, which requires a two-thirds vote, before the House for consideration.

HB 147 - BUCKWORTH; SENATOR TORBERT - An Act to Amend Laws of Delaware, Volume 43, Chapter 189, as Amended, the Charter of the Town of Wyoming, Relating to the Power of the Town of Wyoming to Impose and Collect a Realty Transfer Tax. (2/3 bill)

HB 151 - LEE - An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended Entitled "An Act to Reincorporate the Town of Delmar" as It Relates to Supplemental Assessments. (2/3 bill)

HJR 5 - QUILLEN - Designating the Month of April as National Parkinson's Disease Awareness Month.

HB 179 - B. ENNIS - An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Adoption of Additional Federal Requirements With Respect to Transportation of Hazardous Materials in This State.

The roll call on HB 147, HB 151, HJR 5 & HB 179 was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 147, HB 151, HJR 5 & HB 179 were sent to the Senate for concurrence.

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

Representative Amick requested that action on HB 93 be deferred to a Day Certain,

Tuesday, May 7, 1991.

Representative Maroney requested that action on HB 178 be deferred to a Day Certain,

Thursday, May 2, 1991.

Mr. Speaker assigned HB 66 to the Appropriations Committee.

Representative Davis brought HB 28, jointly sponsored by Representatives Oberle, D. Ennis, Boykin, DiPinto, Jonkiert, Sillis & VanSant & Senator Holloway, before the House for consideration.

HB 28 - An Act to Amend Title 18, Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

Representative Davis brought HA 1 to HB 28 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: - 41.

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

Representative Caulk introduced HB 200, jointly sponsored by Senator Adams & Representative Clark & Senator Minner & Representative West & Senator Cordrey & Representatives Carey, Spence, Petrilli, Boykin, DiPinto, Corrozi, Fallon, Lee, Lofink, D. Ennis, Ewing, Buckworth, Quillen, Oberle, Taylor, Reynolds, Smith, Gilligan, Campanelli, Moore, Bunting, B. Ennis & Schroeder & Senators Cook, Vaughn, Venables, Torbert, Connor & J. Still & cosponsored by Senator Sokola.

HB 200 - An Act to Amend Chapter 9, Title 3, of the Delaware Code to Provide for a Comprehensive Program for Agricultural Land Preservation.

Mr. Speaker assigned HB 200 to the Agriculture Committee.

Representative Carey brought HB 184 before the House for consideration.

HB 184 - An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Michele Joan Madeksza and Glenn David Krasker, Non-Residents of the State of Delaware.

The roll call on HB 184 was taken and revealed:

YES: - 39.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 184 was sent to the Senate for concurrence.

Representative Gilligan brought HB 185, jointly sponsored by Representatives Quillen, Buckworth, George, Roy, Jonkiert, Petrilli, Spence & VanSant & Senators Adams, Holloway, Marshall, McBride & Sharp & cosponsored by Representative Ewing, before the House for consideration.

HB 185 - An Act to Amend Chapter 3 of Title 28 of the Delaware Code Relating to Racing and Racing Dates, Hours of Racing, Magering on Simulcast Races and Combined Pari-Mutuel Pools.

Representative Gilligan introduced and brought HA 1 to HB 185, jointly sponsored by Representative Oberle, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 185 w/HA 1 was taken and revealed:

YES: - 39.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 185 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 94 before the House for consideration.

HB 94 - An Act to Amend Chapter 86, Title 29 of the Delaware Code Relating to the Office of the Public Advocate.

Representative Amick moved to place HB 94 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Buckworth brought HB 156, jointly sponsored by Senator Minner, before the House for consideration.

HB 156 - An Act to Amend Chapter 21, Title 23, Delaware Code Relating to Arrests Made Without Warrants.

The roll call on HB 156 was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority, HB 156 was sent to the Senate for concurrence.

Representative Oberle brought HCR 6 w/SA 1, jointly sponsored by Representatives Petrilli & Spence & Senator Hauge & Representatives Davis, Boykin, Corrozi, Mack, Roy, Caulk, Lee, Ewing, Maroney, Quillen, Smith, DiPinto, Carey, Gilligan, Brady, VanSant & Houghton & Senators Connor, Knox, Sharp, Martin, Cook, Vaughn, Venables & Torbert, before the House for consideration.

HCR 6 - Relating to the Busing of School Children in New Castle County, Delaware.

The roll call on HCR 6 w/SA 1 was taken and revealed:

YES: - 36.

NO: Representatives Bunting, George, Moore, Sills - 4.

NOT VOTING: Representative Fallon - 1.

Therefore, having received a constitutional majority, HCR 6 w/SA 1 was adopted.

Representative Quillen brought HB 157, jointly sponsored by Representatives Boykin, Bunting, Brady, Moore, Bennett & Clark, before the House for consideration.

HB 157 - An Act to Amend Section 2138, Title 21, Delaware Code Relating to Special License Plates for Disabled Veterans.

The roll call on HB 157 was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority, HB 157 was sent to the Senate for concurrence.

Representative Clark brought HCR 20, jointly sponsored by Representatives Caulk & West & Senators Minner & J. Still, before the House for consideration.

HCR 20 - Requesting the Office of Vehicle Safety Standards Within the Office of Occupant Protection National Highway Traffic Safety Administration of the U.S. Department of Transportation Consider Amending the Federal Safety Standards Relating to Automobile Seat Belts to Standardize Release Mechanisms.

HCR 20 was adopted by voice vote and sent to the Senate for concurrence.

Representative Quillen brought HB 143 before the House for consideration.

HB 143 - An Act to Amend Chapter 19, Title 12, Delaware Code, Relating to Inventory and Appraisal Filed With the Register of Wills.

The roll call on HB 143 was taken and revealed:

YES: - 41.

Therefore, having received a constitutional majority, HB 143 was sent to the Senate for concurrence.

Representative Amick brought HB 113 before the House for consideration.

HB 113 - An Act to Amend Chapter 59, Title 29 of the Delaware Code, Relating to the Merit System of Personnel Administration; and Providing for Provisional Employment Under Certain Circumstances.

The roll call on HB 113 was taken and revealed:

YES: - 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HB 113 was sent to the Senate for concurrence.

Representative Davis requested that action on HB 59 be deferred to a Day Certain, Tuesday, May 7, 1991.

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

26th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 1, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 55, HJR 6, SB 109, SB 42

w/SA 1.

TO: House Speaker Terry Spence
FROM: Representative Richard F. Davis
DATE: April 30, 1991
RE: Absence from Session

Due to the unexpected death of my grandfather, I will be absent from session on Thursday May 2, 1991 in order to attend his funeral.

RFD:mtk

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: 37.

Members Absent: Representatives Amick, George, Reynolds, Sills - 4.

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 minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

HS 1 to HB 141 - D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS - B & I: An Act to Amend Title 18, Delaware Code, Chapter 44, to Set Forth in Greater Details the Obligations and Powers of the Delaware Life and Health Insurance Guaranty Association.

HB 197 - DAVIS & SENATOR HAUGE; REPRESENTATIVES SPENCE, PETRILLI, CORROZI, DIPINTO, BOYKIN, D. ENNIS, ROY, SMITH, OBERLE, REYNOLDS, MACK, MARONEY, TAYLOR, B. ENNIS, HOUGHTON, SOLES, VANSANT; SENATORS MARTIN, NEAL - MAT RES: An Act to Amend Chapter 60, Title 7, Relating to the Formulation and Implementation of a Wellhead Protection Program.

HB 198 - EWING, SPENCE, CAULK, LOFINK, DIPINTO, LEE, B. ENNIS; SENATOR MARSHALL - JUD: An Act to Amend Chapter 5, Subchapter II, Subpart C, Title 11 of the Delaware Code Pertaining to Abortion and Related Offenses. (2/3 bill)

HB 199 - VANSANT; SENATORS BLEVINS & MCBRIDE - ED: An Act to Amend Chapter 87, Title 14, Delaware Code, Relating to the Delaware Institute of Veterinary Medical Education.

HB 201 - OBERLE & SENATOR HOLLOWAY - LABOR & HUM RES MAN: An Act to Amend Title 16 of the Delaware Code Relating to Health Care for the Medically Indigent. (3/5 bill)

HA 1 to HS 1 for HB 140 - D. ENNIS - B & I: Placed with the bill.

SB 42 w/SA 1 - SOKOLA, BLEVINS, MARSHALL, SHARP; REPRESENTATIVES BOYKIN, CAREY, CORROZI, DIPINTO, D. ENNIS, HEBNER, MOORE, SPENCE - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Exclusion of Certain Child Care Income From Delaware Personal Income Tax. (F/N)

SB 55 - CORDREY - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Counsel Fees Recoverable in Actions On Written Instruments.

SB 109 - CORDREY & REPRESENTATIVE BUNTING - H/ADM: An Act to Amend an Act Being Chapter 166, Volume 37, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Selbyville" to Increase the Amount Which May be Borrowed Against Anticipated Revenues. (2/3 bill)

Representatives Fallon, D. Ennis & Jonkiert requested that they be marked present.

The Reading Clerk read the following communication into the record:

May 1, 1991

Dear Mr. Speaker,

I would like to inform you that I will not be able to attend session today, Wednesday, May 1, due to a death in the family.

Sincerely,

Representative Bruce C. Reynolds

The Majority Leader moved to recess for committee meetings at 2:17 p.m.

The House reconvened at 5:05 p.m.

Representatives Buckworth, Mack, Schroeder, Brady, Taylor, Roy & Outten requested that they be marked present.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Tina Fallon, do hereby request that my name be removed as Co-Sponsor of HB 199.

Date: 4/30/91.

Signed: Tina Fallon.

The following prefiled Consent Calendar #10 was introduced:

HR 34 - BOYKIN, ROY, DIPINTO, D. ENNIS, SMITH, JONKIERT, SILLS - Honoring Mark S. Stellini as Delaware's Small Business Person of the Year.

HR 35 - QUILLEN - Congratulating the Lake Forest Boys 200 Meter Freestyle Relay Team Upon Setting a Nationally Ranking Time of 1:30.02.

HCR 37 - DIPINTO & ALL REPRESENTATIVES; SENATOR KNOX & ALL SENATORS - In Appreciation of Delaware's Volunteers During National Volunteer Week.

HCR 38 - B. ENNIS; SENATOR COOK; REPRESENTATIVE CLARK; SENATOR VAUGHN; REPRESENTATIVE BENNETT - Extending Congratulations, Best Wishes and Many Thanks to Walt F. Gabel, State Forester, on His Impending Retirement From State Government on May 31, 1991 After Almost Thirty-Five Years of State Service.

HCR 39 - REPRESENTATIVE SPENCE & SENATOR CORDREY ON BEHALF OF ALL MEMBERS - Honoring Those Individuals Who Have Been Selected as a Recipient of the Delaware Award for Excellence and Commitment in State Service.

SCR 32 - MINNER; REPRESENTATIVES CAREY, SCHROEDER - Congratulating the Atlantic States Marine Fisheries Commission on Its 50th Birthday and Proclaiming October 7-11, 1991, as Atlantic States Marine Fisheries Compact Week.

SCR 33 - BAIR & REPRESENTATIVE CORROZI - Congratulating Volunteers Shelly Mand, Howard Cosgrove, and Barbara DuPont for Their Efforts in a Most Successful WHYY Fundraiser.

SCR 34 - BAIR & MINNER & REPRESENTATIVE SCHROEDER; SENATOR HOLLOWAY; REPRESENTATIVE MARONEY - Congratulating the Senior Participants of the Joining Generations Program for Their Commitment in Shaping the Leaders of Tomorrow - Our Children.

SCR 35 - HAUGE, BAIR; REPRESENTATIVES BRADY, D. ENNIS, HEBNER - Commending Army Pvt. Stephen Lee Shaefer, Age 21, of Claymont, Delaware, Recipient of the Silver Star for Bravery and Heroism During "Operation Desert Storm" in the Persian Gulf.

Consent Calendar #10 was adopted by voice vote and HCR 37, HCR 38 & HCR 39 were sent to the Senate for concurrence and SCR 32, SCR 33, SCR 34 & SCR 35 were returned to the Senate. The Chief Clerk read the following committee reports into the record:

P/S: HCR 36 - 5M.

LABOR & HUM RES MAN: HB 125 - 3M; HB 165 - 1F, 2M.

JUD: HB 188 - 6M; HB 189 - 6M.

AG: HB 200 - 2F, 2M.

MAT RES: HB 193 - 5M.

H/ADM: SB 109 - 1F, 3M.

LAND USE & GOV REL: HB 116 - 5M.

HUM RES: HB 190 - 1F, 4M.

Mr. Speaker Spence granted the privilege of the floor to Ulo Nugis, Speaker of the Estonian Parliament.

The Majority Leader moved to recess to the call of the Chair at 5:16 p.m.

27th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 2, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 185 w/HA 1 & HB 24 w/HA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Wayne A. Smith, do hereby request that my name be removed as Co-Sponsor of HB 198.

Date: 5/1/91.

Signed: Wayne A. Smith.

May 1, 1991

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 legislative business on Thursday, May 2, 1991, and will not be at session.

Sincerely,
David H. Ennis
State Representative
6th District

DHE/dlw

Representatives Amick & Sills requested that they be marked present.

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Davis, D. 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 202 - AMICK - SUNSET & OVERVIEW: An Act to Amend Certain Subsections of Chapter 2, Title 24 of the Delaware Code, Relating to the Composition of the Board of Landscape Architecture, Electing Members of the Board of Landscape Architecture, and Authorizing the Board to Promulgate Rules and Regulations Relating to the Requirements for Continuing Education of Landscape Architects.

HB 203 - CAREY & SENATOR MINNER - H/ADM: An Act to Amend an Act Entitled "An Act to Reincorporate the Town of Milton", Being Chapter 501, Volume 61, Laws of Delaware, as Amended by Chapter 265, Volume 64, and Chapter 266, Volume 65, Laws of Delaware, Relating to the Town Charter of Milton. (2/3 bill)

HB 204 - VANSANT (By Request) - NAT RES: An Act to Amend Title 7, Delaware Code Relating to Deer Hunting.

HA 1 to HB 56 - OBERLE - APPRO: Placed with the bill.

HA 1 to HB 103 - TAYLOR - LABOR & HUM RES MAN: Placed with the bill.

HA 1 to HB 108 - CLARK - READY LIST: Placed with the bill.

HA 1 to HB 193 - CAREY - NAT RES: Placed with the bill.

HA 1 to SB 92 - BUCKWORTH - SUNSET & OVERVIEW: Placed with the bill.

HA 2 to SB 92 - BUCKWORTH - SUNSET & OVERVIEW: Placed with the bill.

Representatives Taylor & Outten requested that they be marked present.

Representative Hebrner requested and was granted the privilege of the floor for Daniel J. DiGuglielmo, Jr., State Government Relations Specialist, ICI Americas and Ulo Nugis, Speaker, Estonian Supreme Council.

Representative West requested that he be marked present.

Representative Oberle requested and was granted the privilege of the floor for Sanford Warriors Basketball Team and Coaches.

Representative Oberle introduced and brought **HR 36**, jointly sponsored by Representative Roy, before the House for consideration.

HR 36 - Congratulating the Sanford "Warriors" Men's Basketball Team, Independent Conference Champions-Delaware State Champions 1991.

WHEREAS, the Sanford School Men's Basketball Team compiled a record of 24-1 under the motivational leadership of Head Coach Thom Shumosevic with supportive backing from Assistant Coaches David Brooker, Stan Waterman and Vince Garlick; and

WHEREAS, the team consisted of two Seniors and co-captains, Andrew Miles and 6'2" Brian Webster; five Juniors, John Boraski, Charles Toulson, Anthony Gordon Steve, Dada and Ralph Blalock; four Sophomores, Kenny Mitchell, L.T. McNutt, Kevin Cusick and Phomsauanh Phouthavongsa; three Freshmen, Damion Williams, Mike Zingo and Troy Foster; and

WHEREAS, the "Warriors" only loss came at the hands of Episcopal Academy of Philadelphia in overtime 79-70; and

WHEREAS, the navy, gold and white of the Warriors were also assisted in their fete by Men's Athletic Director Chip Mayo, Athletic Trainer Trevis Van Zanten, Scorekeeper Justin Day and Managers Jessica Klügge, Teja Madhavan, Marc Willis, Adam Wohlman and Larry Murray; and

WHEREAS, also proud of their accomplishments are Principal Douglas Wood and retiring Headmaster Gordon Schofield; and

WHEREAS, helping his team to these great heights was Andrew Miles who became Sanford's all time leading scorer with a career total 1558 points, assisted by a season record 666 points.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware hereby congratulate the Sanford School Men's Basketball team as they are crowned 1991 Independent Conference-Delaware State Champions.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be presented to all those mentioned in the resolution that contributed to this truly team effort making this moment happen.

HR 36 was adopted by voice vote.

Representative Sillis requested that he be marked present.

Representative Oberle introduced and brought **HR 37**, jointly sponsored by Representative Roy, before the House for consideration.

HR 37 - Honoring Mr. Gordon Schofield, Head Master of the Sanford School Upon His Retirement.

WHEREAS, Mr. Gordon Schofield arrived at the Sanford School in July 1980 to assume the duties of Headmaster; and

WHEREAS, Mr. Schofield is a graduate of Williams College and received his Masters Degree from Boston University; and

WHEREAS, other than his educational training, Mr. Schofield taught at the Trinity-Pawling School in Pawling, New York; and

WHEREAS, after teaching, Mr. Schofield served as the Assistant Head Master of the St. Paul Academy in Minnesota and was the Headmaster of the Laumee Valley School in Toledo, Ohio and the Hammonasset School in Madison, Connecticut; and

WHEREAS, in July of 1980, Mr. Schofield came to the Sanford School and for the next eleven years he and his wife, Polly Ann and their three children Paul, Forrest and Kim, contributed to the Sanford School Community; and

WHEREAS, Mr. Schofield was active in the National Association of Independent Schools, the Country Day School Headmaster's Association and currently serves on the Centerville School Board; and

WHEREAS, Mr. Schofield was able to participate in these numerous activities in between rounds of golf.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware extends it's best wishes to Mr. Gordon Schofield as he enters the world of retirement with his wife and children and further extends it's appreciation for his contributions to the Sanford School, it's students and to the State of Delaware.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be presented to Mr. Gordon Schofield.

HR 37 was adopted by voice vote.

Representatives DiPinto & Houghton requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:37 p.m.

The House reconvened at 3:47 p.m.

Representative Brady requested that he be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 90.

Representative Maroney introduced HR 38.

HR 38 - Proclaiming May 5-11, 1991 as Suicide Prevention Week in Delaware.

HR 38 was adopted by voice vote.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: May 2, 1991

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
H91-127	Outten	4/30/91	T	Florence Willim - 100th Birthday
H91-128	Spence	5/5/91	T	Daniel Richard Walton, Jr. - Eagle Scout
H91-129	Spence	5/6/91	T	Phillip M. Fred - Delaware Award for Excellence/Commitment in State Service
H91-130	Spence	5/6/91	T	Marianne Smith - Delaware Award for Excellence/Commitment in State Service
H91-131	Spence	5/6/91	T	Kenneth W. Burton - Delaware Award for Excellence/Commitment in State Service
H91-132	Quillen	5/11/91	T	Edward & Mary Snow - 50th Wedding Anniversary
H91-133	Quillen	5/2/91	T	Dennis A. Davis - Special Olympics National Coach of the Year
H91-134	Jonkiert	4/30/91	T	Joseph W. Dabrowski - Contributions to the State
H91-135	Brady	5/2/91	T	Dorothea W. McLane - 40 Years Service to Delaware UNICEF
H91-136	Outten	5/2/91	T	Jack Thompson - Employee of the Year - Department of Agriculture
H91-137	Schroeder	4/29/91	T	Zwaanendaal Women's Club - Centennial Celebration - General Federation of Women's Club

T - Tribute

M - In Memoriam

Representative Petrilli brought SB 109, sponsored by Senator Cordrey & Representative Bunting, before the House for consideration.

SB 109 - An Act to Amend an Act Being Chapter 166, Volume 37, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Selbyville" to Increase the Amount Which May be Borrowed Against Anticipated Revenues. (2/3 bill)

Representative Petrilli deferred to Representative Bunting.

The roll call on SB 109 was taken and revealed:

YES: 37.

ABSENT: Representatives Clark, Davis, D. Ennis, Hebner - 4.

Representatives Gilligan, Mack, Reynolds, Buckworth & Quillen requested that they be marked present during the roll call.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 109 was returned to the Senate.

Representative Maroney brought HB 178, jointly sponsored by Representative Amick & cosponsored by Senator Blevins & Representatives Ewing & DiPinto, before the House for consideration.

HB 178 - An Act to Amend Chapter 30, Title 24, Delaware Code, Relating to Professional Counselors.

Representative Maroney introduced and brought HA 1 to HB 178 before the House for consideration. Representative Amick introduced & brought HA 1 to HA 1 to HB 178 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Anne H. Redd, President, Board of Professional Counselors.

Representative Amick requested and was granted the privilege of the floor for Marvin R. Brams, Member of the Board of Professional Counselors.

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

HA 1 w/HA 1 was adopted by voice vote.

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

Representative Maroney requested and was granted the privilege of the floor for Anne H. Redd, President, Board of Professional Counselors.

Representative Amick introduced & brought HA 2 to HB 178, before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 178 w/HA 1 w/HA 1 & HA 2 was taken and revealed:

YES: 36.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives Campanelli, Davis, D. Ennis, Hebner - 4.

Therefore, having received a constitutional majority, HB 178 w/HA 1 w/HA 1 & HA 2 was sent to the Senate for concurrence.

Representative VanSant introduced and brought HR 39, jointly sponsored by All Representatives, before the House for consideration.

HR 39 - Extending Happy Birthday Greetings to Whistling Representative Charles P. West Who Marks His Seventieth Birthday Today, May 2nd, and Wishing Him Many More, Accompanied by the Best of Health and Happiness.

WHEREAS, members of the House of Representatives of the 136th General Assembly of the State of Delaware have learned that today, May 2nd, is State Representative Charles P. West's 70th birthday; and

WHEREAS, 70 years ago today, Charles P. West was born on a farm outside of Peartree, which is very close to Gumboro; and

WHEREAS, Charles P. West is frequently heard by friends and acquaintances saying that he "enjoys being a legislator", and gets away from the legislative heckling and turmoil by occasionally reading cowboy books; and

WHEREAS, Charles P. West, after growing up on the farm on which he was born, decided to marry Eleanor Lee to whom was borne one son, Charles Jr., who like his father, enjoys the leisure life on the farm; and

WHEREAS, Charles P. West, who is also known as the Mayor of Gumboro, has dedicated his years in the legislature to helping others in the least bureaucratic way possible, by circumventing the unnecessary red tape that seems, in Charlie's eyes, to be mind boggling; and

WHEREAS, Charles P. West combines his down to earth tactics along with his shrewd political mind to effectively serve his constituents in the 41st District; and

WHEREAS, no other agency in State government receives more agitation from Representative West than the Department of Natural Resources and Environmental Control, many of whom run when they hear his voice in the corridors of the building; and

WHEREAS, despite Representative West's distinct and outstanding attributes and characteristics which cause him to stand out among his friends and colleagues, he also enjoys the lighter pleasures of life such as hunting, boxing, riding a tractor, and getting up at daybreak to enjoy nature's wild animals that come out early in the morning; and

WHEREAS, Representative West, known for his distinct and personal style of doing things, last year on a legislative trip to Nashville, Tennessee became so fatigued from all of the walking involved in getting from one place to another at the conference, was found by other Delawareans in search of him, sitting under a shade tree waiting for someone to come and get him, flatly refusing to walk anymore; and

WHEREAS, Charlie's many friends and colleagues at Legislative Hall sincerely wish to demonstrate their deep appreciation for his unique character and views on innumerable controversial subjects.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware offers its heartiest happy birthday wishes to Representative Charles P. West of Gumboro upon the occasion of his 70th birthday.

HR 39 was adopted by voice vote.

Representative Ewing brought HB 161, jointly sponsored by Representatives Bennett, B. Ennis & Lee & Senator Vaughn & Representatives Boykin, Brady, Bunting, Campanelli, Caulk, Clark, Corrozi, DiPinto, D. Ennis, Gilligan, Houghton, Jonklert, Lofink, Moore, Oberle, Outten, Quillen, Reynolds, Roy, Schroeder, Sills, VanSant & West & Senators Bair, Blevins, Holloway, McBride, Marshall, Minner, Still & Torbert & cosponsored by Representative Carey, before the House for consideration.

HB 161 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)

Representative Ewing brought HA 1 to HB 161 before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Robert Vosshell, Director, Division of Motor Vehicles.

The roll call on HB 161 w/HA 1 was taken and revealed:

YES: 37.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representatives Davis, D. Ennis, Hebner - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 161 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative West as Acting Speaker.

Representative Schroeder brought HB 155 w/HA 1 & 2 & SA 4 & 5, jointly sponsored by Senators Cordrey & Minner & Representative Carey, before the House for consideration.

HB 155 - An Act to Amend Chapter 9, Title 7, Delaware Code to Implement Resolutions of the Delaware Bay Weakfish Commission for the Calendar Year 1991.

The roll call on HB 155 w/HA 1 & 2 & SA 4 & 5 was taken and revealed:

YES: 38.

ABSENT: Representatives Davis, D. Ennis, Hebner - 3.

Therefore, having received a constitutional majority, HB 155 w/HA 1 & 2 & SA 4 & 5 was sent to the Governor.

Representative Corrozi brought HB 97, jointly sponsored by Representatives Petrilli, Buckworth, Spence, Amick, Roy, Davis, DiPinto, Lofink, Taylor, Gilligan, Bennett, Soles & Jonkiert, before the House for consideration.

HB 97 - An Act to Amend Chapter 1, Title 20, of the Delaware Code Relating to Uniform and Equipment Allowance to Delaware National Guard Officers. (F/N)

The roll call on HB 97 was taken and revealed:

YES: 38.

ABSENT: Representatives Davis, D. Ennis, Hebner - 3.

Therefore, having received a constitutional majority, HB 97 was sent to the Senate for concurrence.

Representative Maroney introduced and brought HR 40, jointly sponsored by Representatives Fallon & Boykin, before the House for consideration.

HR 40 - Calling on Women to Take a Bigger Role in Government Today by Running for Political Office.

HR 40 was adopted by voice vote.

Representative Corrozi brought HB 98, jointly sponsored by Representatives Petrilli, Buckworth, Spence, Amick, Roy, Davis, DiPinto, Lofink, Taylor, Gilligan, Bennett, Soles & Jonkiert, before the House for consideration.

HB 98 - An Act to Amend Chapter 1, Title 20 of the Delaware Code Relating to Courts-Martial. (2/3 bill)

Representative Corrozi requested and was granted the privilege of the floor for Richard S. Gebelein, representing the Delaware National Guard.

The roll call on HB 98 was taken and revealed:

YES: 38.

ABSENT: Representatives Davis, D. Ennis, Hebner - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 98 was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative DiPinto requested that action on SB 17 w/SA 1 & 2 be deferred to a Day Certain, Tuesday, May 14, 1991.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 155 w/SA 1, 2, 4 & 5, SB 57 w/SA 1, SB 33 w/SA 1 & HB 138.

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

B & I: HS 1/HB 140 - 6M.

The Majority Leader moved to recess to the call of the Chair at 5:33 p.m.

28th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 7, 1991

Mr. Speaker Spence called the House to order at 2:01 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 155 w/HA 1 & 2 & SA 4 & 5. (Correction)

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Clifford F. 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 205 - TAYLOR - SUNSET & OVERVIEW: An Act to Amend Chapter 70, Title 29 of the Delaware Code Relating to the Sale of State-Owned Material.

HB 206 - TAYLOR - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Modifications to Taxable Income.

HB 207 - MARONEY, AMICK, BUCKWORTH, CORROZI, DAVIS, PETRILLI, BUNTING, MOORE; SENATOR BAIR - SUNSET & OVERVIEW: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Nursing.

HB 208 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES SPENCE, CORROZI, DIPINTO, CAMPANELLI; SENATOR VENABLES - HUM RES: An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to the Lawful Authority of Teachers Over Pupils.

HB 209 - SMITH - R & F: An Act to Amend Chapter 51, Part IV, Title 30 of the Delaware Code Relating to Refunds of Motor Fuel Taxes for Certain Solid Waste Collection Vehicles.

HB 210 - SCHROEDER, AMICK, CAREY, QUILLEN, WEST; SENATOR MINNER - AG: An Act to Amend Title 3 of the Delaware Code Relating to Viticultural Activities in the State of Delaware.

HB 211 - SCHROEDER, AMICK, CAREY, QUILLEN, WEST; SENATOR MINNER - SUNSET & OVERVIEW: An Act to Amend Title 4 of the Delaware Code Relating to Wineries and Farm Wineries in the State of Delaware.

HA 1 to HB 190 - MOORE - READY LIST: Placed with the bill.

SB 33 w/SA 1 - VENABLES, HOLLOWAY, MINNER, TORBERT, KNOX, STILL; REPRESENTATIVES BOYKIN, DIPINTO, D. ENNIS, SMITH, JONKIERT - SM BUS & ECON DEV: An Act to Amend Title 25 of the Delaware Code Relating to Metering and Charges for Utility Services for Commercial Units.

SB 57 w/SA 1 - MINNER, BLEVINS, MARTIN, MCDOWELL, SOKOLA, STILL, TORBERT, VENABLES; REPRESENTATIVES SCHROEDER, BUNTING, BUCKWORTH, CAREY, GILLIGAN, MACK, OUTTEN, SOLES, QUILLEN - NAT RES: An Act to Amend Title 7, Delaware Code Relating to Horseshoe Crabs. (3/5 bill)

SB 90 - CORDREY, TORBERT, MARTIN; REPRESENTATIVES AMICK, SOLES, EWING - P/S: An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to Membership of the Council on Police Training.

Representatives Maroney & Gilligan requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:09 p.m.

The House reconvened at 3:40 p.m.

Representatives Brady, Amick, Mack, Reynolds, Sills, Outten, Houghton & B. Ennis requested that they be marked present.

Representative Maroney introduced HS 1 for HB 172.

HB 172 - An Act to Amend Chapters 5 and 15, Title 13 Relating to Child Support Civil Enforcement.

Mr. Speaker assigned HS 1 for HB 172 to the Human Resources Committee.

Representative Buckworth requested that he be marked present.

Representative Maroney introduced HS 1 for HB 173.

HB 173 - An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to Contested and Uncontested Petitions.

Mr. Speaker assigned HS 1 for HB 173 to the Human Resources Committee.

Representative Maroney introduced HS 1 for HB 174.

HB 174 - An Act to Amend Chapter 7 and Chapter 15, Title 13 of the Delaware Code Relating to Commencement of Custody Proceedings and Preliminary Injunctions and Interim Orders.

Mr. Speaker assigned HS 1 for HB 174 to the Human Resources Committee.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #12

DATE: May 7, 1991

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
H91-138	Hebner	5/2/91	T	Mr. Ulo Nugis/Delegate/Estonian Parliament/Visit to Delaware House
H91-139	Hebner	5/2/91	T	Mr. Mart Laar/Delegate/Estonian Parliament/Visit to Delaware House
H91-140	Hebner	5/2/91	T	Mr. Arvo Junti/Delegate/Estonian Parliament/Visit to Delaware House
H91-141	Hebner	5/2/91	T	Mr. Rein Jarlik/Delegate/Estonian Parliament/Visit to Delaware House
H91-142	Hebner	5/2/91	T	Mr. Juhan Telgmaa/Delegate/Estonian Parliament/Visit to Delaware House
H91-143	Hebner	5/2/91	T	Mr. Tonu Anton/Delegate/Estonian Parliament/Visit to Delaware House
H91-144	Hebner	5/2/91	T	Mrs. Anu Laido/Staff/Estonian Parliament/Visit to Delaware House
H91-145	Hebner	5/2/91	T	Mr. Tiit Kabin/Delegate/Estonian Parliament/Visit to Delaware House
H91-146	Hebner	5/2/91	T	Mr. Sergei Volkov/Delegate/Estonian Parliament/Visit to Delaware House
H91-147	Hebner	5/2/91	T	Mrs. Liia Hanni/Delegate/Estonian Parliament/Visit to Delaware House
H91-148	Corrozi	5/2/91	T	Charles S. Maddock - 80th Birthday
H91-149	Reynolds	4/27/91	M	Lillie Collins
H91-150	Brady	5/7/91	M	William D. Dempsey

T = Tribute

M = In Memoriam

Representative Hebner brought SB 15, jointly sponsored by Senators Vaughn & Connor & Representatives VanSant & Amick & cosponsored by Representative Lee, before the House for consideration.

SB 15 - An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to Compensation for Victims of Crime.

Representative Hebner introduced and brought HA 2 to SB 15 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 15 w/HA 2 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 15 w/HA 2 was returned to the Senate for concurrence on HA 2.

Representative Quillen brought HCR 28, jointly sponsored by Senator Adams & Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Reynolds, Taylor, Spence, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Gilligan, Houghton, VanSant & West & Senators Cook, Torbert, Vaughn, Connor, Knox & Still, before the House for consideration.

HCR 28 - Memorializing the United States Congress to Propose a Constitutional Amendment for Ratification by the States, Which Would Specify That the Congress and the Individual States Shall Have the Power to Prohibit the Physical Desecration of the American Flag.

HCR 28 was adopted by voice vote and sent to the Senate for concurrence.
Representative Fallon brought HB 176, jointly sponsored by Senator McBride, before the House for consideration.

HB 176 - An Act to Amend Chapter 27, Title 14, Delaware Code, Relating to Truancy.
Representative Moore brought HA 1 to HB 176 before the House for consideration. HA 1 was adopted by voice vote.

Representative Fallon introduced and brought HA 2 to HB 176 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 176 w/HA 1 & 2 was taken and revealed:

YES: 40.

NOT VOTING: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 176 w/HA 1 & 2 was sent to the Senate for concurrence.

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

Representative VanSant brought HB 188, jointly sponsored by Representatives Brady, Campanelli, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Petrilli, Reynolds & West & Senators Marshall, McBride & Minner, before the House for consideration.

HB 188 - An Act to Amend Chapter 5, Title 11, Relating to Licenses to Carry Concealed Deadly Weapons.

The roll call on HB 188 was taken and revealed:

YES: 38.

NO: Representative Soles - 1.

NOT VOTING: Representatives Bennett, George - 2.

Therefore, having received a constitutional majority, HB 188 was sent to the Senate for concurrence.

Representative VanSant brought HB 189, jointly sponsored by Representatives Bennett, Brady, Bunting, Campanelli, Caulk, Clark, B. Ennis, Ewing, Hebner, Houghton, Jonkiert, Lee, Lofink, Mack, Moore, Oberle, Outten, Petrilli, Reynolds, Schroeder, Smith & West & Senators McBride, Minner, Torbert & Vaughn, before the House for consideration.

HB 189 - An Act to Amend Chapter 5, Title 11 Relating to Firearms.

The roll call on HB 189 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 189 was sent to the Senate for concurrence.

Representative Amick brought HB 136 before the House for consideration.

HB 136 - An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Give the Board of Nursing the Authority to Temporarily Suspend a License, Pending a Final Hearing, When There is Immediate or Imminent Danger to the Public Health, Welfare, and Safety.

Representative Amick brought HA 1 to HB 136 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 136 w/HA 1 was taken and revealed:

YES: 38.

NO: Representatives Brady, Moore, Quillen - 3.

Therefore, having received a constitutional majority, HB 136 w/HA 1 was sent to the Senate for concurrence.

Representative Sills brought HB 116, jointly sponsored by Representatives DiPinto, D. Ennis & Moore & Senators Holloway, Marshall & McBride, before the House for consideration.

HB 116 - An Act to Amend Chapter 96, Title 9 Delaware Code, Relating to Recording Surcharges. (3/5 bill)

Representative Sills introduced and brought HA 1 to HB 116 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 116 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 116 w/HA 1 was sent to the Senate for concurrence.

Mr Speaker declared a recess for the purpose of changing the recording tape at 4:36 p.m.

The House reconvened at 4:45 p.m. with Representative Buckworth as Acting Speaker.

Representative Amick brought HB 93, jointly sponsored by Representative Houghton & Senator McDowell, before the House for consideration.

HB 93 - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

Representative Amick introduced and brought HA 1 to HB 93 before the House for consideration. HA 1 was adopted by voice vote.

Representative DiPinto introduced and brought HA 2 to HB 93 before the House for consideration.

Mr. Speaker Spence resumed the Chair.

Representative Oberle requested and was granted the privilege of the floor for John Paradee, House Attorney.

Mr. Speaker Spence declared a recess at 5:00 p.m. to confer with House attorneys.

The House reconvened at 5:04 p.m.

Representative DiPinto moved to suspend the rules which interfere with action on HA 2 to HB 93.

The roll call on the motion was taken and revealed:

YES: Representatives Bunting, Caulk, DiPinto, Ewing, Jonkiert, Lee, Quillen, Roy, Sills, Taylor - 10.

NO: 20.

NOT VOTING: Representatives Buckworth, Campanelli, Carey, B. Ennis, Fallon, Moore, Outten, VanSant, Mr. Speaker Spence - 9.

ABSENT: Representatives George, Maroney - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative DiPinto introduced and brought HA 3 to HB 93 before the House for consideration.

Mr. Speaker Spence declared a recess at 5:10 p.m. to confer with House attorneys.

The House reconvened at 5:28 p.m.

Representative DiPinto moved to place HA 3 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick moved to place HB 93 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HB 59, jointly sponsored by Representatives Hebner, Spence, Buckworth, Petrilli, Lofink, Caulk, Ewing, Lee & Carey, before the House for consideration. HB 59 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Feticide.

Representative Davis brought HA 1 to HB 59 before the House for consideration. HA 1 was adopted by voice vote.

The Reading Clerk read the following partial communication at the request of Representative Hebner:

March 22, 1991

The Honorable Richard F. Davis
State Representative
Legislative Hall
Dover, DE 19901

Re: H.B. 59 - Feticide

Dear Rich:

..... 1. Wherever the word "feticide" appears, we could substitute the words "involuntary miscarriage". This word does nothing to the intent of the legislation, but softens the language and may cause the bill not to be perceived as part of the abortion controversy.

Very truly yours,
Charles M. Oberly, III
Attorney General

Representative Davis moved to place HB 59 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

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

LABOR & HUM RES MAN: HB 104 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 39, HB 162 w/HA 1, SB 123, SB 77 w/SA 2, SB 119, SB 93 w/SA 1, SCR 36, SCR 37, SCR 38, HCR 20, HCR 37 & HCR 38.

The Majority Leader moved to recess to the call of the Chair at 5:50 p.m.

29th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 8, 1991

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

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Bruce C. Ennis, do hereby request that my name be removed as Co-Sponsor of HB 59.

Date: May 7, 1991.

Signed: Bruce C. Ennis.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Charles P. West, do hereby request that my name be removed as Co-Sponsor of HB 59.

Date: May 7, 1991.

Signed: C. P. West.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth - 1.

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

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

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

The following prefiled legislation was introduced:

HB 212 - ROY & SENATOR MARTIN - TRANS: An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Powers of Department of Transportation.

HB 213 - GILLIGAN, BENNETT, BOYKIN, BUNTING, CAREY, CLARK, CORROZI, B. ENNIS, EMING, FALLON, GEORGE, HEBNER, HOUGHTON, JONKIERT, LOFINK, OBERLE, PETRILLI, SCHROEDER, SOLES, SPENCE, WEST - ED: An Act to Amend Delaware Code, Title 14, Chapter 41, Relating to the Attendance and Academic Performance of Students.

HB 214 - SILLS, D. ENNIS, MOORE; SENATORS HOLLOWAY, MCDOWELL - ED: An Act to Amend Delaware Code, Title 14, Chapter 85 Relating to Private Business and Trade Schools.

HA 1 to HB 137 - CAULK - READY LIST: Placed with the bill.

HA 1 to HB 175 - CAULK - JUD: Placed with the bill.

HA 1 to HB 200 - CAULK & CLARK - AGENDA: Placed with the bill.

HA 1 to HB 201 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

SB 77 w/SA 2 - NEAL & VENABLES - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 93 w/SA 1 - VAUGHN & CONNOR; REPRESENTATIVE DAVIS - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to the Expungement of Penalty Assessments After the Assessment Remains Uncollected for a Period in Excess of Three Years.

SB 119 - MARTIN, COOK, MCBRIDE, KNOX; REPRESENTATIVES ROY, CAREY, BOYKIN, TAYLOR, B. ENNIS, JONKIERT - TRANS: A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing and Authorizing the Issuance of General Obligation Bonds of the State; and Reverting and Reprogramming Certain Funds of the State. (3/4 bill)

SB 123 - CORDREY; REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend Chapter 197 Volume 54 Laws of Delaware Which Revised the Prior Charter of Rehoboth Beach and Prescribed a New Charter Therefore, to Provide for Absentee Ballots in All Rehoboth Elections, to Change the Date for Filing Certificates of Nomination and Judging the Qualifications of Candidates, to Change the Time of the Annual Municipal Election, to Change the Deadline to Register to Vote in the Annual Municipal Election, to Change the Qualifications of Voters, and to Change the Qualifications for Candidates for Elective Office. (2/3 bill)

Representatives Amick & Jonkiert requested that they be marked present.

Mr. Speaker assigned HB 144, HB 58 & HB 200 to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

M E M O

TO: Rep. Terry Spence
Speaker

FROM: Rep. Gerald A. Buckworth
Majority Whip

IN RE: Absences

DATE: May 8, 1991

Please excuse me from session today as I am at home ill.

cc: JoAnn Hedrick

bwj

HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: May 8, 1991

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
H91-151	Oberle cosponsor: Roy	5/7/91	T	Ralph Blalock - All-State Basketball - co-player of the Year
H91-152	Oberle cosponsor: Roy	5/7/91	T	Brian Webster - All-State Basketball - Honorable Mention
H91-153	Reynolds	5/31/91	T	James Forrest - Outstanding Contributions to Education
H91-154	Oberle cosponsor: Roy	5/7/91	T	Andrew Miles - All State Basketball - First Team
H91-155	Reynolds	5/31/91	T	Fred & Rowena Gabsewics - Outstanding Contributions to Education
H91-156	D. Ennis	5/10/91	T	Quinton F. Sterling - Retirement 30 Years Public Education
H91-157	Petrilli	5/7/91	T	Edie Sylvester - Outstanding Republican of the Year
H91-158	Petrilli	4/13/91	T	Amanda Pong - Estella Frankel Scholarship Auditions
H91-159	Moore	5/7/91	M	Herbert W. Mitchell
H91-160	Maroney	4/5/91	T	C. Bruce Phillips - Rank of Eagle Scout
H91-161	Quillen	5/7/91	T	Timothy Shiuh - Delaware State Superintendent's Scholar
H91-162	Quillen	5/7/91	T	Jennifer Mills - Delaware State Superintendent's Scholar
H91-163	Fallon	5/7/91	T	Anna Mae Marvel - Birthday
H91-164	Fallon	5/7/91	T	Earl C. Radding - Distinguished Service Award
H91-165	Fallon	5/7/91	T	Jeanne McKenzie - Becky Turner Memorial Award

T = Tribute

M = In Memoriam

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

The House reconvened at 5:50 p.m.

Representatives Soles, DiPinto, Corrozi, George, Gilligan, Brady, Moore, Mack, Davis, Reynolds, Bennett, Sills, D. Ennis & West requested that they be marked present.

The following prefiled Consent Calendar #11 was introduced:

HR 41 - SILLS - Memorializing Mrs. Thelma W. Klaver for Her Innumerable Contributions to Public Services, and Her Vigorous Advocacy for the Improved Care of Delinquent Children in Delaware.

HR 42 - SILLS, MOORE - Honoring Andrew Miles for Leading the Sanford School to the 1991 State Boy's Basketball Championship and for Signing a National Letter of Intent to Join the Delaware State College Basketball Program.

HR 43 - TAYLOR, MOORE - Memorializing Herbert W. Mitchell, Veteran, Teacher, Coach and Uprighting Citizen of the State of Delaware Upon His Death on Saturday, May 4, 1991 of Cancer.

HR 44 - PETRILLI, CORROZI, REYNOLDS, VANSANT, BENNETT - Congratulating Edie Sylvester, Sandy Dwyer and Cindi Funk Upon Their Being Honored as Republicans of the Year at the 1991 Republican State Convention Held Saturday in Dover.

HCR 40 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES CLARK, AMICK, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, TAYLOR, BENNETT, BRADY, BUNTING, CAMPANELLI, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, MOORE, OUTTEN, SCHROEDER, SILLS, SOLES, VANSANT, WEST; SENATORS ADAMS, BLEVINS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, SOKOLA, TORBERT, VENABLES, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL - Mourning the Passing Away of Chester Gove, Jr., Former State Representative From the 27th District.

HCR 41 - B. ENNIS; SENATOR VAUGHN - Designating the Week of May 12th Through May 18th as National Correctional Officer's Week and Recognizing the Service to the Citizens of This State by These Fine Individuals.

SCR 36 - SOKOLA & BLEVINS & REPRESENTATIVES ROY & BENNETT - Commending Susan A. Mathe for Being Named by the Delaware School Boards Association as Distinguished Service Award Recipient for 1991.

SCR 37 - NEAL, ADAMS, MCBRIDE; REPRESENTATIVES FALLON, PETRILLI - Extending Congratulations to Earl C. Radding Upon Receiving the Distinguished Service Award of the National Society of Professional Engineers.

SCR 38 - BAIR & REPRESENTATIVE MARONEY; SENATORS KNOX, HAUGE; REPRESENTATIVES D. ENNIS, BOYKIN, SMITH, HEBNER - Extending Best Wishes to Joseph F. Hulihan as He Retired From Diamond State Telephone Company.

Representative Petrilli introduced HR 45, jointly sponsored by Representatives Spence & George.

HR 45 - Observing Sunday, May 12, 1991 as Mothers Day in the State of Delaware.

HR 45 was placed on Consent Calendar #11.

Consent Calendar #11 was adopted by voice vote and HCR 40 & HCR 41 were sent to the Senate for concurrence and SCR 36, SCR 37 & SCR 38 were returned to the Senate.

Mr. Speaker assigned HB 108 to the Appropriations Committee.

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

SUNSET & OVERVIEW: HB 183 - 1F, 3M; SB 89 - 4M; SB 91 - 4M.

SM BUS & ECON DEV: SB 33 w/SA 1 - 6M.

LABOR & HUM RES MAN: HB 103 - 3M; HB 194 - 3M.

NAT RES: SB 57 w/SA 1 - 5F.

JUD: SB 55 - 5M; SB 88 w/SA 2 - 5M.

ED: SB 45 w/SA 1 & 2 - 4M.

APPRO: HB 79 - 1F, 5M; HB 152 - 1F, 5M.

HUM RES: HS 1/HB 172 - 4M, 1U; HS 1/HB 173 - 5M.

B & I: HS 1/HB 141 - 7M; HB 182 - 3M, 1U.

The Majority Leader moved to recess to the call of the Chair at 6:00 p.m.

30th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 14, 1991

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

Mr. Speaker assigned SB 17 to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HA 4 to HB 93 - DIPINTO - L.O.T.: Placed with the bill.

Representatives Fallon & Bennett requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: May 14, 1991

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
H91-166	Fallon	5/7/91	T	Mr. & Mrs. Lambert Foulk - 50th Wedding Anniversary
H91-167	Fallon	5/7/91	T	Dorothy Smiley - Elementary Guidance Counselor for State
H91-168	Fallon	5/7/91	T	Carol Vincent - High School Guidance Counselor for State
H91-169	Fallon	5/7/91	M	Alton Hurbert Bowers
H91-170	Maroney	5/13/91	T	Paula Breen - First Annual Delaware Tomorrow Awardee
H91-171	Quillen	5/8/91	T	Capt. James & Jean Neal - "American 500" International Sailing Voyage 1992
H91-172	Brady	5/8/91	M	Howard E. Cannon
H91-173	Jonkiert	5/10/91	T	Elizabeth W. Bayley, Ph.D., R.N.- 76th Annual NEOHN Conference Presentation
H91-174	Jonkiert	5/10/91	T	Judith E. Holt, M.S.,-76th Annual NEOHN Conference Presentation
H91-175	Jonkiert	5/10/91	T	Mimi Kramer, R.D. - 76th Annual NEOHN Conference Presentation
H91-176	Jonkiert	5/10/91	T	Diana Dickson-Witmer, M.D., F.A.C.S. 76th Annual NEOHN Conference Presentation
H91-177	Jonkiert	5/10/91	T	Dr. David Baum - Special Guest Speaker
H91-178	Jonkiert	5/10/91	T	Helene K. Nowrocki, R.N., M.S.N., C.S.A. - 76th Annual NEOHN Conference Presentation

T = Tribute

M = In Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: May 14, 1991

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
H91-179	Brady	5/8/91	T	Laura Sonnichsen - Delaware State Superintendent's Scholar
H91-180	Bunting	5/8/91	M	Major William E. Long
	cosponsor: Senator Cordrey			
H91-181	Fallon	5/8/91	M	U.S. Army Major William E. Long
H91-182	Fallon	5/15/91	T	Dick Merrill - Retirement/40 Years
H91-183	Reynolds	5/31/91	T	Gladys Reese - Outstanding Service as Food Manager/William Penn High School
H91-184	Reynolds	5/15/91	T	Douglas & Carolyn Lerner/Outstanding Contributions in Field of Tourism
H91-185	Reynolds	5/15/91	T	Jerry & Bunny Farkas - Outstanding Contributions in Field of Tourism
H91-186	Reynolds	5/31/91	T	Anthony "Tony" DiSabatino - Outstanding Contributions to William Penn H.S. - Military History Education
H91-187	Petrilli	5/2/91	T	Vipul Tandon - Service Merchandise Scholarship Award
H91-188	Brady	5/6/91	T	Claymont Fire Company - Superstars in Education
H91-189	B. Ennis	5/11/91	T	Fred J. Burke - Oldest Living Member/Clayton Fire Company No. 1, Inc
H91-190	B. Ennis	5/11/91	T	Clayton Fire Co., No. 1, Inc. - 100th Anniversary

T = Tribute

M = In Memoriam

The Majority Leader moved to recess for caucus at 2:36 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: HB 184 & HJR 5.

Representative DiPinto requested that HA 2 & HA 3 to HB 93 be stricken.

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

Representative Ewing brought HCR 36, jointly sponsored by Senator Adams & cosponsored by Representative Lee, before the House for consideration.

HCR 36 - Forming a Committee to Study the Possibility of Reissuing Motor Vehicle License Plates and Examining the Feasibility of Dual Plates.

HCR 36 was adopted by voice vote and sent to the Senate for concurrence.

Representative Brady requested that he be marked present.

Representative Amick requested that HB 101 be stricken.

Representative Amick brought SB 91, sponsored by Senators Vaughn, Holloway, Marshall & McDowell & Representatives Sills & Moore, before the House for consideration.

SB 91 - An Act to Amend Chapter 31, Title 24, Delaware Code, Relating to Board of Funeral Practitioners.

The roll call on SB 91 was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, SB 91 was returned to the Senate.

Representative Roy moved to suspend the rules which interfere with action on SB 119.

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

Representative Roy brought SB 119, jointly sponsored by Senators Martin, Cook, McBride & Knox & Representatives Carey, Boykin, Taylor, B. Ennis & Jonkiert, before the House for consideration.

SB 119 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing and Authorizing the Issuance of General Obligation Bonds of the State; and Reverting and Reprogramming Certain Funds of the State. (3/4 bill)

The roll call on SB 119 was taken and revealed:

YES: 35.

NO: Representatives Bunting, Mack - 2.

NOT VOTING: Representatives Campanelli, Caulk, Clark - 3.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 119 was returned to the Senate.

Representative Davis moved to lift HB 59 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HB 59 w/HA 1, jointly sponsored by Representatives Hebner, Spence, Buckworth, Petrilli, Lofink, Caulk, Ewing, Lee & Carey, before the House for consideration.

HB 59 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Feticide.

Representative Davis requested and was granted the privilege of the floor for Charles M. Oberly, III, Attorney General.

The roll call on HB 59 w/HA 1 was taken and revealed:

YES: Representatives Buckworth, Bunting, Carey, Caulk, Davis, DiPinto, Ewing, Lee, Lofink, Petrilli, Taylor, Mr. Speaker Spence - 12.

NO: Representatives Amick, Boykin, Mack, Quillen, Schroeder, Sills, Smith, Soles - 8.

NOT VOTING: 18.

ABSENT: Representatives Campanelli, D. Ennis, West - 3.

Therefore, not having received a constitutional majority, HB 59 w/HA 1 was declared defeated.

Representative Carey brought SB 57 w/SA 1, jointly sponsored by Senators Minner, Blevins, Martin, McDowell, Sokola, Still, Torbert & Venables & Representatives Schroeder, Bunting, Buckworth, Gilligan, Mack, Outten, Soles & Quillen, before the House for consideration.

SB 57 - An Act to Amend Title 7, Delaware Code Relating to Horseshoe Crabs. (3/5 bill)

Representative Carey moved to place SB 57 w/SA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 6:15 p.m.

31st LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 15, 1991

Mr. Speaker Spence called the House to order at 2:17 p.m.

The Reading Clerk read the following communications into the record:

April 24, 1991

LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/22/91 - HB 13 & SB 11 aab HA 1.

May 2, 1991

LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/29/91 - HJR 4.

May 7, 1991

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/3/91 - HB 185 aab HA 1. 5/6/91 - HJR 6.

The Senate wishes to inform the House that it has passed: SCR 40 & HB 80 w/HA 1 & SA 4.5 & 6.

The Majority Leader moved to adjourn at 2:18 p.m., thereby ending the current legislative day. The House reconvened at 2:19 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Rudolph M. Coleman, Mount Zion A.M.E. Church.

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

The following prefiled legislation was introduced:

HB 215 - D. ENNIS & SENATOR SHARP; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Title 18, Delaware Code to Adopt Standards for Risk Retention Groups.

HB 216 - D. ENNIS & SENATOR SHARP; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Title 18, Delaware Code to Adopt Standards for Reinsurance Intermediaries.

HB 217 - D. ENNIS & SENATOR SHARP; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code Relating to Reinsurance.

HB 218 - D. ENNIS & SENATOR SHARP; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Title 18, Delaware Code to Regulate Managing General Agents.

HB 219 - D. ENNIS - B & I: An Act to Amend Chapter 4, Title 18, Delaware Code Relating to the Delaware Insurance Authority.

HB 220 - DAVIS, ROY, PETRILLI, SPENCE, D. ENNIS, CORROZI, LOFINK, REYNOLDS, EWING, GILLIGAN, VANSANT, B. ENNIS, HOUGHTON; SENATORS MARTIN, VAUGHN, CONNOR, NEAL - HOUSING & COM AFF: An Act to Amend Title 9 and Title 22, the Delaware Code Relating to the Delivery of Fire Prevention Services to Certain Types of Multi-Unit Residential Buildings; and Providing a Financial Means to Support for Fire Companies and Fire Departments Servicing Such Buildings. (2/3 bill)

HB 221 - OBERLE, MACK, REYNOLDS, DAVIS, AMICK, HOUGHTON, CAMPANELLI, VANSANT, BRADY, MOORE - LABOR & HUM RES MAN: An Act to Amend Section 3315(4), Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits.

HB 222 - BRADY, BUNTING, B. ENNIS, HEBNER, SOLES, SPENCE, WEST; SENATOR HAUGE - ED: An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Length of Term for Persons Elected to Serve on School Board of Reorganized School District.

HB 223 - MOORE, BRADY, HOUGHTON, OUTTEN, SCHROEDER, SILLS, SOLES - HUM RES: An Act to Amend Subchapter IV, Title 31 of the Delaware Code Relating to Private Child Welfare Agencies.

HB 224 - SCHROEDER, BUNTING, CAREY, CAULK, CLARK, GILLIGAN, HOUGHTON, MACK, MOORE, OUTTEN, QUILLEN, WEST; SENATORS BLEVINS, KNOX, MARTIN, MINNER, SOKOLA, TORBERT - NAT RES: An Act to Amend Title 23 of the Delaware Code Relating to Identification and Enforcement of a Zone of Concurrent Jurisdiction in the Delaware Bay.

HB 225 - (This number has been reserved.)

HB 226 - SCHROEDER, BENNETT, BUNTING, CAREY, CAULK, CLARK, HOUGHTON, LOFINK, MACK, MOORE, OUTTEN, QUILLEN, WEST; SENATORS BLEVINS, KNOX, MARTIN, MINNER, SOKOLA, VENABLES - HAZ WASTE MAN: An Act to Amend Chapter 60, Title 7, of the Delaware Code Relating to the Dumping of Solid Wastes Into the Ocean, Delaware Bay, Inland Bays and Other State Waters.

HC 42 - D. ENNIS & SENATOR CORDREY; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, VANSANT, SILLS - B & I: Urging the U.S. Congress to Defeat Proposals That Would Weaken or Eliminate the Dual Banking System.

HA 5 to HB 93 - DIPINTO - L.O.T.: Placed with the bill.

HA 1 to HS 1 for HB 174 - MARONEY - HUM RES: Placed with the bill.

HA 1 to HB 187 - MARONEY - HUM RES: Placed with the bill.

HA 2 to HB 200 - CAULK - APPRO: Placed with the bill.

HA 1 to SB 57 - CAREY - L.O.T.: Placed with the bill.

Representatives VanSant & Oberle requested that they be marked present.

Mr. Speaker reassigned HB 226 to the Natural Resources Committee.

The Majority Leader moved to recess for a Mock Session at 2:25 p.m.

Mock Session

Re-enactment of HB 80 (1891)

58th General Assembly

Mr. Speaker Spence called the House to order at 2:27 p.m.

The Majority Leader yielded to Representative Outten.

Representative Outten brought HB 80 from 1891, jointly sponsored by Representatives Sills & Moore & Senators Holloway & Still, before the House for consideration.

HB 80 (1891) - An Act to Establish and Maintain a College for the Education of Colored Students in Agriculture and the Mechanic Arts. (2/3 bill)

Representative Rourke A. Moore, an alumnus of Delaware State College, spoke about the College's 100th anniversary.

Representative James H. Sills, Jr. spoke about the achievements of the college over the past 100 years.

The roll call on HB 80 (1891) was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Clark, Gilligan, Mack - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 80 (1891) was sent to the Senate for concurrence.

Representative Outten requested and was granted the privilege of the floor for Dr. William B. DeLauder, President of Delaware State College.

The Majority Leader moved to adjourn the mock session at 3:00 p.m.

The House reconvened at 3:07 p.m.

Representative Maroney introduced HS 2 for HB 172, jointly sponsored by Representatives Spence, Carey, Fallon, Hebner, Smith, Bunting, Campanelli, B. Ennis, Moore & Schroeder & Senators Blevins, Holloway, Minner, Torbert, Vaughn, Bair & Knox.

HB 172 - An Act to Amend Chapters 5 and 15, Title 13 Relating to Child Support Civil Enforcement.

Mr. Speaker assigned HS 2 for HB 172 to the Human Resources Committee.

Representative Maroney introduced HS 2 for HB 173, jointly sponsored by Representatives Spence, Buckworth, Petrilli, Corrozi, Fallon, Lee, Bunting & Jonkiert & Senators Holloway, Minner & Knox.

HB 173 - An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to Contested and Uncontested Petitions.

Mr. Speaker assigned HS 2 for HB 173 to the Human Resources Committee.

Representative Maroney introduced HS 2 for HB 174, jointly sponsored by Representatives D. Ennis, Bunting, Campanelli, B. Ennis, Jonkiert, Schroeder & West.

HB 174 - An Act to Amend Chapter 7 and Chapter 15, Title 13 of the Delaware Code Relating to Commencement of Custody Proceedings and Preliminary Injunctions and Interim Orders.

Mr. Speaker assigned HS 2 for HB 174 to the Human Resources Committee.

Representative George requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 3:12 p.m.

The House reconvened at 4:58 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 39.

April 24, 1991

LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/22/91 - HB 13 & SB 11 aab HA 1.

May 2, 1991

LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/29/91 - HJR 4.

May 7, 1991

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/3/91 - HB 185 aab HA 1, 5/6/91 - HJR 6.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. John VanSant, do hereby request that my name be removed as Co-Sponsor of HS 2 for HB 174.

Date: 5/15/91.

Signed: John VanSant.

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

The following prefiled Consent Calendar #12 was introduced:

HR 46 - TAYLOR, SPENCE, SOLES - Congratulating the Newark High School Yellowjackets on Winning the State Volleyball Championship.

HR 47 - OBERLE, BENNETT - Honoring the Delaware State Board of Pharmacy for It's Receipt of the Fred T. Mahaffey Award.

HCR 43 - CORROZI & SENATOR SHARP; REPRESENTATIVE VANSANT; SENATOR BLEVINS - Honoring Loyal and Dedicated Public Servant Ethel M. Cooper Upon Her Retirement After Thirty Years in the Social Service Field.

HCR 44 - AMICK & SENATOR NEAL; REPRESENTATIVES OBERLE, PETRILLI, TAYLOR, SOLES; SENATOR MARTIN - Recognizing the Contributions Mrs. Louise Brothers HAS Made to the Newark Community and the State of Delaware.

SCR 39 - NEAL; REPRESENTATIVES AMICK, SOLES; SENATORS CORDREY, MARTIN, SOKOLA; REPRESENTATIVE SMITH - Commemorating the Life and Public Service of William M. Coverdale and Expressing Sincere Condolences to His Family.

SCR 40 - MARSHALL, CONNOR; REPRESENTATIVES JONKIERT, CORROZI, SPENCE, GEORGE, CAMPANELLI, PETRILLI, MARONEY, DIPINTO - Extending Best Wishes to Sr. Marie Kelly, Snd, as She Leaves Delaware to Assume the Responsibility of Directing Her Religious Congregation, the Sisters of Notre Dame.

Consent Calendar #12 was adopted by voice vote and HCR 43 & HCR 44 were sent to the Senate for concurrence and SCR 39 & SCR 40 were returned to the Senate.

Representative Petrilli brought HB 80 w/HA 1 & SA 4.5 & 6, jointly sponsored by Representatives Spence & Maroney & Senators Holloway & Neal & Representatives Amick, Boykin, Buckworth, Corrozi, DiPinto, D. Ennis, Fallon, Reynolds, Roy, Smith, Hebner, Taylor, Clark, Gilligan, Jonkiert, Moore & Soles & Senators Bair & Knox, before the House for consideration.

HB 80 - An Act to Amend Title 21, Delaware Code, Relating to Occupant Protection Systems, Usage, Standards and Condition Thereof.

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

Representative B. Ennis introduced and brought HA 2 to HB 80 before the House for consideration. HA 2 was defeated by voice vote.

Representative Bunting requested and was granted the privilege of the floor for Mark Reardon, House Attorney.

The roll call on HB 80 w/HA 1 & SA 4.5 & 6 was taken and revealed:

YES: 28.

NO: Representatives Bennett, Brady, Campanelli, Carey, Caulk, B. Ennis, Houghton, Lee, Quillen, West - 10.

NOT VOTING: Representatives Ewing, Mack, Reynolds - 3.

Therefore, having received a constitutional majority, HB 80 w/HA 1 & SA 4.5 & 6 was sent to the Governor.

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

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

JUD: SB 93 w/SA 1 - 6M.

P/S: SB 90 - 5M.

TRANS: HB 27 - 6M; HB 212 - 6M.

HUM RES: HB 187 - 5M; HB 208 - 5M, 1U.

The Majority Leader moved to recess to the call of the Chair at 5:33 p.m.

32nd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 16, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 38 w/SA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Robert Venables, do hereby request that my name be removed as Co-Sponsor of HB 229.

Date: 5/15/91.

Signed: Robert Venables.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Robert Venables, do hereby request that my name be removed as Co-Sponsor of HB 230.

Date: 5/15/91.

Signed: Robert Venables.

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 Taylor - 1.

A prayer was offered by Representative Bruce C. Reynolds, Fifteenth 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 227 - OBERLE, SPENCE, PETRILLI, DAVIS, DIPINTO, D. ENNIS, EWING, CAMPANELLI, B. ENNIS, HOUGHTON, CLARK, VANSANT; SENATORS SHARP, TORBERT, MARSHALL, MINNER, VAUGHN - LABOR & HUM RES MAN: An Act to Amend Title 19, Delaware Code, by Creating a New Chapter to be Designated as Chapter 14 to Provide for the Implementation of a Public Employee Occupational Safety and Health Act and Violations Thereof. (2/3 bill)

HB 228 - OBERLE & DAVIS - LABOR & HUM RES MAN: An Act to Amend Subchapter 1, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

HB 229 - OBERLE, OUTTEN; SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 230 - OBERLE, OUTTEN; SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 231 - OBERLE, OUTTEN; SENATORS MARSHALL, VENABLES - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 232 - OBERLE, OUTTEN; SENATORS MARSHALL, VENABLES - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 233 - DAVIS, SPENCE, REYNOLDS, MACK, HEBNER, DIPINTO, BOYKIN, VANSANT, B. ENNIS, CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Unlawful Employment Practices.

HB 234 - FALLON - ED: An Act to Amend Chapter 90, Title 14, Delaware Code, Relating to the College and University Security Information Act.

HB 235 - CAREY, BOYKIN, CAULK, FALLON, HEBNER, LEE, LOFINK, MARONEY, QUILLEN, SMITH, SCHROEDER, CLARK, BUNTING; SENATORS SOKOLA, KNOX, VENABLES - NAT RES: An Act to Amend Chapter 4, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations.

HB 236 - BRADY, EWING, AMICK, CAMPANELLI, WEST, JONKIERT, BOYKIN, MOORE, REYNOLDS, HOUGHTON, CLARK, GILLIGAN, OUTTEN, BUNTING, DIPINTO, SMITH, PETRILLI - JUD: An Act to Amend Chapter 9, Title 10, of the Delaware Code Relating to Family Court Masters.

HB 237 - BRADY, EWING, CAMPANELLI, WEST, PETRILLI, JONKIERT, REYNOLDS, HOUGHTON, CLARK, OUTTEN, BUNTING - JUD: An Act to Amend Title 10, Delaware Code Relating to Ex Parte Orders in Family Court.

HB 238 - BENNETT - H/ADM: An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Paul Allen Friday and Joan Matre Freche, Non-Residents of the State of Delaware.

HA 6 to HB 93 - OUTTEN - L.O.T.: Placed with the bill.

SB 38 w/SA 1 - HAUGE, ADAMS, BAIR, BLEVINS, CONNOR, COOK, HOLLOWAY, KNOX, MARSHALL, McDOWELL, MINNER, NEAL, SOKOLA, STILL, TORBERT, VAUGHN, VENABLES; REPRESENTATIVES AMICK, BOYKIN, BUCKWORTH, BUNTING, CAREY, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, HEBNER, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, MOORE, QUILLIN, REYNOLDS, ROY, SMITH, SPENCE, TAYLOR, WEST - H/ADM: An Act to Amend Chapter 49, Title 15 of the Delaware Code Relating to Conduct of Election.

HA 2 to SB 57 - CAREY & SENATOR MINNER - L.O.T.: Placed with the bill.

HA 3 to SB 57 - CAREY & SENATOR MINNER - L.O.T.: Placed with the bill.

Representatives Maroney, Gilligan, Oberle, Sillis, Outten & West requested that they be marked present.

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

Representatives George & Jonkiert requested that they be marked present.

The Reading Clerk read the following communication into the record:

M E M O R A N D U M

TO: Representative Terry R. Spence
Speaker of the House

FROM: Representative Steven C. Taylor

RE: Absence from Session

DATE: May 16, 1991

Due to a prior business engagement, I will be unable to attend session today, May 16.

Thank you for your understanding.

SCT/gmr

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

HUM RES: HS 2 for HB 172 - 6M; HS 2 for HB 173 - 6M; HS 2 for HB 174 - 6M.

SUNSET & OVERVIEW: HB 202 - 1F, 2M; HB 205 - 3M; HB 207 - 3M; SB 92 w/SA 1 & 2 - 3M.

Representative Carey moved to suspend the rules which interfere with lifting SB 57 w/SA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Carey brought SB 57 w/SA 1, jointly sponsored by Senators Minner, Blevins, Martin, McDowell, Sokola, Still, Torbert & Venables & Representatives Schroeder, Bunting, Buckworth, Carey, Gilligan, Mack, Outten, Soles & Quillen, before the House for consideration.

SB 57 - An Act to Amend Title 7, Delaware Code Relating to Horseshoe Crabs. (2/3 bill)

Representative Carey requested that HA 1 to SB 57 be stricken.

Representative Carey brought HA 2 to SB 57, jointly sponsored by Senator Minner, before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Edwin Clark, Secretary, Department of Natural Resources & Environmental Control.

Representative Roy requested that he be marked present.

HA 2 to SB 57 was adopted by voice vote.

Representative Carey brought HA 3 to SB 57, jointly sponsored by Senator Minner, before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Edwin Clark, Secretary, Department of Natural Resources & Environmental Control.

HA 3 to SB 57 was adopted by voice vote.

The roll call on SB 57 w/SA 1 & HA 2 & 3 was taken and revealed:

YES: 38.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Mack, Taylor - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 57 w/SA 1 & HA 2 & 3 was returned to the Senate for concurrence on HA 2 & 3.

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

Representative Amick introduced HB 239.

HB 239 - An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code; Providing for the Codification of the Law With Respect to Leases of Goods.

Mr. Speaker assigned HB 239 to the Sunset & Overview Committee.

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

APPRO: HB 108 - 6M.

The Majority Leader moved to recess for caucus at 2:51 p.m.

The House reconvened at 4:42 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 71 w/SA 1, SB 65 & SCR 41.

Representative Amick requested that action on HB 182 be deferred to a Day Certain, Tuesday, May 28, 1991.

Representative Oberle requested that action on HB 127 be deferred to a Day Certain, Thursday, June 6, 1991.

Representative Carey introduced and brought SCR 41, jointly sponsored by Senators Minner, Cook & Martin & All Senators & Representative B. Ennis & All Representatives, before the House for consideration.

SCR 41 - Saluting Robert J. Voshell of Milford, Delaware's Director of the Division of Motor Vehicles, for 40 Years of Exemplary Service to the State of Delaware and Its Citizens as He Prepares to Retire May 31.

SCR 41 was adopted by voice vote and returned to the Senate.

Representative Amick moved to lift HB 93 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HB 93 w/HA 1, jointly sponsored by Representative Houghton & Senator McDowell, before the House for consideration.

HB 93 - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.

Representative DiPinto brought HA 4 to HB 93 before the House for consideration.

The roll call on HA 4 was taken and revealed:

YES: Representatives Buckworth, Bunting, DiPinto, B. Ennis, Ewing, Jonkiert - 6.

NO: 22.

NOT VOTING: Representatives Carey, Caulk, Fallon, George, Moore, Outten, Roy, Sills, VanSant, Mr. Speaker Spence - 10.

ABSENT: Representatives Maroney, Petrilli, Taylor - 3.

Therefore, not having received a constitutional majority, HA 4 was declared defeated.

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

Representative DiPinto brought HA 5 to HB 93 before the House for consideration.

Representative DiPinto requested and was granted the privilege of the floor for Dr.

Stephen Permut, representing the Medical Society of Delaware.

HA 5 was defeated by voice vote.

Representative Outten brought HA 6 to HB 93 before the House for consideration.

The Reading Clerk read the following communication at the request of Representative

Amick:

930 Cobble Creek Curve
Newark, DE 19702
May 16, 1991

An Open Letter to the House of Representatives
Dover, DE

Amendment 6 to HB 93 has, just this afternoon, been brought to my attention. Among other things, this amendment would permit MDs to employ and supervise Athletic Trainers in a clinical setting.

As current Vice President and President-elect of the Athletic Trainers Association, I had no previous notice of this amendment. The Executive Committee of the Delaware Athletic Trainers Association (D.A.T.A.) does not support this amendment or the intent of this amendment. The purpose of the amendment is obviously a ploy to control another profession in an effort to increase cash flow of those who would hire Athletic Trainers.

The D.A.T.A. has worked long and hard in gaining the respect needed to get licensure. We feel any employment by physicians in a clinical association would be detrimental to the consumer and the professions involved.

Respectfully submitted,
John F. Knarr, MS, PT, ATC

Representative Amick requested and was granted the privilege of the floor for Greg Rybicki, President, Delaware Physical Therapy Association.

HA 6 was defeated by voice vote.

Representative Outten requested and was granted the privilege of the floor for John Spieker, M.D., representing the Medical Society of Delaware.

The roll call on HB 93 w/HA 1 was taken and revealed:

YES: Representatives Amick, Boykin, Brady, Campanelli, Caulk, Davis, D. Ennis, Gilligan, Hebner, Houghton, Lee, Lofink, Mack, Oberle, Reynolds, Sills, Smith, Soles - 18.

NO: Representatives Bennett, Buckworth, Bunting, Carey, Clark, Corrozi, DiPinto, B. Ennis, Ewing, Fallon, George, Jonkiert, Moore, Outten, Quillen, Schroeder, VanSant, West - 18.

NOT VOTING: Representatives Roy, Mr. Speaker Spence - 2.

ABSENT: Representatives Maroney, Petrilli, Taylor - 3.

Therefore, not having received a constitutional majority, HB 93 w/HA 1 was declared defeated.

Representative Sills introduced HJR 7, jointly sponsored by Representatives D. Ennis, Moore, Soles & Spence & Senators Bair, Holloway & McDowell.

HJR 7 - Establishing a Special Study Task Force to Examine the Extent and Seriousness of the Problems of the Homeless and Homeless Mentally Ill Populations in the State of Delaware, and to Make Recommendations for Improving the Plight of These Individuals.

Mr. Speaker assigned HJR 7 to the Housing & Community Affairs Committee.

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

B & I: HCR 42 - 7M.

The Majority Whip moved to recess to the Call of the Chair at 6:02 p.m.

33rd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 28, 1991

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 87, SB 107 w/SA 1 & 2, HB 49 w/HA 1 & 2, HCR 40, HCR 41, HCR 43 & HCR 44.

May 15, 1991

LEGISLATIVE ADVISORY #11

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/10/91 - SB 109, HB 24 aab HA 1 & HB 138. 5/15/91 - HB 162 aab HA 1.

May 16, 1991

LEGISLATIVE ADVISORY #12

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/15/91 - HB 184 & HB 155 aab HA 1 & 2 & SA 4 & 5. 5/16/91 - SB 119.

May 21, 1991

LEGISLATIVE ADVISORY #13

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/16/91 - SB 57 aab SA 1 & HA 2 & 3. 5/22/91 - HB 80 aab HA 1 & SA 4,5 & 6.

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

R & F: HB 171 - 4M.

Representative Taylor requested that he be marked present.

Representative Ewing introduced HB 252, jointly sponsored by Representative Carey.

HB 252 - An Act to Amend Chapter 26, Part 1, 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.

Mr. Speaker assigned HB 252 to the House Administration Committee.

The Majority Leader moved to adjourn at 2:18 p.m., thereby ending the current legislative day. The House reconvened at 2:19 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative J. Benjamin Ewing, 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 225 - D. ENNIS & SENATOR SHARP; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, JONKIERT, STILLS, VANSANT - B & I: An Act to Amend Title 18, Delaware Code to Limit Investments Made by Insurance Companies in Any Single Investment.

HB 240 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to the Rules of the Road for Motor Vehicles. (3/5 bill)

HB 241 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Rules of the Road for Motor Vehicles. (2/3 bill)

HB 242 - EWING, CAREY, LEE, MARONEY, CLARK - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Operating a Vehicle While Under the Influence of Alcohol and/or Drugs and Penalties.

HB 243 - CAREY, CAULK, FALLON, LEE, LOFINK, SMITH, HEBNER, SCHROEDER; SENATOR SOKOLA - NAT RES: An Act to Amend Chapter 72, Title 7 of the Delaware Code Relating to Subaqueous Lands.

HB 244 - CAREY, FALLON, CAULK, LEE, BOYKIN, SMITH, HEBNER, LOFINK, SCHROEDER, BUNTING, CLARK; SENATORS SOKOLA, VENABLES, KNOX - NAT RES: An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to the Delaware Police Training Program.

HB 245 - CAREY, FALLON, HEBNER, MACK, CLARK; SENATORS SOKOLA, KNOX - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Requiring Environmental Permits Prior to the Issuance of Building Permits.

HB 246 - CAREY, BUNTING, SCHROEDER - HOUSING & COM AFF: An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to the State Board of Health.

HB 247 - CAREY, CAULK, LEE, FALLON, OBERLE, LOFINK, HEBNER, MACK, SCHROEDER, BUNTING, CLARK; SENATORS SOKOLA, VENABLES, KNOX - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code to Require Labeling of Certain Plastic Products. (2/3 bill)

HB 248 - DIPINTO; SENATOR HOLLOWAY; REPRESENTATIVES SPENCE, PETRILLI, BUCKWORTH, ROY, BOYKIN, CAULK, EWING, CAMPANELLI, LOFINK, CORROZI; SENATORS ADAMS, CORDREY, MARTIN, SHARP - SUBS ABUSE: 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 249 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES AMICK, DAVIS, MACK, REYNOLDS, HOUGHTON, CAMPANELLI, VANSANT, BRADY, MOORE - LABOR & HUM RES MAN: An Act to Amend Section 3315(4), Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits.

HB 250 - B. ENNIS; SENATOR TORBERT; REPRESENTATIVES D. ENNIS, DIPINTO, ROY - HAZ WASTE MAN: An Act to Amend Title 16, Delaware Code Relating to the Adoption and Responsibilities for the Implementation of Federal Regulations Promulgated Under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Also Known as SARA Title III or the Emergency Planning and Community Right to Know Act of 1986), and Further Providing for the Establishment of a Mechanism to Collect Fees for the Purpose of Funding the Local Emergency Planning Committees and Data Collection and Management Activities Related Thereto. (2/3 bill)

HB 251 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES EWING, LEE, SPENCE, VANSANT - P/S: An Act to Amend Title 7 and Title 11, Delaware Code, Relating to Making It a Criminal Penalty for Inflicting Harm On Any Dog of the Canine Unit of Any Law Enforcement Agency, to Include Any Political Subdivisions Within the State Having a Canine Unit; Further Providing a Penalty for Harm Inflicted on Any Dog Used to Assist the Handicapped or the Disabled.

HCR 45 - SPENCE & SENATOR MCBRIDE; REPRESENTATIVES PETRILLI, BUCKWORTH, AMICK, BOYKIN, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINCK, MACK, MARONEY, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, TAYLOR, GEORGE, GILLIGAN, BENNETT, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKIERT, MOORE, OUTTEN, SCHROEDER, SILLS, SOLES, VANSANT, WEST; SENATOR KNOX - H/ADM: Encouraging the University of Delaware College of Urban Affairs and or College of Education to Conduct Exit Interviews of Educators Retiring Under the Early Retirement Option.

HA 2 to HS 1 for HB 16 - ROY - APPRO: Placed with the bill.

HA 3 to HB 79 - OUTTEN - READY LIST: Placed with the bill.

HA 1 to HB 166 - BUCKWORTH - P/S: Placed with the bill.

SB 65 - MINNER, VAUGHN; REPRESENTATIVES CAREY, D. ENNIS - NAT RES: An Act to Amend Title 23, Delaware Code Relating to Limitation of Liability for Rendering Vessel Traffic Information Services.

SB 71 w/SA 1 - BAIR & HOLLOWAY, BLEVINS, NEAL; REPRESENTATIVES DIPINTO, MOORE, MARONEY - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Certain Crimes Against the Elderly. (F/N)

SB 87 - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS ADAMS, BLEVINS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, MINNER, SHARP, SOKOLA, TORBERT, VAUGHN, VENABLES, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL; REPRESENTATIVES BENNETT, BOYKIN, BRADY, BUCKWORTH, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINCK, MACK, MOORE, OBERLE, OUTTEN, PETRILLI, QUILLEN, REYNOLDS, ROY, SCHROEDER, SILLS, TAYLOR, VANSANT, WEST - H/ADM: An Act Requiring Certain State Owned Buildings to Display P.O.W. - M.I.A. Flags.

SB 107 w/SA 1 & 2 - HOLLOWAY, NEAL; REPRESENTATIVE TAYLOR - LABOR & HUM RES MAN: An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Child Labor.

HA 3 to SB 92 - AMICK, LEE, VANSANT - AGENDA: Placed with the bill.

Representatives Corrozi, Gilligan, VanSant & Houghton requested that they be marked present.

Representative George requested that he be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: May 28, 1991

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
H91-191	Quillen	5/15/91	T	Jill M. Zimmerman - Delaware State Superintendent's Scholar
H91-192	Quillen	5/15/91	T	Edward P. Hu - Delaware State Superintendent's Scholar
H91-193	Quillen	5/15/91	T	Leann Evans - Delaware State Superintendent's Scholar
H91-194	Reynolds	5/31/91	T	Howard "Howdy" Duncan - Outstanding Contributions - William Penn Education/Sports
H91-195	Amick	5/16/91	T	Victor Singer - Service to Community/Recovery from Illness
H91-196	cosponsors: Oberle, Davis Roy	5/16/91	T	Susan A. Mathe - School Board Asso. Distinguished Service Award
H91-197	cosponsor: Bennett Buckworth	5/16/91	T	Dr. Lynn M. Doherty - Retirement/ Delaware State College
H91-198	Jonkiert	5/10/91	T	Patricia S. Lincoln, B.S.N., R.N. - 76th Annual NEOHN Conf./Presentation
H91-199	Corrozi	5/16/91	T	Ethel M. Cooper - 30 Years Service to Delaware
H91-200	Boykin	5/16/91	M	Lillian B. Cannon
H91-201	Ewing	5/16/91	T	Ruth Ann Isaacs - Retirement/ Woodbridge School District

Number	Sponsor	Presentation Date	Type	Description
H91-202	Ewing	5/16/91	T	Ruth Thompson - Retirement Woodbridge School District
H91-203	Ewing	5/16/91	T	Lee Reed - Retirement Woodbridge School District

T = Tribute

M = In Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: May 28, 1991

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
H91-204	Ewing	5/16/91	T	Doris S. McIlvain - Retirement/ Woodbridge School District
H91-205	Ewing	5/16/91	T	Dorothy R. Lofland - Retirement/ Woodbridge School District
H91-206	Ewing	5/16/91	T	Ann Brenner - Retirement/ Woodbridge School District
H91-207	Ewing	5/16/91	T	Ethel E. Breeding - Retirement/ Woodbridge School District
H91-208	Ewing	5/16/91	T	Carolyn A. Baker - Retirement/ Woodbridge School District
H91-209	Ewing	5/16/91	T	Delores G. Warren - Retirement/ Woodbridge School District
H91-210	Ewing	5/16/91	T	Retta W. Clifton - Retirement/ Woodbridge School District
H91-211	Ewing	5/16/91	T	June O. Long - Retirement/ Woodbridge School District
H91-212	Ewing	5/16/91	T	George H. Durig - Retirement/ Woodbridge School District
H91-213	Ewing	5/16/91	T	J. Bernard Coffman - Retirement/ Woodbridge School District
H91-214	Ewing	5/16/91	T	Charles S. Parks - Retirement Woodbridge School District
H91-215	Ewing	5/16/91	T	Sarah J. Green - Retirement Woodbridge School District
H91-216	Quillen	5/16/91	T	Mabel Clark Hutson & Clark - Hutson Farm - 1991 Century Farm
H91-217	Moore	5/31/91	T	Hazel Plant - Retirement - 18 Years/Court 10
H91-218	George	5/26/91	T	Hilda Buckmaster - 85th Birthday

T = Tribute

M = In Memoriam

The Majority Leader moved to recess for caucus at 2:28 p.m.

The House reconvened at 4:35 p.m.

Representatives Buckworth, Brady & Schroeder requested that they be marked present.

Representative Reynolds requested that he be marked present.

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

Representative Petrilli introduced and brought SJR 7, sponsored by Senators Cordrey & Sharp, before the House for consideration.

SJR 7 - In Reference to Election of Officers.

The roll call on SJR 7 was taken and revealed:

YES: 39.

ABSENT: Representatives Gilligan, VanSant - 2.

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

Representatives Mack, Outten, Sills, Jonkiert & Maroney requested that they be marked present during the roll call.

Representative Amick brought HB 182, jointly sponsored by Senator Cordrey & Representatives Petrilli, Boykin, Corrozi, Hebner, DiPinto, Smith & Bennett & Senators Adams, Venables, Bair, Knox, Neal & Still, before the House for consideration.

HB 182 - An Act to Amend Titles 10, 18, and 21 of the Delaware Code Regarding Motor Vehicle Insurance.

Representative Amick moved to place HB 182 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Amick brought HS 1 to HB 91, jointly sponsored by Representatives Lee, Jonkiert & VanSant & Senators Minner, Blevins & Venables, before the House for consideration.

HB 91 - An Act to Amend Title 24 of the Delaware Code Relating to Examinations, Qualifications for Licensure and Reciprocity for Professional Regulatory Boards and Commissions.

Representative Amick moved to place HS 1 to HB 91 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli moved to suspend the rules which interfere with action on SB 123. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 123, sponsored by Senator Cordrey & Representative Schroeder, before the House for consideration.

SB 123 - An Act to Amend Chapter 197 Volume 54 Laws of Delaware Which Revised the Prior Charter of Rehoboth Beach and Prescribed a New Charter Therefore, to Provide for Absentee Ballots in All Rehoboth Elections, to Change the Date for Filing Certificates of Nomination and Judging the Qualifications of Candidates, to Change the Time of the Annual Municipal Election, to Change the Deadline to Register to Vote in the Annual Municipal Election, to Change the Qualifications of Voters, and to Change the Qualifications for Candidates for Elective Office. (2/3 bill)

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder requested and was granted the privilege of the floor for Jan Konesey, City Commissioner, Rehoboth Beach.

The roll call on SB 123 was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 123 was returned to the Senate.

Representative Sills requested that action on HB 104 be deferred to a Day Certain, Tuesday, June 4, 1991.

Representative Amick brought HB 95 before the House for consideration.

HB 95 - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to the Regulation of Physical Therapists and Athletic Trainers. (2/3 bill)

The roll call on HB 95 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 95 was sent to the Senate for concurrence.

Representative Brady brought HR 29, jointly sponsored by Representatives Amick, Bennett, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Moore, Oberle, Outten, Petrilli, Quillen, Reynolds, Schroeder, Sills, Smith, Spence, Taylor, VanSant & West, before the House for consideration.

HR 29 - Petitioning the United States Congress to Reconsider the Federal Statutory Guidelines Limiting the Amount of Rehabilitative Treatment to Veterans With Service and Combat Related Brain Injuries and to Reinstate the Rehabilitative Services to Thomas J. Murphy and All Other Similarly Situated Veterans.

HR 29 was adopted by voice vote.

Representative Taylor brought SB 48, sponsored by Senator Cordrey & cosponsored by Senators Venables & Adams, before the House for consideration.

SB 48 - An Act to Amend Title 9, Delaware Code, Relating to Mileage Rates for Officers or Employees of the Counties.

The roll call on SB 48 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 48 was returned to the Senate.

Representative Brady brought HB 120, jointly sponsored by Representatives Bunting, Campanelli, Carey, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Lofink, Mack, Maroney, Oberle, Reynolds, Schroeder, Sills, Soles, Taylor, West & Spence & Senators Adams, Connor, Holloway, Marshall, Martin, McDowell, Minner, Sokola, Still, Torbert & Vaughn, before the House for consideration.

HB 120 - An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits. (F/N)

The roll call on HB 120 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 120 was sent to the Senate for concurrence.

Representative Boykin brought SB 33 w/SA 1, jointly sponsored by Senators Venables, Holloway, Minner, Torbert, Knox & Still & Representatives DiPinto, D. Ennis, Smith & Jonkiert, before the House for consideration.

SB 33 - An Act to Amend Title 25 of the Delaware Code Relating to Metering and Charges for Utility Services for Commercial Units.

Representative Outten requested and was granted the privilege of the floor for George Herring, Attorney, representing New Castle Associates.

The roll call on SB 33 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 33 w/SA 1 was returned to the Senate.

Representative Moore brought HB 190, jointly sponsored by Senator Holloway & Representatives Amick, Brady, Bunting, B. Ennis, George, Houghton, Maroney, Reynolds, Smith & West & Senators Bair & Blevins, before the House for consideration.

✓HB 190 - An Act to Amend Chapter 39, Title 31, Delaware Code, Relating to Adult Protective Services. (2/3 bill)

Representative Moore brought HA 1 before the House for consideration.

Representative Moore requested and was granted the privilege of the floor for Heidi F. McKharrif, representing the Christian Science Committee on Publication for Delaware.

HA 1 was adopted by voice vote.

Mr Speaker declared a recess for the purpose of changing the recording tape at 5:26 p.m.

The House reconvened at 5:30 p.m.

The roll call on HB 190 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 190 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:44 p.m.

34th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 29, 1991

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: SJR 7, SB 124, SCR 42 & SB 98 w/SA 1.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative 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 253 - ROY, AMICK, MACK, LOFINK, TAYLOR, VANSANT, CAMPANELLI, JONKIERT; SENATORS HOLLOWAY, MARSHALL - SUNSET & OVERVIEW: An Act to Amend Chapter 7, Title 24, Relating to Chiropractic Physician Compensation and Contracts Issued by Health Service Corporations and Health Maintenance Organizations.

HB 254 - OBERLE & SENATOR MARTIN - LABOR & HUM RES MAN: An Act Directing the Board of Pension Trustees to Waive Payment of Any Additional Employee Contributions Due From Patricia T. Stewart Pursuant to Chapter 55, Title 29, Delaware Code.

HB 255 - CAULK, DAVIS, EWING - JUD: An Act to Amend Chapter 7, Title 13, of the Delaware Code Relating to Minors' Abortion.

HB 256 - JONKIERT & SENATOR MARSHALL; REPRESENTATIVES LEE, SPENCE; SENATOR STILL - H/ADM: An Act to Amend Title 28, Chapter 11, of the Delaware Code Relating to Bingo and Charitable Gambling.

HB 257 - CAMPANELLI - SUNSET & OVERVIEW: An Act to Amend Chapters 9, 11 and 13, Title 26 of the Delaware Code Relating to Utility Construction and Alteration Activities Affecting Surfaces of Public Streets, Avenues and Alleys.

HA 3 to HB 38 - AMICK - AGENDA: Placed with the bill.

HA 2 to HB 108 - CLARK - READY LIST: Placed with the bill.

HA 1 to HB 183 - AMICK - AGENDA: Placed with the bill.

HA 2 to HB 183 - AMICK - AGENDA: Placed with the bill.

HA 3 to HB 183 - AMICK - AGENDA: Placed with the bill.

HA 2 to HB 201 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

SB 98 w/SA 1 - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS MARSHALL, MCDOWELL; REPRESENTATIVES D. ENNIS, CAMPANELLI, LOFINK - APPRO: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

SB 124 - MCDOWELL - HUM RES: An Act to Amend Chapter 38, Title 31, Delaware Code, Relating to Foster Child Review.

SCR 42 - TORBERT; REPRESENTATIVES CAULK, BUCKWORTH, EWING - H/ADM: Calling to the Attention of the State Personnel Office and Personnel Directors of All State Agencies That Delaware Law and Regulations Provide That Personnel Records of State Employees Are Confidential and That Unauthorized Disclosure of Any Portion of a State Employee's Records Shall be Grounds for Dismissal.

HA 4 to SB 92 - AMICK, LEE, VANSANT - AGENDA: Placed with the bill.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: May 29, 1991

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
H91-219	Moore	6/30/91	T	William Morris - Service to University of Delaware/Upward Bound Program
H91-220	Carey	5/23/91	T	Michelle Dodenhoff - State Superintendent's Scholar
H91-221	Buckworth	5/24/91	T	Robert E. Knarr, Sr./Retirement/ Caesar Rodney School District
H91-222	Spence	5/28/91	T	Edgar S. Woolard, Jr./Kavaler Award/Chief Executive Excellence
H91-223	Mack	5/28/91	T	Edward M. Rush - 228th Field Artillery Group Reunion
H91-224	Mack	5/28/91	T	Howard Borbeau - 228th Field Artillery Group Reunion

Number	Sponsor	Presentation Date	Type	Description
H91-225	Mack	5/28/91	T	Ray Henry - 228th Field Artillery Group Reunion
H91-226	Mack	5/28/91	T	Bill Hoop - 228th Field Artillery Group Reunion
H91-227	Mack	5/28/91	T	Bert Ishee - 228th Field Artillery Group Reunion
H91-228	Mack	5/28/91	T	Harry Landry - 228th Field Artillery Group Reunion
H91-229	Mack	5/28/91	T	Bob Mackey - 228th Field Artillery Group Reunion
H91-230	Mack	5/28/91	T	Joe Nigro - 228th Field Artillery Group Reunion
H91-231	Mack	5/28/91	T	George Rappa - 228th Field Artillery Group Reunion
H91-232	Mack	5/28/91	T	Henry Rutland - 228th Field Artillery Group Reunion

T - Tribute
M - Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #19

DATE: May 29, 1991

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
H91-233	Mack	5/28/91	T	Joe Coren - 228th Field Artillery Group Reunion
H91-234	Mack	5/28/91	T	Sid Fischer - 228th Field Artillery Group Reunion
H91-235	Mack	5/28/91	T	Bill Holloway - 228th Field Artillery Group Reunion
H91-236	Mack	5/28/91	T	Lou Jourdain - 228th Field Artillery Group Reunion
H91-237	Mack	5/28/91	T	Sal Peluso - 228th Field Artillery Group Reunion
H91-238	Mack	5/28/91	T	Ralph Stramaglie - 228th Field Artillery Group Reunion
H91-239	Mack	5/28/91	T	Forrest Miller - 228th Field Artillery Group Reunion
H91-240	Mack	5/28/91	T	John Powell - 228th Field Artillery Group Reunion
H91-241	Mack	5/28/91	T	Bonnard Shadle - 228th Field Artillery Group Reunion
H91-242	Mack	5/28/91	T	Tom Werner - 228th Field Artillery Group Reunion
H91-243	Mack	5/28/91	T	Amady Ianniello - 228th Field Artillery Group Reunion
H91-244	Mack	5/28/91	T	Leo Pace - 228th Field Artillery Group Reunion
H91-245	Bennett	6/1/91	T	Kline G. Kemp, Jr. - Meritorious Service - Delaware
H91-246	Quillen	5/31/91	T	Jessie V. Lyons - Dedicated Service - State Operator
H91-247	Quillen	5/23/91	T	Merle S. Roth - 85th Birthday
H91-248	Quillen	6/11/91	T	Archie Dill & Jeanette Dill - 50th Wedding Anniversary
H91-249	Quillen	5/21/91	T	Andrew Myer - Tennis Champion

T - Tribute
M - Memoriam

Representatives Campanelli & Outten requested that they be marked present.

Mr. Speaker Spence granted the privilege of the floor to Elizabeth Ryan, representing the League of Women Voters.

Representatives D. Ennis, Soles, Taylor & Sills requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:21 p.m.

The House reconvened at 4:36 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 132 w/SA 1.

Representatives Brady, Boykin & Buckworth requested that they be marked present.

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

H/ADM: HB 203 - 4M; HB 238 - 4M; HCR 45 - 4M; SB 64 - 5M.

P/S: HB 166 - 3M; HB 240 - 3M; HB 241 - 3M; HB 242 - 3M.

LABOR & HUM RES MAN: HB 228 - 4F; HB 229 - 4M; HB 230 - 4M; HB 231 - 4M; HB 232 - 4M; HB 233 - 4M; SB 62 w/SA 2 - 4M.

NAT RES: HB 235 - 4F,2M; SB 65 - 1F,5M.

AG: HB 210 - 5M.

HOUSING & COM AFF: HB 220 - 6M; HJR 7 - 1F,5M.

Representatives Gilligan, Reynolds, Jonkiert, Mack & Maroney requested that they be marked present.

The following prefiled Consent Calendar #13 was introduced:
HR 48 - OBERLE, SPENCE, MARONEY, VANSANT, BENNETT - Recognizing the Efforts of the Members of the Office of Narcotics and Dangerous Drugs.
HR 49 - D. ENNIS, SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN - Expressing Our Condolences to the Nation of India Upon the Tragic Death of Rajiv Gandhi.
HR 50 - BUCKWORTH, OUTTEN - Congratulating Dorothy O. Lifftridge as the 1991 Member Recipient of the DSEA Human and Civil Rights Award.
HR 51 - OBERLE, D. ENNIS, QUILLEN, AMICK, PETRILLI, DAVIS, CLARK & ALL REPRESENTATIVES - Honoring the Graduating Students of the Sterck School for the Hearing Impaired.
Consent Calendar #13 was adopted by voice vote.
The Majority Leader moved to recess to the call of the Chair at 4:45 p.m.

35th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

May 30, 1991

Mr. Acting Speaker Hebner called the House to order at 2:02 p.m.
The Chief Clerk read the following committee report into the record:
ED: HB 214 - 5M.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. George H. Bunting, do hereby request that my name be removed as Co-Sponsor of HB 252.

Date: May 29, 1991.

Signed: George Bunting.

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: 39.

Members Absent: Representatives Mack, Sills - 2.

Mr. Speaker Spence resumed the Chair.

A prayer was offered by Representative George H. Bunting, Jr., 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:

HB 258 - ROY, PETRILLI, BUCKWORTH, SPENCE, AMICK, CAMPANELLI; SENATOR MCBRIDE - SUNSET & OVERVIEW: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Liquors.

HB 259 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

HB 260 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES VANSANT, EWING, LEE - P/S: An Act to Amend Subpart I, Subchapter III, Chapter 5, Title 11, of the Delaware Code Establishing the Offense of Criminal Impersonation, Accident Related.

SB 132 w/SA 1 - CORDREY & REPRESENTATIVE D. ENNIS - B & I: An Act to Amend Chapter 1, Title 5 of the Delaware Code Relating to Bank Receivership.

The Reading Clerk read the following communication into the record:

M E M O R A N D U M

TO: Terry R. Spence, Speaker of the House

FROM: Representative Jeffrey G. Mack

SUBJECT: Absence from Session

DATE: May 30, 1991

Due to unforeseen circumstances, I will not be attending Session today, Thursday, May 30, 1991.

/set

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

H/ADM: SCR 42 - 3M.

SUNSET & OVERVIEW: HB 211 - 3M; HB 239 - 1F, 2M; SB 23 w/SA 1 - 3M.

Representatives Corrozi, Moore, Carey, DiPinto, Outten, Jonkiert, George, Houghton, Clark, West & Soles requested that they be marked present.

Mr. Speaker reassigned HB 248 to the Small Business & Economic Development Committee.

The Majority Leader moved to recess for caucus at 2:19 p.m.

The House reconvened at 4:14 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 95, SB 120, SB 127, HB 190 w/HA 1 & SCR 44.

Representatives Reynolds, Gilligan, Brady, Davis & Quillen requested that they be marked present.

Representative Buckworth brought SCR 42, jointly sponsored by Senator Torbert & Representative Caulk & cosponsored by Representative Ewing, before the House for consideration.

SCR 42 - Calling to the Attention of the State Personnel Office and Personnel Directors of All State Agencies That Delaware Law and Regulations Provide That Personnel Records of State Employees are Confidential and That Unauthorized Disclosure of Any Portion of a State Employee's Records Shall be Grounds for Dismissal.

SCR 42 was adopted by voice vote and returned to the Senate.

Representative Carey introduced and brought SCR 44, jointly sponsored by Senators Adams, Cordrey, Cook, Vaughn, Connor, Venables & Still & Representatives Caulk, Fallon, Lofink, Quillen, Clark, Bunting & Schroeder & cosponsored by Representatives Amick, Buckworth, Petrilli, Maroney, George, Moore, Soles, Jonkiert, Oberle, Clark, Gilligan, Spence, DiPinto, Corrozi, Boykin, Davis, Ewing, Lee & Hebner, before the House for consideration.

SCR 44 - Honoring Dr. Donald F. Crossan, Dean of the University of Delaware's College of Agricultural Sciences and Director of the Delaware Agricultural Experimental Station, for His Significant and Lasting Contributions to Agriculture, Students, and Citizens of Delaware During 37 Years of Service and Extending Best Wishes for a Happy and Prosperous Retirement.

SCR 44 was adopted by voice vote and returned to the Senate.

Representatives Oberle & Maroney requested that they be marked present.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #20

DATE: May 30, 1991

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
H91-250	Caulk	5/30/91	T	Daniel Bennett Operation Desert Storm
H91-251	B. Ennis	5/29/91	T	Sandra S. Robinson Outstanding Pharmacist Award
H91-252	Buckworth	5/29/91	T	Carolyn Nichols/Camden-Wyoming Lions Club Teenager of the Year
H91-253	Spence	5/29/91	T	Robert E. Anderson - Trooper of the Year
H91-254	Buckworth	5/30/91	T	Jason Miller/Camden-Wyoming Lions Club Teenager of the Year
H91-255	Carey	5/31/91	T	Dr. Donald Crossan/ Retirement-University of DE
H91-256	Carey	5/31/91	T	Robert Voshell/Retirement Motor Vehicle Division
H91-257	Buckworth	5/30/91	T	John Snarsky - Camden-Wyoming Lions Club Unsung Hero
H91-258	Buckworth	5/30/91	T	Barbara Savage - Retirement Caesar Rodney Schools
H91-259	Buckworth	5/30/91	T	Arlene Willard - Retirement Caesar Rodney Schools
H91-260	Buckworth	5/30/91	T	Jacqueline Stokes - Retirement Caesar Rodney Schools
H91-261	Buckworth	5/30/91	T	Laura Schmukler - Retirement Caesar Rodney Schools
H91-262	Campanelli	5/30/91	T	George & Margaret McCloskey - 50th Wedding Anniversary
H91-263	B. Ennis	5/30/91	T	Walter W. Redman, Jr. - Retirement Department of Correction
H91-264	B. Ennis	5/30/91	T	John L. Smith - Retirement - Delaware State Fire School

T - Tribute

M - Memoriam

Representative B. Ennis introduced HB 261, jointly sponsored by Senator Vaughn & Representatives Ewing, Lee, Spence & VanSant.

HB 261 - An Act to Amend Title 7 and Title 11 of the Delaware Code Relating to Dogs; and Providing Penalties for Certain Offenders Against Law Enforcement Canines. (2/3 bill)

Mr. Speaker assigned HB 261 to the Public Safety Committee.

Mr. Speaker assigned SB 24 to the Appropriations Committee.

Representative Carey brought HB 203, jointly sponsored by Senator Minner, before the House for consideration.

HB 203 - An Act to Amend an Act Entitled "An Act to Reincorporate the Town of Milton", Being Chapter 501, Volume 61, Laws of Delaware, as Amended by Chapter 265, Volume 64, and Chapter 266, Volume 65, Laws of Delaware, Relating to the Town Charter of Milton. (2/3 bill)

The roll call on HB 203 was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Mack, Sills - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 203 was sent to the Senate for concurrence.

Representative Amick brought SB 92 w/SA 1 & 2, jointly sponsored by Senators Venables, Adams, Blevins, Knox, Neal, Sharp, Sokola, Torbert & Vaughn & Representatives Buckworth, Campanelli, Corrozi, Davis, B. Ennis, Ewing, Fallon, Houghton, Petrilli, Roy, Taylor & West, before the House for consideration.

SB 92 - An Act to Amend Chapters 1 and 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Representative Buckworth requested that HA 1 to SB 92 be stricken.

Representative Buckworth requested that HA 2 to SB 92 be stricken.

Representative Amick requested that HA 3 to SB 92 be stricken.

Representative Amick brought HA 4 to SB 92, jointly sponsored by Representatives Lee & VanSant, before the House for consideration. Representative Amick introduced and brought HA 1 to HA 4 before the House for consideration. HA 1 to HA 4 was adopted by voice vote. HA 4 w/HA 1 was adopted by voice vote.

The roll call on SB 92 w/SA 1 & 2 & HA 4 w/HA 1 was taken and revealed:

YES: 36.

ABSENT: Representatives D. Ennis, George, Mack, Quillen, Sills - 5.

Therefore, having received a constitutional majority, SB 92 w/SA 1 & 2 & HA 4 w/HA 1 was returned to the Senate for concurrence on HA 4 w/HA 1.

Representative Amick moved to lift HB 38 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HB 38 before the House for consideration.

HB 38 - An Act to Amend Title 21 of the Delaware Code Relating to Insurance for Motor Vehicles.

Representative Amick brought HA 1 to HB 38 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to HB 38 before the House for consideration.

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

Representative B. Ennis requested and was granted the privilege of the floor for John Paradee, House Attorney.

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

The roll call on HA 2 was taken and revealed:

YES: 22.

NO: Representatives Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Oberle, Outten, Schroeder, Soles, VanSant, West - 16.

NOT VOTING: Representative D. Ennis - 1.

ABSENT: Representatives Mack, Sills - 2.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative Amick brought HA 3 to HB 38 before the House for consideration.

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

Representative Amick moved to place HB 38 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor moved to suspend the rules which interfere with introduction of and action on HR 52. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor introduced and brought HR 52, jointly sponsored by Representatives Roy & Spence, before the House for consideration.

HR 52 - Urging the Attorney General of the State of Delaware to Immediately Investigate the Marketing Practice Employed by Cable Companies Operating Within the State in Connection With the New "Encore" Optional Pay Channel.

HR 52 was adopted by voice vote.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Spence brought HCR 45, jointly sponsored by Senator McBride & Representatives Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, George, Gilligan, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant & West & Senator Knox & cosponsored by Senator Sokola, before the House for consideration.

HCR 45 - Encouraging the University of Delaware College of Urban Affairs and or College of Education to Conduct Exit Interviews of Educators Retiring Under the Early Retirement Option.

HCR 45 was adopted by voice vote and sent to the Senate for concurrence.

Representative Carey requested that action on SB 65 be deferred to a Day Certain, Tuesday, June 4, 1991.

Representative Oberle requested that action on SB 62 be deferred to a Day Certain, Tuesday, June 4, 1991.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 128, SB 130, SB 138 & HB 203.

The Majority Leader moved to recess to the call of the Chair at 5:51 p.m.

36th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 4, 1991

Mr. Acting Speaker Hebner called the House to order at 2:17 p.m.
The Chief Clerk read the following committee reports into the record:
B & I: HB 215 - 7M; HB 216 - 7M; HB 217 - 7M; HB 218 - 7M; HB 219 - 7M; HB 225 - 7M.
Representative Buckworth moved to restore HB 93 w/HA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.
HB 93 - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to Physical Therapy.
Representative Amick moved to place HB 93 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.
Representative Oberle introduced HB 273, jointly sponsored by Senator Marshall.
HB 273 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.
Mr. Speaker assigned HB 273 to the Labor & Human Resource Management Committee.
Representative Oberle introduced HB 274, jointly sponsored by Senator Martin.
HB 274 - An Act Awarding Special Pension Benefits to Dale E. Leber Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.
Mr. Acting Speaker Hebner assigned HB 274 to the Labor & Human Resource Management Committee.
The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.
The Chief Clerk called the roll.
Members Present: 41.
A prayer was offered by Representative David H. Ennis, Sixth Representative District.
The Acting Speaker led those present in a pledge of allegiance to the American Flag.
The minutes of the previous legislative day were approved as posted.
The following prefiled legislation was introduced:
HB 262 - OBERLE, PETRILLI, BUCKWORTH, MACK, REYNOLDS, DAVIS, VAN SANT, HOUGHTON, WEST; SENATORS MCDOWELL, SHARP, VAUGHN, MARSHALL, HOLLOWAY, MINNER, BLEVINS, CONNOR - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Commercial Vehicles.
HB 263 - BUCKWORTH & SENATOR MARTIN - H/ADM: An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Voting. (2/3 bill)
HB 264 - BUCKWORTH - H/ADM: An Act to Amend Chapter 17, Title 15, of the Delaware Code Relating to Notification of Restoration of the Right to Vote and Voter Registration.
HB 265 - AMICK & SENATOR MINNER; REPRESENTATIVE SOLES & SENATOR NEAL; REPRESENTATIVES PETRILLI & DIPINTO - H/ADM: An Act to Amend Chapter 80, Title 15, Delaware Code, Relating to Campaign Contributions and Expenditures.
HB 266 - ROY & SENATOR MCDOWELL; REPRESENTATIVES AMICK, BOYKIN, TAYLOR - SUNSET & OVERVIEW: An Act to Amend Chapter 13, Title 22, and Chapter 1, Title 26, Delaware Code, to Provide for the Equitable Regulation of the Rates of Customers Served by Municipal Electric Utilities Who Are Outside the Boundaries of Such Municipal Electric Utilities.
HB 267 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES PETRILLI, BOYKIN, CORROZI, DIPINTO, LOFINK, QUILLEN, REYNOLDS, SMITH, BRADY, CAMPANELLI, B. ENNIS, JONKIERT, MOORE, SOLES - HUM RES: An Act to Amend Chapter 79, Title 29 of the Delaware Code Relating to Health.
HB 268 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES BENNETT, BRADY, BUNTING, BUCKWORTH, CORROZI, EWING, FALLON, HOUGHTON, LEE, MOORE, QUILLEN, REYNOLDS, SMITH, SPENCE, TAYLOR - HUM RES: An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics. (3/5 bill)
HB 269 - FALLON, CORROZI, DAVIS, DIPINTO, QUILLEN, SOLES, WEST; SENATORS MCBRIDE, COOK, HOLLOWAY, NEAL, STILL, VAUGHN - HUM RES: An Act to Amend Title 14, Chapters 31 and 17, Relating to the Definition of Handicapped Persons.
HB 270 - FALLON, CORROZI, DAVIS, DIPINTO, QUILLEN, SOLES, WEST; SENATORS MCBRIDE, COOK, HOLLOWAY, NEAL, STILL, VAUGHN - ED: An Act to Amend Delaware Code, Title 14, Chapters 6 and 26 Relating to Tuition Charges and Taxes Levied by School Districts for That Purpose. (3/5 bill)
HB 271 - WEST, BUNTING, JONKIERT, MOORE, VAN SANT - HUM RES: An Act to Amend Title 13 of the Delaware Code to Clarify Age and Consent Limitations With Respect to Marriage.
HB 272 - SCHROEDER, BUNTING, CLARK, CAULK, CAREY, QUILLEN; SENATOR MINNER - NAT RES: An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. (2/3 bill)
HA 1 to HB 12 - ROY - TRANS: Placed with the bill.
HA 2 to HB 65 - AMICK - APPRO: Placed with the bill.
HA 3 to HB 200 - AMICK - APPRO: Placed with the bill.
HA 1 to HB 220 - DAVIS - READY LIST: Placed with the bill.
HA 1 to HB 234 - FALLON - ED: Placed with the bill.
HA 1 to HB 252 - CAULK - H/ADM: Placed with the bill.
SB 95 - SHARP & REPRESENTATIVE OBERLE - LABOR & HUM RES MAN: An Act to Amend Chapter 69 of Title 29 of the Delaware Code Pertaining to Definitions Included Within the Professional Services Negotiations Act.
SB 120 - SHARP & REPRESENTATIVE D. ENNIS; SENATORS ADAMS, MCDOWELL, VAUGHN, STILL; REPRESENTATIVES BOYKIN, DIPINTO, JONKIERT, SILLS, SMITH, VAN SANT - B & I: An Act to Amend Title 18 Delaware Code to Authorize the Valuation of Securities of Insurers by the Securities Valuation Office of the National Association of Insurance Commissioners.

SB 127 - SHARP & REPRESENTATIVE D. ENNIS; SENATORS ADAMS, MCDOWELL, VAUGHN, STILL; REPRESENTATIVES BOYKIN, DIPINTO, JONKIERT, SILLS, SMITH, VAN SANT - B & I: An Act to Amend Title 18, Delaware Code to Specifically Require Annual Statements of Insurers to Conform With the National Association of Insurance Commissioners Annual Statement Requirements.

SB 128 - SHARP & REPRESENTATIVE D. ENNIS; SENATORS ADAMS, MCDOWELL, VAUGHN, STILL; REPRESENTATIVES BOYKIN, DIPINTO, JONKIERT, SILLS, SMITH, VAN SANT - B & I: An Act to Amend Title 18, Delaware Code Regarding Financial Examinations of Insurance Companies.

SB 130 - ADAMS, COOK, CORDREY, HOLLOWAY, STILL, TORBERT, VAUGHN, VENABLES; REPRESENTATIVES BUNTING, CAREY, CAULK, CLARK, EWING, LOFINK, QUILLEN, SCHROEDER, WEST - SUNSET & OVERVIEW: An Act to Amend Title 29, Delaware Code Relating to Rules and Regulations Established by State Agencies by Establishing Appropriate Procedures for Assessing Whether or Not Rules and Regulations May Result in Taking of Private Property.

SB 138 - SHARP, VAUGHN, HOLLOWAY; REPRESENTATIVE HEBNER - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Institutional Vandalism. (2/3 bill)

SB 139 w/SA 1 - VAUGHN - JUD: An Act to Amend Title 11, Chapter 85 of the Delaware Code Relating to the State Bureau of Identification.

SCR 43 - MINNER; REPRESENTATIVE CAREY; SENATORS MARTIN, MARSHALL, MCDOWELL, SHARP, VENABLES; REPRESENTATIVES EWING, SCHROEDER, LEE, CAULK, AMICK, D. ENNIS, B. ENNIS, CLARK, DIPINTO, BOYKIN, SMITH, LOFINK, BUNTING, BENNETT, OBERLE, QUILLEN, SPENCE, REYNOLDS, FALLON - NAT RES: Urging the Department of Natural Resources and Environmental Control and the Division of Historical and Cultural Affairs to Conduct a Joint Study of the Feasibility and Cost of Restoring Abbotts Mill in Milford to Working Order.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 139 w/SA 1, SCR 43, HCR 28 & HCR 36.**

May 30, 1991

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, Delaware 19901

Dear Speaker Spence,

I will be traveling on business, and therefor will be absent from the Legislature on June 6, 11 and 12, 1991.

Thank you for your consideration.

Sincerely,
Joseph G. DiPinto
State Representative
4th District

JGD:1tp

HOUSE TRIBUTE ANNOUNCEMENT #21

DATE: June 4, 1991

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
H91-265	B. Ennis	5/31/91	T	Ethel Henry - Retirement/ State of Delaware
H91-266	Lee	5/30/91	T	Laurel High School Chorus - Outstanding Year
H91-267	Bunting	5/31/91	T	Ralph Banks - 17 Years Fire Marshal's Office
H91-268	Ewing	5/30/91	T	Norma Jo Walton - Retirement/ Union United Methodist Church
H91-269	B. Ennis	5/30/91	M	Wayne L. Scuse
H91-270	B. Ennis	5/30/91	M	R. Jason Kemble
H91-271	Carey	6/17/91	T	Sherman Stevenson - Retirement/DE Farm Bureau
H91-272	Mack	5/30/91	T	Steven Bijansky - Eagle Scout Award
H91-273	Mack	5/30/91	T	A. Steven Napoleon - Eagle Scout Award
H91-274	Ewing	5/30/91	T	Reverend Harold E. Walton - Retirement Union United Methodist Church
H91-275	Boykin	5/31/91	T	John W. McCullough - Battle Against Leukemia
H91-276	Boykin	5/31/91	T	Sara Haigh/Masters Degree With Honors
H91-277	Quillen	5/31/91	T	H. Richard Crouse - 33 Years/ Department of Transportation
H91-278	Quillen	5/31/91	T	Carol A. Steele - 28 Years/ Department of Transportation
H91-279	Boykin	5/31/91	T	Gertrude Wendt - Outstanding Environmental Education Award
H91-280	Carey	6/2/91	T	Fanny Levinson - 100th Birthday

T - Tribute

M - Memoriam

Representative Corrozi requested that he be marked present.

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

The House reconvened at 4:47 p.m.

Mr. Speaker Spence resumed the Chair.

Representatives Ewing, Brady, Carey, Fallon, West, Roy, Lee, Bunting, Buckworth, Jonklert, Sillis & Mack requested that they be marked present.

Mr. Speaker reassigned HB 257 to the Transportation Committee.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 103.

May 28, 1991

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/23/91 - HJR 5, SB 15 aab HA 2, SB 91 & HB 49 aab HA 1 & 2.

May 31, 1991

LEGISLATIVE ADVISORY #15

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/30/91 - HB 203.

Representatives Reynolds & Schroeder requested that they be marked present.

Representative Sillis requested that action on HB 104 be deferred to a Day Certain, Tuesday, June 11, 1991.

Representative Carey brought SB 65, jointly sponsored by Senators Minner & Vaughn & Representative D. Ennis, before the House for consideration.

SB 65 - An Act to Amend Title 23, Delaware Code Relating to Limitation of Liability for Rendering Vessel Traffic Information Services.

The roll call on SB 65 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 65 was returned to the Senate.

Representative Oberle brought SB 62 w/SA 2, jointly sponsored by Senators Marshall, Holloway & McBride & Representative Campanelli & cosponsored by Senator Martin, before the House for consideration.

SB 62 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to the Employment of Strikebreakers.

Representative Taylor requested and was granted the privilege of the floor for Sheldon Sandler, representing the Delaware Contractors Association.

The roll call on SB 62 w/SA 2 was taken and revealed:

YES: 25.

NO: Representatives Bennett, Boykin, Buckworth, Corrozi, DiPinto, Maroney, Outten, Quillen, Schroeder, Smith, Soles, Taylor - 12.

NOT VOTING: Representatives Carey, Fallon, Petrilli, Roy - 4.

Therefore, having received a constitutional majority, SB 62 w/SA 2 was returned to the Senate.

Representative Amick brought HB 183 before the House for consideration.

HB 183 - An Act to Amend Chapter 7, Title 4, Delaware Code Relating to Shipping of Alcoholic Liquor by the Manufacturer or Importer. (2/3 bill)

Representative Amick brought HA 1 to HB 183 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to HB 183 before the House for consideration. HA 2 was adopted by voice vote.

Representative Amick brought HA 3 to HB 183 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 183 w/HA 1, 2 & 3 was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 183 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Representative Clark brought HB 108, jointly sponsored by Representative Schroeder, before the House for consideration.

HB 108 - An Act to Amend Chapter 101, Title 29, Delaware Code Relating to the Delaware Administrative Commission.

Representative Clark brought HA 1 to HB 108 before the House for consideration.

Representative Clark requested that HA 1 be stricken.

Representative Clark brought HA 2 to HB 108 before the House for consideration. HA 2 was adopted by voice vote.

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

State of Delaware
Office of the Controller General
May 30, 1991

TO: Representative Donald Clark

FROM: Garry L. Gaukler

SUBJECT: HOUSE BILL NO. 108

According to the amendment attached to House Bill No. 108, a fiscal note is no longer required. The amendment states the Commission shall charge a fee for the publication. Said fee should defray all costs of producing the publication. The fee is to be deposited into a special fund which will actually revert money to the General Fund. The amount reverted will be all funds in excess of a \$10,000 balance.

GLG:cs

ATT.

cc: Rep. Philip Corrozi

The roll call on HB 108 w/HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 108 w/HA 2 was sent to the Senate for concurrence.

Representative D. Ennis brought HS 1 to HB 141, jointly sponsored by Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 141 - An Act to Amend Title 18, Delaware Code, Chapter 44, to Set Forth in Greater Details the Obligations and Powers of the Delaware Life and Health Insurance Guaranty Association.

The roll call on HS 1 to HB 141 was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, HS 1 to HB 141 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:45 p.m.

37th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 5, 1991

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

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Taylor - 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:

HB 275 - HEBNER, DAVIS, EWING - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Inflicted Miscarriages.

HB 276 - LEE & WEST - LAND USE & GOV REL: An Act to Amend Title 9, Chapters 3, 11 and 81 of the Delaware Code Relating to the Power of County Governments to Impose and Collect a Tax Upon the Transfer of the Title of a Mobile Home or House Trailer.

HB 277 - ROY & SENATOR SOKOLA - LAND USE & GOV REL: An Act to Amend Subchapter 3, Chapter 13, Title 9, Delaware Code, Relating to Judicial Review of Board of Adjustment Decisions.

HB 278 - OBERLE, DIPINTO; SENATOR NEAL - HOUSING & COM AFF: An Act to Amend Chapter 17, Title 7 of the Delaware Code Pertaining to Dogs.

HB 279 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES FALLON, QUILLEN, REYNOLDS, TAYLOR, D. ENNIS, B. ENNIS, MOORE - HUM RES: 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 280 - LEE - H/ADM: An Act to Amend an Act Being Chapter 28B, Volume 64, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Laurel" to Permit Quarterly Supplemental Assessments of Real Estate. (2/3 bill)

HA 2 to HB 56 - OBERLE - APPRO: Placed with the bill.

HA 1 to HB 104 - SILLS - DEFERRED TO A DAY CERTAIN: Placed with the bill.

HA 4 to HB 200 - CAULK & CLARK - APPRO: Placed with the bill.

HA 1 to HB 250 - B. ENNIS - HAZ WASTE MAN: Placed with the bill.

SB 103 - BLEVINS & REPRESENTATIVE HEBNER - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Exclusive Original Criminal Jurisdiction of the Family Court.

Representatives George, Houghton & Davis requested that they be marked present.

Representative Sills requested and was granted the privilege of the floor for Dr. Alan Rosenthal, representing the Eagleton Institute of Politics, Rutgers University.

Representatives D. Ennis, Jonkiert & Moore requested that they be marked present.

Representative Buckworth introduced & brought HCR 48, jointly sponsored by Representatives Bennett & Outten & Senators Torbert & Still, before the House for consideration.

HCR 48 - Honoring the Show Our Support (SOS) Group Upon Receiving the 1991 Lt. Governor's Tourism Award for Hospitality.

Representative Buckworth requested and was granted the privilege of the floor for Colonel Doyle Brady, Deputy Base Commander, Dover Air Force Base.

HCR 48 was adopted by voice vote and sent to the Senate for concurrence.

Representatives Carey, Outten & Reynolds requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #22

DATE: June 5, 1991

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
H91-281	Oberle	6/7/91	T	Roberta Merrill - Retirement - Heritage Elementary School
H91-282	Taylor	6/7/91	T	Betty Brabson - Retirement - Heritage Elementary School
H91-283	Taylor	6/7/91	T	Kay Wolf - Retirement - Heritage Elementary School
H91-284	Taylor	6/7/91	T	Ruth Johnston - Retirement - Heritage Elementary School
H91-285	Corrozi	6/7/91	T	Delta Perdue - Retirement - Heritage Elementary School
H91-286	Petrilli	6/7/91	T	Therese Wright - Retirement - Heritage Elementary School
H91-287	Roy	6/7/91	T	Betty Murray - Retirement - Heritage Elementary School
H91-288	Roy	6/7/91	T	Bernadine Waite - Retirement - Heritage Elementary School
H91-289	George	6/7/91	T	Ruth Gross - Retirement - Heritage Elementary School
H91-290	D. Ennis	6/4/91	T	Mrs. Vera Murray - Retirement - Public Education Field
H91-291	D. Ennis	6/4/91	T	Dr. Louise Maslin - Retirement - Public Education Field
H91-292	D. Ennis	6/4/91	T	Dr. Frank J. Furgele - Retirement - Public Ed. Field
H91-293	B. Ennis	6/4/91	T	Laura Belle Wilson - Retirement - Receiver of Taxes
H91-294	B. Ennis	6/4/91	T	William J. C. Francis, Jr., - State Retirement
H91-295	Petrilli	6/6/91	T	Julia LaSalle - Carvel Scholarship Award

T - Tribute
M - Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #23

DATE: June 5, 1991

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
H91-296	Buckworth	6/4/91	T	Conlyn L. Hart - Retirement/ Caesar Rodney School District
H91-297	Buckworth	6/4/91	T	Dr. Rita M. Ryan - Retirement/ Caesar Rodney School District
H91-298	Buckworth	6/4/91	T	Betty E. Banks - Retirement/ Caesar Rodney School District
H91-299	Buckworth	6/4/91	T	Shirley A. Hawkins - Retirement Caesar Rodney School District
H91-300	Buckworth	6/4/91	T	Dorothy M. Reed - Retirement/ Caesar Rodney School District
H91-301	Buckworth	6/4/91	T	Norma B. Stoltenberg - Retirement Caesar Rodney School District
H91-302	Buckworth	6/4/91	T	Mary Sue Thawley - Retirement Caesar Rodney School District
H91-303	Buckworth	6/4/91	T	Betty G. Warren - Retirement/ Caesar Rodney School District
H91-304	Buckworth	6/4/91	T	Lois D. Webb - Retirement/ Caesar Rodney School District
H91-305	Buckworth	6/4/91	T	Dean Hinzman - Retirement/ Caesar Rodney School District
H91-306	Buckworth	6/4/91	T	Dr. N. James Schoch - Retirement Caesar Rodney School District
H91-307	DIPinto cosponsor: George	6/4/91	M	Edwin P. Sawdon
H91-308	Fallon	6/4/91	T	Anna May Marvel - Service to Community
H91-309	Outten	6/4/91	T	Myrland C. Keller - Retirement/State Employee
H91-310	Fallon cosponsor: Carey	6/4/91	T	Ilona Elizabeth Holland -

Doctor of Education

T - Tribute
M - Memoriam

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

The House reconvened at 5:01 p.m.

Representatives Brady & Maroney requested that they be marked present.

The Chief Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 146 w/SA 1.

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

LABOR & HUM RES MAN: HB 249 - 3M; HB 254 - 3M; SB 77 w/SA 2 - 3M; SB 107 w/SA 1 & 2 - 3M.

NAT RES: HB 243 - 5M; HB 244 - 5M; HB 245 - 5M; HB 247 - 5M; SCR 43 - 1F, 4M.

P/S: HB 259 - 5M; HB 260 - 5M; HB 261 - 5M.

JUD: SB 71 w/SA 1 - 6M.

ED: HB 222 - 5M; HB 234 - 2F, 2M.

H/ADM: HB 256 - 5M; HB 280 - 5M.

SM BUS & ECON DEV: HB 248 - 6M, 1U.

Mr. Speaker assigned SB 71 w/SA 1 to the Appropriations Committee.

Representatives Schroeder & Gilligan requested that they be marked present.

The following prefiled Consent Calendar #14 was introduced:

HR 53 - MARONEY, BOYKIN - Celebrating the Observance of the Ninetieth Anniversary of the Jewish Community Center of Wilmington, Delaware.

HR 54 - CLARK - Saluting Marine 1st Sergeant Craig Sears of Hartly, Delaware Upon His Return From Operations Desert Shield and Desert Storm.

HR 55 - BUCKWORTH, SPENCE, MACK, REYNOLDS, BENNETT - Honoring Mr. Robert A. Coleman on His Retirement From the Caesar Rodney School District.

HCR 46 - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, FALLON, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER; SENATORS COOK, CORDREY, VAUGHN, VENABLES, STILL, MINNER; REPRESENTATIVES BENNETT, EWING - Congratulating Sherman Stevens on His Retirement as Executive Vice-President of the Delaware Farm Bureau.

HCR 47 - OUTTEN, BENNETT & SENATOR STILL - Expressing Sympathy to the Family of Mr. E. V. Ingram of Dover, Delaware, a Long Time Businessman and Civic Leader Who Died on Tuesday, May 28, 1991 at the Age of Eighty-Seven.

HCR 49 - CORROZI & SENATORS KNOX & BLEVINS; ALL REPRESENTATIVES & ALL SENATORS - Mourning the Death of the Former Chief Justice of the Delaware Supreme Court, Daniel L. Herrmann.

HCR 50 - FALLON, SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN; SENATORS BAIR, CONNOR, CORDREY, SHARP, MCDOWELL ON BEHALF OF ALL REPRESENTATIVES AND ALL SENATORS - Thanking President George H. W. Bush for Taking Time Out of His Busy Schedule to Give the Commencement Address to the Graduating Class of the James H. Groves Adult High School.

Representative Carey brought SCR 43, jointly sponsored by Senators Minner, Martin, Marshall, McDowell, Sharp & Venables & Representatives Ewing, Schroeder, Lee, Caulk, Amick, D. Ennis, B. Ennis, Clark, DiPinto, Boykin, Smith, Lofink, Bunting, Bennett, Oberle, Quillen, Spence, Reynolds & Fallon, before the House for consideration.

SCR 43 - Urging the Department of Natural Resources and Environmental Control and the Division of Historical and Cultural Affairs to Conduct a Joint Study of the Feasibility and Cost of Restoring Abbotts Mill in Milford to Working Order.

SCR 43 was placed on Consent Calendar #14.

Consent Calendar #14 was adopted by voice vote and HCR 46, HCR 47, HCR 49 & HCR 50 were sent to the Senate for concurrence and SCR 43 was returned to the Senate.

Representative Mack requested that he be marked present.

Representative Fallon requested that HCR 50, jointly sponsored by All Representatives & All Senators, be read into the record.

HCR 50 - Thanking President George H. W. Bush for Taking Time Out of His Busy Schedule to Give the Commencement Address to the Graduating Class of the James H. Groves Adult High School.

WHEREAS, members of the 136th General Assembly of the State of Delaware have learned that the James H. Groves Adult High School will be honored by a visit from the President of the United States, George H. W. Bush, as he is scheduled to address the graduating class in a commencement speech on June 11, 1991; and

WHEREAS, the importance of the President's message that "you are never too old to stop learning" is truly felt when the message delivered by the President of the United States, himself, to a graduating class of an adult high school; and

WHEREAS, we are honored that President Bush has chosen the James H. Groves School to deliver this message; and

WHEREAS, Delaware is not only the First State, but the first to have a statewide adult literacy program and we thank the President's recognition of our commitment to adult education; and

WHEREAS, this is an historical event for the small town of Seaford, and Sussex County, Delaware, never having been visited by a President of the United States; and

WHEREAS, the town of Seaford, Delaware will also be honored by a visit from the new federal Secretary of Education, Lamar Alexander, who will be accompanying President Bush on his trip to rural Delaware.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, the Senate concurring therein, that the President of the United States, George H. W. Bush, is hereby extended a sincere thank you for giving adult education an important boost by visiting the graduating class of the James H. Groves Adult High School in Seaford, Delaware on June 11, 1991.

BE IT FURTHER RESOLVED that, upon its adoption, a suitably prepared copy of this Resolution be forwarded to George H. W. Bush, President of the United States.

Representative Buckworth introduced & brought HR 56 before the House for consideration.

HR 56 - Extending Congratulations to Paul Eugene Hollopeter of Boy Scout Troop 13 Upon His Achieving the Rank of Eagle Scout.

HR 56 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:22 p.m.

38th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 6, 1991

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

The Chief Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 51 w/SA 1.

Representative Taylor requested that he be marked present.

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 DiPinto - 1.

A prayer was offered by Representative Rourke A. Moore, 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 281 - SMITH & SENATOR MARSHALL; REPRESENTATIVES D. ENNIS, DIPINTO, BOYKIN, SILLS, JONKIERT; SENATOR HOLLOWAY; REPRESENTATIVE VANSANT - R & F: An Act to Amend Title 30 and Title 4 of the Delaware Code Relating to the Administration and Enforcement of the Revenue Laws of the State of Delaware. (2/3 bill)

HB 282 - FALLON & SENATOR VENABLES - H/ADM: An Act to Amend Chapter 34, Volume 58, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Blades", to Eliminate the Requirement That the Rules and Exemptions Now Applicable by Law to the Making of the County Assessment of Persons and Properties Shall be Applicable Insofar as Consistent With the Provisions of This Charter, to Assure That the Tax Assessor Shall Have No Voting Power at the Board of Appeals Hearings(s) and That He/She Shall be Present Only in an Advisory Capacity. (2/3 bill)

HB 283 - AMICK, CAREY, EWING, B. ENNIS - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

HB 284 - AMICK & SENATOR MINNER; REPRESENTATIVE SOLES & SENATOR NEAL; REPRESENTATIVE PETRILLI - H/ADM: An Act to Amend Chapter 80, Title 15, Delaware Code, Relating to Campaign Contributions and Expenditures.

HB 285 - BRADY, EWING, CAMPANELLI, WEST, PETRILLI, JONKIERT, REYNOLDS, HOUGHTON, CLARK, OUTTEN, BUNTING; SENATORS VAUGHN, MCDOWELL - JUD: An Act to Amend Title 10, Delaware Code Relating to Ex Parte Orders in Family Court.

HB 286 - BRADY, EWING, AMICK, CAMPANELLI, WEST, JONKIERT, BOYKIN, MOORE, REYNOLDS, HOUGHTON, CLARK, GILLIGAN, OUTTEN, BUNTING, DIPINTO, SMITH, PETRILLI; SENATORS HAUGE, VAUGHN, MCDOWELL - JUD: An Act to Amend Chapter 9, Title 10, of the Delaware Code Relating to Family Court Masters.

HB 287 - OBERLE, SPENCE, VAN SANT; REPRESENTATIVES LOFINK, HEBNER, REYNOLDS, MACK, HOUGHTON, BRADY, B. ENNIS - LABOR & HUM RES MAN: An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated Lotteries at Racetracks, and to Amend Chapters 3 and 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing.

HA 2 to HB 104 - SILLS - DEFERRED TO A DAY CERTAIN: Placed with the bill.

HA 1 to HB 165 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 207 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 213 - BENNETT - ED: Placed with the bill.

HA 1 to HB 214 - SILLS - AGENDA: Placed with the bill.

HA 2 to HB 214 - SILLS - AGENDA: Placed with the bill.

SB 51 w/SA 1 - SOKOLA - TRANS: An Act to Amend Chapter 84, Title 29, Delaware Code Relating to the Duties of the Department of Transportation.

SB 146 w/SA 1 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Council on Archives and Cultural Affairs.

Representatives Oberle, B. Ennis, Clark, Outten & Jonkiert requested that they be marked present.

Representative Ewing requested that HB 242 be stricken.

Representative Campanelli requested that he be marked present.

Representative Amick requested that he be marked present.

Representative Fallon moved to suspend the rules which interfere with action on HB 269. The motion was properly seconded and adopted by voice vote.

Representative Fallon brought HB 269, jointly sponsored by Representatives Corrozi, Davis, DiPinto, Quillen, Soles & West & Senators McBride, Cook, Holloway, Neal, Still & Vaughn, before the House for consideration.

HB 269 - An Act to Amend Title 14, Chapters 31 and 17, Relating to the Definition of Handicapped Persons. (F/N)

Representative Bennett requested and was granted the privilege of the floor for Peter Ross, Fiscal Analyst, Office of the Controller General.

The roll call on HB 269 was taken and revealed:

YES: 34.

NO: Representative Hebner - 1.

ABSENT: Representatives Buckworth, Campanelli, DiPinto, Gilligan, Schroeder, Sils - 6.

Therefore, having received a constitutional majority, HB 269 was sent to the Senate for concurrence.

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

Representative Fallon moved to suspend the rules which interfere with action on HB 270. The motion was properly seconded and adopted by voice vote.

Representative Fallon brought HB 270, jointly sponsored by Representatives Corrozi, Davis, DiPinto, Quillen, Soles & West & Senators McBride, Cook, Holloway, Neal, Still & Vaughn, before the House for consideration.

HB 270 - An Act to Amend Delaware Code, Title 14, Chapters 6 and 26 Relating to Tuition Charges and Taxes Levied by School Districts for That Purpose. (3/5 bill)

Representative Fallon requested and was granted the privilege of the floor for Peter Ross, Fiscal Analyst, Office of the Controller General.

The roll call on HB 270 was taken and revealed:

YES: 33.

NO: Representatives Amick, Bunting, Campanelli, Schroeder, Taylor, Van Sant - 6.

ABSENT: Representatives DiPinto, Gilligan - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 270 was sent to the Senate for concurrence.

Representatives Schroeder, Sillis & Buckworth requested that they be marked present during the roll call.

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

SUNSET & OVERVIEW: HB 258 - 4M; HB 266 - 4M.

B & I: SB 120 - 5M; SB 127 - 5M; SB 128 - 5M; SB 132 w/SA 1 - 5M.

The Majority Leader moved to recess for caucus at 3:35 p.m.

The House reconvened at 5:59 p.m.

Representative Oberle requested that action on HB 127 be deferred to a Day Certain,

Thursday, June 13, 1991.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 165 w/SA 1, SB 39 w/SA 1, SB 129 & SB 146 w/SA 1.

Representative Caulk introduced HR 57, jointly sponsored by Representative Clark.

HR 57 - Urging the Secretary of the Division of Natural Resources and Environmental Control to Investigate the Purported Recent Incident of Illegal Dumping of Harmful Waste at the Kent County Sewer Plant.

Mr. Speaker assigned HR 57 to the Natural Resources Committee.

Representative Gilligan requested that he be marked present.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 165 w/SA 1. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Petrilli introduced and brought SB 165 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 165 - 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.

Representative Petrilli deferred to Representative Ewing.

The roll call on SB 165 w/SA 1 was taken and revealed:

YES: 37.

NO: Representative Lee - 1.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives DiPinto, Maroney - 2.

Therefore, having received a constitutional majority, SB 165 w/SA 1 was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 6:09 p.m.

39th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 11, 1991

Mr. Acting Speaker Hebner called the House to order at 2:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 147 w/SA 1, SB 148 w/SA 1, SB 151 w/SA 2, SCR 45, SCR 46, SJR 6, HB 179, HCR 45, HCR 46, HCR 47, HCR 48, HCR 49 & HCR 50.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives DiPinto, George - 2.

A prayer was offered by Representative Marybeth T. Boykin, 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 288 - D. ENNIS & SENATORS SHARP & STILL; REPRESENTATIVES BOYKIN, DIPINTO, SMITH, SILLS, VAN SANT - B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance Sold to Certain Groups.

HB 289 - LEE & WEST - LAND USE & GOV REL: An Act to Amend Title 9, Chapters 3, 11 and 81 and Title 21, Chapter 23 of the Delaware Code Relating to the Power of County Governments to Impose and Collect a Tax Upon the Transfer of the Title of a Mobile Home or House Trailer.

HB 290 - D. ENNIS & SPENCE, BUCKWORTH, CORROZI, DAVIS, DIPINTO, LOFINK, MACK, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, TAYLOR, BRADY, BUNTING, CAMPANELLI, B. ENNIS; SENATORS BAIR, HOLLOWAY, MCBRIDE, VENABLES, STILL - ED: An Act to Amend Chapters 14 and 40 of Title 14, Delaware Code Relating to Public School Employment Relations.

HB 291 - CAULK & SENATOR TORBERT; REPRESENTATIVES BUCKWORTH, BOYKIN, LEE, CAREY, DIPINTO, SMITH, REYNOLDS, FALLON, GILLIGAN, BUNTING, CLARK, SCHROEDER, B. ENNIS, WEST, OUTTEN, BRADY - NAT RES: An Act to Amend Chapter 47, Title 7, of the Delaware Code Relating to State Parks.

HB 292 - OBERLE - SMALL BUS & ECON DEV: An Act to Amend Chapter 47, Title 6 of the Delaware Code Relating to Transient Retailers.

HB 293 - OBERLE & SENATOR SHARP - LABOR & HUM RES MAN: An Act to Amend Title 19, Chapter 7 of the Delaware Code Relating to Wrongful Discharge From Employment.

HB 294 - MACK - HAZ WASTE MAN: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Heavy Metals Content in Packaging. (2/3 bill)

HB 295 - VAN SANT, JONKIERT, B. ENNIS, CAMPANELLI, BENNETT, BOYKIN, CLARK, QUILLEN, HOUGHTON, PETRILLI, EWING, SPENCE, MOORE, WEST, BUNTING, DAVIS, BRADY, SCHROEDER, BUCKWORTH, CAREY, AMICK; SENATORS MCBRIDE, KNOX, CONNOR, COOK, CORDREY, MARSHALL - SMALL BUS & ECON DEV: An Act to Amend Title 6, Delaware Code Relating to Credit Services Organizations. (3/5 bill)

HB 296 - WEST, BUNTING, CAREY, CAULK, CLARK, FALLON, QUILLEN, SCHROEDER; SENATORS ADAMS, VENABLES - NAT RES: An Act to Amend Chapter 5, Title 7, Delaware Code to Issue Additional Deer Permits.

HA 2 to HB 165 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 248 - DIPINTO - READY LIST: Placed with the bill.

SB 39 w/SA 1 - SHARP; REPRESENTATIVE HEBNER - CORR: An Act to Amend Chapter 89, Title 29, Delaware Code, to Require the Commissioner of Corrections to Adopt a Plan of Mandatory Weapons Training of Probation and Parole Counselors and the Optional Arming of Such Counselors for Work in the Field. (F/N)

SB 129 - ADAMS & REPRESENTATIVE DIPINTO - SUNSET & OVERVIEW: An Act to Amend Title 26 of the Delaware Code Relating to the General Jurisdiction and Powers of the Public Service Commission.

SB 147 w/SA 1 - MINNER, BLEVINS, MARTIN, SOKOLA, VENABLES, KNOX; REPRESENTATIVES CAREY, CAULK, QUILLEN, MACK, BUNTING, CLARK, SCHROEDER - NAT RES: An Act to Amend Title 7, of the Delaware Code Relating to Fines Payable by Mail.

SB 148 w/SA 1 - VAUGHN - JUD: An Act to Amend Title 11, Chapter B6 of the Delaware Code Relating to the Delaware Justice Information System.

SB 151 w/SA 2 - SHARP & REPRESENTATIVE D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VAN SANT; SENATORS ADAMS, MCDOWELL, VAUGHN, STILL - B & I: An Act to Amend Title 18 Delaware Code to Adopt an Insurance Holding Company System Registration.

SCR 6 - STILL, ADAMS, BAIR, CONNOR, CORDREY, HAUGE, KNOX, NEAL, VAUGHN, VENABLES; REPRESENTATIVES B. ENNIS, D. ENNIS, SPENCE, TAYLOR - B & I: Memorializes the President and the Congress of the United States to Reject H.R. 9 and S. 430 or Any Similar Legislation Which Would Infringe on the Authority of Delaware and Each Other State, to be the Principal Regulator of Insurers.

SCR 45 - MARSHALL, SHARP; REPRESENTATIVES OBERLE, CAMPANELLI - LABOR & HUM RES MAN: Urging the Delaware Congressional Delegation to Support Amendments H.R. 5 and S. 55 to the National Labor Relations Act.

HA 1 to SB 24 - AMICK - APPRO: Placed with the bill.

Representatives Bunting & Fallon requested that they be marked present.

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

The House reconvened at 4:13 p.m.

Representatives Soles, Buckworth, Moore, Ewing, Spence, Lee, Brady, West, Mack, Schroeder & Quillen requested that they be marked present.

Representative Sills brought HB 104, jointly sponsored by Representatives Campanelli, Davis, Jonkiert, Mack, Moore, Oberle & Spence & Senators Holloway & Marshall, before the House for consideration.

HB 104 - An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices.

Representative Sills brought HA 1 to HB 104 before the House for consideration. HA 1 was adopted by voice vote.

Representative Sills brought HA 2 to HB 104 before the House for consideration. HA 2 was adopted by voice vote.

Representative Sills introduced and brought HA 3 to HB 104 before the House for consideration.

Representative Sills moved to place HA 104 w/HA 1 & 2 - HA 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 165, jointly sponsored by Representatives Davis & Campanelli & Senators Sharp & Marshall, before the House for consideration.

HB 165 - An Act to Amend Chapter 25, Title 30 of the Delaware Code Relating to Contractor's License Requirements.

Representative Oberle brought HA 1 to HB 165 before the House for consideration. Representative Oberle moved to place HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HA 2 to HB 165 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 165 w/HA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 165 w/HA 2 was sent to the Senate for concurrence.

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

Representative Maroney brought HB 207, jointly sponsored by Representatives Amick, Buckworth, Corrozi, Davis, Petrilli, Bunting & Moore & Senator Bair, before the House for consideration.

HB 207 - An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Nursing.

Mr. Speaker Spence resumed the Chair.

Representative Amick brought HA 1 to HB 207 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 207 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Clark - 1.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 207 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert requested that action on HB 169 be deferred to a Day Certain, Thursday, June 20, 1991.

Mr. Speaker reassigned HB 262 to the Labor & Human Resource Management Committee.

Representative Ewing brought HB 240, jointly sponsored by Representatives Carey, Lee, Maroney, Smith & Clark, before the House for consideration.

HB 240 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to the Rules of the Road for Motor Vehicles. (3/5 bill)

The roll call on HB 240 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 240 was sent to the Senate for concurrence.

Representative Oberle brought HB 229, jointly sponsored by Representative Outten & Senator Marshall, before the House for consideration.

HB 229 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on HB 229 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 229 was sent to the Senate for concurrence.

Representative Oberle brought HB 231, jointly sponsored by Representative Outten & Senators Marshall & Venables, before the House for consideration.

HB 231 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on HB 231 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, DiPinto, George - 3.

Therefore, having received a constitutional majority, HB 231 was sent to the Senate for concurrence.

Representative Oberle brought HB 232, jointly sponsored by Representative Outten & Senators Marshall & Venables, before the House for consideration.

HB 232 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on HB 232 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, George, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 232 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 215, jointly sponsored by Senator Sharp & Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 215 - An Act to Amend Title 18, Delaware Code to Adopt Standards for Risk Retention Groups.

The roll call on HB 215 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 215 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 216, jointly sponsored by Senator Sharp & Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 216 - An Act to Amend Title 18, Delaware Code to Adopt Standards for Reinsurance Intermediaries.

Representative D. Ennis introduced and brought HA 1 to HB 216 before the House for consideration. HA 1 was adopted by voice vote.

Representative D. Ennis requested and was granted the privilege of the floor for Catherine Mulholland, representing the Delaware Insurance Department.

The roll call on HB 216 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 216 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 217, jointly sponsored by Senator Sharp & Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 217 - An Act to Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code Relating to Reinsurance.

The roll call on HB 217 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, George - 2.

Therefore, having received a constitutional majority, HB 217 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 218, jointly sponsored by Senator Sharp & Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 218 - An Act to Amend Title 18, Delaware Code to Regulate Managing General Agents.

Representative D. Ennis requested and was granted the privilege of the floor for Catherine Mulholland, representing the Delaware Insurance Department.

The roll call on HB 218 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, George, Roy - 3.

Therefore, having received a constitutional majority, HB 218 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 219 before the House for consideration.

HB 219 - An Act to Amend Chapter 4, Title 18, Delaware Code Relating to the Delaware Insurance Authority.

Representative D. Ennis requested and was granted the privilege of the floor for Catherine Mulholland, representing the Delaware Insurance Department.

Mr Speaker declared a recess for the purpose of changing the recording tape at 5:33 p.m.

The House reconvened at 5:36 p.m.

The roll call on HB 219 was taken and revealed:

YES: 34.

NO: Representatives Hebner, Taylor - 2.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Boykin, DiPinto, George, Roy - 4.

Therefore, having received a constitutional majority, HB 219 was sent to the Senate for concurrence.

Representative Taylor introduced HB 297, jointly sponsored by Representatives Roy, Petrilli, Spence, Amick, Caulk, Davis, D. Ennis, Ewing, Lee, Lofink, Oberle, Quillen, Reynolds, Gilligan, Bennett, Brady, Bunting, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Sills, Soles, VanSant & West & cosponsored by Representative DiPinto.

HB 297 - An Act to Amend Chapter 25, Title 6, Delaware Code Relating to Prohibited Trade Practices.

Mr. Speaker assigned HB 297 to the House Administration Committee.

Representative Oberle brought HB 230, jointly sponsored by Representative Outten & Senator Marshall, before the House for consideration.

HB 230 - An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation. (3/5 bill)

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

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

YES: 38.

ABSENT: Representatives DiPinto, George, Roy - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 230 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney requested that action on HB 187 be deferred to a Day Certain, Tuesday, June 18, 1991.

Representative Sills moved to lift HB 104 w/HA 1 & 2 - HA 3 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Sills brought HB 104, jointly sponsored by Representatives Campanelli, Davis, Jonkiert, Mack, Moore, Oberle & Spence & Senators Holloway & Marshall, before the House for consideration.

HB 104 - An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices. (2/3 bill)

Representative Sills requested that HA 3 to HB 104 be stricken.
Representative Sills introduced and brought HA 4 to HB 104 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 104 w/HA 1, 2 & 4 was taken and revealed:

YES: 17.

NO: Representatives Amick, Bennett, Carey, Caulk, Clark, Corrozi, Ewing, Fallon, Hebner, Lofink, Maroney, Outten, Petrilli, Quillen, Smith, West - 16.

NOT VOTING: Representatives Boykin, Buckworth, D. Ennis, Taylor - 4.

ABSENT: Representatives DiPinto, George, Maroney, Roy - 4.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 104 w/HA 1, 2 & 4 was declared defeated.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 188 & HB 189.

The Majority Leader moved to recess to the call of the Chair at 6:21 p.m.

40th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 12, 1991

Mr. Speaker Spence called the House to order at 2:15 p.m.

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: 39.

Members Absent: Representatives Clark, DiPinto - 2.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 211 - SCHROEDER, AMICK, CAREY, QUILLEN, SMITH, WEST; SENATOR MINNER - SUNSET & OVERVIEW: An Act to Amend Title 4 of the Delaware Code Relating to Farm Wineries in the State of Delaware. (3/5 bill)

HB 298 - BUCKWORTH & SENATOR MARTIN - H/ADM: An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Registration and Absentee Voting. (2/3 bill)

HB 299 - D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VAN SANT - B & I: An Act to Amend Title 18 of the Delaware Code by Adding a New Section Providing Immunity for Persons Who Report Troubled Insurance Companies.

HB 300 - AMICK - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code, Relating to the Board of Veterinary Medicine.

HB 301 - AMICK - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Change the Manner in Which Board of Nursing Members are Appointed and to Clarify Activities Which Do Not Require Licensure.

HB 302 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 5, Title 4, of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

HB 303 - FALLON - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Regarding State Taxes.

HB 304 - MARONEY & D. ENNIS, PETRILLI, BUCKWORTH, SPENCE, AMICK, BOYKIN, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, EWING, FALLON, HEBNER, LEE, LOFINK, MACK, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, GEORGE, GILLIGAN, BENNETT, BRADY, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKIERT, MOORE, OUTTEN, SCHROEDER, SILLS, SOLES, VAN SANT, WEST; SENATORS BLEVINS, HOLLOWAY, MARTIN, VENABLES, BAIR, CONNOR, HAUGE, KNOX, NEAL, STILL - JUD: An Act to Amend Chapter 81, Part V, Title 10 of the Delaware Code Relating to Limitation From Civil Liability for Certain Volunteers.

HB 305 - WEST, SCHROEDER, BUNTING, EWING, CAREY, FALLON, LEE; SENATORS MINNER, ADAMS, CORDREY, VENABLES - LAND USE & GOV REL: An Act to Amend Titles 9, 10 and 12 of the Delaware Code Relating to the Salaries of Particular Sussex County Officials.

HB 306 - BUNTING - ED: An Act to Amend Chapter 26, Title 14 of the Delaware Code Relating to Education; and Requiring a Referendum Prior to the Imposition of Certain Taxes and Tax Increases.

HA 1 to HS 1 for HB 211 - SCHROEDER - SUNSET & OVERVIEW: Placed with the bill.

HA 3 to HB 214 - AMICK - AGENDA: Placed with the bill.

HA 4 to HB 214 - AMICK - AGENDA: Placed with the bill.

HA 2 to HB 250 - B. ENNIS - HAZ WASTE MAN: Placed with the bill.

HA 1 to HB 258 - ROY - AGENDA: Placed with the bill.

HA 1 to HB 260 - EWING & B. ENNIS - READY LIST: Placed with the bill.

HA 1 to HB 261 - B. ENNIS - AGENDA: Placed with the bill.

HA 1 to HB 273 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

Representatives Smith, Oberle & Amick requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #24

DATE: June 12, 1991

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
H91-311	Boykin	6/4/91	T	Dora & Nick Bunitsky - 50th Wedding Anniversary
H91-312	Boykin	6/4/91	T	Mr. & Mrs. Delos O. Tompkins - 60th Wedding Anniversary
H91-313	B. Ennis	6/17/91	T	Maude S. Lucks - Retirement - State of Delaware
H91-314	Fallon	6/4/91	T	Sanjay Vijay Purandare - Graduation - West Point
H91-315	Petrilli	6/6/91	T	Bill Ziegler/DAST Service Improvements
H91-316	Oberle	6/5/91	T	Katrina Blair - Overcoming Physical Handicaps
H91-317	DiPinto	6/5/91	T	Dr. Paul R. Resnick - DuPont Fellow
H91-318	Van Sant	6/5/91	T	Carroll W. Humphrey - Music Teacher/40 Years/Peniel United Methodist Church of Newport
H91-319	DiPinto	6/5/91	T	Frank A. Ursommarso/Board of Directors/Freedom Foundation
H91-320	DiPinto	6/5/91	T	Patricia Shaffer/President's Volunteer Action Awards Citation
H91-321	Quillen	6/5/91	T	William A. Dannenhauer/25 Years/State Retirement
H91-322	B. Ennis	6/7/91	M	Michael J. O'Neal
H91-323	Brady	5/28/91	M	Anna Mae Robinson
H91-324	B. Ennis	6/12/91	T	J. Benjamin Roy, Jr. - Retirement State Fire Marshal
H91-325	D. Brady	6/23/91	T	John H. Luckanish, Jr. - Eagle Scout
H91-326	Quillen	6/14/91	T	Irene Welch - 85th Birthday
H91-327	Outten	6/11/91	T	Reverend Rudolph W. Coleman - Service/Delaware State Police

T - Tribute

M - Memoriam

Representative West requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:21 p.m.

The House reconvened at 4:47 p.m.

Representatives Hebner, Brady, Taylor, Roy, Bunting, Gilligan, Buckworth & Boykin 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 137 & SB 149 w/SA 2.

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

Representative Carey introduced HJR 8, jointly sponsored by Senator Minner & Representatives Caulk, Quillen, Lofink, Schroeder, Bunting & Clark & Senators Cordrey, Adams & Venables.

HJR 8 - Establishing a Freshwater Wetlands Program Development and Implementation Committee to Carry Out Actions Called for in Senate Bill 169, and to Provide Amendments to Said Bill That Will Further Define and Describe a State-Run Freshwater Wetlands Program.

Mr. Speaker assigned HJR 8 to the Natural Resources Committee.

The following prefiled Consent Calendar #15 was introduced:

HR 58 - QUILLEN, BENNETT, BUCKWORTH - Extending Many Thanks and Best Wishes to Frank Young Upon His Retirement as Principal of Lake Forest North Elementary in Felton.

HCR 51 - MACK, SPENCE, REYNOLDS, LOFINK, HOUGHTON, BRADY; SENATORS COOK, MCBRIDE, VAUGHN, CONNOR - Extending Congratulations to William Penn High School Baseball Team, the "Colonials," for Having Won the State Championship by Defeating St. Mark's On Saturday, June 1, 1991 and Further Commending Coach Mel Gardner and His Staff for Their Excellent Coaching and Leadership.

SCR 46 - STILL; REPRESENTATIVE BUCKWORTH; SENATORS VAUGHN, COOK, TORBERT, MINNER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK - Congratulating the Sponsors and Volunteers Involved in Staging the 43rd Delmarva Chicken Festival Held June 7th and 8th, 1991 at Delaware State College in Dover.

Consent Calendar #15 was adopted by voice vote and HCR 51 was sent to the Senate for concurrence and SCR 46 was returned to the Senate.

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

SUNSET & OVERVIEW: HB 253 - 3M; SB 129 - 3M; SB 130 - 4M; SB 146 w/SA 1 - 4M.

P/S: HB 283 - 4M.

HUM RES: HB 170 - 5M; HB 223 - 2F,2M; HB 267 - 4M; HB 268 - 5M; HB 279 - 5M; SB 124 - 4M.

NAT RES: HB 272 - 6M; HB 296 - 2F,3M; HR 57 - 2F,4M.

H/ADM: HB 264 - 5M HB 265 - 1F,3M; HB 282 - 5M; HB 284 - 1F,3M; HB 298 - 2F,3M; SB 38 w/SA 1 - 5M; HB 297 - 1F,4M.

APPRO: HB 66 - 4M; HB 144 - 4M; HB 200 - 4M; SB 17 w/SA 1 & 2 - 4M.

JUD: HB 286 - 4M; SB 103 - 5M; SB 139 w/SA 1 - 4M; SB 148 w/SA 1 - 4M.

LABOR & HUM RES AM: HB 201 - 5M; HB 262 - 5M; HB 273 - 5M; HB 274 - 5M; HB 287 - 1F,4M; SCR 45 - 5M.

R & F: HB 281 - 6M.

SUNSET & OVERVIEW: HS 1/HB 211 - 3M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 137.

The Majority Whip moved to recess to the call of the Chair at 5:03 p.m.

41st LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 13, 1991

Mr. Acting Speaker Hebner called the House to order at 2:15 p.m.

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

B & I: HB 288 - 5M; SB 151 w/SA 2 - 6M; SJR 6 - 6M.

Mr. Acting Speaker Hebner assigned HB 201 & HB 273 to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 41.

Representative Taylor requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

A prayer was offered by Representative Bruce C. Reynolds, Fifteenth Representative District.

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

Representatives West & Schroeder requested that they be marked present.

Representative Fallon requested and was granted the privilege of the floor for Lisa Best, Delaware Teacher of the Year.

Representative Fallon introduced and brought HCR 52, jointly sponsored by Senator McBride & cosponsored by Representative Taylor, before the House for consideration.

HCR 52 - Commending Lisa Best for Being Selected Delaware Teacher of the Year.

WHEREAS, some 6,000 teachers work each day with the 98,000 children who attend Delaware public schools; and

WHEREAS, teachers are encouraged to strive for excellence knowing the community supports them and appreciates their efforts on behalf of our children; and

WHEREAS, the Teacher of the Year Program identifies representatives of the best traits of all Delaware teachers; and

WHEREAS, the State Teacher of the Year was chosen for her superior ability to inspire students with a love of learning and for having won the admiration and respect of students, fellow teachers, school administrators, and the parents of students; and

WHEREAS, Lisa Best of Heritage Elementary School, Red Clay District, has been named as Delaware Teacher of the Year for 1991; and

WHEREAS, other school districts declared local Teachers of the Year; namely; Kathleen Gerstley, Appoquinimink; Robert Emrich, Brandywine; Steven Melcher, Caesar Rodney; William E. Degnan, Cape Henlopen; Lorraine Lybarger, Capital; Carolyn Prodgors, Christina; Richard Kuntz, Colonial; Jane Mahoney, Indian River; Ruth King, Kent Vo-Tech; Jamila Riser, Lake Forest; Nyazina Custis, Laurel; Margaret Martin, Milford; Mary Kelly, New Castle Vo-Tech; Norma Keiser, Seaford; Kerry Anne Lowe, Smyrna; Paul Guarna, Sussex Vo-Tech; and Timothy Duker, Woodbridge.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 136th General Assembly of the State of Delaware, the House of Representatives concurring therein, that commendations and appreciations are hereby extended to Mrs. Best for being selected as Delaware Teacher of the Year for 1991.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitably prepared copy be forwarded to Mrs. Best at Heritage Elementary School.

HCR 52 was adopted by voice vote and sent to the Senate for concurrence.

Representatives Houghton, Jonkiert, Smith, Davis & Amick requested that they be marked present.

Representative Bennett introduced HB 311, jointly sponsored by Representatives Amick, Boykin, Brady, Carey, Caulk, B. Ennis, Ewing, Jonkiert, Lee, Maroney, Moore, Outten, Petrilli, Reynolds, Soles, VanSant & West & Senators Holloway & Venables.

HB 311 - An Act to Amend Chapter 3, Title 18 of the Delaware Code to Create Arbitration Panels to Hear and Decide Issues of Insurance Coverage. (3/5 bill)

Mr. Speaker assigned HB 311 to the Banking & Insurance Committee.

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

The following prefilled legislation was introduced:

HB 307 - BOYKIN & SENATOR KNOX - LABOR & HUM RES MAN: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to Attachment and Assignment of State Employees' Pension Plan Benefits.

HB 308 - EWING & SENATOR MCBRIDE - 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)

HB 309 - EWING & SENATOR MCBRIDE - P/S: An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Transportation or Purchase of Controlled Substances as Grounds for Seizure.

HB 310 - EWING - P/S: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Penalty Fees of Uncollectible Checks Issued to the Division of Motor Vehicles. (3/5 bill)

HA 4 to HB 38 - AMICK - L.O.T.: Placed with the bill.

HA 2 to HS 1 for HB 211 - SCHROEDER - AGENDA: Placed with the bill.

HA 2 to HB 220 - DAVIS - AGENDA: Placed with the bill.

HA 3 to HB 220 - DAVIS - AGENDA: Placed with the bill.

HA 1 to HB 241 - EWING - TWO THIRDS-CONSENT AGENDA: Placed with the bill.

HA 2 to HB 273 - OBERLE - READY LIST: Placed with the bill.

SB 121 - SHARP & REPRESENTATIVE D. ENNIS; SENATORS ADAMS, MCDOWELL, VAUGHN, STILL; REPRESENTATIVES BOYKIN, DIPINTO, JONKIERT, SILLS, SMITH, VAN SANT - B & I: An Act to Amend Title 18, Delaware Code, to Require Insurance Companies' Capital and Surplus be in Cash or Cash Equivalent.

SB 137 - COOK, MINNER, STILL; REPRESENTATIVES QUILLEN, OUTTEN, GILLIGAN - An Act to Amend Subchapter IV, Chapter 100, Title 3, Delaware Code Relating to Wagering on Simulcast Pools and Combined Pari-Mutuel Pools.

SB 149 w/SA 2 - ADAMS & REPRESENTATIVE CAULK; SENATORS COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAREY, BUNTING, CLARK, LOFINK, QUILLEN, SCHROEDER - P/S: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Trespass by Motor Vehicle or OHV and Penalties Therefor. (2/3 bill)

HA 1 to SB 77 - DAVIS - APPRO: Placed with the bill.

Representative Maroney introduced & brought HR 59 before the House for consideration.

HR 59 - Relative to the Recognition of the Tenth Anniversary of the Court-Appointed Special Advocate (CASA) Program in the Family Court of Delaware.

HR 59 was adopted by voice vote.

Representative Amick requested that HB 99 & HB 284 be stricken.

The House observed a moment of silence in memory of John Reese, father of a staff member.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 121.

Representative B. Ennis requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:53 p.m.

The House reconvened at 4:55 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 162 w/SA 1 & HCR 52.

Representative Mack requested that he be marked present.

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

SM BUS & ECON DEV: HB 295 - IF,6M.

Representative Gilligan requested that he be marked present.

Representative Petrilli brought Consent Agenda A before the House for consideration.

HB 212 - ROY; SENATOR MARTIN - An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Powers of Department of Transportation.

HB 266 - ROY; SENATOR MCDOWELL; REPRESENTATIVES BOYKIN, AMICK, TAYLOR - An Act to Amend Chapter 13, Title 22, and Chapter 1, Title 26, Delaware Code, to Provide for the Equitable Regulation of the Rates of Customers Served by Municipal Electric Utilities Who Are Outside the Boundaries of Such Municipal Electric Utilities.

HB 245 - CAREY, FALLON, MACK; SENATOR SOKOLA; REPRESENTATIVES HEBNER, CLARK; SENATOR KNOX - An Act to Amend Chapter 60, Title 7 of the Delaware Code Requiring Environmental Permits Prior to the Issuance of Building Permits.

HB 256 - JONKIERT, LEE, SPENCE & SENATORS STILL & MARSHALL - An Act to Amend Title 28, Chapter 11, of the Delaware Code Relating to Bingo and Charitable Gambling.

SB 127 - SHARP; REPRESENTATIVE D. ENNIS; SENATORS MCDOWELL, STILL; REPRESENTATIVES DIPINTO, SILLS, VAN SANT; SENATORS ADAMS, VAUGHN; REPRESENTATIVES BOYKIN, JONKIERT, SMITH - An Act to Amend Title 18, Delaware Code to Specifically Require Annual Statements of Insurers to Conform With the National Association of Insurance Commissioners Annual Statement Requirements.

SB 128 - SHARP; REPRESENTATIVE D. ENNIS; SENATORS MCDOWELL, STILL; REPRESENTATIVES DIPINTO, SILLS, VAN SANT; SENATORS ADAMS, VAUGHN; REPRESENTATIVES BOYKIN, JONKIERT, SMITH - An Act to Amend Title 18, Delaware Code Regarding Financial Examinations of Insurance Companies.

SB 120 - SHARP; REPRESENTATIVE D. ENNIS; SENATORS MCDOWELL, STILL; REPRESENTATIVES DIPINTO, SILLS, VAN SANT; SENATORS ADAMS, VAUGHN; REPRESENTATIVES BOYKIN, JONKIERT, SMITH - An Act to Amend Title 18 Delaware Code to Authorize the Valuation of Securities of Insurers by the Securities Valuation Office of the National Association of Insurance Commissioners.

HB 243 - CAREY, CAULK, LEE, SMITH, SCHROEDER, FALLON, LOFINK, HEBNER; SENATOR SOKOLA - An Act to Amend Chapter 72, Title 7 of the Delaware Code Relating to Subaqueous Lands.

HB 244 - CAREY, FALLON, LEE, SMITH, LOFINK, BUNTING; SENATORS SOKOLA, KNOX; REPRESENTATIVES CAULK, BOYKIN, HEBNER, SCHROEDER, CLARK; SENATOR VENABLES - An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to the Delaware Police Training Program.

SB 90 - CORDREY, TORBERT; REPRESENTATIVES AMICK, EWING; SENATOR MARTIN; REPRESENTATIVE SOLES - An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to Membership of the Council on Police Training.

HB 238 - BENNETT - An Act Waiving the Statutory Provisions of Section 107(A) of Chapter 1, Title 13, Delaware Code as It Relates to the Marriage of Paul Allen Friday and Joan Marie Freche, Non-Residents of the State of Delaware.

HB 225 - D. ENNIS; SENATOR SHARP; REPRESENTATIVES DIPINTO, JONKIERT, VAN SANT, BOYKIN, SMITH, SILLS - An Act to Amend Title 18, Delaware Code to Limit Investments Made by Insurance Companies in Any Single Investment.

Representative Gilligan requested that HB 212, HB 266, HB 245, HB 243 & HB 244 be removed from Consent Agenda A.

The roll call on Consent Agenda A was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 256, HB 238 & HB 225 were sent to the Senate for concurrence and SB 127, SB 128, SB 120 & SB 90 were returned to the Senate.

Representatives Oberle & Outten requested that they be marked present during the roll call.

Representative Roy brought HB 212, jointly sponsored by Senator Martin, before the House for consideration.

HB 212 - An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Powers of Department of Transportation.

The roll call on HB 212 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 212 was sent to the Senate for concurrence.

Representative Roy brought HB 266, jointly sponsored by Senator McDowell & Representatives Amick, Boykin & Taylor, before the House for consideration.

HB 266 - An Act to Amend Chapter 13, of Title 22, and Chapter 1, Title 26, Delaware Code, to Provide for the Equitable Regulation of the Rates of Customers Served by Municipal Electric Utilities Who Are Outside the Boundaries of Such Municipal Electric Utilities.

The roll call on HB 266 was taken and revealed:

YES: 25.

NO: Representative West - 1.

NOT VOTING: Representatives Brady, Bunting, Campanelli, B. Ennis, Gilligan, Houghton, Mack, Moore, Outten, Quillen, Schroeder, Sills, VanSant - 13.

ABSENT: Representatives George, Jonkiert - 2.

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

Representative Carey brought HB 245, jointly sponsored by Representatives Fallon, Hebner, Mack & Clark & Senators Sokola & Knox, before the House for consideration.

HB 245 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Requiring Environmental Permits Prior to the Issuance of Building Permits.

Representative Carey requested and was granted the privilege of the floor for Mark Chura, representing the Department of Natural Resources & Environmental Control.

The roll call on HB 245 was taken and revealed:

YES: 39.

NO: Representative Bunting - 1.

NOT VOTING: Representative West - 1.

Therefore, having received a constitutional majority, HB 245 was sent to the Senate for concurrence.

Representative Carey brought HB 243, jointly sponsored by Representatives Caulk, Fallon, Lee, Lofink, Smith, Hebner & Schroeder & Senator Sokola, before the House for consideration.

HB 243 - An Act to Amend Chapter 72, Title 7 of the Delaware Code Relating to Subaqueous Lands.

The roll call on HB 243 was taken and revealed:

YES: 26.

NO: Representatives Brady, Bunting, Campanelli, Clark, B. Ennis, Gilligan, Houghton, Jonkiert, Moore, Outten, Quillen, VanSant, West - 13.

NOT VOTING: Representative Sills - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 243 was sent to the Senate for concurrence.

Representative Oberle brought HB 127, jointly sponsored by Representatives Spence, Boykin, Roy & Corrozi & Senators McBride & Bair, before the House for consideration.

HB 127 - An Act to Amend Title 22 of the Delaware Code and Applicable Municipal Charters Relating to Residency Requirements for Municipal Employees. (2/3 bill)

Representative Oberle moved to place HB 127 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HB 312. The motion was seconded by Representative Buckworth.

The roll call on the motion was taken and revealed:

YES: 33.

NO: Representatives George, Jonkiert, Moore, Sills, Soles - 5.

NOT VOTING: Representatives Bennett, Bunting, Outten - 3.

Therefore, having received a constitutional majority, the motion was adopted.

Representative Oberle introduced and brought HB 312, jointly sponsored by Representative DiPinto, before the House for consideration.

HB 312 - An Act to Amend Title 22, Delaware Code Relating to Residency Requirements for Municipal Employees. (2/3 bill)

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

Representative Oberle moved to recess at 6:20 p.m.

The House reconvened at 6:27 p.m.

The roll call on HB 312 was taken and revealed:

YES: 35.

NO: Representatives George, Jonkiert, Moore, Sills, Soles - 5.

ABSENT: Representative Houghton - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 312 was sent to the Senate for concurrence.

Representative Caulk requested that action on HB 200 be deferred to a Day Certain, Wednesday, June 19, 1991.

Representative Boykin introduced and brought HR 60, jointly sponsored by Representatives Fallon, Maroney & Soles, before the House for consideration.

HR 60 - Recognizing Those Members of the House of Representatives Who Are Fathers on This Fifty-Fifth Anniversary of Father's Day, Sunday, June 16, 1991.

HR 60 was adopted by voice vote.

Representative Bunting introduced and brought HR 61, jointly sponsored by Representative Schroeder, before the House for consideration.

HR 61 - Requesting Delaware Insurance Commissioner David N. Levinson to Critically Examine Policy Premiums and Loss Ratios Relating to Home Owners Insurance for Mobile Homes and Manufactured Homes in Delaware.

HR 61 was adopted by voice vote.

Representative Oberle brought SCR 45, jointly sponsored by Senators Marshall & Sharp & Representative Campanelli, before the House for consideration.

SCR 45 - Urging the Delaware Congressional Delegation to Support Amendments H.R. 5 and S. 55 to the National Labor Relations Act.

Representative Oberle moved to place SCR 45 on the Speaker's table. The motion was seconded by Representative Buckworth 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 160 w/SA 1.

The Majority Whip moved to recess to the call of the Chair at 7:00 p.m.

42nd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 18, 1991

Mr. Speaker Spence called the House to order at 2:32 p.m.

The Reading Clerk read the following communications into the record:

June 5, 1991

LEGISLATIVE ADVISORY #16

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/4/91 - SJR 7, SB 48 & SB 123.

June 10, 1991

LEGISLATIVE ADVISORY #17

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/6/91 - SB 165 aab SA 1, 6/10/91 - HB 190 aab HA 1.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

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 prefilled legislation was introduced:

HB 313 - DIPINTO & SENATOR HOLLOWAY; REPRESENTATIVES PETRILLI, SPENCE, BOYKIN, GEORGE, SILLS, MOORE, JONKIERT; SENATORS MCDOWELL, MARSHALL - JUD: An Act to Amend Titles 10, 11, and 21 of the Delaware Code to Transfer the Municipal Court for the City of Wilmington to the State. (2/3 bill)

HB 314 - ROY & HOUGHTON, DIPINTO, PETRILLI, JONKIERT, VAN SANT; SENATOR SHARP - SUNSET & OVERVIEW: An Act to Amend Title 4, Chapter 5 of the Delaware Code, Relating to the Tax on Alcoholic Liquors.

HB 315 - DAVIS & SENATOR MARTIN; REPRESENTATIVE BUNTING - P/S: An Act to Amend Chapter 41, Subchapter 1, Title 21 of the Delaware Code Relating to Obedience to and Effect of Traffic Laws.

HB 316 - EWING & SENATOR MCBRIDE; REPRESENTATIVES PETRILLI, BUCKWORTH, AMICK, CAREY, CAULK, CORROZI, FALLON, LEE, LOFINK, MARONEY, SMITH, BRADY, CLARK, B. ENNIS, HOUGHTON, MOORE, OUTTEN, SCHROEDER, VAN SANT, WEST; SENATORS ADAMS, MINNER, TORBERT, VAUGHN, VENABLES - P/S: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Qualifications for School Bus Drivers.

HB 317 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Registration of Vehicles. (3/5 bill)

HB 318 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Forwarding of Traffic Convictions to the Division of Motor Vehicles.

HB 319 - EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Duplicate Certificates and Fees. (3/5 bill)

HB 320 - EWING, CAREY, LEE, MARONEY, CLARK - P/S: An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Suspension and Revocation of License for Refusal to Submit to Chemical Test and to Driving While Under the Influence of Alcohol and/or Drugs and Conditional Licenses Issued and Reinstatement of License in Accordance Therewith.

HB 321 - QUILLEN, BUCKWORTH, CAREY, VAN SANT, SCHROEDER, BUNTING - SUNSET & OVERVIEW: An Act to Amend Chapter 66, Title 16, Delaware Code, by Giving the Fire Prevention Commission the Authority to Appoint the State Fire Marshal Without Term.

HB 322 - OUTTEN & OBERLE - LABOR & HUM RES MAN: An Act to Amend Title 18 Delaware Code to Permit the State to Appoint Members of the Workers' Compensation Rating Organizations' Board of Directors.

HR 62 - MACK - HAZ WASTE MAN: Requesting the Department of Natural Resources and Environmental Control to Require Oil Spill Prevention and Contingency Plans of Owners and or Operators of Vessels and Facilities Involved in the Handling of Petroleum and Petroleum Products Which Are Subject to Its Authority.

HA 1 to HA 2 to HS 1 for HB 211 - SCHROEDER - AGENDA: Placed with the bill.

HA 1 to HB 233 - DAVIS - AGENDA: Placed with the bill.

HA 1 to HB 247 - CAREY - AGENDA B: Placed with the bill.

HA 2 to HB 248 - DIPINTO - AGENDA: Placed with the bill.

HA 3 to HB 248 - DIPINTO - AGENDA: Placed with the bill.

HA 3 to HB 250 - B. ENNIS - HAZ WASTE MAN: Placed with the bill.

HA 1 to HB 268 - MARONEY - AGENDA: Placed with the bill.

HA 1 to HB 272 - SCHROEDER - READY LIST: Placed with the bill.

HA 1 to HB 290 - D. ENNIS - ED: Placed with the bill.

HA 1 to HB 297 - TAYLOR - AGENDA: Placed with the bill.

HA 1 to HB 304 - MARONEY - JUD: Placed with the bill.

SB 160 - MCDONELL, VAUGHN; REPRESENTATIVES B. ENNIS, OBERLE, SPENCE, VANSANT, LEE, EWING - P/S: An Act to Amend Chapter 92, Title 11 of the Delaware Code Relating to Law-Enforcement Officers' Bill of Rights.

SB 162 w/SA 1 - HOLLOWAY, STILL, HAUGE, KNOX, BAIR, CORDREY; REPRESENTATIVES MOORE, SILLS, OBERLE, GEORGE, GILLIGAN, CAMPANELLI, HEBNER, AMICK, JONKIERT - SUNSET & OVERVIEW: An Act to Amend Title 24, Chapter 17, Relating to the Recognition, Regulation, and Licensure of Physician's Assistants and to Provide for the Maximum Utilization of Qualified Physician's Assistants in the Provision of Health Care to the Citizens of Delaware in Any Health Care Practice Setting, Under the Supervision of Physicians Licensed Under Chapter 17 of This Title. (F/W)

HA 1 to SB 132 - D. ENNIS - AGENDA: Placed with the bill.

Representatives Roy, Oberle, Moore, Corrozi & Davis requested that they be marked present.

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

The House reconvened at 4:49 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 178 w/HA 1 w/HA 1 & HA 2 & SA 1.

Representatives D. Ennis, Mack & B. Ennis requested that they be marked present.

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

LABOR & HUM RES MAN: HB 307 - 3M.

Representative Maroney brought HB 187, jointly sponsored by Representatives Spence, Petrilli, Carey, Corrozi, DiPinto, Fallon, Lee, Quillen, George, Bennett, Gilligan, Brady, Bunting, Jonkiert & Schroeder & Senators Marshall, Hauge & Knox, before the House for consideration.

HB 187 - An Act to Amend Subchapter I, Chapter 9, Title 13, of the Delaware Code Relating to the Adoption of Minors.

Representative Maroney brought HA 1 to HB 187 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Amick & Quillen requested that they be marked present.

Representative Amick introduced and brought HA 2 to HB 187 before the House for consideration.

Representative Maroney requested and was granted the privilege of the floor for Terry Gallagher, representing The Adoption Agency.

Representative Maroney requested and was granted the privilege of the floor for Allan Dual, representing Catholic Charities.

Representative Sills requested that he be marked present.

Representative Maroney requested and was granted the privilege of the floor for Carol King, Adoption Services Coordinator for the State of Delaware, Department of Services for Children, Youth & Their Families.

The roll call on HA 2 to HB 187 was taken and revealed:

YES: 35.

NO: Representative Maroney - 1.

ABSENT: Representatives Campanelli, Clark, Corrozi, George, Jonkiert - 5.

Therefore having received a constitutional majority, HA 2 was adopted.

Representative Maroney introduced and brought HA 3 to HB 187 before the House for consideration. Representative Maroney requested that HA 3 be stricken.

Representative Maroney moved to place HB 187 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto brought HB 248, jointly sponsored by Senator Holloway & Representatives Spence, Petrilli, Buckworth, Roy, Boykin, Caulk, Ewing, Campanelli, Lofink & Corrozi & Senators Adams, Cordrey, Martin & Sharp, before the House for consideration.

HB 248 - 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.

Representative DiPinto requested that HA 1 & HA 3 to HB 248 be stricken.

Representative DiPinto brought HA 2 to HB 248 before the House for consideration. HA 2 was adopted by voice vote.

Representative DiPinto introduced and brought HA 4 to HB 248 before the House for consideration. HA 4 was adopted by voice vote.

Representative DiPinto introduced and brought HA 5 to HB 248 before the House for consideration. HA 5 was adopted by voice vote.

Representative Amick introduced and brought HA 6 to HB 248 before the House for consideration.

Representative Amick requested and was granted the privilege of the floor for John Paradee, House Attorney.

The roll call on HA 6 to HB 248 was taken and revealed:

YES: Representatives Amick, Clark, Hebner, Roy, Smith, Soles - 6.

NO: 24.

NOT VOTING: Representatives Bunting, Caulk, Davis, D. Ennis, Fallon, Jonkiert, Mack, Reynolds, Taylor, Mr. Speaker Spence - 10.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority, HA 6 was declared defeated.

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

Representative Amick requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative DiPinto requested and was granted the privilege of the floor for Dr. Lester Wright, Director, Division of Public Health.

Mr. Speaker Spence resumed the Chair.

Representative DiPinto requested and was granted the privilege of the floor for Jack Sherman, Volunteer, American Cancer Society.

Representative DiPinto requested and was granted the privilege of the floor for Evelyn Burkle, representing the Delaware Center for Wellness.

The roll call on HB 248 w/HA 2, 4 & 5 was taken and revealed:

YES: 22.

NO: Representatives Amick, Bunting, Carey, Clark, Davis, D. Ennis, Gilligan, Hebner, Jonkiert, Lee, Mack, Maroney, Oberle, Roy, Schroeder, Smith, Soles, Taylor - 18.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 248 w/HA 2, 4 & 5 was sent to the Senate for concurrence.

Representative Maroney brought HB 178 w/HA 1 w/HA 1 & HA 2 & SA 1, jointly sponsored by Representative Amick & cosponsored by Senator Blevins & Representatives DiPinto & Ewing, before the House for consideration.

HB 178 - An Act to Amend Chapter 30, Title 24, Delaware Code, Relating to Professional Counselors.

The roll call on HB 178 w/HA 1 w/HA 1 & HA 2 & SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 178 w/HA 1 w/HA 1 & HA 2 & SA 1 was sent to the Governor.

Representative Petrilli brought HB 11, cosponsored by Representative Lofink, before the House for consideration.

HB 11 - An Act to Amend Title 9 of the Delaware Code Relating to Collection of Taxes.

Representative Petrilli brought HA 1 to HB 11 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: 39.

ABSENT: Representatives Clark, George - 2.

Therefore, having received a constitutional majority, HB 11 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought HCR 42, jointly sponsored by Senator Cordrey & Representatives Boykin, DiPinto, Smith, Jonkiert, VanSant & Sills, before the House for consideration.

HCR 42 - Urging the U.S. Congress to Defeat Proposals That Would Weaken or Eliminate the Dual Banking System.

HCR 42 was adopted by voice vote and sent to the Senate for concurrence.

Representative Davis brought HB 220, jointly sponsored by Representatives Roy, Petrilli, Spence, D. Ennis, Corrozi, Lofink, Reynolds, Ewing, Gilligan, VanSant, B. Ennis & Houghton & Senators Martin, Vaughn, Connor & Neal, before the House for consideration.

HB 220 - An Act to Amend Title 9 and Title 22, the Delaware Code Relating to the Delivery of Fire Prevention Services to Certain Types of Multi-Unit Residential Buildings; and Providing a Financial Means of Support for Fire Companies and Fire Departments Servicing Such Buildings. (2/3 bill)

Representative Davis moved to place HB 220 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 202 before the House for consideration.

HB 202 - An Act to Amend Certain Subsections of Chapter 2, Title 24 of the Delaware Code, Relating to the Composition of the Board of Landscape Architecture, Electing Members of the Board of Landscape Architecture, and Authorizing the Board to Promulgate Rules and Regulations Relating to the Requirements for Continuing Education of Landscape Architects.

The roll call on HB 202 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 202 was sent to the Senate for concurrence.

Representative Hebner brought SB 88 w/SA 2, jointly sponsored by Senators Sharp, Vaughn & Hauge & Representative Outten, before the House for consideration.

SB 88 - An Act to Amend Chapters 5, 9, 13 and 95 of Title 10, Delaware Code, Relating to Appeals in Certain Civil Actions.

The roll call on SB 88 w/SA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Taylor - 2.

Therefore, having received a constitutional majority, SB 88 w/SA 2 was returned to the Senate.

Representative Sills brought HB 214, jointly sponsored by Representatives D. Ennis & Moore & Senators Holloway & McDowell, before the House for consideration.

HB 214 - An Act to Amend Delaware Code, Title 14, Chapter 85 Relating to Private Business and Trade Schools.

Representative Sills requested that HA 1 & HA 2 to HB 214 be stricken.

Representative Amick brought HA 3 to HB 214 before the House for consideration. HA 3 was adopted by voice vote.

Representative Amick brought HA 4 to HB 214 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 214 w/HA 3 & 4 was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis, George - 2.

Therefore, having received a constitutional majority, HB 214 w/HA 3 & 4 was sent to the Senate for concurrence.

Representative B. Ennis introduced HS 1 to HB 250, jointly sponsored by Senator Torbert & Representatives D. Ennis, DiPinto & Roy & cosponsored by Representative Mack.

HB 250 - An Act to Amend Title 16, Delaware Code Relating to the Adoption and Responsibilities for the Implementation of Federal Regulations Promulgated Under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Also Known as SARA Title III or the Emergency Planning and Community Right to Know Act of 1986), and Further Providing for the Establishment of a Mechanism to Collect Fees for the Purpose of Funding the Local Emergency Planning Committees and Data Collection and Management Activities Related Thereto. (2/3 bill)

Mr. Speaker assigned HS 1 to HB 250 to the Hazardous Waste Management Committee.

Representative Buckworth requested that HB 263 be stricken.

Representative Oberle requested that action on HB 287 be deferred to a Day Certain, Thursday, June 20, 1991.

Representative Petrilli brought Consent Agenda B, which requires a three-fifths vote, before the House for consideration.

HB 27 - ROY, AMICK; SENATOR MARTIN - An Act to Amend Title 2 of the Delaware Code Relating to Public Carriers, Regulatory Duties and Functions, Regulatory Requirements, Powers and Limitations, and Public Carrier Rates.

HB 170 - SMITH - An Act to Amend Chapter 31 of Title 16 of the Delaware code to Provide for the Issuance of Vanity Birth Certificates. (3/5 bill)

SB 129 - ADAMS; REPRESENTATIVE DIPINTO - An Act to Amend Title 26 of the Delaware Code Relating to the General Jurisdiction and Powers of the Public Service Commission.

HB 267 - MARONEY; SENATOR HOLLOWAY; REPRESENTATIVES BOYKIN, DIPINTO, QUILLIN, SMITH, CAMPANELLI, JONKERT, SOLES, PETRILLI, CORROZI, LOFINK, REYNOLDS, BRADY, B. ENNIS, MOORE - An Act to Amend Chapter 79, Title 29 of the Delaware Code Relating to Health.

HR 57 - CAULK, CLARK - Urging the Secretary of the Division of Natural Resources and Environmental Control to Investigate the Purported Recent Incident of Illegal Dumping of Harmful Waste at the Kent County Sewer Plant.

Representative Petrilli requested that HB 27 be removed from Consent Agenda B.

The roll call on Consent Agenda B was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, George, Moore - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 170 & HB 267 were sent to the Senate for concurrence and SB 129 was returned to the Senate.

Representative Amick requested that action on HB 239 be deferred to a Day Certain, Thursday, June 20, 1991.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 144 w/SA 1 & 2, SCR 47, SCR 48 & HCR 51.

The Majority Leader moved to recess to the call of the Chair at 7:31 p.m.

43rd LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 19, 1991

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

The Majority Leader moved to adjourn at 2:36 p.m., thereby ending the current legislative day. The House reconvened at 2:37 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative E. Stuart Outten, Jr., Thirty-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 323 - LEE - LAND USE & GOV REL: An Act to Amend Title 9, Chapters 3 and 11, of the Delaware Code Relating to the Power of County Governments to Impose and Collect a Lodging Tax.

HB 324 - BOYKIN, CAULK & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, AMICK, CAREY, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, MARONEY, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, TAYLOR, GILLIGAN, BRADY, B. ENNIS, JONKIERT, MOORE, SOLES, WEST; SENATORS HOLLOWAY, TORBERT, SOKOLA, BAIR, KNOX, HAUGE, STILL - P/S: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Construction of Vehicles to Prevent the Escape of Contents. (2/3 bill)

HB 325 - AMICK & SPENCE, DAVIS, CAULK, CAREY, BRADY, CAMPANELLI, WEST; SENATORS HOLLOWAY, MARTIN, CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation Benefits, Including Medical Insurance Premiums.

HB 326 - AMICK & SPENCE, DAVIS, CAULK, CAREY, BRADY, CAMPANELLI, WEST; SENATORS HOLLOWAY, MARTIN, CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation and the Definition of Death.

HB 327 - AMICK & SPENCE, DAVIS, CAULK, CAREY, BRADY, CAMPANELLI, WEST; SENATORS HOLLOWAY, MARTIN, CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workman's Compensation Benefits.

HB 328 - 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 329 - EWING - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Pertaining to the Registration of Vehicles.

HB 330 - EWING - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of Vehicles.

HB 331 - EWING, CAREY, LEE, MARONEY, SMITH, CLARK - P/S: An Act to Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Carriers Fuel Purchase Law.

HB 332 - EWING - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to the Duration and Cost of Temporary Registration Plates. (3/5 bill)

HB 333 - CAREY, EWING, LEE; SENATORS ADAMS, VENABLES - LAND USE & GOV REL: 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 334 - CAMPANELLI & VAN SANT, AMICK, BRADY, CAREY, B. ENNIS, HOUGHTON, MOORE, OUTTEN, SCHROEDER, WEST; SENATORS SHARP, VAUGHN - NAT RES: An Act to Amend Title 7, Chapter 72 of the Delaware Code Relating to Subaqueous Lands.

HA 5 to HB 200 - CAULK & CLARK - AGENDA: Placed with the bill.

HA 6 to HB 200 - DAVIS & BENNETT - AGENDA: Placed with the bill.

HA 1 to HB 262 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 265 - AMICK - AGENDA: Placed with the bill.

HA 1 to HB 279 - MARONEY - READY LIST: Placed with the bill.

HA 1 to HB 287 - OBERLE - DEFERRED TO A DAY CERTAIN: Placed with the bill.

HA 1 to HB 315 - DAVIS - P/S: Placed with the bill.

SB 144 w/SA 1 & 2 - CORDREY, ADAMS, VAUGHN, VENABLES, MINNER; REPRESENTATIVES WEST, BUNTING, CAREY, EWING - NAT RES: An Act to Amend Title 26, Delaware Code, and Chapter 60, Title 7, Delaware Code, Relating to Water Utilities.

Representatives Davis, Amick & Smith requested that they be marked present.

Representatives Soles, Roy & Carey requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:47 p.m.

The House reconvened at 4:15 p.m.

Representatives Quillen & Buckworth requested that they be marked present.
Representative Petrilli brought the Revised Consent Agenda, which requires a two-thirds vote, before the House for consideration.

HB 280 - LEE - An Act to Amend An Act Being Chapter 288, Volume 64, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Laurel" to Permit Quarterly Supplemental Assessments of Real Estate. (2/3 bill)

SB 64 - MINNER; REPRESENTATIVE QUILLEN - An Act to Amend Chapter 215, Volume 64, Laws of Delaware Entitled "An Act to Re-Incorporate the City of Harrington," as Amended, Relating to the Power to Borrow Money. (2/3 bill)

SB 17 w/SA 1 & 2 - HOLLOWAY; REPRESENTATIVE DIPINTO - An Act to Amend Title 6, Delaware Code, to Establish a Delaware Lease-Purchase Agreement Act. (2/3 bill)(F/N)

HB 282 - FALLON; SENATOR VENABLES - An Act to Amend Chapter 34, Volume 58, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Blades", to Eliminate the Requirement That the Rules and Exemptions Now Applicable by Law to the making of the County Assessment of Persons and Properties Shall be Applicable Isofar as Consistent With the Provisions of This Charter, to Assure That the Tax Assessor Shall Have No Voting Power at the Board of Appeals Hearing(s) and That He/She Shall be Present Only in an Advisory Capacity. (2/3 bill)

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

The roll call on the Revised Consent Agenda was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 280 & HB 282 were sent to the Senate for concurrence and SB 64 & SB 17 w/SA 1 & 2 were returned to the Senate.

Representative Roy requested that action on HB 253 be deferred to a Day Certain, Thursday, June 20, 1991.

Mr. Speaker reassigned HB 290 to the Labor & Human Resource Management Committee.

Representative Caulk brought HB 200, jointly sponsored by Senator Adams & Representative Clark & Senator Minner & Representative West & Senator Cordrey & Representatives Carey, Spence, Petrilli, Boykin, DiPinto, Corrozi, Fallon, Lee, Lofink, D. Ennis, Ewing, Buckworth, Quillen, Oberle, Taylor, Reynolds, Smith, Gilligan, Campanelli, Moore, Bunting, B. Ennis & Schroeder & Senators Cook, Vaughn, Venables, Torbert, Connor & J. Still & cosponsored by Senator Sokola, before the House for consideration.

HB 200 - An Act to Amend Chapter 9, Title 3, of the Delaware Code to Provide for a Comprehensive Program for Agricultural Land Preservation. (F/N)

Representative Caulk brought HA 1 to HB 200, jointly sponsored by Representative Clark, before the House for consideration. HA 1 was adopted by voice vote.

Representative Caulk brought HA 2 to HB 200 before the House for consideration.

Representative Caulk moved to place HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Amick brought HA 3 to HB 200 before the House for consideration.

Representative Caulk requested and was granted the privilege of the floor for F. Michael Parkowski, Attorney retained by the Delaware State Grange.

The roll call on HA 3 to HB 200 was taken and revealed:

YES: Representatives Amick, Bennett, Davis, Hebner - 4.

NO: 32.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Campanelli, B. Ennis, George, Outten - 4.

Therefore, not having received a constitutional majority, HA 3 was declared defeated.

Representative Caulk brought HA 4 to HB 200, jointly sponsored by Representative Clark, before the House for consideration. HA 4 was adopted by voice vote.

Representative Caulk brought HA 5 to HB 200, jointly sponsored by Representative Clark, before the House for consideration. HA 5 was adopted by voice vote.

Representative Davis brought HA 6, jointly sponsored by Representative Bennett, before the House for consideration.

Representative Caulk requested and was granted the privilege of the floor for F. Michael Parkowski, Attorney retained by the Delaware State Grange.

The roll call on HA 6 to HB 200 was taken and revealed:

YES: 19.

NO: Representatives Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, DiPinto, B. Ennis, D. Ennis, Ewing, Lee, Lofink, Moore, Outten, Quillen, Schroeder, Sills, VanSant, West - 19.

NOT VOTING: Representatives Oberle, Mr. Speaker Spence - 2.

ABSENT: Representative Gilligan - 1.

Therefore, not having received a constitutional majority, HA 6 was declared defeated.

Representative Caulk requested and was granted the privilege of the floor for F. Michael Parkowski, Attorney retained by the Delaware State Grange.

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

Representative Caulk moved to lift HA 2 to HB 200 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote. HA 2 was adopted by voice vote.

The roll call on HB 200 w/HA 1,4,5 & 2 was taken and revealed:

YES: 32.

NO: Representatives Amick, Bennett, Hebner, Houghton, Jonkiert, Soles - 6.

NOT VOTING: Representatives Davis, Mack - 2.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 200 w/HA 1.4.5 & 2 was sent to the Senate for concurrence.

Representative Roy brought HB 27, jointly sponsored by Representatives Taylor, Amick & Schroeder & Senator Martin, before the House for consideration.

HB 27 - An Act to Amend Title 2 of the Delaware Code Relating to Public Carriers, Regulatory Duties and Functions, Regulatory Requirements, Powers and Limitations, and Public Carrier Rates. (3/5 bill)

The roll call on HB 27 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, Clark - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 27 was sent to the Senate for concurrence.

Representative Schroeder brought HS 1 for HB 211, jointly sponsored by Representatives Amick, Carey, Quillen, Smith & West & Senator Minner, before the House for consideration.

HB 211 - An Act to Amend Title 4 of the Delaware Code Relating to Wineries and Farm Wineries in the State of Delaware. (3/5 bill)

Representative Schroeder brought HA 1 to HS 1 for HB 211 before the House for consideration. HA 1 was adopted by voice vote.

Representative Schroeder brought HA 2 to HS 1 for HB 211 before the House for consideration. Representative Schroeder brought HA 1 to HA 2 before the House for consideration. HA 1 to HA 2 was adopted by voice vote. HA 2 w/HA 1 was adopted by voice vote.

The roll call on HS 1 for HB 211 w/HA 1 & HA 2 w/HA 1 was taken and revealed:

YES: 33.

NO: Representative Ewing - 1.

NOT VOTING: Representatives Bennett, Boykin, Clark, Davis, Mack, Reynolds - 6.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 211 w/HA 1 & HA 2 w/HA 1 was sent to the Senate for concurrence.

Representative Hebner brought SB 55, sponsored by Senator Cordrey, before the House for consideration.

SB 55 - An Act to Amend Title 10 of the Delaware Code Relating to Counsel Fees Recoverable in Actions on Written Instruments.

The roll call on SB 55 was taken and revealed:

YES: 40.

ABSENT: Representative Bennett - 1.

Therefore, having received a constitutional majority, SB 55 was returned to the Senate.

Representative Carey brought HB 235, jointly sponsored by Representatives Boykin, Caulk, Fallon, Hebner, Lee, Lofink, Maroney, Quillen, Smith, Schroeder, Clark & Bunting & Senators Sokola, Knox & Venables, before the House for consideration.

HB 235 - An Act to Amend Chapter 4, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations.

The roll call on HB 235 was taken and revealed:

YES: 39.

NO: Representatives Campanelli, West - 2.

Therefore, having received a constitutional majority, HB 235 was sent to the Senate for concurrence.

Representative Ewing introduced HB 335, cosponsored by Senator Adams.

HB 335 - An Act to Amend to Reincorporate the Town of Greenwood. (2/3 bill)

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Mr. Acting Speaker assigned HB 335 to the House Administration Committee.

The Majority Leader moved to recess at 6:10 p.m. for the purpose of changing the recording tape.

The House reconvened at 6:13 p.m.

Representative Davis brought HB 233, jointly sponsored by Representatives Spence, Reynolds, Mack, Hebner, DiPinto, Boykin, VanSant, B. Ennis & Campanelli, before the House for consideration.

HB 233 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Unlawful Employment Practices.

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

Representative Davis introduced and brought HA 2 to HB 233 before the House for consideration.

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

Mr. Speaker Spence resumed the Chair.

Representative Davis moved to place HB 233 w/HA 1 - HA 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative B. Ennis brought HB 261, jointly sponsored by Senator Vaughn & Representatives Ewing, Lee, Spence & VanSant, before the House for consideration.

HB 261 - An Act to Amend Title 7 and Title 11 of the Delaware Code Relating to Dogs; and Providing Penalties for Certain Offenses Against Law Enforcement Canines. (2/3 bill)

Representative B. Ennis brought HA 1 to HB 261 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 261 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 261 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 208, jointly sponsored by Senator Blevins & Representatives Spence, Corrozi, DiPinto & Campanelli & Senator Venables, before the House for consideration.

HB 208 - An Act to Amend Chapter 7, Title 14, Delaware Code, Relating to the Lawful Authority of Teachers Over Pupils.

Representative Maroney moved to place HB 208 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative D. Ennis brought SB 132 w/SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 132 - An Act to Amend Chapter 1, Title 5 of the Delaware Code Relating to Bank Receivership.

Representative D. Ennis brought HA 1 to SB 132 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 132 w/SA 1 & HA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 132 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

The following prefiled Consent Calendar #16 was introduced:

HR 63 - MARONEY - Recognition of Creative Grandparenting Inc., an Enriching New Concept for the 1990's and Encouraging All Delawareans to Support the Purpose, Goals and Objectives of This Most Innovative and Creative Organization.

HCR 53 - QUILLEN & SENATOR COOK ON BEHALF OF ALL REPRESENTATIVES AND SENATORS - Mourning the Passing of Former State Representative Isaac "Ike" Thomas of Marydel.

HCR 54 - FALLON & SENATOR MCBRIDE; ON BEHALF OF ALL REPRESENTATIVES AND ALL SENATORS - Commending the Delegates of the 1991 Boys' State Program and Thanking the American Legion, Department of Delaware, for Continuing This Valuable Educational Experience.

SCR 47 - TORBERT, COOK, ADAMS, MINNER, VAUGHN; REPRESENTATIVES CLARK, B. ENNIS, OUTTEN, BENNETT; SENATOR STILL; REPRESENTATIVES CAULK, QUILLEN, BUCKWORTH - Mourning the Death and Commemorating the Life of Inventor and Industrialist Thomas Worth Murray Sr., Formerly of Dover.

SCR 48 - MARSHALL & REPRESENTATIVE SILLS - Mourning the Death and Celebrating the Life of Ronald V. Robertson, Whose Volunteer Efforts in Wilmington Made a Profound and Postive Impact on Community Life.

Consent Calendar #16 was adopted by voice vote and HCR 53 & HCR 54 were sent to the Senate for concurrence and SCR 47 & SCR 48 were returned to the Senate.

Representative Fallon requested that HCR 54, jointly sponsored by Senator McBride & All Representatives & All Senators, be read in its entirety.

Commending the Delegates of the 1991 Boys' State Program and Thanking the American Legion, Department of Delaware, for Continuing This Valuable Educational Experience.

WHEREAS, during the week of June 16, 1991, over 80 young men convened in Dover to assume roles of leadership, those young men being: Craig Albertson, Jason Beaman, Andrew Boone, Chris Buck, Drew Brady, Jason Brooks, Marc Cagulangan, Charles Campbell, Jason Carey, Mark S. Carter, Thomas Chellew, Steven Chung, Edward Cleveland, DeJay Clayton, Michael Colpo, Gregory Cressman, Jr., Keith Davies, Chris Delaroderie, Chris Diemicke, Vito DiMaio, David Donahoe, Alan Dow, Donald Ellis, Gregory Gerken, John Glaccum, Monroe C. Hite, III., Bryan Hobbs, Charles Hudson, II, Christopher Hurd, Dominic Iacono, David Kammann, Jesse Keleher, Robert Kennedy, Sean Kennedy, Brad Lee, Kirk Loomis, Timothy Lyle, Walter Martin, IV, Michael McDermott, Jitu Rajni Modi, Jay Moffit, Chris Montgomery, Joshua Morris, Eric Morrison, Craig Nelson, Ryan Netzer, Leonard Noronha, Michael Papp, Mathias Perle, Bill Plech, C. Bruce Phillips, Kevin Probst, John Reach, Jr. Brian J. Richards, Andrew Riddle, Matthew Ritchey, John Roach, Jr., Daniel Rosen, Anthony Rosetta, Deacon Sadler, Brian Schilling, William K. Shaw, Jr., Thomas Shiels, Ryan Shuirman, Benjamin Siemanowski, Brad Spenla, Keith Statler, John Stamboolian, Mark Steele, David Suh, Kevin P. Sullivan, Michael Swinson, Jason Tiffany, Charles Toulson, James Wallis, Daniel Austin Walz, Chad Wheatley, Jason White, Matthew Wiggins, Frank Yoon, Sam Zodeh; and

WHEREAS, while learning proper political procedure, the young delegates debated such issues as erosion, flag desecration, abortion, and equal rights with concern, insight, and finesse; and

WHEREAS, by participating in elections, caucus meetings, committees, and minority and majority positions, these responsible students gained valuable knowledge of the various aspects of our state government which will hopefully one day serve as the background on which they can begin their own political careers; and

WHEREAS, the American Legion, Department of Delaware, has been sponsoring this event for over half a century with commendable dedication to educating young people to the nature of government.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, the Senate concurring therein, that the American Legion of Delaware is to be thanked and appreciated for continuing its Boys' State program with excellence, and that the members of the Boys' State General Assembly are to be commended for their fine

work and wished the best of luck as they finish their last year of high school and embark on their educational and career paths.

BE IT FURTHER RESOLVED that copies of this Resolution, suitably prepared, be presented to the delegates of Boys' State and their sponsors.

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

P/S: HB 308 - 3M; HB 309 - 3M; HB 310 - 3M; HB 316 - 3M; HB 317 - 3M; HB 318 - 3M; HB 319 - 3M; HB 324 - 2M, 1U; SB 149 w/SA 2 - 3M; SB 160 - 3M.

HAZ WASTE MAN: HS 1 to HB 250 - 5M; HB 294 - 1F, 5M.

NAT RES: HB 226 - 2F, 4M; HJR 8 - 6M; SB 147 w/SA 1 - 6M; SB 144 w/SA 1 & 2 - 7M.

SM BUS: HB 292 - 6M.

H/ADM: SB 137 - 5M.

B & I: HB 299 - 7M; SB 121 - 7M

LABOR & HUM RES MAN: HB 290 - 2F, 1M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 152, SJR 8, HS 1 for HB 141, HB 218 w/SA 1, HB 95 w/SA 1, SB 125, SB 163 w/SA 1, SB 164 w/SA 1, HB 135, HB 217, HB 147, HB 215, HB 183 w/HA 1, 2 & 3, HB 108 w/HA 2, HB 216 w/HA 1 & SA 1, SB 166 & SB 168 w/SA 1.

The Majority Leader moved to recess to the call of the Chair at 6:50 p.m.

44th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 20, 1991

Mr. Speaker Spence called the House to order at 2:22 p.m.

Mr. Speaker assigned HB 294 to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 75.

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

The Chief Clerk called the roll.

Members Present: 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 prefilled legislation was introduced:

HB 336 - EWING - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

HB 337 - EWING - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registration and Inspections.

HB 338 - EWING & SPENCE - P/S: An Act to Amend Chapters 41 and 27, Title 21 of the Delaware Code and Chapter 35, Title 11 of the Delaware Code.

HB 339 - BUCKWORTH & BUNTING - NAT RES: An Act to Amend Title 23 of the Delaware Code by Adding a New Chapter 22, Entitled "Uniform Boat Title Act". (2/3 bill)

HB 340 - CAMPANELLI - TRANS: An Act to Amend Title 17 of the Delaware Code Relating to Highways.

HB 341 - BUNTING - HOUSING & COM AFF: An Act to Amend Title 25 and Title 29 of the Delaware Code Relating to Mobile Home Landlord-Tenant Disputes.

HB 342 - CLARK, BRADY, BUCKWORTH, CAREY, CAULK, B. ENNIS, EWING, JONKIERT, MARONEY, MOORE, SMITH, WEST; SENATORS COOK, HAUGE, HOLLOWAY, KNOX, MARSHALL, MINNER, STILL - HUM RES: An Act to Amend Title 16 of the Delaware Code by Creating a New Chapter 46 to Provide Regulations Relating to the Preparation of Food.

HB 343 - OUTTEN & BENNETT & BUCKWORTH, CLARK, B. ENNIS, QUILLEN; SENATOR STILL - LAND USE & GOV REL: An Act to Amend Chapter 41, Title 9, of the Delaware Code Relating to Kent County.

HB 344 - LOFINK, EWING - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of New Motor Vehicles.

HCR 55 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES PETRILLI, BUCKWORTH, SPENCE, CAREY, CORROZI, D. ENNIS, FALLON, HEBNER, LOFINK, MACK, QUILLEN, REYNOLDS, ROY, SMITH, GILLIGAN, BRADY, BUNTING, B. ENNIS, BENNETT, MOORE, OUTTEN; SENATORS VENABLES, BAIR, HAUGE, KNOX, NEAL - HUM RES: Providing for Continuation of the Task Force to Implement a Data System to Help the State Plan for Disability Prevention and Services.

HA 2 to HB 268 - DAVIS - AGENDA: Placed with the bill

HA 1 to HB 308 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 320 - EWING & SPENCE - P/S: Placed with the bill.

SB 75 - HOLLOWAY - B & I: An Act to Amend Chapter 23, Title 18, Delaware Code, Relating to Unfair Practices in Insurance.

SB 125 - MCBRIDE, BAIR, CONNOR, HOLLOWAY; REPRESENTATIVES OUTTEN, AMICK, MARONEY - SUNSET & OVERVIEW: An Act to Amend Chapters 17 and 19 of Title 24, Delaware Code Relating to Pronouncements of Death.

SB 152 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Title 29 of the Delaware Code Relating to the Regulation of Boxing Matches or Exhibitions and the Deregulation of Wrestling Matches Or Exhibitions.

SB 163 w/SA 1 - MCBRIDE & REPRESENTATIVE SPENCE; SENATOR CONNOR; REPRESENTATIVES BENNETT, BOYKIN, BUCKWORTH, BUNTING, CAMPANELLI, CLARK, DIPINTO, EWING, HOUGHTON, PETRILLI, SMITH, WEST - SUNSET & OVERVIEW: An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Adult Entertainment Establishments.

SB 164 w/SA 1 - MCBRIDE & REPRESENTATIVE SPENCE; SENATOR CONNOR; REPRESENTATIVES BENNETT, BUNTING, CAMPANELLI, CLARK, DIPINTO, B. ENNIS, EWING, HOUGHTON, LEE, PETRILLI, SMITH, VAN SANT, WEST - SUNSET & OVERVIEW: An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to Certain Adult Entertainment Establishments; and Providing for the Prevention and Control of Certain Sexually-Related Communicable Diseases. (F/N)

SB 166 - TORBERT - JUD: An Act to Amend Subchapter III, Chapter 35, Title 11, Delaware Code, Relating to Orders to Protect Victims and Witnesses.

SB 168 w/SA 1 - TORBERT, SHARP, MINNER, STILL; REPRESENTATIVES AMICK, BUCKWORTH, CAULK, CLARK, EWING, GEORGE, ROY - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Deceptive Business Practices by Use of 900 Service or Similar Toll Service Telephone Numbers. (2/3 bill)

SJR 8 - HOLLOWAY - JUD: Authorizing and Directing the Family Court of the State of Delaware to Name the Family Court Building in Wilmington in Honor of the Late Jean Kane Foulke du Pont, Widow of E. Paul du Pont and So Dedicate the Building With an Appropriate Plaque.

HA 1 to SB 51 - ROY - TRANS: Placed with the bill.

Representative Roy brought **HB 253**, jointly sponsored by Representatives Amick, Mack, Lofink, Taylor, VanSant, Campanelli & Jonkiert & Senators Holloway & Marshall, before the House for consideration.

HB 253 - An Act to Amend Chapter 7, Title 24, Relating to Chiropractic Physician Compensation and Contracts Issued by Health Service Corporations and Health Maintenance Organizations.

The roll call on **HB 253** was taken and revealed:

YES: 34.

NO: Representatives Bennett, Lee, Maroney, Outten - 4.

NOT VOTING: Boykin, Jonkiert, Quillen - 3.

Therefore, having received a constitutional majority, **HB 253** was sent to the Senate for concurrence.

Representatives B. Ennis, Mack & Sills requested that they be marked present during the roll call.

Representative Sills brought **HJR 7**, jointly sponsored by Representatives D. Ennis, Moore, Soles & Spence & Senators Bair, Holloway & McDowell, before the House for consideration.

HJR 7 - Establishing a Special Study Task Force to Examine the Extent and Seriousness of the Problems of the Homeless and Homeless Mentally Ill Populations in the State of Delaware, and to Make Recommendations for Improving the Plight of These Individuals.

Representative Sills introduced and brought **HA 1 to HJR 7** before the House for consideration. **HA 1** was adopted by voice vote.

The roll call on **HJR 7 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HJR 7 w/HA 1** was sent to the Senate for concurrence.

Representative VanSant introduced **HS 1 for HB 295**, jointly sponsored by Representatives Jonkiert, B. Ennis, Campanelli, Bennett, Boykin, Clark, Quillen, Houghton, Petrilli, Ewing, Spence, Moore, West, Bunting, Davis, Brady, Schroeder, Buckworth, Carey & Amick & Senators McBride, Knox, Connor, Cook, Cordrey & Marshall.

HB 295 - An Act to Amend Title 6, Delaware Code Relating to Credit Services Organizations. (3/5 bill)

Mr. Speaker assigned **HS 1 for HB 295** to the Small Business & Economic Development Committee.

Representative Oberle brought **HB 287**, jointly sponsored by Representatives Spence, VanSant, Lofink, Hebner, Reynolds, Mack, Houghton, Brady & B. Ennis, before the House for consideration.

HB 287 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated Lotteries at Racetracks, and to Amend Chapters 3 and 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing.

Representative Bennett announced that he will not be voting on **HB 287** because of a possible conflict of interest.

Representative Oberle brought **HA 1 to HB 287** before the House for consideration. **HA 1** was adopted by voice vote.

The roll call on **HB 287 w/HA 1** was taken and revealed:

YES: 22.

NO: Representatives Amick, Boykin, Buckworth, Bunting, Carey, Clark, Corrozi, Davis, Fallon, Jonkiert, Maroney, Schroeder, Smith, Soles, West - 15.

NOT VOTING: Representatives Bennett, Caulk, D. Ennis, Petrilli - 4.

Therefore, having received a constitutional majority, **HB 287 w/HA 1** was sent to the Senate for concurrence.

Representative Amick brought HB 265, jointly sponsored by Senator Minner & Representative Soles & Senator Neal & Representative Petrilli & cosponsored by Representative DiPinto, before the House for consideration.

HB 265 - An Act to Amend Chapter 80, Title 15, Delaware Code, Relating to Campaign Contributions and Expenditures.

Representative Amick brought HA 1 to HB 265 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 265 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 265 w/HA 1 was sent to the Senate for concurrence.

Representative Taylor brought SB 77 w/SA 2, sponsored by Senators Neal & Venables, before the House for consideration.

SB 77 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on SB 77 w/SA 2 was taken and revealed:

YES: 35.

ABSENT: Representatives Bennett, Campanelli, Clark, B. Ennis, Gilligan, Outten - 6.

Therefore, having received a constitutional majority, SB 77 w/SA 2 was returned to the Senate.

Representative Hebner brought SB 103, jointly sponsored by Senator Blevins, before the House for consideration.

SB 103 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Exclusive Original Criminal Jurisdiction of the Family Court.

The roll call on SB 103 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 103 was returned to the Senate.

Representative Taylor brought HB 297, jointly sponsored by Representatives Roy, Petrilli, Spence, Amick, Caulk, Davis, D. Ennis, Ewing, Lee, Lofink, Oberle, Quillen, Reynolds, Gilligan, Bennett, Brady, Bunting, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Sills, Soles, VanSant & West & cosponsored by Representative DiPinto, before the House for consideration.

HB 297 - An Act to Amend Chapter 25, Title 6, Delaware Code Relating to Prohibited Trade Practices. (2/3 bill)

Representative Taylor brought HA 1 to HB 297 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 297 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 297 w/HA 1 was sent to the Senate for concurrence.

Representative Amick moved to lift HB 38 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HB 38 w/HA 1 & 2 before the House for consideration.

HB 38 - An Act to Amend Title 21 of the Delaware Code Relating to Insurance for Motor Vehicles.

Representative Amick brought HA 4 to HB 38 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 38 w/HA 1, 2 & 4 was taken and revealed:

YES: 39.

ABSENT: Representatives Sills, West - 2.

Therefore, having received a constitutional majority, HB 38 w/HA 1, 2 & 4 was sent to the Senate for concurrence.

Representative Ewing brought HB 259, jointly sponsored by Representatives Carey, Lee, Maroney, Smith & Clark, before the House for consideration.

HB 259 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

The roll call on HB 259 was taken and revealed:

YES: 35.

NOT VOTING: Representatives Brady, DiPinto - 2.

ABSENT: Representatives B. Ennis, Houghton, VanSant, West - 4.

Therefore, having received a constitutional majority, HB 259 was sent to the Senate for concurrence.

Mr Speaker declared a recess for the purpose of changing the recording tape at 3:43 p.m.

The House reconvened at 3:53 p.m. with Representative Buckworth as Acting Speaker.

Representative Amick brought HB 66, jointly sponsored by Representatives Jonkiert, VanSant & Lee & Senators Minner, Venables & Blevins, before the House for consideration.

HB 66 - An Act to Amend Title 24 Relating to Terms of Officers of Professional Regulatory Boards and the Compensation of Board Members. (F/N)

The roll call on HB 66 was taken and revealed:

YES: 39.

ABSENT: Representatives Campanelli, B. Ennis - 2.

Therefore, having received a constitutional majority, HB 66 was sent to the Senate for concurrence.

Representative Amick brought HB 144 before the House for consideration.

HB 144 - An Act to Amend Chapter 73, Title 29, Delaware Code Relating to the Architectural Accessibility Board. (F/N)

Representative Amick brought HA 1 to HB 144 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 144 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives B. Ennis, Spence - 2.

Therefore, having received a constitutional majority, HB 144 w/HA 1 was sent to the Senate for concurrence.

Representative Jonklert brought HB 169, jointly sponsored by Senator Marshall, before the House for consideration.

HB 169 - An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability for Certain Criminal Offenders.

Mr. Speaker Spence resumed the Chair.

Representative Jonklert introduced and brought HA 1 to HB 169 before the House for consideration. HA 1 was adopted by voice vote.

Representative Jonklert requested and was granted the privilege of the floor for William "Mike" Knievel, Vice President of Corporate Security for Rite-Aid Drug Stores.

Representative Jonklert moved to place HB 169 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Smith introduced HR 64, jointly sponsored by Representatives Buckworth, Spence, Boykin, Carey, Caulk, Amick, Corrozi, Davis, D. Ennis, Ewing, Fallon, Lee, Mack, Maroney, Quillen, Reynolds, Roy, Taylor, Clark & B. Ennis.

HR 64 - Urging the State Board of Education to Reverse Their Motion on "Critical Need" Status Relating to the Hiring of Minority Teachers.

Mr. Speaker assigned HR 64 to the Education Committee.

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

P/S: HB 315 - 1F,2M; HB 150 - 3M; HB 338 - 3M; HB 329 - 3M.

SUNSET & OVERVIEW: HB 300 - 1F,2M; HB 301 - 3M; HB 302 - 3M; HB 321 - 3M; SB 162 w/SA 1 - 3M.

H/ADM: HB 335 - 4M; SB 87 - 5F.

HOUSING & COM AFF: HB 14 - 5M; HB 246 - 4M,1U.

JUD: HB 304 - 5M.

SM BUS & ECON DEV: HS 1 for HB 295 - 6M.

HAZ WASTE MAN: HR 62 - 1F,4M.

HUM RES: HB 342 - 6M; HCR 55 - 2F,4M.

Representative Outten brought HB 79 before the House for consideration.

HB 79 - An Act to Amend Title 14 of the Delaware Code Relating to Summer Schools for Teachers and Instructional Aides. (F/N)

Representative Outten brought HA 1 to HB 79 before the House for consideration. HA 1 was adopted by voice vote.

Representative Fallon brought HA 2 to HB 79 before the House for consideration. HA 2 was adopted by voice vote.

Representative Outten brought HA 3 to HB 79 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 79 w/HA 1,2 & 3 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 79 w/HA 1,2 & 3 was sent to the Senate for concurrence.

Representative Amick brought HB 239 before the House for consideration.

HB 239 - An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code; Providing for the Codification of the Law With Respect to Leases of Goods.

Representative Amick requested and was granted the privilege of the floor for John D. Wladis, Professor of Commercial Law, Widener University School of Law, Delaware Campus.

The roll call on HB 239 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 239 was sent to the Senate for concurrence.

Representative Maroney brought HB 268, jointly sponsored by Senator Holloway & Representatives Bennett, Brady, Bunting, Buckworth, Corrozi, Ewing, Fallon, Houghton, Lee, Moore, Quillen, Reynolds, Smith, Spence & Taylor, before the House for consideration.

HB 268 - An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics. (2/3 bill)

Representative Maroney brought HA 1 to HB 268 before the House for consideration. HA 1 was adopted by voice vote.

Representative Davis requested that HA 2 to HB 268 be stricken.

Representative Maroney introduced and brought HA 3 to HB 268 before the House for consideration. HA 3 was adopted by voice vote.

Mr. Speaker declared a recess at 5:05 p.m. to confer with House attorneys.

The House reconvened at 5:14 p.m.

Mr. Speaker ruled that the bill with attached amendments is not broader than the title.

The roll call on HB 268 w/HA 1 & 3 was taken and revealed:

YES: 39.

NO: Representatives B. Ennis, VanSant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 268 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative West brought HB 296, jointly sponsored by Representatives Bunting, Carey, Caulk, Clark, Fallon, Quillen & Schroeder & Senators Adams & Venables, before the House for consideration.

HB 296 - An Act to Amend Chapter 5, Title 7, Delaware Code to Issue Additional Deer Permits.

The roll call on HB 296 was taken and revealed:

YES: 41.

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

Representative Oberle brought HB 249, jointly sponsored by Senator Marshall & Representatives Amick, Davis, Mack, Reynolds, Houghton, Campanelli, VanSant, Brady & Moore, before the House for consideration.

HB 249 - An Act to Amend Section 3315(4), Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits.

Representative Oberle moved to place HB 249 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought HB 290, jointly sponsored by Representatives Spence, Buckworth, Corrozi, Davis, DiPinto, Lofink, Mack, Maroney, Oberle, Reynolds, Roy, Smith, Taylor, Brady, Bunting, Campanelli & B. Ennis & Senators Bair, Holloway, McBride, Venables & Still, before the House for consideration.

HB 290 - An Act to Amend Chapters 14 and 40 of Title 14, Delaware Code Relating to Termination of Services of Professional Employees and Relating to Public School Employment Relations. (F/N)

Representative D. Ennis brought HA 1 to HB 290 before the House for consideration. HA 1 was adopted by voice vote.

Representative D. Ennis requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

The roll call on HB 290 w/HA 1 was taken and revealed:

YES: 29.

NO: Representatives Amick, Bennett, Clark, George, Gilligan, Jonklert, Outten, Quillen, Sills - 9.

NOT VOTING: Representatives Boykin, Lofink, Moore - 3.

Therefore, having received a constitutional majority, HB 290 w/HA 1 was sent to the Senate for concurrence.

Representative Smith introduced HR 65, jointly sponsored by Representatives Buckworth, Spence, Boykin, Carey, Caulk, Corrozi, Davis, D. Ennis, Ewing, Fallon, Lee, Mack, Maroney, Quillen, Reynolds, Roy, Taylor, Clark & B. Ennis.

HR 65 - Urging the State Board of Education to Reverse Their Motion on "Critical Need" Status Relating to the Hiring of Minority Teachers.

Mr. Speaker assigned HR 65 to the Education Committee.

Representative Smith requested that HR 64 be stricken.

Representative D. Ennis introduced HB 345.

HB 345 - An Act to Amend Chapter 13, Title 18 of the Delaware Code to Exclude Delaware Insurers From Application of Federal Investment Standards.

Mr. Speaker assigned HB 345 to the Banking & Insurance Committee.

Representative Smith introduced HB 346, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey.

HB 346 - An Act to Amend Chapter 11, Title 12, of the Delaware Code Relating to Escheats.

Mr. Speaker assigned HB 346 to the Revenue & Finance Committee.

Representative Smith introduced HB 347, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey.

HB 347 - An Act to Amend Chapters 23, 25, 27, 29, and 43, Title 30 of the Delaware Code Relating to Business and Occupational License Fees and Taxes. (3/5 bill)

Mr. Speaker assigned HB 347 to the Revenue & Finance Committee.

Representative Smith introduced HB 348, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey.

HB 348 - An Act to Amend Chapter 5, Title 8 of the Delaware Code Relating to Corporate Franchise Taxes. (3/5 bill)

Mr. Speaker assigned HB 348 to the Revenue & Finance Committee.

Representative Smith introduced HB 349, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey.

HB 349 - An Act to Amend Chapters 11 and 19 of Title 30 of the Delaware Code Relating to Income Taxes. (3/5 bill)

Mr. Speaker assigned HB 349 to the Revenue & Finance Committee.

Representative Carey brought HJR 8, jointly sponsored by Senator Minner & Representatives Caulk, Quillen, Lofink, Schroeder, Bunting & Clark & Senators Cordrey, Adams & Venables, before the House for consideration.

HJR 8 - Establishing a Freshwater Wetlands Program Development and Implementation Committee to Carry Out Actions Called for in Senate Bill 169, and to Provide Amendments to Said Bill That Will Further Define and Describe a State-Run Freshwater Wetlands Program.

The roll call on HJR 8 was taken and revealed:

YES: 37.

ABSENT: Representatives George, Hebner, Lofink, West - 4.

Therefore, having received a constitutional majority, HJR 8 was sent to the Senate for concurrence.

Representative Oberle moved to suspend the rules which interfere with action on HB 273. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HB 273, jointly sponsored by Senator Marshall, before the House for consideration.

HB 273 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representative Oberle brought HA 1 to HB 273 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle requested that HA 2 to HB 273 be stricken.

The roll call on HB 273 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 273 w/HA 1 was sent to the Senate for concurrence.

Representative Ewing brought SB 160, sponsored by Senators McDowell & Vaughn & Representatives B. Ennis, Oberle, Spence & VanSant & cosponsored by Representatives Lee & Ewing, before the House for consideration.

SB 160 - An Act to Amend Chapter 92, Title 11 of the Delaware Code Relating to Law-Enforcement Officers' Bill of Rights.

Representative VanSant introduced and brought HA 1 to SB 160 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 160 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 160 w/HA 1 was returned to the Senate for concurrence on HA 1.

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

P/S: HB 344 - 3M.

B & I: HB 5 - 6M; HB 345 - 7M.

The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

45th LEGISLATIVE DAY
136th GENERAL ASSEMBLY

First Session

June 25, 1991

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 108, SB 66, SB 67 w/SA 1, SCR 49, SCR 50, SCR 51, HCR 42, HCR 53, HCR 54 & HJR 3.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, John VanSant, do hereby request that my name be removed as Co-Sponsor of HB 346, HB 347, HB 348 & HB 349.

Date: 6/21/91.

Signed: John VanSant.

June 20, 1991

To the Members of the Delaware State House of Representatives of the 136th General Assembly.

On June 12, 1991, I received House Bill No. 188 which is entitled:

"AN ACT TO AMEND CHAPTER 5, TITLE 11 RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS."

This legislation makes three significant modifications to the procedure currently in effect regarding applications to carry concealed deadly weapons. First, it clarifies that the General Assembly has the exclusive authority to establish fees for such applications. Secondly, it creates a right of appeal to the Supreme Court where none now exists. Thirdly, it requires the Superior Court to hold an evidentiary hearing at which the Delaware Rules of Evidence will apply before denying an application.

The present system has worked well for many years. The current law grants discretion to the Superior Court to approve or deny an application as well as the authority to establish rules of procedure to be followed at its hearings. At those hearings, the applicant can both challenge the State's reasons for opposing his application and present arguments which support his need for the permit. Neither the State nor the applicant is now constrained by strict adherence to the Delaware Rules of Evidence.

The Delaware Rules of Evidence are designed to apply to trials, both civil and criminal, not administrative hearings. The hearings at issue here are essentially administrative in nature. Applying the Rules of Evidence to permit hearings will transform them into mini-trials.

Both the Attorney General and the Delaware State Police oppose this legislation. The Attorney General points out that in order to deny someone a permit who may have been convicted of a felony in another state, this legislation would require the State to produce certified records of the applicant's conviction, a lengthy and more expensive procedure.