

STATE OF DELAWARE



Journal of the House of Representatives

142nd General Assembly

Convened
Tuesday, January 14, 2003
Dover, Delaware

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2003-2004



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
142nd GENERAL ASSEMBLY

District

**NEW CASTLE COUNTY**

- |    |                                                           |
|----|-----------------------------------------------------------|
| 1  | Dennis P. Williams, 3414 N. Madison Street, Wilmington    |
| 2  | Hazel D. Plant, 523 Eastlawn Avenue, Wilmington           |
| 3  | Helene M. Keeley, 21 Servan Court, Wilmington             |
| 4  | Joseph G. DiPinto, 2607 West 18th Street, Wilmington      |
| 5  | Melanie L. George, 4 Goya Place, Newark                   |
| 6  | David H. Ennis, 304 Beechwood Road, Wilmington            |
| 7  | Wayne A. Smith, 3 Richards Drive, Wilmington              |
| 8  | Bethany A. Hall-Long, 127 St. Augustine Court, Middletown |
| 9  | Richard C. Cathcart, 226 Milford Drive, Middletown        |
| 10 | Robert J. Valihura, Jr., 11 Laurel Ridge Lane, Wilmington |
| 11 | Gregory F. Lavelle, 500 Whitby Drive, Wilmington          |
| 12 | Deborah D. Hudson, 1022 Oriente Avenue, Wilmington        |
| 13 | John F. VanSant, 311 Troy Avenue, Wilmington              |
| 14 | Peter C. Schwartzkopf, 24 Coventry Road, Rehoboth Beach   |
| 15 | Bruce C. Reynolds, 10 Heather Loft Court, Bear            |
| 16 | William I. Houghton, 9 Varmar Drive, New Castle           |
| 17 | Michael P. Mulrooney, 32 Saratoga Drive, New Castle       |
| 18 | Terry R. Spence, 26 Freeport Road, New Castle             |
| 19 | Robert F. Gilligan, 2628 Sherwood Drive, Wilmington       |
| 20 | Roger P. Roy, 3 Citation Court, Wilmington                |
| 21 | Pamela S. Maier, 12 Chadd Road, Newark                    |
| 22 | Joseph E. Miro, 5 Firechase Circle, Newark                |
| 23 | Timothy U. Boulden, 65 Hidden Valley Drive, Newark        |
| 24 | William A. Oberle, Jr., 2 Danver's Way, Newark            |
| 25 | Stephanie A. Ulbrich, 1018 Summit View Drive, Newark      |
| 26 | John J. Viola, 9 Orangeburg Court, Newark                 |
| 27 | Vincent A. Lofink, 103 Veronica Lane, Bear                |

**KENT COUNTY**

- |    |                                                                                |
|----|--------------------------------------------------------------------------------|
| 28 | Bruce C. Ennis, 522 Smyrna-Clayton Boulevard, Smyrna                           |
| 29 | Pamela J. Thornburg, P. O. Box 1917, Dover                                     |
| 30 | George Robert Quillen, P. O. Box 38, Harrington – Deceased September 18, 2004  |
| 31 | Nancy H. Wagner, 283 Troon Road, Dover                                         |
| 32 | Donna D. Stone, 1155 Woodsedge Road, Dover                                     |
| 33 | G. Wallace Caulk, Jr., Buffalo Run Farm, 4657 Barratt's Chapel Road, Frederica |
| 34 | Gerald A. Buckworth, 127 North Old Mill Road, Dover                            |

**SUSSEX COUNTY**

- |    |                                                        |
|----|--------------------------------------------------------|
| 35 | J. Benjamin Ewing, 6735 Federalsburg Road, Bridgeville |
| 36 | V. George Carey, 24625 Sugar Hill Road, Milford        |
| 37 | Joseph W. Booth, 200 Garden Street, Georgetown         |
| 38 | Gerald W. Hocker, P. O. Box 930, Ocean View            |
| 39 | Tina Fallon, 10464 Gravelly Creek Lane, Seaford        |
| 40 | Clifford G. Lee, 705 South Central Avenue, Laurel      |
| 41 | John C. Atkins, Route 9, Box 255, Millsboro            |

**STAFF MEMBERS**

142nd GENERAL ASSEMBLY

JoAnn M. Hedrick – Chief Clerk  
~ Helen Alford – Secretary  
Kay Amalfitano – Minority Legal Secretary  
Jean Ardis - Secretary  
John Brady – Majority Attorney  
Carol Breslin – Financial Officer  
Rodney Brittingham - Legislative Assistant  
William Bullock - Sergeant-at-Arms  
Nancy Charron – Legislative Assistant

Deirdre Comer – Secretary  
 Josephine Conaty – Page  
 Kevin Coyle – Sergeant-at-Arms  
 Bette Crystal – Secretary to the Speaker  
 Andrew DalNogare – Legislative Assistant  
 Alan Davis – Minority Attorney  
 Margaret Moore Dean - Assistant to the Speaker  
 Janice Donovan - Legal Secretary  
 Inga Emerson – Journal Clerk  
 Janice Fischbach – Secretary  
 Joe Fulgham – Communications Officer  
 Regina Groff – Page –Deceased May 18, 2004  
 John Hammerer - Page  
 Rylene Harper - Secretary  
 Helen Hicks – Receptionist  
 Karen Hill - Secretary  
 Barbara Holton – Minority Head Page  
 Margaret Hood – Head Sergeant-at-Arms – Deceased April 6, 2004  
 Elinor Hughes - Leadership Secretary  
 Alexis Jamison – Legal Secretary  
 Ruth Joyce – Majority Head Page  
 Joyce Keeler – Secretary  
 Janet Kilpatrick – Legislative Assistant  
 Dee King – Page  
 Patricia Lamb- Secretary  
 Florence Legates – Bill Clerk  
 Joyce Liss – Secretary  
 Carole Lloyd – Receptionist  
 Tony Maczynski – Legislative Assistant  
 Stephanie Mantegna –Legislative Assistant  
 Joan Marvel – Leadership Secretary  
 John Matluský – Director of Communications  
 Betsy McIntyre - Secretary  
 Betty McWilliams - Secretary  
 Dolores Michels – Secretary  
 Margaret Millman – Page  
 Rosalie Millman – Bill Stamping Clerk  
 Phillip Moore – Sergeant-At-Arms  
 Maria Ottinger – Secretary  
 George Parish – Sergeant-at-Arms  
 Pamela Price – Director of Research  
 Richard Puffer - Minority Deputy Chief of Staff  
 Deborah Puzzo – Task Force Administrator  
 Lori Rigby – Legislative Assistant  
 Debra Rivard – Legal Secretary  
 Battle Robinson – Majority Attorney  
 Barbara Rossiter – Head Bill Prep  
 Nancy Ruberto – Secretary  
 Ayesha Sammänder – Applications Support Specialist  
 Frances Schmidt – Page  
 Mary Sherlock – Minority Attorney  
 Charles Short – Recorder  
 Ron Smith – Senior Majority Attorney  
 Martha Sturtevant – Legislative Assistant  
 Beverly Sweet - Secretary  
 Edith Sylvester - Page  
 Patrick Vanderslice - Majority Attorney  
 Douglas VanSant - Reading Clerk  
 Helen Webb – Bill Prep Clerk  
 Mary Margaret Williams – Minority Chief of Staff  
 Joan Wutka – Transportation Liaison  
 Janice Yerkes – Secretary  
 Ellen Youngmans – Bill Prep Clerk  
 Lori Zimmerman - Secretary

STANDING COMMITTEES  
OF THE  
HOUSE OF REPRESENTATIVES

**AGRICULTURE:** Representative G. Wallace Caulk, Jr. - Chair; Representative John C. Atkins-Vice-chair; Representative Joseph W. Booth; Representative V. George Carey; Representative Gerald W. Hocker; Representative Pamela J. Thornburg; Representative G. Robert Quillen; Representative Bethany A. Hall-Long; Representative Michael P. Mulrooney; Representative Hazel D. Plant.

**APPROPRIATIONS:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative Stephanie A. Ulbrich (Alternate); Representative G. Robert Quillen (Alternate); Representative William I. Houghton; Representative Dennis P. Williams; Representative Helene M. Keeley (Alternate).

**BUSINESS/CORPORATIONS/COMMERCE:** Representative Joseph E. Miro - Chair; Representative Gerald W. Hocker - Vice-chair; Representative Tina Fallon; Representative Deborah D. Hudson; Representative Gregory F. Lavelle; Representative Pamela S. Maier; Representative Donna D. Stone; Representative Stephanie A. Ulbrich; Representative William I. Houghton; Representative Helene M. Keeley;

**CAPITAL INFRASTRUCTURE:** Representative Roger P. Roy - Chair; Representative V. George Carey; Representative Vincent A. Lofink; Representative William A. Oberle, Jr.; Representative Richard C. Cathcart (Alternate); Representative Joseph E. Miro (Alternate); Representative Donna D. Stone (Alternate); Representative Nancy H. Wagner (Alternate); Representative Bruce C. Ennis; Representative Helene M. Keeley; Representative Michael P. Mulrooney (Alternate).

**CORRECTIONS:** Representative Clifford G. Lee - Chair; Representative Nancy H. Wagner - Vice-chair; Representative John C. Atkins; Representative Joseph W. Booth; Representative Gerald A. Buckworth; Representative Pamela J. Thornburg; Representative Melanie L. George; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Peter C. Schwartzkopf.

**ECONOMIC DEVELOPMENT, BANKING & INSURANCE:** Representative Donna D. Stone - Chair; Representative David H. Ennis - Vice-chair; Representative V. George Carey; Representative Tina Fallon; Representative Gerald W. Hocker; Representative Deborah D. Hudson; Representative Gregory F. Lavelle; Representative Joseph E. Miro; Representative Robert J. Valihura, Jr.; Representative William I. Houghton; Representative Helene M. Keeley.

**EDUCATION:** Representative Bruce C. Reynolds - Chair; Representative Stephanie A. Ulbrich - Vice-chair; Representative Joseph W. Booth; Representative Timothy U. Boulden; Representative Gerald A. Buckworth; Representative Pamela S. Maier; Representative Joseph E. Miro; Representative William A. Oberle, Jr.; Representative Nancy H. Wagner; Representative Melanie L. George; Representative Bethany A. Hall-Long; Representative Michael P. Mulrooney; Representative John J. Viola.

**ETHICS:** Representative Wayne A. Smith - Chair; Representative Clifford G. Lee; Representative Terry R. Spence; Representative Robert F. Gilligan; Representative John F. VanSant.

**GAMING AND PARI-MUTUELS:** Representative William A. Oberle, Jr. - Chair; Representative Vincent A. Lofink - Vice-chair; Representative Deborah D. Hudson; Representative Pamela J. Thornburg; Representative Nancy H. Wagner; Representative Robert F. Gilligan; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative John F. VanSant.

**HEALTH & HUMAN DEVELOPMENT:** Representative Pamela S. Maier - Chair; Representative Joseph E. Miro - Vice-chair; Representative G. Wallace Caulk, Jr.; Representative William A. Oberle, Jr.; Representative Stephanie A. Ulbrich; Representative Melanie L. George; Representative Bethany A. Hall-Long; Representative Michael P. Mulrooney; Representative John J. Viola.

**HOMELAND SECURITY:** Representative Pamela J. Thornburg - Chair; Representative Terry R. Spence - Vice-chair; Representative John C. Atkins; Representative Timothy U. Boulden; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative J. Benjamin Ewing; Representative Clifford G. Lee; Representative Nancy H. Wagner; Representative Melanie L. George; Representative Bethany A. Hall-Long; Representative Peter C. Schwartzkopf; Representative Dennis P. Williams.

**HOUSE ADMINISTRATION:** Representative Wayne A. Smith - Chair; Representative Terry R. Spence; Representative Clifford G. Lee; Representative Robert F. Gilligan; Representative John F. VanSant.

**HOUSE RULES:** Representative Vincent A. Lofink - Chair; Representative Terry R. Spence; Representative Wayne A. Smith; Representative Robert F. Gilligan; Representative John F. VanSant.

**HOUSING & COMMUNITY AFFAIRS:** Representative Robert J. Valihura, Jr. - Chair; Representative Donna D. Stone - Vice-chair; Representative David H. Ennis; Representative Tina Fallon; Representative Gerald W. Hocker; Representative Deborah D. Hudson; Representative Gregory F. Lavelle; Representative William I. Houghton; Representative Helene M. Keeley.

**JOINT FINANCE:** Representative Joseph G. DiPinto - Chair; Representative Gerald A. Buckworth; Representative David H. Ennis; Representative Tina Fallon; Representative G. Robert Quillen (Alternate); Representative Stephanie A. Ulbrich (Alternate); Representative William I. Houghton; Representative Dennis P. Williams; Representative Helene M. Keeley (Alternate).

**JUDICIARY:** Representative Nancy H. Wagner - Chair; Representative Pamela J. Thornburg – Vice-chair; Representative John C. Atkins; Representative Joseph W. Booth; Representative Gerald A. Buckworth; Representative Melanie L. George; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Peter C. Schwartzkopf.

**LABOR:** Representative Vincent A. Lofink - Chair; Representative Bruce C. Reynolds – Vice-chair; Representative Pamela S. Maier; Representative William A. Oberle, Jr.; Representative Pamela J. Thornburg; Representative Michael P. Mulrooney; Representative Hazel D. Plant; Representative John J. Viola; Representative Dennis P. Williams.

**LAND USE AND INFRASTRUCTURE:** Representative Richard C. Cathcart – Chair; Representative G. Robert Quillen – Vice-chair; Representative Timothy U. Boulden; Representative G. Wallace Caulk, Jr.; Representative Gerald W. Hocker; Representative Gregory F. Lavelle; Representative Robert J. Valihura, Jr.; Representative Bruce C. Ennis.

**NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT:** Representative G. Robert Quillen – Chair; Representative Joseph W. Booth – Vice-chair; Representative John C. Atkins; Representative V. George Carey; Representative G. Wallace Caulk, Jr.; Representative Gerald W. Hocker; Representative Pamela J. Thornburg; Representative Bethany A. Hall-Long; Representative Michael P. Mulrooney; Representative Hazel D. Plant.

**POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY/ JOINT SUNSET:** Representative Stephanie A. Ulbrich – Chair; Representative Deborah D. Hudson – Vice-chair; Representative Robert J. Valihura, Jr.; Representative Peter C. Schwartzkopf; Representative John J. Viola.

**PUBLIC SAFETY:** Representative J. Benjamin Ewing, Jr. – Chair; Representative Gerald A. Buckworth – Vice-chair; Representative John C. Atkins; Representative Joseph W. Booth; Representative Pamela J. Thornburg; Representative Melanie L. George; Representative Helene M. Keeley; Representative Hazel D. Plant; Representative Peter C. Schwartzkopf.

**REVENUE & FINANCE:** Representative Deborah D. Hudson – Chair; Representative Robert J. Valihura, Jr. – Vice-chair; Representative David H. Ennis; Representative Tina Fallon; Representative Gerald W. Hocker; Representative Gregory F. Lavelle; Representative Donna D. Stone; Representative William I. Houghton; Representative Helene M. Keeley.

**TELECOMMUNICATIONS, INTERNET & TECHNOLOGY:** Representative Roger P. Roy – Chair; Representative Deborah D. Hudson – Vice-chair; Representative David H. Ennis; Representative G. Robert Quillen; Representative Robert F. Gilligan; Representative John F. VanSant.

**TOURISM:** Representative Deborah D. Hudson – Chair; Representative Tina Fallon - Vice-chair; Representative Gerald A. Buckworth; Representative Joseph W. Booth; Representative Joseph E. Miro; Representative Donna D. Stone; Representative Pamela J. Thornburg; Representative Nancy H. Wagner; Representative Peter C. Schwartzkopf.

**TRANSPORTATION:** Representative Timothy U. Boulden – Chair; Representative Gregory F. Lavelle - Vice-chair; Representative Richard C. Cathcart; Representative Vincent A. Lofink; Representative G. Robert Quillen; Representative Robert J. Valihura, Jr.; Representative Bruce C. Ennis.

**VETERANS' AFFAIRS:** Representative Richard C. Cathcart – Chair; Representative V. George Carey – Vice-chair; Representative John C. Atkins; Representative Joseph W. Booth; Representative J. Benjamin Ewing, Jr.; Representative Vincent A. Lofink; Representative Deborah D. Hudson; Representative G. Robert Quillen; Representative Terry R. Spence; Representative Donna D. Stone; Representative Stephanie A. Ulbrich; Representative Bruce C. Ennis; Representative Robert F. Gilligan; Representative Michael P. Mulrooney; Representative Hazel D. Plant; Representative John J. Viola.

**PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
OF THE 142nd GENERAL ASSEMBLY  
2003 – 2004  
HOUSE RESOLUTION NUMBER 64**

**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 or her designee shall take the chair at that time and shall call the House to order. At the beginning of each legislative day, the Speaker or his or her designee shall cause the names of the members to be called in alphabetical order. If a quorum is present, he shall proceed with the opening prayer, the pledge to the flag, and the business of the day.

**RULE 2 - ORDER OF BUSINESS**

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

(1) The minutes of the previous day shall be made public and posted by the Chief Clerk prior to the next legislative day. With the consent of a majority of members, the reading of the minutes for the previous day may be omitted.

(2) Presentation of petitions, memorials, tributes, memoriams, citations or communications.

(3) Reports from standing and special committees.

- (4) Introduction and first reading of bills and resolutions.
- (5) Consideration of agenda.
- (6) Consent calendar, or consent agenda, when available.
- (7) Announcement of committee meetings.
- (8) Announcement of agenda for next legislative day.

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

### **RULE 3 - MESSAGES**

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

## **II. DUTIES OF THE SPEAKER**

### **RULE 4 - ORDER AND DECORUM**

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

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

### **RULE 5 - QUESTIONS OF ORDER; APPEAL**

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

### **RULE 6 - TEMPORARY PRESIDING OFFICER, SPEAKER PRO TEMPORE**

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

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

### **RULE 7 - SIGNING OF BILLS, RESOLUTIONS, AND OTHER DOCUMENTS**

The Speaker shall sign all bills and resolutions passed by the House. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the Temporary Presiding Officer or Speaker Pro Tempore shall have authority to sign such documents.

### **RULE 8 - APPOINTMENT OF COMMITTEES**

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

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

### **RULE 9 - ASSIGNMENT OF BILLS AND RESOLUTIONS TO COMMITTEE**

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

### **RULE 10 - SETTING THE AGENDA**

The Speaker sets the Agenda and 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 of a Senate bill. The Ready List shall consist of all items that have been reported out of committee or have been laid on the table.

### **RULE 11 - SUBPOENA ISSUANCE**

The Speaker may sign a subpoena if requested by a majority vote of a standing committee, a special committee, a joint committee, a task force, or any similar entity if the committee, task force or entity was created by the House of Representatives or an action of the General Assembly. No subpoena shall be issued unless it is first signed by the Speaker. Upon the majority vote of all members elected to the House a subpoena shall be signed and issued by the Speaker, presiding officer or Speaker Pro Tempore

### **III. RIGHTS AND DUTIES OF MEMBERS.**

#### **RULE 12- ATTENDANCE OF MEMBERS**

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

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

#### **RULE 13- QUORUM**

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

#### **RULE 14 - ADDRESSING THE HOUSE**

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

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

#### **RULE 15 - DECORUM OF MEMBERS ON FLOOR OF HOUSE**

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

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

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

(1) a call to order by the Speaker.

(2) a point of order by a member.

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

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

(e) No member shall use a cellular phone in the House Chamber while the House is in session.

(f) No member shall use a pager in the House Chamber while the House is in session unless the pager is set to a non-audible setting.

#### **RULE 16 - RULES OF LEGISLATIVE CONDUCT**

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

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

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

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

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



bill is voted on which would have required disclosure required under paragraph (A), then the member shall make the required disclosure as soon as possible upon returning to the 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, or owns more than 10% of the enterprise if not traded on an established securities market, or owns more than 1% in the case of an enterprise whose securities are regularly traded on an established securities market. (ii) is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee, or independent contractor, or (iii) is a creditor of an insolvent private enterprise in an amount in excess of \$5,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### **RULE 17 - RESOLUTIONS AND OTHER MEASURES; DEFINITIONS**

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

- (1) Simple Resolutions: A Simple Resolution is an expression of a majority of members on a specific subject, and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.
- (2) Concurrent Resolutions: A Concurrent Resolution is used to accomplish the same purpose in relation to the entire General Assembly that the Simple Resolution achieves for either the House or Senate singly. It must be passed by both the House and Senate to become effective. A Concurrent Resolution adopted by the General Assembly does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.
- (3) Joint Resolutions: A Joint Resolution is the most formal type of resolution, and is addressed to matters which are not internal affairs of either the House individually, nor the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and approved by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures; and has the force of law while in effect for a wide variety of limited purposes. A Joint Resolution is effective only for the General Assembly in which it was passed and approved. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the General Assembly and Governor combined.

(b) Each member of the House may issue tributes and memoriams at any time during his or her term of office. Tributes and memoriams shall be sequentially numbered by the Chief Clerk and made a part of the House Journal. Each tribute or memoriam shall be signed by the prime sponsor, the Speaker and the Chief Clerk. The Speaker, or his or her 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 tributes or memoriams. Tributes and memoriams issued when the House stands in recess or adjournment shall be administratively managed by the Chief Clerk, who shall cause such items to be made a part of the official proceedings of the House.

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

##### **RULE 18 - PREPARATION AND CUSTODY**

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

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

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

##### **RULE 19 - INTRODUCTION OF BILLS AND RESOLUTIONS; FILING WITH CHIEF CLERK**

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

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

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

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

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

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

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

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

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

(f) The prime sponsor of a bill or resolution shall be the member who has responsibility of the drafting and introduction of a bill or resolution. The prime sponsor of a bill or resolution is that House member listed first to the right of the word "SPONSOR:" on the upper right side of the first page of a bill or resolution. Other House members may be co-prime sponsors if listed after the prime sponsor and if joined by the word "and" or the symbol "&". The floor manager of a House bill or House resolution shall be the prime sponsor. A joint sponsor is any member of the House or Senate whose name is printed on the measure after the name of all prime and co-prime sponsors. A co-sponsor is a member of the House or Senate whose name is not otherwise shown on the measure, but who signs the backer of the measure.

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

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

#### **RULE 20 - ASSIGNMENT TO APPROPRIATIONS COMMITTEE**

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

#### **RULE 21 - FISCAL NOTES**

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

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

(A) the expected total amount of funds to be generated by the proposed fee or fee increase;

(B) the purpose of the proposed new fee or fee increase;

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

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

(E) the intended use by the agency of the revenues generated by the new fees or fee increases.

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

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

#### **RULE 22 - FINAL READINGS AND CONSIDERATION BY HOUSE**

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

(b) Each bill or joint resolution in order to pass the House shall be read on two different days of the session unless a majority of the members elected to the House determine otherwise, or unless the bill or

joint resolution is on a Consent Agenda or Calendar, and voted on by a single vote. No bill or joint resolution shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the prime sponsor without his or her written consent.

#### **RULE 23 - AMENDMENTS**

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

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

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

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

(e) Before final action on the main bill or resolution all prefiled amendments shall be acted upon in numerical order except as is provided in Rule 35(d) hereof. All Amendments shall be floor managed by the prime sponsor thereof. In the absence of the prime sponsor the amendment shall be floor managed by a *co-prime sponsor* or member designated in writing by the prime sponsor. In the absence of the prime sponsor or any *co-prime sponsor* and there being no member designated to floor manage the amendment by the prime sponsor then the Speaker may designate a floor manager for the amendment.

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

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

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

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

#### **RULE 24 - SUBSTITUTE BILLS**

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

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

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

#### **RULE 25- PETITION OF BILL OR RESOLUTION OUT OF COMMITTEE**

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

#### **RULE 26 - VOTING**

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

(b) The names of the members of the House shall be called alphabetically, except for the Speaker, Temporary Presiding Officer when acting as Speaker, or Speaker Pro Tempore when acting as Speaker, who shall vote last, and each member shall, without debate or comments, answer "Yes", or "No", or "not voting", from his or her respective seat.

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

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

#### **RULE 27 - STRIKING A BILL OR RESOLUTION**

Only the prime sponsor of a bill or resolution or a member authorized by the prime sponsor in writing can strike said bill or resolution. A bill or resolution may not be stricken once it has been voted upon. Upon the expulsion, death or resignation of any member from the House, any bill not yet acted upon by the House which has that member as the only sponsor shall automatically, without motion, be stricken.

### **V. COMMITTEES**

#### **RULE 28 - STANDING COMMITTEES**

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

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

Standing Committees:

- (1) Agriculture
- (2) Appropriations
- (3) Business/Corporations/Commerce

- (4) Capital Infrastructure (formerly Bond Bill)
- (5) Corrections
- (6) Economic Development, Banking & Insurance
- (7) Education
- (8) Ethics
- (9) Gaming & Pari-Mutuels
- (10) Health & Human Development
- (11) Homeland Security
- (12) Housing & Community Affairs
- (13) Judiciary
- (14) Labor
- (15) Land Use & Infrastructure
- (16) Natural Resources & Environmental Management
- (17) Policy Analysis & Government Accountability
- (18) Public Safety
- (19) Revenue & Finance
- (20) Rules
- (21) Telecommunication, Internet & Technology
- (22) Tourism
- (23) Transportation
- (24) Veterans Affairs

(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 chairperson of the House Administration Committee.

#### **RULE 29 - APPOINTMENT OF SPECIAL COMMITTEES**

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

#### **RULE 30 - ETHICS COMMITTEE**

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

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

- (1) to recommend to the House, from time to time, such rules of conduct for members of the House as it shall deem appropriate;
- (2) to issue written advisory opinions upon the request of any member as to the applicability of any Rule of Legislative Conduct to any particular fact situation;
- (3) to investigate any alleged violation by a member of any Rule of Legislative Conduct and, after notice and hearing, to recommend to the House by resolution such disciplinary action as the committee may deem appropriate;
- (4) to report to the appropriate federal or State authorities any substantial evidence of a violation by any member of any law involving a Rule of Legislative Conduct which may come to its attention in connection with any proceeding whether advisory or investigative;
- (5) to maintain a file of its proceedings and advisory opinions with a view toward achieving consistency of opinions and recommendations. Upon the request of a legislator involved in an advisory opinion, to publish that advisory opinion;
- (6) to follow such rules of procedure for ethics violations as may be adopted by the House, and to establish such other procedural rules as shall not be inconsistent with the rules prescribed by the House;
- (7) to act only upon a majority vote of its members; and
- (8) such other duties and responsibilities as may be assigned by the House from time to time.

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

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

retained. In any such proceeding the rules of procedure for ethics violations as may be adopted by the House shall apply.

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

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

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

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

#### **RULE 31 - JOINT COMMITTEES**

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

#### **RULE 32 - QUORUM ON COMMITTEES**

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

#### **RULE 33 - COMMITTEE MEETINGS**

(a) During the legislative sessions, each standing committee of the House shall be assigned a regular meeting time by the Speaker. This assignment shall not preclude the option of a committee chairperson 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 chairperson, or in his or her absence by the vice-chairperson, if any, if the committee does not have an appointed vice-chairperson, then, the chairperson shall designate a member of the committee to chair the committee in his or her absence.

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

(d) All committee meetings will be open to the public except that the committee chairperson may call an executive session at which no final action may be taken. An executive session may be called for those purposes which are listed at 29 Del. C. § 10004 or for the purpose of requesting the issuance of a subpoena pursuant to Rule 35(e). This subsection may be waived by a majority vote of the committee.

#### **RULE 34 - DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES**

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

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

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

#### **RULE 35 - PASSAGE OF MEASURES OUT OF COMMITTEE**

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

(b) All bills and resolutions shall be acted upon by the appropriate committee within twelve legislative days after being assigned to that committee. All bills and resolutions not acted upon by the

appropriate committee within twelve legislative days after being assigned to that committee can be petitioned out of committee pursuant to Rule 25.

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

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

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

#### **RULE 36 - COMMITTEE REPORTS**

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

#### **RULE 37 - COMMITTEE RECOMMENDATIONS TO APPROPRIATIONS COMMITTEE**

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

#### **RULE 38 - COMMITTEE OF THE WHOLE**

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

### **VI. MOTIONS**

#### **RULE 39 - DEBATE AND VOTE ON MOTIONS**

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

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

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

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

#### **RULE 40 - PRECEDENCE OF MOTIONS**

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

- (1) to adjourn sine die. This motion is not debatable.
- (2) to adjourn. This motion is not debatable and cannot be amended nor reconsidered.
- (3) to recess. This motion is not debatable. This motion is passed by a majority of those members present.
- (4) question of privilege.
- (5) all incidental motions.
- (6) to table.
- (7) motion to call the previous question. A motion to call the previous question shall not be entertained except at the request of five members arising for that purpose and so indicating, and shall be determined by roll call vote without debate. When the previous question has been called and sustained, it shall not cut off action on amendments to the main measure; and the vote shall be taken without debate first on the amendments in order and then on the main measure.
- (8) to limit debate.
- (9) postpone to a day certain.
- (10) to commit to committee.
- (11) to amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.
- (12) to reconsider.
- (13) to take from the table.

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

#### **RULE 41 - MOTION FOR RECONSIDERATION**

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

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

#### **RULE 42 - MOTION TO TAKE FROM THE TABLE**

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

- (1) In the case of a House measure, only one of the prime sponsors of the measure or a member authorized in writing by all the prime sponsors.
- (2) In the case of a measure without a House prime sponsor, only the floor manager of a measure or a member authorized in writing by the floor manager.

(b) A motion to take a measure from the table may only be made on the same legislative day the measure is tabled (or if this motion is listed on the agenda). The motion is not debatable.

#### **RULE 43 - SUSPENSION OF RULES**

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

### **VII. CALENDAR AND AGENDA**

#### **RULE 44 - HOUSE CALENDAR**

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

#### **RULE 45 - AGENDA**

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

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

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

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

1. deferred to day certain two times only; or
2. deferred to the end of agenda one time only; or
3. laid on the table. A measure which has been on the table for six legislative days shall be returned to the Ready List; or
4. brought to a vote.

#### **RULE 46 - CONSENT AGENDA**

(a) Any member of the House may propose any bill or joint resolution for inclusion on a Consent Agenda for final reading. If any bill or joint resolution on a particular Consent Agenda has a super majority vote requirement then such Consent Agenda will require the highest such vote requirement.

(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 unattached amendment to it has been proposed.

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

#### **RULE 47 - CONSENT CALENDAR**

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

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

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

#### **RULE 48 - ANNOUNCEMENT OF AGENDA; DELIVERY OF BILLS AND RESOLUTIONS**

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

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



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

## **VIII. MISCELLANEOUS**

### **RULE 49 - OFFICES, PARKING SPACES AND SEATS**

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

### **RULE 50 - AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE**

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

### **RULE 51 - CHIEF CLERK AND ASSISTANT CHIEF CLERK**

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

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

### **RULE 52 - SUPERVISION OF LEGISLATIVE STAFF**

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

### **RULE 53 - REGISTRATION OF NEWS MEDIA**

- (a) 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 in the House Chamber.
- (b) On approval of the Speaker, radio and television stations shall be permitted to air and record sessions of the House.
- (c) Any use or reproduction of House tapes will require permission of the Speaker and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service.

### **RULE 54 - REGISTRATION OF LOBBYISTS**

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

### **RULE 55 - PRIVILEGE OF FLOOR**

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

### **RULE 56 - EXPEDITED PROCEDURES**

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

### **RULE 57 - PERSONS ON THE FLOOR OF THE HOUSE**

(a) No person may be admitted to the floor of the House while the House is in session unless specifically invited by a member and with the consent of the Speaker except the following: former Governors, former members of the House, former members of the Senate (but none of the foregoing has this privileged admission without consent if he or she is paid to act as a registered lobbyist as defined in Chapter 58, Title 29 of the Delaware Code), duly designated representatives of the Governor of Delaware, members of the House and the Senate and their staffs, staff members from the Division of Research, representatives of each Cabinet Department, reporters for each of the daily newspapers published in the State, a reasonable number of other accredited correspondents as determined by the Speaker and a reasonable number of representatives of radio and television broadcasting stations (together with necessary equipment) as determined by the Speaker.

- (b) No one other than a member shall sit in a member's seat while the House is in session.
- (c) No one shall be allowed to smoke in the House Chamber.
- (d) While the House is in session no one shall use a cellular phone in the House Chamber, including the balcony area and all pagers shall be set to a non-audible setting.

### **RULE 58 - NON-MEMBER INVITED SPEAKERS OR GUESTS**

(a) A non-member speaker or guest shall be allowed to address the House of Representatives provided they are noted on the agenda together with the name of the Representative sponsoring said speaker or guest and the time allotted for their remarks.

(b) A speaker noted per subsection (a) of this rule shall be granted a time limit of one minute, three minutes or five minutes by the Speaker of the House.

(c) On the day of the scheduled address, the sponsoring member shall be recognized and shall move that the invited speaker or guest be granted privilege to address the House and shall state the allotted time granted by the Speaker of the House.

(d) The Speaker of the House may grant an unlimited amount of time for the Governor to address the House as deemed necessary by the Speaker or the members of the House.

(e) This rule is only applicable to appearances by non-members giving remarks unrelated to agenda items and shall not be construed so as to limit the speaking time of witnesses to legislation.

#### **RULE 59 - REPEAL OR AMENDMENT OF RULES**

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

#### **RULE 60 - RULES TO BE PRINTED**

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

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

#### **RULE 61 - STATE MAIL, POSTAGE AND MAILING PRODUCTION OR DISTRIBUTION LIMITATIONS.**

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

(b) No Member or employee of the House of Representatives may use state funds, state materials or state equipment for the production or distribution of 50 or more pieces of substantially identical material distributed during the period 60 days prior to the general election day or within 30 days prior to the date of a special election or a primary involving that Member.

(c) Subsection (b) of this Rule shall not apply to the following, when not done for a political election campaign purpose:

- (1) answers to communications; or
- (2) actions taken pursuant to a specific law, resolution, ordinance or regulation which authorizes or directs the action to be taken.

#### **RULE 62 - DISTRIBUTION OF LITERATURE TO MEMBERS' DESKS OR MAILBOXES**

No person except a member or employee of the House of Representatives shall distribute or cause to be distributed any pamphlets, material, or other printed literature to the members' desks or mailboxes in the House. An employee of the House shall only distribute such literature if directed to do so by a member or the Chief Clerk of the House.

All copies of pamphlets, materials, or printed literature distributed by a member or employee of the House of Representatives shall bear the name of the source of origin. Members should distribute such literature through the Office of the Chief Clerk.

### **HOUSE RESOLUTION NUMBER 65 RELATING TO PERMANENT PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 142nd GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS**

#### **RULES OF PROCEDURE, ETHICS VIOLATIONS.**

##### **Rule 1 - Scope and Authority.**

These rules govern the procedures to be followed by the Ethics Committee and by the House in proceedings involving allegations of violations of the Rules of Legislative Conduct. So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Ethics Committee which may prescribe additional rules not inconsistent therewith.

#### **PROCEEDINGS BEFORE THE ETHICS COMMITTEE.**

##### **Rule 2 - Meetings and Quorum.**

(a) The Committee shall meet at the call of the Chairman. Notice of a Committee meeting shall be given pursuant to the Rules of the House of Representatives.

(b) A quorum of the Committee consists of a majority of the members of the Committee.

##### **Rule 3 - Committee Records.**

(a) The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in the Chairman's judgment may be necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b)(1) Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a member of the House of Representatives of any Rule of Legislative Conduct shall be disclosed to the public before the transmittal, under Rule 8 of these rules, to such member

of a statement of alleged violation in connection with such violation. After the service of such a statement on the member:

(2) the statement and any other paper filed pursuant to Rule 8 respecting such violation shall be made available for public inspection at reasonable hours; and

(3) any other paper filed with the Committee respecting such violation shall be made available as authorized by the Committee, except that no paper shall be made available if its disclosure would violate any law or regulation.

**Rule 4 - Special Procedures.**

The Committee may adopt, by Resolution, any special procedures deemed necessary to a particular matter before the Committee. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

**Rule 5 - Changes in Committee Rules.**

The rules of the Committee other than these rules may be modified, amended or repealed by a vote of a majority of the Committee.

**COMMITTEE INVESTIGATIVE AUTHORITY.**

**Rule 6 - Complaints.**

(a) A complaint may be submitted to the Committee pursuant to Subsection (c) of this rule and shall be in writing and under oath, setting forth in simple, concise and direct statements the following:

(1) the name and address of the party filing the complaint (hereinafter referred to as the 'complainant');

(2) the name of the member of the House of Representatives alleged to be in violation of a Rule of Legislative Conduct (hereinafter referred to as the 'respondent');

(3) a statement of each violation, identifying the Rule of Legislative Conduct alleged to have been violated, divided into counts with each violation representing a separate count; and

(4) the facts alleged to give rise to the violation. The facts supporting the complaint may be sworn to by any person. When facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

(b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

(c) A complaint may be filed only by a member of the House of Representatives (including a member of the Committee) and shall be transmitted directly to the Committee.

**Rule 7 - Processing Complaints.**

(a)(1) The Staff of the Committee shall examine each complaint submitted to the Committee for compliance with the Rules of the House of Representatives and any other applicable Committee rules.

(2) If the staff determines that a complaint does not comply with House and Committee rules, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rules and a copy of such rules. A complainant may resubmit a complaint.

(3) If the staff determines that a complaint is in compliance with House and Committee rules, the complaint shall be filed with the Committee and a copy shall be transmitted to each member of the Committee.

(4) The Chairman shall place the complaint on the Committee agenda for consideration, and shall schedule a Committee meeting as soon as practical thereafter.

(A) The Committee shall consider the complaint and determine if the complaint should be dismissed because it fails to allege facts which constitute a violation of a Rule of Legislative Conduct or if the complaint merits further inquiry.

(B) The decision under subparagraph (A) of this paragraph shall be transmitted in writing to the complainant and respondent.

(b)(1) If the Committee determines that the complaint fails to allege facts which constitute a violation of a Rule of Legislative Conduct, the Committee shall deliver to the House a report of the action taken and a brief statement of the reasons therefor.

(2) If there are no dissenting votes to the determination in paragraph (b)(1) of this rule the complaint shall be considered dismissed, and neither the Committee nor the House shall take any further action with respect thereto.

(3) If there are any dissenting votes to the determination in paragraph (b)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto provided that the Committee's determination shall be considered reversed and the investigation shall be pursued by the Committee upon the written petition of any member of the House filed with the Speaker and approved by the majority vote of the elected members of the House.

**Rule 8 - Preliminary Inquiry and Statement of Alleged Violation.**

(a) (1) If the Committee determines under Rule 7 that the allegation of a violation in a complaint filed with the Committee merits further inquiry, or if the Committee's determination in that regard is reversed by the House, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

(2) In the preliminary inquiry:

(A) the respondent shall have an opportunity to present to the Committee, orally or in writing, a statement respecting the allegations with respect to which the inquiry is being held;

(B) the staff may interview witnesses and examine documents and other evidentiary matter;

(C) the Committee may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by a member of the Committee or by any person authorized by a member of the Committee or any person authorized by law to administer oaths;

(D) the Committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents and other things as it deems necessary to the conduct of the inquiry; and

(E) any probative evidence may be used.

(3) Upon the completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry; and may include in the report a recommendation for action by the Committee respecting the alleged violations which was the subject of the inquiry.

(b) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry respecting an alleged violation that there is reason to believe that the violation occurred, the Committee shall direct the staff to transmit to the respondent a statement of alleged violation. A statement shall be divided into counts and each count shall relate to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, and include a reference to the provision of the Rule of Legislative Conduct alleged to have been violated.

(c)(1) If the Committee determines on the basis of the report of the Committee staff on the preliminary inquiry that there is no reason to believe that the violation occurred, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefore.

(2) If there are no dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

(3) If there are any dissenting votes to the determination in paragraph (c)(1) of this rule, the complaint shall be considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by the majority vote of the members of the House.

(d) If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the complaint. In such case, the dissenting members shall direct the Committee staff to transmit to the House and to the respondent, a statement of alleged violation as described in Subsection (b) which shall be the basis of the House's consideration of the matter.

**Rule 9 - Answers and Motions and Committee Action.**

(a) If a statement of alleged violation is transmitted under Rule 8(b), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

(1) An admission or denial of, under oath, each count set forth in the statement plus any supportive evidence and any other relevant information which the respondent may desire to submit.

(2) An objection to any count in the statement on the grounds that it fails to state a fact which constitutes a violation of a Rule of Legislative Conduct.

(3) An objection to the jurisdiction of the Committee to consider the allegations contained in the statement.

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the Committee in the consideration of the allegations contained in the statement on the grounds that such member cannot render an impartial or unbiased decision. The Committee member against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer. Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading or motion not described in paragraphs (1) through (5) of this subsection will be considered by the Committee and the Committee will not consider any answer or motion in such paragraphs which is submitted under this rule after the expiration of such 20 calendar days.

(b) Within 10 calendar days after the receipt of any motion under Subsection (a) of this rule, the Committee shall consider such motion. Notice of the decision of the Committee respecting such motion shall be furnished the respondent. When the Committee has acted on all motions submitted under paragraphs (2), (3) and (4) of Subsection (a) of this rule, the respondent shall, in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last Committee action, an answer to each count in the statement not dismissed by the Committee.

(c) Failure to submit, within the applicable time period, an answer to a count of a statement which has not been dismissed by the Committee, shall constitute an admission to the violation alleged in the count.

(d) The Chairman, in his discretion, may extend or shorten any time limitations imposed by this rule if he determines that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special circumstances.

(e) (1) As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the Committee shall act, by the vote of a majority of the members of the Committee, to:

(A) hold a disciplinary hearing on the violation charged in the statement;

(B) defer action on the statement, but only if there is a grand jury or judicial proceeding pending; or

(C) dismiss the statement.

(2) The respondent shall be notified in writing of action taken under paragraph (1) of this Subsection.

(f) (1) If the Committee votes to dismiss the statement, the Committee shall deliver to the House a report of the action taken together with a statement of the reasons therefor.

(2) If there are no dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

(3) If there are any dissenting votes to the decision in paragraph (f)(1) of this rule, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect to the matter provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by a majority vote of the members of the House. If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss the statement. The statement shall be the basis of the House's consideration of the matter and the dissenting members shall cause a copy of the statement to be delivered to the House and served upon the respondent.

#### **Rule 10 - Disciplinary Hearings before the Committee.**

(a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the Committee to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the count in the statement has been proved. The second phase shall be for the purpose of determining what action to recommend to the House with respect to any count found to have been proved.

(b) At a disciplinary hearing the Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents and any other things as it deems necessary. Depositions, interrogatories and sworn statements taken under Committee direction may be accepted into the Committee record.

(c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the Committee may expand or contract the scope in light of evidence received.

(d)(1) The order of phase one of a disciplinary hearing shall be as follows:

(A) The Chairman shall open the hearing by stating the Committee's authority to conduct the hearing, the purpose of the hearing and its scope.

(B) Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible, (i) witnesses and other evidence offered by the Committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

(C) Witnesses at a hearing shall be examined first by the Committee counsel or authorized staff member. The Committee members may then question the witnesses. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross examined by Committee counsel or authorized staff member. Committee members may then question the witness. Redirect and recross may be permitted in the Chairman's discretion.

(2) Testimony of all witnesses shall be taken under oath. The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

(e) At a disciplinary hearing the burden of proof rests on the staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

(f) The second phase of a disciplinary hearing shall consist of oral and/or written submission by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House with respect to any count of the Statement of Alleged Violation which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the Committee.

#### **Rule 11 - Committee Recommendations.**

(a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the statement and

with respect to each count as originally drawn or as amended shall vote either to find that the count has been proved or to dismiss the count. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved.

(2) If the Committee votes that a count has been proved, the Committee may, upon completion of the second phase of the disciplinary hearing, by a majority vote of the Committee, consider and vote on a motion that a recommendation be made to the House for appropriate action respecting the violation charged in such count.

(b) With respect to any violation with which a member of the House was charged in a count which the Committee has voted as proved, the Committee may include in its recommendations to the House one or more of the following sanctions:

- (1) Suspension or expulsion from the House.
- (2) Censure.
- (3) Reprimand.
- (4) Fine.
- (5) Any other sanction determined by the Committee to be appropriate.

(c) The Committee report accompanying a recommendation to the House adopted by the Committee under paragraph (a)(2) respecting a violation charged in a count shall contain a statement of the evidence which supported the finding as to that count and a statement of the Committee's reasons for the recommendation as well as a statement of the Committee's reasons for finding that any count was not proved. The Committee shall cause a copy of the Committee's report and the Statement of Alleged Violation to be served upon the respondent. The statement shall be the basis of the House's consideration of the matter.

(d)(1) If the Committee votes to dismiss all counts of a statement and there are no dissenting votes, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto.

(2) If there are any dissenting votes to the determination in paragraph (d)(1) of this subsection, the statement shall be considered dismissed and neither the Committee nor the House shall take any further action with respect thereto provided that the House shall consider the matter upon the written petition of any member of the House filed with the Speaker and approved by a majority vote of all members of the House. If any such proceeding is initiated in the House, the matter shall be prosecuted by the members of the Committee who dissented from the vote to dismiss. The statement shall be the basis of the House's consideration of the matter and the dissenting members of the Committee shall cause a copy of the statement to be delivered to the House and served upon the respondent.

#### **Rule 12 - Disclosure of Evidence.**

Upon the request of a respondent, the Committee may permit the respondent to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which the Committee intends to use as evidence against the respondent in a disciplinary hearing and which are material to the preparation of the defense of the respondent.

#### **Rule 13 - Exculpatory Information.**

If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a member of the House of any law, rule, regulation or other standard of conduct, it shall forthwith make such information available to such member.

#### **Rule 14 - Admissibility of Evidence.**

(a) Any evidence that is relevant and probative shall be admissible in any hearing of the Committee, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Chairman or other member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

#### **Rule 15 - Witnesses.**

(a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

(c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Committee's discretion.

(d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness appearing before the Committee shall be furnished a printed copy of the rules of the Committee.

## **PROCEEDINGS BEFORE THE HOUSE**

### **Rule 16 - Records of House Proceedings.**

All papers filed in the House with respect to a proceeding involving an allegation of a violation of a Rule of Legislative Conduct shall be made available for public inspection at reasonable hours except that no paper shall be made available if its disclosure would violate any law or regulation.

### **Rule 17 - Special Procedures.**

The House may adopt by Resolution any special procedures deemed necessary to a particular matter before the House. Copies of such special procedures shall be furnished to all parties and witnesses in the matter.

### **Rule 18 - Consideration of Complaints by the House.**

(a) If a Statement of Alleged Violation is served upon a respondent pursuant to rules 8(c)(3), 9 (f)(3), 11(c) or 11(d)(2), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

(1) An admission or denial of, under oath, each count set forth in the Statement plus any supportive evidence and any other relevant information which the respondent may desire to submit.

(2) An objection to any count in the Statement on the grounds that it fails to state a fact which constitutes a violation of a Rule of Legislative Conduct.

(3) An objection to the jurisdiction of the House to consider the allegations contained in the Statement.

(4) A motion for a bill of particulars.

(5) An objection to the participation of any member of the House in the consideration of the allegations contained in the Statement on the grounds that the member cannot render an impartial or unbiased decision. The member of the House against whom the objection is made shall be the sole judge of his qualifications. A motion under this paragraph is not in lieu of an answer.

Any motion submitted pursuant to this rule shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no pleading of motion not described in paragraphs (1) through (5) will be considered by the House and the House will not consider any answer or motion in such paragraphs which is submitted under this rule after the expiration of such 20 calendar days.

(b) As soon as practical after the receipt of any motion under Subsection (a) of this rule, the House shall consider such motion. Notice of the decision of the House respecting such motion shall be furnished the respondent. When the House has acted on all motions submitted under paragraphs (2), (3) and (4) of Subsection (a) of this rule, the respondent shall in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last House action, an answer to each count in the statement not dismissed by the House.

(c) Failure to submit, within the applicable time period, an answer to a count of a statement which has not been dismissed by the House shall constitute an admission to the violation alleged in the count.

(d) The Speaker, in his discretion, may extend or shorten any time limitations imposed by this rule if he determines that the extension would facilitate a fair and complete inquiry or the shorter time is required because of special circumstances.

(e)(1) As soon as practical after the expiration of all applicable time limitations for action under Subsections (a) and (b) of this rule, the House shall act, by the vote of the majority of the members, to:

(A) hold a disciplinary hearing on the violation charged in the statement;

(B) defer action on the statement but only if there is a grand jury or judicial proceeding pending; or

(C) dismiss the statement or any counts thereof.

(2) The respondent shall be notified in writing of action taken under paragraph (1) of this Subsection.

### **Rule 19. Disciplinary Hearings.**

(a) A disciplinary hearing respecting a violation charged in a Statement of Alleged Violation shall be held by the House to receive evidence respecting such violation. A disciplinary hearing shall consist of two phases. The first phase shall be for the purpose of determining whether or not the counts in the statement have been proved. The second phase shall be for the purpose of determining what disciplinary action to take with respect to any count found to have been proved.

(b) At a disciplinary hearing the House may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda,

papers, documents and any other things as it deems necessary. Depositions, interrogatories and sworn statements taken under House direction may be accepted into the House record

(c) Prior to setting a date for a disciplinary hearing and issuing subpoenas for witnesses, the House shall resolve the scope and purpose of the hearing. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearing the House may expand or contract the scope in light of evidence received.

(d)(1) The order of phase one of a disciplinary hearing shall be as follows:

(A) The Speaker shall open the hearing by stating the House's authority to conduct the hearing, the purpose of the hearing and its scope.

(B) Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order whenever possible, (i) witnesses and other evidence offered by the committee staff, (ii) witnesses and other evidence offered by the respondent, and (iii) rebuttal witnesses.

(C) Witnesses at a hearing shall be examined first by the committee counsel or authorized staff member. Members of the committee may then question the witnesses. The respondent or his counsel may then cross-examine the witnesses. Redirect and recross may be permitted in the Speaker's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel and then may be cross-examined by committee counsel or authorized staff member. Committee members may then question the witness. Redirect and recross may be permitted in the Speaker's discretion.

(2) Testimony of all witnesses shall be taken under oath. The oath shall be administered by the committee member designated by the Speaker to administer oaths.

(e) At a disciplinary hearing the burden of proof rests on the committee with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces.

(f) Phase two of a disciplinary hearing shall consist of oral and/or written submission by counsel for the committee and counsel for the respondent as to the sanction the House should impose with respect to any count of the Statement which has been proved. Testimony by witnesses will not be heard at phase two except by a vote of a majority of the House.

(g) The House by Resolution may establish rules by which members of the House other than members of the Ethics Committee may participate in a disciplinary proceeding before the House.

#### **Rule 20. Findings; Sanctions.**

(a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement, the House shall consider each count contained in the Statement and with respect to each count as originally drawn or as amended shall vote on a motion that the count has been proved. A count shall not be proved unless at least a majority of the House vote for a motion that the count has been proved. A count which is not proved shall be considered as dismissed by the House.

(2) If the House votes that a count has been proved, the House may upon completion of the second phase of the disciplinary hearing, by a majority vote consider and vote on a motion that any of the following sanctions be imposed respecting the violation charged in such count;

(1) Suspension or expulsion from the House.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Any other sanction determined by the committee to be appropriate.

A member of the House may not be suspended or expelled from the House unless by a vote concurred in by two-thirds of the members.

#### **Rule 21. Disclosure of Evidence.**

Upon the request of a respondent, the committee may permit the respondent to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which the committee intends to use as evidence against the respondent in a disciplinary hearing before the House and which are material to the preparation of the defense of the respondent.

#### **Rule 22. Exculpatory Information.**

If the Committee at any time receives any exculpatory information respecting a Statement of Alleged Violation against a member of the House of any law, rule, regulation, or other standard of conduct, it shall forthwith make such information available to such member.

#### **Rule 23. Admissibility of Evidence.**

(a) Any evidence that is relevant and probative shall be admissible in any hearing before the House, unless the evidence is privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Speaker or other member presiding at a hearing shall rule upon any question of admissibility at the hearing of testimony or evidence presented to the House. The Speaker or other member presiding may limit the presentation of repetitious evidence.

#### **Rule 24. Witnesses.**



(a) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Speaker, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Speaker, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

(c) Witnesses at hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument before the House. After a witness has testified, his counsel may submit to the Speaker in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted at the Speaker's discretion.

(d) The respondent may apply to the Speaker for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness appearing before the House shall be furnished a printed copy of the rules of the House.



**1st LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**  
**January 14, 2003**

Representative-Elect Oberle called the House to order at 2:14 p.m.

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

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

A prayer was offered by Reverend Brooks Reynolds, father of Representative-Elect Bruce C. Reynolds.

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

The Temporary Chief Clerk read the names of the members-elect of the House of Representatives of the 142nd General Assembly as follows:

Representative District No. 1 - Representative-Elect Dennis P. Williams  
Representative District No. 2 - Representative-Elect Hazel D. Plant  
Representative District No. 3 - Representative-Elect Helene M. Keeley  
Representative District No. 4 - Representative-Elect Joseph G. DiPinto  
Representative District No. 5 - Representative-Elect Melanie L. George  
Representative District No. 6 - Representative-Elect David H. Ennis  
Representative District No. 7 - Representative-Elect Wayne A. Smith  
Representative District No. 8 - Representative-Elect Bethany A. Hall-Long  
Representative District No. 9 - Representative-Elect Richard C. Cathcart  
Representative District No. 10 - Representative-Elect Robert J. Valihura, Jr.  
Representative District No. 11 - Representative-Elect Gregory F. Lavelle  
Representative District No. 12 - Representative-Elect Deborah D. Hudson  
Representative District No. 13 - Representative-Elect John F. VanSant  
Representative District No. 14 - Representative-Elect Peter C. Schwartzkopf  
Representative District No. 15 - Representative-Elect Bruce C. Reynolds  
Representative District No. 16 - Representative-Elect William I. Houghton  
Representative District No. 17 - Representative-Elect Michael P. Mulrooney  
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 P. Roy  
Representative District No. 21 - Representative-Elect Pamela S. Maier  
Representative District No. 22 - Representative-Elect Joseph E. Miore  
Representative District No. 23 - Representative-Elect Timothy U. Boulden  
Representative District No. 24 - Representative-Elect William A. Oberle, Jr.  
Representative District No. 25 - Representative-Elect Stephanie A. Ulbrich  
Representative District No. 26 - Representative-Elect John J. Viola  
Representative District No. 27 - Representative-Elect Vincent A. Lofink  
Representative District No. 28 - Representative-Elect Bruce C. Ennis  
Representative District No. 29 - Representative-Elect Pamela J. Thornburg  
Representative District No. 30 - Representative-Elect George Robert Quillen  
Representative District No. 31 - Representative-Elect Nancy H. Wagner  
Representative District No. 32 - Representative-Elect Donna D. Stone  
Representative District No. 33 - Representative-Elect G. Wallace Caulk, Jr.  
Representative District No. 34 - Representative-Elect Gerald A. Buckworth  
Representative District No. 35 - Representative-Elect J. Benjamin Ewing, Jr.  
Representative District No. 36 - Representative-Elect V. George Carey  
Representative District No. 37 - Representative-Elect Joseph W. Booth  
Representative District No. 38 - Representative-Elect Gerald W. Hocker  
Representative District No. 39 - Representative-Elect Tina Fallon  
Representative District No. 40 - Representative-Elect Clifford G. Lee  
Representative District No. 41 - Representative-Elect John C. Atkins

Representative-Elect Smith moved that the Certificates of Election be received and that a committee be appointed to examine the Certificates. The motion was seconded by Representative-Elect Lee and adopted by voice vote.

Mr. Temporary Speaker appointed Representative-Elect John C. Atkins and Representative-Elect Bruce C. Ennis to examine the Certificates of Election of the Members-Elect.

A choral group from Jennie Smith Elementary School, led by Brooke Yorgey sang a selection of patriotic songs. Each member of the choral group announced his/her name for the record. Mr. Temporary Speaker made comments, thanked the students and introduced a guest. Todd Harvey, the principal of Jenny Smith Elementary School, made comments. One of the students presented gifts to Mr. Temporary Speaker. Mr. Temporary Speaker made a comment.

Miss Lori Christiansen, analyst in the Controller General's office, sang a song.

Mr. Temporary Speaker thanked Miss Christiansen.

Representative-Elect John C. Atkins reported that the Certificates of Election had been examined and were found to be in order.

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

The State of Delaware

New Castle County, ss.

Be It Remembered, That at the General Election held on Tuesday, the Fifth day in November, in the year of our Lord Two Thousand and Two for New Castle County, according to the Constitution and Laws of the State of Delaware,

Terry R. Spence

was duly elected

Representative - 18th District

which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we Henry duPont Ridgely and Richard R. Cooch constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 7th day of November, A.D. 2002.

Henry duPont Ridgely, President Judge

Richard R. Cooch, Resident Judge

Representative-Elect Smith moved that the reading of one Certificate of Election constitute the reading of all. There was no objection.

Representative-Elect Smith moved that Judge Wayne Hanby administer the oath of office to Representative-Elect William A. Oberle, Jr.

Representative -Elect Oberle invited Representatives-Elect G. Robert Quillen, Roger P. Roy & Robert F. Gilligan to join him on the podium as co-senior members of the House.

Mr. Temporary Speaker made an announcement.

Judge Hanby administered the oath of Representative to Representatives-Elect Oberle, Quillen, Roy & Gilligan as follows:

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

William A. Oberle, Jr.

State Representative

Sworn and subscribed before me on this 14th day of January A.D. 2003

Wayne Hanby

Justice of the Peace

Mr. Temporary Speaker made an announcement.

Mr. Temporary Speaker invited Judge Charles W. Welch, Court of Common Pleas, to administer the oath of Representative to Representatives-Elect John C. Atkins, Joseph W. Booth, Melanie L. George, Bethany A. Hall-Long, Gerald W. Hocker & Peter C. Swartzkopf, the newest Members-Elect of the House. The oath was administered as above.

Mr. Temporary Speaker made comments. Mr. Temporary Speaker invited Judge Welch to administer the oath of Representative to the remaining Representatives-Elect. The oath was administered as above.

Mr. Temporary Speaker thanked Judge Welch and made an announcement.

Representative Smith moved that the Temporary Chief Clerk call the official roll of the Members of the House of Representatives of the 142nd General Assembly. The motion was seconded by Representative Lee. There was no objection.

The roll call was taken and revealed:

Members Present: 40.

Member Absent: Representative-Elect Caulk - 1.

The Reading Clerk read the following communications into the record:

January 7, 2003

Speaker Terry R. Spence  
House of Representatives  
State of Delaware  
Dover, DE 19901

Dear Speaker Spence:

Due to a business commitment, I will be absent from session January 14, 15, 16 and 21st. I will return to session on the 22nd of January.

Thank you for your attention to this matter.

Sincerely,  
G. Wallace Caulk, Jr.  
State Representative  
33rd District  
January 10, 2003

The Honorable Terry R. Spence, Speaker  
House of Representatives  
Dover, DE  
Dear Terry,

I wish to express my appreciation for all the kindness, help, and especially the friendships I've had over the past 20 years with my colleagues in the house, and the staff of the General Assembly, from both sides of the aisle.

I wish you all well in this session and best wishes for the future.

Sincerely,  
Dave Brady

Representative Smith moved to adopt the roll as the interim roll of the House of Representatives of the 142nd General Assembly. The motion was seconded by Representative Lee and adopted by voice vote.

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

**HJR 1** - IN REFERENCE TO OFFICERS.

BE IT RESOLVED by the House of Representatives and the Senate of the 142nd General Assembly of the State of Delaware, with the approval of the Governor, that Florence Legates is elected to serve as Bill Clerk at the pleasure of the House of Representatives.

Representative Smith moved to place **HJR 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **HR 1**, jointly sponsored by Representative Lee, 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 142nd General Assembly of the State of Delaware that Terry R. Spence be made and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 142nd General Assembly of the State of Delaware.

**HR 1** was adopted by voice vote.

Mr. Temporary Speaker invited Representative Spence to the podium.

Representative Smith made a comment.

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

Justice Holland administered the oath of Speaker of the House 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 interests 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 14th day of January. A.D. 2003

Randy J. Holland  
Justice, Delaware Supreme Court

Mr. Speaker Spence thanked Justice Holland and made comments.

Representative Roger Roy announced that the Majority Caucus has met and has elected Representative Wayne A. Smith, Seventh Representative District as Majority Leader and Representative Clifford G. Lee, Fortieth Representative District as Majority Whip.

Representative Dennis P. Williams announced that the Minority Caucus has met and has elected Representative Robert F. Gilligan, Nineteenth Representative District as Minority Leader and Representative John F. VanSant, Thirteenth Representative District as Minority Whip.

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

**HR 2 - IN REFERENCE TO ELECTION OF OFFICERS.**

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that JoAnn M. Hedrick is elected to serve as Chief Clerk of the House of Representatives and Dolores Michels as Assistant Chief Clerk of the House of Representatives.

**HR 2** was adopted by voice vote.

Mr. Speaker made comments.

Representative Smith moved to lift **HJR 1** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **HJR 1**, jointly sponsored by Representative Lee, before the House for consideration.

**HJR 1 - IN REFERENCE TO OFFICERS.**

BE IT RESOLVED by the House of Representatives and the Senate of the 142nd General Assembly of the State of Delaware, with the approval of the Governor, that Florence Legates is elected to serve as Bill Clerk at the pleasure of the House of Representatives.

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

YES: 40.

ABSENT: Representative Caulk - 1.

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

Representative Smith introduced and brought **HR 3**, jointly sponsored by Representatives Lee, Gilligan & VanSant, before the House for consideration.

**HR 3 - RELATING TO TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES OF THE 142ND GENERAL ASSEMBLY OF THE STATE OF DELAWARE.**

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

Representative Smith introduced and brought **HR 4**, jointly sponsored by Representatives Lee, Gilligan & VanSant, before the House for consideration.

**HR 4 - RELATING TO TEMPORARY PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 142ND GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS.**

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

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

Mr. Speaker Spence appointed Representative V. George Carey and Representative Hazel D. Plant to notify the Governor that the House is organized and ready for business.

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

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

Representative Smith made comments. Mr. Speaker Spence made an announcement.

Representative Carey announced that he and Representative Plant have notified the Governor that the House of Representatives is organized and ready for business.

The House Members introduced their family members and friends who were present for the record.

Mr. Speaker Spence granted privilege of the floor to Senators Colin R. J. Bonini & Patricia M. Blevins who announced that the Senate is organized and ready for business.

Mr. Speaker Spence made comments. Representatives Fallon & Houghton & Mr. Speaker Spence made comments. Representative Fallon made an announcement. Representative DiPinto requested and was granted personal privilege of the floor to make comments.

A closing prayer was offered by Reverend Thomas Protack.

Representative Smith, Mr. Speaker Spence & Representative Roy made announcements.

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

Mr. Speaker Spence called the House to order at 2:25 p.m. on January 16, 2003.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HJR 1** and is returning same to the House.

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

**2nd LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 16, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Caulk – 1.

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

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

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

The following prefiled legislation was introduced:

**HB 1** - This number has been reserved.

**HB 2** - This number has been reserved.

**HB 3** - SMITH & SENATOR SOKOLA; REPRESENTATIVES DIPINTO, MAIER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.

**HB 4** - ROY & SENATOR MCBRIDE - TELECOMMUNICATIONS, INTERNET & TECHNOLOGY - An Act to Amend Title 29 of the Delaware Code Relating to the Duties of the Technology Investment Council.

**HB 5** - This number has been reserved.

**HB 6** - BOOTH & SENATOR SIMPSON - HOUSE ADMINISTRATION - An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Amend Section 8. Organization and Annual Meeting of Council, by Adding a New Subsection Providing for Authority to Set Compensation for the Mayor and Members of City Council. (2/3 bill)

**HB 7** - LEE & REPRESENTATIVE FALLON & SENATOR ADAMS - HOUSE ADMINISTRATION - An Act to Amend Title 16 of the Delaware Code Relating to 911 - Enhanced Emergency Number Service.

**HB 8** - OBERLE & REPRESENTATIVE LOFINK & REPRESENTATIVE SPENCE & SENATOR BUNTING; REPRESENTATIVES BOOTH, CATHCART, B. ENNIS, KEELEY, LAVELLE, MIRO, ROY; SENATORS HENRY, SOKOLA - LABOR - An Act to Amend Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

Representative Ulbrich & Mr. Speaker Spence made comments. Representatives Lavelle, Williams & Plant requested that they be marked present. Representative Hudson requested and was granted personal privilege of the floor to introduce a guest.

Representative VanSant announced that the Commission on Interstate Cooperation has met and elected Senator James T. Vaughn as Chairman and Representative Roger Roy as co-chair.

Mr. Speaker presented a House Tribute to Patricia Ann DiPinto on the occasion of her birthday.

Representatives Fallon & Hudson & Mr. Speaker Spence made comments. Representative Smith made an announcement. Representative Gilligan, Mr. Speaker Spence, Representatives Booth, Carey & D. Ennis made comments.

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

The House reconvened at 4:02 p.m.

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

HOUSE ADMINISTRATION: **HB 6** - 3F; **HB 7** - 3F.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #1

DATE: January 16, 2003

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 | Date       | Type | Description                                                     |
|--------|---------|------------|------|-----------------------------------------------------------------|
| H142-1 | Caulk   | 11/7/2002  | T    | Mark Jones/Special Olympics Hall of Fame Inductee               |
| H142-2 | Ulbrich | 11/7/2002  | T    | Mary Lowenstein-Anderson/Special Olympics Hall of Fame Inductee |
| H142-3 | Ewing   | 11/9/2002  | T    | Dusti Vanderwende/Sussex County Farm Bureau Ambassador          |
| H142-4 | Keeley  | 11/10/2002 | T    | Peoples Settlement Association/100th Anniversary                |
| H142-5 | Oberle  | 11/23/2002 | T    | Robert Erik Riedel/Eagle Scout                                  |
| H142-6 | Spence  | 11/16/2002 | T    | Sandra & Vincent Fiscella/14th Wedding                          |

|         |                                           |            |   |                                                                              |
|---------|-------------------------------------------|------------|---|------------------------------------------------------------------------------|
| H142-7  | cosponsor: Rep. Roy<br>Quillen            | 11/13/2002 | T | Anniversary<br>Libby Dawson/Retirement/20<br>Years/Department of Agriculture |
| H142-8  | Quillen                                   | 11/23/2002 | T | Jane & Earl Everline/50th Wedding Anniversary                                |
| H142-9  | Wagner                                    | 11/19/2002 | T | Jacqueline Conrad & Josh Etzweiler/Marriage                                  |
| H142-10 | Smith                                     | 11/30/2002 | T | Robert D. Quaintance/Eagle Scout                                             |
| H142-11 | B. Ennis                                  | 11/8/2002  | M | James C. Knotts, Sr.                                                         |
| H142-12 | Wagner                                    | 11/14/2002 | T | Betty & Jack Stephenson/50th Wedding<br>Anniversary                          |
| H142-13 | Lee                                       | 11/14/2002 | T | Kathryn Moore/85th Birthday                                                  |
| H142-14 | cosponsor: Rep. Caulk<br>B. Ennis         | 11/10/2002 | M | George J. Frebert                                                            |
| H142-15 | cosponsors: Reps. Wagner & Stone<br>Stone | 11/16/2002 | T | Dover Art League/25th Anniversary                                            |
| H142-16 | Gilligan                                  | 11/16/2002 | M | William Paul Brainard, Sr.                                                   |
| H142-17 | Wagner                                    | 11/23/2002 | T | Union Missionary Baptist Church/100th<br>Anniversary                         |
| H142-18 | Carey                                     | 11/24/2002 | T | Mae Joseph/99th Birthday                                                     |
| H142-19 | Thornburg                                 | 11/18/2002 | T | Janet Foltz/Teacher of the Year/Fifer Middle<br>School                       |
| H142-20 | Wagner                                    | 12/7/2002  | T | Betty McWilliams/70th Birthday                                               |
| H142-21 | cosponsors: All Representatives<br>Carey  | 11/24/2002 | T | Peter Ridgely/Retirement/Milford Senior<br>Center/24 Years                   |
| H142-22 | B. Ennis                                  | 11/23/2002 | T | Marva Thomas/Retirement                                                      |
| H142-23 | Atkins                                    | 12/6/2002  | T | Bunting's Garage/30th Anniversary                                            |

#### HOUSE TRIBUTE ANNOUNCEMENT #2

DATE: January 16, 2003

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                                   | Date       | Type | Description                                                              |
|---------|-------------------------------------------|------------|------|--------------------------------------------------------------------------|
| H142-24 | D. Ennis                                  | 11/17/2002 | M    | Leon N. Weiner                                                           |
| H142-25 | Spence                                    | 11/22/2002 | T    | Dr. William DeLauder/Great Educator                                      |
| H142-26 | cosponsors: All Representatives<br>Spence | 11/29/2002 | T    | State Chess Association/Sponsor/Championship                             |
| H142-27 | DiPinto                                   | 11/22/2002 | T    | Cab Calloway School of the Arts/10th Anniversary                         |
| H142-28 | DiPinto                                   | 11/22/2002 | T    | Elwyn/150th Anniversary                                                  |
| H142-29 | cosponsor: Rep. Plant<br>Carey            | 11/23/2002 | T    | Dale Callaway/President/Volunteer Fireman's<br>Association               |
| H142-30 | Wagner                                    | 11/30/2002 | T    | Katrina Garrison & Jeffrey Gott/Marriage                                 |
| H142-31 | Wagner                                    | 11/30/2002 | T    | Carrie Hawkins & Carlos Holmes/Marriage                                  |
| H142-32 | Thornburg                                 | 12/05/2002 | T    | Richard Barczewski/Distinguished Service/Farm<br>Bureau                  |
| H142-33 | Williams                                  | 11/20/2002 | M    | Damien R. S. Williams                                                    |
| H142-34 | Fallon                                    | 12/15/2002 | T    | Nellie Allen/Dedication/Curiosity Shop                                   |
| H142-35 | Wagner                                    | 11/28/2002 | M    | Robert C. Langrell, Jr.                                                  |
| H142-36 | Buckworth                                 | 11/30/2002 | M    | Helen M. Stone                                                           |
| H142-37 | Quillen                                   | 12/12/2002 | T    | William Manship/Retirement/24 Years/Highway<br>Operations                |
| H142-38 | Stone                                     | 12/3/2002  | T    | Governor's Advisory Council for Exceptional<br>Citizens/30th Anniversary |
| H142-39 | cosponsors: All Representatives<br>Maier  | 1/5/2003   | T    | Vern Stolfi/Service/Ebenezer United Methodist<br>Church/17 Years         |
| H142-40 | B. Ennis                                  | 11/30/2002 | M    | Jayes E. Denney                                                          |
| H142-41 | VanSant                                   | 11/8/2002  | T    | Rosemary & Edward Banack/50th Wedding<br>Anniversary                     |
| H142-42 | Plant                                     | 11/15/2002 | T    | Betty & William Thompson, Jr./50th Wedding<br>Anniversary                |
| H142-43 | Atkins                                    | 12/12/2002 | T    | John Wells/Sussex Central Football Coach/Coach<br>of the Year            |
| H142-44 | cosponsor: Rep. Booth<br>Atkins           | 12/12/2002 | T    | Sussex Central Football Team/Championship                                |



cosponsor: Rep. Booth  
H142-45 Spence 12/1/2002 M Hilda F. Taylor  
H142-46 Stone 12/14/2002 T Tamra Brittingham & Michael Pelrine/Marriage  
cosponsor: Rep. Wagner

T- Tribute

M - Memoriam

Mr. Speaker Spence introduced guests.

Representative Reynolds requested that he be marked present.

Representative Smith deferred to Representative Lee.

Representative Lee moved to suspend the rules which interfere with action on **HB 7**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Lee brought **HB 7**, jointly sponsored by Representative Fallon & Senator Adams, before the House for consideration.

**HB 7 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO 911 - ENHANCED EMERGENCY NUMBER SERVICE.**

Representative Lee introduced and brought **HA 1** to **HB 7**, jointly sponsored by Representative Fallon, before the House for consideration. Representative Lee made comments. **HA 1** was adopted by voice vote. Representatives B. Ennis, Wagner, Schwartzkopf & Valihura made comments. Representative Lee requested and was granted privilege of the floor for Daniel B. Short, past Chief, Seaford Volunteer Fire Department and current Mayor of Seaford. Representative Lee made comments.

The roll call on **HB 7 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & Williams - 2.

Representative Lee introduced guests.

Therefore, having received a constitutional majority, **HB 7 w/HA 1** was sent to the Senate for concurrence.

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

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

Representative Smith deferred to Representative Booth.

Representative Booth moved to suspend the rules which interfere with action on **HB 6**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Booth brought **HB 6**, jointly sponsored by Senator Simpson, before the House for consideration.

**HB 6 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO AMEND SECTION 8. ORGANIZATION AND ANNUAL MEETING OF COUNCIL, BY ADDING A NEW SUBSECTION PROVIDING FOR AUTHORITY TO SET COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL. (2/3 bill)**

Representatives Booth, Gilligan, B. Ennis, Wagner, Booth, Keeley, Ulbrich, Booth, DiPinto, Lavelle, D. Ennis, Booth, Wagner & Reynolds made comments.

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

YES: 39.

ABSENT: Representatives Caulk & Williams - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 6** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Gilligan.

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

Representative Gilligan introduced and brought **HCR 1**, jointly sponsored by Representative Boulden & cosponsored by Representative Thornburg, before the House for consideration.

**HCR 1 - EXTENDING THE FALSE SECURITY ALARM TASK FORCE REPORTING DATE.**

Representative Gilligan made comments.

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

Representative Hudson requested and was granted privilege of the floor to present a House Tribute to the Honorable Philip J. Corrozi on the occasion of his birthday.

Mr. Speaker Spence made an announcement.

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

Mr. Speaker Spence called the House to order at 2:00 p.m. on January 21, 2003.

Representative Thornburg introduced **HB 15**, jointly sponsored by Representative Quillen & Senator Vaughn & Representatives Buckworth, Carey, Caulk, Ewing, Fallon, VanSant, B. Ennis & Houghton & Senators Venables, Still & Bonini.

**HB 15 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.**

Mr. Speaker Spence assigned **HB 15** to the Natural Resources & Environmental Management Committee.

Representative Quillen made an announcement.

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.

**3rd LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 21, 2003**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Caulk, Oberle & Plant – 3.

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

Mr. Speaker Spence 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 - SCHWARTZKOPF & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend an Act Being Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Henlopen Acres" to Provide that No Election Shall Be Held if there is No Contest, Clarifying Election Notice Posting Requirements and Increasing the Penalty for Unpaid Taxes. (2/3 bill)**

**HB 12 - QUILLEN & REPRESENTATIVE B. ENNIS & SENATOR BONINI - PUBLIC SAFETY - An Act to Amend Chapter 88, Title 11, Delaware Code Relating to Credited Service for the County and Municipal Police/Firefighter Pension Plan.**

**HB 13 - REYNOLDS - EDUCATION - An Act to Affirmatively Re-establish the Professional Standards Board Established Pursuant to Title 14, Section 1205 of the Delaware Code.**

**HB 14 - HOCKER & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend Chapter 202, Volume 73, Entitled "An Act to Reincorporate the Town of Ocean View" Relating to Annexation. (2/3 bill)**

**HJR 2 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, CAULK, EWING, HALL-LONG, QUILLEN, SPENCE, STONE, THORNBURG, WAGNER; SENATORS COOK, STILL - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - Directing the Secretary of the Department of Natural Resources and Environmental Control to Dedicate the Delaware Natural Resources Vessel "First State" in Honor of Captain Maurice "Buddy" Sipple, Jr. for His Years of Dedicated Service to this State and His Community.**

**SB 1 - ADAMS & REPRESENTATIVE STONE & SENATOR DELUCA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to Building and Loan Associations.**

**SB 3 - MARSHALL & REPRESENTATIVE HUDSON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Business Taxes.**

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 1** & **SB 3** and requests the concurrence of the House.

**MEMORANDUM**

TO: Terry R. Spence  
Speaker of the House  
FROM: William A. Oberle, Jr.  
RE: Absence from Session  
DATE: January 21, 2003

Due to a family emergency, I will be absent from session today, January 21, 2003. Thank you for your attention to this matter.

Representative Ulbrich requested that she be marked present.

Representative D. Ennis requested and was granted privilege of the floor for Dr. Mark Miller, representing the University of Delaware Political Science Department and several Fulbright American Studies Institute scholars who announced their names for the record. Representative D. Ennis deferred to Representative Miro. Representative Miro & Mr. Speaker Spence made comments.

Representatives Cathcart & George requested that they be marked present.

Representative Smith, Mr. Speaker Spence & Representative D. Ennis introduced guests.

The Majority Leader moved to recess to the call of the Chair at 2:20 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:07 p.m. on January 22, 2003.

Mr. Speaker Spence had administered the oath of office to Representative-Elect Caulk in the Speaker's office prior to the call to order.

Representatives Caulk & Hudson requested that they be marked present for the current Legislative Day.

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

**4th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 22, 2003**

Mr. Speaker Spence administered the oath of office of Representative to Representative-Elect G. Wallace Caulk, Jr. in the Speaker's Office before the call to order.

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives B. Ennis & Gilligan - 2.

A prayer was offered by Representative Deborah D. Hudson, Twelfth Representative District.

Mr. 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 16 - WAGNER & SENATOR VAUGHN - JUDICIARY - An Act to Amend Titles 8 & 9 of the Delaware Code Relating to the General Corporation Law and to Recorders. (2/3 bill)**

**HB 17 - OBERLE - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article XV of the Delaware Constitution Relating to Certain Required Resignations. (2/3 bill)**

**HB 18 - WAGNER & REPRESENTATIVE SPENCE & REPRESENTATIVE MAIER & SENATOR HENRY & SENATOR SOKOLA; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, EWING, LOFINK, VALIHURA, B. ENNIS, HOUGHTON - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road. (2/3 bill)**

**SB 2 w/SA 2 & 3 - VAUGHN & REPRESENTATIVE ROY; SENATORS ADAMS, COOK, HENRY, MARSHALL, MCDOWELL, SOKOLA, AMICK, BONINI, CLOUTIER, CONNOR; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, EWING, FALLON, LEE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, WAGNER, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, VANSANT, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act To Amend Title 24 of the Delaware Code Relating to the Board of Chiropractic.**

**SB 9 w/SA 1 - BLEVINS & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to the Division of Child Support Enforcement and Title 7 of the Delaware Code Relating to Hunting, Trapping and Fishing Licenses.**

Representative Wagner made an announcement.

Representatives Cathcart, George, Ulbrich, Lavelle & Maier requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 2 w/SA 2 & 3, SCR 1, SCR 2 & SB 9 w/SA 1** and requests the concurrence of the House; **HB 7 w/HA 1 & HCR 1** and is returning same to the House.

**MEMORANDUM**

TO: REP. TERRY R. SPENCE  
FROM: REP. BRUCE C. ENNIS  
SUBJECT: ABSENCE FROM CHAMBER  
DATE: JANUARY 21, 2003

I will be unable to attend session on the following dates due to medical reasons:

January 22, 2003

January 23, 2003

**Memorandum**

TO: Rep. Terry R. Spence  
Speaker of the House  
FROM: Rep. Robert F. Gilligan  
House Minority Leader  
DATE: January 22, 2003  
RE: Absence from Session

Due to business reasons, I will be unable to attend session today. Thank you for your consideration of this matter.

Representative Miro requested that he be marked present.

Representative Smith requested privilege of the floor for Pam Price, Legislative Assistant, and the 2003 Legislative Fellows. The fellows announced their names and committee assignments for the record. Representative Smith made comments.

Representative Smith brought the following prefiled **Consent Calendar #1** before the House for consideration.

**HR 5** - Smith & Representatives D. Ennis, Lavelle & Valihura - RECOGNIZING THE LADIES OF THE KILL QUESTERS FOR THEIR CARE AND DEDICATION TO THE PRESERVATION OF THE HISTORIC ROBINSON HOUSE.

**HR 6** - Wagner - EXTENDING THE DELAWARE TEACHERS' CERTIFICATION NEEDS TASK FORCE.

**HR 7** - Wagner - EXTENDING THE COMMUTER RAIL TASK FORCE REPORTING DATE.

**HR 8** - Wagner - EXTENDING THE TRUST AND ESTATES TASK FORCE REPORTING DATE.

**HCR 2** - Smith & Representatives Spence & Lee & Senators Adams, McDowell & DeLuca - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING A BUDGET MESSAGE FROM THE HONORABLE RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE.

**SCR 1** - Sokola on behalf of All Senators & Representative Reynolds on behalf of All Representatives - COMMENDING SHARON CROSSEN FOR BEING SELECTED DELAWARE'S STATE TEACHER OF THE YEAR FOR 2003 AND COMMENDING EACH SCHOOL DISTRICT'S TEACHER OF THE YEAR.

**SCR 2** - Adams & McDowell & Senators DeLuca, Still & Sorenson & Representatives Spence, Smith, Lee, Gilligan & VanSant - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF RECEIVING THE ANNUAL STATE OF THE STATE ADDRESS BY THE HONORABLE RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE.

Representative Boulden requested that he be marked present.

**Consent Calendar #1** was adopted by voice vote and **HR 5, HR 6, HR 7 & HR 8** were declared passed & **HCR 2** was sent to the Senate for concurrence and **SCR 1 & SCR 2** were returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 2:20 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:20 P.M.: Representatives Carey, DiPinto, Hocker, Keeley, Lofink, Mulrooney, Oberle, Reynolds, Roy, Spence & Viola.

Mr. Speaker Spence called the House to order at 1:55 p.m. on January 23, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 10w/SA 1** and requests the concurrence of the House; **HCR 2** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Helene Keeley, do hereby request that my name be removed as co-sponsor of **HB 15**.

Date: January 22, 2003

Signed: Helene M. Keeley

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: January 22, 2003  
RE: Absence from Session

Please be advised that it will be necessary for me to be absent from Session on January 23, 2003 because of a personal matter.

Thank you for your understanding.

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

HEALTH & HUMAN DEVELOPMENT: **SB 9 w/SA 1** - 6M.

JUDICIARY: **HB 16** - 6M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HJR 2** - 4F, 2M.

Mr. Speaker Spence reassigned **SB 2** to the Economic Development, Banking & Insurance Committee.

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

#### 5th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session January 23, 2003

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives DiPinto, B. Ennis & Roy - 3.

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

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

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

The following prefiled legislation was introduced:

**HB 19 - LAVELLE & REPRESENTATIVE SMITH & SENATOR SOKOLA;**

REPRESENTATIVES CAULK, DIPINTO, HUDSON, LOFINK, QUILLEN, WAGNER, B. ENNIS, PLANT; SENATOR SORENSON - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Election Officers.

**HB 20 - EWING & REPRESENTATIVE CATHCART & SENATOR DELUCA;**

REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, DIPINTO, B. ENNIS, D. ENNIS, FALLON, HOCKER, HOUGHTON, KEELEY, LAVELLE, LEE, LOFINK, MIRO, MULROONEY, PLANT, QUILLEN, REYNOLDS, SCHWARTZKOPF, SMITH, SPENCE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special License Plates for Former Prisoners of War and for Recipients of the Purple Heart.

**HB 21 - WAGNER & REPRESENTATIVE SPENCE & SENATOR MCDOWELL & SENATOR BLEVINS;** REPRESENTATIVES LEE, BUCKWORTH, DIPINTO, D. ENNIS, EWING, HUDSON, LOFINK, MIRO, QUILLEN, ROY, STONE, B. ENNIS; SENATORS COOK, AMICK - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Administrative Provisions.

**HB 22 - WAGNER & REPRESENTATIVE MAIER & SENATOR BUNTING - PUBLIC SAFETY** - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road and Drivers' Licenses.

**HB 23 - WAGNER;** REPRESENTATIVES LEE, BUCKWORTH, CATHCART, DIPINTO, EWING, MAIER, MIRO, QUILLEN, ULBRICH, VALIHURA, B. ENNIS, PLANT - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Adoption.

**HB 24 - WAGNER & SENATOR COOK - JUDICIARY** - An Act to Amend Title 11 of the Delaware Code Relating to Certain Crimes. (2/3 bill)

**HB 25 - WAGNER & SENATOR SOKOLA - PUBLIC SAFETY** - An Act to Amend Title 21 of the Delaware Code Relating to Commercial Drivers' Training School Licensing and Drivers' Licensing.

**HB 26 - WAGNER & SENATOR HENRY;** REPRESENTATIVES CATHCART, DIPINTO - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Payment of Fines and Costs.

**HB 27 - WAGNER & SENATOR HENRY;** REPRESENTATIVES BOULDEN, BUCKWORTH, CAREY, D. ENNIS, EWING, QUILLEN, ULBRICH - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Regarding Specific Offenses.

**HB 28 - WAGNER & SENATOR BUNTING;** REPRESENTATIVES LEE, CAREY, CATHCART, EWING, B. ENNIS - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Duties of an Officer Having a Child in Custody.

**HB 29 - WAGNER & SENATOR HENRY;** REPRESENTATIVES BUCKWORTH, CAREY, CAULK, EWING, LAVELLE, REYNOLDS, ULBRICH, HOUGHTON, B. ENNIS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HB 30 - WAGNER & SENATOR BLEVINS;** REPRESENTATIVES D. ENNIS, EWING, MAIER, MIRO, QUILLEN, REYNOLDS, HOUGHTON, PLANT, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Pharmacy.

**HB 31 - WAGNER & SENATOR HENRY;** REPRESENTATIVES CAULK, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, QUILLEN, REYNOLDS - JUDICIARY - An Act to Amend Title 12 of the Delaware Code Relating to Trusts.

**HB 32 - OBERLE & SENATOR SOKOLA;** REPRESENTATIVES LEE, STONE, GILLIGAN, HOUGHTON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 33 - B. ENNIS & REPRESENTATIVE EWING & SENATOR VAUGHN;** REPRESENTATIVES D. ENNIS, GILLIGAN, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, PLANT, SPENCE, THORNBURG, VANSANT, WILLIAMS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Registration of Sex Offenders.

**HB 34 - THORNBURG & SENATOR COOK - JUDICIARY** - An Act to Amend Title 11 of the Delaware Code Relating to Threats Against Public Officials or Public Servants.

**HA 1 to HB 15 - LEE** - Placed with the Bill.

**HA 2 to HB 15 - HUDSON & REPRESENTATIVE VALIHURA** - Placed with the Bill.

**HA 3 to HB 15 - HUDSON & REPRESENTATIVE VALIHURA** - Placed with the Bill.

**HA 4 to HB 15 - HUDSON & REPRESENTATIVE VALIHURA** - Placed with the Bill.

**SB 10 w/SA 1 - HENRY & REPRESENTATIVE KEELEY; SENATORS MARSHALL & SENATOR MCDOWELL; REPRESENTATIVES PLANT & WILLIAMS - PUBLIC SAFETY - An Act To Amend Title 21 of the Delaware Code Relating to the Registration of Vehicles and License Plates. (2/3 bill)**

Mr. Speaker Spence presented a House Tribute to Ernest J. Camoirano on the occasion of his upcoming marriage. Representatives Cathcart, Williams & George requested that they be marked present. Representatives Smith & Gilligan made announcements.

The Majority Leader moved to recess for the Joint Session and caucus at 2:04 p.m.

#### **JOINT SESSION - SENATE CHAMBER**

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

The Members of the House of Representatives were admitted and seated. At the invitation of the Lieutenant Governor, Representative Spence and Senator Adams joined him on the podium.

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

The Sergeant-at-Arms announced the arrival of the Statewide elected officials along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College. They were admitted and seated.

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

At 2:11 p.m. Senator McDowell moved that the Senate and the House meet in Joint Session for the purpose of hearing an address from the Honorable Ruth Ann Minner, Governor of the State of Delaware. There was no objection.

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

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

Senator McDowell moved that the President appoint a committee of four to escort the Governor to the Joint Session. There was no objection. The President appointed Senator Margaret R. Henry (Spokesperson), Senator Gary F. Simpson & Representative Deborah D. Hudson and Representative Robert F. Gilligan.

Lieutenant Governor Carney introduced guests.

The President declared a recess at 2:13 p.m. to await the arrival of the Governor and the escort committee. The Senate reconvened at 2:15 p.m.

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

Senator Henry presented the Governor to the Joint Session.

Lieutenant Governor Carney welcomed the Governor.

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

To the Lieutenant Governor, the President Pro Tem Senator Adams, Speaker Spence, members of the 142nd General Assembly, members of Delaware's judiciary, the members of my Cabinet, the Presidents of the Colleges and Universities, to the other statewide elected officials, to distinguished guests, my son and my fellow Delawareans...

As I stand before you today, I can report to you that the state of the State of Delaware is strong. We are a leader in educating our children, protecting health. We are in the forefront in cracking down on polluters and in preparing for bioterrorism.

We are recognized for our plans to curtail sprawl, to make our state more livable. And while we confront a national economic recession with challenges that still lie ahead, we have shown that Delaware's financial remains strong.

As my 49 colleagues give their State of the State addresses to your colleagues you and I are nearly the only ones who can say we have not raised taxes, we have not slashed services, we have not laid off our state workers or raided our emergency reserve funds in the last two years.

In fact, while other states have opted for one-time and short-term fixes, we have taken the responsibility and the prudent course of seeking long-term solutions of our fiscal situation. The reason for Delaware's success – over the last two years – over the last 20 years – has been our willingness, our ability and our will to focus on the future of our state, even when it means making unenviable decisions in the present.

As in the past, we have worked together – legislative and executive, Democrats and Republicans, senators and representatives – and done what's best for Delaware. It's what we mean when we say "the Delaware way."

There are times when we must rise above the political turmoil of today and focus on tomorrow. This is one of those times and the opportunity we have is for the future Delawareans to look back and see that we focused on their good, perhaps ahead of our own.

So let me start talking about those opportunities.

In the last two years, we have strengthened Delaware's environment. Laws are better today and we protect and inform the public. In 2001, the Environmental Right-To-Know Act met the expectations of citizens that we inform them more quickly of the environmental incidents in their community.

Last year, the Jeffrey Davis Aboveground Storage Tank Act gave the state, authority to regulate chemical and other tanks that have the potential to cause harm to our workers, our residents and our environment. We put those facilities that repeatedly foul our air and water on notice that they are branded "chronic" offenders and subject to harsh penalties.

We must continue our efforts to focus on those industries and facilities that endanger Delaware and, for the first time, hold individuals in charge of those facilities accountable.

I propose legislation, with Senator McBride and Representative Smith and Representative Valihura, to focus on those who manage industrial facilities and their responsibilities to the community and the state.

This industrial accountability legislation will create a felony punishment for industrial officials who are knowingly violating environmental standards and cause serious injury when they do.

It will expand criminal penalties for falsely reported adherence and environmental rules that require the top Delaware operating officials of a facility to attest to compliance with safety rules.

It will subject chronic violators to independent safety audits and require industrial facilities to give us notice of environmental problems they have in other states.

Finally, this industrial accountability proposal will clarify the state's ability to close down dangerous industrial facilities. It's a bold initiative, but it's a necessary next step in our ongoing effort to protect our natural resources.

Today, I am also announcing a task force to review the events that led to the closure of Metachem, a facility near Delaware City.

The abrupt shutdown of that plant and the bankruptcy of that company have saddled the people of Delaware with up to 40 million tons of chemicals to clean up and up to \$75 million in costs.

The goal of the task force will be to determine what environmental, operational, business and financial factors played a role in the closure and identify any steps we as a state could take to prevent the situation from occurring again. The task force will work to identify any other industrial site in our state that may be at risk of becoming the next Metachem.

I will name a man who is well respected for both his love of our state and his ability, honed as one of the state's most respected jurists, to seek the truth. I am pleased to have with us today the task force chair, former Supreme Court justice, Chancellor and Superior Court judge, William Quillen.

In the coming months, I will announce additional initiatives designed to encourage and require industrial facilities about the things that happen with environmental protection in Delaware. I look forward to sharing and working with you in the weeks ahead.

The Minner-Carney administration's Livable Delaware plan for curbing sprawl and managing growth has changed the way the state and local governments approach development.

Because state taxpayers pay for the roads, the schools and the other services demanded by development, we have asked our counties and towns to plan where they will build and build only where they plan.

About two-thirds of the state's municipalities and all three counties are in the process of considering or adopting a growth plan. The results, over time, will be more responsible and thoughtful growth.

Often, when plans for development are proceeding through the local process, our state government finds elements of those plans problematic, from the local roads to the impacts. Often these issues arise very late in the process, inconveniencing local officials, concerned citizens and the developers.

This year, I will propose legislative change to the Land Use Planning Act to create a pre-application step to protect those projects and to do it to projects of a certain size. This proposal would bring together the developer, local governments, state agencies before a project is submitted for approval.

It would eliminate many of the last-minute objections and changes that take place now and, with the consultation of state agencies earlier, may result in projects that are more suitable for the affected community.

The issues of development in northern New Castle County cannot be addressed without talking about the issue of water supply.

During the 2002 drought, Delaware was the last state in the region to impose mandatory restrictions and the first state to lift those restrictions.

It's not because we were inattentive, it's because of the interconnections among water providers that allow the sharing of supplies, the suppliers' ability to manage the flow and yes, DNREC's oversight. I commend the public-private partnership that went into the management of this year's drought, the most serious water shortage in our state in a century.

But the growth of the state's population means significant action is necessary to ensure that water is available to every Delaware citizen and business, even during a drought. I propose today that we embark on an effort to make certain that northern Delaware achieves water self-sufficiency by the year 2010.

We've already begun progress toward that goal. The Public Service Commission is reviewing last year's drought to identify future solutions. And the state, municipal water suppliers and private water companies are working together to identify the steps that will provide adequate water for everyone.

Whether we're at the end of a period of strange and turbulent weather or whether it will continue, I cannot predict. In Delaware, of course, weather is the responsibility of our Lieutenant Governor.

But in the past year, we've seen a mild winter, a dry spring, a summer drought, a fall too wet for some and the restoration of needed water supplies for others. We're now experiencing a normal winter but one that strains household budgets for heat and for transportation.

That's why, next year, I hope to have before you the first-ever comprehensive energy plan: one that will make us more self-sufficient in a world that sees uncertainty, one that will nurture new Delaware companies that are part of the fast-growing and moving technology. Changes, yes many, and one that will provide incentives to homeowners and businesses to take part in the energy transition to renewable products.

As we strive to keep the challenges of the present from becoming the crisis of the future, energy in our state is one we must address. And we must work together to address it.

At this time last year, I told you that much of my legislative agenda for 2002 would focus on protecting our state from the threat of terrorism. Working together, you and I have accomplished most of that agenda.

We've passed several pieces of legislation, the most important being the Delaware Emergency Health Powers Act.

Now our food producers, pharmacists, veterinarians, medical community are all part of a massive early-alert network that will allow us to detect bioterrorism in the critical early hours. Now we have a set of rules and procedures that will help us react swiftly and effectively if a bioterrorist attack does occur.

We have some of the most sweeping medical privacy rules in the country, so Delawareans can be assured that their medical privacy will not be compromised in the event of bioterrorism or chemical attack.

Taken together, we have the most comprehensive and effective anti-bioterrorism system in the country, and I thank the General Assembly for its help in dealing with this complicated but important issue.

My work on homeland security will continue this year. I will work with my homeland security adviser Phil Cabaud to secure from the federal government the necessary resources to improve our public health alert and first responder systems.

I cannot talk about homeland security without recognizing the 245 men and women of Delaware's National Guard currently deployed on active duty, many as our country's war on terrorism. Another 137 are expected to go by the end of the month. We also have reservists who are activated and serving. I know you join me in offering sincere appreciation for their courageous service, as well as our prayers and best wishes for their safe return.

One of our government's most sacred duties is to protect the health and safety of its citizens. And we're doing that in Delaware.

In the area of public safety, we have supported our emergency responders by fixing the troubled 800-megahertz system, the backbone of the communication for firefighters, for police officers, for our EMS workers.

Lieutenant Governor Carney has distributed 20,000 free cable gun locks, hoping that they will keep those guns from becoming part of the tragic accident we hear about and shudder.

Last year, you joined me in strengthening the penalties for individuals who repeatedly drink and drive. But there's more to be done. I ask, once again, that the General Assembly consider the legal blood alcohol level while driving .08 and to ban open containers of alcohol from passenger compartments of cars and trucks.

We know these measures will save life, prevent injury and prevent the loss of about \$1.6 million of federal highway funding.

I have spoken to you and the people of Delaware often about my desire and commitment to reduce the high rate of cancer and mortality in the State of Delaware.

Last year, the Delaware Advisory Council on Cancer Incidence and Mortality produced what I consider a landmark report on cancer in our state. It contains specific recommendations that doctors, cancer survivors and family members of cancer victims tell us will lower Delaware's cancer rates, a personal priority of mine. My budget proposal will include a plan to spend \$5 million of the tobacco settlement money on the first-year recommendations of the cancer council. These funds will be used to begin early screening for colorectal cancer, to pay for cancer treatment for those without insurance and to begin to investigate environmental causes of cancer to reduce tobacco use in Delaware.

I'd like to recognize and have all of us thank the Delawarean who led the council and provided a road map for our efforts to fight cancer. His commitment to his son, who was diagnosed with leukemia but is now in remission, has turned into a commitment for every Delawarean with cancer. Please welcome Mister Bill Bowser.



I brought along with me today and I want to read to you a letter about the clean indoor air act because that was one of their recommendations. Let me read a part of this letter to you. A letter from a 10-year old, Kimberly Eagle. I appreciate it because she's very honest in what she says. Let me tell what she said: "I appreciate it very much because when I was 6 years old I was diagnosed with cancer. And I am very happy that you put the smoking ban up because when I went into a restaurant I had to walk past a bar to go to my table and it hurt my lungs very much." Kimberly's with us today. Welcome.

Ladies and Gentlemen, the message from Kimberly and from I: Be proud of what you did for the people of Delaware and for generations yet to come.

Yes, there are detractors, there's also the quiet majority grateful for clean air and the opportunity to now dine or socialize where they choose.

For the same reason that we should not borrow from future generations to solve this year's budget problem, we should not sacrifice the health of those who work or who will be born here to the crisis of last year's bold steps. Delaware is one of the first states to care so deeply for its citizens instead of being one of the last and that's to our credit, and I want to keep it that way.

In our schools, we are seeing the results of standards and the accountability program that our state committed to almost a decade ago. In the last two years, we have seen improvement in the reading and math scores in all of the key grades in our accountability system.

This, to me, shows the wisdom of setting high standards, of deciding together how to help our children meet those standards, and in remaining committed to the means that will lead us to our desired end – a truly world-class school system. And we will remain true to this commitment.

As we develop our children's ability and intellect, we should also seek to develop in them virtues that are good for them and for society.

To do this, I have directed the Secretary of Education to research and identify character education programs that could be added to the school districts at little or no cost to them. This curriculum addition would be completely voluntary, but I believe those schools who adopt it will be producing better students and better citizens.

For the elected officials here, each of us arrived through the democratic process, a system of representation that began in our state over 200 years ago. And I believe we have the responsibility to maintain or improve that process.

In keeping with that responsibility, I believe it is time that we address the issue of campaign finance reform, in particular the newest kind of attack ad paid for by "independent expenditures."

I'm talking about the vicious campaign attacks on Democrats and on Republicans—by organizations with mysterious sounding names that no one's ever heard of until the campaign season.

These independent expenditures allow such groups to evade our campaign contribution laws and limits, buy the outcome of the elections, and worst yet, the negative ads they pay for sours our citizens on the system.

We can't stop these ads. The First Amendment protects them. But I believe we can do two important things. First, we can strengthen our laws to make sure these ads are really independent, and not simply efforts by a political candidate to circumvent our campaign finance laws.

Second, we can make a better effort to require the people who pay for these ads to reveal who they really are, rather than letting them hide behind fictitious names and bogus groups.

So, in the coming months, I will submit for your consideration campaign finance reform to address these problems and I ask you to consider it carefully.

As you know, Delaware has struggled over the last few years as the economy has softened. But there have been a few bright spots.

Two weeks ago Palmetto Management and Engineering announced it would bring 350 high-wage jobs to Wilmington.

Last week, Bank One agreed to locate two state of the art data centers in Delaware – one in Bear, the other in Wilmington – and create another 100 jobs. That means a total of 2,600 jobs have been created in Delaware since January '01.

Also last week, I was proud to announce that M&T Bank will keep the Allfirst facility in Millsboro open, a facility many thought sure to close when Allfirst announced their merger with M&T. In fact, M&T may expand in Millsboro in the future, bringing even more employment opportunities to our state.

These announcements show that Delaware continues to be a desirable place to do business.

Last year, the Strategic Economic Council, led by DuPont senior vice president Stacy Mobley, recommended a number of steps for making Delaware's economy even stronger. Among the recommendations was one that Delaware create special procedures in its already well-respected Chancery Court to hear disputes in the area of technology-related commerce.

According to the Council, "in the coming decades, we cannot maintain expertise in law – whether in intellectual property, privacy, patent and trademark, or the UCC – without expertise in the increasingly complex technologies developed and involved."

To maintain Delaware's preeminence in the area of business law economic impact the business law has on our state, I will submit legislation creating new "technology court" procedures for your consideration.

I will also reconvene the Council throughout the year to continue to identify opportunities and policies that will keep Delaware first in job retention and creation.

Finally, you have agreed to allow me to return next week to detail my proposal for the Fiscal Year 2004 budget. So I won't dwell too much on it today.

What I will say is this: The task before you and I, it will be daunting. In enacting a balanced budget, it will be daunting. When I began work on the budget proposal, the gap between projected revenues and expenditures for '04 stood at \$300 million – more than 10 percent of our budget.

The gap existed because the current projected revenues will be less than state government's level of spending this year.

Add to that a largely unavoidable increase in the budget from the mandated costs. We see them every year: increases in Medicaid, increases in health care and prescription costs, increases in the cost of schools because we have more growing student population, and increases in the costs of our growing prison system.

Further complicating the budget picture is the fact that revenues for '05 are currently also forecast to be lower than this year's budget and economists are not forecasting a quick recovery – in fact many are forecasting a "double-dip" recession instead.

In short, there are structural problems in our state budget: the fact that revenue forecasts for the next two years are well below the current level of spending.

The only responsible way to align revenues and expenditures are to cut the budget in ways that are sustainable or raise sustainable revenue. Temporary or one-time revenue sources will not solve the fundamental structural budget problem of our state.

As you know, my philosophy during the past two years has been to avoid quick fixes that sacrifice the long-term fiscal health.

Since I took office, we have saved almost 200 million with budget cuts. In fact, these budget cuts began on my second day in office. The 2004 budget I will propose next week will include even more budgets.

One such cut has already been announced -- the closing of the Gov. Bacon Health Center in Delaware City. The state has been operating three nursing homes when it really only needs two, creating an opportunity to save 2.5 million without diminishing services to the patients or to the employees who work there. The level of care these patients receive will not change as they and the employees who have served them so well in the past will be moved to one of our two other health care facilities.

When I release my budget proposal and as we discuss it between now and June 30th, I urge those of you who have been here before and those of you who weren't to look back at the way our state has faced the challenges of the past.

I know how difficult the next few months will be. Many of us in this chamber today were here in the '70s and in the early '90s, the last two times our state faced a fiscal crisis, especially a crisis of this size. We know that the only way to solve the problem is together – legislative and executive, Democrats and Republicans, senators and representatives – the Delaware way.

As I said when I began, this is a time of challenge but a time of opportunity. This is the time to focus on the future. This is a time to face the realities of our situation and to work together to find responsible solutions.

Newsman Edward R. Murrow once said, "Difficulty is the excuse history never accepts."

We face difficult decisions over the next several months. Let's work together to prove ourselves and our mettle to history.

Thank you very much.

Lieutenant Governor Carney thanked the Governor and asked the escort committee to reassemble and escort the Governor back to her office.

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

The Secretary of the Senate, Bernard J. Brady, reported that he and the Chief Clerk had compared their Journals and found them to agree.

Senator McDowell moved that the Joint Session be adjourned and that the two Houses separate to reconvene in their respective Chambers. There was no objection. The Joint Session was declared adjourned at 2:52 p.m.

The House reconvened at 4:29 p.m.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 16**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 16 - AN ACT TO AMEND TITLES 8 & 9 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW AND TO RECORDERS. (2 3 bill)**

Representative Wagner made comments.

The roll call on **HB 16** was taken and revealed:

YES: 36.

ABSENT: Representatives Cathcart, DiPinto, B. Ennis, Mulrooney & Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 16** was sent to the Senate for concurrence.

Representatives Boulden, Lavelle & Oberle requested that they be marked present during the roll call.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 9 w/SA 1**, jointly sponsored by Senator Blevins, before the House for consideration.

**SB 9 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CHILD SUPPORT ENFORCEMENT AND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING, TRAPPING AND FISHING LICENSES.**

Representative Maier made comments.

The roll call on **SB 9 w/SA 1** was taken and revealed:

YES: 35.

NO: Representatives Buckworth, Caulk & Quillen - 3.

ABSENT: Representatives DiPinto, B. Ennis & Roy - 3.

Therefore, having received a constitutional majority, **SB 9 w/SA 1** was returned to the Senate.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Representative Roger Roy  
DATE: January 23, 2003  
RE: Absence from Session

Due to previous business commitments, I will be absent from session today, January 23, 2003. Thank you for your consideration to this matter.

The Majority Leader moved to recess to the call of the Chair at 4:38 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:07 p.m. on January 28, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 16, SB 12 & SJR 1 w/SA 1** and requests the concurrence of the House.

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.

**6th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 28, 2003**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Spence & VanSant - 2.

A prayer was offered by Representative Gregory F. Lavelle, Eleventh Representative District.

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

The following prefiled legislation was introduced:

**HS 1 for HB 13 - REYNOLDS - EDUCATION - An Act to Affirmatively Re-establish the Professional Standards Board Established Pursuant to Title 14, Section 1205 of the Delaware Code.**

**HB 35 - VANSANT & REPRESENTATIVE DIPINTO & REPRESENTATIVE B. ENNIS & SENATOR SORENSON; REPRESENTATIVES EWING, FALLON, HUDSON, KEELEY, QUILLEN; SENATORS SIMPSON, STILL - JUDICIARY - An Act to Amend Title 16 and Title 11 of the Delaware Code Relating to Drug Offenses.**

**HB 36 - WAGNER & REPRESENTATIVE BOULDEN & SENATOR PETERSON & SENATOR HENRY; REPRESENTATIVES SPENCE, LEE, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, STONE, ULBRICH, VALIHURA, GILLIGAN, VANSANT, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, WILLIAMS; SENATORS CLOUTIER, CONNOR, SORENSON - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Wage Payment and Collection Definition of Terms.**

**HB 37** - OBERLE & REPRESENTATIVE ULBRICH; REPRESENTATIVES SPENCE, BOULDEN, BUCKWORTH, CAREY, CATHCART, DIPINTO, HUDSON, LOFINK, MIRO, STONE, VALIHURA, VIOLA, HOUGHTON, KEELEY, MULROONEY; SENATOR SIMPSON - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driving Under the Influence. (2/3 bill)

**SB 12** - VENABLES & REPRESENTATIVE FALLON - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 23 of the Delaware Code Related to Dredging.

**SB 16** - COPELAND & REPRESENTATIVE LAVELLE - HOUSE ADMINISTRATION - An Act to Waive the Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

**SJR 1 w/SA 1** - MCBRIDE & REPRESENTATIVE QUILLEN; SENATORS VAUGHN, VENABLES, SIMPSON; REPRESENTATIVES D. ENNIS, MULROONEY, CAREY - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - Extending the Life of the Delaware River and Bay Oversight Committee for the Purpose of Studying and Considering Additional Matters, Including the Effect of the Regulation 24, Section 46 Control of VOC Emissions and the Establishment of a Permanent Delaware River and Bay Oversight Commission.

The Reading Clerk read the following communications into the record:  
Memorandum

TO: Rep. Terry R. Spence  
Speaker of the House  
FROM: Rep. John F. VanSant  
House Minority Whip  
DATE: January 28, 2003  
RE: Absence from Session

I will be unable to attend session today due to personal reasons. Thank you for your consideration of this matter.

MEMORANDUM

TO: Representative Terry R. Spence  
FROM: Representative J. Benjamin Ewing  
DATE: January 28, 2003  
SUBJECT: Absent From Session

I will be absent from session on January 30, 2003 due to personal business.

Thank you.

Representatives Wagner & Plant requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:12 p.m.

The House reconvened at 4:28 p.m.

Representative Roy made an announcement. Representatives Miro, Fallon, Stone, D. Ennis, B. Ennis, Cathcart, Mulrooney & George requested that they be marked present. Representative Smith made an announcement regarding **HB 15**. Representative Smith deferred to Representative Thornburg. Representative Thornburg made comments. Representative Smith deferred to Representative Hudson. Representative Hudson made comments. Representative Ulbrich requested that she be marked present. Representative Smith made comments regarding **HB 15**.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HJR 2**, jointly sponsored by Senator Vaughn & Representatives Buckworth, Caulk, Ewing, Hall-Long, Quillen, Spence, Stone, Thornburg & Wagner & Senators Cook & Still, before the House for consideration.

**HJR 2** - DIRECTING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DEDICATE THE DELAWARE NATURAL RESOURCES VESSEL "FIRST STATE" IN HONOR OF CAPTAIN MAURICE "BUDDY" SIPPLE, JR. FOR HIS YEARS OF DEDICATED SERVICE TO THIS STATE AND HIS COMMUNITY.

Representative B. Ennis & Mr. Acting Speaker made comments.

Representatives Williams & Maier requested that they be marked present.

The roll call on **HJR 2** was taken and revealed:

YES: 39.

ABSENT: Representatives Spence & VanSant - 2.

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

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

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

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis introduced guests.

Representative Smith introduced and brought **HCR 3**, jointly sponsored by Senator Cloutier & cosponsored by Representative D. Ennis, before the House for consideration.

**HCR 3** - DESIGNATING SATURDAY, FEBRUARY 8, 2003, AS FRENCH ALLIANCE DAY IN DELAWARE, TO COMMEMORATE THE SIGNING OF BOTH THE TREATY OF AMITY AND COMMERCE AND THE TREATY OF (MILITARY) ALLIANCE BY THE UNITED STATES WITH FRANCE IN PARIS ON FEBRUARY 6, 1778.

Representative Smith made comments.

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

Representative Smith deferred to Representative Stone. Representative Stone requested and was granted privilege of the floor to present House Tributes to Representatives Gerald A. Buckworth, Robert J. Valihura, Jr. & Deborah D. Hudson.

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

HOUSE ADMINISTRATION: **SB 16** - 3M.

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

Mr. Acting Speaker Oberle called the House to order at 2:03 p.m. on January 29, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 6 & HB 16 21** and is returning same to the House; **SB 21** and requests the concurrence of the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Patricia Blevins, do hereby request that my name be removed as a cosponsor of **HB 23**.

Date: January 23, 2003

Signed: Patricia Blevins

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Deborah Hudson, do hereby request that my name be removed as a cosponsor of **HB 20**.

Date: January 23, 2003

Signed: Deborah Hudson

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

The House reconvened at 2:06 p.m.

**7th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 29, 2003**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Spence & Williams -2.

A prayer was offered by Representative Helene M. Keeley, Third Representative District.

Mr. 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 39** - OBERLE & SENATOR SOKOLA; REPRESENTATIVES SPENCE, BOULDEN, LOFINK, REYNOLDS; SENATOR BLEVINS - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 40** - CAULK & SENATOR SIMPSON & REPRESENTATIVE VALIHURA - PUBLIC SAFETY - An Act to Amend Title 29 of the Delaware Code Relating to the Department of Public Safety.

**HA 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 to HB 15** - HUDSON & REPRESENTATIVE VALIHURA - Placed with the Bill.

**HA 16 to HB 15** - CAULK - Placed with the Bill.

**HA 17 to HB 15** - VIOLA - Placed with the Bill.

**HA 1 to HA 1 to HB 15** - VALIHURA & REPRESENTATIVE HUDSON - Placed with the Bill.

**HA 1 to HA 4 to HB 15** - HUDSON & REPRESENTATIVE VALIHURA - Placed with the Bill.

**SB 21** - COOK & REPRESENTATIVE DIPINTO; SENATOR SORENSON - JUDICIARY - An Act to Amend Title 29 Delaware Code Relating to Service in the State Judiciary Pension Plan.

Mr. Acting Speaker made an announcement.

Representatives Cathcart, George, DiPinto, Miro, Hall-Long & Maier requested that they be marked present.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #3**

DATE: January 29, 2003

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   | Date       | Type | Description                                                   |
|---------|-----------|------------|------|---------------------------------------------------------------|
| H142-47 | DiPinto   | 12/12/2002 | T    | Milbank Memorial Fund Reforming States Group/10th Anniversary |
| H142-48 | Buckworth | 12/16/2002 | T    | Laura Minor/Boost Morale U. S. Military                       |

|         |                                 |            |   | Personnel                                                       |
|---------|---------------------------------|------------|---|-----------------------------------------------------------------|
| H142-49 | Spence                          | 12/16/2002 | T | Ministry of Caring/25th Anniversary                             |
| H142-50 | Thornburg                       | 12/17/2002 | T | Diana Robertson/Appreciation/Dedication                         |
| H142-51 | Wagner                          | 12/13/2002 | M | Martin Burns                                                    |
| H142-52 | Quillen                         | 1/13/2003  | T | Ada Graham/80th Birthday                                        |
| H142-53 | Smith                           | 12/19/2002 | T | Matt Cherry/WILM Reporter/Fairwell                              |
| H142-54 | Stone                           | 1/10/2003  | T | Chao Hu/Del DOT/Retirement                                      |
| H142-55 | Wagner                          | 12/18/2002 | M | Gwendolyn E. Braxton                                            |
| H142-56 | Boulden                         | 12/29/2002 | T | Urie & Nancy Boulden/40th Anniversary                           |
| H142-57 | Wagner                          | 12/20/2002 | M | William Sandy Banks, Sr.                                        |
| H142-58 | Smith                           | 1/4/2003   | T | William R. Day/Eagle Scout                                      |
| H142-59 | Wagner                          | 12/30/2002 | M | Marjorie Lolita Purnell Fisher                                  |
| H142-60 | B. Ennis                        | 12/26/2002 | M | Georgia E. Kopelen                                              |
| H142-61 | B. Ennis                        | 12/27/2002 | M | Kenneth M. Wix                                                  |
| H142-62 | B. Ennis                        | 12/16/2002 | M | Ruth D. Sparks                                                  |
| H142-63 | B. Ennis                        | 12/19/2002 | M | Charles H. Reed, Jr.                                            |
| H142-64 | Stone                           | 12/26/2002 | M | Eugene Tyler                                                    |
| H142-65 | cosponsor: Rep. Wagner<br>Stone | 1/1/2003   | M | Reverend Emmanuel Stuart Hedgebeth                              |
| H142-66 | Wagner                          | 12/15/2002 | M | C. E. "Buck" Wilburn                                            |
| H142-67 | Buckworth                       | 12/25/2002 | T | Gladys & Leon Jackson/50th Wedding Anniversary                  |
| H142-68 | Buckworth                       | 1/11/2003  | T | Lynn Deakins/Little League Administrator/Outstanding Leadership |
| H142-69 | Smith                           | 1/14/2003  | T | Eric M. Sutton/Farewell                                         |
| H142-70 | Wagner                          | 1/10/2003  | T | Karen Grace Antaran Ausejo & Edward B. L. Cooper/Marriage       |
| H142-71 | Wagner                          | 1/10/2003  | T | Jennifer Eva Kopp & Michael DeAngelo Brown/ Marriage            |
| H142-72 | Wagner                          | 1/10/2003  | T | Renee Seren & Scott Ivy/Marriage                                |

#### HOUSE TRIBUTE ANNOUNCEMENT #4

DATE: January 29, 2003

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                  | Date       | Type | Description                                                                                                                          |
|---------|--------------------------|------------|------|--------------------------------------------------------------------------------------------------------------------------------------|
| H142-73 | DiPinto                  | 12/28/2002 | T    | Holly Brinton Harra & Ryan Daniel                                                                                                    |
|         | cosponsor: Rep. Hudson   |            |      | Pommerening/Marriage                                                                                                                 |
| H142-74 | Buckworth                | 1/24/2003  | T    | Jerome A. Emerson/Division of Motor Vehicles/Retirement                                                                              |
| H142-75 | Hudson                   | 11/23/2002 | T    | James Kearns, Sr./National Easter Seals Volunteer of the Year 2002                                                                   |
| H142-76 | Booth                    | 1/14/2003  | T    | Megee Motors/50th Anniversary                                                                                                        |
| H142-77 | Fallon                   | 1/25/2003  | T    | Brian Lynch/Comcast/Contributions/Delaware Citizens                                                                                  |
| H142-78 | Reynolds                 | 12/8/2002  | T    | William Penn High School's Football Team/2002 State Football Division I Champions                                                    |
| H142-79 | Booth                    | 1/14/2003  | T    | Kelly DeLeon/2002 National Board Certification in Library Media                                                                      |
| H142-80 | Schwartzkopf             | 1/14/2003  | T    | Fay Jacobs/2002 Travel & Tourism Person of the Year                                                                                  |
| H142-81 | Hall-Long                | 1/11/2003  | T    | Townsend Volunteer Fire Company/75th Anniversary                                                                                     |
| H142-82 | D. Ennis                 | 1/22/2003  | T    | Dorothy C. Evans/70th Birthday                                                                                                       |
|         | cosponsor: Rep. Gilligan |            |      |                                                                                                                                      |
| H142-83 | Buckworth                | 1/14/2003  | T    | Joe Troubetaris/All-State Boys Soccer 1st Team & All-Henlopen Conference Northern Division Soccer 1st Team/Caesar Rodney High School |
| H142-84 | Buckworth                | 1/14/2003  | T    | Eric Lewis/All-State Boys Soccer 1st Team & All-Henlopen Conference Northern Division Soccer 1st Team/Caesar Rodney High School      |
| H142-85 | Buckworth                | 1/14/2003  | T    | Brandon Shaw/All-State Boys Soccer 1st Team &                                                                                        |

|         |           |            |   |                                                                                                                                    |
|---------|-----------|------------|---|------------------------------------------------------------------------------------------------------------------------------------|
|         |           |            |   | All-Henlopen Conference Northern Division Soccer<br>1st Team/Caesar Rodney High School                                             |
| H142-86 | Buckworth | 1/14/2003  | T | Elizabeth Paul/All-State Girls Cross Country<br>Team & All-Henlopen Conference Cross Country<br>1st Team/Caesar Rodney High School |
| H142-87 | Buckworth | 1/14/2003  | T | Heather Rogers/All-State Field Hockey 1st Team<br>& All-Henlopen Conference Field Hockey 1st<br>Team/Caesar Rodney High School     |
| H142-88 | Buckworth | 1/14/2003  | T | Coach Dicky Howell/Caesar Rodney<br>Wrestling/Winning Record                                                                       |
| H142-89 | B. Ennis  | 12/16/2002 | M | Anna L. Robinson                                                                                                                   |
| H142-90 | B. Ennis  | 12/24/2002 | M | Maurice K. "Buddy" Sipple, Jr.                                                                                                     |

T- Tribute

M - Memoriam

Representatives Lee, Atkins & Valihura requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: The Honorable Gerald A. Buckworth  
State Representative - 34th District  
DATE: January 29, 2003  
RE: Absence from Session

Please excuse my absence on Thursday, January 30, 2003. Due to personal business, I will be unavailable to attend session on that day. Thank you for your understanding.

Representative Smith deferred to Representative Wagner. Representative Wagner made announcements.

Representative Thornburg requested that she be marked present.

The Majority Leader moved to recess to the call of the Chair at 2:14 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:14 P.M.: Representatives Boulden, D. Ennis, Gilligan, Lavelle, Plant, Reynolds & Stone.

Mr. Acting Speaker Oberle called the House to order at 1:52 p.m. on January 30, 2003.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 17** and requests the concurrence of the House.

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

TELECOMMUNICATION INTERNET & TECHNOLOGY: **HB 4** - 1F,3M.

REVENUE & FINANCE: **SB 3** - 5M.

PUBLIC SAFETY: **HB 12** - 1F, 4M; **HB 18** - 3M,2U; **HB 22** - 5M; **HB 25** - 5M; **HB 26** - 5M; **SB 10 w/SA 1** - 1F, 4M.

JUDICIARY: **HB 24** - 5M; **HB 28** - 5M; **HB 29** - 5M; **HB 31** - 5M; **HB 33** - 5M; **HB 34** - 5M; **SB 21** - 1F,4M.

HOUSE ADMINISTRATION: **HB 11** - 3M; **HB 14** - 3M; **HB 19** - 3M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 15** - 4F,4M; **SB 12** - 5F,3M; **SJR 1 w/SA 1** - 4F,4M.

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

Representative Roy moved to suspend the rules which interfere with introduction of and action on **SB 17**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Roy introduced and brought **SB 17**, jointly sponsored by Senator Venables & Senators Blevins, Cook, DeLuca, Connor & Simpson & Representatives Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner & Mulrooney, before the House for consideration.

**SB 17** - AN ACT AMENDING THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT AND AMENDING THE LAWS OF DELAWARE. (3/4 bill)

Representative Roy moved to place **SB 17** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Plant requested that she be marked present for the current Legislative Day.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the current legislative day. The House reconvened at 1:56 p.m.

**8th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
January 30, 2003**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Buckworth, Ewing & Spence – 3.

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

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

The following prefilled legislation was introduced:

**HB 38 - MIRO & REPRESENTATIVE MAIER & REPRESENTATIVE ULBRICH & SENATOR SOKOLA; REPRESENTATIVES BUCKWORTH, CAREY, DIPINTO, D. ENNIS, EWING, HOCKER, HUDSON, LAVELLE, OBERLE, VALIHURA, WAGNER; SENATORS SORENSON, AMICK, CONNOR - EDUCATION - An Act to Amend Title 14, Delaware Code Relating to School Elections.**

**HB 41 - OBERLE & SENATOR DELUCA; REPRESENTATIVE ULBRICH - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Abuse of Children.**

**HB 42 - OBERLE & REPRESENTATIVE SPENCE; SENATORS COOK, CLOUTIER; REPRESENTATIVE ATKINS - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees Pension Plan.**

**HB 43 - OBERLE; REPRESENTATIVES D. ENNIS, FALLON, LOFINK, REYNOLDS, ROY; SENATORS HENRY, SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Occupant Protection System Safety Act.**

**HB 44 - OBERLE & SENATOR MCBRIDE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Registration of Vehicles.**

**HB 45 - OBERLE & SENATOR BUNTING - REVENUE & FINANCE - An Act to Amend Title 29 and Title 30 of the Delaware Code Relating to the Preservation of the Inland Bays, the Realty Transfer Tax and Public Accommodations Tax, and Revenue Bonds.**

**HB 46 - OBERLE; REPRESENTATIVES EWING, LOFINK, GEORGE - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Employee Absences or Leave.**

**HB 47 - VALIHURA & REPRESENTATIVE SMITH & REPRESENTATIVE LAVELLE & SENATOR CLOUTIER & SENATOR COPELAND - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Primary Elections.**

**HB 48 - BUCKWORTH & REPRESENTATIVE VIOLA; SENATORS VENABLES, STILL - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Void and Voidable Marriages.**

**HB 49 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES CAREY, CAULK, D. ENNIS, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, VANSANT, EWING, GILLIGAN - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Size and Weight of Vehicles and Loads.**

**HA 18, 19, 20 & 21 to HB 15 - HUDSON & REPRESENTATIVE VALIHURA - Placed with the Bill.**  
Representatives Roy, Hocker & Boulden requested and were granted personal privilege of the floor to introduce guests.

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

The Majority Leader moved to recess for the Joint Session at 2:01 p.m.

**JOINT SESSION - HOUSE CHAMBER**

The Sergeant-at-Arms announced the arrival of the Senate Members for the Joint Session. The Members of the Senate were admitted, welcomed and seated. At the invitation of Mr. Acting Speaker, Lieutenant Governor John C. Carney, Jr. and President pro Tempore, Senator Thurman Adams, Jr. joined him on the podium.

Representative Smith introduced guests.

The Sergeant-at-Arms announced the arrival of the members of the Judiciary who were admitted and seated.

The Sergeant-at-Arms announced the arrival of the Statewide elected officials along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College. They were admitted and seated.

The Sergeant-at-Arms announced the arrival of the members of the Governor's cabinet officials. They were admitted and seated.

At 2:12 p.m. Representative Smith moved that the Senate and the House meet in Joint Session for the purpose of hearing the budget address from the Honorable Ruth Ann Minner, Governor of the State of Delaware. There was no objection.

Representative Smith moved that Mr. Acting Speaker Oberle preside over the Joint Session. There was no objection.



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

Representative Smith moved that Mr. Acting Speaker appoint a committee of four to escort the Governor of the State of Delaware to the Joint Session. There was no objection. Mr. Acting Speaker appointed Representative V. George Carey (Spokesperson), Representative Hazel D. Plant, Senator Dori A. Connor & Senator Patricia M. Blevins to escort the Governor to the Chamber.

While awaiting the arrival of the Governor and the escort committee, Beth Ann Hocker, Representative Gerald W. Hocker's daughter, sang "God Bless the USA". Mr. Acting Speaker thanked Miss Hocker.

The Sergeant-at-Arms admitted the escort party and Governor Minner. Representative Carey introduced Governor Ruth Ann Minner to the Joint Session.

Mr. Acting Speaker welcomed the Governor and invited her to the podium.

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

Good afternoon everyone. What a pleasure to be here. I always enjoy coming back to the House and the Senate so I thank you for the invitation to be with you today. Lieutenant Governor Carney, President Pro Tem Adams, Acting Speaker Oberle, to the members of the 142nd General Assembly, other elected officials, and the college presidents, the university president, members of the Delaware Judiciary, members of my Cabinet, distinguished guests, my son and my fellow Delawareans...

We gather today in uncertain times, gripped in a national economic recession and with the threat of war looming. The outlook for our country's economy and thus for our state's finances is unclear. But we are charged, you and I, with the stewardship of our state, and so I am here to present my long-term plan to steer Delaware through an uncertainty, toward a fiscal stability and economic prosperity.

The national economy has slumped and Delaware is weathering the storm much better than most states. As I said last week, Delaware is one of the only states that has survived the last two years without raising taxes, drastically slashing services, laying off employees or raiding its emergency reserve funds.

We have not had to do what other states have had to do because we have chosen the sensible path. I thank you for that.

The effects of the national economic slowdown took hold on my second day in office, and I was told I had a \$35 million shortfall. I immediately ordered a series of cuts to bring our budget into balance. When revenue projections continued to drop and costs continued to rise, we continued to cut and to save -- four more rounds of budget cuts, a total of almost \$200 million.

In the most recent round of cuts, our plan to fill a \$95 million hole included a freeze on state hiring, a three percent across-the-cut to all agencies, reengineering and retooling existing programs, and a review of the state's purchases.

These aggressive steps early in the fiscal year along with one-time funds from the state's largest ever property settlement have closed the gap for Fiscal Year '03, assuming, that is, revenues don't go down again. Now the challenge is to construct a balanced budget for the Fiscal Year 2004.

And it's no small challenge. The gap between projected revenues and expenditures of the Fiscal Year 2004 budget I am proposing to you today was \$3 million when I started to work on it. Let me explain first the factors that have contributed to the structural problems in our state's budget.

The revenues projected by DEFAC for the next two years -- 2004, 2005 -- are considerably lower than what we're spending today, in fiscal year 2003. In fact, according to DEFAC's estimates, it will be fiscal year 2006 before our revenues again match our current year's spending.

On top of the drop in revenue, there are the constantly increasing taxes, Medicaid, health care, state pensions, state prisons, debt service, schools and they continue.

It is time to solve the structural problem that exists in our budget and put Delaware on a firm financial footing. Without significant changes, this problem will exist for years to come.

We won't meet the challenge with one-time measures and financial gimmicks. In the last few years, other states have relied on one-time expenses, one-time ways of balancing their budget, like appropriating the 98 percent or raiding their emergency funds.

Other States were betting the economy would bounce right back and, as we all know, it didn't. As a result, we read in the paper what those states are now being forced to do: release prison inmates; close schools one day a week; eliminate state police officers; layoff large numbers of state employees; close parks, close museums, close Division of Motor Vehicle lanes; or use one time tobacco money for ongoing non-health care costs.

None of us can predict the future, each and every one of us is responsible to prepare for it. If we were to raid our rainy day fund or appropriate all of our revenue, what would we do if we did have a further turnaround or, as most forecasters say, we have a real second economic dip.

What if a hurricane were to strike or a terrorist attack, or some other unanticipated emergency? Who among us wants to resort to what other states did because they failed their citizens in making the tough choices?

No, our goal should be to fix the structural problem that exists in the state's budget and fix it for the long-term. That means putting our revenues, our expenditures back into alignment.

We will do what every Delaware family would do if faced with the same problem. Suppose the family had an income in the paycheck of \$1,700. But their bills, their payments and other expenses were \$2,000.

They could raid their savings account, try to make the difference up for one month. But what if they had an emergency, like fixing the family car or some household repair, or someone got sick or needed a root canal? And, what about the next month and the month after that?

No, responsible Delawareans would say cut back on spending, or find a way to make more money. Or both.

And my proposal will be to do both. While I believe that we have to cut costs and make government more efficient, I also believe that there are certain obligations government has and certain services the state provides that should not be eliminated. We cannot solve a \$300 million problem through tax cuts without affecting children, the elderly, the poor, public safety or our state's competitiveness.

Therefore I propose today a fiscal Year 2004 budget of \$2.432 billion, an increase of only 1.69 percent over fiscal year 2003 while meeting the mandated increases. This proposal includes a balanced approach. Of the \$300 million gap between revenue and expenditures for fiscal year '04, I propose that more than half of it be made by cutting costs and a little less than half from raising revenue.

Delaware has a strong tradition of working together to solve the state's problems and I am deeply grateful for the positive working relationship between my administration and the 62 members of the General Assembly.

We've worked together to solve Delaware's problems and I stand before you today, renewing my commitment to solve the challenge that will have implications for many years to come.

I propose to make up about 155 million of the \$300 million gap by eliminating or reducing sustainable cuts in our fiscal year '03 budget and carry them over into 2004 for a savings of \$15 million. While some of these cuts have been painful, they must be done. All agencies and branches of government have been affected -- including the Department of Education, health and social services, the judiciary, higher education, the legislature and the executive department.

But solving our problem, we need to make even more cuts to our base budget. Included in my budget proposal that's difficult but fiscally responsible to help close the problem and I propose to close the Governor Bacon Health Center.

The fact is that the state is currently running three long-term care facilities. Residents would fit into two and still have room for expansion. We can operate two hospitals much more efficiently than three and save about 2.5 million while maintaining the same quality service for the clients at those two facilities.

Because so much of state government spending is tied to the personnel at the state level, I believe more must be done to reduce the size of state government. It's important not just to freeze jobs or freeze the growth of state government, but to take a hard look at what we're doing and eliminate positions where we can.

As a result, I am recommending that we reduce the number of state positions between now and June 30 by more than 3 percent. That means 400 positions and more than \$6 million in savings.

I am not proposing layoffs. Layoffs are not effective because a laid-off employee and their family would only need more support from the state whether through unemployment benefits, and in some cases Medicaid, food stamps, welfare or other services. We also lose that productive member of our workforce and the resulting taxes that they would pay.

My proposal is to reduce the size of state government by analyzing each position the currently vacant ones and find the ones that we can live without and eliminating them permanently. This reduces the size of state government and saves taxpayer funds without laying off existing workers or eliminating essential services.

Finally in reducing the base budget, I am forced to ask the school districts to take about a 1 percent cut in the amount of funding they receive from the state. I will again urge them to find ways to cut without affecting our children and their classrooms, but focusing instead on administrative costs and discretionary funds that are in every district and in every school.

Despite the fact that funding to schools makes up one third of our operating budget, we have not, to this point had to cut in this area. But at this point, it is necessary and I thank all of the school districts, the administrators, the schools for helping us with this.

Just as important as reducing costs is ensuring that essential programs run as efficiently as possible. Reengineering government and improving the way we do business is one of the most important things in this administration.

Many of these ideas come from our state employees and I must thank them again for their diligence and their dedication to serving Delaware. Change is difficult, but government must change in order to meet the challenge that we face.

To make sure Delaware is prepared for any threat of conflict, natural or man-made, I have re-tooled existing resources and today propose a creation of a Department of Safety and Homeland Security.

The new department would consolidate the Delaware State Police, the Delaware Emergency Management Agency, Capitol Police, the Office of Highway Safety, the EMS Office and the emergency communications staff and allow them to concentrate on preventing and responding to any possible threat.

With all of the key emergency and security personnel in this state under the direction of Secretary Ford, homeland security operations will be seamless. Statewide strategy and planning will continue to be developed by Secretary Ford in conjunction with Homeland Security Officer Phil Cabaud and the Adjutant General, Frank Vavala, bringing together all of the best expertise in our state for these critical programs and preparations.

To allow the Department of Safety and Homeland Security to focus on its core mission, I propose integrating the Division of Motor Vehicles into the Department of Transportation.

This reorganization will align the various departments in state government responsible for collecting the revenue for the Transportation Trust Fund in one agency and will ensure that all clean air initiatives, particularly for vehicle emissions, operate smoothly in the years ahead.

Protecting over 100 million in federal funds that comes into Delaware is an ongoing struggle under the clean air requirements and this change will assist in those efforts. This move will also produce a cost savings to the General Fund of 9.7 million.

I am proposing today that the state replace the decrepit Sussex County motor vehicle lanes and that building. This long overdue project is the only new capital project I will propose in this budget.

Other changes included in the budget proposal are additional ideas for streamlining government, including moving the Insurance Coverage Office to State Budget, moving the Boiler Safety unit to the Department of Natural Resources and Environmental Control, and there are some others.

With each of these changes, we gain efficiency in both operations and in costs while maintaining the same quality service to the people we serve.

As we look at the cost of doing business in fiscal Year '04, items such as health care, pension debt service loom large. Nationally, we have seen double digit increases in the area of health care with no end in sight. Other states have chosen the path of across-the-board elimination of the people they serve with benefits. My approach is different -- one that preserves essential health care for the most needy Delawareans at the lowest possible cost.

Over the past two years, the state has worked to harness its health care purchasing power with tremendous success. We have bid all of our health care plans together, negotiated lower pharmacy rates, eliminated unnecessary reserves and joined a multi-state coalition to purchase our prescription drugs at a cheaper rate.

For fiscal year '04, my proposal recommends we continue to drive down health care costs through consolidation, purchasing savvy and tough negotiations. I propose that we do everything we can to squeeze profits before we begin to eliminate people from our health care system.

In addition to the construction of the new DMV facility in Sussex County and new funding for fighting cancer which I discussed last week, I would like to highlight just a few other initiatives in the budget proposal.

We have worked very hard and very successfully over the last decade to preserve farmland. This ensures not only that we maintain some of the look and feel of Delaware, but that we maintain our agriculture industry, which has been the cornerstone of our local economy for so long.

But farmland isn't any good if we don't have farmers to work it. And the last few years haven't been kind to farmers, with many of them on the brink of going out of business.

As recommended in last year's Strategic Economic Council Report, I propose an initiative, costing \$600,000, to help Delaware farmers pay for the cost of crop insurance, preserving farmers and farmland.

Even in the toughest of times, I want to maintain our commitment to protecting children, especially those who are trapped in the dark and lonely shadows of abuse. That's why I am proposing a 390,000 increase in the rates for foster care, an increase that will allow 100 families to care for the most distressed and difficult foster children in our state.

By reallocating costs in Health and Social Services, we will be able to place 54 more disabled citizens into community settings including 24 from our Stockley Center.

I have included these new initiatives because, while they are relatively small sums of money, they make a huge difference in the lives of some of our Delawareans.

The area of expense reduction I have mentioned -- eliminating programs and positions, reengineering government and driving down mandated costs make up just more than half of my solution to the \$300 million structural problem.

I do not believe we can make further substantial cuts now without affecting the core services of state government: public safety, education, health and welfare services. We can't go there. I also believe it would be irresponsible to use one-time quick fixes to balance the fiscal year 2004 budget.

I believe at this time that the responsible response to the remainder of the challenge is an increase in our state's revenue base.

During the flush times, we responded by returning excess funds to Delawareans in the form of aggressive tax cuts. The personal income tax, for example, has been cut nine times since 1980, an appropriate response by state government. We returned the unneeded revenues to the state taxpayers.

We sometimes forget though that we've also seen increases in revenues periodically as well, usually when we faced a weak national economy. Tax increases were enacted in 1977, 1984, 1991 and they are needed again now.

What I propose to the General Assembly is a revenue package that will increase revenue by \$145 million in fiscal year 2004, slightly less than the \$300 million structural problem. The package I am proposing is a balanced one.

I've studied our options and I am submitting moderate increases in the areas that will cause the least pain to our citizens and our businesses.

No one, especially this Governor, wants to stand before you and call for tax increases. But leadership sometimes demand that we take on the tough issue to prevent a more severe problem in the future.

Let me describe the major elements of the revenue package.

I propose today an increase of 89 million in the taxes and fees paid by corporations and other entities for the privilege of making Delaware their corporate home.

Historically, Delaware has enacted increases in corporation revenues about once a decade, reflecting inflation and the increasing cost of doing business. In 1984, Governor du Pont signed legislation with a 31 percent increase. In 1991, Governor Castle approved an increase of 43 percent. The increase I seek today is about 17 percent.

550,000 corporations and other entities make Delaware their legal home and for good reason. We provide a sound legal structure, a superb court dedicated primarily to their needs, and excellent service through the Division of Corporation and a quick response from the Members of the General Assembly and the executive branch.

We've consulted with some of the key leaders of the business community and are comfortable that these proposed increases are equitable and will not deter firms from continuing to make Delaware their corporate home. In the weeks ahead, we will consult the Corporate Law Council and the Delaware State Bar Association, which carefully reviews any proposed changes to our corporation law.

As I said, firms make Delaware their corporate home because of the many advantages Delaware offers them.

At a time when we're asking them to pay more to incorporate here, it's especially important that we review the services and make sure we're doing everything we can to retain their business. And I pledge to do that.

The next revenue I propose is an increase in the cigarette tax.

Since 1991, Delaware's tax has been 24 cents a pack. This tax rate is far below our neighboring states, all of which collect about \$1 some of them more. I am proposing an increase of 26 cents, which will make our new tax rate 50 cents per pack. This increase will bring 23.5 million in fiscal year 2004, but will still leave our tax rate much, much lower than our neighboring states.

Besides bringing in more revenue, an increase of this size should also bring about some reduction in smoking, especially among our young people. I sincerely hope that it will.

The third major component of my package is to partially cut our ties to the federal tax system, also known as "decoupling." This proposal will return 14 million of revenue in fiscal year 2004, and could prevent the loss of even more in the future.

Because of the way we piggyback our state tax system on the federal tax system, a tax cut by the federal government often results in a drop in our state revenues. The two major tax bills already passed during the Bush administration will result in an estimated \$36 million reduction in our revenues for 2004. The dividend tax exemption proposed earlier this month by the President could cost us millions on top of that.

The federal government can run a deficit. Our state constitution wisely dictates that we can't. Like most governors, I had hoped the President would include some relief to the states in his stimulus package, but he didn't.

We cannot afford to remain so tightly linked to a federal system that causes our State to lose huge amounts of revenue without even a vote of Delaware's General Assembly.

Decoupling from the federal elimination of the estate tax will bring 14 million in additional revenue in 2004. The estate tax is paid by a very small number of Delawareans, normally about 300 a year. Only estate taxes of \$1 million or more pay any estate taxes at all, and that amount will grow to 2 million by 2006. I propose setting Delaware's estate tax at the level before the 2001 federal change, making Delaware one more of the states that would not be tied to the federal estate tax.

And, if the President's dividend exemption is passed, I plan to submit legislation to decouple Delaware from that change as well, preventing another revenue loss.

The final major piece of the revenue package is additional revenue from the video lottery industry.

I am proposing that we increase the state's take by \$16 million, or about 8 percent. Even with the effects of the Clean Indoor Air Act, the casinos remain a large and vibrant industry that can contribute to the general fund during these difficult times for our state.

I believe that there are opportunities to increase revenue by strengthening the video lottery business, better preparing the industry to face the inevitable competition from Maryland, from Pennsylvania.

I propose that we expand the hours when the tracks may operate and allow them additional video machines to handle their peak times. I propose the state take a larger share of the increased revenues that will result.

I also plan to submit legislation in March to permit a number of new marketing tools that will help the tracks, the casinos, become more competitive. I do not favor adding more casinos in our state, but I do feel it's appropriate to take steps that will strengthen the existing industry.

So the main elements of my revenue plan are: increases in taxes and fees from the corporations; an increase in cigarette tax; a partial decoupling from the federal tax system; and increased revenue from the video lottery. All together, this plan brings Delaware an additional 145 million above the current revenue estimate. It's balanced, it's responsible, and it prepares us for the future.

As has happened the past two years, there is a possibility the revenue forecast for the next fiscal year might improve between now and June 30th. And if it does improve, we must first look at what kind of revenue it is.

If we see one-time revenue increases, we must not use those short-term improvements to avoid consideration of the long-term revenue solutions. Instead we should use any one-time revenue for capital projects, such as the Sussex County DMV or a biotechnology center here in Dover.

The proposal the Minner-Carney administration presented today for eliminating the \$300 million structural problem in the Fiscal Year 2004 budget is a balanced one, with a little more than half solved through cuts and a little less than half solved with new revenue.

The revenue package is balanced with no one group of taxpayers shouldering the brunt of the increases.

The proposal the Minner-Carney administration have presented today seeks to make government more efficient and effective while preserving the essential services of state government.

The proposal we've presented is responsible because it does not use one-time quick fixes to balance the budget. We could create serious, serious problems in the future if we did.

The proposal we present to you today is in keeping with our state's tradition over the last 25 years of making responsible decisions that are focused on the future, even though they may be unpopular for some in the present.

As I said last week, many of us here were here and have experienced those times of challenges before. We know we must set aside partisan politics and work together. We must continue to cooperate with mutual respect that has led this state from fiscal crisis to financial stability over the last quarter-century. We must continue to solve the challenges the Delaware way.

In addressing our structural budget problems, we have a choice between the sustainable and the temporary, between the responsible and the shortsighted. I look forward to working with each one of you as we choose the right course for Delaware and the people of Delaware.

Thank you.

Mr. Acting Speaker thanked the Governor and asked the escort committee to reassemble to escort the Governor back to her office.

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

The Chief Clerk of the House, JoAnn M. Hedrick, informed the Joint Session that she and the Secretary of the Senate had compared their Journals and found them to agree.

Representative Smith moved that the Joint Session be adjourned and the two Houses separate to reconvene in their respective Chambers. There was no objection. The Joint Session was declared adjourned at 2:58 p.m.

The House reconvened at 5:13 p.m.

Representative Smith deferred to Representative Quillen.

Representative Quillen moved to suspend the rules which interfere with action on **SJR 1 w/SA 1**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Quillen brought **SJR 1 w/SA 1**, jointly sponsored by Senators McBride, Vaughn, Venables & Simpson & Representatives D. Ennis, Mulrooney & Carey, before the House for consideration.

**SJR 1 - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE REGULATION 24, SECTION 46 CONTROL OF VOC**

EMISSIONS AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION.

Representative Quillen made comments.

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

YES: 38.

ABSENT: Representatives Buckworth, Ewing & Spence - 3.

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

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

Representative Roy moved to suspend the rules which interfere with action on **SB 17**.

Representative Smith made an announcement.

Representative Roy withdrew his motion.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on **HCR 4**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Cathcart introduced and brought **HCR 4**, jointly sponsored by Representatives Lavelle, Spence, Buckworth, Ewing, Hudson, Maier, Reynolds, Ulbrich, Valihura, B. Ennis & Mulrooney & Senators McBride, Peterson, Vaughn, Cloutier, Connor & Simpson, before the House for consideration.

**HCR 4 - ENCOURAGING THE GOVERNOR OF THIS STATE AND THE DELAWARE CONGRESSIONAL DELEGATION TO MOVE FORWARD WITH THE IMPLEMENTATION OF THE MARCH 2001 CONSENT DECREE WITH MOTIVA IN REGARDS TO ITS DELAWARE CITY REFINERY.**

Representative Cathcart made comments. Representative Cathcart deferred to Representative Lavelle. Representatives Lavelle & George made comments.

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

Representative Smith brought the following prefiled **Consent Calendar #2** before the House for consideration.

Representative Smith deferred to Representative Valihura. Representative Valihura requested that **HR 10** be stricken.

**HR 9 - Valihura - EXTENDING THE MEDICAL LIABILITY INSURANCE TASK FORCE REPORTING DATE.**

**HR 11 - D. Ennis & Representative Smith & Representative Valihura & Representative Lavelle - A RESOLUTION CREATING A TASK FORCE TO STUDY THE ECONOMIC LOSSES SUFFERED BY VICTIMS OF AN ACCIDENT AT THE CLAYMONT HARDWARE STORE IN CLAYMONT, DELAWARE INVOLVING THE DELAWARE ADMINISTRATION FOR REGIONAL TRANSIT.**

**HR 12 - D. Ennis & Representative Smith & Representative Valihura & Representative Lavelle - ESTABLISHING A STRATEGY FOR THE ECONOMIC REVITALIZATION OF CERTAIN AREAS OF NORTHERN WILMINGTON AND BRANDYWINE HUNDRED, INCLUDING BUT NOT LIMITED TO THE MERCHANT'S SQUARE SHOPPING CENTER AND OVERALL ECONOMIC DEVELOPMENT ALONG THE DELAWARE RIVER.**

**HCR 5 - DiPinto on behalf of All Representatives & Senator Sokola on behalf of All Senators - ESTABLISHING THE MONTH OF JANUARY AS DELAWARE MENTORING MONTH.**

**Consent Calendar #2** was adopted by voice vote and **HR 9, HR 11 & HR 12** were declared passed and **HCR 5** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy moved to lift **SB 17** from the Speaker's Table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy brought **SB 17**, jointly sponsored by Senator Venables & Representatives Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner & Mulrooney & Senators Blevins, Cook, DeLuca, Connor & Simpson, before the House for consideration.

**SB 17 - AN ACT AMENDING THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT AND AMENDING THE LAWS OF DELAWARE. (3/4 bill)**

Representative Roy made comments.

The roll call on **SB 17** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Cathcart, Ewing & Spence - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **SB 17** was returned to the Senate.

Representative Smith deferred to Representative Miro.

Representative Miro requested and was granted privilege of the floor for himself and Representatives Hudson & Roy to present a House Tribute to David P. Roser, Chief, Hockessin Volunteer Fire Company, the longest serving fire chief in the State.

Representative Smith deferred to Representative Hocker.

Representative Hocker brought **HB 14**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 14** - AN ACT TO AMEND CHAPTER 202, VOLUME 73, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW" RELATING TO ANNEXATION. (2/3 bill)

Representatives Hocker, Wagner, DiPinto, Lavelle, Valihura, B. Ennis, Gilligan, Keeley, Williams & Hocker made comments.

The roll call on **HB 14** was taken and revealed:

YES: 37.

NO: Representative Williams - 1.

ABSENT: Representatives Buckworth, Ewing & Spence - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 14** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 11**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 11** - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PROVIDE THAT NO ELECTION SHALL BE HELD IF THERE IS NO CONTEST, CLARIFYING ELECTION NOTICE POSTING REQUIREMENTS AND INCREASING THE PENALTY FOR UNPAID TAXES. (2/3 bill)

Representatives Schwartzkopf, Gilligan, Wagner, Valihura, Lofink, Schwartzkopf, Lavelle, Stone, Roy, Atkins, Gilligan, Hocker, D. Ennis & Schwartzkopf made comments.

The roll call on **HB 11** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Ewing & Spence - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 11** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy announced that **SB 20** has been introduced and requested that copies be distributed to the Members.

**SB 20** - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2004; APPROPRIATING GENERAL FUNDS OF THE STATE; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS FROM THE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; AND AMENDING THE LAWS OF DELAWARE. (3/4 bill)

Representative Smith deferred to Representative Stone.

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

Representative Stone brought **SB 1**, jointly sponsored by Senators Adams & DeLuca, before the House for consideration.

**SB 1** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS.

Representative Stone made comments.

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

YES: 38.

ABSENT: Representatives Buckworth, Ewing & Spence - 3.

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

Representative Lee deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with action on **SB 2 w/SA 2 & 3**.

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

Representative Roy brought **SB 2 w/SA 2 & 3**, jointly sponsored by Senator Vaughn & Representatives Buckworth, Carey, Cathcart, Ewing, Fallon, Lee, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Wagner, B. Ennis, Houghton, Keeley, Mulrooney, Plant, VanSant & Williams & Senators Adams, Cook, Henry, Marshall, McDowell, Sokola, Amick, Bonini, Cloutier & Connor, before the House for consideration.

**SB 2** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC.

Representatives Roy, Wagner & Roy made comments. Representative Wagner requested and was granted privilege of the floor for Ron Smith, House Attorney.

Representatives Wagner, Valihura, Stone, Valihura, D. Ennis & Lavelle made comments.

The roll call on **SB 2 w/SA 2 & 3** was taken and revealed:

YES: 31.

NO: Representatives Hudson, Stone & Valihura - 3.

NOT VOTING: Representatives DiPinto, Lavelle & Wagner - 3.

ABSENT: Representatives Buckworth, Ewing, Smith & Spence - 4.

Therefore, having received a constitutional majority, **SB 2 w/SA 2 & 3** was returned to the Senate.

Representatives Valihura, DiPinto, Stone & Wagner made comments regarding **SB 2**.

Representative Lee deferred to Representative Hudson.

Representative Hudson brought **SB 3**, jointly sponsored by Senator Marshall, before the House for consideration.

**SB 3 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES.**

Representative Hudson made comments.

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

YES: 37.

ABSENT: Representatives Buckworth, Ewing, Smith & Spence - 4.

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

Representative Lee deferred to Representative George.

Representative George made comments.

Representative George introduced **HCR 6**, jointly sponsored by Representatives Viola, Schwartzkopf, Mulrooney, Houghton & Hall-Long.

**HCR 6 - REQUESTING MOTIVA PAY FOR A THIRD PARTY INDEPENDENT CONTRACTOR TO PREPARE A WATER POLLUTION REPORT WITHIN THIRTY DAYS AND ENCOURAGING THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO POSTPONE THE DECISION REGARDING AN AIR PERMIT FOR MOTIVA BY FORTY DAYS.**

Mr. Acting Speaker assigned **HCR 6** to the Land Use and Infrastructure Committee.

Representative Keeley made comments regarding **HCR 6**.

Representative Lee deferred to Representative Gilligan.

Representative Gilligan made comments.

Representative Gilligan introduced **HB 5**, jointly sponsored by Representative VanSant & Senators Adams, McDowell, DeLuca & Cook.

**HB 5 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2004; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.**

Mr. Acting Speaker assigned **HB 5** to the Appropriations Committee.

Representative Lee deferred to Representative Wagner.

Representative Wagner made comments.

Representative Wagner introduced **HB 54**, jointly sponsored by Senator Sokola.

**HB 54 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE PERTAINING TO CERTIFICATION CREDENTIALS.**

Mr. Acting Speaker assigned **HB 54** to the Education Committee.

Representative Wagner introduced and brought **HR 13** before the House for consideration.

**HR 13 - RECOGNIZING FEBRUARY 2003 IN THE STATE OF DELAWARE AS AMERICAN HEART MONTH.**

**HR 13** was adopted by voice vote.

Representative Lee deferred to Representative Miro.

Representative Miro made comments.

The House observed a moment of silent prayer in honor of the members of the United States military and their families at the request of Representative Miro.

Representative Lee deferred to Representative Hudson.

Representative Hudson made an announcement.

Representative Miro introduced **HB 10**, jointly sponsored by Senators Peterson & Henry & Representatives Carey, Caulk, DiPinto, Fallon, Hudson, Lavelle & Houghton.

**HB 10 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF VIDEO LOTTERIES IN QUALIFIED ENTERTAINMENT ZONES.**

Mr. Acting Speaker assigned **HB 10** to the Gaming & Parimutuels Committee.



Representative Miro introduced **HB 55**, jointly sponsored by Senator Blevins & Representatives Caulk, DiPinto, D. Ennis, Hocker, Hudson, Maier, Roy, Stone, Hall-Long, Mulrooney & Plant.

**HB 55** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO GROUP LONG-TERM-CARE INSURANCE FOR STATE EMPLOYEES.

Mr. Acting Speaker assigned **HB 55** to the Labor Committee.

Mr. Acting Speaker declared a recess for caucus at 6:44 p.m.

The House reconvened at 6:46 p.m.

Representative Lee deferred to Representative DiPinto.

Representative DiPinto deferred to Representative Wagner.

Representative Wagner brought **SB 21**, sponsored by Senator Cook & Representative DiPinto & Senator Sorenson, before the House for consideration.

**SB 21** - AN ACT TO AMEND TITLE 29 DELAWARE CODE RELATING TO SERVICE IN THE STATE JUDICIARY PENSION PLAN.

Representatives Wagner & DiPinto made comments.

The roll call on **SB 21** was taken and revealed:

YES: 29.

ABSENT: Representatives Buckworth, Cathcart, Caulk, B. Ennis, Ewing, Fallon, George, Houghton, Lavelle, Smith, Spence & Viola - 12.

Therefore, having received a constitutional majority, **SB 21** was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 6:50 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:16 p.m. on March 18, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 3** and requests the concurrence of the House; **HCR 4**, **HCR 5** & **HCR 3** and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Clifford G. Lee, do hereby request that my name be removed as cosponsor of **SB 2**.

DATE: January 30, 2003

Signed: Clifford G. Lee

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gregory F. Lavelle, do hereby request that my name be removed as cosponsor of **HB 51**.

DATE: January 30, 2003

Signed: Gregory F. Lavelle

Representatives Buckworth & Ewing requested that they be marked present for the current Legislative Day.

Representative Wagner & Mr. Acting Speaker made comments.

Representative Wagner introduced **HB 68**, jointly sponsored by Senator Sokola & Representative Ulbrich & Representatives Spence, Buckworth, Cathcart, B. Ennis, Hall-Long, Hudson, Keeley, Miro, Quillen, Reynolds & Stone & Senators Henry & Simpson & cosponsored by Senator Sorenson.

**HB 68** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION.

Mr. Acting Speaker assigned **HB 68** to the Education Committee.

Mr. Acting Speaker & Representative Roy made announcements.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 30** - 4M.

The Majority Whip moved to adjourn at 2:20 p.m., thereby ending the current legislative day.

The House reconvened at 2:21 p.m.

**9th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**

**March 18, 2003**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.

The House observed a moment of silence in memory of Paige M. Henry at the request of Representative Wagner.

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

The following out of session prefiled legislation was introduced:

**February 13, 2003**

**HB 50** - OBERLE & SENATOR ADAMS - TRANSPORTATION - An Act to Amend Title 2 of the Delaware Code Relating to the Creation of a Delaware Aviation Advisory Council.

**HB 51** - B. ENNIS & SENATOR VAUGHN & REPRESENTATIVE LEE & SENATOR SIMPSON; REPRESENTATIVES ATKINS, BOOTH, CAREY, GILLIGAN, HALL-LONG, HOUGHTON, KEELEY, SCHWARTZKOPF, SPENCE, THORNBURG, VANSANT, VIOLA;

SENATOR BUNTING - PUBLIC SAFETY - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to the Use of Flashing Lights on Motor Vehicles.

**HB 52** - SMITH & SENATOR VAUGHN; REPRESENTATIVES LEE, DIPINTO, ULBRICH, VALIHURA, WILLIAMS; SENATOR SOKOLA - JUDICIARY - An Act to Amend Titles 11, 16, and 21 of the Delaware Code Relating to Sentences in Criminal Cases.

**HB 53** - CATHCART & SENATOR VAUGHN; REPRESENTATIVES SPENCE, LOFINK, OBERLE, QUILLEN, REYNOLDS, B. ENNIS, HALL-LONG; SENATORS DELUCA, BUNTING, MCBRIDE, AMICK - LAND USE AND INFRASTRUCTURE - An Act to Authorize and Approve the Transfer of Certain Real Property in New Castle County to the American Legion Post 25 of Middletown.

**HB 56** - VALIHURA & REPRESENTATIVE CAULK & REPRESENTATIVE HUDSON & REPRESENTATIVE ATKINS & SENATOR CLOUTIER & SENATOR SORENSON & SENATOR COPELAND; REPRESENTATIVES D. ENNIS, LEE, PLANT - CAPITAL INFRASTRUCTURE - An Act to Amend Title 2 of the Delaware Code Relating to the Transportation Trust Fund. (3/4 bill)

**HB 57** - LEE & SENATOR BUNTING; REPRESENTATIVES SPENCE, ATKINS, BOOTH, BUCKWORTH, CAREY, DIPINTO, D. ENNIS, EWING, FALLON, THORNBURG, WAGNER, B. ENNIS, GEORGE, HOUGHTON, KEELEY - PUBLIC SAFETY - An Act to Amend Title 16 of the Delaware Code Relating to Fire Alarm Signaling Systems and False Fire Alarms. (2/3 bill)

**HB 58** - ROY; SENATORS BLEVINS, SORENSON - LAND USE AND INFRASTRUCTURE - An Act to Strike a Deed Restriction on Lands Conveyed to the Hockessin Fire Company by the State of Delaware.

**HB 81** - OBERLE & SENATOR MARSHALL; REPRESENTATIVES SPENCE, LOFINK, VANSANT, HOUGHTON, KEELEY, PLANT, VIOLA, WILLIAMS; SENATORS MCDOWELL, DELUCA, BLEVINS, HENRY, MCBRIDE, CONNOR - LABOR - An Act to Amend Titles 19 and 29 of the Delaware Code Relating to the Public Employment Relations Act and the Merit System.

**HB 99** - OBERLE & REPRESENTATIVE DIPINTO & REPRESENTATIVE WILLIAMS & SENATOR HENRY; REPRESENTATIVES GEORGE, KEELEY; SENATORS MCDOWELL, BUNTING, SOKOLA - LABOR - An Act to Amend Titles 6, 9, 18, 19, 25 and 29 of the Delaware Code Relating to Discrimination Employment, Public Works Contracting, Housing, Equal Accommodations and the Insurance Business.

**HJR 3** - MAIER & SENATOR BLEVINS & REPRESENTATIVE D. ENNIS & SENATOR HENRY; REPRESENTATIVE VALIHURA - HEALTH & HUMAN DEVELOPMENT - Appointing a Task Force to Address Workforce Issues Critical to the Delivery of Services for Persons With Disabilities.

**HJR 4** - BOULDEN; REPRESENTATIVES FALLON, STONE, VALIHURA - LABOR - A Resolution Regarding Section 6960, Chapter 69, Title 29, Delaware Code Relating to Public Works Contracts and Prevailing Wage Rates.

**HA 1 to HB 28** - GEORGE - Placed with the Bill.

**HA 1 to HB 31** - GEORGE - Placed with the Bill.

**HA 1 to HB 33** - B. ENNIS - Placed with the Bill.

**HA 1 to HB 40** - CAULK - Placed with the Bill.

**SB 15 w/SA 1 & 2** - SOKOLA & REPRESENTATIVE MAIER; SENATORS BLEVINS, HENRY, MCDOWELL, PETERSON & SORENSON; REPRESENTATIVES HUDSON, MIRO & KEELEY - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Corporal Punishment.

**SCR 3** - SOKOLA & SENATOR CONNOR; SENATORS MARSHALL, MCBRIDE, PETERSON, SORENSON; REPRESENTATIVES CATHCART, GEORGE, GILLIGAN, HALL-LONG, HOUGHTON, KEELEY, MAIER, MIRO, MULROONEY, REYNOLDS, SCHWARTZKOPF, VIOLA, WILLIAMS; SENATORS HENRY, MCDOWELL - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - Urging the Attorney General to Join a Recent Lawsuit Filed by the States of Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont Against the United States Environmental Protection Agency.

March 13, 2003

**HB 59** - STONE & REPRESENTATIVE WAGNER & SENATOR STILL - HOUSE ADMINISTRATION - An Act to Reincorporate the Town of Dover. (2/3 bill)

**HB 60** - DIPINTO & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware and Title 21 of the Code Relating to Drivers' Licenses.

**HB 61** - WILLIAMS & SENATOR HENRY & SENATOR MARSHALL; REPRESENTATIVES KEELEY, B. ENNIS, SPENCE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Protection of Witnesses.

**HB 62** - WILLIAMS & SENATOR HENRY & SENATOR MARSHALL; REPRESENTATIVES KEELEY, B. ENNIS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 31 of the Delaware Code Relating to Health Insurance.

**HB 63 - LAVELLE & REPRESENTATIVE SMITH & SENATOR SOKOLA & SENATOR SORENSON; REPRESENTATIVES GILLIGAN, HUDSON, MIRO, SPENCE, VANSANT; SENATORS CLOUTIER, HENRY - TRANSPORTATION - An Act to Amend Title 16 of the Delaware Code Relating to Reflective Material on Large Trash Containers Located on Highways. (2/3 bill)**

**HB 64 - HUDSON & SENATOR COOK - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Signage on Parking Spaces or Zones Designated for Use by Persons With Disabilities. (2/3 bill)**

**HB 65 - MAIER & SENATOR BLEVINS; REPRESENTATIVES CATHCART, MIRO, ULBRICH; SENATORS SORENSON, VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Victims and Witnesses with Cognitive Disabilities.**

**HB 66 - MAIER & SENATOR BLEVINS; REPRESENTATIVES CATHCART, B. ENNIS, MIRO, ULBRICH; SENATORS SORENSON, VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Time Limitations.**

**HB 67 - MAIER & SENATOR BLEVINS; REPRESENTATIVES HALL-LONG, MIRO, ULBRICH; SENATOR SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code Relating to Maternal Mortality.**

**HA 2 to HB 33 - B. ENNIS - Placed with the Bill.**

Representative Roy requested that he be marked present.

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

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

The following prefiled legislation was introduced:

**HA 23, 24 & 25 to HB 15 - THORNBURG - Placed with the Bill.**

Representative Lee introduced a guest.

Representative Lee deferred to Representative George.

Representative George requested and was granted privilege of the floor to present a House Tribute to Jamie Turner, Executive Director, Delaware Emergency Management Agency, who addressed the House.

Mr. Acting Speaker & Representative Miro made comments.

Representatives Cathcart, Williams & Maier requested that they be marked present.

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

The House reconvened at 5:31 p.m.

Representative Smith requested that he be marked present.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought **SB 12**, jointly sponsored by Senator Venables, before the House for consideration.

**SB 12 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING.**

Representative Fallon made comments.

The roll call on **SB 12** was taken and revealed:

YES: 41.

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

Representatives Lavelle, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura & Hudson requested that they be marked present during the roll call.

Mr. Speaker Spence resumed the Chair.

Representatives Miro & Lavelle introduced guests.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 4**, jointly sponsored by Senator McBride, before the House for consideration.

**HB 4 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL.**

Representatives Roy & Lavelle made comments.

The roll call on **HB 4** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 4** was sent to the Senate for concurrence.

Representative Smith introduced and brought **HR 15**, jointly sponsored by Representative Spence & Representative Lee & Representative VanSant on behalf of All Representatives, before the House for consideration.

**HR 15 - PAYING TRIBUTE TO THE HONORABLE ROBERT F. GILLIGAN AS HE BECOMES THE LONGEST SERVING MEMBER OF THE DELAWARE HOUSE OF REPRESENTATIVES.**

WHEREAS, on or about February 26, 2003, Representative Robert F. Gilligan became the longest continuously serving member of the Delaware House of Representatives since its inception in 1776, and

WHEREAS, Representative Gilligan simultaneously joins Senator Thurman G. Adams, Jr. as he becomes the longest serving member of the Delaware Senate, and

WHEREAS, Representative Robert F. Gilligan has served both his constituents and this House since his election in 1972 with a high degree of integrity and professionalism, and

WHEREAS, Representative Gilligan came to this House as a young educator and served over the years as a member of the Joint Finance Committee and in the leadership positions of Majority Leader, Minority Whip and Minority Leader, and

WHEREAS, Representative Gilligan is a loving husband to Jeanne and is the father of two wonderful daughters, Shannon and Kate,

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 142nd General Assembly of the State of Delaware does hereby extend to Representative Robert F. Gilligan heartfelt congratulations on achieving this momentous position in Delaware history and a sincere thank you for all he has done for this body, his constituents and the citizens of Delaware.

BE IT FURTHER RESOLVED that a suitable copy of this resolution be presented to Representative Robert F. Gilligan upon its passage, together with the sincere and heartfelt appreciation of the entire membership of the Delaware House of Representatives.

Representatives Reynolds, Keeley, George, Fallon, Buckworth, Mr. Speaker Spence, Representatives Roy, Smith, B. Ennis, VanSant & Gilligan made comments.

**HR 15** was adopted by voice vote.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **SB 16**, jointly sponsored by Senator Copeland, before the House for consideration.

**SB 16 - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES.**

Representative Lavelle made comments.

The roll call on **SB 16** was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

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

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 29**, jointly sponsored by Senator Henry & Representatives Buckworth, Carey, Caulk, Ewing, Lavelle, Reynolds, Ulbrich, Houghton & B. Ennis, before the House for consideration.

**HB 29 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.**

Representative Wagner made comments.

The roll call on **HB 29** was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 29** was sent to the Senate for concurrence.

Representative Smith made comments regarding **HB 15**.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg brought **HB 15**, jointly sponsored by Representative Quillen & Senator Vaughn & Representatives Buckworth, Carey, Caulk, Ewing, Fallon, VanSant, B. Ennis & Houghton & Senators Venables, Still & Bonini, before the House for consideration.

**HB 15 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.**

Mr. Speaker made an announcement.

Representative Lee requested that **HA 1 to HB 15** be stricken.

Representative Valihura requested that **HA 1 to HA 1 to HB 15** be stricken.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HA 2 to HB 15**, jointly sponsored by Representative Hudson, before the House for consideration. Representative Thornburg introduced and brought **HA 1 to HA 2 to HB 15**, jointly sponsored by Representative Valihura & Representative Quillen & Representative Hudson, before the House for consideration.

Representatives Thornburg, Miro, Gilligan, Valihura, Thornburg, Gilligan, Smith, Oberle & George made comments.

Representative Thornburg requested and was granted privilege of the floor for Ron Smith, House Attorney. Representatives George, Atkins, Lavelle, Gilligan, George, Ewing, Keeley, Ewing, DiPinto, Schwartzkopf, Valihura, Wagner, Schwartzkopf, Viola, Keeley & George made comments.

Representative Gilligan requested and was granted privilege of the floor for Dr. Robert Simmons, Chair, American Heart Association; Deborah P. Brown representing the American Lung Association & Cathy Holloway representing the American Cancer Society.

Representatives Wagner, Gilligan, Mulrooney, Valihura, DiPinto & Ulbrich made comments.

The roll call on **HA 1 to HA 2 to HB 15** was taken and revealed:

YES: 24.

NO: Representatives Boulden, George, Gilligan, Keeley, Lavelle, Maier, Miro, Mulrooney, Plant, Roy, Schwartzkopf, Smith, Stone, Ulbrich, VanSant & Williams - 16.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HA 1 to HA 2 to HB 15** was declared passed.

**HA 2 w/HA 1 to HA 2 to HB 15** was adopted by voice vote.

Representative Hudson requested that **HA 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 to HB 15** be stricken.

Representative Caulk brought **HA 16 to HB 15** before the House for consideration.

Representative Caulk introduced and brought **HA 1 to HA 16 to HB 15** before the House for consideration.

Mr. Speaker Spence introduced a guest.

Representative Caulk made comments. **HA 1 to HA 16** was adopted by voice vote. Representatives

Caulk & Hudson made comments. **HA 16 w/HA 1 to HB 16 to HB 15** was adopted by voice vote.

Representative Viola requested that **HA 17 to HB 15** be stricken.

Representative Hudson requested that **HA 18, 19, 20 & 21 to HB 15** be stricken.

Representative Lavelle introduced and brought **HA 22 to HB 15** before the House for consideration.

Representatives Lavelle, Valihura, Keeley, DiPinto & Lavelle made comments. **HA 22** was defeated by voice vote.

Representative Thornburg requested that **HA 23, 24 & 25 to HB 15** be stricken.

Representatives Valihura, Keeley, Gilligan, Lavelle, Williams, Hudson & Smith made comments.

The roll call on **HB 15 w/HA 2, HA 1 to HA 2, HA 16 & HA 1 to HA 16** was taken and revealed:

YES: 21.

NO: Representatives Boulden, DiPinto, George, Gilligan, Hudson, Keeley, Lavelle, Maier, Miro, Mulrooney, Plant, Roy, Schwartzkopf, Smith, Stone, Ulbrich, Valihura, VanSant & Williams - 19.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 15 w/HA 2, HA 1 to HA 2, HA 16 & HA 1 to HA 16** was sent to the Senate for concurrence.

Mr. Speaker Spence made comments.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 15 w/SA 1 & 2 & SCR 4** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Joseph W. Booth, do hereby request that my name be removed as cosponsor of **HB 38**.

DATE: February 11, 2003

Signed: Joseph W. Booth

March 10, 2003

#### LEGISLATIVE ADVISORY #1

Governor Ruth Ann Minner signed the following legislation on the date indicated: 1/28/03 - **HJR 1 & HB 7 aab HA1**; 1/31/03 - **HB 6 & SB 3**; 2/21/03 - **SJR 1 aab SA 1, SB 1, SB 2 aab SA 2 & 3, SB 9 aab SA 1, SB 17, SB 21 & HB 16**.

Representative Smith made an announcement.

The Majority Leader moved to recess to the call of the Chair at 7:36 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:06 p.m. on March 19, 2003.

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.

### **10th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session March 19, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Gilligan - 1.

Representative Smith made an announcement.

A prayer was offered by Lieutenant Colonel George J. Brubaker, Wing Chaplain, 166th Airlift Wing, Delaware Air National Guard.

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

The following prefiled legislation was introduced:

**HB 69 - WAGNER & SENATOR COOK - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT** - An Act to Amend Title 7 of the Delaware Code Relating to Deer Hunting.

**HB 70 - BUCKWORTH & SENATOR STILL - HOUSE ADMINISTRATION** - An Act to Amend Chapter 272, Volume 63, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Camden" Relating to Municipal Elections. (2/3 bill)

**HB 71 - WAGNER & SENATOR BLEVINS - JUDICIARY** - An Act to Amend Title 13 of the Delaware Code Relating to Parents and Children in the Family Court of the State of Delaware.

**HB 72 - WAGNER & REPRESENTATIVE BOOTH - EDUCATION** - An Act to Amend Title 14 of the Delaware Code Related to Charter Schools.

**HB 73 - WAGNER & REPRESENTATIVE D. ENNIS - LABOR** - An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to State Employees.

**HB 74 - OBERLE & REPRESENTATIVE LOFINK & REPRESENTATIVE SPENCE & SENATOR BUNTING; REPRESENTATIVES CATHCART, B. ENNIS, D. ENNIS, FALLON, KEELEY, LAVELLE, MIRO, ROY; SENATORS HENRY, SOKOLA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE**- An Act to Amend Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

**HB 75 - EWING; REPRESENTATIVE QUILLEN; SENATOR SIMPSON - PUBLIC SAFETY** - An Act to Amend Title 21, Chapter 28 of the Delaware Code Relating to Habitual Offenders.

**HS 1 for HB 81 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES SPENCE, LOFINK, VANSANT, HOUGHTON, KEELEY, PLANT, VIOLA, WILLIAMS; SENATORS MCDOWELL, DELUCA, BLEVINS, HENRY, MCBRIDE, CONNOR - LABOR** - An Act to Amend Titles 19 and 29 of the Delaware Code Relating to the Public Employment Relations Act and the Merit System.

Representative Smith made comments and presented a gift to Lieutenant Colonel Brubaker.

Representative Ewing introduced and brought **SCR 4**, jointly sponsored by Senators Bunting, Adams, Venables, Vaughn & Simpson on behalf of All Senators & Representatives Atkins, Booth, Carey, DiPinto, Fallon, Hocker, Lee, Smith, George, Gilligan & Schwartzkopf & cosponsored by Representatives Spence, Buckworth, Caulk, Keeley & Wagner, before the House for consideration.

**SCR 4 - EXPRESSING THE FULL SUPPORT OF THE DELAWARE GENERAL ASSEMBLY FOR OUR SERVICE MEN AND WOMEN NOW SERVING IN AND AROUND THE MIDDLE EAST AND EXTENDING THE HEARTFELT HOPES OF ALL DELAWAREANS FOR THEIR SAFE RETURN.**

Representative Ewing made comments.

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

Representatives Lavelle, Miro & Plant requested that they be marked present.

Representative Smith requested and was granted privilege of the floor for the winners of the Legislative Essay Contest: Abigail Adams - Building of the Foundation of America. They are Catherine LaPrad, third place; Stacy Schecter, second place and Heather Belles, first place. Representatives Fallon & Miro presented House Tributes to them.

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

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

Representatives Valihura, Ulbrich & Viola requested that they be marked present. Representatives Spence & Fallon made comments. Representatives Maier, B. Ennis, Carey, Mulrooney & Keeley requested that they be marked present.

The Reading Clerk read the following communication into the record:

Memorandum

TO: Rep. Terry R. Spence  
Speaker of the House  
FROM: Rep. Robert F. Gilligan  
House Minority Leader  
DATE: March 19, 2003  
RE: Absence from Session

Due to personal reasons, I will be unable to attend session on today and Thursday March 20, 2003.

Thank you for your consideration of this matter.

Representatives Schwartzkopf & DiPinto made comments.

Representative Smith deferred to Representative Spence.

Representative Keeley introduced a guest.

Representative Spence requested and was granted privilege of the floor for Morton Kimmel, representing the Blue/Gold All-Star Basketball Game. The coaches, players and cheerleaders announced their names for the record.

Representatives Spence & Ewing made comments.

Representative D. Ennis requested that he be marked present.

Representative Buckworth made comments.

Representative Spence requested and was granted privilege of the floor for Father Oscar Frunt, who offered a prayer for the military serving overseas.

Representative Spence introduced a guest.

The Majority Leader moved to recess for caucus at 2:53 p.m.

The House reconvened at 4:30 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 10 w/SA 1**, sponsored by Senator Henry & Representative Keeley & Senators Marshall & McDowell & Representatives Plant & Williams, before the House for consideration.

**SB 10 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES AND LICENSE PLATES. (2/3 bill)**

Representatives Ewing & Keeley made comments.

Representative Williams requested that he be marked present.

Representative Ewing made comments.

The roll call on **SB 10 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 10 w/SA 1** was returned to the Senate.

Representatives Cathcart, Hudson, Lofink, Oberle, Reynolds & Roy requested that they be marked present during the roll call.

Representative Smith deferred to Representative Miro.

Representative Miro introduced guests.

Representative Miro requested and was granted privilege of the floor for David C. Y. Wang, Director of Service Division for the Taipei Economic and Cultural Affairs Office in the United States.

Representative Miro made comments.

Representatives George & Wagner made announcements.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 25**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 25 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS' TRAINING SCHOOL LICENSING AND DRIVERS' LICENSING.**

Representative Wagner made comments.

The roll call on **HB 25** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Gilligan - 2.

Therefore, having received a constitutional majority, **HB 25** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 12**, jointly sponsored by Representative B. Ennis & Senator Bonini, before the House for consideration.

**HB 12 - AN ACT TO AMEND CHAPTER 88, TITLE 11, DELAWARE CODE RELATING TO CREDITED SERVICE FOR THE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN.**

Representative Quillen introduced and brought **HA 1 to HB 12** before the House for consideration.

Representative Quillen made comments. **HA 1** was adopted by voice vote.

Representative Quillen made comments.

The roll call on **HB 12 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Gilligan - 2.

Therefore, having received a constitutional majority, **HB 12 w/HA 1** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:56 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:13 p.m. on March 20, 2003.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SCR 5** and requests the concurrence of the House.

Representative Lee deferred to Representative Wagner.

Representative Wagner made an announcement.

The Majority Whip moved to adjourn at 2:14 p.m., thereby ending the current legislative day.

The House reconvened at 2:15 p.m.

**11th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
March 20, 2003**

The Chief Clerk called the roll:

Members Present: 32.

Members Absent: Representatives DiPinto, D. Ennis, Gilligan, Hudson, Lavelle, Plant, Roy, Smith & Valihura - 9.

A prayer was offered by Reverend Jennie Warren, Pastor, Calvary United Presbyterian Church, Wilmington.

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

The following prefiled legislation was introduced:

**HB 76 - WAGNER & REPRESENTATIVE LEE & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Sentencing and the Uniform Law for Out-of-state Parolee's Supervision.**

**HB 77 - WAGNER & SENATOR BUNTING; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, EWING, FALLON, HOCKER, MAIER, REYNOLDS, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, PLANT - JUDICIARY - An Act to Propose an Amendment to Article IV of the Delaware Constitution of 1897 to Include the Family Court and Court of Common Pleas as Courts Established by the Constitution of the State of Delaware and Articles III and IV of the Delaware Constitution of the State of Delaware to Delete References to the Orphans' Court. (2/3 bill)**

**HB 78 - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, QUILLEN, ULBRICH, B. ENNIS, GEORGE, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, PLANT, SCHWARTZKOPF, VIOLA - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.**

**HB 79 - WAGNER & REPRESENTATIVE BUCKWORTH & SENATOR HENRY & SENATOR BONINI & REPRESENTATIVE HUDSON & REPRESENTATIVE KEELEY; REPRESENTATIVES BOULDEN, CATHCART, DIPINTO, D. ENNIS, EWING, LOFINK, REYNOLDS, QUILLEN, VANSANT, B. ENNIS, HOUGHTON, MULROONEY, WILLIAMS; SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Divorce and Annulment.**

**HB 80 - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, SMITH, LEE, BOOTH, BOULDEN, BUCKWORTH, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HOCKER, HUDSON, LAVALLE, LOFINK, MAIER, MIRO, QUILLEN, REYNOLDS, B. ENNIS, HOUGHTON, MULROONEY, PLANT - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Proceedings in the Family Court of the State of Delaware.**

**HB 82 - WAGNER & SENATOR COOK; REPRESENTATIVES BUCKWORTH, CATHCART, D. ENNIS, EWING, HUDSON, LOFINK, MAIER, QUILLEN, REYNOLDS, B. ENNIS, ULBRICH, HOCKER - JUDICIARY - An Act to Amend Titles 10 & 11 of the Delaware Code Relating to the Family Court of the State of Delaware; Fines, Costs, Penalties and Forfeitures and the Release of Persons Accused of Crimes in Justice of the Peace, Court of Common Pleas and the Superior Court.**

**HB 83 - OBERLE & SENATOR ADAMS; REPRESENTATIVES SPENCE, LOFINK, D. ENNIS, KEELEY, SCHWARTZKOPF, LEE, BUCKWORTH, CAREY, B. ENNIS, VANSANT; SENATORS MCDOWELL, HENRY, CLOUTIER, STILL - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Fines, Costs, Penalties and Forfeitures. (2/3 bill)**

**HA 1 to HB 42 - OBERLE - Placed with the Bill.**

Representative Stone requested that she be marked present.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #5**

DATE: March 20, 2003

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                | Date      | Type | Description                                                            |
|---------|------------------------|-----------|------|------------------------------------------------------------------------|
| H142-91 | Spence                 | 1/14/2003 | T    | Tracye Payne Wilson/Featured Speaker                                   |
| H142-92 | Quillen                | 1/18/2003 | T    | Kathleen Montage/65 Years of Service/Harrington Volunteer Fire Company |
| H142-93 | DiPinto                | 1/15/2003 | T    | Patricia M. DiPinto/70th Birthday                                      |
| H142-94 | Fallon                 | 1/16/2003 | T    | Wingfield Ministries/Appearance/Seaford                                |
| H142-95 | Plant                  | 1/13/2003 | M    | Dorothy Neal                                                           |
| H142-96 | DiPinto                | 1/20/2003 | T    | Honorable Philip J. Corrozi/70th Birthday                              |
|         | cosponsor: Rep. Hudson |           |      |                                                                        |
| H142-97 | DiPinto                | 1/10/2003 | T    | Jacquelyn & Paul Sample/50th Wedding                                   |



|          |           |           |   |                                                                     |
|----------|-----------|-----------|---|---------------------------------------------------------------------|
| H142-98  | Quillen   | 1/25/2003 | T | Richard Aaron Layne/Honored Member of DeMolay                       |
| H142-99  | Spence    | 1/21/2003 | T | Ned Davis/Welcome Back                                              |
| H142-100 | DiPinto   | 2/20/2003 | T | Robert Chagnon/Engineer of the Year                                 |
| H142-101 | Hall-Long | 2/20/2003 | T | Mark Parker/Young Engineer of the Year                              |
| H142-102 | Booth     | 1/22/2003 | T | Dr. Jacquelyn Wilson/New Position/Department of Education           |
| H142-103 | Booth     | 1/22/2003 | T | Cub Scout Pack 95/50th Anniversary                                  |
| H142-104 | Wagner    | 1/13/2003 | T | Hattie & Millard Biddle/70th Wedding Anniversary                    |
| H142-105 | Wagner    | 1/24/2003 | T | Fran Smith/Retirement/25 Years/Division of Public Health            |
| H142-106 | Quillen   | 1/26/2003 | T | Florence String/90th Birthday                                       |
| H142-107 | Lavelle   | 1/25/2003 | T | Jack Jurden/Appreciation/Continued Success                          |
| H142-108 | Lavelle   | 1/24/2003 | T | Councilman Richard Abbott/Commitment and Dedication                 |
| H142-109 | Stone     | 1/23/2003 | T | Honorable M. Jane Brady/Dedication/Persons with Disabilities        |
| H142-110 | Stone     | 1/23/2003 | T | Honorable Margaret Henry/Dedication/Persons with Disabilities       |
| H142-111 | Stone     | 1/23/2003 | T | Honorable Robert Valihura, Jr./Dedication/Persons with Disabilities |

#### HOUSE TRIBUTE ANNOUNCEMENT #6

DATE: March 20, 2003

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      | Date       | Type | Description                                                        |
|----------|--------------|------------|------|--------------------------------------------------------------------|
| H142-112 | Stone        | 1/23/2003  | T    | Honorable Deborah Hudson/Dedication/Persons with Disabilities      |
| H142-113 | Stone        | 1/26/2003  | T    | Right Reverend Vashti McKenzie/117th Bishop                        |
| H142-114 | Booth        | 2/3/2003   | T    | Harbour Light Cheer Center/Ribbon Cutting                          |
| H142-115 | Schwartzkopf | 12/6/2002  | T    | Iris & Ronald Holtzinger/50th Wedding Anniversary                  |
| H142-116 | B. Ennis     | 1/22/2003  | T    | Martha & Edward Chippie/50th Wedding Anniversary                   |
| H142-117 | Atkins       | 1/23/2003  | T    | Victor Benderoth/Retirement/30 Years/Air Products                  |
| H142-118 | Wagner       | 1/24/2003  | T    | Douglas Grudzina/Retirement/25+ Years/Capital School District      |
| H142-119 | Spence       | 1/25/2003  | T    | Lynda Whitmire & Ernest Camoirano/Marriage                         |
| H142-120 | Williams     | 11/20/2002 | T    | Theresa & Ernest Webster/60th Wedding Anniversary                  |
| H142-121 | Gilligan     | 11/14/2002 | T    | Frank & Jeanette Fox/60th Wedding Anniversary                      |
| H142-122 | Mulrooney    | 12/23/2002 | T    | Leona & Joseph Pinkett, Sr./70th Wedding Anniversary               |
| H142-123 | VanSant      | 12/20/2002 | T    | Faye & George Lewis, Sr./50th Wedding Anniversary                  |
| H142-124 | Houghton     | 12/27/2002 | T    | Jane & Emlen Lawrence/50th Wedding Anniversary                     |
| H142-125 | Spence       | 1/23/2003  | T    | Andrea Roos/Retirement/20 Years/Division of Motor Vehicles         |
| H142-126 | Plant        | 1/22/2003  | M    | Franklin Jarmon                                                    |
| H142-127 | Stone        | 1/21/2003  | T    | Honorable J. Dallas Winslow/Special Legislative Service Award      |
| H142-128 | Stone        | 1/21/2003  | T    | Honorable Robert Marshall/Distinguished Legislative Service Award  |
| H142-129 | Stone        | 1/21/2003  | T    | Honorable Gerald Buckworth/Distinguished Legislative Service Award |

|          |           |           |   |                                                 |
|----------|-----------|-----------|---|-------------------------------------------------|
| H142-130 | Thornburg | 3/20/2003 | M | Frank Hansen                                    |
| H142-131 | Spence    | 1/31/2003 | T | Lillian & Anthony Bove/50th Wedding Anniversary |
| H142-132 | Buckworth | 1/23/2003 | T | Lydia & John Masten/50th Wedding Anniversary    |

HOUSE TRIBUTE ANNOUNCEMENT #7

DATE: March 20, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                        |
|---------------|--------------------------|-------------|-------------|-----------------------------------------------------------|
| H142-133      | Fallon                   | 1/23/2003   | T           | Patricia Cleary/National Board Certification              |
| H142-134      | Ewing                    | 1/17/2003   | T           | Phillip Mowbray/Bridgeville Fireman of the Year           |
| H142-135      | Cathcart                 | 2/8/2003    | T           | Edward Shetzler/55 Years/Service/Odessa Fire Company      |
| H142-136      | Miro                     | 1/30/2003   | T           | David Roser/Longest Serving Chief/Hockessin Fire Company  |
| H142-137      | Wagner                   | 1/31/2003   | T           | Thomas Shiels/Retirement/32+ Years/Legislative Council    |
| H142-138      | Williams                 | 1/31/2003   | T           | Gregory Robinson/Retirement/DelDOT                        |
| H142-139      | Hudson                   | 12/21/2002  | M           | W. Lee Autman, Jr.                                        |
|               | cosponsor: Rep. D. Ennis |             |             |                                                           |
| H142-140      | Hudson                   | 1/22/2003   | M           | Willie Lee Riddle                                         |
| H142-141      | Carey                    | 1/28/2003   | T           | Michael Onusko/Postal Service Carrier/Saved Life          |
| H142-142      | B. Ennis                 | 1/25/2003   | M           | George E. Bradley                                         |
| H142-143      | Caulk                    | 1/22/2003   | M           | Garrett L. Grier, Sr.                                     |
| H142-144      | Wagner                   | 1/18/2003   | T           | Robbins Hose Company No. 1/Top Ten Responders             |
| H142-145      | Stone                    | 1/18/2003   | T           | James McWilliams, Jr./50 Year Member/Robbins Hose Company |
| H142-146      | Wagner                   | 1/18/2003   | T           | Alden Richardson, III/50 Year Member/Robbins Hose Company |
| H142-147      | Buckworth                | 1/18/2003   | T           | William Rhodes/50 Year Member/Robbins Hose Company        |
| H142-148      | Stone                    | 1/18/2003   | T           | Herbert Abbott/65 Year Member/Robbins Hose Company        |
| H142-149      | Boulden                  | 12/26/2002  | T           | Hazel & Lou LeBourdais/50th Wedding Anniversary           |
| H142-150      | Wagner                   | 12/28/2002  | T           | Reverend Mildred White/90th Birthday                      |
| H142-151      | Wagner                   | 1/5/2003    | T           | Helen Tilghman/103rd Birthday                             |
| H142-152      | Keeley                   | 1/25/2003   | M           | Ollie Mae Woodard                                         |
| H142-153      | Fallon                   | 1/30/2003   | T           | Rich Gannon/Professional Football Career                  |
| H142-154      | Boulden                  | 1/30/2003   | T           | Courtney Rogers/Student Ambassador Participation          |

#### HOUSE TRIBUTE ANNOUNCEMENT #8

DATE: March 20, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                                  |
|---------------|-----------------------------------------------|-------------|-------------|---------------------------------------------------------------------|
| H142-155      | VanSant                                       | 2/8/2003    | T           | Eugene Johnson/Member of the Year/Five Points Fire Company          |
| H142-156      | VanSant                                       | 2/8/2003    | T           | Terry Casson/New Member of the Year/Five Points Fire Company        |
| H142-157      | VanSant                                       | 2/8/2003    | T           | G. Robert Bossert/Life Member/Five Points Fire Company              |
| H142-158      | George                                        | 2/7/2003    | T           | Colonel Robert George/Retirement/32 Years/Army National Guard       |
|               | cosponsors: Reps. Gilligan, Lofink & Reynolds |             |             |                                                                     |
| H142-159      | VanSant                                       | 2/8/2003    | T           | Anthony Sianni, Jr./New Member of the Year/Five Points Fire Company |
| H142-160      | DiPinto                                       | 1/27/2003   | M           | John A. Lynam                                                       |
| H142-161      | DiPinto                                       | 1/31/2003   | T           | French Alliance & Treaty of Commerce & Amity/225th Anniversary      |

|          |                           |           |   |                                                                |
|----------|---------------------------|-----------|---|----------------------------------------------------------------|
| H142-162 | Booth                     | 1/30/2003 | T | Beth Hocker/Appreciation/Performance/Joint Session             |
| H142-163 | Atkins                    | 1/31/2003 | T | Honorable Peter Schwartzkopf/Retirement/State Police/25+ Years |
| H142-164 | Wagner                    | 1/28/2003 | M | Bishop Benjamin L. Washington                                  |
| H142-165 | Maier                     | 1/26/2003 | M | Sharra Lynne Hurd                                              |
| H142-166 | B. Ennis                  | 1/25/2003 | M | Mildred Bartlett Patterson                                     |
| H142-167 | Quillen                   | 2/4/2003  | T | Carroll Jester/Retirement/Chief/Houston Fire Company           |
| H142-168 | Wagner                    | 1/30/2003 | M | Erin M. Trowbridge                                             |
| H142-169 | cosponsor: Rep. DiPinto   | 2/9/2003  | T | Children of Alcoholics Week                                    |
| H142-170 | cosponsor: Rep. Thornburg | 2/9/2003  | T | June Myers/75th Birthday                                       |
| H142-171 | Buckworth                 | 1/30/2003 | T | Louise & Ollie Balke/50th Wedding Anniversary                  |
| H142-172 | Booth                     | 2/6/2003  | T | Nassau Valley Vineyards/Bronze Medal/Wine Society Competition  |
| H142-173 | cosponsor: Rep. Cathcart  | 2/6/2003  | T | Michael Potts/All-State Football First Team                    |
| H142-174 | Cathcart                  | 2/8/2003  | T | David Voss, Jr./Odessa Fire Company Fireman of the Year        |
| H142-175 | Hudson                    | 2/14/2003 | T | Loretta & Ed Baston/50th Wedding Anniversary                   |
| H142-176 | Houghton                  | 2/5/2003  | T | Irene & Donald Blythe/50th Wedding Anniversary                 |

#### HOUSE TRIBUTE ANNOUNCEMENT #9

DATE: March 20, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                          |
|---------------|----------------|-------------|-------------|-------------------------------------------------------------|
| H142-177      | Gilligan       | 12/25/202   | T           | Clyde & Catherine Garver/60th Wedding Anniversary           |
| H142-178      | VanSant        | 12/23/202   | T           | Doris & William Rhoads/50th Wedding Anniversary             |
| H142-179      | Oberle         | 1/14/2003   | T           | Jennie Smith Elementary/Appreciation/Opening Day Ceremonies |
| H142-180      | Wagner         | 12/28/202   | T           | Donna Harrington/Retirement/16+ Years/Board of Elections    |
| H142-181      | Buckworth      | 2/8/2003    | M           | Janet Thompson Williams                                     |
| H142-182      | Spence         | 2/23/2003   | T           | Margaret McKenna/90th Birthday                              |
| H142-183      | Williams       | 2/10/2003   | T           | Deborah Jackson-Spence/Commitment to Community              |
| H142-184      | Williams       | 2/10/2003   | T           | Gregory Chambers/Commitment to Community                    |
| H142-185      | Williams       | 2/10/2003   | T           | Larry Carter/Commitment to Community                        |
| H142-186      | Williams       | 2/10/2003   | T           | Roland Marshall, Sr./Commitment to Community                |
| H142-187      | Williams       | 2/10/2003   | T           | Arthur Boswell/Commitment to Community                      |
| H142-188      | Williams       | 2/10/2003   | T           | Alice Mitchell/Commitment to Community                      |
| H142-189      | Williams       | 2/10/2003   | T           | John Stallings/African-American Entrepreneur                |
| H142-190      | Williams       | 2/10/2003   | T           | Delores Tatman/Commitment to Community                      |
| H142-191      | Williams       | 2/10/2003   | T           | Honorable James H. Sills, Jr./Commitment to Community       |
| H142-192      | B. Ennis       | 1/31/2003   | M           | Marie Elizabeth Jarman                                      |
| H142-193      | Quillen        | 2/22/2003   | T           | Honorable V. George Carey/Concern/Ellendale Community       |
| H142-194      | Spence         | 2/13/2003   | T           | Joseph Pacheco/Career/UAW/Chrysler                          |
| H142-195      | Carey          | 2/22/2003   | T           | Helen Drayton/Work/First State Community Action Agency      |
| H142-196      | Carey          | 2/22/2003   | T           | Rev. Dr. Jeanel Daniels-Starling/Community Involvement      |
| H142-197      | Carey          | 2/22/2003   | T           | Marcealeate Ruffin/Community Involvement/Ellendale          |
| H142-198      | Carey          | 2/22/2003   | T           | Michael Izzo/Community Involvement/Ellendale                |
| H142-199      | Carey          | 2/22/2003   | T           | Lamont Downing/Community Involvement/Ellendale              |

H142-200 Stone 2/8/2003 T James Higdon/Elected Official of the Year  
cosponsors: Reps. Buckworth, Caulk, Quillen, Thornburg & Wagner  
HOUSE TRIBUTE ANNOUNCEMENT #10

DATE: March 20, 2003

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                  | Date      | Type | Description                                              |
|----------|--------------------------|-----------|------|----------------------------------------------------------|
| H142-201 | Stone                    | 2/5/2003  | M    | Karryl Joye Moore                                        |
|          | cosponsor: Rep. Wagner   |           |      |                                                          |
| H142-202 | Stone                    | 2/4/2003  | M    | Benjamin Bowings                                         |
|          | cosponsor: Rep. Wagner   |           |      |                                                          |
| H142-203 | Booth                    | 3/20/2003 | T    | Joseph M. O'Neill/Eagle Scout                            |
|          | cosponsor: Rep. Atkins   |           |      |                                                          |
| H142-204 | Atkins                   | 3/20/2003 | T    | Scott Whaley/Eagle Scout                                 |
|          | cosponsor: Rep. Booth    |           |      |                                                          |
| H142-205 | Plant                    | 2/15/2003 | T    | Mary Johnson/First Lady/Ebenezer Baptist Church/31 Years |
| H142-206 | Boulden                  | 2/12/2003 | M    | Robert Oratorio                                          |
| H142-207 | Cathcart                 | 2/18/2003 | T    | Tony Marchio/Superintendent of the Year                  |
| H142-208 | Spence                   | 2/22/2003 | T    | Christiana Fire Company/82nd Anniversary                 |
| H142-209 | Wagner                   | 2/15/2003 | T    | Julie Bryan & Bradley Eaby/Marriage                      |
| H142-210 | Viola                    | 2/22/2003 | T    | Edward Rush, Jr./President/State Fire Chiefs Association |
|          | cosponsor: Rep. George   |           |      |                                                          |
| H142-211 | George                   | 2/22/2003 | T    | Thomas D'Alessandro, III/Honored/Christiana Fire Company |
|          | cosponsor: Rep. Viola    |           |      |                                                          |
| H142-212 | DiPinto                  | 2/20/2003 | T    | Katie & Jim Keegan/Monsignor Reese Award Recipients      |
| H142-213 | Wagner                   | 2/28/2003 | T    | Mary Nichols & Jason Gorlich/Marriage                    |
| H142-214 | Carey                    | 2/18/2003 | M    | Grace Draper Millman                                     |
| H142-215 | George                   | 2/20/2003 | T    | DEMA/Exceptional Response/Snowstorm                      |
| H142-216 | Wagner                   | 2/12/2003 | M    | Leola Beatrice Reed Morris                               |
| H142-217 | Booth                    | 2/25/2003 | T    | Luke Sizemore/Eagle Scout                                |
| H142-218 | Booth                    | 2/25/2003 | T    | Raymond Lloyd/75 Year Member/Midland Grange              |
| H142-219 | Spence                   | 2/24/2003 | T    | David Deputy/Retirement/25 Years/State Police            |
| H142-220 | Miro                     | 3/6/2003  | T    | Mark D'Onofrio/12 Years/Town Manager/Newport             |
|          | cosponsor: Rep. Gilligan |           |      |                                                          |
| H142-221 | Carey                    | 3/5/2003  | T    | Clifford Crouch/CEO/Kent-Sussex Industries               |
| H142-222 | Spence                   | 3/4/2003  | T    | Patricia Purcell, M.D./Woman of Distinction/Girl Scouts  |
| H142-223 | Carey                    | 3/16/2003 | T    | Shirley Joseph/70th Birthday                             |

HOUSE TRIBUTE ANNOUNCEMENT #11

DATE: March 20, 2003

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                                                            | Date      | Type | Description                                              |
|----------|--------------------------------------------------------------------|-----------|------|----------------------------------------------------------|
| H142-224 | B. Ennis                                                           | 3/9/2003  | T    | Amedia Pendleton/50th Birthday                           |
| H142-225 | Lee                                                                | 3/2/2003  | T    | Marie Culver/100th Birthday                              |
| H142-226 | Wagner                                                             | 2/7/2003  | M    | David Lloyd McDonald                                     |
| H142-227 | Boulden                                                            | 3/9/2003  | T    | Arjun Monrai/American Legion Oratorical Contest Winner   |
|          | cosponsor: Rep. Ulbrich                                            |           |      |                                                          |
| H142-228 | Smith                                                              | 2/27/2003 | T    | Jack Barsha/Service to Democracy                         |
| H142-229 | Wagner                                                             | 3/4/2003  | T    | Dorothy Curl/80th Birthday                               |
|          | cosponsor: Rep. Thornburg                                          |           |      |                                                          |
| H142-230 | DiPinto                                                            | 2/27/2003 | T    | Robert Jordan, Ph.D./Retirement/State Geologist/45 Years |
|          | cosponsors: Reps. Buckworth, D. Ennis, Fallon, Houghton & Williams |           |      |                                                          |
| H142-231 | Booth                                                              | 2/21/2003 | T    | La Red Health Center/Second Anniversary                  |
| H142-232 | Wagner                                                             | 3/2/2003  | T    | Charles V. McCall/Eagle Scout                            |
| H142-233 | B. Ennis                                                           | 3/3/2003  | T    | Adele Gibbs/80th Birthday                                |
| H142-234 | Hocker                                                             | 3/1/2003  | T    | George M. Ritchie/State Commander/VFW                    |
| H142-235 | Wagner                                                             | 1/25/2003 | T    | Lisa Voshell & Benjamin Miller/Marriage                  |

|          |              |           |   |                                                                    |
|----------|--------------|-----------|---|--------------------------------------------------------------------|
| H142-235 | Wagner       | 1/25/2003 | T | Lisa Voshell & Benjamin Miller/Marriage                            |
| H142-236 | Spence       | 3/6/2003  | T | Robert L. Maxwell/President/Association for Children of Alcoholics |
| H142-237 | D. Ennis     | 3/6/2003  | T | Louis Calvarese/Retirement/41 Years                                |
| H142-238 | D. Ennis     | 3/8/2003  | T | Edgemoor Community Center/25th Anniversary                         |
| H142-239 | Schwartzkopf | 2/14/2003 | T | Effie & Robert Palese/50th Wedding Anniversary                     |
| H142-240 | Mulrooney    | 1/23/2003 | T | Mildred & Joseph Loureiro/60th Wedding Anniversary                 |
| H142-241 | Gilligan     | 2/15/2003 | T | Earl & Theresa Woody/50th Wedding Anniversary                      |
| H142-242 | Hocker       | 3/8/2003  | T | Lauretta & Dominick Alberti/50th Wedding Anniversary               |
| H142-243 | Buckworth    | 3/1/2003  | T | Michelle Northshield/All-State Swim Team Co-Coach of the Year      |
| H142-244 | Buckworth    | 3/1/2003  | T | Erin Courtney/All-State Swim Team First Team                       |
| H142-245 | Buckworth    | 3/1/2003  | T | Matt DuShuttle/All-State Swim Team First Team                      |
| H142-246 | Buckworth    | 3/1/2003  | T | Kristina MacLeish/All-State Swim Team First Team                   |

T- Tribute

M - Memoriam

Representative Lee brought the following prefiled **Consent Calendar #3** before the House for consideration.

**HR 14** - Valihura - CREATING A TASK FORCE TO EXAMINE THE EXPANSION OF NEW CASTLE COUNTY GOVERNMENT.

**SCR 5** - Still - HONORING THE MEMORY AND CELEBRATING THE LIFE OF ED "MURPH" MURPHY, WHO PASSED AWAY ON FRIDAY, MARCH 14, 2003, AT THE AGE OF 46.

**HR 14** was removed from **Consent Calendar #3** at the request of Representatives Boulden & Miro.

**Consent Calendar #3** was adopted by voice vote and **SCR 5** was returned to the Senate.

Representative Lee deferred to Representative George.

Representatives George & Wagner made announcements.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Roger P. Roy  
DATE: March 20, 2003  
RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to legislative business.

Thank you for your understanding.

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Deborah D. Hudson  
DATE: March 20, 2003  
RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to legislative business.

Thank you for your understanding.

MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
FROM: REP. GREG LAVELLE  
DATE: March 20, 2003  
RE: ABSENCE FROM SESSION

Please be advised that it is necessary for me to be absent today due to personal matters.

Thank you for understanding.

MEMORANDUM

TO: Terry R. Spence, Speaker  
FROM: Rep. Dave Ennis  
DATE: March 20, 2003  
RE: Absence from Session

I will be absent from Session today, March 20th, due to a personal business matter.

Representatives Fallon & Keeley made announcements.

Representative Lee moved to place **HR 14** on the Speaker's Table. The motion was seconded by Representative Carey and adopted by voice vote.

Representative Maier requested that she be marked present.

The Majority Whip moved to recess for committee meetings and to the call of the Chair at 2:30 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:30 P.M.: Representatives Hall-Long, Mulrooney, Oberle & Reynolds.

Mr. Acting Speaker Quillen called the House to order at 2:05 p.m. on March 25, 2003.

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

JUDICIARY: **HB 35** - 6M,1U; **HB 52** - 7M; **HB 61** - 7M; **HB 65** - 7M; **HB 66** - 6M; **HB 71** - 6M; **HB 78** - 6M; **HB 79** - 6M; **HB 80** - 6M; **HB 82** - 6M.

LAND USE AND INFRASTRUCTURE: **HB 53** - 1F,4M.

PUBLIC SAFETY: **HB 37** - 6M; **HB 43** - 6M; **HB 44** - 6M; **HB 51** - 6M; **HB 57** - 3F,3M.

HEALTH & HUMAN DEVELOPMENT: **HB 23** - 5M; **HB 48** - 1F,4M

EDUCATION: **SB 15 w/SA 1** - 8M; **HB 68** - 8M.

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

Mr. Acting Speaker assigned **HB 37** & **HB 61** to the Appropriations Committee.

Representatives Smith, Hudson & Valihura requested that they be marked present for the current Legislative Day.

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.

### **12th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session March 25, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Lofink - 1.

Representative Smith made an announcement.

A prayer was offered by Major Jim Browning, Chaplain, Dover Air Force Base 436th Airlift Wing/HC.

Mr. 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 84** - WAGNER & REPRESENTATIVE SCHWARTZKOPF & SENATOR VAUGHN; REPRESENTATIVES SPENCE, BOOTH, BUCKWORTH, DIPINTO, EWING, MAIER, MIRO, ULBRICH, HOUGHTON, MULROONEY, PLANT - JUDICIARY - An Act to Amend Title 31 of the Delaware Code Relating to the Interstate Compact on Juveniles.

**HB 85** - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, LEE, CAREY, CAULK, DIPINTO, EWING, FALLON, MAIER, OBERLE, QUILLEN, STONE, ULBRICH, VALIHURA, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, WILLIAMS - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Divorce and Annulment.

**HB 86** - WAGNER & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, QUILLEN, STONE, THORNBURG - HOUSE ADMINISTRATION - An Act to Amend Title 9, Title 10 and Title 12 of the Delaware Code Relating to Kent County Government; and Providing for the Compensation of Certain Deputies.

**HA 1 to HB 37** - OBERLE - Placed with the Bill.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Vincent A. Lofink  
DATE: March 25, 2003  
RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to personal business that is out of state. Thank you for your understanding.

United States Environmental Protection Agency

Region III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

March 14, 2003

Ms. JoAnn M. Hedrick  
Chief Clerk of the House  
Delaware House of Representatives  
Legislative Hall  
Dover, DE 19901  
Dear Ms. Hedrick:

Thank you for your letter of February 3, 2003 regarding Motiva Enterprises, LLC's proposal to reduce sulfur dioxide emissions from its Delaware City, Delaware refinery through the installation and operation of a wet gas or "conventional" scrubber rather than the regenerative scrubbers now required by the August 2001 consent decree entered into by the United States Environmental Protection Agency ("EPA"), the State of Delaware, and Motiva. EPA agrees that the implementation of the August 2001 consent decree as originally drafted will dramatically reduce sulfur dioxide emissions from Motiva's Delaware City refinery. EPA and Delaware have decided to stand by the existing consent decree and not agree to Motiva's proposed revisions.

In EPA's view, any proposal to consider the use of alternative technologies had to meet the requirements of significantly reducing air pollution from the refinery, while meeting all applicable water quality standards. Both the non-regenerative wet gas scrubbing option and the regenerative scrubbing options would significantly advance these environmental goals. However, a number of questions have been raised recently regarding Motiva's non-regenerative wet gas scrubbing proposal. In light of these uncertainties, EPA and Delaware have decided to implement the original consent decree requirement of scrubbers capable of recycling the wastewater, thereby minimizing any impact on surrounding waters. Once in operation, the scrubbers will significantly reduce sulfur dioxide emissions from the Delaware City refinery.

For the last several months, EPA has worked closely and deliberately with the Delaware Department of Natural Resources and Environmental Control ("DNREC") to ensure that any potential change to the consent decree to allow Motiva to use wet gas scrubbers in lieu of regenerative scrubbers would obtain significantly greater air pollution benefits than currently required by the consent decree. EPA has also worked closely with DNREC officials to ensure that there will be no harmful impacts on water quality or the aquatic ecosystem from wastewater discharges associated with the operation of wet gas scrubbers, that Motiva obtain all appropriate Federal and state wastewater discharge permits, that any such permits include water-quality based effluent limits necessary to preserve and protect the designated uses of the Delaware River and Bay, and that Motiva pretreat its effluent to permanently and consistently meet such limits. In the end, EPA and DNREC were not sufficiently satisfied that these conditions would be met if the existing consent decree was modified.

If you have any questions, please feel free to contact Mr. Shawn M. Garvin, Delaware Liaison Officer, at (215) 814-2998.

Sincerely,  
Donald S. Welsh  
Regional Administrator

Representatives Ulbrich & DiPinto requested that they be marked present.

Representatives Buckworth, Stone, Carey, Thornburg, Hall-Long & Hocker requested and were granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Atkins.

Representative Atkins requested and was granted privilege of the floor for himself and

Representative Schwartzkopf to present a House Tribute to Dan Gaffney, Sussex County radio personality.

Mr. Acting Speaker introduced guests. Representative Wagner made an announcement.

Representatives Lavelle, Stone & Smith made comments. Representative Smith deferred to Representative D. Ennis. Representative D. Ennis requested and was granted privilege of the floor for himself and Representative Thornburg along with Mitsuo Kisara, a teacher from Miagi, Japan; Miki Kuriyama-Smith, coordinator of student exchanges and Marie Kumatsu, student delegate, all of whom addressed the House.

Representative Cathcart requested that he be marked present.

Representative Wagner introduced guests.

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

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

Representative Oberle requested that he be marked present.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 57**, jointly sponsored by Senator Bunting & Representatives Spence, Atkins, Booth, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Thornburg, Wagner, B. Ennis, George, Houghton & Keeley, before the House for consideration.

**HB 57 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE ALARM SIGNALING SYSTEMS AND FALSE FIRE ALARMS. (2/3 bill)**

Representative Lee made comments. Representative Lee requested and was granted privilege of the floor for Willard F. Preston, III, State Fire Marshal. Representative Valihura made a comment.

The roll call on **HB 57** was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Lofink, Miro & Thornburg - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 57** was sent to the Senate for concurrence.

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

Representative Lee made comments.

Representative Ewing made an announcement.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 68**, jointly sponsored by Senator Sokola & Representative Ulbrich & Representatives Spence, Buckworth, Cathcart, B. Ennis, Hall-Long, Hudson, Keeley, Miro, Quillen, Reynolds & Stone & Senators Henry & Simpson & cosponsored by Senators Sorenson & Venables, before the House for consideration.

**HB 68** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION.

Representative Wagner made comments.

The roll call on **HB 68** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Miro & Roy - 3.

Therefore, having received a constitutional majority, **HB 68** was sent to the Senate for concurrence.

Representative Wagner made comments.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Wagner.

Mr. Speaker Spence assigned **HR 14** to the House Administration Committee.

Representative Wagner brought **HB 24**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 24** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES. (2/3 bill)

Representative Wagner made comments.

The roll call on **HB 24** was taken and revealed:

YES: 38.

ABSENT: Representatives Lofink, Miro & Roy - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 24** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 26**, jointly sponsored by Senator Henry & Representatives Cathcart & DiPinto, before the House for consideration.

**HB 26** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF FINES AND COSTS.

Representative Wagner made comments.

The roll call on **HB 26** was taken and revealed:

YES: 39.

ABSENT: Representatives Lofink & Miro - 2.

Therefore, having received a constitutional majority, **HB 26** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 28**, jointly sponsored by Senator Bunting & Representatives Lee, Carey, Cathcart, Ewing & B. Ennis, before the House for consideration.

**HB 28** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO DUTIES OF AN OFFICER HAVING A CHILD IN CUSTODY.

Representative George requested that **HA 1** to **HB 28** be stricken.

Representatives Wagner & Lavelle made comments.

The roll call on **HB 28** was taken and revealed:

YES: 30.

NO: Representatives Atkins, Hudson, Lavelle, Maier, Oberle, Plant, Stone & Valihura - 8.

ABSENT: Representatives Lofink, Miro & Thornburg - 3.

Therefore, having received a constitutional majority, **HB 28** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner made comments regarding **HB 30**.

Representative Smith deferred to Representative B. Ennis.



Representative B. Ennis brought **HB 33**, jointly sponsored by Representative Ewing & Senator Vaughn & Representatives D. Ennis, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Spence, Thornburg, VanSant & Williams, before the House for consideration.

**HB 33** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS.

Representative B. Ennis brought **HA 1 to HB 33** before the House for consideration. Representative B. Ennis requested that **HA 1** be stricken.

Representative B. Ennis brought **HA 2 to HB 33** before the House for consideration. Representative B. Ennis made comments. **HA 2** was adopted by voice vote.

Representative B. Ennis made comments.

The roll call on **HB 33 w/HA 2** was taken and revealed:

YES: 39.

ABSENT: Representatives Lofink & Miro - 2.

Therefore, having received a constitutional majority, **HB 33 w/HA 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone introduced **HB 89**, jointly sponsored by Senator Blevins.

**HB 89** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO PROFESSIONAL INSURANCE PERSONNEL.

Mr. Speaker Spence assigned **HB 89** to the Economic Development/Banking & Insurance Committee.

Representative Stone made an announcement.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced **HB 88**, jointly sponsored by Senator Sokola.

Representative Reynolds made an announcement.

**HB 88** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROFESSIONAL STANDARDS BOARD, ITS COMPOSITION AND GOVERNANCE, AND EDUCATOR EVALUATIONS.

Mr. Speaker Spence assigned **HB 88** to the Education Committee.

Representative Keeley made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:26 p.m.

Mr. Acting Speaker Roy called the House to order at 2:20 p.m. on March 26, 2003.

The Reading Clerk read the following communication into the record:

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Joseph E. Miro  
DATE: March 25, 2003  
RE: Absence From Session

Please excuse my absence from session tomorrow, March 26th, and Thursday, March 27th, due to the death of my father-in-law.

If you require additional information, please let me know.

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.

**13th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
March 26, 2003**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives D. Ennis, Miro & Oberle.

A prayer was offered by Representative Bethany A. Hall-Long, Eighth Representative District.

Mr. 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 9** - CATHCART & SENATOR VENABLES; REPRESENTATIVES SMITH, LEE, CAREY, EWING, HOCKER, QUILLEN; SENATORS SORENSON, BONINI, COPELAND - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 29 of the Delaware Code Relating to the Public Procurement of Goods, Materials and Services and the Department of Administrative Services.

**HB 87** - BUCKWORTH & SENATOR DELUCA; REPRESENTATIVES LEE, QUILLEN, B. ENNIS; SENATOR BONINI - LABOR - An Act to Amend Title 29, Delaware Code, Relating to the Payment of Disability Benefits for Police Officers Covered in the State Employees Pension Plan.

**HCR 7 - SMITH & SENATOR CLOUTIER & SENATOR MCDOWELL; REPRESENTATIVES D. ENNIS, LAVELLE, VALIHURA, LOFINK, OBERLE, WAGNER, VIOLA - HOUSE ADMINISTRATION - Designating June 22, 2003 as Felix Darley Day in Delaware.**

Representative Smith requested and was granted personal privilege of the floor to introduce a guest. Representative Smith deferred to Representative Stone. Representative Stone introduced guests. Representative Fallon introduced a guest. Representatives Wagner, Keeley & Spence made comments. Representatives Lavelle & Viola requested that they be marked present.

Representative Smith deferred to Representative George.

Representative George introduced and brought **HCR 9**, jointly sponsored by Representative Gilligan & Representative VanSant & Representative Spence & Representative Smith & Representative Lee & Senator Adams & Senator McDowell & Senator DeLuca & Senator Still & Senator Sorenson & Representatives Booth, Boulden, Buckworth, Carey, Caulk, B. Ennis, Ewing, Fallon, Hall-Long, Hocker, Houghton, Keeley, Miro, Stone, Ulbrich, Viola, Wagner & Williams, before the House for consideration.

Representative Ulbrich requested that she be marked present.

**HCR 9 - DECLARING MARCH 2003 AMERICAN RED CROSS MONTH AND COMMENDING THE EFFORTS OF THE RED CROSS IN DELAWARE.**

Representative George requested and was granted privilege of the floor for Margi Prueitt, representing the American Red Cross of the Delmarva Peninsula.

Representative George introduced guests.

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

Representative Smith requested and was granted privilege of the floor for Martha Sturtevant, staff member, to make comments regarding **HCR 11**.

Representative Smith brought the following prefiled **Consent Calendar #4** before the House for consideration.

**HCR 10 - Maier & Representative Spence & Senator Blevins & Senator Adams & Representatives Booth, Boulden, DiPinto, D. Ennis, Fallon, Oberle, Stone, Ulbrich, VanSant, Keeley, Mulrooney & Williams & Senators DeLuca, Peterson, Sokola, Connor & Simpson - ENCOURAGING THE U.S. CONGRESS TO ENACT A MEDICARE PRESCRIPTION DRUG BENEFIT.**

**HCR 11 - Smith & Senator Bunting & All Representatives & All Senators - URGING THE DEPARTMENT OF EDUCATION TO PROMOTE WITHIN THE SEVERAL SCHOOLS AND SCHOOL DISTRICTS IN THE STATE A VOLUNTARY PROGRAM THROUGH WHICH STAFF AND STUDENTS CAN SHOW THEIR SUPPORT FOR MEMBERS OF THE UNITED STATES MILITARY SERVING OVERSEAS AND EXPRESSING GRATITUDE, COMMENDATIONS, PRAISE, AND CONDOLENCES TO VARIOUS PERSONS.**

**Consent Calendar #4** was adopted by voice vote and **HCR 10 & HCR 11** were sent to the Senate for concurrence.

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

Representatives Spence, Keeley & Hudson made comments.

Representative George made an announcement.

Representative Maier requested that she be marked present.

Representatives Ulbrich & VanSant made comments.

The Reading Clerk read the following communications into the record:

March 26, 2003

TO: House Speaker Terry R. Spence  
FROM: Representative William A. Oberle  
SUBJECT: Absence from Session

Due to personal reasons, I am unable to attend session today, March 26, 2003.

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative David H. Ennis  
DATE: March 26, 2003  
RE: Absence From Session

Please excuse my absence from session today, March 26, 2003, due to a personal business matter.

If you require further information, please let me know.

Mr. Acting Speaker introduced a guest.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:54 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:54 P.M.: Representatives Quillen, Reynolds & Thornburg.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:14 p.m. on March 27, 2003.

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

HOUSE ADMINISTRATION: **HB 70** - 3M; **HCR 7** - 3F.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 74** - 5F,4M.

PUBLIC SAFETY: **HB 27** - 7M; **HB 49** - 6M; **HB 64** - 5M,1U; **HB 75** - 7M.

JUDICIARY: **HB 76** - 5M; **HB 77** - 5M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 69** - 7M.

HEALTH & HUMAN DEVELOPMENT: **HB 67** - 5M.

EDUCATION: **HB 88** - 7M.

Representative DiPinto introduced **HB 96**, jointly sponsored by Representative Keeley & Senator Vaughn.

**HB 96** - AN ACT TO AMEND VOLUME 73 OF THE LAWS OF DELAWARE, CHAPTER 408, TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS' LICENSES.

Mr. Speaker Spence assigned **HB 96** to the Judiciary Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 9**, **HB 11 w/SA 1** & **HB 4** and is returning same to the House.

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

The House reconvened at 2:18 p.m.

#### **14th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session March 27, 2003**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives D. Ennis & Miro - 2.

A prayer was offered by Representative Joseph W. Booth, Twenty-Seventh Representative District.

The colors were presented by the Girl Scouts of the Chesapeake Bay Council who led those present in the pledge of allegiance to the American Flag.

Mr. Speaker Spence thanked the Girl Scouts and invited them to announce their names and troop numbers for the record.

The following prefiled legislation was introduced:

**HB 90** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 29, Chapter 48 of the Delaware Code Relating to the Delaware Lottery.

**HB 91** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Estimated Taxes Paid by Certain Pass-through Entities. (3/5 bill)

**HB 92** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 6, Title 12, and Title 29 of the Delaware Code Relating to Various Fees and Taxes Charged by the Secretary of State. (3/5 bill)

**HB 93** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

**HB 94** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Estate Taxes. (3/5 bill)

**HB 95** - GILLIGAN & REPRESENTATIVE VANSANT & SENATOR ADAMS & SENATOR MCDOWELL & SENATOR DELUCA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to the Tax on Tobacco Products. (3/5 bill)

**HA 1 to HB 51** - SCHWARTZKOPF - Placed with the Bill.

Representative Stone requested and was granted privilege of the floor to present a House Tribute to the Girl Scouts of the Chesapeake Bay.

Representative Keeley made comments.

Representative Smith introduced and brought **HCR 8**, jointly sponsored by Senator Cook, before the House for consideration.

**HCR 8** - DESIGNATING THURSDAY, MARCH 27, 2003 AS GIRL SCOUT LEGISLATIVE DAY.

WHEREAS, throughout its long distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct and patriotism; and

WHEREAS, the Girl Scouts of the U.S.A. is celebrating 91 years of developing strong girls; and

WHEREAS, through Girl Scouting girls grow strong, gain self-confidence and skills for success and learn their duty to the world around them; and

WHEREAS, Girl Scouting takes an active role in increasing the interest and skill levels of today's youth in science and technology to fulfill our country's economic needs; and

WHEREAS, Girl Scouts from throughout Delaware are observing our State Government in action by attending sessions, meeting legislators and touring our Legislative Hall.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware, the Senate concurring therein, that Thursday, March 27, 2003 be recognized as Girl Scout Legislative Day in the State of Delaware, and

BE IT FURTHER RESOLVED that the House of Representatives encourages the citizens of Delaware to support the Girl Scouts of the Chesapeake Bay Council in the First State

Representative Smith and Mr. Speaker Spence made comments.

**HCR 8** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Wagner made an announcement.

Representatives Ewing & Quillen made comments.

The Reading Clerk read the following communications into the record:

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives

FROM: Representative David H. Ennis

DATE: March 27, 2003

RE: Absence From Session

Please excuse my absence from session today, March 27th, due to personal business.

If you require further information, please let me know.

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

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

JUDICIARY: **HB 96** - 1F,5M.

Representative Gilligan requested that he be marked present.

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

Representative Buckworth requested that **HB 70** be stricken.

Representative DiPinto requested that **HB 60** be stricken.

Representative Valihura made comments.

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 4:32 p.m. with Representative Oberle as Acting Speaker.

Representative Oberle requested that he be marked present.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought **HB 88**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 88** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROFESSIONAL STANDARDS BOARD, ITS COMPOSITION AND GOVERNANCE, AND EDUCATOR EVALUATIONS.

Representative Reynolds introduced and brought **HA 1 to HB 88**, jointly sponsored by Representatives Ulbrich & Boulden, before the House for consideration. Representative Reynolds made comments. **HA 1** was adopted by voice vote.

Representative Booth introduced and brought **HA 2 to HB 88** before the House for consideration. Representatives Booth, Reynolds, Booth, Gilligan, Ulbrich, Reynolds, Booth, Viola, Wagner, Smith & Reynolds made comments.

The roll call on **HA 2 to HB 88** was taken and revealed:

YES: Representatives Atkins, Booth, Carey, Cathcart, Caulk, Fallon, Hocker, Hudson, Lavelle, Lee, Maier, Quillen, Roy, Smith, Stone & Thornburg - 16.

NO: 22.

NOT VOTING: Representative Valihura - 1.

ABSENT: Representatives D. Ennis & Miro - 2.

Therefore, not having received a constitutional majority, **HA 2 to HB 88** was declared defeated.

Representatives Lee, Reynolds, Williams, Lavelle & Cathcart requested that they be marked present during the roll call.

Representative Reynolds moved to place **HB 88 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Reynolds moved to lift **HB 88 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.

**HB 88 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROFESSIONAL STANDARDS BOARD, ITS COMPOSITION AND GOVERNANCE, AND EDUCATOR EVALUATIONS.**

Representative Reynolds made comments.

Representative Hudson introduced and brought **HA 3 to HB 88** before the House for consideration. Representatives Hudson & Reynolds made comments. **HA 3** was adopted by voice vote.

Representatives Reynolds, Wagner & Booth made comments.

The roll call on **HB 88 w/HA 1 & 3** was taken and revealed:

YES: 33.

NO: Representatives Booth, Caulk, Hocker, Lee & Quillen - 5.

NOT VOTING: Representative Lavelle - 1.

ABSENT: Representatives D. Ennis & Miro - 2.

Therefore, having received a constitutional majority, **HB 88 w/HA 1 & 3** was sent to the Senate for concurrence.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 51**, jointly sponsored by Senator Vaughn & Representative Lee & Senator Simpson & Representatives Atkins, Booth, Carey, Gilligan, Hall-Long, Houghton, Keeley, Schwartzkopf, Spence, VanSant & Viola & cosponsored by Representative Thornburg & Senator Bunting, before the House for consideration.

**HB 51 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF FLASHING LIGHTS ON MOTOR VEHICLES.**

Mr. Speaker Spence resumed the Chair.

Representative B. Ennis deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HA 1 to HB 51** before the House for consideration.

Representatives Schwartzkopf, Wagner, B. Ennis, Ewing & Schwartzkopf made comments. **HA 1** was adopted by voice vote.

Representative B. Ennis made comments.

The roll call on **HB 51 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Miro - 2.

Therefore, having received a constitutional majority, **HB 51 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 67**, jointly sponsored by Senator Blevins & Representatives Miro & Ulbrich & Senator Sorenson & cosponsored by Representative Hall-Long, before the House for consideration.

**HB 67 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO MATERNAL MORTALITY.**

Representative Maier made comments.

The roll call on **HB 67** was taken and revealed:

YES: 37.

NOT VOTING: Representative Cathcart - 1.

ABSENT: Representatives D. Ennis, Lavelle & Miro - 3.

Therefore, having received a constitutional majority, **HB 67** was sent to the Senate for concurrence.

Representative Smith requested that action on **HCR 7** be Deferred to a Day Certain, Tuesday, April, 1, 2003.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 15 w/SA 1 & 2**, jointly sponsored by Senators Sokola, Blevins, Henry, McDowell, Peterson & Sorenson & Representatives Hudson, Miro & Keeley, before the House for consideration.

**SB 15 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT.**

Representative Maier introduced and brought **HA 1 to SB 15** before the House for consideration. Representative Maier made comments. **HA 1** was adopted by voice vote.

Representative Lee introduced and brought **HA 2 to SB 15**, jointly sponsored by Representative Booth, before the House for consideration. Representatives Lee, Oberle & Maier made comments. **HA 2** was defeated by voice vote.

The roll call on **SB 15 w/SA 1 & 2 & HA 1** was taken and revealed:

YES: 22.

NO: Representatives Atkins, Booth, Buckworth, Carey, Cathcart, Caulk, Ewing, Fallon, Hocker, Lee, Quillen, Roy, Schwartzkopf, Thornburg, VanSant & Williams - 16.

ABSENT: Representatives D. Ennis, Miro & Smith - 3.

Therefore, having received a constitutional majority, **SB 15 w/SA 1 & 2 & HA 1** was returned to the Senate for concurrence on **HA 1**.

Representatives Valihura, Oberle, Williams, Keeley & Lavelle made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 74**, jointly sponsored by Representative Lofink & Representative Spence & Senator Bunting & Representatives Cathcart, B. Ennis, D. Ennis, Fallon, Keeley, Lavelle, Miro & Roy & Senators Henry & Sokola, before the House for consideration.

**HB 74 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES.**

Representative Oberle requested that **HB 8** be stricken.

Representatives Oberle, Gilligan, Schwartzkopf & Oberle made comments.

The roll call on **HB 74** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Miro - 2.

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

Representative Smith deferred to Representative Roy.

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

LAND USE AND INFRASTRUCTURE: **HB 58 - 5M.**

Representative Roy brought **HB 58**, jointly sponsored by Senators Blevins & Sorenson, before the House for consideration.

**HB 58 - AN ACT TO STRIKE A DEED RESTRICTION ON LANDS CONVEYED TO THE HOCKESSIN FIRE COMPANY BY THE STATE OF DELAWARE.**

Representative Roy made comments.

The roll call on **HB 58** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Miro - 2.

Therefore, having received a constitutional majority, **HB 58** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 16** before the House for consideration.

**HR 16 - EXTENDING THE COMMITTEE TO STUDY THE FEASIBILITY OF INSTITUTING SPORTS GAMING AT EXISTING GAMING VENUES REPORTING DATE.**

Representatives Oberle & DiPinto made comments.

**HR 16** was adopted by voice vote.

Representative Lee deferred to Representative Maier.

Representative Maier brought **HB 65**, jointly sponsored by Senator Blevins & Representatives Cathcart, Miro & Ulbrich & Senators Sorenson & Vaughn, before the House for consideration.

**HB 65 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO VICTIMS AND WITNESSES WITH COGNITIVE DISABILITIES.**

Representative Maier deferred to Representative Ulbrich.

Representative Ulbrich introduced and brought **HA 1 to HB 65** before the House for consideration.

Representative Ulbrich made comments. **HA 1** was adopted by voice vote.

Representative Maier made comments.

The roll call on **HB 65 w/HA 1** was taken and revealed:

YES: 36.

NO: Representatives Boulden & Thornburg - 2.

ABSENT: Representatives D. Ennis, Miro & Smith - 3.

Therefore, having received a constitutional majority, **HB 65 w/HA 1** was sent to the Senate for concurrence.

Mr. Speaker Spence made an announcement.

Representative Maier introduced guests.

Representative Lee deferred to Representative Hudson.

Representative Hudson brought **HB 64**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 64 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SIGNAGE ON PARKING SPACES OR ZONES DESIGNATED FOR USE BY PERSONS WITH DISABILITIES. (2/3 bill)**

Representative Hudson made comments.

The roll call on **HB 64** was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Miro, Smith & Viola - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 64** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Cathcart.

Representative Cathcart brought **HB 53**, jointly sponsored by Senator Vaughn & Representatives Spence, Lofink, Oberle, Quillen, Reynolds, B. Ennis & Hall-Long & Senators DeLuca, Bunting, McBride & Amick, before the House for consideration.

**HB 53 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE AMERICAN LEGION POST 25 OF MIDDLETOWN.** (F/N)

Representative Cathcart introduced and brought **HA 1** to **HB 53** before the House for consideration. Representative Cathcart made comments. **HA 1** was adopted by voice vote.

Representative Cathcart made a comment.

The roll call on **HB 53 w/HA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, D. Ennis, Miro, Smith & Viola - 5.

Therefore, having received a constitutional majority, **HB 53 w/HA 1** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 11 w/SA 1**, jointly sponsored by Senator Bunting, before the House for concurrence on **SA 1**.

**HB 11 - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PROVIDE THAT NO ELECTION SHALL BE HELD IF THERE IS NO CONTEST, CLARIFYING ELECTION NOTICE POSTING REQUIREMENTS AND INCREASING THE PENALTY FOR UNPAID TAXES.** (2/3 bill)

Representatives Schwartzkopf, B. Ennis, Ewing, Lofink, Schwartzkopf, Ewing & Lavelle made comments.

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

YES: 35.

ABSENT: Representatives Buckworth, DiPinto, D. Ennis, Miro, Smith & Viola - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 11 w/SA 1** was sent to the Governor.

Representatives Lofink & Wagner made announcements.

The Majority Whip moved to recess to the call of the Chair at 6:02 p.m.

Mr. Speaker Spence called the House to order at 2:10 p.m. on April 1, 2003.

The Reading Clerk read the following communications into the record:

The House wishes to inform the House that it has passed **HB 68, HCR 8 & HCR 10** and is returning same to the House; **SB 40 w/SA 3, SCR 6 & SCR 7** and requests the concurrence of the House; **HB 88 w/HA 1 & 3 & HCR 11** and is returning same to the House.

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

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.

#### **15th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session April 1, 2003**

The Chief Clerk called the roll:

Members Present: 41.

Representative Smith requested and was granted privilege of the floor for Mrs. O'Malley's first grade class.

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

Mr. Speaker Spence & Bradley Smith, son of the Majority Leader, led those present in the 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 97 - HUDSON & SENATOR VENABLES; REPRESENTATIVES SMITH, BOOTH, BUCKWORTH, DIPINTO, EWING, HOCKER, STONE, WAGNER; SENATORS SORENSON, BONINI, COPELAND - REVENUE & FINANCE - An Act to Amend Title 29, Delaware Code Relating to Wage Provisions in Public Works Contracts.**

**HB 98 - SCHWARTZKOPF & SENATOR BUNTING; REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, EWING, GEORGE, GILLIGAN, HALL-LONG, HOCKER, HOUGHTON, HUDSON, KEELEY, LEE, MULROONEY, PLANT, SPENCE, VANSANT, VIOLA, WILLIAMS; SENATOR SIMPSON - PUBLIC SAFETY - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Driver's Licenses.**

**HB 100** - B. ENNIS & REPRESENTATIVE D. ENNIS & REPRESENTATIVE DIPINTO & SENATOR VAUGHN; REPRESENTATIVES EWING, HOUGHTON, KEELEY, MULROONEY, PLANT, VANSANT, VIOLA, WILLIAMS - HOMELAND SECURITY - An Act to Amend Title 16 of the Delaware Code Relating to Emergency Release Notifications.

**HB 101** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES ATKINS, BUCKWORTH, CAULK, EWING, HALL-LONG, HOUGHTON, LEE, QUILLEN, SPENCE, STONE, THORNBURG, WAGNER - HOUSE ADMINISTRATION - An Act to Amend Title 9 of the Delaware Code Relating to the General Powers of the Government of Kent County.

**HB 102** - HUDSON & SENATOR BUNTING; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CAULK, DIPINTO, FALLON, HALL-LONG, HOUGHTON; SENATOR SORENSON - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24, Delaware Code, to Establish a State Board of Interior Design and Provide for Certified Interior Designers.

**HB 103** - CATHCART; REPRESENTATIVES SPENCE, BUCKWORTH, EWING, FALLON, HOCKER, LOFINCK, MIRO, OBERLE, VANSANT, HOUGHTON, PLANT; SENATORS HENRY, CLOUTIER, CONNOR, SIMPSON - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Hazardous Waste Management.

**HB 105** - WAGNER & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Bail for Certain Crimes.

**HA 1 to HB 27** - WAGNER - Placed with the Bill.

**SB 40 w/SA 3** - MCDOWELL & REPRESENTATIVE BOOTH; SENATORS HENRY, PETERSON; REPRESENTATIVES B. ENNIS, D. ENNIS, MAIER, OBERLE - JUDICIARY - An Act to Amend Title 12 of the Delaware Code Relating to Guardianships.

Representatives Plant, Lavelle, Boulden & Fallon requested that they be marked present.

Representative Smith brought **HCR 7**, jointly sponsored by Senator Cloutier & Senator McDowell & Representatives D. Ennis, Lavelle & Valihura, before the House for consideration.

**HCR 7** - DESIGNATING JUNE 22, 2003 AS FELIX DARLEY DAY IN DELAWARE.

Representative Smith made comments.

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

Anabelle O'Malley, Mt. Pleasant Elementary School, and her first grade class. The students introduced themselves and made comments regarding **HCR 7**. Representative Smith made comments.

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

Representative Smith deferred to Representative Fallon. Representative Fallon made comments.

Representatives Hocker & Hall-Long requested and were granted privilege of the floor to introduce guests. Representative Smith made comments and introduced guests.

Representatives DiPinto & Lavelle made comments.

Representative Gilligan requested that he be marked present and made comments.

Representative Smith introduced guests.

The Majority Leader moved to recess for caucus at 2:29 p.m.

The House reconvened at 3:58 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HB 14 w/SA 2** and is returning same to the House.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg brought **HB 34**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 34** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THREATS AGAINST PUBLIC OFFICIALS OR PUBLIC SERVANTS.

Representative Thornburg made comments.

The roll call on **HB 34** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 34** was sent to the Senate for concurrence.

Representatives Atkins, Oberle, Reynolds, Ulbrich, Williams, Maier & Cathcart requested that they be marked present during the roll call.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 23**, jointly sponsored by Representatives Lee, Buckworth, Cathcart, DiPinto, Ewing, Maier, Miro, Quillen, Ulbrich, Valihura, B. Ennis & Plant, before the House for consideration.

**HB 23** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION.

Representative Wagner made comments.

The roll call on **HB 23** was taken and revealed:



YES: 41.

Therefore, having received a constitutional majority, **HB 23** was sent to the Senate for concurrence. Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 79**, jointly sponsored by Representative Buckworth & Senator Henry & Senator Bonini & Representative Hudson & Representative Keeley & Representatives Boulden, Cathcart, DiPinto, D. Ennis, Ewing, Reynolds, Quillen, VanSant, B. Ennis, Houghton, Mulrooney & Williams & Senator Vaughn & cosponsored by Representative Lofink, before the House for consideration.

**HB 79 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DIVORCE AND ANNULMENT.**

Representative Wagner made comments.

The roll call on **HB 79** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 79** was sent to the Senate for concurrence. Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 80**, jointly sponsored by Senator Henry & Representatives Spence, Smith, Lee, Booth, Boulden, Buckworth, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Quillen, Reynolds, B. Ennis, Houghton, Mulrooney & Plant, before the House for consideration.

**HB 80 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN THE FAMILY COURT OF THE STATE OF DELAWARE.**

Representative Wagner made comments.

The roll call on **HB 80** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 80** was sent to the Senate for concurrence. Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 82**, jointly sponsored by Senator Cook & Representatives Buckworth, Cathcart, D. Ennis, Ewing, Hudson, Lofink, Maier, Quillen, Reynolds, B. Ennis, Ulbrich & Hocker, before the House for consideration.

**HB 82 - AN ACT TO AMEND TITLE 10 & 11 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE; FINES, COSTS, PENALTIES AND FORFEITURES AND THE RELEASE OF PERSONS ACCUSED OF CRIMES IN JUSTICE OF THE PEACE, COURT OF COMMON PLEAS AND THE SUPERIOR COURT.**

Representative Wagner made a comment.

The roll call on **HB 82** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 82** was sent to the Senate for concurrence.

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

LABOR: **HB 42** - 1F,5M; **HB 73** - 6M; **HS 1 for HB 81** - 6M.

Mr. Speaker Spence assigned **HB 42** to the Appropriations Committee.

Representatives Roy, Hudson, Lavelle & Williams made announcements.

The Majority Leader moved to recess to the call of the Chair at 4:20 p.m.

Mr. Speaker Spence called the House to order at 2:05 p.m. on April 2, 2003.

Mr. Speaker Spence assigned **HS 1 for HB 81** to the Appropriations Committee.

Representative Quillen made an announcement.

Representative Wagner requested that **HB 85** be stricken.

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

#### **16th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session April 2, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative D. Ennis - 1.

Representative Smith requested and was granted personal privilege of the floor for Rabbi Sanford L. Dresin. A prayer was offered by Rabbi Sanford L. Dresin of Congregation Adas Kodesch Shel Emeth, Wilmington, Delaware.

Mr. Speaker Spence led those present in the 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 106 - BOULDEN - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Occupant Protection System Safety Act.**

**HB 107 - BOULDEN - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Employee Salaries, Work Conditions.**

**HB 108 - BOULDEN - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Rules of the Road. (2/3 bill)**

**HB 109 - SMITH & REPRESENTATIVE VALIHURA & SENATOR MCBRIDE; REPRESENTATIVES MULROONEY, QUILLEN, REYNOLDS, VIOLA, SPENCE, GEORGE, LAVELLE, D. ENNIS; SENATORS DELUCA, MCDOWELL, SIMPSON, SOKOLA, MARSHALL, CONNOR, SORENSON, CLOUTIER - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code with Respect to Enforcement of Environmental Laws and Regulations.**

**HB 110 - MIRO & SENATOR STILL; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, CAULK, D. ENNIS, EWING, LOFINK, OBERLE, REYNOLDS, THORNBURG, ULBRICH, VALIHURA, KEELEY, PLANT, WILLIAMS; SENATOR SOKOLA - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employee's Pension Plan; and Providing a Credited Service Option for Teachers Formerly Employed in the "Jobs for Delaware Graduates" Program.**

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

Representatives Thornburg & Maier requested that they be marked present.

Representatives Maier & Gilligan requested and were granted personal privilege of the floor to introduce guests.

Mr. Speaker Spence introduced a guest.

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

Mr. Speaker Spence introduced Alan Sokolow, Executive Director, Eastern Regional Conference, Council of State Governments, and granted him privilege of the floor.

Mr. Speaker Spence & Representative Smith made comments.

The House observed a moment of silence in memory of Marine Sergeant Brian McGinnis at the request of Representative Smith.

Mr. Speaker Spence made comments.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #12**

DATE: April 2, 2003

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                                                                       | Date      | Type | Description                                         |
|----------|-------------------------------------------------------------------------------|-----------|------|-----------------------------------------------------|
| H142-247 | Buckworth                                                                     | 3/2/2003  | T    | Garrett Faulkner/Wrestling Championship/135 pounds  |
| H142-248 | Buckworth                                                                     | 3/2/2003  | T    | Bryan Robinson/Wrestling Championship/275 pounds    |
| H142-249 | Buckworth                                                                     | 3/2/2003  | T    | Mark Reynolds/Wrestling Championship/171 pounds     |
| H142-250 | Buckworth                                                                     | 3/2/2003  | T    | Mike McKenna/Wrestling Championship/189 pounds      |
| H142-251 | B. Ennis<br>cosponsor: Rep. Wagner                                            | 3/3/2003  | M    | Charles C. Marker                                   |
| H142-252 | Atkins                                                                        | 3/8/2003  | T    | Missy Warren/50th Birthday                          |
| H142-253 | Ulbrich                                                                       | 3/12/2003 | T    | Newark High Yellow Jackets/Swimming Champions       |
| H142-254 | Spence                                                                        | 3/10/2003 | T    | EDIS Company/95th Anniversary                       |
| H142-255 | Maier                                                                         | 4/10/2003 | T    | The Independence School/25th Anniversary            |
| H142-256 | Booth                                                                         | 3/12/2003 | T    | Georgetown Volunteer Fire Company/100th Anniversary |
| H142-257 | Booth                                                                         | 4/12/2003 | T    | Eric William Henderson/Eagle Scout                  |
| H142-258 | Booth                                                                         | 3/30/2003 | T    | Adam Charles Maloney/Eagle Scout                    |
| H142-259 | Lee<br>cosponsor: Rep. Booth                                                  | 1/29/2003 | T    | Luke Petitgout/Athlete of the Year                  |
| H142-260 | Wagner                                                                        | 3/11/2003 | T    | Gloria & Walter Fili/50th Wedding Anniversary       |
| H142-261 | Lee                                                                           | 3/17/2003 | T    | Kathy Wooten/Laurel Citizen of the Year             |
| H142-262 | Mulrooney                                                                     | 3/30/2003 | T    | Jane & John Banks/40th Wedding Anniversary          |
| H142-263 | Buckworth                                                                     | 3/8/2003  | T    | Polytech Girls Basketball/Champions                 |
| H142-264 | DiPinto<br>cosponsors: Reps. Buckworth, D. Ennis, Fallon, Houghton & Williams | 3/17/2003 | T    | Adam McBride/Retirement/Port of Wilmington          |
| H142-265 | B. Ennis                                                                      | 3/10/2003 | M    | James F. Sipple                                     |
| H142-266 | D. Ennis                                                                      | 3/11/2003 | M    | Frederick C. Borjes                                 |

|          |                        |           |   |                                                            |
|----------|------------------------|-----------|---|------------------------------------------------------------|
| H142-267 | D. Ennis               | 3/11/2003 | M | Richard Brian Smagala                                      |
| H142-268 | Stone                  | 4/2/2003  | T | Leroy Klein/Distinguished Citizen Award                    |
|          | cosponsor: Rep. Wagner |           |   | Recipient                                                  |
| H142-269 | Hudson                 | 4/9/2003  | T | Honorable Roxana Arsht/Carrie Chapman Catt Award Recipient |

#### HOUSE TRIBUTE ANNOUNCEMENT #13

DATE: April 2, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                              |
|---------------|--------------------------------------------------------------------------------------------------------|-------------|-------------|-----------------------------------------------------------------|
| H142-270      | DiPinto                                                                                                | 4/9/2003    | T           | Elizabeth Ryan/Carrie Chapman Catt Award Recipient              |
| H142-271      | Hudson                                                                                                 | 3/27/2003   | T           | Elena Marconi/100th Birthday                                    |
|               | cosponsor: Rep. Keeley                                                                                 |             |             |                                                                 |
| H142-272      | VanSant                                                                                                | 3/22/2003   | T           | John Parisi/Member of the Year/Elsmere Fire Company             |
| H142-273      | VanSant                                                                                                | 3/22/2003   | T           | Suzanne Talley/Member of the Year/Elsmere Ladies Auxiliary      |
|               | cosponsor: Rep. Hudson                                                                                 |             |             |                                                                 |
| H142-274      | Roy                                                                                                    | 2/5/2003    | T           | Coach Steve Bastianelli/St. Mark's Wrestling/200th Team Victory |
| H142-275      | Buckworth                                                                                              | 3/14/2003   | M           | Edward V. Murphy                                                |
|               | cosponsors: Reps. Stone & Reynolds                                                                     |             |             |                                                                 |
| H142-276      | Carey                                                                                                  | 1/30/2003   | T           | Dorothy & Preston King/50th Wedding Anniversary                 |
|               | cosponsor: Rep. Ewing                                                                                  |             |             |                                                                 |
| H142-277      | Smith                                                                                                  | 2/26/2003   | T           | Honorable Robert Gilligan/Longest Serving Member of House       |
|               | cosponsors: Reps. Lee & VanSant                                                                        |             |             |                                                                 |
| H142-278      | Carey                                                                                                  | 3/25/2003   | T           | David Dodd/Retirement/DELDOT/35+ Years                          |
| H142-279      | B. Ennis                                                                                               | 3/24/2003   | T           | Zimmerman Family/Farm Family of the Year                        |
| H142-280      | Buckworth                                                                                              | 3/18/2003   | T           | Tyresa Smith/All-State Girls Basketball                         |
| H142-281      | DiPinto                                                                                                | 3/19/2003   | T           | Benedictine Park/Dedication                                     |
|               | cosponsor: Rep. Plant                                                                                  |             |             |                                                                 |
| H142-282      | Stone                                                                                                  | 3/27/2003   | T           | Chesapeake Bay Girl Scouts/Visit/Legislative Hall               |
|               | cosponsors: Reps. Fallon, George, Hall-Long, Hudson, Keeley, Maier, Plant, Thornburg, Ulbrich & Wagner |             |             |                                                                 |
| H142-283      | Plant                                                                                                  | 3/29/2003   | T           | Pride of Delaware Lodge #349/80th Anniversary                   |
| H142-284      | Plant                                                                                                  | 3/29/2003   | T           | Ann Elizabeth Boulden Temple #269/79th Anniversary              |
| H142-285      | Smith                                                                                                  | 3/10/2003   | T           | Pamela Baker/40th Birthday                                      |
| H142-286      | Lofink                                                                                                 | 3/19/2003   | T           | Heather Belles/First Place/Legislative Essay Contest            |
| H142-287      | Miro                                                                                                   | 3/19/2003   | T           | Stacy Schecter/Second Place/Legislative Essay Contest           |

T- Tribute

M - Memoriam

#### Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
 FROM: Representative David H. Ennis  
 DATE: April 2, 2003  
 RE: Absence From Session

Please excuse my absence from session today, April 2, due to the funeral of a very close family friend.

If you require additional information, please let me know.

Representative Viola requested that he be marked present.

Representatives Maier & Smith made announcements.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:25 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:25 P.M.: Representatives Boulden, Carey, Cathcart, B. Ennis, Keeley, Lavelle, Lofink, Mulrooney, Oberle, Reynolds, Roy, Stone & Valihura.

Mr. Acting Speaker Roy called the House to order at 2:10 p.m. on April 3, 2003.

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

JUDICIARY: **HB 83** - 4F,4M.

HOUSE ADMINISTRATION: **HB 47** - 5M; **HB 86** - 5M.

EDUCATION: **HB 38** - 11M; **HB 72** - 2F,5M.

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

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.

**17th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**  
**April 3, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative DiPinto - 1.

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

Mr. Acting Speaker led those present in the 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 104** - ULBRICH & REPRESENTATIVE CATHCART; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, EWING, HOCKER, LOFINK, MAIER, MIRO, STONE, VANSANT, HOUGHTON; SENATORS AMICK, CLOUTIER, SIMPSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Private Well Water Quality.

**HB 112** - LEE & REPRESENTATIVE GEORGE & SENATOR HENRY; REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, EWING, HUDSON, LAVELLE, LOFINK, REYNOLDS, ULBRICH, VANSANT, B. ENNIS, HALL-LONG, KEELEY, HOUGHTON, VIOLA, SPENCE; SENATORS STILL, SORENSON, AMICK, BUNTING, CLOUTIER, CONNOR, SIMPSON - PUBLIC SAFETY - An Act to Amend Title 16 of the Delaware Code Relating to Fire Prevention. (2/3 bill)

**HB 113** - SPENCE - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Nursing Facilities.

**HB 114** - SPENCE & REPRESENTATIVE BOOTH; SENATOR BUNTING - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Public School System.

**HJR 5** - MAIER ON BEHALF OF ALL REPRESENTATIVES & SENATOR BLEVINS ON BEHALF OF ALL SENATORS - HEALTH & HUMAN DEVELOPMENT - Recognizing April as Child Abuse Prevention Month in Delaware.

**SCR 6** - AMICK; SENATORS HENRY, SIMPSON, SOKOLA; REPRESENTATIVES B. ENNIS, MIRO, STONE - HEALTH & HUMAN DEVELOPMENT - Urging the Division of Social Services to Provide for a Cap or Waiver of Their Non-emergency Transportation Co-pay Policy for Hardship Cases.

**SCR 7** - HENRY & REPRESENTATIVE OBERLE - LABOR - Authorizing the Solicitation of the Staff of the General Assembly for Contributions to the State Employees Charitable Campaign (SECC).

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that is has passed **HCR 7** and is returning same to the House.

**MEMORANDUM**

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: April 3, 2003  
RE: Absence from Session

Please be advised that I will be absent from Session today, April 3, 2003, because of illness.

Thank you.

Representatives D. Ennis, B. Ennis, Viola & Plant requested that they be marked present.

Representative Smith deferred to Representative Maier. Representative Maier introduced guests.

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

Representative Smith deferred to Representative Maier.

Representative Maier introduced and brought **HCR 13**, sponsored by Representative Maier on behalf of All Representatives & by Senator Blevins on behalf of All Senators, before the House for consideration.

Representative Miro requested that he be marked present.

**HCR 13** - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE

**HCR 13** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Maier made comments.

Representative Smith deferred to Representative Plant.

Representative Plant introduced **HJR 6**, jointly sponsored by Senator Henry.

Representatives Schwartzkopf & Cathcart requested that they be marked present.

Representative Smith made comments.

**HJR 6 - RECOMMENDING THE MULTI-PURPOSE CRIMINAL JUSTICE FACILITY HENCEFORTH BE KNOWN AS THE HOWARD R. YOUNG CORRECTIONAL INSTITUTION.**

Mr. Acting Speaker assigned **HJR 6** to the Corrections Committee.

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

The House reconvened at 3:22 p.m. with Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 75**, jointly sponsored by Representative Quillen & Senator Simpson, before the House for consideration.

**HB 75 - AN ACT TO AMEND TITLE 21, CHAPTER 28 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS.**

Representative Ewing made comments.

The roll call on **HB 75** was taken and revealed:

YES: 25.

ABSENT: Representatives DiPinto, B. Ennis, Fallon, George, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Reynolds, Schwartzkopf, Spence, VanSant, Viola & Williams - 16.

Therefore, having received a constitutional majority, **HB 75** was sent to the Senate for concurrence.

Representatives Lavelle, Ulbrich & Buckworth requested that they be marked present during the roll call.

Representative Wagner brought **HB 86**, jointly sponsored by Senator Vaughn & Representatives Buckworth, D. Ennis, Quillen, Stone & Thornburg, before the House for consideration.

**HB 86 - AN ACT TO AMEND TITLE 9, TITLE 10 AND TITLE 12 OF THE DELAWARE CODE RELATING TO KENT COUNTY GOVERNMENT; AND PROVIDING FOR THE COMPENSATION OF CERTAIN DEPUTIES.**

Representative Wagner made comments.

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

YES: 39.

ABSENT: Representatives DiPinto & Spence - 2.

Therefore, having received a constitutional majority, **HB 86** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle requested that **HB 37** be stricken.

Representative Oberle introduced **HB 111**, jointly sponsored by Representative Ulbrich & Representatives Spence, Boulden, Buckworth, Carey, Cathcart, DiPinto, Hudson, Lofink, Miro, Stone, Valihura, Houghton, Keeley, Mulrooney & Viola & Senator Simpson & cosponsored by Representatives Schwartzkopf & Atkins & Senator Sokola.

**HB 111 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE.**

Mr. Acting Speaker assigned **HB 111** to the Public Safety Committee.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 102 - 4M.**

Representative Smith deferred to Representative Roy.

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

**HJR 7**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Roy introduced and brought **HJR 7**, jointly sponsored by Senator Adams & Representatives Spence, Smith, Lee, Gilligan & VanSant, before the House for consideration.

**HJR 7 - PROHIBITING STATE EMPLOYEES, STATE ELECTED OFFICIALS, MEMBERS OF THE JUDICIAL BRANCH, AND PUBLIC SCHOOL EMPLOYEES FROM USING STATE MONEY FOR TRAVEL TO CANADA FOR THE DURATION OF OPERATION IRAQI FREEDOM.**

Representative Roy moved to place **HJR 7** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Lee.

Representative Lee moved to suspend the rules which interfere with action on **HJR 6**. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Lee deferred to Representative Plant.

Representative Plant brought **HJR 6**, jointly sponsored by Senator Henry, before the House for consideration.

**HJR 6 - RECOMMENDING THE MULTI-PURPOSE CRIMINAL JUSTICE FACILITY HENCEFORTH BE KNOWN AS THE HOWARD R. YOUNG CORRECTIONAL INSTITUTION.**

Representatives Plant & Lee made comments.

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

YES: 39.

ABSENT: Representatives DiPinto & Roy - 2.  
Therefore, having received a constitutional majority, **HJR 6** was sent to the Senate for concurrence.  
Representative Spence requested that he be marked present during the roll call.  
Representative Smith deferred to Representative Wagner.  
Representative Wagner brought **HB 31**, jointly sponsored by Senator Henry & Representatives Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen & Reynolds, before the House for consideration.  
**HB 31 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO**

**TRUSTS.**

Representative George brought **HA 1 to HB 31** before the House for consideration. Representative George made a comment. **HA 1** was adopted by voice vote.

Representatives Stone & Wagner made comments.

The roll call on **HB 31 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Lavelle - 2.

Therefore, having received a constitutional majority, **HB 31 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 69**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 69 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DEER HUNTING.**

Representatives Wagner, Ulbrich, Mr. Acting Speaker Quillen & Representative Ulbrich made comments. Representative Wagner requested and was granted privilege of the floor for John Brady, House Attorney. Representative Ulbrich made comments.

The roll call on **HB 69** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Keeley - 2.

Therefore, having received a constitutional majority, **HB 69** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 71**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 71 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN IN THE FAMILY COURT OF THE STATE OF DELAWARE.**

Representative Wagner made comments.

The roll call on **HB 71** was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, **HB 71** was sent to the Senate for concurrence.

Representative Smith introduced a guest.

Representative Wagner made comments.

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

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 47**, jointly sponsored by Representatives Smith & Lavelle & Senators Cloutier & Copeland, before the House for consideration.

**HB 47 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.**

Representative Ulbrich introduced and brought **HA 1 to HB 47** before the House for consideration. Representative Ulbrich made a comment. **HA 1** was adopted by voice vote.

Representatives Valihura, Wagner, Keeley, George, Valihura, Wagner, Valihura, Lavelle, Keeley, Valihura, Gilligan & Smith made comments.

The roll call on **HB 47 w/HA 1** was taken and revealed:

YES: 34.

NO: Representatives Caulk, Keeley, Mulrooney, Plant, Viola & Quillen - 6.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, **HB 47 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made comments regarding **HB 47**.

Representative George made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:12 p.m.

Mr. Acting Speaker Roy called the House to order at 2:05 p.m. on April 8, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 54 & SB 58** and requests the concurrence of the House.

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.

**18th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
April 8, 2003**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Ewing & Plant - 2.

The House observed a moment of silence in memory of Emma Jane Wilson, Governor Ruth Ann Minner's sister, at the request of Representative Smith.

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

Mr. Acting Speaker led those present in the 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 115 - ATKINS & SENATOR COOK; SENATOR BUNTING - JUDICIARY - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Offenses Involving Threat of Weapons.**

**HB 116 - QUILLEN & REPRESENTATIVE EWING - REVENUE & FINANCE - An Act to Amend Chapter 55, Title 29 of the Delaware Code, Relating to Survivor's Eligibility for Pension Benefits.**

**HA 1 to HB 52 - SMITH - Placed with the Bill.**

**HA 1 to HB 66 - SMITH - Placed with the Bill.**

**SB 54 - MARSHALL & REPRESENTATIVE SMITH; SENATORS BLEVINS, COOK, DELUCA, HENRY, MCBRIDE, MCDOWELL, PETERSON, SOKOLA, CLOUTIER, STILL; REPRESENTATIVES BUCKWORTH, HALL-LONG, KEELEY, MULROONEY, VIOLA - HOUSE ADMINISTRATION - An Act to Amend Title 15 Relating to Presidential Primary Elections.**

**SB 58 - ADAMS & REPRESENTATIVE SMITH; SENATOR VAUGHN & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to the Court of Chancery.**

Representative Smith deferred to Representative Fallon.

The House observed a moment of silence in memory of U. S. Army Ranger Specialist Ryan Long at the request of Representative Fallon.

Representative Smith introduced and brought **HR 19**, jointly sponsored by Representatives Gilligan & Hudson on behalf of All Representatives, before the House for consideration.

**HR 19 - WISHING WILLIAM M. REMINGTON, DIRECTOR OF THE DIVISION OF REVENUE, ALL THE BEST ON HIS RETIREMENT AND THANKING HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE BY NAMING APRIL 30TH, 2003 BILL REMINGTON DAY.**

WHEREAS, he is a graduate of the University of South Dakota and has a MA and JD (cum laude) degrees from the University of Wisconsin, and an M.B.A. from the Wharton School of the University of Pennsylvania; and

WHEREAS, Bill Remington began his notable career in 1977 when he signed on as Deputy Attorney General, representing virtually all State financial agencies; and

WHEREAS, he then became the Executive Assistant to the Secretary of State where he chaired the State payroll revision group responsible for installing the new payroll system for State employees; and

WHEREAS, Bill then took the position of Deputy State Treasurer where he implemented direct deposit for all 25,000 State employees; and

WHEREAS, in June of 1985 Bill became the Deputy Director of the Division of Revenue, where among his many accomplishments he led the Division through its first strategic plan and authored most tax legislation enacted in Delaware during his tenure; and

WHEREAS, on August 16, 1993, Bill Remington became the Director of the Delaware Division of Revenue; and

WHEREAS, as Director he reorganized the Division of Revenue to improve services, implemented career ladders, led the development of employee code of conduct and ethics manuals, and expanded employee recognition programs; and

WHEREAS, Bill led the organizational transformation by instilling an overall philosophy that taxpayers should be treated as if they had a choice to go elsewhere; and

WHEREAS, also among his list of many accomplishments as Director, Bill implemented image processing, automated audit case management, automated call management, expanded refund intercept program, and made Delaware one of the first states to introduce Internet filing, which began in 1999, and per capita, boasts more payments by Internet than any other state; and

WHEREAS, as Director, Bill was a very active and nationally respected tax administrator, having served as President of the Federation of Tax Administrators and the North Eastern States Tax Official Association, and serves in the Executive Board of the National Unclaimed Association of Unclaimed Property Administrators; and

WHEREAS, throughout his professional career, Bill Remington has been an outstanding leader in financial management, and has created a Finance Department known for dealing fairly with its individual taxpayers; and

WHEREAS, Bill Remington's financial expertise and savvy management style will be well missed and as such a special day, namely the State of Delaware's tax deadline day, should be named after him

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that our deepest thanks are extended to Bill Remington for all of his years of outstanding leadership, service, and dedication throughout his professional career, and wish him well in his retirement from State employment

BE IT FURTHER RESOLVED that April 30th, 2003, be named Bill Remington Day.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be sent to Bill Remington, 1078 Shallcross Lake Road, Middletown, DE 19709.

Representative Smith requested and was granted privilege of the floor for Bill Remington. Representative Smith made comments.

Mr. Acting Speaker Roy & Representative Gilligan made comments.

Representative Hudson requested that she be marked present.

Representatives Hudson, Carey & D. Ennis made comments.

**HR 19** was adopted by voice vote.

Representatives Stone & Ulbrich requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 57** and requests the concurrence of the House & **HCR 13** and is returning same to the House.

#### MEMORANDUM

TO: The Honorable Terry Spence  
Speaker, House of Representatives  
FROM: Hazel D. Plant  
Representative, 2nd District

DATE: April 3, 2003

RE: Absence from Session

Mr. Speaker, due to family business I will be out of the state the week of April 8-10, 2003.

Thank you for your attention to this matter.

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

The House reconvened at 4:00 p.m.

Representatives Buckworth & George requested that they be marked present.

Representative Smith moved to suspend the rules which interfere with action on **SCR 7**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested that he be marked present.

Representative Oberle brought **SCR 7**, jointly sponsored by Senator Henry, before the House for consideration.

**SCR 7 – AUTHORIZING THE SOLICITATION OF THE STAFF OF THE GENERAL ASSEMBLY FOR CONTRIBUTIONS TO THE STATE EMPLOYEES CHARITABLE CAMPAIGN (SECC)**

Representative Oberle made comments.

**SCR 7** was adopted by voice vote and was returned to the Senate.

Representative Lofink requested that he be marked present.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 27**, jointly sponsored by Senator Henry & Representatives Boulden, Buckworth, Carey, D. Ennis, Ewing, Quillen & Ulbrich, before the House for consideration.

**HB 27 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING SPECIFIC OFFENSES.**

Representative Wagner brought **HA 1 to HB 27** before the House for consideration. Representative Wagner made a comment. **HA 1** was adopted by voice vote.

Representative Wagner made comments.

The roll call on **HB 27 w/HA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Ewing, Maier, Plant, Thornburg & Williams - 5.



Therefore, having received a constitutional majority, **HB 27 w/HA 1** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 21**, jointly sponsored by Representative Smith & cosponsored by Representatives Buckworth, Spence, Ulbrich, Wagner, Atkins, Carey, Booth, Reynolds, Lee, Schwartzkopf, Miro, Lofink, Hocker, Hudson, VanSant, B. Ennis & Maier, before the House for consideration.

**HR 21 - URGING DELAWARE'S CONGRESSIONAL DELEGATION TO TAKE ACTION PROHIBITING ANY FRENCH, GERMAN OR RUSSIAN COMPANY, GOVERNMENT ENTITY, OR CONSORTIUM INCLUDING INTERESTS FROM ANY OF THESE COUNTRIES, FROM BIDDING FOR RECONSTRUCTION WORK IN IRAQ FOLLOWING THE CURRENT HOSTILITIES.**

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, the United States of America and its Coalition allies are currently engaged in Operation Iraqi Freedom against tyranny and terrorism in Iraq; and

WHEREAS, the United States undertook this action reluctantly, after all attempts at peaceful resolution were thwarted; and

WHEREAS, this military action will make the world safer by denying terrorist groups a base of operations and a source of chemical and biological weapons; and

WHEREAS, we pay tribute to, and pray for the safety of, the valiant young men and women of our Coalition forces who are putting their lives at risk in this noble undertaking; and

WHEREAS, through the efforts of these brave men and women, innocent Iraqi citizens will ultimately enjoy a nation ruled by leaders who they freely select; and

WHEREAS, in addition to these most valuable of resources, the United States has also committed tens of billions of dollars to Operation Iraqi Freedom to liberate the Iraqi people; and

WHEREAS, the United States, Britain and their Coalition allies have pledged billions of dollars in additional aid to help the people of Iraq rebuild their country's infrastructure; and

WHEREAS, this rebuilding effort will involve the awarding of contracts with businesses throughout the world to tap into the technology and expertise needed to accomplish this momentous task; and

WHEREAS, the governments of France, Germany and Russia were at the forefront of efforts to aid Saddam Hussein in maintaining his criminal regime; and

WHEREAS, once these efforts proved futile, these governments refused to offer any assistance in freeing the people of Iraq from their oppressive ruler; and

WHEREAS, this abdication of responsibility is especially disappointing in the case of France, the birthplace of the great patriot and friend of America, the Marquis de Lafayette, who knew that the rights of man, freedom and liberty need active defense during times when they are threatened and are worth fighting for; and

WHEREAS the House of Representatives mourns that the legacy of Lafayette has not been sustained by current French leadership and that they have singularly failed to rise to his great example by their looking toward their narrow pecuniary and mercantile interests instead of the interests of mankind.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that we do not believe the French, German or Russian governments, nor the citizens they represent, should benefit from their intransigence.

BE IT FURTHER RESOLVED that the House of Representatives urges Delaware's Congressional Delegation to take action to prohibit any French, German or Russian company, government entity, or consortium including interests from any of these countries, from bidding for reconstruction work in Iraq following the current hostilities.

BE IT FURTHER RESOLVED that upon passage of this Resolution, the Chief Clerk of the House shall transmit a copy of this Resolution to each member of our Congressional Delegation and to President George W. Bush.

Representative Williams requested that he be marked present.

Representatives Oberle, Stone, Hudson & Oberle made comments.

Mr. Speaker Spence resumed the Chair.

**HR 21** was adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with lifting **HJR 7** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Roy brought **HJR 7**, jointly sponsored by Senator Adams & Representatives Spence, Smith, Lee, Gilligan & VanSant, before the House for consideration.

**HJR 7 - PROHIBITING STATE EMPLOYEES, STATE ELECTED OFFICIALS, MEMBERS OF THE JUDICIAL BRANCH, AND PUBLIC SCHOOL EMPLOYEES FROM USING STATE MONEY FOR TRAVEL TO CANADA FOR THE DURATION OF OPERATION IRAQI FREEDOM.**

Representatives Roy, Caulk & Smith made comments.

The roll call on **HJR 7** was taken and revealed:

YES: 37.

ABSENT: Representatives Ewing, George, Plant & Valihura - 4.

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

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 44**, jointly sponsored by Senator McBride, before the House for consideration.

**HB 44 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES.**

Representative Oberle made comments.

The roll call on **HB 44** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Plant - 2.

Therefore, having received a constitutional majority, **HB 44** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner requested that **HB 73** be stricken.

Representative Smith introduced and brought **HCR 14**, jointly sponsored by Senator Sokola, before the House for consideration.

**HCR 14 - CREATING A TASK FORCE TO LOOK FOR WAYS TO IMPROVE TEACHER RECRUITMENT AND RETENTION IN DELAWARE.**

Representatives Smith & Buckworth made comments.

**HCR 14** was adopted by voice vote and was sent to the Senate for concurrence.

The Majority Leader moved to recess for the purpose of changing the recording tape at 4:31 p.m.

The House reconvened at 4:58 p.m.

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

FROM: Representative J. Benjamin Ewing

DATE: April 3, 2003

SUBJECT: Absence From Session

I will be absent from session on Tuesday, April 08, 2003 due to personal business.

Representative Smith brought **HB 14 w/SA 2**, sponsored by Representative Hocker & Senator Bunting, before the House for concurrence on **SA 2**.

**HB 14 - AN ACT TO AMEND CHAPTER 202, VOLUME 73, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW" RELATING TO ANNEXATION. (2/3 bill)**

The roll call on **HB 14 w/SA 2** was taken and revealed:

YES: 37.

NO: Representative Williams - 1.

ABSENT: Representatives Ewing, Plant & Roy - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 14 w/SA 2** was sent to the Governor.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 78**, jointly sponsored by Senator Henry & Representatives Spence, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen, Ulbrich, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf & Viola & cosponsored by Representative Cathcart, before the House for consideration.

**HB 78 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN THE FAMILY COURT OF THE STATE OF DELAWARE.**

Representative DiPinto introduced and brought **HA 1 to HB 78** before the House for consideration.

Representatives DiPinto & Schwartzkopf made comments. **HA 1** was adopted by voice vote.

Representatives Wagner, George & Wagner made comments.

The roll call on **HB 78 w/HA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Plant & Williams - 3.

Therefore, having received a constitutional majority, **HB 78 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 83**, jointly sponsored by Senator Adams & Representatives Spence, Ewing, Lofink & VanSant & Senators McDowell, Henry & Cloutier & cosponsored by Representatives D. Ennis, Keeley, Schwartzkopf, Lee, Buckworth, Carey & B. Ennis & Senator Still, before the House for consideration.

**HB 83** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, COSTS, PENALTIES AND FORFEITURES. (3/5 bill)

Representative Oberle introduced and brought **HA 2 to HB 83** before the House for consideration. Representative Oberle moved to place **HA 2** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Oberle deferred to Representative Ulbrich.

Representative Ulbrich introduced and brought **HA 1 to HB 83** before the House for consideration. Representatives Ulbrich & Oberle made comments.

**HA 1** was adopted by voice vote.

Representative Oberle moved to lift **HA 2** from the Speaker's Table. The motion was seconded by Representative Valihura and adopted by voice vote. Representative Oberle brought **HA 2 to HB 83** before the House for consideration. Representative Oberle made comments. **HA 2** was adopted by voice vote.

Representatives Oberle & Wagner made comments.

The roll call on **HB 83 w/HA 1 & 2** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Plant & Williams - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House,

**HB 83 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 66**, jointly sponsored by Senator Blevins & Representatives Cathcart, Miro & Ulbrich & Senators Sorenson & Vaughn & cosponsored by Representative B. Ennis, before the House for consideration.

**HB 66** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TIME LIMITATIONS.

Representative Maier deferred to Representative Smith.

Representative Smith brought **HA 1 to HB 66** before the House for consideration.

Representative Smith made comments. **HA 1** was adopted by voice vote.

Representative Maier introduced and brought **HA 2 to HB 66** before the House for consideration.

Representatives Maier & Smith made comments. **HA 2** was adopted by voice vote.

Representative Maier made comments.

The roll call on **HB 66 w/HA 1 & 2** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Plant & Williams - 3.

Therefore, having received a constitutional majority, **HB 66 w/HA 1 & 2** was sent to the Senate for concurrence.

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

Mr. Speaker Spence called the House to order at 2:06 p.m. on April 9, 2003.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Stephanie Ulbrich, do hereby request that my name be removed as cosponsor of **HB 102**.

Date: April 8, 2003

Signed: Stephanie Ulbrich

Representative Smith deferred to Representative Wagner.

Representative Wagner made an announcement.

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.

**19th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**

**April 9, 2003**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives DiPinto, Ewing & Plant - 3.

The House observed a moment of silence in memory of Christine M. Donkin at the request of Representative Buckworth. The House observed a moment of silence in memory of Iris M. Pagano at the request of Representative Ulbrich.

A prayer was offered by Representative Stephanie A. Ulbrich, Twenty-Fifth Representative District.

Mr. Speaker Spence led those present in the 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 117** - SMITH; REPRESENTATIVES EWING, GILLIGAN, HUDSON, VALIHURA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Student Vocational and Career Enhancement.

**HB 119** - CATHCART; REPRESENTATIVES CAULK, VALIHURA, B. ENNIS, HALL-LONG, KEELEY; SENATORS SOKOLA, BONINI, CLOUTIER - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Advisory Initiatives.

**HB 120** - PLANT; REPRESENTATIVES GILLIGAN, HALL-LONG, KEELEY, MAIER, SPENCE, WILLIAMS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 31 of the Delaware Code Relating to Eligibility for Public Assistance.

**HB 121** - SMITH & SENATOR MCBRIDE; REPRESENTATIVES B. ENNIS, HUDSON, MAIER, MIRO, VALIHURA - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Garbage Collection in Unincorporated Areas of New Castle County.

**HB 122** - SMITH & SENATOR CLOUTIER - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to the Annual License Fee for Travel Agencies.

**HB 123** - SMITH & SENATOR SOKOLA & SENATOR HENRY; REPRESENTATIVE ULBRICH - EDUCATION - An Act to Amend Chapter 7, Title 14 of the Delaware Code Relating to the Lawful Authority of Teachers and Administrators Over Students.

**HB 124** - SMITH & SENATOR STILL - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Student Detention, Suspension, or Placement in an Alternative Education Program.

**HB 125** - SMITH - HOUSE ADMINISTRATION - An Act to Amend Title 1 of the Delaware Code Relating to Certain Legal Holidays.

**HB 126** - SMITH; REPRESENTATIVES EWING, GILLIGAN, HUDSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Student Grades and Teacher Evaluations.

**HB 127** - SMITH & SENATOR SOKOLA; REPRESENTATIVES EWING, HUDSON; SENATOR SORENSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Alternative Teacher Certification.

**HB 128** - SMITH & SENATOR COOK - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the Great Seal of the State.

**HB 130** - HUDSON & SENATOR BLEVINS; REPRESENTATIVE WAGNER; SENATOR VAUGHN - REVENUE & FINANCE - An Act to Amend Title 29 of the Delaware Code Relating to the Tobacco Settlement Act.

**HB 131** - SPENCE - PUBLIC SAFETY - An Act to Amend Title 21, Delaware Code, Relating to Special Registration Plates for Lifetime Members of the Veterans of Foreign Wars.

**HA 1 to HB 38** - MIRO - Placed with the Bill.

**SB 57** - SOKOLA & REPRESENTATIVE REYNOLDS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Disclosure of, and Access to, Education Records.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: Representative Terry R. Spence, Speaker  
FROM: Representative J. Benjamin Ewing  
DATE: April 9, 2003  
SUBJECT: Absent From Session

I will be absent from session on Wednesday, April 9, 2003 due to personal business.

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House  
FROM: Representative Joseph G. DiPinto  
DATE: April 9, 2003  
RE: Absence from Session

Please be advised that I will be absent from Session today, April 9, 2003, for personal reasons. Thank you.

Representatives Roy & Viola requested that they be marked present. Representatives Buckworth & Maier made announcements. Representative Smith requested and was granted personal privilege of the floor to make comments. Representatives Schwartzkopf, Carey & Lavelle requested that they be marked present. Representative Stone requested and was granted personal privilege of the floor to make comments. The House observed a moment of silence in memory of Marian P. Anderson at the request of Representative VanSant. Representative Miro made comments. Representative Williams requested and was granted personal privilege of the floor to make comments. Representative Keeley requested that she be marked present and requested and was granted personal privilege of the floor to make comments. Representative

Fallon made comments. Representatives B. Ennis, Boulden, Mulrooney & Lofink requested that they be marked present.

The Reading Clerk read the following communications into the record:  
HOUSE TRIBUTE ANNOUNCEMENT #14

DATE: April 9, 2003

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      | Date      | Type | Description                                                                                                                                 |
|----------|--------------|-----------|------|---------------------------------------------------------------------------------------------------------------------------------------------|
| H142-288 | Keeley       | 3/19/2003 | T    | Honorable Margaret Henry - Induction -<br>cosponsors: Reps. Fallon, George,<br>Hall-Long, Hudson, Maier, Plant, Thornburg, Ulbrich & Wagner |
| H142-289 | Carey        | 3/12/2003 | T    | Annie Frazier - 100th Birthday                                                                                                              |
| H142-290 | Carey        | 3/22/2003 | T    | Bishop Grace Batten - 60th Birthday                                                                                                         |
| H142-291 | Stone        | 3/19/2003 | T    | Honorable Deborah Hudson - Capitol Dome<br>Award Recipient                                                                                  |
| H142-292 | Stone        | 3/19/2003 | T    | Honorable Robert Valihura, Jr. - Capitol Dome<br>Award Recipient                                                                            |
| H142-293 | Stone        | 3/19/2003 | T    | Honorable Patricia Blevins - Capitol Dome<br>Award Recipient                                                                                |
| H142-294 | Stone        | 3/19/2003 | T    | Honorable David McBride - Capitol Dome<br>Award Recipient                                                                                   |
| H142-295 | Lofink       | 3/22/2003 | T    | Theresa & Guido Schiavi - 50th Wedding<br>Anniversary                                                                                       |
| H142-296 | Valihura     | 3/22/2003 | T    | Veronica Persson - 60th Birthday                                                                                                            |
| H142-297 | Wagner       | 3/15/2003 | M    | Paige M. Henry                                                                                                                              |
| H142-298 | George       | 3/22/2003 | T    | Major General Francis Vavala - DE National<br>Guard - Service                                                                               |
| H142-299 | Wagner       | 3/20/2003 | M    | James R. Roy, Sr.                                                                                                                           |
| H142-300 | Stone        | 3/24/2003 | T    | Vermell DeLauder - Recognition<br>cosponsor: Rep. Wagner                                                                                    |
| H142-301 | Mulrooney    | 2/4/2003  | T    | Miaela Thomas - Spirit of Community Award<br>Recipient                                                                                      |
| H142-302 | Schwartzkopf | 3/25/2003 | T    | Dan Gaffney - Organizing Support Our Troops<br>Rally                                                                                        |
| H142-303 | Booth        | 3/25/2003 | T    | Indian River School District - Civic Star Award<br>Recipient                                                                                |
| H142-304 | B. Ennis     | 3/17/2003 | M    | Agnes T. Boyles                                                                                                                             |
| H142-305 | George       | 3/20/2003 | T    | Captain Charles Simpson - Construction - Troop<br>2 Headquarters                                                                            |

HOUSE TRIBUTE ANNOUNCEMENT #15

DATE: April 9, 2003

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   | Date      | Type | Description                                              |
|----------|-----------|-----------|------|----------------------------------------------------------|
| H142-306 | Mulrooney | 3/27/2003 | T    | Jean Martin - Retirement - DSCYTF - 39 Years             |
| H142-307 | Atkins    | 4/1/2003  | T    | Nanticoke Indian Museum - Plaque Installation            |
| H142-308 | Wagner    | 3/29/2003 | T    | Christina Wolfensberger & Daniel Mathers -<br>Marriage   |
| H142-309 | Ulbrich   | 4/12/2003 | T    | Michelle Johnson & David Skelly - Marriage               |
| H142-310 | Ewing     | 4/3/2003  | T    | Jeanine Scott - Young Mother of the Year                 |
| H142-311 | Wagner    | 4/3/2003  | T    | Sharon Yoder - Mother of the Year                        |
| H142-312 | Caulk     | 2/27/2003 | M    | John S. Walls                                            |
| H142-313 | Carey     | 3/14/2003 | M    | Lewis Hayes Dickerson                                    |
| H142-314 | B. Ennis  | 3/24/2003 | M    | William R. Bye                                           |
| H142-315 | B. Ennis  | 3/24/2003 | M    | Alfred D. Moore                                          |
| H142-316 | Buckworth | 3/28/2003 | T    | Katie Miller - Outstanding Female High School<br>Athlete |
| H142-317 | Buckworth | 3/28/2003 | T    | Mark Reynolds - Outstanding Male High School<br>Athlete  |

|          |                       |           |   |                                                                         |
|----------|-----------------------|-----------|---|-------------------------------------------------------------------------|
| H142-318 | Atkins                | 1/22/2003 | T | Charles West, II - Family Farm Environmental Excellence Award Recipient |
| H142-319 | Carey                 | 5/4/2003  | T | Will McColley - Eagle Scout                                             |
| H142-320 | Booth                 | 4/2/2003  | T | Shirley & Bob Roberts - 53rd Wedding Anniversary                        |
| H142-321 | Booth                 | 3/15/2003 | T | Sussex Academy of Arts & Sciences - Excellence in Education             |
| H142-322 | Caulk                 | 3/27/2003 | T | ILC Dover, Inc. - Company Leadership Award Recipient                    |
| H142-323 | Stone                 | 3/27/2003 | T | William J. DiMondi - Individual Leadership Award                        |
| H142-324 | Smith                 | 4/6/2003  | T | Donald Edward Potts - Eagle Scout                                       |
|          | cosponsor: Rep. Plant |           |   |                                                                         |
| H142-325 | Boulden               | 5/10/2003 | T | Edward B. Prettyman - Eagle Scout                                       |
| H142-326 | Carey                 | 4/25/2003 | T | Colonel James A. Joyce, Jr. - Retirement - 33 Years - National Guard    |
|          | cosponsor: Rep. Maier |           |   |                                                                         |
| H142-327 | Oberle                | 5/4/2003  | T | Filipino Heritage & Arts Museum - 8th Annual History Day                |
| H142-328 | Maier                 | 4/12/2003 | T | Kathleen Yearick - 60th Birthday                                        |
|          | T- Tribute            |           |   |                                                                         |
|          | M - Memoriam          |           |   |                                                                         |

Representative Smith brought the following prefiled **Consent Calendar #5** before the House for consideration.

**HR 17** - Keeley - EXTENDING THE BAIL BOND TASK FORCE REPORTING DATE.

**HR 18** - Gilligan - MOURNING THE DEATH OF FORMER REPRESENTATIVE MARIAN P. ANDERSON, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM 1976 TO 1986.

**HR 20** - Spence - REQUESTING THE SECRETARY OF TRANSPORTATION INVESTIGATE THE WIDE RANGE OF GASOLINE PRICES WITHIN THE STATE OF DELAWARE.

**HCR 12** - Spence - ENCOURAGING THE BUSH ADMINISTRATION TO SUPPORT A FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF CHINA ON TAIWAN AND THE UNITED STATES.

Representative Smith made comments.

**Consent Calendar #5** was adopted by voice vote and **HR 17**, **HR 18** & **HR 20** were declared passed and **HCR 12** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy made an announcement.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:37 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:37 P.M.: Representatives Gilligan, Oberle & Reynolds.

Mr. Acting Speaker Roy called the House to order at 2:05 p.m. on April 10, 2003.

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

HOMELAND SECURITY: **HB 100** - 7M.

BUSINESS/CORPORATIONS/COMMERCE: **HB 9** - 6M,1U.

TRANSPORTATION: **HB 50** - 5M; **HB 63** - 5M.

JUDICIARY: **HB 84** - 4F,3M; **HB 115** - 4F,3M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 109** - 6M.

PUBLIC SAFETY: **HB 98** - 5F,1M; **HB 106** - 6M; **HB 111** - 3F,3M; **HB 112** - 6M.

REVENUE & FINANCE: **HB 97** - 7M.

Representatives Gilligan & Ewing requested that they be marked present for the current Legislative Day.

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.

## 20th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session April 10, 2003

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Representative John C. Atkins, Forty-First Representative District.

Mr. Acting Speaker led those present in the 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 19** - LAVELLE - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Election Officers.

**HB 129** - HUDSON & REPRESENTATIVE WAGNER & SENATOR BLEVINS & SENATOR VAUGHN - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to the Tobacco Settlement Act. (2/3 bill)

**HB 133** - WAGNER & SENATOR VAUGHN & SENATOR HENRY - JUDICIARY - An Act to Amend Title 12 of the Delaware Code Relating to the Accounting and Distribution of a Decedent's Property Without Grant of Letters.

**HA 1 to HB 48** - BUCKWORTH & REPRESENTATIVE ULBRICH - Placed with the Bill.

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

Representatives Schwartzkopf, DiPinto, George & Boulden requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:12 p.m.

The House reconvened at 3:28 p.m. with Representative Buckworth as Acting Speaker.

Representative Booth requested that he be marked present.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 100**, jointly sponsored by Representative D. Ennis & Representative DiPinto & Senator Vaughn & Representatives Ewing, Houghton, Keeley, Mulrooney, Plant, VanSant, Viola & Williams, before the House for consideration.

**HB 100** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY RELEASE NOTIFICATIONS.

Representative B. Ennis made a comment.

Representative Cathcart requested that he be marked present.

Representative B. Ennis requested and was granted privilege of the floor for Robert Pritchett, representing the Division of Air and Waste Management, Department of Natural Resources and Environmental Control. Representative B. Ennis made a comment.

The roll call on **HB 100** was taken and revealed:

YES: 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, **HB 100** was sent to the Senate for concurrence.

Representatives Fallon, Miro, Mulrooney, Oberle, Reynolds, Stone, Ulbrich, Wagner, Williams, Buckworth, D. Ennis, Hudson & Maier requested that they be marked present during the roll call.

Representative Smith deferred to Representative Oberle.

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

Representative Lofink made comments. Representatives Quillen & Gilligan requested and were granted personal privilege of the floor to make comments. Representatives Oberle, Lofink & Gilligan made comments.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 112**, jointly sponsored by Representative George & Senator Henry & Representatives Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Hudson, Lavelle, Lofink, Reynolds, Ulbrich, VanSant, B. Ennis, Hall-Long, Keeley, Houghton & Viola & Senators Still, Sorenson, Amick, Bunting, Cloutier, Connor & Simpson & cosponsored by Representative Spence, before the House for consideration.

**HB 112** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE PREVENTION. (2/3 bill)

Representative Lee made comments.

The roll call on **HB 112** was taken and revealed:

YES: 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

**HB 112** was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **HB 48**, jointly sponsored by Representative Viola & Senators Venables & Still, before the House for consideration.

**HB 48** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO VOID AND VOIDABLE MARRIAGES.

Representative Buckworth deferred to Representative Ulbrich.

Representative Ulbrich brought **HA 1 to HB 48**, jointly sponsored by Representative Buckworth, before the House for consideration. Representatives Ulbrich & Buckworth made comments. **HA 1** was adopted by voice vote.

Representative Buckworth made comments.

The roll call on **HB 48 w/HA 1** was taken and revealed:

YES: 39.

NO: Representative Keeley - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, **HB 48 w/HA 1** was sent to the Senate for concurrence.

Mr. Speaker Spence presented a House Tribute to Corporal Jay Davidson, Capitol Police. Representative Williams made comments. Representative B. Ennis requested and was granted personal privilege of the floor to make comments. Representative Ewing, Mr. Speaker Spence & Representative Williams made comments. Representative Oberle introduced guests. Mr. Speaker Spence introduced a guest.

Representative Smith deferred to Representative Oberle.

Representative Oberle made an announcement.

Representative Oberle brought **HB 50**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 50 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE CREATION OF A DELAWARE AVIATION ADVISORY COUNCIL.**

Representative Oberle made a comment.

The roll call on **HB 50** was taken and revealed:

YES: 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, **HB 50** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro introduced and brought **HCR 18**, sponsored on behalf of All Representatives & by Senator Sorenson on behalf of All Senators, before the House for consideration.

**HCR 18 - RECOGNIZING WILBERT L. "BILL" GORE AND GENEVIEVE "VIEVE" GORE UPON BEING NAMED NATIONAL BUSINESS HALL OF FAME LAUREATES BY JUNIOR ACHIEVEMENT.**

Representative Miro and Mr. Speaker Spence made comments.

**HCR 18** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Keeley.

Representative Lofink made an announcement.

Representative B. Ennis requested and was granted personal privilege of the floor to make comments regarding **HB 15**.

Representative Keeley introduced and brought **HCR 20**, jointly sponsored by Senator Marshall & Representatives Caulk, B. Ennis, George, Hall-Long, Houghton, Maier, Mulrooney, Spence, Ulbrich, VanSant & Williams & Senators Blevins, Bunting, Henry, McDowell & Peterson, before the House for consideration.

**HCR 20 - HONORING IMMIGRANTS IN SERVICE TO THE U.S. MILITARY AND URGING THE PRESIDENT AND CONGRESS TO BESTOW CITIZENSHIP UPON ALL IMMIGRANTS HONORABLY DISCHARGED FROM THE MILITARY.**

Representative Keeley made comments.

**HCR 20** was adopted by voice vote and was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:20 p.m.

Mr. Speaker Spence called the House to order at 2:02 p.m. on April 15, 2003.

Mr. Speaker Spence appointed Representative Lofink to chair the House Rules Committee.

The Reading Clerk read the following communications into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Peter C. Schwartzkopf, do hereby request that my name be removed as cosponsor of **HB 102**.

Date: April 11, 2003

Signed: Peter C. Schwartzkopf

**MEMORANDUM**

TO: Speaker Spence  
FROM: Representative Bruce Reynolds  
DATE: April 10, 2003  
RE: Absence from Session

Please excuse my absence from session on Tuesday, April 15, 2003 due to personal business.

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.



**21st LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
April 15, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Reynolds – 1.

A prayer was offered by Representative George R. Quillen, Thirtieth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 134 - WAGNER & SENATOR MCDOWELL - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Possession of Instruments of Certain Crimes.**

**HB 135 - WAGNER & SENATOR BLEVINS; REPRESENTATIVE THORNBURG - JUDICIARY - An Act to Amend Title 16 of the Delaware Code Relating to Designer Drugs or Other Controlled Substances.**

**HB 136 - BUCKWORTH & SENATOR MCDOWELL & SENATOR SORENSON; REPRESENTATIVES CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, FALLON, HOCKER, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, REYNOLDS, STONE, ULBRICH, WAGNER, VANSANT, B. ENNIS, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, VIOLA, WILLIAMS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to Adoption.**

**HB 137 - GILLIGAN & SENATOR SOKOLA; ALL REPRESENTATIVES & ALL SENATORS - JUDICIARY - An Act to Amend Title 6 of the Delaware Code to Provide Additional Protections to Senior Citizens from Consumer Fraud.**

**HB 138 - HALL-LONG & SENATOR VAUGHN; REPRESENTATIVES ATKINS, BUCKWORTH, CAREY, CAULK, B. ENNIS, D. ENNIS, FALLON, GEORGE, GILLIGAN, HOCKER, HOUGHTON, HUDSON, KEELEY, LEE, LOFINK, MIRO, MULROONEY, SCHWARTZKOPF, SPENCE, STONE, VALIHURA, VIOLA, WILLIAMS; SENATORS BLEVINS, BONINI - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special License Plates for Farmland Preservation. (3/5 bill)**

**HA 1 to HB 111 - OBERLE - Placed with the Bill.**

**SB 26 - VAUGHN & REPRESENTATIVE EWING - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Sentencing for Criminal Offenses.**

**SB 35 - SIMPSON & REPRESENTATIVE QUILLEN; SENATORS AMICK, CLOUTIER, HENRY, STILL; REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, DIPINTO, B. ENNIS, EWING, HALL-LONG, HOCKER, HOUGHTON, LAVELLE, LEE, LOFINK, MIRO, SCHWARTZKOPF - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Commercial Window Tinting. (2/3 bill)**

**SB 38 - HENRY; REPRESENTATIVES KEELEY, GEORGE - JUDICIARY - An Act to Amend Chapter 320 of Volume 72 of the Laws of Delaware Relating to Post Conviction Remedies.**

**SB 42 w/SA 1 - SOKOLA - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors and Certain Penalties Imposed Against Licensees.**

**SB 50 w/SA 3 - VAUGHN & REPRESENTATIVE LEE; SENATORS BLEVINS, COOK, MCDOWELL, SORENSON, VENABLES; REPRESENTATIVES BOOTH, BUCKWORTH, DIPINTO, B. ENNIS, D. ENNIS, GEORGE, HUDSON, LAVELLE, REYNOLDS, WAGNER - CORRECTIONS - An Act to Amend Titles 10 and 11 of the Delaware Code Relating to Probation and Restitution in Criminal Cases.**

**SJR 3 - SOKOLA ON BEHALF OF ALL SENATORS & REPRESENTATIVE REYNOLDS ON BEHALF OF ALL REPRESENTATIVES - EDUCATION - Creating April 2003 as Autism Awareness Month.**

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich requested and was granted privilege of the floor for Teacher of the Year, Sharon Crossen, representing Polytech School District.

Representative Smith made comments.

Representative Ewing requested and was granted personal privilege of the floor to introduce guests. Representative Stone requested and was granted personal privilege of the floor to make comments.

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

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

Representatives Miro, Valihura, Cathcart, Schwartzkopf, Viola, Gilligan & B. Ennis requested that they be marked present.

The Reading Clerk read the following communications into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Terry R. Spence, do hereby request that my name be removed as cosponsor of **HB 9**.

Date: April 15, 2003

Signed: Terry R. Spence

The Senate wishes to inform the House that it has passed **SB 42 w/SA 1** and requests the concurrence of the House; **HB 33 w/HA 2**, **HB 51 w/HA1**, **HB 57 & HCR 12** and is returning same to the House; **SB 26**, **SB 35**, **SB 38**, **SB 50 w/SA 3**, **SCR 8**, **SCR 9 & SJR 3** and requests the concurrence of the House; **HB 58 w/SA 1** and is returning same to the House.

April 15, 2003

#### LEGISLATIVE ADVISORY #2

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/26/03 - **SB 12 & SB 16**; 4/1/03 - **HB 4 & HB 88 aab HA1 & 3**; 4/3/03 - **HB 68**; 4/4/03 - **SB 10 aab SA 1**.

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

The House reconvened at 3:35 p.m. with Representative Roy as Acting Speaker.

Representative Oberle requested that he be marked present.

Representative Oberle requested that action on **HB 111** be Deferred to a Day Certain, Thursday, April, 17, 2003.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 20 & HCR 18** and is returning same to the House; **SB 73** and requests the concurrence of the House.

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

LABOR: **HB 36** - 6M; **HB 87** - 6F; **HB 110** - 5F,1M.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **HB 96**, jointly sponsored by Representative Keeley & Senator Vaughn, before the House for consideration.

**HB 96** - AN ACT TO AMEND VOLUME 73 OF THE LAWS OF DELAWARE, CHAPTER 408, TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS' LICENSES. (F/N)

Representative DiPinto introduced and brought **HA 1 to HB 96** before the House for consideration.

Representative DiPinto made comments. Representative Williams requested that he be marked present. **HA 1** was adopted by voice vote.

Representative DiPinto made comments.

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

YES: 36.

ABSENT: Representatives Fallon, Keeley, Maier, Reynolds & Spence - 5.

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

Representatives D. Ennis & Boulden requested that they be marked present during the roll call.

Representative Smith made an announcement.

Representative Smith brought **HB 58 w/SA 1**, sponsored by Representative Roy & Senators Blevins & Sorenson & cosponsored by Senator Copeland, before the House for concurrence on **SA 1**.

**HB 58** - AN ACT TO STRIKE A DEED RESTRICTION ON LANDS CONVEYED TO THE HOCKESSIN FIRE COMPANY BY THE STATE OF DELAWARE.

The roll call on **HB 58 w/SA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Fallon, Reynolds & Spence - 3.

Therefore, having received a constitutional majority, **HB 58 w/SA 1** was sent to the Governor.

Representative Smith deferred to Representative Wagner.

Representative Wagner requested that **HB 72** be stricken.

Representative Smith brought **HB 109**, jointly sponsored by Representative Valihura & Senator McBride & Representatives Mulrooney, Quillen, Reynolds & Viola & Senators DeLuca, McDowell, Simpson & Sokola & cosponsored by Representatives Spence, Lavelle, D. Ennis & George & Senators Cloutier, Connor, Sorenson & Marshall, before the House for consideration.

**HB 109** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

Representative Smith made comments.

Mr. Speaker Spence resumed the Chair.

Representative Smith requested and was granted privilege of the floor for Matthew P. Denn, Counsel to the Governor. Representatives Smith & Stone made comments.

Representative Smith moved to place **HB 109** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Ewing made an announcement.

Representative Maier requested that **HJR 5** be stricken. Representative Maier made an announcement.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 76**, jointly sponsored by Representative Lee & Senator Vaughn, before the House for consideration.

**HB 76 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING AND THE UNIFORM LAW FOR OUT-OF-STATE PAROLEE'S SUPERVISION. (F/I) (3/5 bill)**

Representative Wagner introduced and brought **HA 1 to HB 76** before the House for consideration. Representative Cathcart made an announcement. Representative Wagner made a comment. **HA 1** was adopted by voice vote. Representative Wagner made comments.

The roll call on **HB 76 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Reynolds - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 76 w/HA 1** was sent to the Senate for concurrence.

Representative Roy moved to suspend the rules which interfere with introduction of and action on **SB 73**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with introduction of and action on **SB 73**. The motion was properly seconded and adopted by voice vote.

Representative Roy introduced and brought **SB 73**, jointly sponsored by Senator Venables & Senators Blevins, Cook, DeLuca, Connor & Simpson & Representatives Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner & Mulrooney, before the House for consideration.

**SB 73 - AN ACT AMENDING VOLUME 73, DELAWARE LAWS, CHAPTER 350 (THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENT ACT). (3/4 bill)**

Representatives Roy, Smith, Valihura, Maier & Roy made comments.

The roll call on **SB 73** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Fallon & Reynolds - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **SB 73** was returned to the Senate.

Representative Smith moved to lift **HB 109** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **HB 109**, jointly sponsored by Representative Valihura & Senator McBride & Representatives Mulrooney, Quillen, Reynolds & Viola & Senators DeLuca, McDowell, Simpson & Sokola & cosponsored by Representatives Spence, Lavelle, D. Ennis & George & Senators Cloutier, Connor, Sorenson & Marshall, before the House for consideration.

**HB 109 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.**

Representative Smith requested and was granted privilege of the floor for David S. Small, Deputy Secretary, Department of Natural Resources and Environmental Control. Representative Smith made a comment. Representative Smith deferred to Representative Stone. Representatives Stone, D. Ennis, DiPinto, Valihura & Stone made comments.

The roll call on **HB 109** was taken and revealed:

YES: 38.

ABSENT: Representatives Ewing, Fallon & Reynolds - 3.

Therefore, having received a constitutional majority, **HB 109** was sent to the Senate for concurrence.

Representative Wagner requested that **HB 105** be stricken.

The Majority Leader moved to recess to the call of the Chair at 4:31 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:05 p.m. on April 16, 2003.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 41 w/SA 2** and requests the concurrence of the House.

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

## **22nd LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session April 16, 2003**

The Chief Clerk called the roll:

Members Present: 36.

Members Absent: Representatives Gilligan, Lavelle, Lofink, Miro & Smith - 5.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

**HB 139** - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES MAIER, HALL-LONG, SCHWARTZKOPF; SENATORS STILL, SORENSON, HENRY - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code to Provide for a New Uniform Parentage Act to Replace the Existing Parentage Act and to Repeal Certain Code Provisions which are Inconsistent with the Act.

**HB 140** - MIRO & REPRESENTATIVE BOOTH; SENATORS SOKOLA, SIMPSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Related to Charter School Financing and State Appropriations.

**HJR 8** - MAIER ON BEHALF OF ALL REPRESENTATIVES & SENATOR BLEVINS ON BEHALF OF ALL SENATORS - HEALTH & HUMAN DEVELOPMENT - Improving the Health of Babies in Delaware by Supporting the March of Dimes' Prematurity Campaign to Reduce the Number of Premature Births.

**HA 1 to HB 98** - SCHWARTZKOPF - Placed with the Bill.

**SB 41 w/SA 2** - SOKOLA & REPRESENTATIVE ROY; SENATORS BLEVINS, MCBRIDE & BONINI; REPRESENTATIVES BOULDEN, HOUGHTON, HUDSON, MIRO, QUILLEN, PLANT, VIOLA & WILLIAMS - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Representative Vincent A. Lofink  
DATE: April 16, 2003  
RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to personal business.

Thank you for your understanding.

MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
FROM: REP. GREG LAVELLE  
DATE: April 16, 2003  
RE: ABSENCE FROM SESSION

Please be advised that it is necessary for me to be absent today due to illness. Thank you for your understanding.

Representatives Keeley & Atkins requested that they be marked present.

Representative Lee deferred to Representative Cathcart.

Representative Cathcart made comments.

Representative Cathcart requested and was granted privilege of the floor for members of Delaware Autism Society.

Representative Cathcart introduced and brought **HR 24** sponsored on behalf of All Representatives, before the House for consideration.

**HR 24** - DECLARING APRIL 16TH, 2003 AS AUTISM AWARENESS DAY IN DELAWARE.

WHEREAS, autism is a severely incapacitating, lifelong developmental disability resulting in significant impairment of an individual's ability to learn, develop healthy social behaviors, and understand verbal, nonverbal, and reciprocal communication; and

WHEREAS, autism is a spectrum disorder, affecting every person in unique and individual ways, calling for individualized treatment, educational programming, and services; and

WHEREAS, autism is the result of a neurological disorder affecting the functioning of the brain, but few members of the general public understand this complex disorder; and

WHEREAS, autism has no known cure, and research is critical to discovering the causes, treatments and cures for the disorder; and

WHEREAS, autism is the third most common developmental disability, affecting more than 1,000,000 people across the country, and as many as 2,000 individuals and their families in Delaware; and

WHEREAS, the population of students with autism statewide in Delaware has increased 250% over the past 11 years; and

WHEREAS, students with autism are graduating in increasing numbers into adult services, going from an average of six per year to an average of 26 per year by the end of the decade; and

WHEREAS, adults with mild autism and Asperger's Syndrome are not eligible for any services in the current service delivery system, yet must have ongoing support to function successfully at work and in the community; and

WHEREAS, the adult service system needs to be well prepared for the increasing numbers of young adults who will need residential, vocational, behavioral, health, and recreational services to live lives of dignity and productivity in the community.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that April 16, 2003 be declared Autism Awareness Day in Delaware.

Representative Cathcart requested and was granted privilege of the floor to present a House Tribute to Rob Gilsdorf representing the Autism Society of Delaware.

**HR 24** was adopted by voice vote.

Representatives D. Ennis & Cathcart made comments.

The Members of the Autism Society, parents, children, teachers and caretakers announced their names for the record.

Representatives Williams, B. Ennis, Boulden & Valihura requested that they be marked present.

Representatives Keeley & Hall-Long made comments.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #16

DATE: April 16, 2003

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      | Date      | Type | Description                                                                  |
|----------|--------------|-----------|------|------------------------------------------------------------------------------|
| H142-329 | Roy          | 4/1/2003  | T    | Dave Deputy - Air Wing Chief of Staff - National Guard                       |
| H142-330 | Spence       | 4/1/2003  | T    | Wendy Forrester - Retirement - 20 Years - State and New Castle County Police |
| H142-331 | Wagner       | 3/28/2003 | M    | Horace Wilkinson                                                             |
| H142-332 | Wagner       | 4/28/2003 | M    | Christine Cora Meade                                                         |
| H142-333 | Wagner       | 4/1/2003  | T    | Rushabh Sheth - Boys' State Program - Wesley College                         |
| H142-334 | Wagner       | 4/1/2003  | T    | Devin Krupka-Boy's State Program-Wesley College                              |
| H142-335 | Wagner       | 4/1/2003  | T    | Greg Argyrou-Boy's State Program-Wesley College                              |
| H142-336 | Stone        | 3/26/2003 | M    | Elsie H. Mosely                                                              |
| H142-337 | D. Ennis     | 3/27/2003 | M    | Elizabeth T. Doherty                                                         |
| H142-338 | Ewing        | 4/3/2003  | T    | Linda Jarrell - Retirement - 31 Years - State Police                         |
| H142-339 | Carey        | 5/14/2003 | T    | Milford Senior Center - Older Americans Month                                |
| H142-340 | Gilligan     | 4/30/2003 | T    | Harriet Brown, Ed.D. - Retirement - 23 Years - DelTech                       |
| H142-341 | Schwartzkopf | 4/5/2003  | T    | Bernadette "Pat" Farley - 80th Birthday                                      |
| H142-342 | Roy          | 4/3/2003  | T    | Meghan Pasricha - Youth Advocate Award-International Grant Winner            |
| H142-343 | Williams     | 4/11/2003 | T    | National Youth Service Day                                                   |
| H142-344 | Plant        | 4/24/2003 | T    | Tau Eta Chapter of Chi Eta Phi Sorority - Northeast Regional Conference      |
| H142-345 | Wagner       | 3/25/2003 | T    | Gertrude DeBerry - 100th Birthday                                            |
| H142-346 | Stone        | 4/1/2003  | M    | Blanca Iris Caban                                                            |
| H142-347 | B. Ennis     | 3/29/2003 | M    | Lillie May Hughes                                                            |
| H142-348 | Oberle       | 3/31/2003 | M    | Edwin P. J. Kuhwald                                                          |
| H142-349 | B. Ennis     | 4/11/2003 | T    | Jeffrey Bowers - 20th Anniversary - State Police                             |
| H142-350 | VanSant      | 4/11/2003 | T    | David Haines - 20th Anniversary - State Police                               |
| H142-351 | VanSant      | 4/11/2003 | T    | Robert Moody - 20th Anniversary - State Police                               |

#### HOUSE TRIBUTE ANNOUNCEMENT #17

DATE: April 16, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                   |
|---------------|----------------|-------------|-------------|------------------------------------------------------|
| H142-352      | Fallon         | 4/11/2003   | T           | Charles Brown - 20th Anniversary - State Police      |
| H142-353      | Hudson         | 4/11/2003   | T           | Melanie Fox - 20th Anniversary - State Police        |
| H142-354      | Wagner         | 4/11/2003   | T           | Joseph Huttie - 20th Anniversary - State Police      |
| H142-355      | Miro           | 4/11/2003   | T           | G. Steven Montague - 20th Anniversary - State Police |
| H142-356      | Miro           | 4/11/2003   | T           | Mary Ann Papili - 20th Anniversary - State Police    |
| H142-357      | Maier          | 4/11/2003   | T           | John Rolfe - 20th Anniversary - State Police         |
| H142-358      | Roy            | 4/11/2003   | T           | James Rossi - 20th Anniversary - State Police        |
| H142-359      | Lofink         | 4/11/2003   | T           | Michael Savoy - 20th Anniversary - State Police      |
| H142-360      | Lofink         | 4/11/2003   | T           | Jandre Lafate - 20th Anniversary - State Police      |
| H142-361      | Quillen        | 4/11/2003   | T           | Bruce Von Goerres - 20th Anniversary - State Police  |
| H142-362      | Thornburg      | 4/11/2003   | T           | Gregory Warren - 20th Anniversary - State Police     |
| H142-363      | Booth          | 4/11/2003   | T           | Timothy Gallagher - 20th Anniversary - State Police  |
| H142-364      | Booth          | 4/11/2003   | T           | Charles Smith, Jr. - 20th Anniversary - State Police |
| H142-365      | Booth          | 4/11/2003   | T           | Wayne Warren - 20th Anniversary - State Police       |
| H142-366      | Booth          | 4/11/2003   | T           | Mark Winstead - 20th Anniversary - State Police      |
| H142-367      | Fallon         | 4/5/2003    | T           | Barry Andersson - Lord Mayor of Stockholm - Welcome  |

HOUSE TRIBUTE ANNOUNCEMENT #18

DATE: April 16, 2003

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>Date</u> | <u>Type</u> | <u>Description</u>                                            |
|---------------|----------------|-------------|-------------|---------------------------------------------------------------|
| H142-368      | Fallon         | 4/5/2003    | T           | Swedish Ambassador & Mrs. Jan Eliasson - Welcome              |
| H142-369      | Valihura       | 4/15/2003   | T           | Robert Valihura, Sr. - 70th Birthday                          |
| H142-370      | Stone          | 4/2/2003    | M           | Eugene N. Sterling, Sr.                                       |
| H142-371      | Carey          | 4/5/2003    | T           | Ann Welch - 90th Birthday                                     |
| H142-372      | Stone          | 5/17/2003   | T           | Randall Grunden - Eagle Scout                                 |
| H142-373      | Fallon         | 4/3/2003    | M           | Army Spc. Ryan P. Long                                        |
| H142-374      | Spence         | 5/1/2003    | T           | Dr. Albert Matlack - Audubon Conservation Award               |
| H142-375      | Spence         | 5/12/2003   | T           | The Arc of Delaware - 50th Anniversary                        |
| H142-376      | B. Ennis       | 4/17/2003   | T           | Twentieth Century Club of Smyrna - 105th Anniversary          |
| H142-377      | Thornburg      | 5/7/2003    | T           | Debra Rutledge - Excellence and Commitment in State Service   |
| H142-378      | Houghton       | 5/7/2003    | T           | John McQueen - Excellence and Commitment in State Service     |
| H142-379      | Viola          | 5/7/2003    | T           | Dennis Layton - Excellence and Commitment in State Service    |
| H142-380      | Spence         | 4/8/2003    | T           | Apex Piping - Participate - Building - World War II Memorial  |
| H142-381      | Lofink         | 4/28/2003   | T           | Sister LaVerne King & Students - Patriotic Letters & Drawings |

|          |                                                                             |           |   |                                                           |
|----------|-----------------------------------------------------------------------------|-----------|---|-----------------------------------------------------------|
| H142-382 | Spence                                                                      | 4/10/2003 | T | Jay Davidson - Capitol Police - Promotion to Corporal     |
| H142-383 | cosponsors: All Representatives<br>Quillen                                  | 4/4/2003  | T | Theodore Knox - Joseph Murphy II Memorial Award           |
| H142-384 | Stone                                                                       | 4/12/2003 | T | Theresa Barnes & The Honorable James Higdon -             |
|          | cosponsors: Reps. Buckworth, Caulk, Marriage<br>Quillen, Thornburg & Wagner |           |   |                                                           |
| H142-385 | DiPinto                                                                     | 3/3/2003  | T | Joanna & Donald Ciancio - 50th Wedding Anniversary        |
| H142-386 | Ulbrich                                                                     | 4/6/2003  | M | Iris M. Pagano                                            |
| H142-387 | George                                                                      | 4/15/2003 | T | Ray Benshetler - 27 Year Member - Christiana Fire Company |
| H142-388 | Oberle                                                                      | 5/3/2003  | T | Little Sisters of the Poor - 100th Anniversary            |
|          | cosponsors: Reps. DiPinto & Keeley                                          |           |   |                                                           |

T- Tribute

M - Memoriam

Representative Lee brought the following prefiled **Consent Calendar #6** before the House for consideration.

**HCR 15** – Buckworth & Senator McBride - DECLARING APRIL ORGAN AND TISSUE DONOR AWARENESS MONTH.

**HCR 16** - B. Ennis & Senator Vaughn & Representatives Booth, Buckworth, D. Ennis, Hall-Long, Houghton, Keeley, Spence & VanSant - PROCLAIMING THE MONTH OF MAY 2003 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME.

**HCR 17** – Spence on behalf of All Representatives & Senator Adams on behalf of All Senators - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2003 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE.

**HCR 19** - Carey & Representative Caulk & Senator Bunting & Representatives Atkins, Booth, Hocker, Thornburg, Quillen, Hall-Long, Mulrooney & Plant & Senators Adams & Simpson - REQUESTING THE SECRETARY OF AGRICULTURE, IN THE RULE MAKING PROCESS, TO HONOR THE REGIONAL EQUITY IN FEDERAL SUPPORT TO NORTHEASTERN AGRICULTURE PROMISED IN THE NORTHEASTERN 2002 FARM BILL.

**SCR 8** – Connor on behalf of All Senators & Representative Spence on behalf of All Representatives - PROCLAIMING THE WEEK OF APRIL 20 THROUGH APRIL 26, 2003, AS ADMINISTRATIVE PROFESSIONALS WEEK.

**SCR 9** – Sokola & Representative Cathcart - EXTENDING THE VETERANS HOME ADVISORY COMMITTEE REPORTING DATE.

Representatives Plant & Maier requested that they be marked present.

**Consent Calendar #6** was adopted by voice vote and **HCR 15**, **HCR 16**, **HCR 17** & **HCR 19** were sent to the Senate for concurrence and **SCR 8** & **SCR 9** were returned to the Senate.

Representative Buckworth made comments regarding **HCR 15**.

Representative Carey made comments regarding **HCR 19**.

Representative Mulrooney requested that he be marked present.

The Majority Whip moved to recess for committee meetings and to the call of the Chair at 2:30 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:30 P.M.: Representatives DiPinto, Oberle, Reynolds, Spence & Stone.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m. on April 17, 2003.

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

APPROPRIATIONS: **HB 61** - 5F.

CORRECTIONS: **SB 50 w/SA 3** - 8M.

HEALTH & HUMAN DEVELOPMENT: **HJR 8** - 5M.

JUDICIARY: **HB 133** - 1F,6M; **SB 58** - 1F,6M.

PUBLIC SAFETY: **HB 108** - 6M; **HB 131** - 5M; **HB 138** - 1F,6M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has defeated **HB 15 w/HA 2**, **HA 1 to HA 2**, **HA 16**, **HA 1 to HA 16** & **SA 2** and is returning same to the House.

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Joseph E. Miro  
DATE: April 16, 2003

RE: Absence From Session

Please excuse my absence from session tomorrow, April 17th, as I will be out of town on personal business.

If you require additional information, please let me know.

Representatives Gilligan & Smith requested that they be marked present for the current Legislative Day.

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

### **23rd LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**

**April 17, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Miro - 1.

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

Mr. Speaker Spence led those present in the 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 141 - QUILLEN & SENATOR BONINI - HOUSE ADMINISTRATION - An Act to Amend an Act Entitled An Act to Reincorporate the City of Harrington, Being Chapter 115, Volume 69, Laws of Delaware, as Amended, Relating to the Election Districts of the City of Harrington, Delaware.**

**HB 142 - CATHCART; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CAULK, EWING, FALLON, HOCKER, HUDSON, VALIHURA, D. ENNIS, HOUGHTON; SENATORS STILL, AMICK - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Equipment and Construction of Vehicles.**

**HB 143 - DIPINTO & SENATOR ADAMS - PUBLIC SAFETY - An Act to Amend Titles 16 and 30 of the Delaware Code Relating to the Emergency Reporting System Fund and Procedures Relating Thereto.**

**HB 144 - WAGNER & REPRESENTATIVE D. ENNIS & REPRESENTATIVE B. ENNIS & REPRESENTATIVE KEELEY & SENATOR PETERSON - LABOR - An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to State Employees.**

**HB 145 - CAULK & SENATOR STILL; REPRESENTATIVES LEE, BUCKWORTH, DIPINTO, EWING, QUILLEN, B. ENNIS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Clean Indoor Act.**

**HA 1 to HB 46 - WAGNER & REPRESENTATIVE ULBRICH - Placed with the Bill.**

Representative Smith deferred to Representative Hudson.

Representative Hudson requested and was granted privilege of the floor to present a House Tribute to Edith Sylvester, staff member, on the occasion of her 80th birthday.

Mr. Speaker Spence presented a House Tribute to Ned Davis.

Representative Smith deferred to Representative D. Ennis.

Representatives Lavelle, Ewing, Plant & Boulden requested that they be marked present.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested and was granted privilege of the floor to present a House Tribute to Abderrahmane Benguerah, Minister Counselor, Embassy of the Peoples' Democratic Republic of Algeria, who addressed the House.

Mr. Speaker Spence made comments.

Representatives Atkins & DiPinto requested and were granted personal privilege of the floor to introduce guests.

Representatives Stone & Wagner requested that they be marked present.

Representative Smith introduced and brought **HCR 21**, sponsored by Representative Spence on behalf of All Representatives & Senator Adams on behalf of All Senators, before the House for consideration.

**HCR 21 - DECLARING THURSDAY, APRIL 17, 2003 AS "SAFE RETURN DAY" FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE IN THE STATE OF DELAWARE.**

Mr. Speaker Spence introduced Carol M. Shelly, Advocacy Coordinator for the State of Delaware for the Delaware Valley Alzheimer's Association, who addressed the House.

Mr. Speaker Spence made comments.

**HCR 21** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier requested and was granted privilege of the floor for Cathy Kanefsky, State Director, March of Dimes.



Representative Maier moved to suspend the rules which interfere action on **HJR 8**. The motion was properly seconded and adopted by voice vote.

Representative Maier brought **HJR 8**, sponsored on behalf of All Representatives & jointly sponsored by Senator Blevins on behalf of All Senators, before the House for consideration.

**HJR 8 - IMPROVING THE HEALTH OF BABIES IN DELAWARE BY SUPPORTING THE MARCH OF DIMES' PREMATURITY CAMPAIGN TO REDUCE THE NUMBER OF PREMATURE BIRTHS.**

The roll call on **HJR 8** was taken and revealed:

YES: 35.

ABSENT: Representatives Cathcart, Miro, Oberle, Reynolds, Stone & Williams - 6.

Therefore, having received a constitutional majority, **HJR 8** was sent to the Senate for concurrence.

Mr. Speaker Spence, Representatives Wagner, George & Hall-Long made comments.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 52 w/SA 1** & **SB 76** and requests the concurrence of the House; **HB 74** & **HB 26** and is returning same to the House.

The Majority Leader moved to recess for caucus at 3:00 p.m.

The House reconvened at 4:25 p.m. with Representative Roy as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 10** & **SCR 11** and requests the concurrence of the House; **HB 25** and is returning same to the House.

Representative Smith deferred to Representative Stone.

Representative Stone made comments.

Representative Stone introduced **HB 2**, jointly sponsored by Representative Valihura & Senator Bunting & Senator Venables & Representatives DiPinto, Reynolds, Schwartzkopf, Smith, Spence & VanSant & Senators Amick, Connor & Simpson & cosponsored by Representatives Atkins, Buckworth & Caulk.

**HB 2 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOMES, MANUFACTURED HOME OWNERS, MANUFACTURED HOME COMMUNITIES, MANUFACTURED HOME COMMUNITY OWNERS, AND MANUFACTURED HOME COMMUNITY CONVERSIONS. (2/3 bill)**

Mr. Acting Speaker Roy assigned **HB 2** to the Housing & Community Affairs Committee.

Representatives Williams & Reynolds requested that they be marked present.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 111**, jointly sponsored by Representative Ulbrich & Representatives Spence, Boulden, Buckworth, Carey, Cathcart, DiPinto, Hudson, Lofink, Miro, Stone, Valihura, Houghton, Keeley, Mulrooney, Schwartzkopf & Viola & Senator Simpson & cosponsored by Representatives Atkins & Schwartzkopf & Senator Sokola, before the House for consideration.

**HB 111 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE. (F/N)**

Representative Oberle brought **HA 1** to **HB 111** before the House for consideration.

Representative Oberle made a comment. **HA 1** was adopted by voice vote.

Representative Oberle made comments. Representative Wagner requested and was granted privilege of the floor for Major David L. Baylor representing the Delaware State Police. Representatives Wagner, Ewing, Williams, Oberle & Gilligan made comments.

The roll call on **HB 111 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Miro - 2.

Therefore, having received a constitutional majority, **HB 111 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart brought **HB 9**, jointly sponsored by Senator Venables & Representatives Smith, Lee, Carey, Ewing, Hocker & Quillen & Senators Sorenson, Bonini & Copeland, before the House for consideration.

**HB 9 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PUBLIC PROCUREMENT OF GOODS, MATERIALS AND SERVICES AND THE DEPARTMENT OF ADMINISTRATIVE SERVICES.**

Representatives Cathcart, Gilligan, Caulk, Cathcart, DiPinto, Oberle, Viola, Cathcart, Caulk & Gilligan made comments.

The roll call on **HB 9** was taken and revealed:

YES: 23.

NO: Representatives B. Ennis, D. Ennis, George, Gilligan, Hall-Long, Houghton, Keeley, Lofink, Mulrooney, Oberle, Plant, Reynolds, Schwartzkopf, Spence, VanSant, Viola & Williams - 17.

ABSENT: Representative Miro - 1.

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

Representative Smith deferred to Representative Carey.

Representative Carey introduced a guest.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced and brought **SCR 11**, sponsored on behalf of All Representatives & jointly sponsored by Senator Sokola on behalf of All Senators, before the House for consideration.

**SCR 11** - ESTABLISHING THE MONTH OF APRIL, 2003, AS AUTISM AWARENESS MONTH.

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

Representative Reynolds made a comment.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds moved to suspend the rules which interfere with introduction of and action on **SB 76**. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Reynolds introduced and brought **SB 76**, jointly sponsored by Senator Sokola, before the House for consideration.

**SB 76** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION PROFILE REPORTS, AND SCHOOL, DISTRICT, AND STATE ACCOUNTABILITY.

Representatives Reynolds, Caulk, Reynolds, Valihura, B. Ennis & Reynolds made comments.

Representative B. Ennis requested and was granted privilege of the floor for Valerie A. Woodruff, Secretary, Department of Education. Representatives B. Ennis, Buckworth, Valihura & Booth made comments.

The roll call on **SB 76** was taken and revealed:

YES: 35.

NO: Representatives Caulk, Quillen & Valihura - 3.

NOT VOTING: Representative Lavelle - 1.

ABSENT: Representatives Miro & Roy - 2.

Therefore, having received a constitutional majority, **SB 76** was returned to the Senate.

Representative Smith deferred to Representative Gilligan.

Representatives Gilligan, D. Ennis & Keeley made comments.

Mr. Speaker Spence reassigned **HB 129** to the Revenue & Finance Committee.

Mr. Speaker Spence made an announcement.

Representative Smith deferred to Representative Lee.

Representative Lee brought **SB 50 w/SA 3**, jointly sponsored by Senator Vaughn & Senators Blevins, Cook, McDowell, Sorenson & Venables & Representatives Booth, Buckworth, DiPinto, B. Ennis, D. Ennis, George, Hudson, Lavelle, Reynolds & Wagner, before the House for consideration.

**SB 50** - AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO PROBATION AND RESTITUTION IN CRIMINAL CASES.

Representatives Lee, Williams & DiPinto made comments.

The roll call on **SB 50 w/SA 3** was taken and revealed:

YES: 37.

ABSENT: Representatives Fallon, Miro, Reynolds & Roy - 4.

Therefore, having received a constitutional majority, **SB 50 w/SA 3** was returned to the Senate.

Representative Lee made comments regarding **SB 50**.

Representative Smith deferred to Representative Ewing.

Representative Ewing introduced and brought **SCR 10**, sponsored on behalf of All Representatives & jointly sponsored by Senator Henry on behalf of All Senators, before the House for consideration.

**SCR 10** - PROCLAIMING THE WEEK OF APRIL 13 THROUGH APRIL 19, 2003, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK.

Representative Ewing made comments.

**SCR 10** was adopted by voice vote and was returned to the Senate.

Representative Smith brought **HCR 14 w/SA 1**, jointly sponsored by Senator Sokola, before the House for concurrence on **SA 1**.

**HCR 14** - CREATING A TASK FORCE TO LOOK FOR WAYS TO IMPROVE TEACHER RECRUITMENT AND RETENTION IN DELAWARE.

Representative Smith made comments.

**HCR 14 w/SA 1** was adopted by voice vote.

Representative Smith deferred to Representative Atkins.

Representative Atkins brought **HB 115**, jointly sponsored by Senator Cook & Senator Bunting, before the House for consideration.

**HB 115** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING THREAT OF WEAPONS.

Representatives Atkins, Gilligan, B. Ennis, Gilligan, Schwartzkopf, Lavelle, Atkins, Lofink & Stone made comments.

The roll call on **HB 115** was taken and revealed:

YES: 38.

ABSENT: Representatives Fallon, Miro & Roy - 3.

Therefore, having received a constitutional majority, **HB 115** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 98**, jointly sponsored by Senator Bunting & Representatives Atkins, Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, Ewing, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lee, Mulrooney, Plant, Spence, VanSant, Viola & Williams & Senator Simpson, before the House for consideration.

**HB 98** - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

Representative Schwartzkopf brought **HA 1 to HB 98** before the House for consideration.

Representative Schwartzkopf made a comment. **HA 1** was adopted by voice vote.

Representatives Schwartzkopf, Wagner, Schwartzkopf, Lavelle, Williams, Atkins & Gilligan made comments.

The roll call on **HB 98 w/HA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Fallon, Miro & Roy - 3.

Therefore, having received a constitutional majority, **HB 98 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long brought **HB 138**, jointly sponsored by Senator Vaughn & Representatives Atkins, Buckworth, Carey, Caulk, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hocker, Houghton, Hudson, Keeley, Lee, Lofink, Miro, Mulrooney, Schwartzkopf, Spence, Stone, Valihura, Viola & Williams & Senators Blevins & Bonini, before the House for consideration.

**HB 138** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR FARMLAND PRESERVATION. (3/5 bill)

Representatives Hall-Long, D. Ennis, DiPinto & Hall-Long made comments.

Representative Hall-Long introduced and brought **HA 1 to HB 138** before the House for consideration.

Representative Hall-Long made a comment. **HA 1** was adopted by voice vote.

Representatives George, Keeley, Hall-Long, Wagner, Caulk, Hall-Long, Ewing, B. Ennis, Reynolds, Lavelle, Hudson & Schwartzkopf made comments.

The roll call on **HB 138 w/HA 1** was taken and revealed:

YES: 35.

ABSENT: Representatives Cathcart, Ewing, Fallon, Miro, Roy & VanSant - 6.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 138 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Williams.

Representative Williams brought **HB 61**, jointly sponsored by Senator Henry & Senator Marshall & Representatives Keeley, B. Ennis & Spence, before the House for consideration.

**HB 61** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROTECTION OF WITNESSES. (F/N)

Representative Williams made comments.

Representative Williams requested and was granted privilege of the floor for Steven P. Wood, Deputy Attorney General. Representatives Williams, Lavelle, Booth, Williams & Keeley made comments.

The roll call on **HB 61** was taken and revealed:

YES: 34.

ABSENT: Representatives Cathcart, Ewing, Fallon, Miro, Quillen, Roy & VanSant - 7.

Therefore, having received a constitutional majority, **HB 61** was sent to the Senate for concurrence.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:25 p.m.

Mr. Speaker Spence called the House to order at 2:09 p.m. on May 6, 2003.

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

Representative Valihura made an announcement.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

**24th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session**  
**May 6, 2003**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Quillen – 1.

Representative Fallon made comments.

The House observed a moment of silence in memory of Marguerite P. Smith at the request of Representative Buckworth.

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

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

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

The following out-of-session prefiled legislation was introduced:

April 29, 2003

**HB 146 - HUDSON & SENATOR MARSHALL - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)**

**HB 147 - WAGNER & REPRESENTATIVE WILLIAMS & REPRESENTATIVE PLANT & SENATOR HENRY - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Bail for Certain Crimes.**

**HB 148 - HOCKER & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend Chapter 295, Volume 65, Laws of Delaware, as Amended, being an Act Entitled: "An Act to Amend the Town Charter of Bethany Beach," to Authorize the Town Council to Provide, by Ordinance, for the Counting of Absentee Ballots Prior to the Closing of the Polls, Provided that the Count of Such Absentee Ballots be Kept Secret Until Such Time the Polls are Closed. (2/3 bill)**

**HB 149 - VALIHURA & SENATOR CLOUTIER; REPRESENTATIVES CAULK, B. ENNIS, D. ENNIS, HOCKER, HOUGHTON, HUDSON, LOFINK, MIRO - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Theft. (2/3 bill)**

**HB 150 - D. ENNIS; REPRESENTATIVES CAULK, DIPINTO, HOCKER, KEELEY, QUILLEN, B. ENNIS, HALL-LONG; SENATORS BUNTING, SORENSON, CONNOR, SIMPSON - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7, Chapter 60 of the Delaware Code Relating to the Department of Natural Resources and Environmental Control. (3/5 bill)**

**HB 151 - CATHCART; REPRESENTATIVES BUCKWORTH, DIPINTO, B. ENNIS, HALL-LONG, HOCKER, HOUGHTON, HUDSON, LEE, MIRO, MULROONEY, SCHWARTZKOPF, STONE, ULBRICH, WILLIAMS; SENATORS BONINI, HENRY, SIMPSON, STILL - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driver's Licenses.**

**HB 152 - VALIHURA; REPRESENTATIVES FALLON, HUDSON, MAIER, QUILLEN, STONE, ULBRICH; SENATORS COPELAND, SIMPSON, SORENSON, STILL - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article II, § 4 of the Constitution of the State of Delaware of 1897, as Amended, Relating to the Time and Frequency of Legislative Sessions. (2/3 bill)**

**HB 153 - BUCKWORTH & REPRESENTATIVE SPENCE; REPRESENTATIVES HUDSON, MIRO; SENATORS BLEVINS, SOKOLA, SORENSON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to State Taxes.**

**HB 154 - VALIHURA & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, DIPINTO, EWING, FALLON, HALL-LONG, HUDSON, LAVELLE, MAIER, MULROONEY, QUILLEN, VIOLA; SENATORS BLEVINS, SIMPSON, SORENSON - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Titles 9 and 22 of the Delaware Code Relating to Persons with Disabilities.**

**HB 155 - VALIHURA; REPRESENTATIVES D. ENNIS, QUILLEN - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Primary Elections.**

**HB 156 - VIOLA & REPRESENTATIVE GEORGE & REPRESENTATIVE BUCKWORTH & SENATOR HENRY; REPRESENTATIVES KEELEY, MAIER, SPENCE - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Chapter 23 of Title 24 of the Delaware Code Relating to Pawnbrokers, Second-hand Dealers, and Scrap Metal Processors.**

**HA 1 to HB 141 - QUILLEN - Placed with the Bill.**

**HA 1 to HB 63 - LAVELLE - Placed with the Bill.**

**SB 52 w/SA 1 - PETERSON & REPRESENTATIVE KEELEY; SENATORS MARSHALL & MCDOWELL - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to the Minimum Wage.**

Mr. Speaker Spence & Representative Valihura introduced guests. Representative Ewing made a comment. Representative Miro requested and was granted privilege of the floor for Dr. Susanna Lee, President, Jobs for Delaware Graduates and students Jerry Finch, State Historian, Samantha Miller, State Secretary, Genice Hughes, State President who addressed the House. Representatives Ulbrich, DiPinto,

Cathcart & Maier requested that they be marked present. Representative Wagner requested and was granted personal privilege of the floor to make comments. Representatives D. Ennis & Stone requested that they be marked present. Representative Miro & Mr. Speaker Spence made comments. Mr. Speaker Spence presented a House Tribute to Mark B. Thompson, Director of Marketing and Community Relations for St. Francis Hospital, who addressed the House.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:16 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 48 w/SA 2 & SCR 13** and requests the concurrence of the House; **HCR 15, HCR 16, HCR 17 & HCR 19** and is returning same to the House; **SB 31 w/SA 2** and requests the concurrence of the House.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: George R. Quillen  
RE: Absence from Session  
DATE: May 6, 2003

I will be absent from session today, Tuesday, May 6, 2003 due to personal business. Thank you for your attention to this matter.

Representatives Mulrooney & Oberle requested that they be marked present.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 43**, jointly sponsored by Representatives D. Ennis, Fallon, Lofink, Reynolds & Roy & Senators Henry & Sokola, before the House for consideration.

**HB 43 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT.**

Representatives Oberle, Gilligan & Oberle made comments.

The roll call on **HB 43** was taken and revealed:

YES: 31.

NO: Representatives Atkins, Booth, Carey, Caulk, B. Ennis, Hocker, Houghton, Lee & Thornburg - 9.

ABSENT: Representative Quillen - 1.

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

Representatives Boulden, Reynolds & Williams requested that they be marked present during the roll call.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 36**, jointly sponsored by Representative Boulden & Senator Peterson & Senator Henry & Representatives Spence, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Stone, Ulbrich, Valihura, Gilligan, VanSant, B. Ennis, Houghton, Keeley, Mulrooney, Plant & Williams & cosponsored by Senators Cloutier, Connor & Sorenson, before the House for consideration.

**HB 36 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION DEFINITION OF TERMS.**

Representatives Wagner & Valihura made comments.

The roll call on **HB 36** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 36** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **HB 87**, jointly sponsored by Senator DeLuca & Representatives Lee, Quillen & B. Ennis & Senator Bonini & cosponsored by Representatives Lofink, Oberle, Wagner & Viola, before the House for consideration.

**HB 87 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO THE PAYMENT OF DISABILITY BENEFITS FOR POLICE OFFICERS COVERED IN THE STATE EMPLOYEES PENSION PLAN.**

Representative Buckworth made comments.

The roll call on **HB 87** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

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

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 110**, jointly sponsored by Senator Still & Representatives Spence, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Lofink, Oberle, Reynolds, Thornburg, Ulbrich, Valihura, Keeley, Plant & Williams & Senator Sokola, before the House for consideration.

**HB 110** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE'S PENSION PLAN; AND PROVIDING A CREDITED SERVICE OPTION FOR TEACHERS FORMERLY EMPLOYED IN THE "JOBS FOR DELAWARE GRADUATES" PROGRAM.

Representative Miro made comments.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

The roll call on **HB 110** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 110** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 131** before the House for consideration.

**HB 131** - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO SPECIAL REGISTRATION PLATES FOR LIFETIME MEMBERS OF THE VETERANS OF FOREIGN WARS.

Representative Spence made comments.

The roll call on **HB 131** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 131** was sent to the Senate for concurrence.

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

Mr. Acting Speaker, Representatives Smith, Atkins, Roy & Lavelle made comments.

Representative Smith deferred to Representative Stone.

Representative Stone introduced and brought **SCR 13**, sponsored by her on behalf of All Representatives & jointly sponsored by Senator Still on behalf of All Senators, before the House for consideration.

**SCR 13** - COMMENDING AIR FORCE COLONEL SCOTT E. WUESTHOFF FOR HIS OUTSTANDING SERVICE AS COMMANDER OF THE 436TH AIRLIFT WING AT DOVER AIR FORCE BASE.

Representative Stone made comments.

**SCR 13** was adopted by voice vote and was returned to the Senate.

Representative Smith, Mr. Acting Speaker & Representative Lofink made announcements.

The Majority Leader moved to recess to the call of the Chair at 4:47 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:08 p.m. on May 7, 2003.

Representative Plant requested that **HB 120** be stricken.

Representative Plant introduced **HB 161**, jointly sponsored by Representatives Gilligan, Hall-Long, Keeley, Maier, Spence & Williams & cosponsored by Senator Henry & Representative George.

**HB 161** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO ELIGIBILITY FOR PUBLIC ASSISTANCE.

Mr. Speaker Spence assigned **HB 161** to the Health & Human Development Committee.

Representative Fallon requested and was granted privilege of the floor for Laura Anderson representing the Creative Mentoring Program.

Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Stone.

Representative Stone introduced **HA 1 to HB 2**. **HA 1 to HB 2** was placed with the bill.

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

#### **25th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session May 7, 2003**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Buckworth, Ewing & Quillen - 2.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

Mr. Speaker Spence led those present in the 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 157** - LAVELLE; REPRESENTATIVES HUDSON, VALIHURA; SENATOR COPELAND - REVENUE & FINANCE - An Act to Amend Titles 9, 22, and 30 Relating to the Taxation of Real Property.

**HB 158 - KEELEY & REPRESENTATIVE DIPINTO & SENATOR HENRY - HOUSE**  
ADMINISTRATION - An Act to Amend Certain Provisions of Sections 3-401, 6-200, 6-201 and 6-300 of the City of Wilmington Home Rule Charter. (2/3 bill)

**HB 159 - KEELEY & REPRESENTATIVE DIPINTO & SENATOR HENRY - HOUSE**  
ADMINISTRATION - An Act to Amend Certain Provisions of Section 8-200(5) of the City of Wilmington Home Rule Charter. (2/3 bill)

**SB 31 w/SA 2 - MARSHALL & REPRESENTATIVE CATHCART - JUDICIARY -** An Act to Amend Title 11 of the Delaware Code Relating to Criminal Liability and Sentencing in Certain Cases.

**SB 48 w/SA 2 - DELUCA & REPRESENTATIVE SMITH; SENATORS BLEVINS, BUNTING, MARSHALL, MCBRIDE, MCDOWELL, PETERSON, SOKOLA, VAUGHN, VENABLES, AMICK, CLOUTIER, CONNOR, SIMPSON, SORENSON, STILL; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, D. ENNIS, EWING, FALLON, LEE, OBERLE, QUILLEN, WAGNER, B. ENNIS, HALL-LONG, PLANT, VANSANT, WILLIAMS -**  
**BUSINESS/CORPORATIONS/COMMERCE -** An Act to Amend Chapter 10 of Title 26 of the Delaware Code Relating to Electric Utility Restructuring and Adding Provisions Confirming the Duty of Standard Offer Suppliers, Electric Suppliers and Electric Distribution Companies to Maintain Safe, Efficient, Adequate, and Reliable Services, and Also Adding a New Section Authorizing the Public Service Commission to Assess Civil Penalties, to Suspend and Revoke Authorizations, and to Enter Preliminary and Final Remedial Orders.

Representative Houghton requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 21, HCR 14 w/SA 1 & HJR 8** and is returning same to the House; **SCR 12** and requests the concurrence of the House.

LEGISLATIVE ADVISORY #3

Governor Ruth Ann Minner signed the following legislation on the date indicated: 4/8/03 - **HB 11 aab SA 1**; 4/15/03 - **SB 15 aab SA 1 & 2 & HA 1**; 4/23/03 - **HB 25, HB 26, HB 51 aab HA 1, HB 57, HB 58 aab SA 1, HB 74 & SB 73**; 4/25/03 - **HB 14 aab SA 2 & HB 33 aab HA 2**; 4/28/03 - **HJR 8**; 5/1/03 - **SB 50 aab SA 3 & SB 76**.

#### MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: George R. Quillen  
RE: Absence from Session  
DATE: May 7, 2003

I will be absent from session, Wednesday, May 7, 2003 and Thursday, May 8, 2003 due to personal business. Thank you for your attention to this matter.

Representative Gilligan requested that he be marked present.

Representative Smith deferred to Representative Atkins.

Representative Atkins introduced a guest.

Representative Smith brought the following prefiled **Consent Calendar #7** before the House for consideration.

**HR 25 - Wagner - A RESOLUTION TO ESTABLISH A MEDIATION TECHNOLOGY TASK FORCE TO EXAMINE WAYS TO CREATIVELY APPLY NEW TECHNOLOGIES TO THOSE DISPUTES MEDIATED IN THE COURT OF CHANCERY.**

**HCR 22 - Wagner & Representative Stone & Representative Cathcart on behalf of All Representatives & Senator Still on behalf of All Senators -** COMMEMORATING DR. WILLIAM DELAUDE FOR HIS VISIONARY LEADERSHIP, ADMINISTRATIVE INGENUITY, AND COMMITMENT TO EXCELLENCE THAT HAVE PROPELLED DELAWARE STATE UNIVERSITY INTO THE QUALITY INSTITUTION THAT IT IS TODAY.

**HCR 23 - Spence & Representatives Smith, Lee, Atkins, Booth, Boulden, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Oberle, Quillen, Roy, Stone, Valihura, Wagner, Gilligan, VanSant, B. Ennis, Houghton, Keeley, Mulrooney & Viola -** EXPRESSING THE FULL SUPPORT OF THE DELAWARE GENERAL ASSEMBLY FOR THE REPUBLIC OF CHINA ON TAIWAN TO BE PERMITTED APPROPRIATE AND MEANINGFUL PARTICIPATION IN ACTIVITIES OF THE WORLD HEALTH ORGANIZATION.

**HCR 25 - Spence & Representative Smith & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives & Senator Adams & Senator McDowell & Senator Still & Senator Sorenson on behalf of all Senators -** RESPECTING AND HONORING ALL DELAWARE MOTHERS ON MAY 11, 2003, MOTHER'S DAY.

**SCR 12 - Sokola on behalf of All Senators & Representative Reynolds on behalf of All Representatives -** COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLAR OF 2003.

Representative Smith deferred to Representative Maier.

Representative Maier introduced a guest.

Representative Maier introduced and brought **HCR 26**, jointly sponsored by Representative Valihura & Senator McDowell & Senator Blevins, before the House for consideration.

**HCR 26** - RECOGNIZING MAY 2003 AS MENTAL HEALTH AWARENESS MONTH.

Representative Smith requested that **HCR 26** be placed on **Consent Calendar #7**.

Representative Smith requested that **HR 25** be removed from **Consent Calendar #7**.

**Consent Calendar #7** was adopted by voice vote and **HCR 22, HCR 23, HCR 25 & HCR 26** were sent to the Senate for concurrence and **SCR 12** was returned to the Senate.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #19

DATE: May 7, 2003

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                                                                  | Date      | Type | Description                                                |
|----------|--------------------------------------------------------------------------|-----------|------|------------------------------------------------------------|
| H142-389 | Cathcart                                                                 | 4/21/2003 | T    | Ann Petitjean - Service - Delaware City Town Council       |
| H142-390 | Lavelle<br>cosponsors: Reps. D. Ennis & Smith<br>Valihura                | 4/11/2003 | T    | James Conrad - Fundraising - Northern Regional Library     |
| H142-391 | Atkins                                                                   | 4/9/2003  | T    | Jeff Malone - Retirement - 36 Years - Seaford duPont Plant |
| H142-392 | Wagner                                                                   | 4/5/2003  | T    | Dee Anderson-Blackman - Sportsmanship Award                |
| H142-393 | Booth                                                                    | 4/9/2003  | T    | Nelson Richards - 70th Birthday                            |
| H142-394 | Carey                                                                    | 4/12/2003 | T    | Joan and Bob VanGorder - 25th Wedding Anniversary          |
| H142-395 | Miro                                                                     | 4/10/2003 | T    | Jeffrey Lawson - Prudential Spirit of Community Award      |
| H142-396 | B. Ennis                                                                 | 4/25/2003 | T    | James Cubbage, Jr. - Retirement - Assistant Fire Marshal   |
| H142-397 | B. Ennis                                                                 | 4/25/2003 | T    | William Sipple - Retirement - Deputy Fire Marshal          |
| H142-398 | Buckworth<br>cosponsors: Reps. Caulk, Quillen, Stone, Thornburg & Wagner | 4/8/2003  | M    | Christine M. Donkin                                        |
| H142-399 | DiPinto                                                                  | 4/11/2003 | T    | Jack Collette - Dedication to Education                    |
| H142-400 | Ulbrich                                                                  | 4/14/2003 | T    | Thomas Wampler - 10 Years - Newark Council Member          |
| H142-401 | Carey                                                                    | 4/14/2003 | T    | Ted Walius - Retirement - 20 Years - Federal Fire Service  |
| H142-402 | Ulbrich                                                                  | 4/9/2003  | M    | Gary Linton                                                |
| H142-403 | Gilligan                                                                 | 2/16/2003 | T    | Gabriel & Pauline Dominelli - 50th Wedding Anniversary     |
| H142-404 | VanSant                                                                  | 2/14/2003 | T    | Tessie & Stanley Grodzicki - 50th Wedding Anniversary      |
| H142-405 | Gilligan                                                                 | 2/14/2003 | T    | Michael & Joyce Poczynek - 50th Wedding Anniversary        |
| H142-406 | VanSant                                                                  | 3/6/2003  | T    | Martha & Michael Bilik - 60th Wedding Anniversary          |
| H142-407 | Hall-Long                                                                | 3/20/2003 | T    | Dorothy & John Wilson - 55th Wedding Anniversary           |
| H142-408 | Gilligan                                                                 | 4/4/2003  | T    | Bruce & Norma Frederick - 50th Wedding Anniversary         |
| H142-409 | Keeley                                                                   | 4/24/2003 | T    | Gabriela & Jerry Cintron - 60th Wedding Anniversary        |
| H142-410 | Gilligan                                                                 | 4/25/2003 | T    | Frank & Roberta Ruarke - 50th Wedding Anniversary          |

HOUSE TRIBUTE ANNOUNCEMENT #20

DATE: May 7, 2003

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 | Date      | Type | Description        |
|----------|---------|-----------|------|--------------------|
| H142-411 | Wagner  | 4/10/2003 | M    | Angus B. Hutchings |



|          |                               |           |   |                                                                |
|----------|-------------------------------|-----------|---|----------------------------------------------------------------|
| H142-412 | Roy                           | 5/2/2003  | T | Mary Lou & Paul Reis - 50th Wedding Anniversary                |
| H142-413 | Stone                         | 5/9/2003  | M | Dorothy Almeda Harris                                          |
| H142-414 | Hocker                        | 4/15/2003 | T | Phyllis & Ralph Browning - 50th Wedding Anniversary            |
| H142-415 | Cathcart                      | 4/16/2003 | T | Delaware Citizens with Autism                                  |
| H142-416 | Boulden                       | 4/13/2003 | M | Shirley M. Tarrant                                             |
| H142-417 | Hocker                        | 4/14/2003 | M | Willis H. Matthews                                             |
| H142-418 | Miro                          | 4/15/2003 | T | Greg Watson - Four Duathlon Championships                      |
| H142-419 | Spence                        | 4/14/2003 | M | Harvey H. Ryan                                                 |
| H142-420 | Wagner                        | 4/26/2003 | T | Jen Fleming & Daniel Simmons - Marriage                        |
| H142-421 | Wagner                        | 4/19/2003 | T | Karen Wothers & Brett Williams - Marriage                      |
| H142-422 | B. Ennis                      | 5/11/2003 | T | Dorris & James Cruson - 51st Wedding Anniversary               |
| H142-423 | Hudson                        | 5/4/2003  | T | Edie Sylvester - 80th Birthday                                 |
| H142-424 | Maier                         | 4/27/2003 | T | Reverend Mary Lou Green - 22 Years - Ordained Minister         |
| H142-425 | B. Ennis                      | 5/2/2003  | T | James Arrington - President - Del-Mar-Va Firemen's Association |
| H142-426 | Williams                      | 4/16/2003 | T | Linda George - Howard High Teacher of the Year                 |
| H142-427 | cosponsor: Rep. George Atkins | 5/3/2003  | T | Nanticoke Indian Association - Archaeology Program             |
| H142-428 | Lavelle                       | 4/11/2003 | T | Cecile Buonocore - Jefferson Award Recipient                   |
| H142-429 | Fallon                        | 4/17/2003 | T | Anthony Rohrbaugh - Eagle Scout                                |
| H142-430 | D. Ennis                      | 4/17/2003 | T | Abderrahmane Benguerah - Algeria - Visit                       |
| H142-431 | Quillen                       | 4/20/2003 | T | Frances Parvis - 90th Birthday                                 |
| H142-432 | Spence                        | 5/13/2003 | T | Bill & Vieve Gore - Business Hall of Fame Laureates            |
| H142-433 | Atkins                        | 4/15/2003 | T | Mariann & Frank Bunting - Outstanding Poultry Producers        |
| H142-434 | Buckworth                     | 4/24/2003 | T | Honorable Vincent Poppiti - Retirement - Family Court          |
| H142-435 | B. Ennis                      | 2/8/2003  | T | Doris & Robert Brittingham - 50th Wedding Anniversary          |

T- Tribute

M - Memoriam

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

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:25 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:25 P.M.: Representatives Oberle, Reynolds & Roy.

Mr. Speaker Spence called the House to order at 2:10 p.m. on May 8, 2003.

Representatives Buckworth & Ewing requested that they be marked present for the current Legislative

Day.

The Chief Clerk read the following communications into the record:

BUSINESS/CORPORATIONS/COMMERCE: **SB 41 w/SA 2 - 7M,1U; SB 42 w/SA 1 - 7M,1U.**

EDUCATION: **HB 107 - 8M.**

HEALTH & HUMAN DEVELOPMENT: **HB 113 - 6M; SCR 6 - 6M.**

HOUSE ADMINISTRATION: **HB 141 - 4M; HB 148 - 4M; HB 128 - 1F,3M; HS 1 for HB 19 - 1F,3M; HB 125 - 1F,3M; HB 101 - 4M.**

HOUSING & COMMUNITY AFFAIRS: **HB 2 - 1F,4M; HB 154 - 6F.**

JUDICIARY: **HB 135 - 1F,4M; HB 137 - 1F,4M; HB 147 - 5M; SB 26 - 5M; SB 40 w/SA 3 - 5M.**

PUBLIC SAFETY: **HB 142 - 5M; HB 143 - 5M; SB 35 - 5M.**

REVENUE & FINANCE: **HB 129 - 6M; HB 130 - 5M; HB 153 - 5M.**

Mr. Speaker assigned **HB 107 & HB 125** to the Appropriations Committee.

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

## 26th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session

May 8, 2003

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Quillen – 1.

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

Mr. Speaker Spence led those present in the 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 160** - ATKINS & SENATOR DELUCA & SENATOR MCDOWELL; REPRESENTATIVES LEE, THORNBURG, VALIHURA; SENATORS SIMPSON, STILL, BONINI - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to the Prohibition Against Sunday Hunting.

**HB 162** - GILLIGAN & REPRESENTATIVE ROY & REPRESENTATIVE VANSANT; REPRESENTATIVES DIPINTO, HUDSON; SENATORS AMICK, SORENSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Neighborhood Schools Act of 2000.

**HB 163** – HOCKER; SENATOR BUNTING; REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, CATHCART, CAULK, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HALL-LONG, HOUGHTON, HUDSON, LAVELLE, LEE, MAIER, MULROONEY, PLANT, QUILLEN, REYNOLDS, SCHWARTZKOPF, SMITH, SPENCE, ULBRICH, VALIHURA, VANSANT, VIOLA; SENATORS AMICK, COPELAND, SIMPSON - JUDICIARY - An Act to Amend Title 10, Chapter 81 of the Delaware Code Relating to Limitations from Civil Liability for Certain Volunteers.

**HA 1 to HB 101** - B. ENNIS; REPRESENTATIVES BUCKWORTH, CAULK, EWING, HALL-LONG, QUILLEN, STONE, THORNBURG, WAGNER - Placed with the Bill.

**SB 60 w/SA 1** - MCBRIDE & REPRESENTATIVE SMITH; SENATORS DELUCA, MCDOWELL, SOKOLA, SIMPSON; REPRESENTATIVES VALIHURA, MULROONEY, QUILLEN, REYNOLDS, VIOLA - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code with Respect to Enforcement of Environmental Laws and Regulations.

**SB 67** - AMICK & REPRESENTATIVE LOFINK - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Reflex Sympathetic Dystrophy Syndrome (RSDS), also Known as Complex Regional Pain Syndrome.

Representative Buckworth requested and was granted privilege of the floor to present a House Tribute to Adrian Rigby.

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

Representatives Viola, VanSant, Swartzkopf, D. Ennis & Miro requested that they be marked present.

Representative Lee brought **HR 25**, sponsored by Representative Wagner, before the House for consideration.

**HR 25** - A RESOLUTION TO ESTABLISH A MEDIATION TECHNOLOGY TASK FORCE TO EXAMINE WAYS TO CREATIVELY APPLY NEW TECHNOLOGIES TO THOSE DISPUTES MEDIATED IN THE COURT OF CHANCERY.

Representative Lee moved to place **HR 25** on the Speaker's Table. The motion was seconded by Representative Carey and adopted by voice vote.

Representative Lee deferred to Representative Atkins.

Representative Atkins introduced a guest. Representative Fallon made comments.

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

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Lee deferred to Representative Spence.

Representative Spence brought **HB 113**, jointly sponsored by Representative Oberle & Senator Adams & Senator McBride, before the House for consideration.

**HB 113** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO NURSING FACILITIES.

Representative Spence deferred to Representative Miro.

Representatives Plant & Oberle requested that they be marked present.

Representative Miro introduced and brought **HA 1 to HB 113** before the House for consideration.

Representatives Miro, Ewing, Wagner & Spence made comments. **HA 1** was adopted by voice vote.

Representative Spence made comments.

The roll call on **HB 113 w/HA 1** was taken and revealed:

YES: 34.

ABSENT: Representatives Boulden, Lavelle, Quillen, Reynolds, Ulbrich, Valihura & Williams - 7.

Therefore, having received a constitutional majority, **HB 113 w/HA 1** was sent to the Senate for concurrence.

Representatives Cathcart, Keeley, Mulrooney, Gilligan, Hudson & Smith requested that they be marked present during the roll call.

Representative Spence introduced a guest.

Representative Stone made an announcement.

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

The House reconvened at 4:11 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 26** and is returning same to the House; **SB 67 & 60 w/SA 1** and requests the concurrence of the House; **HB 34 & HJR 2** and is returning same to the House; **SB 28** and requests the concurrence of the House; **HB 53 w/HA 1** and is returning same to the House; the Senate wishes to inform the House that it has defeated **HB 24** and is returning same to the House.

Representative Smith introduced **HB 118**, jointly sponsored by Representative Valihura & Senator Henry & Senator Cloutier & Representatives DiPinto, B. Ennis, Gilligan, Hudson, Keeley, Lavelle, Mulrooney, VanSant & Viola & Senators Amick, Blevins, Copeland, DeLuca & Sorenson.

**HB 118 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE WATER SUPPLY SELF-SUFFICIENCY ACT OF 2003.**

Mr. Acting Speaker assigned **HB 118** to the Natural Resources & Environmental Management Committee.

Representative Reynolds requested that he be marked present.

Representative Smith deferred to Representative Roy.

Representative Roy introduced and brought **HR 22**, jointly sponsored by Representative Lofink & Representative Spence & Representative Smith & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives, before the House for consideration.

**HR 22 - HONORING FORMER STATE REPRESENTATIVE STEVEN C. TAYLOR UPON HIS ELECTION TO THE DELAWARE SPORTS HALL OF FAME.**

Representatives Roy, Lofink & Maier made comments.

Representative Williams requested that he be marked present.

Representative Spence made a comment.

**HR 22** was adopted by voice vote.

Mr. Acting Speaker granted privilege of the floor to Steven C. Taylor.

Representative Boulden requested that he be marked present.

Representative Booth introduced and brought **HR 26**, jointly sponsored by Representatives Spence, Smith, Lee, Gilligan & VanSant on behalf of All Representatives, before the House for consideration.

**HR 26 - A RESOLUTION TO HONOR HERM BASTIANELLI UPON HIS ELECTION TO THE DELAWARE SPORTS HALL OF FAME.**

Representatives Booth, Buckworth, Lofink & Gilligan made comments.

**HR 26** was adopted by voice vote.

Representative Smith requested and was granted privilege of the floor for Herman Bastianelli.

Mr. Speaker Spence resumed the Chair.

Representatives Booth, Reynolds & Ewing made comments.

Representative Smith introduced and brought **HR 23**, jointly sponsored by Representative Spence & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives, before the House for consideration.

**HR 23 - HONORING REPRESENTATIVE BRUCE REYNOLDS UPON HIS ELECTION TO THE DELAWARE SPORTS HALL OF FAME.**

Representatives Smith, Lofink, Gilligan, Mr. Speaker Spence, Representatives Buckworth & Lee made comments.

**HR 23** was adopted by voice vote.

Representative Reynolds made comments.

Representative Smith deferred to Representative Roy.

Representative Roy brought **SB 41 w/SA 2**, jointly sponsored by Senator Sokola & Senators Blevins, McBride & Bonini & Representatives Boulden, Houghton, Hudson, Miro, Quillen, Plant, Viola & Williams, before the House for consideration.

**SB 41 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.**

Representative Roy made comments. Representative Valihura requested that he be marked present. Representative Valihura introduced and brought **HA 2 to SB 41** before the House for consideration.

Representative Roy rose on a point of order. Mr. Speaker concurred. Mr. Speaker Spence ruled that **HA 2** is out of order. Representative Valihura moved to suspend the rules which interfere with introduction of and action on **HA 2**. The motion was properly seconded and defeated by voice vote.

The roll call on **SB 41 w/SA 2** was taken and revealed:

YES: 22.

NO: Representatives Atkins, Booth, Carey, B. Ennis, D. Ennis, Ewing, Hall-Long, Hocker, Lavelle, Lee, Maier, Reynolds, Stone, Thornburg, Valihura & VanSant - 16.

NOT VOTING: Representatives Lofink & Oberle - 2.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **SB 41 w/SA 2** was returned to the Senate.

Representatives Lavelle, Ulbrich & Williams requested that they be marked present during the roll call.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 2**, jointly sponsored by Representative Valihura & Senator Bunting & Senator Venables & Representatives DiPinto, Reynolds, Schwartzkopf, Smith, Spence, VanSant & Hocker & Senators Amick, Connor & Simpson & cosponsored by Representatives Caulk, Atkins & Buckworth, before the House for consideration.

**HB 2 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOMES, MANUFACTURED HOME OWNERS, MANUFACTURED HOME COMMUNITIES, MANUFACTURED HOME COMMUNITY OWNERS, AND MANUFACTURED HOME COMMUNITY CONVERSIONS. (2/3 bill)**

Representative Stone made comments and introduced guests.

Representative Stone brought **HA 1 to HB 2** before the House for consideration.

Representative Stone made comments. **HA 1** was adopted by voice vote.

Mr. Speaker Spence & Representative Stone made comments.

Representative Stone introduced and brought **HA 2 to HB 2** before the House for consideration.

Representative Stone made comments. **HA 2** was adopted by voice vote.

Representative Lavelle introduced and brought **HA 3 to HB 2** before the House for consideration.

Representative Lavelle made comments. Representative Lavelle requested and was granted privilege of the floor for Ali Stark, Legislative Council Attorney. Representatives Lavelle & Stone made comments.

Representative Stone requested and was granted privilege of the floor for Jerome Heisler, Jr., representing the Reybold Group. Representatives Lavelle, Hall-Long & Stone made comments. Representative Lavelle moved to suspend the rules which interfere with action on **HA 3**. The motion was properly seconded and adopted by voice vote. Representatives Lavelle, Stone, Schwartzkopf, Wagner, Booth & Smith made comments. **HA 3** was defeated by voice vote.

Representative Stone introduced and brought **HA 4 to HB 2** before the House for consideration.

Representative Stone made comments. **HA 4** was adopted by voice vote. Representative Keeley introduced and brought **HA 5 to HB 2** before the House for consideration. Representative Keeley moved to place **HA 5** on the Speaker's Table. The motion was seconded by Representative Ulbrich and adopted by voice vote.

Representative Keeley introduced and brought **HA 6 to HB 2** before the House for consideration.

Representatives Keeley, Stone, Schwartzkopf & D. Ennis made comments. **HA 6** was defeated by voice vote.

Representative Keeley moved to lift **HA 5 to HB 2** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote. Representative Keeley brought **HA 5** before the House for consideration. Representatives Keeley & Stone made comments. Representative Stone requested and was granted privilege of the floor for Jerome Heisler, Jr., representing the Reybold Group. Representatives Smith & Keeley made comments.

The roll call on **HA 5 to HB 2** was taken and revealed:

YES: Representatives Caulk, B. Ennis, Gilligan, Hall-Long, Houghton, Keeley, Lavelle, Maier, Mulrooney, Oberle, Roy, VanSant, Viola & Williams - 14.

NO: 26.

ABSENT: Representative Quillen - 1.

Therefore, not having received a constitutional majority, **HA 5 to HB 2** was declared defeated.

Representatives Lavelle, Stone, Caulk, Viola & Cathcart made comments.

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

YES: 38.

NO: Representative Lavelle - 1.

NOT VOTING: Representative Boulden - 1.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority of at least two-thirds

Members of the House, **HB 2 w/HA 1, 2 & 4** was sent to the Senate for concurrence.

Representative Smith made comments regarding **HB 2**.

Representative Valihura made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:03 p.m.

Mr. Speaker Spence called the House to order at 2:10 p.m. on May 13, 2003.

Mr. Speaker Spence welcomed President pro Tempore Thurman Adams, Jr. and Lieutenant Governor John Carney to the House Chamber and invited them to join him on the podium.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 34 w/SA 1 & 2** and requests the concurrence of the House; **HCR 22, HCR 23 & HCR 25** and is returning same to the House; **SB 62 w/SA 1, SB 7, SB 45 & SB 69** and requests the concurrence of the House; **HB 112 w/SA 1, HB 100 & HB 98 w/HA 1** and is returning same to the House.

Representative Lee deferred to Representative Valihura.

Representative Valihura introduced and brought **HR 28**, jointly sponsored by Representative Hudson & Representative Gilligan & Representative George on behalf of All Representatives, before the House for consideration.

**HR 28 - COMMEMORATING JUSTICE JOSEPH T. WALSH FOR HIS OUTSTANDING SERVICE AS A MEMBER OF THE DELAWARE JUDICIARY.**

Representatives Valihura, Gilligan, DiPinto & Mr. Speaker Spence made comments.

**HR 28** was adopted by voice vote.

The Majority Whip moved to adjourn at 2:17 p.m., thereby ending the current legislative day. The House reconvened at 2:18 p.m.

**27th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - First Session  
May 13, 2003**

The Chief Clerk called the roll:

Members Present: 41.

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

Mr. Speaker Spence led those present in the 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 90 - GILLIGAN & REPRESENTATIVE VANSANT & SENATORS ADAMS, DELUCA, MCDOWELL - REVENUE & FINANCE - An Act to Amend Title 29, Chapter 48 of the Delaware Code Relating to the Delaware Lottery.**

**HB 164 - CATHCART; REPRESENTATIVES LEE, BUCKWORTH, EWING, FALLON, HOCKER, HUDSON, LAVELLE, REYNOLDS, THORNBURG, VALIHURA, B. ENNIS, MULROONEY, PLANT; SENATORS COOK, DELUCA, MARSHALL, VAUGHN, VENABLES, STILL, AMICK, BONINI, BUNTING, CLOUTIER, COPELAND, SIMPSON - JUDICIARY - An Act to Amend Chapter 81 of Title 10 of the Delaware Code Pertaining to Personal Actions.**

**HB 165 - SMITH - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to the Conduct of Public Employees, Officers and Honorary Public Officials.**

**HB 167 - MIRO & SENATOR DELUCA - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Equine Activities.**

**HB 168 - GILLIGAN & SENATOR SOKOLA; REPRESENTATIVES ATKINS, BOOTH, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HALL-LONG, HOCKER, HOUGHTON, HUDSON, KEELEY, LAVELLE, LEE, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, QUILLEN, REYNOLDS, ROY, SCHWARTZKOPF, SMITH, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WILLIAMS; SENATORS ADAMS, AMICK, BLEVINS, BONINI, BUNTING, CLOUTIER, CONNOR, COOK, COPELAND, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, PETERSON, SIMPSON, SORENSON, STILL, VAUGHN, VENABLES - JUDICIARY - An Act to Amend Chapter 25 of Title 6 of the Delaware Code to Provide a Private Cause of Action and Allow for Additional Fraud Protections for Senior Citizens and Disabled Persons.**

**HA 1 to HB 135 - WAGNER - Placed with the Bill.**

**SB 7 - BLEVINS & REPRESENTATIVE OBERLE; SENATORS PETERSON, SOKOLA, SORENSON; REPRESENTATIVES MIRO, BUCKWORTH, B. ENNIS, WAGNER, REYNOLDS, HUDSON, QUILLEN, MAIER, KEELEY, LAVELLE, HALL-LONG - HOUSE ADMINISTRATION - An Act Concurring in a Proposed Amendment to Article I, Section 5 of the Delaware Constitution of 1897, as Amended, Relating to Freedom of Speech. (2/3 bill)**

**SB 28 - BLEVINS & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Bail Conditions.**

**SB 34 w/SA 1 & 2 - MCDOWELL & REPRESENTATIVE KEELEY & REPRESENTATIVE VALIHURA; SENATOR HENRY; REPRESENTATIVES DIPINTO, HOUGHTON, PLANT, WILLIAMS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Justices of the Peace and the Sentences for Misdemeanors.**

**SB 45 - BLEVINS & REPRESENTATIVE HUDSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code Relating to the Domestic Violence Coordinating Council.**

**SB 62 w/SA 1 - SIMPSON & SENATOR VENABLES; SENATORS AMICK, COPELAND; REPRESENTATIVES BUCKWORTH, CAREY, B. ENNIS, KEELEY, LEE, LOFINK, QUILLEN, SCHWARTZKOPF, VALIHURA, VANSANT, WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Pardons.**

**SB 69 - ADAMS & REPRESENTATIVE EWING & SENATOR SIMPSON & REPRESENTATIVE HUDSON; REPRESENTATIVE ULBRICH - PUBLIC SAFETY - An Act to Amend Title 21 Delaware Code Relating to License Plates.**

**HA 1 to SB 40 - BOOTH - Placed with the Bill.**

Mr. Speaker Spence granted privilege of the floor to Chief Justice E. Norman Veasey for the purpose of presenting the State of the Judiciary Address.

"Toward A Cost-Effective Justice System"

Good afternoon, Mr. Speaker, Lieutenant Governor Carney, Members of the House, Members of the Senate, Members of the Judiciary, public officials and citizens of Delaware.

It is a high honor for me to appear in this Chamber and speak briefly with the members of the General Assembly about the State of the Judiciary. I start with the same recognition of the State's projected deficit that was the beginning point of our presentations to the Joint Finance Committee and to the Bond Bill Committee. But today, I'd like to emphasize the theme of cost-effectiveness as it applies to the entire system of the administration of justice.

As I believe everyone in this Chamber knows, the centerpiece of my presentation to you is the absolute necessity that we provide this year the first part of the funds necessary to establish the new comprehensive criminal and civil case management system with a financial component. That system has been in development for over two years with the assistance and participation of the Department of Technology, the Controller General, the Budget Office. We call that system COTS C-O-T-S which stands for commercial-off-the-shelf software. But in the Judiciary we also call it "Courts Organized to Serve."

But it's not only a judicial court project. It is a widely-supported, broad-based system that cuts across the entire gamut of the administration of justice. First, in the criminal justice system it will tie the police and the courts and the corrections together into one efficient technological continuum. But its value to the State of Delaware goes well beyond the public safety necessities of the criminal justice system. COTS will produce a businesslike efficiency we need going forward to keep our courts at the top of the nationally-respected corporate and commercial venues. Simply put, we need COTS to maintain the competitive edge of the State in our valuable business franchise.

My message today goes beyond COTS as its centerpiece. The broader view, as I see it, is an overall focus on cost-effectiveness. COTS will be cost-effective and your investment in the \$2.57 million that we've asked the bond bill to consider will reap big dividends in the future of efficiencies that will flow through the State operation. The other aspects of cost-effectiveness that I will touch on today include aggressive steps, with your support, in the Judicial Branch to cut costs, generate revenue and improve operations through businesslike practices. Beyond the business steps in the Judicial Branch, I ask your continuing and responsible focus on the costs of the criminal justice system. I want to join with you in an effort to build on your innovative steps to examine systematic, permanent methods to reduce the demands and the stress on all the components of that system. Analyzing from top to bottom these costs and demands on the administration of justice will help the three branches come to a more cost-effective solution.

Delaware is like many states that are experiencing a serious financial shortfall. But Delaware is unlike other states in the way the judicial branch is treated by the other branches. The citizens of Delaware have benefited from a harmonious—as distinct from a confrontational—relationship among the three branches when it comes to the role of the judiciary in handling the citizen's rights and business law.

The tradition of the three branches working together in Delaware is vital not only because of public safety and fairness concerns but because of our expert service to our corporate citizens.

And I want to thank the Members of the General Assembly and the Governor for what you have done and what you are continuing to do to help the Judicial Branch do its work for our citizens.

Our courthouses in all counties are now, or in the process of, becoming state-of-the-art facilities to litigate cases. The largest, of course, is the new New Castle County Courthouse. And that massive building is underway but it's undergoing its "shake down cruise" with a few bugs that you many have read about. I don't mean real bugs but I just mean things like heat balance. But what we have been able to do in this magnificent Courthouse is to move cases along faster in a more user-friendly way for our citizens.

And the citizens of New Castle County are very fortunate for the courage and foresight of the General Assembly and the Governor, but also of citizen groups. Ned Carpenter and Chuck Welch who are here today spearheaded the committee that got that job done. And I am honored that they are here today and I want to recognize and thank them publicly.

In Kent County, since the acquisition of the Courthouse from the County and the remodeling, we have developed state-of-the-art, high-tech facilities there. Further acquisition and renovation will round out these much needed court improvements.

And in Sussex County, as you recently read, we have a truly magnificent courthouse. A new one for the Court of Chancery and the Supreme Court and this new courthouse is long overdue and has ended years of "exile" by the Chancellor and by Justice Holland. But it's worth the wait, because we now have in Sussex County a courthouse worthy of Delaware's preeminence and service to the citizens of Sussex County and our corporate citizens all over the world.

I want to thank you for providing us with these good work places, and the tools you have given us.

We do need to ask for a modest amount of additional tools. And I want to thank the Governor and the General Assembly for acting diligently to fill judicial vacancies with outstanding people. We do need additional judgeships, but we are not asking for the creation of them in this economic crisis. We are confident that the Governor and the Senate will continue to fill vacancies promptly so that we can continue to do our work.

The State of the Judiciary is excellent in Delaware. That's the good news. The bad news is that we are at a crossroad this year where we desperately need your help. Proxy statements of corporations of companies reincorporating in Delaware tell their stockholders in plain English that we have a stable business environment and that environment is made so not only because of the outstanding judicial service of the Court of Chancery and the Supreme Court, but also because of the responsible and forward-looking service and legislation and of the Secretary of State's office of the Executive Branch and the legislature in keeping our laws up to date.

As you know, the recent Harris poll commissioned by the United States Chamber of Commerce, ranked Delaware number one in ten major litigation categories. This is a poll of over 800 corporate general counsels of very large companies. They rated the Delaware Courts best in the nation for perceived fairness or reasonableness in litigation. And this excellence and national prominence of the Delaware Judiciary is not confined to the Court of Chancery and the Superior Court. It extends to the Supreme Court, the Family Court, the Court of Common Pleas and the Justice of the Peace Courts.

But I give special credit to the Superior Court in this poll because, if you look at the kind of litigation that they're talking about, it centers on the kind of litigation handled so excellently by the Superior Court.

All of this provides us with a competitive edge but we must not rest on our laurels. People in other states are trying to "out-Delaware Delaware" in our outstanding judicial service.

And we can keep it up by continuing our breath taking work ethic as we continue to work through these problems. We need state-of-the-art techniques and technology and we need your help.

The operating budget requests and our bond bill requests are well below what's needed for these increasing caseloads. The only reason we have held back in asking you for funds is because of the economic shortfall. But what we are requesting now is the bare bones of what is essential.

I'm very proud of the way that members and staff of the Judicial Branch of government have operated in this crisis. Our staff willingly works hard and effectively while deserving pay raises and rational job reclassifications that are long overdue and need to be addressed.

And I am proud of the record of our trial courts in their timeliness and processing of cases and the low reversal rate of all of our Courts in the Supreme Court.

But we don't need to continue to work our people to the limits. That brings me to COTS.

Managing the caseloads of the courts is a complex process that increasingly requires the use of state-of-the-art technology. Unfortunately, our courts are currently forced to rely on a mix of automated and manual systems.

Protecting the public is paramount and the case management system will do that. Also it will continue the pre-eminence of our Courts.

One way we will make COTS work is that all judicial officers and staff will work as a team and the processes we will use will be uniform. That implementation step will happen because it will be part of the constitutional authority of the Chief Justice requiring uniform processes.

COTS fits nicely into two recent events that you all are familiar with. Senate Bill 50, the probation reform legislation that has recently been signed into law, is a step that needs COTS. Judge Richard Gebelein informed the Bond Bill Committee that the implementation of Senate Bill 50 makes it "even more important that the courts acquire a modern data system." So that the judge has access immediately to all sentences on the individual; [and we must] be able to communicate to the affected court, to the Department of Correction, both institutional and probation, Court Collections and Court Clerks."

Second, Senate Bill 58, the legislation that provides for efficient adjudication of technology disputes and mediation proceedings for business disputes, when it's passed finally and signed, will be facilitated by COTS. Once in place it will enhance our national reputation and perception—and it is a correct perception—that the Court of Chancery and our other courts are at the cutting edge of being able to process technology and business disputes efficiently. This project is an example of the harmony among the three branches of government. Governor Minner and I both addressed this concept in our recent messages to the General Assembly. Justice Carolyn Berger of the Supreme Court has worked with the Chancellor and Governor Minner's team to bring Senate Bill 58 to a near reality.