

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

GAMING & PARIMUTUELS: **HB 367** - 5M.

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

Representative D. Ennis requested that he be marked present. Representatives Carey, Miro & Price requested and were granted personal privilege of the floor to introduce guests.

Representative Price requested that **HR 26** be stricken.

Representative Thornburg requested and was granted privilege of the floor for Janice Pendleton, representing the Organization of Adult Alumni and Students in Service. Representatives B. Ennis & Maier requested that they be marked present. Representative Cathcart made an announcement. Representative Plant requested that she be marked present.

Representative Smith deferred to Representative Maier.

Representative Maier introduced **HB 377**, jointly sponsored by Senator Blevins & Representative Spence & Representatives Buckworth, Ewing, Hudson, Ulbrich, Valihura & Keeley & Senators Adams, McDowell, Henry, Marshall, McBride, Sokola, Vaughn, Amick, Sorenson, Cloutier, Connor, Simpson, Still & Winslow.

**HB 377** - AN ACT TO AMEND TITLES 16 AND 20 OF THE DELAWARE CODE RELATING TO EMERGENCIES AND PUBLIC HEALTH.

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

Mr. Acting Speaker assigned **HB 377** to the Health & Human Development Committee.

Representative Smith brought the following prefiled **Consent Calendar #9** before the House.

**HCR 26** - Ulbrich & Senator McDowell & Representative Price & Senator Cloutier - EXTENDING THE TIME FOR THE CHILD ABUSE SUBSTANTIATION WORK GROUP TO SUBMIT ITS FINAL RECOMMENDATIONS TO THE GENERAL ASSEMBLY

**HCR 28** - Spence & Representative Smith & Representative Lee & Senator Amick & Senator Sorenson - RECOGNIZING FEBRUARY 6TH AS "RONALD REAGAN DAY" IN THE STATE OF DELAWARE.

**HCR 29** - Maier & Senator Henry - EXTENDING THE TIME FOR THE "211 TASK FORCE" TO SUBMIT ITS REPORT TO THE GENERAL ASSEMBLY.

**Consent Calendar #9** was adopted by voice vote and **HCR 26**, **HCR 28** & **HCR 29** were sent to the Senate for concurrence.

Representative Gilligan requested that he be marked present.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:21 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 2:21 p.m.: Representatives Boulden, Brady, DiPinto, Mulrooney, Reynolds, Spence & Ulbrich.

Mr. Speaker Spence called the House to order at 1:50 p.m. on January 17, 2002.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HB 348 w/SA 1** and is returning same to the House.

Representatives Roy & Miro requested that they be marked present for the current Legislative Day.

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

REVENUE & FINANCE: **SB 231** - 3F, 5M.

EDUCATION: **HB 298** - 1F, 6M.

HOUSE ADMINISTRATION: **HB 346** - 1F, 3M; **HB 347** - 4M; **HB 358** - 4M; **HB 363** - 3M; **HB 369** - 1F, 3M; **SB 278** - 3M; **SB 280** - 4M.

JUDICIARY: **HB 372** - 9M; **HB 373** - 1F, 8M; **HB 374** - 1F, 8M.

HEALTH & HUMAN DEVELOPMENT: **HB 239** - 5M; **HB 362** - 6M.

SUBSTANCE ABUSE: **SB 202** - 4M.

PUBLIC SAFETY: **HB 339** - 9M; **SB 220** - 10M.

Mr. Speaker assigned **HB 346** to the Appropriations Committee.

The Majority Leader moved to adjourn at 1:52 p.m., thereby ending the current legislative day. The House reconvened at 1:53 p.m.

**6TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**  
**January 17, 2002**

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Father Thomas Protack, Associate Pastor, Our Lady of Fatima Catholic Church.

Mr. 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 375** - SPENCE; REPRESENTATIVES LEE, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, STONE, ULBRICH, VALIHURA, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, SCHROEDER, SCOTT, VIOLA, WEST - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HB 376** - PRICE & SENATOR BUNTING; REPRESENTATIVES DILIBERTO, B. ENNIS, QUILLEN, WEST; SENATOR MARSHALL - CAPITAL INFRASTRUCTURE - An Act to Amend Title 7 of the Delaware Code Relating to State Parks.

**HB 378** - WAGNER & SENATOR MCDOWELL; REPRESENTATIVES BUCKWORTH, D. ENNIS, EWING, FALLON, QUILLEN, REYNOLDS, STONE, VALIHURA - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to General Provisions.

**HB 379** - FALLON & SENATOR SORENSON & REPRESENTATIVE EWING; REPRESENTATIVES SPENCE, LEE, BUCKWORTH, CAREY, ROY, THORNBURG, B. ENNIS, SCOTT, WILLIAMS - APPROPRIATIONS - An Act to Amend Title 14 of the Delaware Code Relating to State Appropriations.

**HR 35** - WAGNER & REPRESENTATIVES SPENCE, LEE, BOULDEN, BUCKWORTH, CAREY, DIPINTO, D. ENNIS, FALLON, QUILLEN, REYNOLDS, STONE, KEELEY - EDUCATION - Requesting the University of Delaware & Delaware State University to Charge First Year Teachers in State Public Schools In-State Tuition Rates for Graduate Classes.

**HJR 22** - WEST - AGRICULTURE - Supporting the Use of Renewable Energy Sources in the United States.

**HJR 23** - SMITH & SENATOR CLOUTIER - HOUSE ADMINISTRATION - Designating March 27, 2002 as Felix Darley Day in Delaware.

The Majority Leader moved to recess for the Joint Session at 1:56 p.m.

**JOINT SESSION - SENATE CHAMBER**

The Sergeant-at-Arms announced the arrival of Members of the Senate. They were admitted, welcomed and seated. The Speaker invited the President of the Senate to be his guest on the podium.

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

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

The Sergeant-at-Arms announced the arrival of the Governor's cabinet officials and the presidents of Delaware State University and Delaware Technical and Community College. They were admitted and seated.

The Majority Leader moved that the House and Senate convene in Joint Session at 2:07 p.m. for the purpose of hearing an address from Ruth Ann Minner, Governor of the State of Delaware. The motion prevailed.

The Majority Leader moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

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

The Majority Leader moved that the Speaker of the House appoint a committee of four to escort the Governor of the State of Delaware to the Joint Session. The motion prevailed.

The Speaker appointed Representative V. George Carey (Spokesperson), Representative Shirley A. Price, Senator Dorinda A. Connor and Senator Thurman Adams, Jr. to form the committee to escort the Governor to the House Chamber.

The Speaker declared a temporary recess at 2:09 p.m. to await the arrival of the Governor. During the recess, Mr. Speaker Spence introduced guests.

The Joint Session reconvened at 2:14 p.m.

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

Representative Carey introduced Governor Ruth Ann Minner to the Joint Session.

Mr. Speaker Spence welcomed the Governor to the House Chamber.

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

Good afternoon. Lieutenant Governor Carney, Majority Leader Adams, Speaker Spence, members of the 141st General Assembly, members of my Cabinet, members of the Delaware judiciary, distinguished guests, my family and my fellow Delawareans, thank you for joining me today.

As I stand before you today, our world has shifted. The events of the past year have touched us deeply. We are more conscious of our place in this world and the connections between all people. Our world and our state have been transformed, but, in contrast, we as people have not been.

Times may change, but the values and the priorities do not. What was important to us as individuals and as a state is still important now. In the face of terror and challenge, we have found strength.

We have found the strength to do the right thing and make the right choices based on our values and our principals. So long as we don't compromise the principles that have made our state and our nation great, we will weather all storms, large and small. We will keep our state safe and strong.

I took office a year ago carrying the expectations from Delawareans that I would work to improve our schools, strengthen and make safe our families, foster economic development, protect our environment, make Delaware more livable and run their state government responsibly and well.

With the help of the General Assembly, dedicated state employees and thousands of citizens, I believe we have made significant strides in each of these areas.

With contributions from and the assent of the General Assembly, most of my first-year priorities came to fruition. As a result of our work, Delawareans now have the right to a speedy resolution of disputes between their doctors and their HMO and they won't have to pay out of their pocket if they reasonably go outside the care network.

Delawareans will now know within 24 hours when there's an environmental accident in their community and know that we have strengthened the penalties for those who pollute our environment.

As a result of our work, we have taken the first steps toward curbing sprawl in our state by asking cities and towns to plan for growth, to grow only where they plan and by continuing to preserve our farmland and open spaces.

With the creation of the Department of Technology and Information, the implementation of technology will be more efficient and we'll be able to hire the highly-skilled people we need.

In the area of e-government, we have listened to the needs and the desires of real people and put state government on the web in a way that is useful to most of them.

We've put children first by improving foster care and child safety, and protected the services for abused and neglected children by not cutting their services during difficult budget times.

The Department of Transportation has been transformed into a citizen-responsive agency that is adjusting transportation projects to fit community priorities, not the other way around.

Finally, as a result of the General Assembly's investment in my top priority, Delaware's children now have reading resource teachers in 50 public schools to help them learn to read and after-school programs to help them keep up. One of those reading resource teachers is here today. Sylvia Stevens.

Sylvia works with 36 second- and third-graders at Fairview Elementary School here in Dover. Sylvia strives to find ways to get through to each child and to help the student not just learn to read, to comprehend what they have read. In one project, they read a book about bald eagles, then wrote letters to the governor about the importance of protecting them. I want to say thank you to Sylvia and to all of the reading teachers across the state. Thank you, Sylvia.

These are the effects of an agenda that put more money into education than in health and social services for the first time in the state's history, an agenda that included the Patient's Bill of Rights, an Environmental Right-To-Know, Livable Delaware. I thank the members of the legislature. Once again your commitment to the people of Delaware shows very strong.

Further, the Minner-Carney Administration faced challenges not of our own making, but ones that we addressed and will continue to address.

In July, the deadly accident at the Motiva refinery in Delaware City shed light on a possible pattern of neglect of equipment and the facility. And as a result, we are finalizing an unprecedented contract that will force Motiva to inspect, maintain and repair equipment on a regular basis or face stiff penalties well before an incident occurs.

We took on the challenge of fixing the 800-megahertz radio system that serves our state's public safety responders, expediting needed repairs. And as a result, the problems that have plagued that system should be fixed this spring, months earlier than it would have been had we not have acted as we did.

After years of delay and cost overruns, we successfully implemented PHRST, a new payroll system for state government.

After listening to the comments of almost 400 Delaware State troopers, we are making changes in that agency that will make it a fairer organization for every single trooper, regardless of gender or race. I have great respect for each one of them, present and past, and I know that they deserve the same rights that they protect for us every day.

Finally, we have dealt repeatedly and successfully with the effects of the economic slowdown.

Of course, the greatest challenge came without warning, a terrorist attack on our country September 11 and its aftermath. The targets may have been New York and Washington, but the effects were spread far and wide.

Here in Delaware, people responded with compassion and with generosity. By 5 p.m. on September 11th, a long column of ambulances from Delaware fire companies had set off for New York.

In the days and weeks afterwards, Delawareans provided aid and comfort to strangers as well as to families of those here in Delaware who were lost. Among the efforts was one led by Lt. Gov. Carney, which raised \$40,000 for the families of public sector employees in New York and in Washington.

Delawareans especially responded in support of Dover Air Force Base, which faced the toughest task, identifying those who were lost at the Pentagon. The commander of the 436th Airlift Wing at Dover, Col. Scott Wuesthoff, is here and I'd like to take this opportunity to thank him. Thank you, Scott, not only for the base's activities in helping American families recover their loved ones, but for the role you and everyone at Dover Air Force Base played since September the 11th in making our state more safe and secure.

A more direct impact on Delawareans came with the fear of the spread of anthrax. Delaware's state troopers, other police officers, fire companies responded to over a thousand reports of suspicious white powder.

DNREC's Air and Waste Management Division were involved in 362 investigations from those calls and the Division of Public Health responded to perform tests in 175. Please join me in thanking them all for all of their dedication and performance under pressure.

Further praise goes to the Delaware Emergency Management Agency and the Delaware National Guard. DEMA was the coordinating agency through the crisis and we now know that DEMA's years of preparation made Delaware better prepared than any of our other states.



The Delaware National Guard has responded admirably and today over 100 personnel deployed around the world in support of our nation's war on terrorism. I ask Adjutant General Frank Vavala please thank the troops on behalf of all of us.

And finally, I'd like to thank all of our state employees who kept state government running smoothly. They are represented here today by their leaders, AFSCME, DSTA, FOP, DCOA and the DSEA.

On September the 11th, our world changed and our state must change as well. State government has a heightened sense of responsibility for protecting our citizens against previously unimagined perils. Over the last several months, we have worked across federal, state and local government levels, with other states, with every police, fire and emergency response unit imaginable and we've worked with many private sector companies to step up security in our state. Much of it has gone on behind the scenes, but I assure you it has happened.

There's more to be done, and that's why I've hired a new homeland security adviser. Philip Cabaud is here and he will continue, thank you, Phillip, and he will continue to work to insure that we are even more ready to prevent an attack on people and property, and even better prepared should one occur. I'm also asking the General Assembly to pass a number of pieces of legislation along these lines.

Our state changed on September the 11th and we must change as well. The spirit and effort I have seen from Delawareans over the last several months assures me that we will do so successfully.

But one of my main tasks here is to address the financial picture of our state and of course the fiscal condition of our state government. In this area, there is no question: the state of Delaware is strong. In some ways, it has never been better. And let me tell you why.

A year ago, I said that the times when the state was flush with revenue was over – at least for a while – and that we needed to heed the warning signs, make the tough decisions to maintain our financial health. Well, we have done that.

Over the last year, we cut \$107 million out of the Fiscal Year 2001 and the 2002 operating budgets. Some of the cuts were taken to make way for priorities – like reading teachers, after-school programs, e-government, last year's pay raise for state employees. Some were taken to make way for unavoidable costs and emergency pressures – such as Medicaid costs and the staffing at our Delaware Psychiatric Center. And finally, some were taken to adjust our budget to the reduced revenue projections.

These were tough decisions, but ones all of us had to make and they were good ones as well. As I have said before, after several years of flush times –when it's easy to add to the budget and there was no real need to subtract – I believe this has given us an opportunity to better manage our state government.

We have found ways to work more efficiently, to trim some fat, and we've done so without affecting the quality of our services to the people of Delaware.

Next week, I'll present my budget for Fiscal Year 2003. Compared to the budget increases that ranged from 5.4 to 11.5 percent over the last nine years, my proposed operating budget will contain an increase of just over 2 percent, and it will include further belt-tightening measures across state agencies.

The reductions that we have had to make in compiling the FY03 budget have been made to accommodate the continued increases in health care costs and Medicaid as well as unavoidable new expenses in state government, such as the opening of the new courthouse in Wilmington.

The bond bill I will present is tight as well, no cash being added for the first time in years. And of the \$153 million in non-transportation funds, more than two-thirds will go to school construction and maintenance.

What our proposed budget does not contain is many worthy items that, for now, will have to wait. Among them is funding for the reading resource teachers for the other half of the public schools that don't already have them, as well as pay raises for state employees.

We left some worthy items out in order to adhere to the fiscal responsibilities that have kept Delaware sound for the last two decades. As proposed, our budget stays within the 98 percent spending limit. It does not tap the Rainy Day Fund. It does not include any layoffs and it does not include any tax increase.

We should not alter the steady and successful course. In contrast to other states, while revenue growth has slowed in Delaware, we will still take in more money this year than last year. But, as I said, we propose an 03 budget that grows a little bit, but remains in balance.

Times have been tight but we will remain in sound shape so long as we stick to the principles that got us here. Among those is that we should not build one-time money into our operating budget – which means staying within the 98 percent limit and not dipping into the Rainy Day Fund.

Our current economic situation is a challenge, but it's also an opportunity. The tough times will not last – some people say they can already see the end of the tunnel. When we reach that light, I want Delaware to be in better shape than when we entered that tunnel. We're on the road to making that happen, and I ask the General Assembly to stand firm with me so that it can happen.

Should revenues rebound between now and June 30th, I ask the General Assembly to commit that the first addition to the 03 budget will be a pay raise for our state employees.

Times may change, but our values and our priorities don't. Our priority right now should be to make responsible decisions so that we're poised for the next era of prosperity.

The prosperous eras have come before and they were due to the vision of our state's leaders – not just of state government, but leaders in business and in labor. From manufacturing to chemicals to corporations and banking, we have benefited from the ability to identify the successes of the future and lay the groundwork to make them happen here.

Two days after taking office, I created a Strategic Economic Council made up of some of the state's top business minds, to provide me with advice about attracting new jobs and keeping the ones we have. The Council is scheduled to deliver its first report early this year.

I'm very pleased with the preview that I have received, like recommendations to create a special technology court to attract high-tech companies to Delaware. But I am especially pleased by its focus on biotechnology.

Many of you have heard me talk about Delaware's Biotechnology Institute, the state's premier biotechnology research center. Having a research facility of this stature serves as a magnet to attract biotechnology and life sciences to Delaware. I'd like to introduce to you the director of Delaware Biotechnology Institute, the state's leading biotechnology expert, Dr. David Weir.

We are currently working with several potential life science companies. They might soon choose Delaware. And we have had some successes with the arrival of the Fraunhofer Institute at the biotechnology park in Newark.

That's why I have asked our Economic Development Office to make biotechnology a prime focus of the state's Strategic Fund initiatives. And I will ask that the Strategic Economic Council continue to provide valuable advice in the years ahead as we strengthen and diversify Delaware's economy.

In the meantime, we already have much to be proud of. Think about it. Delaware is seeing results of our successes to bring AstraZeneca headquarters to our state. New buildings are going up in Fairfax and the company has begun to hire several hundred more employees to fill those buildings.

Over the past two weeks I've had the opportunity to announce new jobs in Kent and Sussex county. A Wal-Mart distribution center in Smyrna will bring 1,000 new jobs to Kent County in the next several years. And a new vegetable processing plant in Bridgeville begins to fulfill my pledge to treat agriculture like the leading industry that it is in our state.

Delaware's economy shows signs of progress and we can see many exciting prospects for the future. I look forward to continuing to bring quality jobs and opportunities for Delawareans.

One source of pride for me over the last year has been the wonderful working relationship that I have maintained with the members of the General Assembly, so let me say welcome back to Dover.

From January until June last year, it seemed I couldn't pick up the paper without reading one of you saying something nice about me or the way things were going. Then you left town. The slogan, fence...I missed you so much! And I'm so glad you're back!

But the real reason I look forward to this legislative session is the issues I want to address and the opportunity to address them with you.

I'm announcing a package of bills that will increase our readiness to deal with the potential terrorism, and I hope the General Assembly will take them up and pass them quickly.

Our emergency health powers legislation will ensure that our state is prepared to deal with a terrorist attack involving biological or chemical weapons. Our terroristic threatening bill will outlaw threats using false biological or chemical weapons, and will guarantee that false alarms that burden our law enforcement are treated more seriously.

We have introduced legislation to ensure that evidence gathered by the police is admissible in court. We have introduced legislation to tighten the licensing procedures at the Department of Motor Vehicle. And we have introduced legislation to protect the incomes of those courageous state employees who have been called to serve our country, and legislation to help us temporarily fill the vacant positions with skilled retirees.

All of these bills are important to our anti-terrorism efforts. And I thank all of you who have agreed to work on these with us, and I ask you to pass them as soon as possible.

Also on my agenda for this year is the next phase of Livable Delaware. The cornerstone this year is the Transfer of Development Rights, a tool that will preserve farmland while channeling growth to existing areas – all with private dollars, not state dollars.

Currently, there are more than 100 TDR programs operating across the country – including our neighboring states. In Montgomery County, Maryland, they have preserved 40,000 acres of farmland this way.

Here's how it works: A farm's development rights are sold to a developer, the farmer keeps farming. Those rights are transferred into a receiving area, along with a bonus allowing some level of density.

That scares people. But those areas can be attractive places to live: Neighborhoods where you can walk to school, to the soccer field, to the bus stop. Well-designed communities with ample open space and a convenient mix of uses. Efficient communities that focus our state's investments.

I would like to see effective TDR programs in all three counties. Why? Because of farmers like Gary Warren, who is here today. Thank you, Gary. Gary grows 135 acres of hay near Middletown. Gary just wants to keep farming, but the pressure to sell is tremendous as the farms around him turn into subdivisions and the land values approach \$20,000 an acre.

For the sake of Gary Warren and farmers like him up and down this state, I ask the legislature to thoughtfully consider TDR and other Livable Delaware legislation we will propose this year.

In addition to the TDRs, I want to keep conserving farmland through the purchase of development rights. That's why our FY03 bond bill will include \$5 million for farmland preservation.

Also on the Livable Delaware agenda this year: To implement legislation the General Assembly passed last year, Lieutenant Governor Carney and the Livable Delaware Advisory Committee are developing first-in-the-nation statewide impact fees that will capture new growth's fair share of the capital spending in the areas outside of the state's growth zones.

These fees are designed to channel growth away from the areas where the state and the county have planned little or no investment in schools, roads, sewers and other infrastructure.

I ask the General Assembly to consider a series of measures to make our roads safer by cracking down on drunk driving. I ask that you reduce the legal blood alcohol level to .08, that you increase the penalties for repeat DUI offenders and that you ban open containers of alcohol from the passenger compartment of cars. These actions not only will save lives, they will preserve millions of dollars of federal funding that we can't afford to lose.

Together last year, we created a committee to investigate Delaware's high cancer rates. That commission will be delivering its report in just a few weeks. I expect the commission will encourage us to keep up our efforts to control the use of tobacco. To that end, I hope the legislature will send me a bill on indoor-smoking this year.

And finally, I ask the General Assembly to work with me to regulate above-ground storage tanks, like the one that collapsed at Motiva refinery in Delaware City and the one at Conectiv that leaked into the Indian River. Let's help ensure that nothing like that happens again.

Anti-terrorism, Livable Delaware, cancer, safety on the roads and in industry – these are among my priorities for this legislative session and I look forward to working with you, the General Assembly, on each of them.

As I stand here before you today, our world has shifted. Attacks on our country, an economy that is stagnant, sprawl in our state, safety on our roads – they are tests of different magnitude but they are challenges that we face. They are challenges that come with the changing times. But we must meet them with resolve and determination that built our state and our nation.

Times may change, but our values and priorities don't. In all matters, let us stand firm. Let us make the tough decisions that are the right decisions. We have experienced prosperity because of those who have come before us. And now we, ladies and gentlemen, we have the same responsibility to those who come after us.

Thank you.

Mr. Speaker Spence thanked the Governor for her enlightening speech. Those present sang Happy Birthday to the Governor.

Mr. Speaker Spence requested that the escort committee reassemble to escort the Governor back to her Executive Office.

Representative Smith moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals to see if they agree. The motion prevailed.

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

Representative Smith moved that the Joint Session be adjourned at 2:57 p.m. and that the two Houses separate to reconvene in their respective Chambers.

Representative Smith moved to recess for caucus at 2:58 p.m.

The House reconvened at 4:10 p.m.

Representative Smith deferred to Representative Stone.

Representative Stone made comments regarding **HB 348**.

Representatives Boulden & Brady requested that they be marked present.

Representative Stone brought **HB 348 w/SA 1**, jointly sponsored by Representatives Hudson & Spence & Senators Sharp & Adams, before the House for concurrence on **SA 1**.

**HB 348 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SECURITIZATIONS OF PROPERTY, ASSETS OR RIGHTS, TO PROVIDE FOR THE RIGHTS OF A TRANSFEROR OF PROPERTY, ASSETS OR RIGHTS AND THE RIGHTS OF THE TRANSFEROR'S CREDITORS OR, IN ANY INSOLVENCY PROCEEDING WITH RESPECT TO THE TRANSFEROR OR THE TRANSFEROR'S PROPERTY, A BANKRUPTCY TRUSTEE, RECEIVER, DEBTOR, DEBTOR IN POSSESSION OR SIMILAR PERSON, IN PROPERTY, ASSETS OR RIGHTS PURPORTED TO BE TRANSFERRED AS A PART OF A SECURITIZATION TRANSACTION, AND TO PROVIDE THAT CERTAIN OF THESE RIGHTS DEPEND UPON THE PROVISIONS SET FORTH IN THE TRANSACTION DOCUMENTS RELATING TO THE SECURITIZATION TRANSACTION.**

Representative Stone made comments.

The roll call on **HB 348 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 348 w/SA 1** was sent to the Governor.

Representative Smith announced that he will not be voting on **Consent Agenda A** because of a possible conflict of interest regarding **SB 278**.

Representative Smith deferred to Representative Lee.

Representative Lee brought **Consent Agenda A**, which requires a two-thirds vote, before the House for consideration.

**HB 347** - Schroeder & Senator Bunting - 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 CLARIFY QUALIFICATIONS OF COMMISSIONERS AND MAYOR. (2/3 bill)

**HB 358** - B. Ennis & Senator Vaughn & Representatives Buckworth, Caulk, Ewing, Quillen, Stone, Thornburg & Wagner & Senator Cook - AN ACT TO AMEND CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF SMYRNA" RELATING TO THE TOWN MANAGER AND CHIEF OF POLICE. (2/3 bill)

**HB 363** - Quillen & Senator Cook - AN ACT TO AMEND CHAPTER 50, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF VIOLA. (2/3 bill)

**SB 278** - Price - AN ACT TO AMEND AN ACT BEING CHAPTER 2 OF VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO PROVIDE FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS. (2/3 bill)

**SB 280** - Bunting & Representative Price - AN ACT TO AMEND CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF BETHANY BEACH," TO AUTHORIZE THE TOWN COUNCIL TO CHANGE THE DATE FOR THE ANNUAL ELECTION IN ANY YEAR BY VOTE TAKEN NOT LATER THAN JULY 1ST OF THAT YEAR. (2/3 bill)

The roll call on **Consent Agenda A** was taken and revealed:

YES: 39.

NOT VOTING: Representative Smith - 1.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 347**, **HB 358** & **HB 363** were sent to the Senate for concurrence & **SB 278** & **SB 280** were returned to the Senate.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder moved to suspend the rules which interfere with introduction of and action on **HB 381**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Schroeder introduced and brought **HB 381**, jointly sponsored by Representatives Buckworth, Reynolds & Wagner & Senators Cook & Sokola & cosponsored by Representative Brady, before the House for consideration.

**HB 381** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDERS.

Representatives Schroeder, Gilligan, B. Ennis & Schroeder made comments.

The roll call on **HB 381** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 381** was sent to the Senate for concurrence.

Representative Smith deferred to Representative West. Mr. Speaker Spence made comments. Representative West introduced guests. Representatives Gilligan, West & Reynolds made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 113 w/SA 1**, jointly sponsored by Representatives Spence & Lofink & Senators Sharp & Winslow, before the House for concurrence on **SA 1**.

**HB 113** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES. (F/N)

Representative Oberle made comments.

The roll call on **HB 113 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 113 w/SA 1** was sent to the Governor.

Representative Lee deferred to Representative Houghton.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 359** - 3M.

Representative Houghton moved to suspend the rules which interfere with action on **HB 359**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Houghton brought **HB 359** before the House for consideration.

**HB 359** - AN ACT TO AMEND CHAPTER 194, VOLUME 73, LAWS OF DELAWARE, RELATING TO BOUNTY HUNTERS AND BAIL ENFORCEMENT AGENTS.

Representative Houghton made comments.

The roll call on **HB 359** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 359** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 367**, jointly sponsored by Senator Vaughn & Representatives B. Ennis, Oberle, VanSant & West, before the House for consideration.

**HB 367** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. (2/3 bill)

Representative Lee introduced guests. Representative Lee introduced and brought **HA 1 to HB 367** before the House for consideration. Representative Lee made comments. **HA 1** was adopted by voice vote. Representative Lee made comments.

The roll call on **HB 367 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 367 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 372**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 372** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. (2/3 bill)

Representative Wagner made comments.

The roll call on **HB 372** was taken and revealed:

YES: 39.

ABSENT: Representatives Scott & Viola - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 372** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 373**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 373** - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. (2/3 bill)

Representative Wagner made comments.

The roll call on **HB 373** was taken and revealed:

YES: 39.

ABSENT: Representatives Scott & Viola - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 373** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 374**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 374** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS. (2/3 bill)

Representative Wagner made a comment.

The roll call on **HB 374** was taken and revealed:

YES: 38.

ABSENT: Representatives Miro, Scott & Viola - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 374** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Carey.

Representative Valihura made comments regarding **HB 372**, **HB 373** & **HB 374**.

Representative Carey brought **HB 369**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 369** - AN ACT TO AMEND AN ACT BEING CHAPTER 326 OF VOLUME 71, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON" TO PROVIDE FOR INCREASING THE PAY OF THE MAYOR AND COUNCIL MEMBERS FOR ATTENDING REGULAR AND SPECIAL MEETINGS. (2/3 bill)

Representative Carey brought **HA 1 to HB 369** before the House for consideration. Representative Carey made comments. **HA 1** was adopted by voice vote. Representative Carey made a comment.

The roll call on **HB 369 w/HA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Miro, Scott & Viola - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 369 w/HA 1** was sent to the Senate for concurrence.

Representative Ulbrich introduced a guest.

Representative Smith moved to suspend the rules which interfere with action on **HJR 23**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **HJR 23**, jointly sponsored by Senator Cloutier, before the House for consideration.

**HJR 23** - DESIGNATING MARCH 27, 2002 AS FELIX DARLEY DAY IN DELAWARE.

Representatives Smith & DiPinto made comments.

The roll call on **HJR 23** was taken and revealed:

YES: 38.

ABSENT: Representatives Miro, Scott & Viola - 3.

Therefore, having received a constitutional majority, **HJR 23** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier. Representative Maier requested that **HR 23** be stricken. Representatives Maier & Spence made comments.

The Majority Leader moved to recess to the call of the Chair at 5:06 p.m.

Mr. Speaker Spence called the House to order at 2:17 p.m. on January 22, 2002.

Mr. Speaker Spence made an announcement.

The Majority Leader moved to adjourn at 2:18 p.m., thereby ending the current legislative day. The House reconvened at 2:19 p.m.

### **7TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**January 22, 2002**

The Chief Clerk called the roll.

Members Present: 41.

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

Mr. Speaker Spence invited staff member and veteran of the Korean War, Nelson Camper to lead those present in a pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 380** - MAIER; SENATOR SOKOLA - JUDICIARY - An Act to Amend Title 14 and Title 11 of the Delaware Code Relating to Truancy.

**HB 382** - SCHROEDER; REPRESENTATIVES CAULK, B. ENNIS, EWING, FALLON, HOUGHTON, LAVELLE, MAIER, QUILLEN, ULBRICH, VALIHURA, VANSANT, WEST; SENATOR BUNTING - JUDICIARY - An Act to Amend Title 10, Chapter 81 of the Delaware Code Relating to Limitations from Civil Liability for Certain Volunteers.

**HB 383** - B. ENNIS & SENATOR BLEVINS; REPRESENTATIVES BRADY, BUCKWORTH, CAULK, DILIBERTO, D. ENNIS, EWING, GILLIGAN, HOUGHTON, KEELEY, LEE, MAIER, MULROONEY, OBERLE, PLANT, PRICE, SCHROEDER, SCOTT, SPENCE, ULBRICH, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS VAUGHN; CONNOR - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Certification of Ambulance Attendants and Emergency Medical Technicians.

**HA 1 to HB 364** - CAULK - Placed with the Bill.

Representatives Ewing & Smith requested and were granted personal privilege of the floor to introduce guests. Representatives Boulden, B. Ennis, Miro, Wagner & Maier requested that they be marked present. Mr. Speaker Spence made comments. Representative Gilligan requested that he be marked present.

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

The House reconvened at 4:35 p.m. with Representative Buckworth as Acting Speaker.

Representatives Oberle, Brady, Keeley, Schroeder, Valihura, Mulrooney & DiLiberto requested that they be marked present.

Representative Lee deferred to Representative Spence. Representative Spence made comments.

Representative Spence introduced and brought **HR 40**, jointly sponsored by Representative Cathcart & Representatives, before the House for consideration.

**HR 40** - SUPPORTING THE ESTABLISHMENT OF A STATE VETERANS' HOME TO SERVE THE HEALTH CARE NEEDS OF VETERANS IN DELAWARE.

WHEREAS, the citizens of the State of Delaware owe a debt of gratitude for the honorable service of the men and women in the United States Armed Forces; and



WHEREAS, Delawareans wish to honor the 78,164 living veterans in Delaware for their valiant service, many of whom are currently in need of a State Veterans' Home Program and other future Delaware veterans who will be in need of health care options; and

WHEREAS, the State Veterans' Home Program throughout the contiguous 47 states has proven to be a cost-effective provider of quality service to veterans who require Domiciliary Care, Nursing Home Care and Adult Day Health Care; and

WHEREAS, there are 109 State Veterans' Homes in 47 states throughout the country currently operating to serve veteran populations outside of Delaware; and

WHEREAS, there are federal funds available from the United States Department of Veterans' Affairs, State Home Construction Grant Program which can be leveraged to fund the construction of a State Veterans' Home; and

WHEREAS, the State of Delaware would receive the highest priority in establishing a State Veterans' Home where such a State facility is currently non-existent; and

WHEREAS, the University of Delaware, School of Urban Affairs and Public Policy has conducted a feasibility study addressing the major issues and needs assessment surrounding such a veterans' home in Delaware.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly that the establishment and funding of a State Veterans' Home be given the highest priority by State officials; and

BE IT FURTHER RESOLVED, that State officials continue working diligently with Delaware's Congressional Delegation and the Delaware Commission on Veterans' Affairs to fund and construct a State Veterans' Home in Delaware.

Representative Spence made comments. Representative Spence requested and was granted privilege of the floor for Ruth B. Harden, representing the Delaware Commission of Veterans Affairs.

Representative Spence requested and was granted privilege of the floor for Robert D. Marcinkowski, Chairman, Commission of Veterans Affairs. Representatives Oberle, Cathcart, Brady & Price made comments. Representative Spence deferred to Representative Reynolds. Representative Reynolds requested that he be marked present. Representatives Reynolds, Cathcart, Gilligan & Spence made comments.

**HR 40** was adopted by voice vote.

The veterans who were present announced their names and branch of the service for the record.

Representatives Scott, Wagner, Quillen, Ewing, Lee, Oberle, Cathcart, Williams, Houghton, Brady, Viola, Roy, West, Oberle & B. Ennis made comments. Representative Spence deferred to Representative Ewing. Representatives Ewing, Williams & Mr. Acting Speaker made comments.

Representative Oberle introduced **HB 385**, jointly sponsored by Representative Ewing & Senator Adams & Representatives VanSant & B. Ennis & cosponsored by Representative Gilligan & Senator Winslow.

Representative Fallon introduced guests.

Representatives Hudson & Lavelle requested that they be marked present.

**HB 385 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SURVIVORS' ELIGIBILITY FOR PENSION BENEFITS.**

Mr. Acting Speaker assigned **HB 385** to the Public Safety Committee.

Representative Ewing made an announcement.

Representative Cathcart introduced and brought **HB 384**, jointly sponsored by Representative Roy & Senator Vaughn, before the House for consideration.

**HB 384 - AN ACT PERMITTING A TEMPORARY TRANSFER OF MAJOR CAPITAL SCHOOL CONSTRUCTION FUNDS IN THE APPOQUINIMINK SCHOOL DISTRICT UPON THE APPROVAL OF THE DEPARTMENT OF EDUCATION.**

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on **HB 384**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Keeley requested and was granted personal privilege of the floor to make comments.  
Representatives Cathcart, Roy & Valihura made comments

The roll call on **HB 384** was taken and revealed:

YES: 39.

ABSENT: Representatives Smith & Spence - 2.

Therefore, having received a constitutional majority, **HB 384** was sent to the Senate for concurrence.

Representative Ulbrich requested that she be marked present during the roll call.

Representative Lee deferred to Representative Roy.

Representative Roy moved to lift **HB 364** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Roy brought **HB 364**, jointly sponsored by Senator Blevins & Representatives Carey, Lofink, Oberle, Schroeder, Williams, Cathcart, Miro, Stone, Wagner & Keeley & Senators Cook, Venables, Bonini & Connor, before the House for consideration.

**HB 364 - AN ACT TRANSFERRING FUNDS IN THE FISCAL YEAR 2002 BOND AND CAPITAL IMPROVEMENTS ACT RELATING TO PUBLIC EDUCATION SCHOOL CONSTRUCTION; AMENDING THE FISCAL YEAR 2002 BOND AND CAPITAL IMPROVEMENTS ACT RELATING TO TRANSPORTATION; AMENDING TITLE 29 RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND AMENDING TITLE 29 RELATING TO THE DEVELOPMENT OF IMPACT FEES. (3/4 bill)**

Representative Roy made a comment. Representative Roy deferred to Representative Caulk. Representative Caulk brought **HA 1 to HB 364** before the House for consideration. Representative Caulk made comments. Mr. Acting Speaker Buckworth appointed Representative Oberle as Acting Speaker. **HA 1** was adopted by voice vote.

The roll call on **HB 364 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **HB 364 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **HB 362**, jointly sponsored by Senator Amick, & Representative DiLiberto & Senator Blevins & cosponsored by Representative Scott & Senator Cloutier, before the House for consideration.

**HB 362 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO FOREIGN ADOPTIONS.**

Representative Buckworth made comments.

The roll call on **HB 362** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 362** was sent to the Senate for concurrence.

Representative Brady requested and was granted personal privilege of the floor to make a comment. Mr. Acting Speaker & Representative Spence made comments.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 339**, jointly sponsored by Senator Cloutier & Representatives Boulden, Buckworth, Carey, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Scott & Stone & Senators Sorenson & Winslow, before the House for consideration.

**HB 339 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES THAT MUST STOP AT RAILROAD CROSSINGS.**

Representatives Valihura, VanSant, Boulden, Gilligan, Valihura, Williams, D. Ennis, B. Ennis, Price, Scott, Williams & Ewing made comments.

Representative Valihura moved to place **HB 339** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote. Representative Valihura made an announcement.

Representative Smith deferred to Representative West.

Representative West brought **HB 48**, jointly sponsored by Representatives Ewing, Keeley & Viola & Senator Venables, before the House for consideration.

**HB 48 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO FEES CHARGED BY THE SECRETARY OF STATE. (F/N)**

The roll call on **HB 48** was taken and revealed:

YES: 39.

ABSENT: Representatives Hudson & Roy - 2.

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

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis made an announcement.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Gerald A. Buckworth, do hereby request that my name be removed as cosponsor of **SB 273**.

Date: January 22, 2002

Signed: Gerald A. Buckworth

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Tina Fallon, do hereby request that my name be removed as cosponsor of **HB 377**.

Date: January 22, 2002

Signed: Tina Fallon

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Quillen, do hereby request that my name be removed as cosponsor of **SB 273**.

Date: January 22, 2002

Signed: George R. Quillen

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Quillen, do hereby request that my name be removed as cosponsor of **HB 360**.

Date: January 22, 2002

Signed: George R. Quillen

The Senate wishes to inform the House that it has passed **SB 301 & SCR 23** and requests the concurrence of the

House.

The Majority Leader moved to recess to the call of the Chair at 6:17 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:41 p.m. on January 23, 2002.

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

PUBLIC SAFETY: **HB 360** - 4M, 3U.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 113 w/SA 1, HB 211 w/HA 1, HB 356, HCR 22, HCR 24 & HCR 29** and is returning same to the House.

The Majority Leader moved to adjourn at 2:44 p.m., thereby ending the current legislative day. The House reconvened at 2:45 p.m.

**8th LEGISLATIVE DAY - 141st GENERAL ASSEMBLY - SECOND SESSION**

**January 23, 2002**

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Gilligan & Maier - 2.

A prayer was offered by Representative Stephanie A. Ulbrich, Twenty-Fifth 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 386 - WILLIAMS; REPRESENTATIVES BRADY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, GILLIGAN, HOUGHTON, HUDSON, KEELEY, MULROONEY, OBERLE, PLANT, PRICE,**

REYNOLDS, VALIHURA, VANSANT, WEST; SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to the Definition of Law Enforcement Officer.

**HB 387** - OBERLE & SENATOR MCBRIDE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Registration of Vehicles.

**HB 389** - WAGNER & SENATOR VAUGHN & SENATOR CLOUTIER & SENATOR WINSLOW; REPRESENTATIVES BUCKWORTH, CATHCART, D. ENNIS, EWING, LEE, QUILLEN, REYNOLDS, ULBRICH - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

**HA 1 to SB 38** - CAULK - Placed with the Bill.

**SB 301** - SHARP; SENATORS ADAMS, BLEVINS, BUNTING, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, VAUGHN, VENABLES - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts Into 21 Senatorial Districts and 41 Representative Districts and to Permit the County Boards of Elections to Approve Election Lines When a Vacancy Exists on the Board.

The Reading Clerk read the following communications into the record:

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Pamela S. Maier  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, January 23, 2002, because of illness.

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Rep. Robert F. Gilligan  
DATE: January 23, 2002  
RE: Absence for Session

I respectfully submit that I will be unable to attend session on Wednesday, January 23, 2002 due to illness.

Thank you for your consideration of this memorandum.

Representative Smith deferred to Representative Reynolds.

Representative Keeley requested that she be marked present.

Representative Reynolds introduced and brought **HCR 31**, sponsored on behalf of All Representatives sponsored by Senator Sokola on behalf of All Senators, before the House for consideration.

**HCR 31** - COMMENDING TANYA MARCINKIEWICZ FOR BEING SELECTED DELAWARE'S STATE TEACHER OF THE YEAR FOR 2002 AND COMMENDING EACH SCHOOL DISTRICT'S TEACHER OF THE YEAR.

Representative Reynolds made comments. Representative Reynolds requested and was granted privilege of the floor for the 2002 Teachers of the Year who announced their names and schools for the record. Mr. Acting Speaker presented each teacher with a gift.

**HCR 31** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Reynolds, Mr. Acting Speaker & Representative Fallon made comments. Representative Ewing requested and was granted personal privilege of the floor to make comments. Representative West requested that he be marked present. Representative West made comments.

Representative Reynolds requested and was granted privilege of the floor for Tanya Marcinkewicz, 2002 Teacher of the Year.

Representatives VanSant, Lee, Lavelle, B. Ennis, Boulden & Cathcart requested that they be marked present.

Representative Smith brought the following prefiled **Consent Calendar #10** before the House for consideration.

**HR 41** - Wagner & Representative Boulden - A RESOLUTION ESTABLISHING A DRIVERS' EDUCATION MANUAL TASK FORCE.

**SCR 23** - Sorenson on behalf of All Senators & Representative Miro on behalf of All Representatives - RECOGNIZING GENEVIEVE W. GORE ON BEING THE RECIPIENT OF THE LIFETIME SUPPORT OF QUALITY AWARD.

**Consent Calendar #10** was adopted by voice vote and **HR 41** was declared passed and **SCR 23** was returned to the Senate.

Representative Smith deferred to Representative Hudson. Representative Hudson requested and was granted privilege of the floor to present a House Tribute to Representative Donna Stone. Representative Smith made a comment. Representative Spence requested that he be marked present. Representatives Spence & Stone made comments. Representative Lofink requested that he be marked present.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 3:16 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 3:16 p.m.: Representatives Brady, Viola, Wagner & West.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:35 p.m. on January 24, 2002.

Mr. Speaker Spence assigned **HB 365** to the Appropriations Committee.

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

TRANSPORTATION: **HB 268** - 6M; **HB 331** - 6M.

PUBLIC SAFETY: **HB 365** - 8M; **HB 366** - 8M; **HB 368** - 5M; **HB 385** - 8M; **SB 232 w/SA 1, 2 & 3** - 5M.

HOUSING & COMMUNITY AFFAIRS: **SB 259** - 6M.

APPROPRIATIONS: **HB 343** - 6F; **HB 346** - 6M; **HB 379** - 6M;

**SB 272 w/SA 1** - 5F, 1M.

JUDICIARY: **HB 375** - 5M; **HB 380** - 5M.

Representatives Viola & Williams requested that they be marked present for the current Legislative Day.

The Majority Leader moved to adjourn at 2:36 p.m., thereby ending the current legislative day. The House reconvened at 2:37 p.m.

#### **9TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**January 24, 2002**

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Buckworth & Plant - 2.

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

Mr. 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 390** - HUDSON & SENATOR BUNTING; REPRESENTATIVES SMITH, LEE, BUCKWORTH, CAREY, CATHCART, DIPINTO, THORNBURG, WAGNER, B. ENNIS, HOUGHTON, PRICE, SCOTT, VIOLA; SENATORS AMICK, SORENSON, BONINI, CLOUTIER, CONNOR, SIMPSON, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of Vehicles. (3/5 bill)

**HB 391** - MAIER & SENATOR SOKOLA; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, DIPINTO, LOFINK, MIRO, STONE, ULBRICH, WAGNER; SENATORS SORENSON, CLOUTIER, CONNOR, SIMPSON, STILL, WINSLOW - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to State Appropriations.

**HB 393** - DILIBERTO; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, HUDSON, KEELEY, LAVELLE,

LEE, LOFINK, MAIER, MIRO, MULROONEY, PLANT, PRICE, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SMITH, SPENCE, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS BLEVINS, BONINI, DELUCA, HENRY, SOKOLA, WINSLOW - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article I, §5 of the Delaware Constitution of 1897, as Amended, Relating to Freedom of Speech.  
(2/3 bill)

**HB 394** - REYNOLDS & REPRESENTATIVE SPENCE; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, D. ENNIS, HUDSON, KEELEY, LAVELLE, LOFINK, ROY, THORNBURG, ULBRICH, WAGNER, HOUGHTON, MULROONEY, PLANT, PRICE, SCOTT - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Community Notification of Sex Offenders.

**HB 395** - SMITH & SENATORS CLOUTIER, SOKOLA, COOK; REPRESENTATIVES HUDSON, LAVELLE, D. ENNIS, CATHCART, CAREY, THORNBURG - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to State Symbols.

**SB 279** - SIMPSON & REPRESENTATIVE QUILLEN - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Commercial Fishing.

**SJR 11 w/SA 1** - VENABLES; REPRESENTATIVE SPENCE; SENATORS SOKOLA, BLEVINS, BUNTING, CLOUTIER, CONNOR; REPRESENTATIVES LAVELLE, B. ENNIS, WEST, PRICE, KEELEY - EDUCATION - Directing the Department of Education and the Department of Public Safety to Update and Revise Existing School Safety Emergency Procedures in Light of the Increased Threat of Terrorist Attacks in Delaware.

Representative D. Ennis requested that he be marked present. Representative Caulk requested and was granted privilege of the floor to make an announcement. Representative Lee deferred to Representative Maier. Representative Maier introduced guests.

Representative Maier introduced **HB 388**, jointly sponsored by Senator Sokola.

**HB 388** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

Mr. Speaker Spence assigned **HB 388** to the Education Committee.

Mr. Speaker Spence introduced a guest. Representative Keeley requested and was granted personal privilege of the floor to make an announcement.

Representative Ulbrich introduced and brought **HCR 32**, jointly sponsored by Senator McDowell & Representative Price & Senator Cloutier, before the House for consideration.

**HCR 32** - EXTENDING THE TIME FOR THE CHILD ABUSE SUBSTANTIATION WORK GROUP TO SUBMIT ITS FINAL RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

WHEREAS, House Concurrent Resolution No. 15 established the Child Abuse Substantiation Work Group; and WHEREAS, due to the complexity of the issue, the Child Abuse Substantiation Work Group needs additional time to complete its recommendations.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware, the Senate concurring therein, that the time for submitting the final recommendations of the Child Abuse Substantiation Work Group to the General Assembly is extended to May 30, 2002.

**HCR 32** was adopted by voice vote and was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 31** and is returning same to the House; **SB 279** & **SJR 11 w/SA 1** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, V. George Carey, do hereby request that my name be removed as a cosponsor of **HB 377**.

Date: January 23, 2002

Signed: V. George Carey

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Colin R. J. Bonini, do hereby request that my name be removed as a cosponsor of **HB 377**.

Date: January 22, 2002

Signed: Colin R. J. Bonini

M E M O R A N D U M

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Gerald A. Buckworth  
State Representative - 34th District  
DATE: January 24, 2002  
RE: Absence from Session

Please be advised that I will be unable to attend session today, Thursday, January 24, due to personal business.

Thank you for your understanding.

The Honorable Terry R. Spence  
Speaker of the House  
House of Representatives

Dear Speaker Spence:

I will be unable to attend legislative session today, due to illness.

Thank you for your assistance in this matter.

Sincerely,  
Hazel D. Plant  
State Representative  
2nd District

Representatives Gilligan & Miro requested that they be marked present. Representative Lee made comments. Representative DiPinto requested that he be marked present. Representative D. Ennis requested and was granted personal privilege of the floor to make comments regarding **HCR 3**. Mr. Speaker Spence presented a House Certificate to staff member Carol Breslin. Representative Reynolds requested that he be marked present.

The Majority Whip moved to recess for caucus at 2:52 p.m.

The House reconvened at 5:19 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 **HB 372, HB 373, HB 374 & HB 364 w/HA 1 & SA 1** returning same to the House.

Representatives Smith & Schroeder requested that they be marked present.

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **HB 343**, jointly sponsored by Representative Ewing & Senators Henry & Amick & cosponsored by Representatives Spence, Carey, Williams, Lavelle, Stone & Plant, before the House for consideration.

**HB 343 - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. (F/N)**

Representative DiLiberto made comments. Representative Brady requested that he be marked present.

The roll call on **HB 343** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & Plant - 3.

Therefore, having received a constitutional majority, **HB 343** was sent to the Senate for concurrence.

Mr. Acting Speaker made a comment. Mr. Acting Speaker introduced a guest.

Mr. Speaker Spence resumed the Chair.

Representative Smith brought **HB 364 w/HA 1 & SA 1**, sponsored by Representative Roy & Senator Blevins & Representatives Carey, Lofink, Oberle, Schroeder, Williams, Cathcart, Miro, Stone, Wagner & Keeley & Senators Cook, Venables, Bonini & Connor, before the House for concurrence on **SA 1**.

**HB 364 - AN ACT TRANSFERRING FUNDS IN THE FISCAL YEAR 2002 BOND AND CAPITAL IMPROVEMENTS ACT RELATING TO PUBLIC EDUCATION SCHOOL CONSTRUCTION; AMENDING THE FISCAL YEAR 2002 BOND AND CAPITAL IMPROVEMENTS ACT RELATING TO TRANSPORTATION; AMENDING TITLE 29 RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND AMENDING TITLE 29 RELATING TO THE DEVELOPMENT OF IMPACT FEES. (3/4 bill)**

Representative Smith made comments.

The roll call on **HB 364 w/HA 1 & SA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Caulk, Plant & Valihura - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **HB 364 w/HA 1 & SA 1** was sent to the Governor.

Mr. Speaker Spence assigned **HB 268** to the Capital Infrastructure Committee.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan introduced **HB 400**, jointly sponsored by Representative VanSant & Senators Sharp, Adams, Marshall & Blevins.

**HB 400 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2003; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; REAUTHORIZING PREVIOUSLY DEAUTHORIZED OBLIGATIONS; 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; DEPOSITING FUNDS TO THE GENERAL FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE 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)**

Mr. Speaker Spence assigned **HB 400** to the Capital Infrastructure Committee.

Representative Smith deferred to Representative Stone. Representative Stone requested and was granted personal privilege of the floor to present House Tributes to Representative Joseph G. DiPinto and Representative Pamela S. Maier. Representative Maier made comments. Representative Stone requested and was granted personal privilege of the floor to make comments. Representative DiPinto made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle moved to suspend the rules which interfere with action on **SB 232 w/SA 1, 2 & 3**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Oberle brought **SB 232 w/SA 1, 2 & 3**, jointly sponsored by Senator Henry, before the House for consideration.

**SB 232 - AN ACT TO AMEND TITLE 21 RELATING TO MOTOR VEHICLE VOLUNTARY ASSESSMENT PROCEDURES AND THE UNIFORM TRAFFIC COMPLAINT AND SUMMONS.**

Representative Oberle made comments.

The roll call on **SB 232 w/SA 1, 2 & 3** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Caulk & Plant - 3.

Therefore, having received a constitutional majority, **SB 232 w/SA 1, 2 & 3** was returned to the Senate.



Representative Smith deferred to Representative Wagner. Representative Wagner made an announcement.  
Representative Smith deferred to Representative Mulrooney.

Representative Mulrooney brought **SB 259**, jointly sponsored by Senator Connor, before the House for consideration.

**SB 259** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MUNICIPAL SERVICES COMMISSION OF THE CITY OF NEW CASTLE.

Representative Mulrooney made comments.

The roll call on **SB 259** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Caulk, Lavelle & Plant - 4.

Therefore, having received a constitutional majority, **SB 259** was returned to the Senate.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought **HB 379**, jointly sponsored by Senator Sorenson & Representative Ewing & Representatives Spence, Lee, Buckworth, Carey, Roy, Thornburg, B. Ennis, Scott & Williams, before the House for consideration.

**HB 379** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS.

Representative Miro made an announcement.

Representative Fallon introduced and brought **HA 1 to HB 379** before the House for consideration.

Representative Fallon made comments. Representative Fallon deferred to Representative Wagner. Representative Wagner made comments. **HA 1** was adopted by voice vote. Representative Fallon made a comment.

Representative Fallon moved to place **HB 379 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

The Majority Leader moved to recess at 5:55 p.m.

The House reconvened at 6:25 p.m.

Representative Fallon moved to lift **HB 379 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Fallon brought **HB 379 w/HA 1**, jointly sponsored by Senator Sorenson & Representative Ewing & Representatives Spence, Lee, Buckworth, Carey, Roy, Thornburg, B. Ennis, Scott & Williams, before the House for consideration.

**HB 379** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS.

Representative Miro introduced and brought **HA 2 to HB 379**, jointly sponsored by Representative Wagner, before the House for consideration. Representative Miro made comments. **HA 2** was adopted by voice vote.

The roll call on **HB 379 w/HA 1 & 2** was taken and revealed:

YES: 35.

ABSENT: Representatives Buckworth, Carey, Caulk, Lavelle, Plant & Smith - 6.

Therefore, having received a constitutional majority, **HB 379 w/HA 1 & 2** was sent to the Senate for concurrence.

Mr. Speaker Spence made an announcement.

The Majority Whip moved to recess to the call of the Chair at 6:33 p.m.

Mr. Speaker Spence called the House to order at 2:27 p.m. on March 12, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 301, HB 335, HB 358, HB 359, HB 367 w/HA 1, HB 369 w/HA 1, HB 381 & HB 384** and is returning same to the House.

The Majority Leader moved to adjourn at 2:28 p.m., thereby ending the current legislative day. The House reconvened at 2:29 p.m.

**10TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**  
**March 12, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

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

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

The following out-of-session prefiled legislation was introduced:

February 20, 2002

**HS 1 for HB 390** - HUDSON & SENATOR BUNTING; REPRESENTATIVES SMITH, LEE, BUCKWORTH, CAREY, CATHCART, DIPINTO, THORNBURG, WAGNER, B. ENNIS, HOUGHTON, PRICE, SCOTT, VIOLA; SENATORS AMICK, SORENSON, BONINI, CLOUTIER, CONNOR, SIMPSON, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of Vehicles.

**HB 392** - 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 397** - WAGNER; REPRESENTATIVES LEE, BOULDEN, BRADY, BUCKWORTH, CAREY, DIPINTO, EWING, HUDSON, LAVELLE, LOFINK, MAIER, QUILLEN, ROY, STONE, ULBRICH, VALIHURA, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, PRICE, WEST - HOUSE ADMINISTRATION - Amend Title 15 of the Delaware Code Relating to Registration Books, Supplies and Places.

**HB 398** - LAVELLE; SENATOR MARSHALL; REPRESENTATIVE HUDSON; SENATOR ADAMS - REVENUE & FINANCE - An Act to Amend Title 6 of the Delaware Code Relating to Commerce and Trade and Title 30 of the Delaware Code Relating to State Taxes. (3/5 bill)

**HB 399** - SPENCE & SENATOR MCBRIDE - TRANSPORTATION - An Act to Amend Title 2 of the Delaware Code Relating to the Creation of a Delaware Aviation Advisory Council.

**HB 401** - SPENCE & SENATOR MARSHALL; SENATOR WINSLOW - HOUSE ADMINISTRATION - An Act to Amend Title 20 of the Delaware Code Relating to Medals, Decorations and Honors for Active Members of the Delaware National Guard and Retirement of Delaware National Guard Members.

**HB 402** - MAIER & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CATHCART, CAULK, DIPINTO, QUILLEN, ULBRICH; SENATORS HENRY, SOKOLA, AMICK, SORENSON, CLOUTIER, BONINI, CONNOR, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Authorized Emergency Vehicles.

**HB 403** - PRICE; REPRESENTATIVES CATHCART, B. ENNIS, KEELEY, PLANT, SCHROEDER; SENATOR SIMPSON - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Chapter 68 of Title 7 of the Delaware Code Relating to Deck Extensions Over the Building Line.

**HB 404** - SMITH & SENATOR MCBRIDE; REPRESENTATIVES CATHCART, B. ENNIS, HUDSON, KEELEY, 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 405** - GILLIGAN; REPRESENTATIVES HUDSON, OBERLE - GAMING & PARIMUTUELS - An Act to Amend Title 3, Chapter 101 of the Delaware Code Relating to Thoroughbred Racing.

**HB 406** - CATHCART & SENATOR SHARP; REPRESENTATIVES ROY, SPENCE, HUDSON, VALIHURA, SMITH, MIRO, BOULDEN, BUCKWORTH, THORNBURG, DIPINTO; SENATOR WINSLOW - LABOR - An Act to Amend Title 6 Relating to Building Construction Payments.

**HB 407** - ROY & SENATOR VAUGHN - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24, Chapter 7 of the Delaware Code Relating to the Board of Chiropractic.

**HB 411** - GILLIGAN & SENATOR SOKOLA; SENATORS BLEVINS, CLOUTIER, CONNOR; REPRESENTATIVES D. ENNIS, HOUGHTON, KEELEY, MAIER, MIRO, MULROONEY, PRICE, REYNOLDS, ROY, STONE, VANSANT, VIOLA - PUBLIC SAFETY - An Act to Amend Title 24 of the Delaware Code Relating to Security Systems and Protective Services. (2/3 bill)

**HA 1 to HB 360** - HUDSON - Placed with the Bill.

**HA 1 to HB 377** - HUDSON - Placed with the Bill.

March 1, 2002

**HB 408** - VIOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Careless Driving. (2/3 bill)

**HB 409** - SCOTT - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Impact Fees for Offenses Committed Within the Jurisdiction of the City of Wilmington.

**HB 410** - STONE & REPRESENTATIVE WAGNER - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 29 of the Delaware Code Relating to Including in the State Health Care Insurance Plans Employees of Metropolitan Planning Organizations in Delaware Which are Required, Authorized and Operated Pursuant to Federal Law.

**HA 1 to HB 243** - STONE - Placed with the Bill.

Representative Quillen requested that **HB 270** be stricken.

Representatives B. Ennis, Maier & Miro requested that they be marked present.

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

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis made comments. Representative D. Ennis requested and was granted privilege of the floor for Christopher B. Wolfe, Legal Studies Coordinator, University of Delaware and Olha Rubakoff, Deputy Attorney General, Department of Justice who translated for a member of the visiting Ukrainian delegation. Representatives D. Ennis & Fallon made comments. Mr. Speaker Spence introduced a guest. Representative Cathcart requested and was granted personal privilege of the floor to introduce a guest.

The House observed a moment of silence in memory of Alda Burroughs at the request of Representative DiLiberto.

The Majority Leader moved to recess for caucus at 2:46 p.m.

The House reconvened at 4:50 p.m.

The Reading Clerk read the following communications into the record:

January 25, 2002

#### LEGISLATIVE ADVISORY # 24

Governor Ruth Ann Minner signed the following legislation on the date indicated: 1/17/02 – **HB 348 aab SA 1 & HB 356**; 1/22/02 – **HB 113 aab SA 1, HB 254, HB 211 aab HA 1, SB 278 & SB 280**; 1/24/02 – **HB 372, HB 373, HB 374 & HB 364 aab HA 1 & SA 1**.

February 7, 2002

#### LEGISLATIVE ADVISORY #25

Governor Ruth Ann Minner signed the following legislation on the date indicated: 1/28/02 - **HB 301, HB 335, HB 358, HB 359, HB 369 aab HA 1, HB 381 & HB 384**; 2/1/02 - **HB 367 aab HA 1 & SB 259**; 2/6/02 - **SB 232 aab SA 1, 2 & 3**.

Representative Brady requested that he be marked present.

The Reading Clerk read the following communication into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry R. Spence, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 12, 2002

Signed: Terry R. Spence

Representative Valihura made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle moved to lift **HB 111** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Oberle brought **HB 111**, jointly sponsored by Senator Sokola & cosponsored by Representative Ewing, before the House for consideration.

**HB 111 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION.**

Representatives Oberle, DiPinto & Oberle made comments.

The roll call on **HB 111** was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, **HB 111** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Wagner. Representative Stone requested and was granted personal privilege of the floor to make an announcement. Representatives Smith, Gilligan, Cathcart, B. Ennis, Reynolds & Roy made comments.

Representative Wagner introduced **HB 416**, jointly sponsored by Representative Stone & Representative Oberle & Senator Vaughn & Representatives Spence, Lee, Buckworth, Carey, Ewing & Maier & Senator Winslow.

**HB 416 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS VEHICLE COVERAGE.**

Mr. Speaker Spence assigned **HB 416** to the Economic Development/Banking & Insurance Committee.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 346**, jointly sponsored by Representatives Smith & Lofink, before the House for consideration.

**HB 346 - AN ACT TO AMEND TITLES 29 AND 14 OF THE DELAWARE CODE CONCERNING LAWSUITS AGAINST STATE AGENCIES AND LOCAL SCHOOL DISTRICTS. (F/N)**

Representative Oberle made comments.

Representative Oberle moved to place **HB 346** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 366**, jointly sponsored by Representative Quillen, before the House for consideration.

**HB 366 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS.**

Representative Ewing introduced and brought **HA 1 to HB 366** before the House for consideration. Representative Ewing made a comment. **HA 1** was adopted by voice vote. Representative Ewing requested and was granted privilege of the floor for Edward Davis, Justice of the Peace in Sussex County. Representative Ewing made a comment.

The roll call on **HB 366 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 366 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 380**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 380 - AN ACT TO AMEND TITLE 14 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRUANCY.**

Representative Maier made comments.

The roll call on **HB 380** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 380** was sent to the Senate for concurrence.

Representative Gilligan requested that **HB 110** be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:17 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:16 p.m. on March 13, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 363** and is returning same to the House.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Caulk, do hereby request that my name be removed as a cosponsor of **HB 411**.

DATE: March 12, 2002

SIGNED: G. Wallace Caulk, Jr.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative DiPinto, do hereby request that my name be removed as a cosponsor of **HB 411**.

DATE: March 12, 2002

SIGNED: Joseph G. DiPinto

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Ewing, do hereby request that my name be removed as a cosponsor of **HB 411**.

DATE: March 12, 2002

SIGNED: J. Benjamin Ewing

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Oberle, do hereby request that my name be removed as a cosponsor of **HB 411**.

DATE: March 12, 2002

SIGNED: William A. Oberle, Jr.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Lee, do hereby request that my name be removed as a cosponsor of **HB 411**.

DATE: March 12, 2002

SIGNED: Clifford G. Lee

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.

**11TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 13, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Lavelle - 1.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth 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 385** - OBERLE & REPRESENTATIVE EWING & REPRESENTATIVE GILLIGAN & REPRESENTATIVE VANSANT & REPRESENTATIVE B. ENNIS & SENATOR ADAMS & SENATOR WINSLOW - PUBLIC SAFETY - An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Survivors' Eligibility for Pension Benefits.

**HB 412** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, EWING, HOUGHTON, LEE, OBERLE, SPENCE, VANSANT, WAGNER, WILLIAMS; SENATOR WINSLOW - JUDICIARY - An Act to Amend the Delaware Code Relating to Criminal History Background Checks.

**HB 415** - EWING - HEALTH & HUMAN DEVELOPMENT - Amend Title 16 of the Delaware Code Relating to Involuntary Commitment of the Mentally Ill.

**HB 417 - WAGNER & SENATOR HENRY - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Premises Guest Statute.**

**HA 1 to HB 239 - WAGNER - Placed with the Bill.**

**HA 1 to HB 268 - LAVELLE - Placed with the Bill.**

**HA 1 to HB 370 - VALIHURA - Placed with the Bill.**

**HA 1 to HB 382 - SCHROEDER - Placed with the Bill.**

**HA 1 to HB 409 - SCOTT - Placed with the Bill.**

**HA 5 to SB 99 - SCHROEDER - Placed with the Bill.**

Representative Smith requested and was granted personal privilege of the floor to make comments regarding

## **HJR 21.**

Representatives Roy, Stone, Maier, Brady, Plant, Wagner, D. Ennis & Scott requested that they be marked present.

The Reading Clerk read the following communications into the record:

### **HOUSE TRIBUTE ANNOUNCEMENT #50**

DATE: March 13, 2002

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>
H141-1115	Ewing	12/5/2001	T	Cathy Gorman/Sussex County's Sweetheart of Song
H141-1116	Schroeder	12/14/2001	T	Thomas Burn/Retirement/State Service/30 Years
H141-1117	D. Ennis	11/3/2001	M	Richard V. Aydelotte
H141-1118	Caulk	12/14/2001	T	Barb Camisky/Retirement/State Service/22 Years
H141-1119	Cathcart	12/16/2001	T	Reverend Carol Gallagher/Bishop/Episcopal Church
H141-1120	Roy	12/19/2001	T	Kevin Flaugh/Eagle Scout
H141-1121	Roy	12/19/2001	T	Terry Turnbull, II/Eagle Scout
H141-1122	Lofink	12/15/2001	T	Ronda Harper & Howard Laws/Marriage
H141-1123	Wagner	5/5/2001	T	Kelly Leven & Todd Fritchman/Marriage
H141-1124	Spence	1/4/2002	T	Harry Corless/Appreciation/Leadership/Christiana Care
H141-1125	Wagner	12/21/2001	T	Thomas Cook/Appreciation/Commissioner of Elections/6 Years
H141-1126	Carey	12/20/2001	T	Peter Ridgely/25 Years/Milford Senior Center
H141-1127	Hudson	12/16/2001	T	Centreville Civic Association/250th Anniversary
H141-1128	B. Ennis	12/15/2001	T	James Sipple/Service/50 Years/Leipsic Volunteer Fire Company
H141-1129	B. Ennis	12/15/2001	T	James Marshall/Service/50 Years/Leipsic Volunteer Fire Company
H141-1130	Buckworth	12/18/2001	T	Donald Witmer/Peake Partner/Dedication to Job
H141-1131	Wagner	1/1/2002	T	Betty Penrod/Retirement/26 Years/Capital School District
H141-1132	Wagner	1/16/2002	T	Lynne Bie/Retirement/20 Years/State Housing Authority
H141-1133	Maier	12/28/2001	T	Theodore Bond/Eagle Scout
H141-1134	Brady	5/5/2001	T	Elizabeth & Lewis Dionisi/50th Wedding Anniversary
H141-1135	Houghton	11/10/2001	T	Dolores & Albert Atkinson/50th Wedding Anniversary
H141-1136	VanSant	10/27/2001	T	Katherine & Alexander Kraszewski/50th Anniversary

H141-1137 DiLiberto 12/8/2001 T Lil & George Seward/50th Wedding Anniversary  
HOUSE TRIBUTE ANNOUNCEMENT #51

DATE: March 13, 2002

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
H141-1138	Mulrooney	12/1/2001	T	Catherine & Francis DeAscanis/50th Wedding Anniversary
H141-1139	B. Ennis	12/22/2001	T	Edna & Roy Alfree/50th Wedding Anniversary
H141-1140	Buckworth	12/20/2001	T	Jeff Watts/All-State Football First Team
H141-1141	Buckworth	12/20/2001	T	D. J. Bell/All-State Football First Team
H141-1142	Buckworth	12/20/2001	T	Brandon Shaw/Henlopen Conference/Soccer First Team
H141-1143	DiPinto	12/20/2001	T	Little Italy Neighborhood Association/Most Improved Tourism Product Award
H141-1144	Quillen	1/7/2002	T	John Thomas Family/Grange Farm Family of Year
H141-1145	Thornburg	12/22/2001	T	Buffy Madden/EMT of the Year/Marydel
H141-1146	Thornburg	1/2/2002	T	Ralph Rossi/20 Years Service/Marydel Fire Company
H141-1147	Wagner	12/28/2001	M	Nancy Lee Sturgeon Zimmerman
H141-1148	Wagner	1/6/2002	T	Beatrice Townsend/95th Birthday
H141-1149	Buckworth	1/5/2002	T	Michael Martin/Graduation/University of Delaware
H141-1150	Spence	1/13/2002	T	Daniel Kiley/Retirement/State Fire Marshal
	cosponsor: Rep. Lavelle			
H141-1151	Spence	1/8/2002	T	John Rooney/Retirement/Delaware Park/44 Years
H141-1152	Buckworth	1/3/2002	T	Charlie Bell/Cross Country Coach of the Year/Henlopen
H141-1153	Buckworth	1/3/2002	T	Jill Hajec/Cross Country First Team
H141-1154	Caulk	12/31/2001	M	Marshall Stubbs
H141-1155	Boulden	2/5/2002	T	Collin James Hague/Eagle Scout
H141-1156	Wagner	1/3/2002	M	Maren Foster McDowell
H141-1157	Maier	6/25/2001	T	Allen Sylvester/Eagle Scout
	cosponsor: Rep. Miro			
H141-1158	B. Ennis	1/27/2002	T	Ruth Pleasanton/80th Birthday
H141-1159	B. Ennis	2/23/2002	T	Elizabeth Little/100th Birthday
H141-1160	Wagner	12/31/2001	M	Marietta Frederick
H141-1161	D. Ennis	1/5/2002	M	Retired Rear Admiral John E. Lee
H141-1162	Carey	1/26/2002	T	Carlisle Fire Company/200th Anniversary

HOUSE TRIBUTE ANNOUNCEMENT #52

DATE: March 13, 2002

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
H141-1163	Wagner	1/9/2002	T	Bruce C. Ennis, Esquire/Retirement/33 Years/Schmittering & Rodriguez
	cosponsor: Rep. B. Ennis			
H141-1164	West	1/9/2002	T	Nathaniel Speaks/Silver Medal/Senior Olympics Basketball
H141-1165	Scott	1/12/2002	T	Sophie & Edmund Krzyzanowski/50th Wedding Anniversary
	cosponsor: Rep. Keeley			
H141-1166	Lavelle	1/6/2002	T	Christine & James Holloman/50th Wedding Anniversary
	cosponsor: Rep. Plant			

H141-1167	Gilligan	1/12/2002	T	Rudolph Nyhoff, M.D./Retirement/38 Years
	cosponsor: Rep. Roy			
H141-1168	Gilligan	1/12/2002	T	Charles Sullivan, Jr./Service/Youth/St. John the Beloved Parish
	cosponsor: Rep. Roy			
H141-1169	Cathcart	1/12/2002	T	Teodoro Zayas/Fireman of the Year/Townsend
H141-1170	Ewing	2/17/2002	T	Evelyn & Charles Short/50th Wedding Anniversary
H141-1171	Spence	1/1/2002	T	Ann & Ernest Spence/68th Wedding Anniversary
H141-1172	Maier	1/6/2002	M	William E. Thogersen, Sr.
H141-1173	Ulbrich	1/10/2002	T	Quay M. Cobb/Eagle Scout
H141-1174	Ewing	2/6/2002	T	Grace & Henry Folsom/65th Wedding Anniversary
H141-1175	Price	1/17/2002	T	Mr. & Mrs. George Mudd/60th Wedding Anniversary
H141-1176	Price	12/15/2001	T	Roslyn & Morris Pierberg/50th Wedding Anniversary
H141-1177	Brady	1/19/2002	T	Donald Brady/70th Birthday
H141-1178	Spence	2/7/2002	T	Genevieve Gore/Lifetime Support of Quality Award Recipient
	cosponsor: Rep. Miro			
H141-1179	Buckworth	1/10/2002	T	Honorable Donald Blakey/Dover Post Great Person
H141-1180	DiLiberto	12/17/2001	T	Anna & Richard Jackson/50th Wedding Anniversary
H141-1181	DiLiberto	12/31/2001	T	Beverly & Ralph Lamenzo/50th Wedding Anniversary
H141-1182	Gilligan	12/9/2001	T	Bob & Betty Gooden/50th Wedding Anniversary
H141-1183	Maier	12/31/2001	T	Norma & Augustine DelCoglin/50th Wedding Anniversary
H141-1184	Maier	12/22/2001	T	Charlotte & Carl Kalmbacher/50th Wedding Anniversary

#### HOUSE TRIBUTE ANNOUNCEMENT #53

DATE: March 13, 2002

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
H141-1185	Gilligan	11/7/2001	T	Larry & Elise Cantera/50th Wedding Anniversary
H141-1186	Williams	12/2/2001	T	Hilda & Joseph Mayberry/55th Wedding Anniversary
H141-1187	Keeley	10/5/2001	T	Elizabeth & Pasquale Zampini/65th Wedding Anniversary
H141-1188	Price	10/27/2001	T	Betty & Edwin Ward/50th Wedding Anniversary
H141-1189	VanSant	2/9/2002	T	Matthew Williams/New Member of the Year/Five Points Fire Company
	cosponsor: Rep. Houghton			
H141-1190	VanSant	2/9/2002	T	George Boulden/Member of the Year/Five Points Fire Company
	cosponsor: Rep. Houghton			
H141-1191	VanSant	2/9/2002	T	Michael Williams, Sr./Member of the Year/Five Points Fire Company
	cosponsor: Rep. Houghton			
H141-1192	VanSant	2/9/2002	T	Walter Wilson/35 Year Member/Five Points Fire Company
	cosponsor: Rep. Houghton			
H141-1193	Hudson	12/29/2001	T	Mary & Richard Jeffers/50th Wedding Anniversary
H141-1194	Cathcart	12/14/2001	M	Bonita Wright Johnson
	cosponsor: Rep. Reynolds			
H141-1195	Gilligan	1/19/2002	T	James Jones/Hewlett-Packard All-American Team
H141-1196	Miro	1/19/2002	T	Hockessin Fire Company/65th Anniversary
	cosponsors: Reps. Hudson & Roy			
H141-1197	Schroeder	2/9/2002	T	Lewin Mitchell/50 Years' Service/Rehoboth Beach Fire Company



H141-1198	Schroeder	2/9/2002	T	John Brown/50 Years' Service/Rehoboth Beach Fire Company
H141-1199	Maier	1/19/2002	T	Irene & John O'Brien/50th Wedding Anniversary
H141-1200	Buckworth	2/15/2002	T	Lola Gibbs & Family/Underground Railroad
	cosponsor: Rep. Stone			
H141-1201	Wagner	1/17/2002	T	Anna Crossan/100th Birthday
H141-1202	Price	2/23/2002	T	Pastor Vernon Truitt/50 Years' Service/Retirement
H141-1203	Price	1/24/2002	T	Judith Cullen/Retirement/30 Years/Indian River Schools
H141-1204	Quillen	2/23/2002	T	Bernice & Frank Hrupsa/50th Wedding Anniversary
H141-1205	Hudson	1/22/2002	T	Honorable Donna Stone Legislative Service
	cosponsors: All Representatives			Award Recipient

#### HOUSE TRIBUTE ANNOUNCEMENT #54

DATE: March 13, 2002

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	
H141-1206	Lofink	1/23/2002	T	Brianna Kennedy/Track & Field Athlete of the Year	
H141-1207	Lofink	1/23/2002	T	Bobby Kennedy, Jr./Track & Field Athlete of the Year	
H141-1208	Lofink	1/23/2002	T	Gabrielle Kennedy/Track & Field Athlete of the Year	
H141-1209	Caulk	3/9/2002	T	Jesse Kitson/VFW Department of Delaware	
	cosponsor: Rep. Quillen			Commander/Testimonial Dinner	
H141-1210	Stone	1/22/2002	M	Angelo S. Fasano	
	cosponsor: Rep. Wagner				
H141-1211	Stone	1/23/2002	M	Richard Troy Beaman	
	cosponsor: Rep. Wagner				
H141-1212	Ulbrich	1/26/2002	T	Louise Goddin/90th Birthday	
H141-1213	DiPinto	1/23/2002	T	Thomas A. Downs, Ed.D./New Castle County	
				Leader/Kids Count	
H141-1214	Ewing	2/16/2002	T	Farmington Volunteer Fire Company/50th	
	cosponsor: Rep. Quillen			Anniversary	
H141-1215	Schroeder	1/23/2002	T	Nancy Carnevale/Teacher of the Year/Cape Henlopen	
H141-1216	Carey	1/23/2002	T	Sandra Baker/Teacher of the Year/Milford	
H141-1217	Stone	1/24/2002	T	Honorable Pamela Maier/Recognition/Council	
	cosponsors: All Representatives			for Persons with Disabilities	
H141-1218	Stone	1/24/2002	T	Honorable Joseph DiPinto/Recognition	cosponsors: All
Representatives				Council for Persons with Disabilities	
H141-1219	Spence	3/7/2002	T	J. David Mengden/Lammot duPont Jr.	
	cosponsor: Rep. Lavelle			Memorial Award Recipient	
H141-1220	Spence	3/7/2002	T	Pam & Gordon Jennings/William duPont	
				Excellence in Service Award Recipients	
H141-1221	Brady	1/31/2002	T	Pauline Lewis/Retirement/25 Years' Service to Children	
H141-1222	Ewing	2/24/2002	T	David Ransford Pepper, III/Eagle Scout	
H141-1223	Ewing	1/24/2002	T	Lieutenant Louis O'Day/Retirement/32 Years/State Police	
H141-1224	Wagner	1/26/2002	M	William A. Martin	
	cosponsor: Rep. Stone				

H141-1225	Stone	1/25/2002	M	Anna Coursey Holden
H141-1226	Stone	1/25/2002	M	Jean Joy Anders
H141-1227	Fallon	1/28/2002	T	Nanticoke Memorial Hospital/50th Anniversary
T- Tribute				
M - Memoriam				

Memorandum

TO: The Honorable Terry R. Spence  
FROM: Rep. Greg Lavelle  
DATE: March 13, 2002  
RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to a business obligation. Thank you for your understanding.

### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Shirley Price, do hereby request that my name be removed as cosponsor of **HB 198**.  
Date: March 13, 2002 Signed: Shirley A. Price

### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Vincent A. Lofink, do hereby request that my name be removed as cosponsor of **HB 411**.  
Date: March 13, 2002 Signed: Vincent A. Lofink

Representative Spence introduced a guest.  
Representative Ulbrich requested that she be marked present.

Representative Smith brought the following prefiled **Consent Calendar #11** before the House for consideration.

**HR 42 - Wagner & Representative D. Ennis & Representative Boulden & Representative Brady -**  
**REESTABLISHING THE COMMUTER TASK FORCE TO IMPLEMENT THE RECOMMENDATIONS OF**  
**REESTABLISHING COMMUTER RAIL SERVICE BETWEEN NEW CASTLE AND KENT COUNTIES AND TO**  
**MAKE FURTHER RECOMMENDATIONS TO THE GENERAL ASSEMBLY**

**HCR 33 - Smith & Senator Cloutier - DESIGNATING JUNE 22, 2002 AS FELIX DARLEY DAY IN DELAWARE.**

**Consent Calendar #11** was adopted by voice vote and **HR 42** was declared passed and **HCR 33** was sent to the Senate for concurrence.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:28 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 2:28 p.m.: Representatives Boulden, DiPinto, Miro, Oberle, Reynolds & Ulbrich.

Mr. Acting Speaker Buckworth called the House to order at 2:09 p.m. on March 14, 2002.

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

HOUSE ADMINISTRATION: **HB 401 - 3M; HB 397 - 3M; HB 395 - 3M; HB 393 - 3M.**

EDUCATION: HB 284 - 8M; HB 300 - 8M.

**PUBLIC SAFETY: HB 386 - 2F, 6M; HB 387 - 8M; HB 392 - 8M; HB 402 - 9M.**

SUBSTANCE ABUSE: **SJR 12 - 4M.**

**JUDICIARY: HB 389 - 8M; HB 394 - 7M; HB 409 - 1F, 5M, 1U.**

NATURAL RESOURCES & ENVIROMENTAL MANAGEMENT: **HB 403** - 2F, 3M.

HEALTH &amp; HUMAN DEVELOPMENT: HB 370 - 4M; HB 383 - 4M.

Representative Smith deferred to Representative Ewing.

Representative Ewing introduced **HB 422**.

**HB 422 - AMEND TITLE 16, CHAPTER 50 OF THE DELAWARE CODE RELATING TO COSTS OF TRANSPORTATION.**

Mr. Acting Speaker assigned **HB 422** to the Public Safety Committee.

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

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

**12TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 14, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Hudson - 1.

Representative Gilligan made comments.

A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.

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

The following prefiled legislation was introduced:

**HB 413 - KEELEY; REPRESENTATIVES DIPINTO, SCOTT; SENATORS BONINI, MARSHALL, MCDOWELL - SUBSTANCE ABUSE - An Act to Amend Title 16 of the Delaware Code Relating to Controlled Substances and Trafficking.**

**HB 418 - VALIHURA & SENATOR CLOUTIER - HOUSE ADMINISTRATION - An Act to Change the Date for the 2002 Primary Elections by One Week.**

**HB 419 - MULROONEY & REPRESENTATIVE VIOLA; REPRESENTATIVES B. ENNIS, D. ENNIS, GILLIGAN, KEELEY, LAVELLE, PLANT, REYNOLDS, VALIHURA; SENATORS ADAMS, CLOUTIER, CONNOR, DELUCA, MCBRIDE, SORENSON, STILL, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 21 Relating to Certain Motor Vehicle Offenses.**

**HB 420 - B. ENNIS; REPRESENTATIVES BUCKWORTH, CAULK, EWING, QUILLEN, STONE, THORNBURG, WAGNER; SENATORS COOK, VAUGHN - HOUSING & COMMUNITY AFFAIRS - An Act to Authorize and Approve the Transfer of Certain Real Property in Kent County Known as the McLane Readiness Center.**

**HB 421 - B. ENNIS & REPRESENTATIVE MAIER & SENATOR BLEVINS; REPRESENTATIVES BRADY, D. ENNIS, EWING, CAULK, DILIBERTO, GILLIGAN, HOUGHTON, KEELEY, LEE, MULROONEY, OBERLE, PLANT, PRICE, SCHROEDER, SCOTT, SPENCE, VANSANT, VIOLA, WEST, WILLIAMS; SENATORS SIMPSON, VAUGHN - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Emergency Medical and Paramedic Services.**

**HA 2 to HB 370 - VALIHURA - Placed with the Bill.**

**SB 39 w/SA 1 & 3 - VAUGHN & REPRESENTATIVE SCHROEDER; SENATOR BUNTING - EDUCATION - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Education and Interscholastic Athletics.**

Representatives B. Ennis, Lofink, West, Stone, Price & Plant 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 39 w/SA 1, 2 & 3** and requests the concurrence of the House; **HCR 33** and is returning same to the House.

**MEMORANDUM**

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

FROM: Deborah D. Hudson  
State Representative - 12th District

DATE: March 14, 2002

RE: Absence from Session

Please be advised that I will be unable to attend session today, Thursday, March 14, due to personal business.

Thank you for your understanding.

Representative Williams requested that he be marked present.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 407** - 3M.

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

Representative Smith requested and was granted privilege of the floor for the 2002 Legislative Essay Contest Winners: Thomas Hoffman, third place; Jennifer Copson, second place and Aaron Trinkle, first place and Marilyn Quinn and Maureen Laffey representing the Delaware Higher Education Commission. This year's topic was an exploration of the life and good deeds of James Madison. The winners introduced themselves and made brief comments about James Madison. Representative Ulbrich presented a House Tribute to Jennifer Copson. Representative Smith deferred to Representative Ulbrich. Representative Ulbrich introduced guests. Mr. Acting Speaker introduced guests.

Representative Smith deferred to Representative Price. Representative Price requested and was granted privilege of the floor to present a House Tribute to Mr. Justice and Mr. Ferguson representing the Tall Cedars Organization.

Representative Maier requested that **HB 402** be stricken.

Representatives Scott & Miro requested that they be marked present.

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

The House reconvened at 4:39 p.m.

Representative DiPinto requested that he be marked present.

Representative Smith deferred to Representative DiLiberto.

Representatives Spence & Brady requested that they be marked present.

Representative DiLiberto brought **HB 393**, jointly sponsored by Representatives Boulden, Brady, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Plant, Price, Quillen, Reynolds, Schroeder, Scott, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola, Wagner, West & Williams & Senators Blevins, Bonini, DeLuca, Henry, Sokola & Winslow & cosponsored by Representative Keeley, before the House for consideration.

**HB 393** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, §5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO FREEDOM OF SPEECH. (2/3 bill)

Representatives DiLiberto, Smith, Thornburg & DiLiberto made comments.

The roll call on **HB 393** was taken and revealed:

YES: 39.

ABSENT: Representatives Hudson & Oberle - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 393** was sent to the Senate for concurrence.

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

Representative Smith requested that action on **HB 395** be Deferred to a Day Certain, Tuesday, March, 26, 2002.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 401**, jointly sponsored by Senator Marshall & cosponsored by Senator Winslow, before the House for consideration.

**HB 401** - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO MEDALS, DECORATIONS AND HONORS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RETIREMENT OF DELAWARE NATIONAL GUARD MEMBERS.

Representative Spence made comments.

The roll call on **HB 401** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Hudson - 2.

Therefore, having received a constitutional majority, **HB 401** was sent to the Senate for concurrence.

Representative Smith deferred to Representative B. Ennis. Mr. Speaker Spence resumed the Chair.

Representative B. Ennis brought **HB 383**, jointly sponsored by Senator Blevins & Representatives Brady, Buckworth, Caulk, DiLiberto, D. Ennis, Ewing, Gilligan, Houghton, Keeley, Lee, Maier, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Spence, VanSant, Viola, Wagner, West & Williams & Senator Vaughn & cosponsored by Representative Ulbrich & Senator Connor, before the House for consideration.

**HB 383 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CERTIFICATION OF AMBULANCE ATTENDANTS AND EMERGENCY MEDICAL TECHNICIANS.**

Representative B. Ennis made comments.

The roll call on **HB 383** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Hudson - 2.

Therefore, having received a constitutional majority, **HB 383** was sent to the Senate for concurrence.

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

Representative Smith made a comment. Representative Gilligan requested and was granted personal privilege of the floor to make comments regarding **HB 411**. Representatives Oberle, Miro, Wagner, Oberle & Brady made comments regarding the Delaware State Testing Programs.

Mr. Speaker Spence reassigned **HB 406** to the Business/Corporations/Commerce Committee.

Representative Ewing requested that **HB 415** be stricken.

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

Mr. Speaker Spence called the House to order at 2:15 p.m. on March 19, 2002.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HB 305 w/SA 1** and is returning same to the House.

The Majority Leader moved to adjourn at 2:16 p.m., thereby ending the current legislative day. The House reconvened at 2:17 p.m.

### **13TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 19, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

Mr. 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 423 - MAIER & SENATOR BLEVINS - HEALTH & HUMAN DEVELOPMENT - An Act Amending Title 29 of the Delaware Code to Authorize the Division of State Service Centers to Engage in Fundraising Activities.**

**HA 2 to HB 360 - VIOLA - Placed with the Bill.**

**HA 3 to HB 360 - VIOLA - Placed with the Bill.**

Representatives Cathcart, Houghton, Gilligan, Plant & Stone requested that they be marked present.

Representative Stone requested and was granted personal privilege of the floor to make an announcement. The House observed a moment of silence in memory of Thomas Wilson, Senator Nancy W. Cook's father, at the request of Representative Stone.

Representatives D. Ennis & Thornburg requested and were granted privilege of the floor for Miki Kuriyama-Smith and a group of Japanese exchange students and host students from Central Middle School. House Tributes were

presented to the Japanese students. Mr. Speaker Spence presented a House Tribute and a gift to Masatoshi Oishi, Supervisor, Section of School Education, Education Board of Iwanuma City, Myagi Prefecture, Japan, Delaware's sister state. Mr. Speaker Spence made comments. Representatives D. Ennis & Thornburg presented House Tributes to the host students.

Representative D. Ennis requested and was granted privilege of the floor to present House Tributes to Dina Haray and Rob France, seniors and gifted students at Concord High School. Representatives DiPinto & Miro requested that they be marked present. Representative Smith requested and was granted personal privilege of the floor to introduce a guest.

The Majority Leader moved to recess for caucus at 2:43 p.m.

The House reconvened at 4:58 p.m.

Representatives Lee, Ewing, Oberle, Ulbrich, Mulrooney, Brady, Schroeder, B. Ennis, Maier & Boulden requested that they be marked present. Representative Stone made an announcement.

Representative Smith deferred to Representative Lofink.

Representative Lofink introduced **HB 425**, jointly sponsored by Representative Oberle & Senator Marshall & cosponsored by Representative Viola.

**HB 425 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.**

Mr. Speaker Spence assigned **HB 425** to the Labor Committee.

Representative Keeley requested that she be marked present. Representatives Lofink & Buckworth made announcements.

Mr. Speaker Spence reassigned **SB 39** to the Policy Analysis & Government Accountability Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SS 1 for SB 306 & SB 288 w/SA 1** and requests the concurrence of the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Dallas Winslow, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 19, 2002                      Signed: Dallas Winslow

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Margaret Rose Henry, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 19, 2002                      Signed: Margaret Rose Henry

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Robert I. Marshall, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 19, 2002                      Signed: Robert I. Marshall

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Cathcart, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 19, 2002                      Signed: Richard C. Cathcart

MEMORANDUM

March 19, 2002

To: Representative Terry R. Spence, Speaker

JoAnn M. Hedrick, Chief Clerk

From: Representative Bruce C. Ennis

Please remove my name from sponsorship of House Bill No. **411**, the Alarm Bill. Thank you.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 392**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 392 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS' TRAINING SCHOOL LICENSING AND DRIVERS' LICENSING.**

Representatives Wagner & D. Ennis made comments.

The roll call on **HB 392** was taken and revealed:

YES: 40.

NOT VOTING: Representative DiPinto - 1.

Therefore, having received a constitutional majority, **HB 392** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought **HB 284**, jointly sponsored by Senator Sokola & Representatives Boulden, Buckworth, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Hudson, Maier, Plant, Spence, Ulbrich & Valihura, before the House for consideration.

**HB 284 - AN ACT TO AMEND TITLE 14 AND TITLE 21 OF THE DELAWARE CODE RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE, PERMIT, OR DRIVING PRIVILEGES BECAUSE OF TRUANCY.**

Representative Schroeder brought **HA 1 to HB 284** before the House for consideration. Representative Schroeder made comments. **HA 1** was adopted by voice vote. Representatives Schroeder, Smith, Ewing, Schroeder, Miro, Reynolds, Reynolds, Miro, D. Ennis, Scott, DiPinto, Fallon & Brady made comments.

Representative Schroeder moved to place **HB 284 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 5:42 p.m.

Mr. Speaker Spence called the House to order at 2:25 p.m. on March 20, 2002.

The Reading Clerk read the following communications into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Deborah Hudson, do hereby request that my name be removed as cosponsor of **HB 411**.

Date: March 19, 2002

Signed: Deborah Hudson

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Tina Fallon, do hereby request that my name be removed as cosponsor of **HB 389**.

Date: March 19, 2002

Signed: Representative Fallon

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Tina Fallon, do hereby request that my name be removed as cosponsor of **HB 403**.

Date: March 19, 2002

Signed: Representative Fallon

Representative Ewing made an announcement.

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

**14TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 20, 2002**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Maier, Scott & Williams - 3.

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

Mr. 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 322 - ULBRICH & SENATOR DELUCA; REPRESENTATIVES MAIER, KEELEY, PRICE; SENATORS HENRY, VENABLES, WINSLOW - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Psychologists.**

**HS 1 for HB 377** - MAIER & SENATOR BLEVINS & REPRESENTATIVE SPENCE;  
REPRESENTATIVES BUCKWORTH, EWING, HUDSON, ULBRICH, VALIHURA, KEELEY; SENATORS  
ADAMS, MCDOWELL, HENRY, MARSHALL, MCBRIDE, SOKOLA, VAUGHN, AMICK, SORENSON,  
CLOUTIER, CONNOR, SIMPSON, STILL, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to  
Amend Titles 16 and 20 of the Delaware Code Relating to Emergencies and Public Health.

**HB 424** - LEE & SENATOR SHARP; REPRESENTATIVES SMITH, BOULDEN, CATHCART,  
DILIBERTO, EWING, FALLON, LAVELLE, MAIER, MIRO, STONE, THORNBURG, VALIHURA, GILLIGAN,  
VANSANT, B. ENNIS, HOUGHTON, MULROONEY, PLANT, PRICE, VIOLA, WEST; SENATORS BUNTING,  
VAUGHN, CLOUTIER, SIMPSON - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act  
to Amend Title 7 of the Delaware Code Relating to Dogs. (2/3 bill)

**HB 426** - HUDSON; REPRESENTATIVES WAGNER, DIPINTO, KEELEY, BUCKWORTH, LEE;  
SENATORS MARSHALL, WINSLOW, VAUGHN - JUDICIARY - An Act to Create an Indigent Party Expense  
Fund. (3/5 bill)

**HB 427** - HUDSON; REPRESENTATIVES WAGNER, DIPINTO, KEELEY, BUCKWORTH, LEE;  
SENATORS MARSHALL, WINSLOW, VAUGHN - JUDICIARY - An Act to Amend Title 10 of the Delaware Code  
Relating to Justice of the Peace Court Civil Costs. (3/5 bill)

**HA 1 to HS 1 for HB 377** - MAIER - Placed with the Bill.

**HJR 24** - 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.

**SB 288 w/SA 1** - BLEVINS & REPRESENTATIVE LEE; SENATORS ADAMS, AMICK, BONINI,  
BUNTING, CLOUTIER, CONNOR, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SHARP,  
SIMPSON, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, WINSLOW; REPRESENTATIVES  
BUCKWORTH, CATHCART, CAULK, DILIBERTO, DIPINTO, D. ENNIS, EWING, FALLON, KEELEY,  
LAVELLE, LOFINK, MAIER, PRICE, SMITH, SPENCE, VALIHURA, VANSANT, WEST - JUDICIARY - An Act  
to Amend Title 11 of the Delaware Code Relating to Terroristic Threatening and False Reports.

**SS 1 for SB 306** - ADAMS & REPRESENTATIVE STONE; SENATORS SHARP, SOKOLA & SORENSON;  
REPRESENTATIVES SPENCE, CAREY, D. ENNIS, FALLON, HUDSON, MIRO, VALIHURA, GILLIGAN,  
HOUGHTON & MULROONEY - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend  
Title 6 of the Delaware Code Relating to Secured Transactions.

**HA 3 to HA 1 to SB 99** - MIRO - Placed with the Bill.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #55

DATE: March 20, 2002

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
H141-1228	Roy	2/21/2002	T	Deborah Grubbe, P.E./Engineer of the Year
H141-1229	Quillen	1/18/2002	T	Harold Bennett, Jr./National Quality Award Recipient
H141-1230	Stone	1/18/2002	T	Keith Sterling/H. Stewart Crouch Memorial Award Recipient
H141-1231	Lofink	2/9/2002	T	Denni Ferrara/Volunteer of the Year/Leukemia Society
H141-1232	Lofink	2/9/2002	T	Don DeWees/Title Sponsor/Leukemia Society Golf Classic
H141-1233	Lofink	2/9/2002	T	Robert DuHadaway/DuHadaway Tool & Die Shop/Sponsor/Leukemia Society
H141-1234	Lofink	2/9/2002	T	Young Conaway Stargatt & Taylor,



H141-1235	Lofink	2/9/2002	T	LLP/Corporate Sponsor/Leukemia Society
H141-1236	Thornburg	2/2/2002	T	Greggo & Ferrara/Corporate Sponsor/Leukemia Society
H141-1237	Wagner	2/8/2002	T	Davette Wingo & Jonathan Thompson/Marriage
H141-1238	Maier	11/12/2001	T	Virginia Burchard/101st Birthday
H141-1239	Hudson	3/12/2002	T	Sir Speedy Printing/Superstar in Business Award Recipient
	cosponsor: Rep. Maier			Rita Landgraf/Executive Director/ARC of Delaware/12 Years
H141-1240	Maier	2/8/2002	T	Thomas Jarrett/Swearing In/Secretary/Department of Technology & Information
H141-1241	DiPinto	2/10/2002	T	Children of Alcoholics Week
H141-1242	Cathcart	2/9/2002	T	Joseph Kruemmer/Odessa Fire Company Member of the Year
H141-1243	Cathcart	2/9/2002	T	Robert Ehart/Odessa Fire Company EMT of the Year
H141-1244	Cathcart	2/9/2002	T	Brian McCanney/Odessa Fire Company Junior Member of the Year
H141-1245	Lofink	2/9/2002	T	Mumford & Miller Concrete/Corporate Sponsor/Leukemia Society
H141-1246	Buckworth	2/5/2002	M	Helen S. Quillen
	cosponsor: Rep. Schroeder			
H141-1247	Schroeder	2/3/2002	M	Louis A. Rickards
H141-1248	Carey	2/6/2002	M	Reverend James B. Doughten, Jr.
H141-1249	Ewing	2/16/2002	T	Debbie Zeroles/President/Farmington Fire Company Ladies Auxiliary/13 Years
H141-1250	Ewing	2/16/2002	T	Jeff DeCarlo/Chief/Farmington Fire Company

#### HOUSE TRIBUTE ANNOUNCEMENT #56

DATE: March 20, 2002

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
H141-1251	Carey	3/2/2002	T	Matthew Lewis/Eagle Scout
H141-1252	Smith	2/7/2002	M	Frederick M. Casino
H141-1253	Buckworth	2/16/2002	T	H. Glenn Neese, III/25 Years Service/Camden-Wyoming Fire Company
H141-1254	Buckworth	2/16/2002	T	Carl Willoughby/25 Years Service/Camden-Wyoming Fire Company
H141-1255	Buckworth	2/16/2002	T	Richard Winchell/30 Years Service/Camden-Wyoming Fire Company
H141-1256	Buckworth	2/16/2002	T	Harold Scott, Sr./30 Years Service/Camden-Wyoming Fire Company
H141-1257	Buckworth	2/16/2002	T	Leanne Pravitz/Camden-Wyoming Ladies Auxiliary Memb4r of the Year
H141-1258	Buckworth	2/16/2002	T	H. Glenn Neese, III/Camden-Wyoming Fire Company Member of the Year
H141-1259	Buckworth	2/16/2002	T	Mike Breedin/Camden-Wyoming Fire Company Dedicated Third Person
H141-1260	Buckworth	2/16/2002	T	Sean Byron/Camden-Wyoming Fire Company Dedicated Driver

H141-1261	Buckworth	2/16/2002	T	Mike Daugherty/Camden-Wyoming Fire Company EMT of the Year
H141-1262	Price	3/29/2002	T	Irene & Louis Sode/60th Wedding Anniversary
H141-1263	Schroeder	3/4/2002	T	Virginia & Robert Kennedy/60th Wedding Anniversary
H141-1264	Schroeder	2/21/2002	T	Spi Pharma, Inc/Safety Award Recipient
H141-1265	Viola	2/23/2002	T	Christiana Fire Company/81st Anniversary
H141-1266	Viola	2/23/2002	T	Christiana Fire Company Ladies Auxiliary/80th Anniversary
H141-1267	Ulbrich	2/13/2002	M	Mary D'Elia
H141-1268	Lavelle	2/16/2002	T	Mary & Guido Martelli/50th Wedding Anniversary
H141-1269	Lavelle	2/20/2002	T	Donald Puglisi/Distinguished Career/University of Delaware
H141-1270	Wagner	2/17/2002	T	Ann & Donald Bierer/60th Wedding Anniversary
H141-1271	Buckworth	1/19/2002	T	Cindy Small/Manager of the Year/Chesapeake Utilities Corporation
H141-1272	Lavelle	3/9/2002	T	Mary Bare/90th Birthday
	cosponsor: Rep. Carey			
H141-1273	Stone	2/17/2002	M	Ermond Fantini
H141-1274	Wagner	2/18/2002	T	Jason Lilly/Outstanding Male Athlete
H141-1275	Wagner	2/18/2002	T	Pierre Bowers/Outstanding Offensive Football Player

#### HOUSE TRIBUTE ANNOUNCEMENT #57

DATE: March 20, 2002

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
H141-1276	Miro	3/10/2002	T	Joseph Muller/Eagle Scout
H141-1277	Hudson	3/5/2002	T	Dian Taylor/Woman of Distinction
	cosponsors: Reps. Cathcart & Roy			Award Recipient
H141-1278	Caulk	2/21/2002	T	Angela & Frank Lucas/Soliciting Supplies/Ground Zero
H141-1279	Caulk	2/22/2002	T	Charles West, II/Delaware Environmental Stewardship Award Recipient
H141-1280	B. Ennis	1/26/2002	T	Harry Willis/Quality Dealer Award/Time Magazine
H141-1281	B. Ennis	2/10/2002	M	Adam B. Brittingham
H141-1282	B. Ennis	2/22/2002	T	Mary Copper/Retirement/Delaware Home for the Chronically Ill/33 Years
H141-1283	Thornburg	2/28/2002	T	Captain Mark Claveloux/Retirement/Dover Police Department
H141-1284	Buckworth	3/1/2002	T	Ryan Ford/Eagle Scout
	cosponsor: Rep. Quillen			
H141-1285	Brady	3/31/2002	T	Leo McNulty, Jr./Retirement/30 Years/State Employment
H141-1286	Brady	2/28/2002	T	Roger Bickel, Jr./Retirement/29 Years/State Employment
H141-1287	Williams	2/26/2002	T	Harry Young, Jr./Community Leader
H141-1288	Williams	2/26/2002	T	Edward Sherrill/Commitment to Children of Delaware
H141-1289	Williams	2/26/2002	T	Alice Sherrill/Commitment to Educate Children
H141-1290	Williams	2/26/2002	T	Richard Williams/Commitment to Educate Children
H141-1291	Williams	2/26/2002	T	Donald Bowman/Lifelong Public Service
H141-1292	Williams	2/26/2002	T	Millard Brister, Jr./Role Model

H141-1293	Williams	2/26/2002	T	James Green/Bronze Star
H141-1294	Williams	2/26/2002	T	Earl Cannon/Service/United States Marines
H141-1295	Williams	2/26/2002	T	Kenyon Camper/Commitment/Howard High Alumni
H141-1296	Spence	3/7/2002	T	Richard Weldon/23 Years of Service/New Castle Conservation District
H141-1297	Ulbrich	3/14/2002	T	Jennifer Copson/Second Place/Legislative Essay Contest
H141-1298	Hudson	2/21/2002	T	Michele Rollins/Monsignor Thomas Reese
	cosponsor: Rep. Roy			Award Recipient

HOUSE TRIBUTE ANNOUNCEMENT #58

DATE: March 20, 2002

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
H141-1299	Smith	3/12/2002	T	Colonel Gerald Pepper/Appreciation 26+ Years/State Police
H141-1300	Williams	2/26/2002	T	Charles Brittingham/Commitment to Civil Rights
H141-1301	Williams	2/12/2002	M	James A. Griffin
H141-1302	Williams	2/1/2002	M	Lloyd Staats, Sr.
H141-1303	Williams	2/9/2002	M	Alonzo A. Jones
H141-1304	Plant	11/15/2001	T	Dorothy & John Smith/50th Wedding Anniversary
H141-1305	Houghton	2/4/2002	T	Rosemarie & John Callahan, Sr./50th Wedding Anniversary
H141-1306	Houghton	2/2/2002	T	Mildred & Carroll Mullikin/50th Wedding Anniversary
H141-1307	Plant	2/9/2002	T	Dolores & Richard Colgate/50th Wedding Anniversary
H141-1308	Schroeder	3/1/2002	T	Frances & Bobby Kirker/50th Wedding Anniversary
H141-1309	Keeley	2/4/2002	T	Theresa & Thomas Fagan, Sr./50th Wedding Anniversary
H141-1310	Williams	11/17/2001	T	Mary & Herbert Seth/50th Wedding Anniversary
H141-1311	Fallon	3/14/2002	T	S. Joseph Fantl/DelTech Employee Hall of Fame
	cosponsor: Rep. Schroeder			Induction
H141-1312	B. Ennis	3/9/2002	T	Naomi Wayman/Retirement/General Foods/34 Years
H141-1313	B. Ennis	3/3/2002	T	Ryan Haley/Eagle Scout
	cosponsor: Rep. Thornburg			
H141-1314	Fallon	4/6/2002	T	Reverend Thomas Jensen/Ordination/25th Anniversary
	cosponsor: Rep. Ulbrich			
H141-1315	Scott	3/2/2002	T	Mildred Garcia/President/Ladies Auxiliary/Holloway Terrace Fire Company/8 Years
	cosponsor: Rep. Houghton			
H141-1316	Scott	3/2/2002	T	Ladies Auxiliary/Holloway Terrace Fire Company/80th Anniversary
	cosponsor: Rep. Houghton			
H141-1317	Scott	3/2/2002	T	Catherine Young/Oldest Active Member/Holloway Terrace Ladies Auxiliary
	cosponsor: Rep. Houghton			
H141-1318	Caulk	3/6/2002	T	D. Darlene Ravis/Retirement/Division of Accounting/35+ Years
H141-1319	Quillen	2/28/2002	T	D. Jeannie Wood/Retirement/32 Years/Auditor's Office
	cosponsor: Rep. Wagner			
H141-1320	Williams	2/24/2002	M	Terence Eugene Vann

T - Tribute

M - Memoriam

Representatives Miro, Ulbrich & Price requested that they be marked present.

Representative Smith introduced and brought **HCR 35**, sponsored by Representative Spence & Senator Sharp, before the House for consideration.

**HCR 35 - SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS.**

**HCR 35** was adopted by voice vote and was sent to the Senate for concurrence.

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

Representative Wagner requested that **HB 146** be stricken.

Representative Smith requested and was granted privilege of the floor for Morton R. Kimmel, Chairman of the Board of Trustees, Opportunity Center Inc. Representative Ewing made comments.

Representatives DiLiberto, Mulrooney, D. Ennis & Keeley requested that they be marked present.

The Blue-Gold All Star basketball players and cheerleaders, announced their names and their schools for the record. Mr. Speaker Spence & Representative DiLiberto made comments. Representative Quillen requested and was granted personal privilege of the floor to introduce a guest. Representative Lavelle requested that he be marked present. Representative Quillen made a comment. Representative Fallon introduced a guest. Representative Ewing made an announcement.

The Reading Clerk read the following communication into the record:

March 20, 2002

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Pamela S. Maier  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, March 20, 2002, because of a family illness.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:45 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 2:45 p.m.: Representatives Brady, Lofink, Oberle, Reynolds & Stone.

Mr. Speaker Spence called the House to order at 2:21 p.m. on March 21, 2002.

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

LABOR: **HB 33** - 5M; **HB 324** - 5M; **HB 425** - 5M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **SB 279** - 3F, 2M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **SS 1 for SB 306** - 7F, 1M.

TRANSPORTATION: **HB 399** - 5M.

HOUSING & COMMUNITY AFFAIRS: **HB 420** - 5F, 1M.

PUBLIC SAFETY: **HS 1 for HB 385** - 7M; **HB 408** - 6M; **HB 422** - 7M.

JUDICIARY: **HB 411** - 5M; **HB 412** - 6M.

Mr. Speaker Spence assigned **HB 33** to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HB 216 w/HA 1 & SA 1 & 2 & HCR 32** and is returning same to the House.

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

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

**15TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 21, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

Mr. 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 428** - MULROONEY; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, LEE, LOFINK, PLANT, PRICE, SCHROEDER, SCOTT, SPENCE, THORNBURG, VALIHURA, VANSANT, VIOLA, WAGNER, WEST, WILLIAMS; SENATORS AMICK, BONINI, CLOUTIER, CONNOR, COOK, HENRY, MARSHALL, MCBRIDE, SIMPSON, SORENSON, STILL, VAUGHN, WINSLOW - LABOR - An Act to Amend Title 29 Relating to the Protection of a Covered Volunteer Firefighter's State Employment Upon Partial Disability.

**HB 429** - VALIHURA; REPRESENTATIVES BUCKWORTH, B. ENNIS, FALLON, HOUGHTON, KEELEY, LEE, MAIER, MULROONEY, PLANT, WEST, WILLIAMS - EDUCATION - An Act to Amend Titles 14 and 16 of the Delaware Code Relating to Fire Drills and the Duties of the State Fire Marshal and School Districts in the State.

**HB 432** - CATHCART; REPRESENTATIVES BRADY, B. ENNIS, D. ENNIS, FALLON, SPENCE - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

Mr. Speaker Spence introduced a guest. Representatives Buckworth & Wagner requested and were granted privilege of the floor for to present House Certificates to foreign exchange students attending Caesar Rodney and Dover High School. Representative West requested that he be marked present.

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

HEALTH & HUMAN DEVELOPMENT: **HS 1 for HB 377** - 4M; **SB 233** - 5M.

Representative Miro requested that he be marked present.

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

The House reconvened at 4:55 p.m. with Representative Oberle as Acting Speaker.

Mr. Acting Speaker requested that he be marked present. Representative Smith requested and was granted privilege of the floor to present a House Tribute to Professor John Sampson who addressed the House.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SS 1 for SB 306**, jointly sponsored by Senators Adams, Sharp, Sokola & Sorenson & Representatives Spence, Carey, D. Ennis, Fallon, Hudson, Miro, Valihura, Gilligan, Houghton & Mulrooney, before the House for consideration.

**SB 306** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SECURED TRANSACTIONS.

Representative Stone made comments.

The roll call on **SS 1 for SB 306** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **SS 1 for SB 306** was returned to the Senate.

Representatives Brady, Mulrooney, Reynolds & Schroeder requested that they be marked present during the roll call.

Mr. Acting Speaker & Representative Smith made announcements.

Representative Smith deferred to Representative Valihura.

Representative Valihura moved to lift **HB 339** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Valihura brought **HB 339**, jointly sponsored by Senator Cloutier & Representatives Boulden, Buckworth, Carey, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Scott & Stone & Senators Sorenson & Winslow, before the House for consideration.

**HB 339** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES THAT MUST STOP AT RAILROAD CROSSINGS.

Representative Williams introduced and brought **HA 1 to HB 339** before the House for consideration. Representative Williams made comments. **HA 1** was adopted by voice vote. Representative Valihura made comments. The roll call on **HB 339 w/HA 1** was taken and revealed:  
YES: 39.  
NO: Representative Reynolds - 1.  
ABSENT: Representative Scott - 1.  
Therefore, having received a constitutional majority, **HB 339 w/HA 1** was sent to the Senate for concurrence. Representative Smith deferred to Representative Valihura. Representative Valihura brought **HB 327**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 327 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 22, AND ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 RELATING TO THE APPOINTMENT OF A SHERIFF IN EACH COUNTY AND THE POWERS AND DUTIES OF SAID SHERIFF. (2/3 bill)**

Representative Valihura made comments.  
The roll call on **HB 327** was taken and revealed:  
YES: Representatives Hudson, Lavelle, Ulbrich & Valihura - 4.  
NO: 36.  
ABSENT: Representative Scott - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, **HB 327** was declared defeated.

Representative Valihura made comments. Representative Lavelle requested and was granted personal privilege of the floor to make comments. Representative Gilligan made comments. Representative West requested and was granted personal privilege of the floor to introduce a guest.

Representative Smith deferred to Representative Valihura. Representative Valihura brought **HB 370**, jointly sponsored by Representatives Smith, DiPinto, Fallon, Hudson, Lavelle, Lee, Stone & Wagner & Senators Cloutier, Connor, Sorenson & Winslow, before the House for consideration.

**HB 370 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO MARRIAGE.**  
Representative Valihura requested that **HA 1 to HB 370** be stricken. Representative Valihura requested that **HA 2 to HB 370** be stricken. Representative Valihura made comments. Representative Keeley requested and was granted privilege of the floor for Ken Boulden, Clerk of the Peace, New Castle County. Representatives Keeley & Valihura made comments.

The roll call on **HB 370** was taken and revealed:  
YES: 40.  
ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 370** was sent to the Senate for concurrence. Representative Miro requested and was granted personal privilege of the floor to make comments. Mr. Speaker Spence resumed the Chair. Representative Smith deferred to Representative Oberle. Representative Oberle requested and was granted personal privilege of the floor to make comments. Representative Oberle requested and was granted privilege of the floor for Ken Boulden, Clerk of the Peace, New Castle County.

Representative Oberle brought **HB 387**, jointly sponsored by Senator McBride, before the House for consideration.

**HB 387 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES.**

Representative Oberle made comments.  
The roll call on **HB 387** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 387** was sent to the Senate for concurrence.

Representative Smith brought **HB 216 w/HA 1 & SA 1 & 2**, jointly sponsored by Senator McBride & Representatives Spence, Lee, Fallon, Hudson, Thornburg, Ulbrich, B. Ennis, Brady, Gilligan, Price, Schroeder & West & Senators Bunting, Vaughn, Amick, Bonini, Cloutier, Connor, Sorenson, Still & Winslow, before the House for concurrence on **SA 1 & 2**.

**HB 216** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE PREVENTION. (F/N)

Representative Smith made comments.

The roll call on **HB 216 w/HA 1 & SA 1 & 2** was taken and revealed:

YES: 39.

NO: Representative Roy - 1.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 216 w/HA 1 & SA 1 & 2** was sent to the Governor.

Representative Smith deferred to Representative Buckworth. Representative Buckworth requested and was granted privilege of the floor to make an announcement.

Representative Smith brought **HB 305 w/SA 1**, jointly sponsored by Representative Maier & Senator Bunting & Representatives Lee, D. Ennis, Ewing, Lavelle, Thornburg, Ulbrich & Wagner & Senator Venables, before the House for concurrence on **SA 1**.

**HB 305** - AN ACT TO AMEND TITLES 3, 7, AND 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES INVOLVING ANIMALS.

Representative Smith made comments.

The roll call on **HB 305 w/SA 1** was taken and revealed:

YES: 39.

NO: Representative Plant - 1.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, **HB 305 w/SA 1** was sent to the Governor.

Representative Smith deferred to Representative VanSant.

Representative VanSant introduced **HB 436**, jointly sponsored by Representatives DiPinto & B. Ennis & Senator Sorenson & Senator McDowell & Representatives Carey, Fallon, Ewing, Hudson, Keeley, Lee, Quillen, Schroeder & Senators Bunting, Cloutier, Henry, Simpson, Venables & Winslow.

**HB 436** - AN ACT TO AMEND TITLE 16 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DRUG OFFENSES.

Mr. Speaker Spence assigned **HB 436** to the Judiciary Committee.

Representative Smith deferred to Representative Williams.

Representative Williams brought **HB 386**, jointly sponsored by Representatives Brady, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Gilligan, Houghton, Hudson, Keeley, Mulrooney, Oberle, Plant, Price, Reynolds, Valihura, VanSant & West & Senator Henry, before the House for consideration.

**HB 386** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF LAW ENFORCEMENT OFFICER.

Representative Williams made comments.

The roll call on **HB 386** was taken and revealed:

YES: 40.

ABSENT: Representative Scott - 1.

Mr. Speaker Spence appointed Representative Roy as Acting Speaker.

Therefore, having received a constitutional majority, **HB 386** was sent to the Senate for concurrence. Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 399**, jointly sponsored by Senator McBride, before the House for consideration.

**HB 399 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE CREATION OF A DELAWARE AVIATION ADVISORY COUNCIL.**

Representative Spence made comments.

The roll call on **HB 399** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Scott - 2.

Therefore, having received a constitutional majority, **HB 399** was sent to the Senate for concurrence.

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

Representative B. Ennis brought **HB 420**, jointly sponsored by Representatives Buckworth, Caulk, Ewing, Quillen, Stone, Thornburg & Wagner & Senators Cook & Vaughn, before the House for consideration.

**HB 420 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN KENT COUNTY KNOWN AS THE MCLANE READINESS CENTER. (F/N)**

Representative B. Ennis introduced and brought **HA 1 to HB 420** before the House for consideration.

Representative B. Ennis made comments. **HA 1** was adopted by voice vote.

Representative B. Ennis made comments.

The roll call on **HB 420 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Scott - 2.

Therefore, having received a constitutional majority, **HB 420 w/HA 1** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 6:00 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:11 p.m. on March 26, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SS 1 for SB 294 & SB 309 w/SA 1** and requests the concurrence of the House.

The Majority Leader moved to adjourn at 2:13 p.m., thereby ending the current legislative day. The House reconvened at 2:14 p.m.

## **16TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 26, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Lofink - 1.

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

Representative District.

The Colors were presented by the Girl Scouts of the Chesapeake Bay Council.

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

The following prefiled legislation was introduced:

**HB 433 - VALIHURA & SENATOR SOKOLA; REPRESENTATIVES STONE, WAGNER; SENATORS VENABLES, AMICK, BONINI - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to the Rental of Lots in Manufactured Housing Communities.**



**HB 434** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, FALLON, HOUGHTON, MIRO, PLANT, SPENCE, VANSANT, VIOLA, WEST - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Private Investigators and Private Security Agencies.

**HB 435** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, EWING, FALLON, HOUGHTON, MIRO, PLANT, SPENCE, VANSANT, WEST - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Security Systems and Protective Services.

**HB 437** - B. ENNIS & D. ENNIS & REPRESENTATIVE DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, CAULK, EWING, FALLON, HOUGHTON, LEE, MIRO, OBERLE, PRICE, QUILLEN, SPENCE, VANSANT, VIOLA, WEST; SENATOR SIMPSON - APPROPRIATIONS - An Act to Amend Title 16 of the Delaware Code Relating to State Emergency Response Commission; and Providing for Emergency Planning and Response.

**HB 438** - WAGNER & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Bail for Certain Crimes.

**HB 439** - WAGNER & SENATOR COOK - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Certain Crimes. (2/3 bill)

**HB 440** - MAIER & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CATHCART, CAULK, DIPINTO, QUILLEN, ULBRICH; SENATORS HENRY, SOKOLA, AMICK, SORENSON, BONINI, CLOUTIER, CONNOR, STILL, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 21 of the Delaware Code Relating to Authorized Emergency Vehicles.

**HB 441** - MIRO & SENATOR SORENSON - JUDICIARY - Amend Title 10 of the Delaware Code Relating to Jury Selection and Service.

**HA 1 to HB 81** - OBERLE - Placed with the Bill.

**HA 1 to HB 406** - CATHCART - Placed with the Bill.

**HA 2 to HB 409** - SCOTT - Placed with the Bill.

**HCR 37** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, D. ENNIS, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, REYNOLDS, STONE, ULBRICH, HOUGHTON, PLANT, PRICE - EDUCATION - Encouraging the Participation in School Breakfast and Summer Lunch Programs as a Means of Capitalizing on the Link Between Nutrition and Improved Academic Performance

**SS 1 for SB 294** - DELUCA & REPRESENTATIVE ULBRICH; SENATORS BLEVINS, VAUGHN, WINSLOW; REPRESENTATIVES EWING, HUDSON, KEELEY, MIRO, MULROONEY, ROY, SMITH, VANSANT, VIOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Licenses. (3/5 bill)

**SB 309 w/SA 1** - DELUCA & REPRESENTATIVE KEELEY; SENATORS BLEVINS, HENRY, MARSHALL, MCDOWELL; REPRESENTATIVES DIPINTO, ROY, PLANT, SCOTT, WILLIAMS - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 29 of the Delaware Code Relating to Planning Coordination.

Representative Smith made comments. Representative Smith deferred to Representative Fallon. Mr. Speaker Spence introduced guests. Representative Fallon made comments.

Representative Fallon introduced and brought **HCR 34**, sponsored on behalf of All Representatives & jointly sponsored by Senator Cook, on behalf of All Senators, before the House for consideration.

**HCR 34** - RECOGNIZING MARCH 26, 2002, AS GIRL SCOUTS OF THE CHESAPEAKE BAY COUNCIL LEGISLATIVE DAY IN THE STATE OF DELAWARE.

WHEREAS, today there are nearly 3.7 million Girl Scouts – 2.8 million girl members and 942,000 adult members; and

WHEREAS, the first Girl Scout meeting was held in Savannah, Georgia on March 12, 1912 and Girl Scouts of the USA was chartered by the U.S. Congress on March 16, 1950; and

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and wom the highest ideals of character, conduct, and patriotism; and

WHEREAS, in celebrating 90 years of growing strong girls, the Girl Scouts offers girls of all ages, races, socioeconomic backgrounds, and abilities the change to thrive by building real-life skills they will need as adults; and

WHEREAS, girl scouting helps girls grow strong, gain self-confidence and skills for success by helping them to develop their full individual potential while relating to others with understanding, skill, respect and to contribute to the improvement of society through their abilities learned about 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 through grants from Fortune 500 companies to fulfill our country's economic needs and grow into the leaders of tomorrow; and

WHEREAS, Cadette and Senior Girl scouts from throughout Delaware are observing our State government in a attending sessions, meeting legislators, and touring Legislative Hall.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware, the Senate concurring therein, that we hereby proclaim Tuesday, March 26, 2002 as Girl Scout Legislative Day in the State of Delaware, and urge all Delawareans to support the Girl Scouts of the Chesapeake Bay Council in The First State.

Representatives Roy, Miro, Buckworth & Mulrooney requested that they be marked present.

**HCR 34** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Fallon introduced guests. Mr. Speaker Spence made comments.

Representative Smith brought **HB 395**, jointly sponsored by Senator Cloutier & Senator Sokola & cosponsored by Representatives Carey, Cathcart, D. Ennis, Hudson, Lavelle & Thornburg & Senator Cook, before the House for consideration.

**HB 395 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE SYMBOLS.**

Representative Smith made comments.

The Reading Clerk read the following communication into the record at the request of Representative Smith:

Jan. 24, 2002

Dear Mr. Smith,

We really liked when you talked to us about how Delaware was the first state to ratify the Constitution. We learned that our nickname is the First State. We came up with this idea. We want to make a law that says the official nickname is the First State. Could you please make this a law. Thank you!

Love,

Lizzy	Ethan	Stephen R. Moss	Matt	Jordan	Luras
Nina	John	Hope	Rebecca	Savannah	Scotty
Walker	Maggie	Ricky	Linsay	Bryan	Olivia
David	Nicole	Nathan	Samantha		

Representative Smith requested and was granted privilege of the floor for Mrs. Annabelle O'Malley and her first grade students from Mt. Pleasant Elementary School. Representatives Lavelle, D. Ennis & Hudson made comments.

The roll call on **HB 395** was taken and revealed:

YES: 35.

ABSENT: Representatives Brady, Lofink, Oberle, Plant, Reynolds & Williams - 6.

Therefore, having received a constitutional majority. **HB 395** was sent to the Senate for concurrence.

Representatives Boulden, Schroeder & Scott requested that they be marked present during the roll call.

Representative Smith made comments.

The Majority Leader moved to recess for caucus at 2:44 p.m.

The House reconvened at 5:34 p.m. with Representative Roy as Acting Speaker.

Representative Ewing made an announcement.

Representative Ewing requested that action on **HB 422** be Deferred to a Day Certain, Thursday, March, 28,

2002.

Representatives Williams, Plant & Brady requested that they be marked present.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with introduction of and action on **HB 442**.

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

Representative DiPinto made comments.

Representative DiPinto introduced and brought **HB 442**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 442** - AN ACT TO AMEND CHAPTER 18 OF TITLE 30 RELATING TO THE HISTORIC PRESERVATION TAX CREDIT.

Representative DiPinto made comments.

The roll call on **HB 442** was taken and revealed:

YES: 39.

ABSENT: Representatives B. Ennis & Lofink - 2.

Therefore, having received a constitutional majority, **HB 442** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Cathcart.

Representative Valihura made comments.

Representative Cathcart introduced **HB 431**, jointly sponsored by Senator McBride & Representatives Maier & Valihura & Senators Cloutier & Still.

**HB 431** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVISORY INITIATIVES.

Mr. Acting Speaker assigned **HB 431** to the House Administration Committee.

Representative Cathcart requested and was granted privilege of the floor to make comments regarding **HB 431**.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 297, SB 317, SB 316 & SB 311 w/SA 1** and requests the concurrence of the House & **HCR 34** and is returning same to the House.

#### M E M O R A N D U M

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Vincent A. Lofink  
Representative - Twenty-Seventh Representative District  
RE: Absence from Session  
DATE: March 26, 2002

Please be advised that I will be unable to attend session today, Tuesday, March 26, 2002 due to personal business.

Thank you for your consideration in this matter

Mr. Acting Speaker assigned **HS 1 for HB 377** to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:45 p.m.

Mr. Acting Speaker Roy called the House to order at 2:12 p.m. on March 27, 2002.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Dori Connor, do hereby request that my name be removed as cosponsor of **HB 433**.

Date: March 26, 2002

Signed: Dorinda A. Connor

The Majority Whip moved to adjourn at 2:13 p.m., thereby ending the current legislative day. The House reconvened at 2:14 p.m.

**17TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 27, 2002**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives DiLiberto, Gilligan & Smith - 3.

A prayer was offered by Representative Pamela S. Maier, Twenty-First Representative District.

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

The minutes of the previous two legislative days were approved as posted.

The following prefiled legislation was introduced:

**HB 443** - PRICE & SENATOR BUNTING; REPRESENTATIVES BUCKWORTH, CAREY, B. ENNIS, FALLON, HOUGHTON, KEELEY, PLANT, VANSANT, WEST - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Chapter 39, Title 7 of the Delaware Code Relating to the Use of the State Dredge.

**HB 444** - SCOTT; REPRESENTATIVES DIPINTO, KEELEY, LOFINK, MIRO, MULROONEY, PLANT, SCHROEDER, WEST; SENATORS HENRY, MARSHALL, MCDOWELL - TRANSPORTATION - An Act to Amend Title 2 of the Delaware Code Relating to Public Transportation.

**HA 1 to HB 408** - HUDSON - Placed with the Bill.

**SB 297** - BUNTING & REPRESENTATIVE SCHROEDER - HOUSE ADMINISTRATION - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, the Charter of the City of Rehoboth Beach as Amended, with Regard to the Awarding of Contracts and the Requirement for Competitive Bidding in Relation Thereto. (2/3 bill)

**SB 311 w/SA 1** - MARSHALL & REPRESENTATIVE LOFINK - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

**SB 316** - ADAMS & REPRESENTATIVE STONE; SENATORS SHARP, SOKOLA, SORENSON; REPRESENTATIVES CAREY, D. ENNIS, FALLON, HUDSON, VALIHURA, HOUGHTON, KEELEY - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions. (2/3 bill)

**SB 317** - BUNTING & REPRESENTATIVE WEST - HOUSE ADMINISTRATION - An Act to Amend Chapter 138, Volume 68, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Dagsboro" Relating to Voter Qualifications and Registration for Elections to Borrow Money or Issue Bonds and Relating to the Special Elections Scheduled for April 27, 2002. (2/3 bill)

Representatives Buckworth & West requested that they be marked present.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #59**

DATE: March 27, 2002

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
H141-1321	Caulk	2/28/2002	M	Virginia Tatman
H141-1322	B. Ennis	3/1/2002	M	Molly Porter
H141-1323	Williams	2/22/2002	M	Richard Harwick
H141-1324	Schroeder	3/24/2002	T	Andy Olenderski/Eagle Scout

H141-1325	Schroeder	3/24/2002	T	Jody Brittingham/Eagle Scout
H141-1326	Carey	3/24/2002	T	Michael Keller/Eagle Scout
H141-1327	Carey	3/16/2002	T	Benjamin Antonik/Eagle Scout
H141-1328	Quillen	3/14/2002	T	Richard Santos/Welcome/American Legion National Commander
H141-1329	Ewing	3/12/2002	T	Kaz Hosaka/Poodle/Best-in-Show
H141-1330	Ewing	3/12/2002	T	Ann Clark/Poodle/Best-in-Show
H141-1331	Caulk	3/14/2002	T	Thomas Hoffman/Third Place/Essay Contest/James Madison
H141-1332	Buckworth	3/14/2002	T	Aaron Trinkle/First Place/Essay Contest/James Madison
H141-1333	Maier	3/7/2002	T	Michelle Shoup/President/Vice-President/Wilson School PTA
H141-1334	D. Ennis	3/6/2002	T	Barbara Eden/Stage and Screen Performances
cosponsors: All Representatives				
H141-1335	DiPinto	2/17/2002	T	Father John Hurley/Model UN Team Coach/Salesianum/National Honors
H141-1336	Spence	3/7/2002	T	Honorable Terry R. Spence/Thanks for the Memories
H141-1337	Wagner	3/2/2002	M	Jennie Tweed Bell Alexander
H141-1338	Spence	3/12/2002	T	Kettle Creek Ambulance Association/Exemplary Aid/Medical Emergency
H141-1339	DiPinto	3/27/2002	T	Mary Chute/Contributions/Division of Libraries
cosponsors: Reps. Brady, Buckworth, D. Ennis, Fallon & Houghton				
H141-1340	Lofink	6/3/2001	T	Jeff Campbell/Assistant Coach/Caravel Academy Softball Championship
H141-1341	Lofink	6/3/2001	T	Dana Hicken/Assistant Coach/Caravel Softball Championship
H141-1342	Lofink	6/3/2001	T	Mike Salony/Assistant Coach/Caravel Academy Softball Championship
H141-1343	Lofink	6/3/2001	T	Steve Baker/Head Coach/Caravel Academy Softball Championship

#### HOUSE TRIBUTE ANNOUNCEMENT #60

DATE: March 27, 2002

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>
H141-1344	Lofink	6/3/2001	T	Nicole Shallcross/Caravel Academy/Softball Championship
H141-1345	Lofink	6/3/2001	T	Ashley James/Caravel Academy/Softball Championship
H141-1346	Lofink	6/3/2001	T	Christin Mills/Caravel Academy/Softball Championship
H141-1347	Lofink	6/3/2001	T	Amber Hicken/Caravel Academy/Softball Championship
H141-1348	Lofink	6/3/2001	T	Stephanie Campbell/Caravel Academy/Softball Championship
H141-1349	Lofink	6/3/2001	T	Emily Irish/Caravel Academy/Softball Championship
H141-1350	Lofink	6/3/2001	T	Ashley Niggebrugge/Caravel Academy/Softball Championship
H141-1351	Lofink	6/3/2001	T	Alexis Niggebrugge/Caravel Academy/Softball Championship
H141-1352	Lofink	6/3/2001	T	Erin McGlynn/Caravel Academy/Softball Championship
H141-1353	Lofink	6/3/2001	T	Nancy Tokar/Caravel Academy/Softball Championship
H141-1354	Lofink	6/3/2001	T	Kim Helm/Caravel Academy/Softball Championship
H141-1355	Lofink	6/3/2001	T	Erin Bilbrough/Caravel Academy/Softball Championship
H141-1356	Lofink	6/3/2001	T	Megan Richardson/Caravel Academy/Softball Championship

H141-1357	Lofink	6/3/2001	T	Lindsay Long/Caravel Academy/Softball Championship
H141-1358	Lofink	6/3/2001	T	Jackie Homiak/Caravel Academy/Softball Championship
H141-1359	Price	4/14/2002	T	St. Martin's-in-the-Field Episcopal Church/50th Anniversary
H141-1360	Buckworth	3/30/2002	T	Lola Gibbs/100th Birthday
cosponsor: Rep. Stone				
H141-1361	Buckworth	4/8/2002	T	Helen Reath/95th Birthday
H141-1362	Quillen	4/19/2002	T	Connie & Harry Kemp/50th Wedding Anniversary
H141-1363	Wagner	3/21/2002	T	Edith & Roy Williams/60th Wedding Anniversary
H141-1364	Cathcart	3/28/2002	T	Dr. Edwin Gordon/Music in Our Schools Month/Appreciation
H141-1365	Hudson	2/25/2002	T	Joseph McCool, III/Eagle Scout
H141-1366	Williams	3/4/2002	T	Judith & Wesley Harper/45th Wedding Anniversary
H141-1367	Quillen	4/6/2002	T	Judge Russell Rash/Dedicated Service/JP Court/34 Years
H141-1368	Fallon	4/8/2002	T	Joyce Schaefer/Mother of the Year

T- Tribute

M - Memoriam

Representative Lee brought the following prefiled **Consent Calendar #12** before the House for consideration.

**HR 44** - Wagner & Representative D. Ennis & Representative B. Ennis & Representative Keeley - REMINDING STATE AGENCIES THAT EACH STATE EMPLOYEE IS PERMITTED TO CONTACT ANY STATE LEGISLATOR TO REQUEST A MEETING WITH SUCH LEGISLATOR; AND EACH STATE EMPLOYEE IS PERMITTED TO MEET PRIVATELY WITH HIS OR HER STATE LEGISLATOR TO DISCUSS ANY MATTER RELATING TO STATE GOVERNMENT.

**HCR 36** - Ulbrich & Senator Henry & Senator McDowell & Representatives Boulden, Buckworth, Carey, Cathcart, DiPinto, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Lee, Maier, Miro, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura, VanSant, Wagner, West & Williams & Senators Cloutier & Winslow - REQUESTING THAT DELAWARE'S CONGRESSIONAL DELEGATION SUPPORT FEDERAL LEGISLATION WHICH REQUIRES CRIMINAL BACKGROUND CHECKS FOR ALL CIVILIAN PILOT TRAINING SCHOOL AND AIRCRAFT MAINTENANCE TRAINING SCHOOL APPLICANTS.

**Consent Calendar #12** was adopted by voice vote and **HR 44** was declared passed and **HCR 36** was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

March 27, 2002

The Hon. Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Speaker Spence:

I will be unable to attend session today, March 27, 2002 due to personal business.

Thank you for your consideration of this matter.

Sincerely,

Wayne A. Smith

House Majority Leader

Representative Quillen made an announcement. Representative Maier introduced a guest. Representatives Stone, Wagner, Ulbrich, Keeley & Hudson requested that they be marked present.

The Majority Whip 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 Brady, Cathcart, Fallon, Lavelle, Miro, Oberle, Reynolds, Spence & Viola.

Mr. Acting Speaker Roy called the House to order at 2:08 p.m. on March 28, 2002.

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

BUSINESS/CORPORATIONS/COMMERCE: **HB 406** - 1F, 6M.

EDUCATION: **HB 388** - 8M; **HB 391** - 8M; **HB 429** - 8M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 424** - 1F, 4M.

PUBLIC SAFETY: **HS 1 for HB 390** - 5M; **SB 288 w/SA 1** - 5M.

SUBSTANCE ABUSE: **HB 413** - 5M.

HEALTH & HUMAN DEVELOPMENT: **HB 421** - 4M; **HB 423** - 4M; **HJR 24** - 4M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **SB 316** - 7M.

REVENUE & FINANCE: **HB 378** - 1F, 6M.

JUDICIARY: **HB 426** - 6M; **HB 427** - 6M; **HB 436** - 6M; **HB 438** - 6M; **HB 439** - 6M.

HOUSE ADMINISTRATION: **SB 297** - 4M; **SB 317** - 4M.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, F. Gary Simpson, do hereby request that my name be removed as cosponsor of **HB 433**.

Date: March 27, 2002

Signed: F. Gary Simpson

Representatives Fallon, DiLiberto, Gilligan Smith & Cathcart requested that they be marked present for the current Legislative Day.

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.

**18TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**March 28, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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 minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

**HA 1 to HB 405** - OBERLE - Placed with the Bill.

**HA 1 to HB 422** - VANSANT - Placed with the Bill.

**HA 10 to SB 99** - PRICE - Placed with the Bill.

Representatives B. Ennis & Gilligan requested that they be marked present. Representative Smith deferred to Representative Thornburg. Representative Thornburg requested and was granted privilege of the floor to present a House Tribute to Colonel Gerald R. Pepper, Superintendent, Delaware State Police. Representative Smith made comments. Representatives Valihura, Viola, Keeley & Plant requested that they be marked present. Representative Spence made comments.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 322** - 5M.

Representative Valihura made comments.

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

The House reconvened at 4:10 p.m. with Representative Oberle as Acting Speaker.

Representative Oberle requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 308, SB 314, SB 305 & SB 322** and requests the concurrence of the House; **HB 383 & HB 442** and is returning same to the House;  
WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Bruce Ennis, do hereby request that my name be removed as cosponsor of **HB 433**.

Date: March 28, 2002                      Signed: Bruce C. Ennis

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 422** before the House for consideration.

**HB 422 - AMEND TITLE 16, CHAPTER 50 OF THE DELAWARE CODE RELATING TO COSTS OF TRANSPORTATION.** (F/N)

Representative VanSant brought **HA 1 to HB 422** before the House for consideration. Representative VanSant made comments. **HA 1** was adopted by voice vote. Representative Ewing made comments.

The roll call on **HB 422 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, **HB 422 w/HA 1** was sent to the Senate for concurrence.

Representatives Boulden, Brady, Hudson, Lavelle, Maier, Reynolds, Schroeder, Stone & Wagner requested that they be marked present during the roll call.

Representative Smith deferred to Representative Lofink.

Representative Lofink brought **HB 324**, jointly sponsored by Senator McBride & Representatives Spence, Buckworth, Ewing, Oberle & Gilligan & cosponsored by Representative Viola, before the House for consideration.

**HB 324 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.**

Representative Lofink made comments.

The roll call on **HB 324** was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, **HB 324** was sent to the Senate for concurrence.

Representative Lofink brought **HB 425**, jointly sponsored by Representative Oberle & Senator Marshall & cosponsored by Representative Viola, before the House for consideration.

**HB 425 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.**

Representative Lofink made comments.

The roll call on **HB 425** was taken and revealed:

YES: 40.

ABSENT: Representative Gilligan - 1.

Therefore, having received a constitutional majority, **HB 425** was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 412**, jointly sponsored by Senator Vaughn & Representatives Brady, Ewing, Houghton, Lee, Oberle, Spence, VanSant, Wagner & Williams & cosponsored by Senator Winslow, before the House for consideration.

**HB 412 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS.**

Representative B. Ennis made comments.

The roll call on **HB 412** was taken and revealed:

YES: 40.



ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, **HB 412** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder introduced **HB 448**, jointly sponsored by Senator Bunting & Representatives B. Ennis, Gilligan, Price, Quillen, Wagner & West & Senators Blevins, DeLuca & Simpson.

**HB 448** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICIAL STATE MARINE ANIMAL.

Mr. Speaker Spence assigned **HB 448** to the Natural Resources & Environmental Management Committee.

Representative Quillen brought **SB 279**, jointly sponsored by Senator Simpson, before the House for consideration.

**SB 279** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FISHING.

Representatives Quillen & Schroeder made comments.

The roll call on **SB 279** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Smith - 2.

Therefore, having received a constitutional majority, **SB 279** was returned to the Senate.

Representative Lee brought **HB 424**, jointly sponsored by Senator Sharp & Representatives Smith, Boulden, Cathcart, DiLiberto, Ewing, Fallon, Lavelle, Maier, Miro, Stone, Thornburg, Valihura, Gilligan, VanSant, B. Ennis, Houghton, Mulrooney, Plant, Price, Viola & West & Senators Bunting, Vaughn, Cloutier & Simpson, before the House for consideration.

**HB 424** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. (2/3 bill)

Representative Lee made comments.

The roll call on **HB 424** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 424** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 413**, jointly sponsored by Representatives DiPinto & Scott & Senators Marshall & McDowell & cosponsored by Senator Bonini, before the House for consideration.

**HB 413** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES AND TRAFFICKING. (F/N)

Representatives Keeley, Williams & Oberle made comments. Representative Williams requested and was granted privilege of the floor for Steve Wood, Deputy Attorney General. Representative Williams made comments.

The roll call on **HB 413** was taken and revealed:

YES: 37.

NO: Representative Williams - 1.

NOT VOTING: Representative Scott - 1.

ABSENT: Representatives Ewing & Smith - 2.

Therefore, having received a constitutional majority, **HB 413** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Maier.

Representative Maier brought **HB 388**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 388** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY.

Representatives Maier & Brady made comments.

The roll call on **HB 388** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Smith - 2.

Therefore, having received a constitutional majority, **HB 388** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Maier.

Representative Maier brought **HB 391**, jointly sponsored by Senator Sokola & Representatives Spence,

Buckworth, Carey, DiPinto, Lofink, Miro, Stone, Ulbrich & Wagner & Senators Sorenson, Cloutier, Connor, Simpson, Still & Winslow, before the House for consideration.

**HB 391** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS.

Representative Maier introduced a guest. Representative Maier made comments.

The roll call on **HB 391** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, **HB 391** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 423**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 423** - AN ACT AMENDING TITLE 29 OF THE DELAWARE CODE TO AUTHORIZE THE DIVISION OF STATE SERVICE CENTERS TO ENGAGE IN FUNDRAISING ACTIVITIES.

Representative Maier introduced guests. Representative Maier made comments.

The roll call on **HB 423** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, **HB 423** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson introduced **HB 447**, jointly sponsored by Representative Viola & Senator Cook & Representatives Buckworth, Carey, D. Ennis, Fallon, Miro, Reynolds, Valihura & Smith & Senators Sorenson, Cloutier & Winslow & cosponsored by Representative Spence.

**HB 447** - AN ACT TO AMEND TITLE 21 AND TITLE 6 OF THE DELAWARE CODE RELATING TO SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER. AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO INCREASE PUBLIC AWARENESS OF SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER. (2/3 bill)

Mr. Speaker Spence assigned **HB 447** to the Public Safety Committee.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced **HB 446**, jointly sponsored by Senator DeLuca.

**HB 446** - AN ACT TO AMEND TITLE 21 RELATING TO REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES.

Mr. Speaker Spence assigned **HB 446** to the Public Safety Committee.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 45**, jointly sponsored by Representative Lofink on behalf of All Representatives, before the House for consideration.

**HR 45** - RECOGNIZING APRIL 28, 2002 AS WORKERS MEMORIAL DAY.

Representative Oberle made comments.

**HR 45** was adopted by voice vote.

Representative Smith brought **SB 317**, sponsored by Senator Bunting & Representative West, before the House for consideration.

**SB 317** - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" RELATING TO VOTER QUALIFICATIONS AND REGISTRATION FOR ELECTIONS TO BORROW MONEY OR ISSUE BONDS AND RELATING TO THE SPECIAL ELECTIONS SCHEDULED FOR APRIL 27, 2002. (2/3 bill)

Representative Smith made comments.

The roll call on **SB 317** was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing & Keeley - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 317** was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 438**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 438** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL FOR CERTAIN CRIMES.

Representative Wagner made comments.

The roll call on **HB 438** was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority, **HB 438** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner moved to suspend the rules which interfere with action on **HCR 37**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Wagner brought **HCR 37** jointly sponsored by Senator Sokola & Representatives Buckworth, Carey, Caulk, D. Ennis, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Reynolds, Stone, Ulbrich, Houghton, Plant & Price, before the House for consideration.

**HCR 37** - ENCOURAGING THE PARTICIPATION IN SCHOOL BREAKFAST AND SUMMER LUNCH PROGRAMS AS A MEANS OF CAPITALIZING ON THE LINK BETWEEN NUTRITION AND IMPROVED ACADEMIC PERFORMANCE.

Representative Wagner made comments.

**HCR 37** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier. Representative Maier requested that action on **HJR 24** be Deferred to a Day Certain, Wednesday, April, 24, 2002.

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

GAMING & PARIMUTUELS: **HB 405** - 5M.

The Majority Leader moved to recess to the call of the Chair at 5:46 p.m.

Mr. Speaker Spence called the House to order at 2:21 p.m. on April 16, 2002.

The Majority Leader moved to adjourn at 2:22 p.m., thereby ending the current legislative day. The House reconvened at 2:23 p.m.

#### **19TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 16, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

Mr. Speaker Spence introduced Brandon Hughes and Devon Courtney who led those present in a pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 414** - PLANT - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Department of Education.

**HB 449** - VALIHURA; REPRESENTATIVES CAULK, DIPINTO, FALLON, LOFINK - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 29 of the Delaware Code Relating to Facilities Management.

**HB 451** - SPENCE - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to the State Police.

**HB 452** - LAVELLE & SENATOR HENRY; REPRESENTATIVES CAULK, DIPINTO, ULBRICH, B. ENNIS, PLANT; SENATORS SORENSON, BONINI, SIMPSON, STILL - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Rules of the Road.

**SB 305** - BLEVINS & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Health Planning and Resources Management.

**SB 308** - VAUGHN & REPRESENTATIVE LEE; SENATOR MCDOWELL - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to the Board of Parole.

**SB 314** - HENRY & REPRESENTATIVE HUDSON - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Child Support Obligations.

**SB 322** - SOKOLA & SENATOR SIMPSON & REPRESENTATIVES REYNOLDS, SCHROEDER & ULBRICH; SENATORS COOK, DELUCA; REPRESENTATIVES FALLON, MAIER, MIRO, WAGNER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Level II Students and Promotion to the Next Grade.

Representative Cathcart made comments. Representatives D. Ennis & DiLiberto requested that they be marked present. Representative Quillen made an announcement. Representative Plant requested that she be marked present.

Representative Lee deferred to Representative Keeley. Representative Keeley requested and was granted privilege of the floor to present House Tributes to participants in Public Allies of Delaware. Mr. Speaker Spence made comments.

Representatives Reynolds, Maier, Fallon & Hudson requested that they be marked present. Representative Quillen made an announcement.

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

The House reconvened at 3:23 p.m. with Representative Roy as Acting Speaker.

Representative Smith moved to suspend the rules which interfere with action on **SB 301**. The motion was seconded by Representative Lee and adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Smith brought **SB 301**, sponsored by Senators Sharp, Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Sokola, Vaughn & Venables, before the House for consideration.

**SB 301** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS INTO 21 SENATORIAL DISTRICTS AND 41 REPRESENTATIVE DISTRICTS AND TO PERMIT THE COUNTY BOARDS OF ELECTIONS TO APPROVE ELECTION LINES WHEN A VACANCY EXISTS ON THE BOARD.

Representative Smith made comments. Representative Smith introduced and brought **HA 1 to SB 301**, sponsored by Representative Spence, before the House for consideration. Representative Smith introduced and brought **HA 1 to HA 1 to SB 301**, sponsored by Representative Spence, before the House for consideration. Representative Smith made comments. **HA 1 to HA 1** was adopted by voice vote. Representatives Smith, Gilligan, Mr. Speaker Spence, Representatives Valihura & Smith made comments.

The roll call on **HA 1 w/HA 1 to SB 301** was taken and revealed:

YES: 26.

NO: Representatives Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, VanSant, Viola, West & Williams - 15.

Therefore, having received a constitutional majority, **HA 1 and HA 1 to HA 1 to SB 301** were declared passed. Representatives Boulden, Brady, Oberle & Ulbrich requested that they be marked present during the roll call. Representative DiLiberto, Mr. Speaker Spence, Representatives Brady, Scott, Keeley, Plant, West & Mr.

Speaker Spence made comments.

The roll call on **SB 301 w/HA 1 & HA 1 to HA 1** was taken and revealed:

YES: 26.

NO: Representatives Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, VanSant, Viola, West & Williams - 15.

Therefore, having received a constitutional majority, **SB 301 w/HA 1 & HA 1 to HA 1** was returned to the Senate for concurrence on **HA 1 & HA 1 to HA 1**.

The Majority Leader moved to recess to the call of the Chair at 4:05 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:25 p.m. on April 17, 2002.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative William Oberle, do hereby request that my name be removed as cosponsor of **HB 198**.

Date: 4/10/02

Signed: William A. Oberle

April 8, 2002

**LEGISLATIVE ADVISORY #26**

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/25/02 - **HB 363**; 3/27/02 - **SS 1 for SB 306, HB 216 aab HA 1 & SA 1 & 2 & HB 305 aab SA 1**; 3/28/02 - **HB 383 & HB 442**.

April 15, 2002

**LEGISLATIVE ADVISORY #27**

Governor Ruth Ann Minner signed the following legislation on the date indicated: 4/10/02 - **SB 279 & SB 317**.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder introduced **HB 458**, jointly sponsored by Senator Sokola.

**HB 458 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDER AND TO EXTEND THE LIFE OF THE COMMUNITY NOTIFICATION TASK FORCE.**

Mr. Acting Speaker assigned **HB 458** to the Education Committee.

Representative Smith deferred to Representative Stone. Representative Stone requested and was granted personal privilege of the floor to introduce guests. Mr. Acting Speaker made comments. Representative Smith deferred to Representative Maier. Representative Maier introduced guests.

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

**20TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 17, 2002**

The Chief Clerk called the roll:

Members Present: 39.

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

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

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

The following prefiled legislation was introduced:

**HB 396** - VIOLA & SENATOR DELUCA; REPRESENTATIVES B. ENNIS, GILLIGAN, KEELEY, MAIER, MULROONEY; SENATORS AMICK, SOKOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Chapter 23 of Title 24 of the Delaware Code Relating to Pawnbrokers, Second-hand Dealers, and Junk Dealers. (2/3 bill)

**HB 450** - KEELEY & REPRESENTATIVE CAULK & REPRESENTATIVE WEST & SENATOR BLEVINS & SENATOR VAUGHN; REPRESENTATIVES CAREY, D. ENNIS, LEE, MAIER, ROY, VALIHURA; SENATORS BUNTING, SIMPSON, VENABLES - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to a Tobacco Product Tax. (3/5 bill)

**HB 453** - VALIHURA & SENATOR SOKOLA - JUDICIARY - An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Seizures and Forfeitures in Criminal Cases.

**HB 454** - BUCKWORTH & SENATOR BLEVINS; REPRESENTATIVES SPENCE, LEE, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LOFINK, MAIER, MIRO, QUILLEN, REYNOLDS, ROY, STONE, ULBRICH, VALIHURA, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, MULROONEY, PRICE, SCHROEDER, VIOLA, WEST, WILLIAMS; SENATORS MCDOWELL, AMICK, SORENSON, CLOUTIER, CONNOR, SIMPSON, WINSLOW - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 6, Title 13, Delaware Code, the Uniform Interstate Family Support Act.

**HB 455** - WAGNER & SENATOR BUNTING; REPRESENTATIVES BUCKWORTH, D. ENNIS, EWING, FALLON, HUDSON, REYNOLDS, BRADY, PLANT - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 24 of the Delaware Code Relating to Hotels, Restaurants and Places of Entertainment.

**HB 456** - WAGNER & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, D. ENNIS, BRADY, B. ENNIS, HOUGHTON, WILLIAMS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance Contracts.

**HB 457** - LAVELLE & SENATOR AMICK; REPRESENTATIVE LEE, BOULDEN, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, ULBRICH, BRADY, KEELEY, PLANT; SENATORS SORENSON, BONINI, CLOUTIER, SIMPSON, STILL, WINSLOW - EDUCATION - An Act to Amend Title 14, Delaware Code Relating to the Michael C. Ferguson Achievement Awards Scholarship.

**HB 459** - FALLON; REPRESENTATIVES EWING, WEST; SENATOR BUNTING - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Chapter 1 of Title 26 of the Delaware Code Relating to the Public Service Commission and Certificates of Public Convenience and Necessity.

**SB 328 w/SA 1** - ADAMS & REPRESENTATIVE WEST; SENATORS VENABLES & BUNTING - HOUSING & COMMUNITY AFFAIRS - An Act to Authorize and Approve the Transfer of Certain Real Property in the Town of Georgetown, Sussex County, Delaware.

**HA 1 to SS 1 for SB 130** - LAVELLE - Placed with the Bill.

Representative Cathcart requested that he be marked present.

Representative Smith brought the following prefiled **Consent Calendar #13** before the House for consideration.

**HCR 38** - Spence on behalf of All Representatives & Senator Sharp on behalf of All Senators - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2002 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE.

**HCR 39** - Fallon & Representative Oberle - ENCOURAGING PARENTS TO have THEIR CHILDREN'S EYES EXAMINED BY A PROFESSIONAL, PRIOR TO ENTERING SCHOOL.

**HCR 40** - Spence & Senator Sharp - IN RECOGNITION OF TELECOMMUNICATIONS WEEK.

**Consent Calendar #13** was adopted by voice vote and **HCR 38, HCR 39 & HCR 40** were sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

# HOUSE TRIBUTE ANNOUNCEMENT #61

DATE: April 17, 2002

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
H141-1369	Fallon	4/8/2002	T	Dr. Sharon Yoder/Merit Mother of the Year
H141-1370	Maier	3/12/2002	T	Major General Francis Vavala/Legion of Merit Medal Recipient
H141-1371	B. Ennis	3/16/2002	T	Detective Ronald Durham, Jr./Police Officer of the Year/Dover Elks
H141-1372	cosponsor: Rep. Wagner Stone	3/16/2002	T	John Lecompte/Firefighter of the Year/Dover Elks
H141-1373	cosponsor: Rep. Wagner Stone	3/16/2002	T	Sergeant Douglas Haddad/Paramedic of the Year/Dover Elks
H141-1374	cosponsor: Rep. Wagner Thornburg	3/16/2002	T	TE-1 Marilyn Arwe/Volunteer of the Year/Dover Elks
H141-1375	cosponsor: Rep. Wagner Caulk	3/16/2002	T	Edythe Crank/Senior Volunteer of the Year/Dover Elks
H141-1376	Wagner	3/16/2002	T	Jocelyn Jones/Student of the Year/Dover Elks
H141-1377	Wagner	3/16/2002	T	Michael Crain/Teenager of the Year/Dover Elks
H141-1378	Schroeder	3/16/2002	T	M. Jane Brady/Citizen of the Year/Dover Elks
H141-1379	cosponsor: Rep. Wagner Stone	3/16/2002	T	Tessa Dunn & David Baszkowski/Marriage
H141-1380	Lofink	3/12/2002	T	David Schuh/54th Birthday
H141-1381	D. Ennis	3/19/2002	T	Masatoshi Ohoishi/Visit to Legislative Hall
H141-1382	cosponsor: Rep. Thornburg Roy	3/16/2002	T	Chris Cullis/Eagle Scout
H141-1383	DiLiberto	3/14/2002	T	Claude Holloway/President/Red Mill Farms Civic Association
H141-1384	Quillen	3/16/2002	T	William Harvey, Jr./Fireman of the Year/EMS of the Year/Houston
H141-1385	cosponsor: Rep. Ewing Quillen	3/16/2002	T	Carroll Jester/Fireman of the Year/EMS of the Year/Houston
H141-1386	Wagner	3/22/2002	T	Arthur Mayer, Jr./Visit to First State
H141-1387	Price	3/14/2002	T	Tall Cedars Week
H141-1388	Roy	3/7/2002	T	Margaret & Robert Manning/60th Wedding Anniversary

# HOUSE TRIBUTE ANNOUNCEMENT #62

DATE: April 17, 2002

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
H141-1389	Ewing	3/18/2002	T	Jack Pallace/Retirement/Woodbridge High School
H141-1390	Buckworth	3/19/2002	T	Kevin Fitzgerald/Secondary Principal of the Year
H141-1391	Roy	3/19/2002	T	Dave Deputy/Leadership/Outstanding Service
H141-1392	D. Ennis	3/20/2002	T	Suelynn Manlove/National Young Leaders Conference
H141-1393	Spence	4/25/2002	T	Administrative Professionals Week/50th Anniversary

H141-1394	Spence	4/18/2002	T	Delaware Today/40th Anniversary
H141-1395	Maier	5/11/2002	T	Mill Creek Fire Company/75th Anniversary
H141-1396	Maier	4/6/2002	T	Valerie Stewart & Beau Walton/Marriage
H141-1397	Houghton	12/15/2001	T	Bertha & Harry Nicholson/50th Wedding Anniversary
H141-1398	B. Ennis	4/27/2002	T	Charles Roland Fisher/Eagle Scout
H141-1399	Roy	5/11/2002	T	Michael P. Bonk/Eagle Scout
H141-1400	Quillen	3/14/2002	T	Corey Dennis/100-Yard Butterfly Record
H141-1401	Williams	11/7/2001	T	Elizabeth & Harvey Manchester/55th Wedding Anniversary
H141-1402	B. Ennis	1/25/2002	T	Shirley & Irvin Little/50th Wedding Anniversary
H141-1403	Scott	1/24/2002	T	Ellen & Gilbert Robinson/60th Wedding Anniversary
H141-1404	West	1/17/2002	T	Coleta & Ernest Dorey/50th Wedding Anniversary
H141-1405	VanSant	2/20/2002	T	Jeanne & Donald Wood/50th Wedding Anniversary
H141-1406	VanSant	2/23/2002	T	Beatrice & John Nawrocki/50th Wedding Anniversary
H141-1407	Viola	2/22/2002	T	Frankie & Warren Duncan/50th Wedding Anniversary
H141-1408	Mulrooney	2/23/2002	T	Barbara & Henry Mancini/50th Wedding Anniversary
H141-1409	Houghton	2/14/2002	T	Kathryn & Francis Bailey/60th Wedding Anniversary
H141-1410	B. Ennis	3/7/2002	M	Ruth E. Jurgens
H141-1411	B. Ennis	3/15/2002	M	Jason R. Durham
H141-1412	Smith	3/21/2002	T	John Sampson/Drafted Uniform Interstate Family Support Act
H141-1413	DiPinto	3/18/2002	T	Lynn Williams/Dr. Wallace Johnson Community Service Award Recipient
H141-1414	Brady	3/22/2002	T	Melissa Sareyka & William Dunn/Marriage

#### HOUSE TRIBUTE ANNOUNCEMENT #63

DATE: April 17, 2002

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>
H141-1415	Oberle	3/20/2002	T	Dave Miller/Correctional Officer of the Year
H141-1416	Ewing	3/27/2002	T	Richard McCann/Esquire/Legal Adviser/Police Chiefs' Council & Foundation
H141-1417	Miro	3/21/2002	T	D. Jaime Rivera/Chair/Governor's Council on Hispanic Affairs
H141-1418	DiPinto	3/22/2002	T	Jane Wilkie/60th Birthday
H141-1419	Williams	3/20/2002	M	Jameel L. Smith
H141-1420	Stone	3/19/2002	M	Walter Lee Gibson, Sr.
	cosponsor: Rep. Wagner			
H141-1421	DiPinto	3/18/2002	M	Thomas James Wilson
	cosponsors: All Representatives			
H141-1422	Wagner	6/29/2001	T	Patricia Phipps & Paul Houck/Marriage
	cosponsor: Rep. Maier			
H141-1423	Brady	2/17/2002	T	Mary & Andrew Likovich/60th Wedding Anniversary
H141-1424	Maier	3/21/2002	M	Ted F. Panek
H141-1425	Quillen	3/23/2002	M	Paul G. White
	cosponsor: Rep. Wagner			
H141-1426	Buckworth	3/27/2002	T	Tyresa Smith/All-State Girls Basketball First Team
H141-1427	West	4/7/2002	T	John Hughes/Honorary Life Member/Lower



				Sussex Sports Club
H141-1428	Williams	3/14/2002	M	Anna R. Silver
H141-1429	Williams	3/16/2002	M	Donald L. Thomas, Sr.
H141-1430	Caulk	4/2/2002	T	Kent-Sussex Industries/40th Anniversary
	cosponsor: Rep. Carey			
H141-1431	Plant	5/18/2002	T	Reverend Dr. Janet Harmon/Retirement/Simpson United Methodist Church
H141-1432	Stone	2/28/2002	M	William A. Cannon
	cosponsor: Rep. Roy			
H141-1433	Reynolds	4/12/2002	T	Jacqueline Brown/Leadership/Colonial Region Chair
H141-1434	Price	3/28/2002	T	Douglas Marvel/Alternate/National Youth Science Camp
H141-1435	B. Ennis	4/4/2002	T	John Dukes/75th Birthday
H141-1436	D. Ennis	3/28/2002	T	Laura Goeller/All-State Swimming First Team

#### HOUSE TRIBUTE ANNOUNCEMENT #64

DATE: April 17, 2002

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
H141-1437	D. Ennis	3/28/2002	T	Kaitlyn Brady/All-State Swimming First Team
H141-1438	West	4/7/2002	T	Pete Martin/Honorary Life Member/Lower Sussex Sports Club
H141-1439	B. Ennis	4/7/2002	T	Honorable Charles West/Honorary Life Member/Lower Sussex Sports Club
H141-1440	Wagner	4/2/2002	T	George Bailey/Manager of the Year/Sam's Clubs
	cosponsor: Rep. Stone			
H141-1441	Wagner	3/28/2002	M	Charles Lawrence Dean
H141-1442	Wagner	4/5/2002	T	Stephen Sisson & Victoria Poore/Marriage
H141-1443	Thornburg	4/3/2002	T	Harry Legates/20+ Years/Marydel Volunteer Fire Company
H141-1444	Fallon	4/7/2002	T	Daisy Shockley/100th Birthday
H141-1445	D. Ennis	4/7/2002	T	Ann Frampton/Leadership/Edgemoor Community
H141-1446	West	4/6/2002	T	Mildred Shaub/96th Birthday
H141-1447	Buckworth	4/9/2002	T	Mark Reynolds/State Wrestling Champion
H141-1448	Caulk	4/12/2002	T	Eva Pride/Retirement/Division of Motor Vehicles/20 Years
	cosponsor: Rep. B. Ennis			
H141-1449	Buckworth	4/9/2002	T	Eddy Seger/Teaching Shakespeare Award Recipient
H141-1450	Brady	4/13/2002	T	Kathryn Minutola/Dedication/Ladies Auxiliary/VFW/20 Years
H141-1451	Boulden	4/9/2002	T	David Bailey/Board of Directors/Newark Country Club
H141-1452	Boulden	4/9/2002	T	William Dewberry/Dedication/Board of Directors/Newark Country Club
H141-1453	Boulden	4/9/2002	T	Leon Lockerman/Board of Directors/Newark Country Club
H141-1454	Boulden	4/9/2002	T	Paul Trahan/Board of Directors/Newark Country Club
H141-1455	Ulbrich	4/9/2002	T	Glasgow High Girls Track and Field Team/State Champions
H141-1456	Ulbrich	4/9/2002	T	Glasgow High Cheerleading Team/State Champions
H141-1457	Ulbrich	4/2/2002	M	Elayne B. Craig
H141-1458	Plant	5/8/2002	T	Barbara Banks/Excellence & Commitment in State Service

H141-1459	Lee	5/8/2002	T	Laura Pepper/Excellence & Commitment in State Service
H141-1460	Buckworth	5/8/2002	T	Douglas Watts/Excellence & Commitment in State Service
H141-1461	DiLiberto	5/3/2002	T	Barbara Bookhart/Retirement/25 Years/Superior Court

HOUSE TRIBUTE ANNOUNCEMENT #65

DATE: April 17, 2002

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>
H141-1462	Spence	4/25/2002	T	Legislative Fellows Program/20th Anniversary
H141-1463	Keeley	4/16/2002	T	Travis Sudler/Public Allies Participant
	cosponsor: Rep. B. Ennis			
H141-1464	Keeley	4/16/2002	T	RJ Lucciotti/Public Allies Participant
	cosponsor: Rep. Boulden			
H141-1465	Keeley	4/16/2002	T	Kim Siegel/Public Allies Participant
	cosponsor: Rep. Boulden			
H141-1466	Keeley	4/16/2002	T	Rayna Smith/Public Allies Participant
	cosponsor: Rep. Brady			
H141-1467	Keeley	4/16/2002	T	Heather Beutler/Public Allies Participant
	cosponsor: Rep. Ewing			
H141-1468	Keeley	4/16/2002	T	Alea Heder/Public Allies Participant
	cosponsor: Rep. Ewing			
H141-1469	Keeley	4/16/2002	T	Paul Heder/Public Allies Participant
	cosponsor: Rep. Ewing			
H141-1470	Keeley	4/16/2002	T	Marcia Boyer/Public Allies Participant
	cosponsor: Rep. Hudson			
H141-1471	Keeley	4/16/2002	T	Markus Johnson/Public Allies Participant
H141-1472	Keeley	4/16/2002	T	Yalit Solano/Public Allies Participant
H141-1473	Keeley	4/16/2002	T	Consuelo Gonzales/Public Allies Participant
	cosponsor: Rep. Lee			
H141-1474	Keeley	4/16/2002	T	Yorel Stephens/Public Allies Participant
	cosponsor: Rep. Lofink			
H141-1475	Keeley	4/16/2002	T	Emily Falcon/Public Allies Participant
	cosponsor: Rep. Mulrooney			
H141-1476	Keeley	4/16/2002	T	Tiffini Coverdale/Public Allies Participant
	cosponsor: Rep. Plant			
H141-1477	Keeley	4/16/2002	T	Nicole Dye-Anderson/Public Allies Participant
	cosponsor: Rep. Reynolds			
H141-1478	Keeley	4/16/2002	T	Shante Watson/Public Allies Participant
	cosponsor: Rep. Scott			
H141-1479	Keeley	4/16/2002	T	Bryant Carter/Public Allies Participant
	cosponsor: Rep. Spence			

T- Tribute

M - Memoriam

Representative Smith deferred to Representative Fallon. Representative Fallon introduced a guest. Representatives Gilligan & Miro requested that they be marked present.

Mr. Acting Speaker assigned **SB 221** to the Appropriations Committee.

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

The House reconvened at 5:13 p.m.

Representative DiPinto requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 328 w/SA 1** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Quillen, do hereby request that my name be removed as cosponsor of **HB 433**.

Date: 4/17/02

Signed: George R. Quillen

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

EDUCATION: **HB 458** - 9M; **SB 322** - 1F, 8M.

HEALTH & HUMAN DEVELOPMENT: **HB 440** - 4M.

HOUSING & COMMUNITY AFFAIRS: **HB 433** - 7M.

JUDICIARY: **HB 382** - 3M, 2U; **SB 314** - 5M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 443** - 5M; **HB 448** - 5M.

PUBLIC SAFETY: **HB 419** - 5M; **HB 447** - 6M.

Representative Wagner requested that **HB 417** be stricken.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 5:15 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 5:15 p.m.: Representatives Boulden, Reynolds, Smith, Spence & Stone.

Mr. Acting Speaker Quillen called the House to order at 2:19 p.m. on April 18, 2002.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 420 w/HA 1** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, J. Benjamin Ewing, Jr., do hereby request that my name be removed as cosponsor of **HB 450**.

Date: April 16, 2002

Signed: J. Benjamin Ewing

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gregory F. Lavelle, do hereby request that my name be removed as cosponsor of **HB 454**.

Date: April 16, 2002

Signed: Gregory F. Lavelle

Representative Keeley requested that she be marked present for the current Legislative Day.

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.

### **21ST LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 18, 2002**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Arthur L. Scott, 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 460 - PRICE; SENATOR BUNTING - HOUSE ADMINISTRATION** - An Act to Amend the Charter of the Town of South Bethany, Chapter 268, Volume 69, Laws of Delaware, as Amended, by Clarifying Voting Qualifications, Prohibiting Members of Council from Being Employed by the Town, Clarifying the Powers of the Mayor, Authorizing the Town Council to Establish Code of Conduct, Contract, and Competitive Bidding Provisions by Ordinance, Clarifying Forfeiture of Office Provisions, Authorizing Remote Electronic Access Meeting Participation by

Council Members, Expanding the Town's Ability to Create Liens and to Collect Costs and Attorney's Fees, Expanding the Jurisdiction of the Town Police and Alderman, Authorizing the Town to Adopt Subdivision Regulation, Impose Impact Fees and to Collect a "Voluntary Assessment" from Violators in Lieu of Requiring a Court Appearance. (2/3 bill)

**HB 461** - OBERLE & REPRESENTATIVE SPENCE - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees Pension Plan.

**HB 462** - OBERLE & SENATOR BLEVINS; REPRESENTATIVE MAIER - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Practice of Pharmacy.

**HB 463** - EWING - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Establishing New CDI Disqualification Offenses and Licensing Limitations for Commercial Motor Vehicle Drivers and Their Employers.

**HB 465** - OBERLE & SENATOR DELUCA - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Fair Share Fees and the Public Employment Relations Act.

**HA 2 to HB 239** - WAGNER - Placed with the Bill.

**HA 1 to HB 427** - WAGNER - Placed with the Bill.

**HA 1 to SS 1 for SB 294** - OBERLE - Placed with the Bill.

Representative D. Ennis requested that he be marked present.

Representative Lee requested and was granted privilege of the floor for Barbara P. Ridge, Executive Director, Delaware Association for Children of Alcoholics. Representative DiPinto made comments.

The Majority Whip moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:08 p.m.

Representatives Ulbrich, Oberle & Smith requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 25, SJR 13, SB 304 & SB 332** and requests the concurrence of the House.

Representative Schroeder requested that he be marked present.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich moved to suspend the rules which interfere with action on **SS 1 for SB 294**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Ulbrich brought **SS 1 for SB 294**, jointly sponsored by Senator DeLuca & Senators Blevins, Vaughn & Winslow & Representatives Ewing, Hudson, Keeley, Miro, Mulrooney, Roy, Smith, VanSant & Viola, before the House for consideration.

**SB 294** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LICENSES. (3/5 bill)

Representative Oberle brought **HA 1 to SS 1 for SB 294** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote. Representatives Ulbrich, Brady, Valihura & Oberle made comments.

The roll call on **SS 1 for SB 294 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **SS 1 for SB 294 w/HA 1** was returned to the Senate for concurrence on **HA 1**.

Representatives Lavelle, Miro, Reynolds & Wagner requested that they be marked present during the roll call.

Representative Smith deferred to Representative Roy. Representative Roy requested that action on **HB 407** be Deferred to a Day Certain, Tuesday, April 30, 2002.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SB 316**, jointly sponsored by Senator Adams & Senators Sharp, Sokola & Sorenson & Representatives Carey, D. Ennis, Fallon, Hudson, Valihura, Houghton & Keeley, before the House for consideration.

**SB 316** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANKS AND OTHER FINANCIAL INSTITUTIONS. (2/3 bill)

Representative Stone made comments.

The roll call on **SB 316** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 316** was returned to the Senate.

Representative Lee deferred to Representative Wagner.

Representative Wagner brought **HB 439**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 439** - 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 439** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 439** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HS 1 for HB 390**, jointly sponsored by Senator Bunting & Representatives Smi Buckworth, Carey, Cathcart, DiPinto, Thornburg, Wagner, B. Ennis, Houghton, Price, Scott & Viola & Senators Amic Sorenson, Bonini, Cloutier, Connor, Simpson, Still & Winslow, before the House for consideration.

**HB 390** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES.

Representative Hudson made comments.

The roll call on **HS 1 for HB 390** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **HS 1 for HB 390** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought **HB 458**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 458** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMMUNITY NOTIFICATION OF SEX OFFENDER AND TO EXTEND THE LIFE OF THE COMMUNITY NOTIFICATION TASK FORCE.

Representative Schroeder made comments.

The roll call on **HB 458** was taken and revealed:

YES: 39.

ABSENT: Representatives Smith & Spence - 2.

Therefore, having received a constitutional majority, **HB 458** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Price. Representative Price requested and was granted personal privilege of the floor to introduce guests. Representative Lee deferred to Representative Hudson. Representative Hudson introduced guests.

Representative Hudson brought **HB 427**, jointly sponsored by Representatives Wagner, DiPinto, Keeley, Buck Lee & Senators Marshall, Winslow & Vaughn, before the House for consideration.

**HB 427 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT CIVIL COSTS. (3/5 bill) (F/I)**

Representative Hudson made comments. Representative Hudson brought **HA 1 to HB 427**, sponsored by Representative Wagner, before the House for consideration. Representative Hudson deferred to Representative Wagner. Representative Wagner made a comment. **HA 1** was adopted by voice vote. Representative Hudson made comments.

The roll call on **HB 427 w/HA 1** was taken and revealed:

YES: 38.

NO: Representative Brady - 1.

ABSENT: Representatives Smith & Spence - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 427 w/HA 1** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Wagner. Representative Wagner made a comment.

Representative Wagner brought **HB 239**, jointly sponsored by Senator Blevins & Representatives Lee, Buckworth, Cathcart, DiPinto, Ewing, Maier, Miro, Quillen, Ulbrich, Valihura, Brady, B. Ennis, Plant & Price, before the House for consideration.

**HB 239 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION.**

Representative Wagner requested that **HA 1 to HB 239** be stricken. Representative Wagner brought **HA 2 to HB 239** before the House for consideration. Representative Wagner made a comment. **HA 2** was adopted by voice vote. Representative Wagner made comments.

The roll call on **HB 239 w/HA 2** was taken and revealed:

YES: 39.

ABSENT: Representatives Smith & Spence - 2.

Therefore, having received a constitutional majority, **HB 239 w/HA 2** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Lofink. Representatives Lofink, Oberle, Gilligan & Oberle made comments. Representative Smith made an announcement.

The Majority Leader moved to recess at 4:51 p.m.

The House reconvened at 5:58 p.m. with Representative Oberle as Acting Speaker.

Representative Smith moved to suspend the rules which interfere with introduction and action on **HB 467**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **HB 467**, jointly sponsored by Representatives Spence & Lee & Senators Sharp, Adams & Marshall, before the House for consideration.

**HB 467 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS INTO 21 SENATORIAL DISTRICTS AND 41 REPRESENTATIVE DISTRICTS AND TO PERMIT THE COUNTY BOARDS OF ELECTIONS TO APPROVE ELECTION LINES WHEN A VACANCY EXISTS ON THE BOARD.**

Representatives Smith, Schroeder, Brady, Price, DiLiberto, Scott, Reynolds, Mr. Acting Speaker, Representatives Smith & West made comments.

The roll call on **HB 467** was taken and revealed:

YES: 30.

NO: Representatives Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Plant, Scott, VanSant, Viola, West & Williams - 11.

Therefore, having received a constitutional majority, **HB 467** was sent to the Senate for concurrence.

Representatives Spence, Valihura, Smith, Gilligan, Mr. Acting Speaker, Representatives Smith, Mulrooney & Stone made comments regarding **HB 467**.

Mr. Acting Speaker reassigned **HB 233** to the Labor Committee.

The Majority Leader moved to recess to the call of the Chair at 6:12 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:10 p.m. on April 23, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 467, HB 458, HCR 36, HCR 37, HCR 38, HCR 39 & HCR 40** and is returning same to the House.

Representative Smith deferred to Representative Roy.

Representative Roy introduced **HB 464**, jointly sponsored by Senator Blevins & Senator DeLuca & Senator Sokola & Representatives Spence, Hudson & Houghton & Senators McBride & Sorenson.

**HB 464 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.**

Mr. Acting Speaker assigned **HB 464** to the Business/Corporations/Commerce Committee.

Representative Miro made an announcement.

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

## **22ND LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 23, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative D. Ennis -1.

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

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

The following prefiled legislation was introduced:

**HB 430 - VALIHURA; REPRESENTATIVES CATHCART, DIPINTO, QUILLEN; SENATOR 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)**

**HA 1 to HB 437 - B. ENNIS - Placed with the Bill.**

**SB 304 - BLEVINS & REPRESENTATIVE HUDSON; SENATOR SOKOLA; REPRESENTATIVES DILIBERTO, GILLIGAN, ROY - HOUSING & COMMUNITY AFFAIRS - An Act to Authorize and Approve the Transfer of Certain Real Property in New Castle County to the Delaware Association for the Blind. (3/4 bill)**

**SB 332 - BLEVINS & REPRESENTATIVE MAIER; SENATORS AMICK, HENRY, MCDOWELL; REPRESENTATIVE KEELEY - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 100, Title 29 of the Delaware Code Relating to Freedom of Information.**

**SJR 13 - SHARP & REPRESENTATIVE SPENCE; SENATOR ADAMS - HEALTH & HUMAN DEVELOPMENT - Supporting Enactment of Medicare Coverage of Oral Cancer Drugs.**

Representative Smith introduced guests. Representative Smith deferred to Representative DiPinto. Representative DiPinto introduced guests. Representative DiPinto requested and was granted privilege of the floor to present a House Tribute to Dr. Mimi H. Silbert, Founder, Delancy Street Foundation in San Francisco. Dr. Silbert addressed the House. Representative Smith made comments.

Representative Gilligan requested that he be marked present. Representative Gilligan made comments. Representative West requested and was granted privilege of the floor to make comments. Representatives Cathcart & Maier requested that they be marked present. Representative Smith deferred to Representative Fallon. Representative Fallon made comments regarding **HCR 39**. Representative Oberle requested that he be marked present.

The Reading Clerk read the following communications into the record:

April 19, 2002

LEGISLATIVE ADVISORY #28

Governor Ruth Ann Minner signed the following legislation on the date indicated: 4/19/02 - **HB 467**.

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Dave Ennis  
DATE: April 23, 2002  
RE: Absence From Session

Please excuse my absence from session today, April 23, 2002, as I have to attend to a business matter.

Representative Price requested that she be marked present.

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

The House reconvened at 4:10 p.m.

Representative Smith brought **SB 297**, sponsored by Senator Bunting & Representative Schroeder, before the House for consideration.

**SB 297** - AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, THE CHARTER OF THE CITY OF REHOBOTH BEACH AS AMENDED, WITH REGARD TO THE AWARDED OF CONTRACTS AND THE REQUIREMENT FOR COMPETITIVE BIDDING IN RELATION THERETO. (2/3 bill)

The roll call on **SB 297** was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Reynolds & Ulbrich - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 297** was returned to the Senate.

Representatives Schroeder, Williams, Spence, DiLiberto, Brady & Boulden requested that they be marked present during the roll call.

Representative Smith deferred to Representative Price.

Representative Price brought **HB 443**, jointly sponsored by Senator Bunting & Representatives Buckworth, Carey, B. Ennis, Fallon, Houghton, Keeley, Plant, VanSant & West, before the House for consideration.

**HB 443** - AN ACT TO AMEND CHAPTER 39, TITLE 7 OF THE DELAWARE CODE RELATING TO THE USE OF THE STATE DREDGE.

Representative Price made a comment.

The roll call on **HB 443** was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Mulrooney & Spence - 3.

Therefore, having received a constitutional majority, **HB 443** was sent to the Senate for concurrence.

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

Representative Smith deferred to Representative Scott.

Representative Scott brought **HB 409** before the House for consideration.

**HB 409** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO IMPACT FEES FOR OFFENSES COMMITTED WITHIN THE JURISDICTION OF THE CITY OF WILMINGTON. (F/I)

Representative Scott brought **HA 1 to HB 409** before the House for consideration.

Representatives Scott & Lee made comments. **HA 1** was defeated by voice vote.

Representative Scott moved to place **HB 409** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representatives Keeley & Lofink made announcements.

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

Mr. Acting Speaker Roy called the House to order at 2:00 p.m. on April 24, 2002.



The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current legislative day. The House reconvened at 2:02 p.m.

**23RD LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 24, 2002**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Miro, Plant & Scott - 3.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

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

The following prefiled legislation was introduced:

**HB 445** - MAIER & SENATOR MARSHALL - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16, Delaware Code, Pertaining to a Report of the Nursing Home Residents Quality Assurance Commission.

**HB 466** - VALIHURA; REPRESENTATIVES BOULDEN, BRADY, CATHCART, DIPINTO, B. ENNIS, EWING, KEELEY, LAVELLE, LOFINK, PRICE, QUILLEN; SENATORS BONINI, HENRY, MCDOWELL, SORENSON, WINSLOW - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Rules of the Road.

**HB 468** - WAGNER & SENATOR COOK; REPRESENTATIVES BUCKWORTH, CATHCART, D. ENNIS, HUDSON, LOFINK, MAIER, QUILLEN, BRADY, B. ENNIS - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware.

**HB 469** - WAGNER & SENATOR VENABLES; REPRESENTATIVES BUCKWORTH, EWING, FALLON, MAIER, QUILLEN, ULBRICH, BRADY, B. ENNIS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Veterinarians.

**HB 470** - SPENCE & SENATOR SHARP - APPROPRIATIONS - An Act to Amend Chapter 210, Volume 70, Laws of Delaware Relating to the Brandywine-Christina River Improvement Project and the Riverfront Development Corporation.

**HA 1 to HB 378** - WAGNER - Placed with the Bill.

Representatives Lofink & Stone requested that they be marked present.

Representative Smith brought the following prefiled **Consent Calendar #14** before the House for consideration.

**HR 46** - Caulk - ALLOWING THE TOWN OF FREDERICA TO PATROL ROUTE ONE.

**HCR 41** - B. Ennis & Representatives Brady, D. Ennis, Houghton, Price & Spence & Senator Vaughn - PROCLAIMING THE MONTH OF MAY 2002 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME.

**SCR 25** - Connor on behalf of All Senators & Representative Spence on behalf of All Representatives - PROCLAIMING THE WEEK OF APRIL 21 THROUGH APRIL 27, 2002, AS ADMINISTRATIVE PROFESSIONALS WEEK.

**Consent Calendar #14** was adopted by voice vote and **HR 46** was declared passed and **HCR 41** was sent to the Senate for concurrence and **SCR 25** was returned to the Senate.

Representative Smith made comments regarding **HR 46**.

Representatives Valihura, West & Ulbrich requested that they be marked present.

Representative Smith introduced **HB 472**, jointly sponsored by Representative Spence & Senator Bunting & Representatives Buckworth, Cathcart, D. Ennis, Ewing, Lavelle, Lofink, Roy, Thornburg, Wagner, VanSant & West.

**HB 472** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

Mr. Acting Speaker assigned **HB 472** to the Public Safety Committee.

Representative Smith made comments regarding **HB 472**.

Representative Gilligan requested that he be marked present.

Representative Smith requested and was granted personal privilege of the floor to introduce Senator William V. Roth, Jr. Mr. Acting Speaker granted privilege of the floor to Senator Roth.  
Representative Smith moved that Senator Roth be named Honorary Speaker of the House of Representatives for the day. The motion was adopted without objection.

Representative Oberle requested that he be marked present. Representative Smith deferred to Representative Keeley. Representative Keeley made comments.

Representative Keeley introduced and brought **HCR 42**, jointly sponsored by Senator Marshall & Representatives Boulden, Buckworth, Carey, Caulk, DiLiberto, DiPinto, Ewing, Lee, Lofink, Mulrooney, Plant, Price, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura, VanSant & Viola & Senators Adams, Bonini, Bunting, Cook, Henry, McDowell, Simpson, Sokola, Vaughn, Venables & Winslow & cosponsored by Representative Wagner, before the House for consideration.

**HCR 42 - MEMORIALIZING PRESIDENT GEORGE W. BUSH AND THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO SUPPORT AND PROMOTE ADMISSION OF ESTONIA, LATVIA AND LITHUANIA TO THE NORTH ATLANTIC TREATY ORGANIZATION.**

Representative Keeley made comments.

**HCR 42** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Keeley deferred to Representative DiPinto. Representative DiPinto requested and was granted privilege of the floor for Vygaudas Usackas, Lithuanian Ambassador to the United States who addressed the House. Representative Keeley introduced guests.

Representative Spence requested that he be marked present. Representatives DiPinto & Spence presented gifts to the Lithuanian, Estonian and Latvian Ambassadors. Representative D. Ennis requested that he be marked present. Representatives D. Ennis & Smith requested and were granted personal privilege of the floor to make comments. Representative Maier requested that she be marked present. Mr. Acting Speaker introduced a guest. Representative Williams requested that he be marked present.

Representative Smith deferred to Representative Spence. Representative Spence presented a House Tribute to Senator William V. Roth, Jr.

Representatives Mulrooney & Cathcart requested that they be marked present.

Representative Smith deferred to Representative Maier. Representative Maier made comments.

Representative Maier brought **HJR 24**, sponsored on behalf of All Representatives & Senator Blevins on behalf of All Senators, before the House for consideration.

**HJR 24 - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE.**

The roll call on **HJR 24** was taken and revealed:

YES: 31.

ABSENT: Representatives Boulden, Brady, Caulk, Gilligan, Hudson, Miro, Plant, Price, Reynolds & Scott - 10. Therefore, having received a constitutional majority, **HJR 24** was sent to the Senate for concurrence.

Representative Maier made comments and introduced guests. Mr. Speaker Spence resumed the Chair. Mr.

Speaker Spence made comments regarding **HJR 24**.

Mr. Speaker Spence assigned **SB 221** to the Ready List.

Mr. Speaker Spence made comments regarding **SCR 25**.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:40 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 2:40 p.m.: Representatives Boulden, Brady & Reynolds

Mr. Acting Speaker Buckworth called the House to order at 2:12 p.m. on April 25, 2002.

Representative Smith introduced **HB 478**, jointly sponsored by Representatives Lee, DiPinto, Ulbrich, Valihura & Williams & Senator Winslow.

**HB 478 - AN ACT TO AMEND TITLES 11, 16 AND 21 OF THE DELAWARE CODE RELATING TO SENTENCES IN CRIMINAL CASES.**

Mr. Acting Speaker assigned **HB 478** 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 **SB 286** & **SB 345** and requests the concurrence of the House; **HCR 42** and is returning same to the House.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Terry Spence, do hereby request that my name be removed as a cosponsor of **HB 198**.

Date: April 24, 2002

Signed: Terry R. Spence

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

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

PUBLIC SAFETY: **HB 446** - 5M; **HB 451** - 7M; **HB 452** - 7M; **HB 463** - 7M.

HOUSE ADMINISTRATION: **HB 337** - 4M; **HB 460** - 3M; **SCR 18** - 4M.

WATER QUALITY: **HB 340** - 1F, 5M.

LABOR: **HB 233** - 5M; **HB 465** - 5M; **SB 311 w/SA 1** - 5M.

HEALTH & HUMAN DEVELOPMENT: **SB 305** - 4M; **SJR 13** - 4M.

APPROPRIATIONS: **SB 221** - 2M, 2U.

Representative Plant requested that she be marked present for the current Legislative Day.

The Majority Whip moved to adjourn at 2:16 p.m., thereby ending the current legislative day. The House reconvened at 2:17 p.m.

**24TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 25, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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 following prefiled legislation was introduced:

**HB 471 - EWING - REVENUE & FINANCE** - An Act to Amend Title 30 of the Delaware Code Relating to the Personal Income Tax.

**HB 473 - ROY & SENATOR MCDOWELL & SENATOR. HENRY; REPRESENTATIVES BUCKWORTH, THORNBURG, WAGNER, WILLIAMS; SENATORS AMICK, SORENSON, CLOUTIER, WINSLOW - TELECOMMUNICATIONS INTERNET & TECHNOLOGY** - An Act to Amend Title 21 of the Delaware Code Relating to the Definition and Use of Electric Personal Assistive Mobility Devices ("EPAMD'S")

**HB 474 - WEST & SENATOR BUNTING - HOUSE ADMINISTRATION** - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate The Town of Millsboro", to Strike a Reference that the Town Manager is Selected on a One Year Basis. (2/3 bill)

**HB 476 - LAVELLE & SENATOR SORENSON; REPRESENTATIVES CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, KEELEY, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, SMITH, THORNBURG, VALIHURA, VIOLA - 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)

**HA 2 to HB 151 - MAIER** - Placed with the Bill.

**HA 2 to HB 271 - WAGNER** - Placed with the Bill.

**HA 1 to HB 460 - PRICE** - Placed with the Bill.

**SB 286 - SHARP & REPRESENTATIVE EWING - JUDICIARY** - An Act Proposing an Amendment to Article IV of the Delaware Constitution of 1897, as Amended, by Adding a New Section 40 Relating to the Admissibility of Evidence Gathered Pursuant to a Search Warrant. (2/3 bill)

**SB 345** - Sharp & REPRESENTATIVE SPENCE; SENATOR AMICK & REPRESENTATIVE GILLIGAN - House Administration - An Act to Amend Title 15 of the Delaware Code Relating to Elections and the Change of Party Designation.

**HA 1 to SB 308** - DILIBERTO - Placed with the Bill.

Mr. Acting Speaker made an announcement. Representative DiLiberto requested and was granted personal privilege of the floor to introduce guests. Representative Lee deferred to Representative Fallon. Representative Fallon made comments regarding **HCR 39**. Representative Oberle requested and was granted personal privilege of the floor to make comments regarding **HCR 39**. Representative Oberle introduced guests. Representative Oberle requested and was granted personal privilege of the floor for Dr. Jeff Hilovsky, representing the Delaware Optometric Association. Representatives Oberle & Fallon made comments. Representatives Wagner & VanSant introduced guests.

Representative Cathcart requested and was granted privilege of the floor for himself and Representative Maier to present a House Tribute to Shaun O'Donnell, Delaware Geography Bee Champion. Representatives Lavelle, D. Ennis, Mulrooney & Miro requested that they be marked present.

Representative Lee deferred to Representative Hudson.

Representative Hudson introduced **HA 2 to HS 1 for HB 377**. **HA 2** was placed with the bill.

Representative West introduced a guest. Representative Lee made an announcement.

Representative Lee introduced and brought **HCR 43**, jointly sponsored by Representatives Spence, Smith, Gilligan & VanSant on behalf of All Representatives & Senators Sharp, Adams, Marshall, Amick & Sorenson on behalf of All Senators, before the House for consideration.

**HCR 43** - EXTENDING SINCERE THANKS TO THE CAREER AND TECHNICAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE PRESENTATION OF THE BEAUTIFUL GERANIUMS AND EXTENDING BEST WISHES FOR MUCH SUCCESS TO EACH OF THESE EXEMPLARY STUDENTS.

Representative Lee requested and was granted privilege of the floor for Frank Ingram, Teacher in Residence, Department of Education; Meredith Stevenson, President, Future Farmers of America; Laura Calderon, President, Business Professionals of America; Kathy Sweeney, President, Association of Marketing Students; Sarah Windle, President, Technology Student Association; Tina Nichols, President, Families, Career & Community Leaders and Melissa Morris, President, Skills USA. Representatives Quillen & Wagner made comments. Representative West introduced a guest.

**HCR 43** was adopted by voice vote and was sent to the Senate for concurrence.

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

The House reconvened at 4:30 p.m.

Representative Spence requested that he be marked present. Mr. Speaker Spence resumed the Chair.

Representative Smith requested that he be marked present.

Representative Smith moved to suspend the rules which interfere with action on **SB 345**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **SB 345**, sponsored by Senator Sharp & Representative Spence & Senator Amick & Representative Gilligan, before the House for consideration.

**SB 345** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS AND THE CHANGE OF PARTY DESIGNATION.

Representative Smith made comments.

The roll call on **SB 345** was taken and revealed:

YES: 39.

ABSENT: Representatives Maier & Oberle - 2.

Therefore, having received a constitutional majority, **SB 345** was returned to the Senate.

Representatives Brady, Reynolds, Schroeder, Stone & Boulden requested that they be marked present during the roll call.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds moved to suspend the rules which interfere with action on **SB 322**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Reynolds brought **SB 322**, jointly sponsored by Senator Sokola & Senator Simpson & Representatives Schroeder & Ulbrich & Senators Cook & DeLuca & Representatives Fallon, Maier, Miro & Wagner, before the House for consideration.

**SB 322** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LEVEL II STUDENTS AND PROMOTION TO THE NEXT GRADE.

Representatives Reynolds, Miro, Brady & Wagner made comments.

The roll call on **SB 322** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 322** was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 378**, jointly sponsored by Senator McDowell & Representatives Buckworth, D. Ennis, Ewing, Fallon, Quillen, Reynolds, Stone & Valihura, before the House for consideration.

**HB 378** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO GENERAL PROVISIONS.

Representative Wagner brought **HA 1** to **HB 378** before the House for consideration. Representative Wagner made comments. **HA 1** was adopted by voice vote. Representatives Wagner, Ewing, DiPinto & Wagner made comments.

The roll call on **HB 378 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 378 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **SS 1 for SB 130 w/SA 1**, jointly sponsored by Senator Henry, before the House for consideration.

**SB 130** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD RESTRAINT IN MOTOR VEHICLES. (2/3 bill)

Representative Lavelle requested that **HA 1** be stricken. Representative Lavelle introduced and brought **HA 2** to **SS 1 for SB 130** before the House for consideration. Representative Lavelle made a comment. **HA 2** was adopted by voice vote. Representative Lavelle made comments. Representative Lavelle requested and was granted privilege of the floor for Dr. Julia M. Pillsbury, President, Delaware Chapter of the American Academy of Pediatrics. Representatives Ewing, Smith, Lavelle, Stone, Brady & Lavelle made comments.

The roll call on **SS 1 for SB 130 w/SA 1 & HA 2** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SS 1 for SB 130 w/SA 1 & HA 2** was returned to the Senate for concurrence on **HA 2**.

Mr. Speaker Spence made comments.

Representative Smith deferred to Representative DiLiberto. Representative DiLiberto made an announcement. Representative DiLiberto requested that action on **SB 221** be Deferred to a Day Certain, Tuesday, May, 7, 2002.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **HB 452**, jointly sponsored by Senator Henry & Representatives Caulk, DiPinto, Ulbrich, B. Ennis & Plant & Senators Sorenson,

Bonini, Simpson & Still, before the House for consideration.

**HB 452** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

Representatives Lavelle & Smith made comments. Representative Lavelle requested and was granted privilege of the floor for Steve Wood, Deputy Attorney General. Representatives Smith, Oberle, DiLiberto, Lavelle, Reynolds, Viola, Lavelle & B. Ennis made comments. Representative Lavelle requested and was granted privilege of the floor for Michael McLaughlin, Deputy Director, Administrative Office of the Courts. Representatives Plant, West, Price, Lee, VanSant & Lavelle made comments.

Representative Lavelle moved to place **HB 452** on the Speaker's Table. The motion was seconded by Represent and adopted by voice vote.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 288 w/SA 1**, jointly sponsored by Senator Blevins & Representative Lee & All Senators & Representatives Buckworth, Cathcart, Caulk, DiLiberto, DiPinto, D. Ennis, Fallon, Keeley, Lavelle, Lofink, Maier, Price, Smith, Spence, Valihura, VanSant & West, before the House for consideration.

**SB 288 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TERRORISTIC THREATENING AND FALSE REPORTS.**

Representative Ewing made comments.

The roll call on **SB 288 w/SA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 288 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 440**, jointly sponsored by Senator Blevins & Representatives Buckworth, Cathcart, Caulk, DiPinto, Quillen & Ulbrich & Senators Henry, Sokola, Amick, Sorenson, Bonini, Cloutier, Connor, Still & Winslow, before the House for consideration.

**HB 440 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO AUTHORIZED EMERGENCY VEHICLES.**

Representative Maier made comments.

The roll call on **HB 440** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Mr. Speaker Spence appointed Representative Roy as Acting Speaker.

Therefore, having received a constitutional majority, **HB 440** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence brought **SJR 13**, jointly sponsored by Senators Sharp & Adams, before the House for consideration.

**SJR 13 - SUPPORTING ENACTMENT OF MEDICARE COVERAGE OF ORAL CANCER DRUGS.**

Representative Spence made comments.

The roll call on **SJR 13** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SJR 13** was returned to the Senate.

Representative Smith introduced and brought **HR 43**, jointly sponsored by Representatives Roy, Hudson, Spence, DiPinto & Stone on behalf of All Representatives, before the House for consideration.

**HR 43 - COMMENDING THE REPUBLIC OF CHINA ON TAIWAN FOR ITS CONTRIBUTIONS TO PROMOTING WORLD HEALTH AND FOR OTHER PURPOSES.**

Representative Smith deferred to Representative Hudson. Representative Hudson made comments.

**HR 43** was adopted by voice vote.

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

**BUSINESS/CORPORATIONS/COMMERCE: HB 464 - 10M.**

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 43, HB 343, HB 386, HCR 41 & HJR 24** and is returning same to the House; **SCR 26 SB 330** and requests the concurrence of the House.

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

Mr. Acting Speaker Roy called the House to order at 2:05 p.m. on April 30, 2002.

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.

## **25TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**April 30, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

Representative Miro introduced a third grade class from Holy Angels Elementary School in Newark. Two of the students led those present in a pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 477 - STONE & SENATOR COOK - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to the Delaware Life and Health Insurance Guaranty Association.**

**HB 479 - VALIHURA & REPRESENTATIVE ULBRICH & SENATOR CLOUTIER & SENATOR WINSLOW; REPRESENTATIVES CAULK, DILIBERTO, DIPINTO, D. ENNIS, FALLON, HUDSON, LAVELLE, LEE, MAIER, MIRO, REYNOLDS, STONE, WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jury Selection and Service.**

**HA 3 to HS 1 for HB 377 - MAIER & REPRESENTATIVE VALIHURA - Placed with the Bill.**

**SB 330 - ADAMS & REPRESENTATIVE EWING; REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Search Warrant Returns.**

Representatives Miro & DiLiberto requested and were granted personal privilege of the floor to make comments. Representatives Wagner, West & Price requested that they be marked present. Representative Caulk requested and was granted privilege of the floor to introduce a guest.

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

The House reconvened at 4:13 p.m. with Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Roy.

Representatives Oberle & DiPinto requested that they be marked present.

Representative Roy brought **HB 407**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 407 - AN ACT TO AMEND TITLE 24, CHAPTER 7 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC.**

Representatives Roy & Valihura made comments.

The roll call on **HB 407** was taken and revealed:

YES: 31.

NO: Representatives D. Ennis, Hudson, Lavelle, Smith, Stone, Thornburg, Ulbrich & Valihura - 8.

NOT VOTING: Representative DiPinto - 1.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, **HB 407** was sent to the Senate for concurrence.

Representatives Brady, Schroeder, Stone, Ulbrich, Spence, Boulden, Lavelle, Hudson & Reynolds requested that they be marked present during the roll call.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 151**, jointly sponsored by Senator Blevins & Representatives D. Ennis, Ewing, Hudson, Lee & Valihura & Senators Bonini, Cloutier, Henry, Sokola & Winslow, before the House for consideration.

**HB 151 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INCREASING PENALTIES FOR VIOLATIONS OF LEAD-BASED PAINT HAZARD REGULATIONS. (2/3 bill)**

Representative Maier brought **HA 1 to HB 151** before the House for consideration. Representative Maier made comments. **HA 1** was adopted by voice vote. Representative Maier brought **HA 2 to HB 151** before the House for consideration. Representative Maier made comments. **HA 2** was adopted by voice vote. Representative Maier made comments.

The roll call on **HB 151 w/HA 1 & 2** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 151 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 305**, jointly sponsored by Senator Blevins, before the House for consideration.

**SB 305 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH PLANNING AND RESOURCES MANAGEMENT.**

Representative Maier made comments.

The roll call on **SB 305** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 305** was returned to the Senate.

Representative Smith made an announcement regarding **SB 99**.

Representative Smith introduced **HB 482**, jointly sponsored by Senators McDowell & Cloutier & cosponsored by Representatives Buckworth, Brady, Keeley, Plant, Scott & Williams.

**HB 482 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE PERTAINING TO CEMETERIES.**

Mr. Acting Speaker assigned **HB 482** to the House Administration Committee.

Representative Smith made an announcement.

Representative Smith deferred to Representative Oberle. Representative Oberle requested that action on **HB 233** be Deferred to a Day Certain, Tuesday, May, 7, 2002.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 465**, jointly sponsored by Senator DeLuca, before the House for consideration.

**HB 465 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO FAIR SHARE PUBLIC EMPLOYMENT RELATIONS ACT.**

Representatives Oberle, Smith, Lavelle, Miro, Mulrooney, Maier & Oberle made comments.

The roll call on **HB 465** was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, **HB 465** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 300**, jointly sponsored by Representative Price & Senator Sokola, before the House for consideration.

**HB 300 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STATE APPROPRIATIONS.**

Representatives Miro, Gilligan, Lee, Miro, Brady, Wagner, Lavelle & Miro made comments.



The roll call on **HB 300** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 300** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy. Representative Roy requested that action on **HB 464** be Deferred to a Day Certain, Thursday, May, 2, 2002.

Representative Smith deferred to Representative Stone.

Representative Stone introduced **HB 480**, jointly sponsored by Senator Adams & Representatives DiPinto, Hudson, Roy, Smith, Spence, Valihura, VanSant, Wagner & Senators Amick, Bonini, Cook, McDowell & Winslow.

**HB 480 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS.**

Mr. Acting Speaker assigned **HB 480** to the Economic Development/Banking & Insurance Committee.

Representative Smith deferred to Representative Maier. Representative Maier requested that **HB 299** be stricken.

Representative Thornburg introduced **HA 4 to HS 1 for HB 377**. **HA 4** was placed with the bill.

Representative Thornburg introduced **HA 5 to HS 1 for HB 377**. **HA 5** was placed with the bill.

Representative Wagner requested that **HB 469** be stricken.

Representative Maier made an announcement regarding **HS 1 for HB 377**.

The Majority Leader moved to recess to the call of the Chair at 5:06 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:19 p.m. on May 1, 2002.

Representative Wagner introduced **HB 485**, jointly sponsored by Representative Spence & Representative Maier & Senator Sokola & Senator Henry & Representatives Buckworth, Carey, DiLiberto, D. Ennis, Ewing, Lofink, Valihura, B. Ennis & Houghton.

**HB 485 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD. (2/3 bill)**

Mr. Acting Speaker assigned **HB 485** to the Public Safety Committee.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current legislative day. The House reconvened at 2:21 p.m.

## **26TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 1, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Lavelle - 1.

A prayer was offered by Representative Shirley A. Price, Thirty-Eighth Representative District.

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

The following prefiled legislation was introduced:

**HB 481 - VALIHURA & REPRESENTATIVE KEELEY & SENATOR WINSLOW & SENATOR CLOUTIER; REPRESENTATIVES DIPINTO, HUDSON, LAVELLE, MIRO, REYNOLDS, SMITH, ULBRICH, WAGNER; SENATOR SIMPSON - JUDICIARY - An Act the Amend Title 11 of the Delaware Code Relating to the Justices of the Peace and the Sentences for Misdemeanors.**

**HB 483 - WEST & REPRESENTATIVE B. ENNIS; REPRESENTATIVES CAREY, CATHCART, CAULK, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, KEELEY, LEE, LOFINK, MAIER, MULROONEY, PLANT, QUILLEN, SCHROEDER, SCOTT, SPENCE, STONE, THORNBURG, VALIHURA, VANSANT, WILLIAMS - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Protected Wildlife and Licenses. (3/5 bill)**

**HB 484** - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BRADY, BUCKWORTH, EWING, HOUGHTON, KEELEY, MULROONEY, SPENCE, VANSANT, WILLIAMS - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Size and Weight of Vehicles and Loads.

Representatives Gilligan, Carey & D. Ennis requested that they be marked present.

Representative Smith brought the following prefiled **Consent Calendar #15** before the House for consideration.

**HCR 44** - Representative Spence & Representative Smith & Representative Lee on Behalf of All Representatives & Senator Sharp & Senator Adams & Senator Marshall on Behalf of All Senators - RESPECTING AND HONORING ALL DELAWARE MOTHERS ON MAY 12, 2002, MOTHER'S DAY.

**SCR 26** - Simpson & Representative Spence; Senators Amick, Bonini, Cloutier, Henry, Sokola, Sorenson, Still, Winslow & Representatives Brady, DiLiberto, B. Ennis, Hudson, Price & West - URGING THE CITIZENS' STAMP ADVISORY COMMITTEE OF THE U.S. POSTMASTER GENERAL TO RECOMMEND THE ISSUANCE OF A U.S. POSTAL SERVICE STAMP COMMEMORATING THE VITAL ROLE OF COAL MINERS IN THE HISTORY AND ECONOMIC DEVELOPMENT OF OUR NATION

**Consent Calendar #15** was adopted by voice vote and **HCR 44** was sent to the Senate for concurrence and **SCR 26** was returned to the Senate.

Representatives DiLiberto, Lee & Maier requested that they be marked present.

The Reading Clerk read the following communications:

HOUSE TRIBUTE ANNOUNCEMENT #66

DATE: May 1, 2002

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
H141-1480	Keeley	4/16/2002	T	Dawn Ferguson/Public Allies Participant
	cosponsor: Rep. VanSant			
H141-1481	Keeley	4/16/2002	T	Angela Travers/Public Allies Participant
	cosponsor: Rep. VanSant			
H141-1482	Stone	4/8/2002	M	Kenneth K. Brown
	cosponsor: Rep. Wagner			
H141-1483	Lofink	3/31/2002	M	Colonel Thomas Patrick Kelly
H141-1484	Maier	4/20/2002	T	Tara & Raj Phansalkar/50th Wedding Anniversary
H141-1485	Maier	5/2/2002	T	Yvonne Tetreault/School Nurse of the Year
H141-1486	Price	4/13/2002	T	Norman Justice/80th Birthday
H141-1487	Scott	4/14/2002	T	Charles Watson, Jr./Service/Webb
				Counseling Correctional Facility/20 Years
H141-1488	DiPinto	4/11/2002	T	The Del Rose Cafe/40th Anniversary
	cosponsor: Rep. Williams			
H141-1489	Buckworth	6/17/2002	T	N. James Schoch/70th Birthday
H141-1490	Quillen	4/13/2002	T	William Halderman/50 Years/Felton Fire Company
H141-1491	Quillen	4/13/2002	T	Betty Dill/50 Years/Ladies Auxiliary/Felton Fire Company
H141-1492	Quillen	4/13/2002	T	Jeanette Dill/50 Years/Ladies Auxiliary/Felton Fire Company
H141-1493	Quillen	4/13/2002	T	Bonnie Poynter/50 Years/Ladies Auxiliary/Felton Fire Company
H141-1494	Quillen	4/13/2002	T	Margaret Kates/50 Years/Felton Fire Company

H141-1495	Quillen	4/13/2002	T	Catherine Lockwood/50 Years/Felton Fire Company
H141-1496	Cathcart	4/5/2002	T	Sean O'Donnell/Geography Bee
	cosponsor: Rep. Maier			Champion
H141-1497	D. Ennis	3/29/2002	M	Clifford Burton Hearn, Sr.
	cosponsor: Reps. Cathcart & Roy			
H141-1498	Boulden	4/16/2002	T	Brandywine River Powder Mills /Historic Mechanical Engineering Landmark
H141-1499	Wagner	3/23/2002	T	Dawn Haggerty & Steven Horn/Marriage
H141-1500	Gilligan	4/19/2002	T	Jack Baly/Life Member/International Association of Approved Basketball Officials
	cosponsor: Rep. Smith			

# HOUSE TRIBUTE ANNOUNCEMENT #67

DATE: May 1, 2002

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
H141-1501	Spence	4/27/2002	T	Stephanie & Edward Hojnicki/50th Wedding Anniversary
	cosponsor: Rep Houghton			
H141-1502	Roy	4/10/2002	T	Ceil Stegura/Service/20th Representative District
H141-1503	Spence	4/20/2002	T	Harry Crystal/80th Birthday
H141-1504	Hudson	4/26/2002	T	Kelly Connell & Thomas Ross/Marriage
H141-1505	Hudson	4/27/2002	T	Greenbank Mill Water Wheel/Dedication
H141-1506	Cathcart	4/16/2002	T	Tony Marchio/District Administrator of the Year
H141-1507	Quillen	5/1/2002	T	Violet Bringhurst/100th Birthday
H141-1508	Schroeder	4/25/2002	T	Ruth Ayres/75th Birthday
H141-1509	B. Ennis	10/15/2001	T	Wesley Freeman/96th Birthday
H141-1510	West	4/21/2002	T	William Hudson/80th Birthday
H141-1511	Wagner	11/17/2001	T	Gina Tombesi & Jason Baumgartner/Marriage
H141-1512	D. Ennis	5/23/2002	T	Michael Shannon/Eagle Scout
H141-1513	Oberle	4/24/2002	T	John Rooney/44 Years/Delaware Park
H141-1514	DiLiberto	5/23/2002	T	Richard Levine, Esquire/Delaware Bar Foundation Award Recipient
H141-1515	DiLiberto	4/20/2002	T	Newark National Little League/50th Anniversary
H141-1516	Gilligan	4/18/2002	T	Paul Cathell, Jr./Leadership/Medal of Honor Historical Association
H141-1517	Oberle	5/11/2002	T	Filipino Heritage & Arts Museum /Seventh Filipino History Day
H141-1518	Buckworth	4/18/2002	T	Ross Thomas/AAU Wrestling Official of the Year
H141-1519	Quillen	4/12/2002	T	Janette & George Hobbs/50th Anniversary
H141-1520	West	4/20/2002	T	W. M. William Floyd/Community Service
H141-1521	West	4/20/2002	T	W. M. Freddie Williams/Community Service
H141-1522	West	4/20/2002	T	W. M. Freddie Kilgoe/Community Service
H141-1523	West	4/20/2002	T	W. M. Charles Cave/Community Service
H141-1524	West	4/21/2002	T	Zoar Methodist Church/200th Anniversary
H141-1525	Wagner	4/21/2002	M	Otis Byron Williams
	cosponsor: Rep. Stone			

T- Tribute

M - Memoriam

The Reading Clerk read the following Communication:

MEMORANDUM

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Gregory F. Lavelle  
DATE: May 1, 2002  
RE: Absence from Session

Due to professional obligations, I will not be attending Session today, May 1, 2002. Please excuse my absence. If you require additional information, please let me know.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:28 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 2:28 p.m.: Representatives Boulden, Brady, Cathcart, Keeley, Lofink, Miro, Mulrooney, Oberle, Reynolds, Roy, Spence, Stone & Ulbrich.

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m. on May 2, 2002.

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

APPROPRIATIONS: **HS 1 to HB 377** - 4M; **HB 437** - 6M; **HB 470** - 6M.

HOUSE ADMINISTRATION: **HB 474** - 3M; **HB 482** - 1F, 2M.

TRANSPORTATION: **HB 444** - 5M.

PUBLIC SAFETY: **HB 466** - 6M; **HB 472** - 6M; **HB 485** - 5M.

CORRECTIONS: **SB 308** - 5M.

JUDICIARY: **HB 478** - 6M.

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 396** - 1F, 4M; **HB 434** - 5M; **HB 435** - 5M; **HB 462** - 5M.

HEALTH & HUMAN DEVELOPMENT: **HB 445** - 4M; **SB 332** - 4M.

HOUSING & COMMUNITY AFFAIRS: **SB 304** - 6M.

Mr. Acting Speaker assigned **HB 472** & **SB 304** to the Appropriations Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 303** & **SB 350** and requests the concurrence of the House; **HB 401 w/SA 2** & **HB 413** and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Pam Maier, do hereby request that my name be removed as cosponsor of **SB 327**.

Date: May 1, 2002

Signed: Pam Maier

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Pam Maier, do hereby request that my name be removed as cosponsor of **SB 326**.

Date: May 1, 2002

Signed: Pam Maier

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

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

**27TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 2, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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 prefiled legislation was introduced:

**HB 486** - 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 487** - D. ENNIS - LABOR - An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to State Employees.

**HB 488** - ULBRICH & SENATOR DELUCA; REPRESENTATIVES HUDSON, THORNBURG, VALIHURA, DILIBERTO, KEELEY; SENATORS BUNTING, SOKOLA, SIMPSON, STILL - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Landscape Architecture.

**HB 489** - PRICE & SENATOR MCBRIDE & SENATOR SIMPSON; REPRESENTATIVES BUCKWORTH, CATHCART, B. ENNIS, D. ENNIS, KEELEY, MULROONEY, VANSANT, VIOLA; SENATOR SOKOLA - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 7 of the Delaware Code Relating to an Inland Bays Wetlands and Subaqueous Lands Buffer Program. (2/3 bill)

**HB 490** - QUILLEN & SENATOR MCBRIDE - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Hunting, Trapping and Fishing Licenses. (2/3 bill)

**SB 303** - SHARP & REPRESENTATIVE SPENCE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Dissemination of Criminal Record Information.

**SB 350** - ADAMS & REPRESENTATIVE DIPINTO - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 6 of the Delaware Code Relating to Motor Vehicle Franchising Practices.

**HA 11 to SB 99** - LEE - Placed with the Bill.

**HA 12 to SB 99** - B. ENNIS & REPRESENTATIVE VIOLA; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, LEE, LOFINK, QUILLEN, SCOTT, SPENCE, THORNBURG, VANSANT, WEST - Placed with the Bill.

Representatives B. Ennis & DiLiberto requested that they be marked present. Representative DiLiberto made an announcement. Representative Smith deferred to Representative Gilligan. Representative Gilligan made an announcement. The Members of the House sang "Happy Birthday" to Representative Charles P. West. Representative West made comments. Representative Stone requested and was granted personal privilege of the floor to make comments. The Members of the House sang "Happy Birthday" to Representative V. George Carey. Representative Carey made comments. Representative Ewing requested and was granted personal privilege of the floor to make comments. Representatives Wagner, West, Carey, B. Ennis & Mr. Acting Speaker made comments.

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

The House reconvened at 3:55 p.m. with Representative Roy as Acting Speaker.

Representative Spence requested that he be marked present.

Representative Smith introduced **HB 492**, sponsored by Representatives Roy & Hudson & Senator Marshall & Senator McBride.

**HB 492** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION OF PUBLIC UTILITIES. (3/5 bill)

Mr. Acting Speaker assigned **HB 492** to the Telecommunications, Internet & Technology Committee.

Representative Smith brought **HB 464**, sponsored by Representative Roy & Senator Blevins & Senator DeLuca & Senator Sokola & Representatives Spence, Hudson & Houghton & Senators McBride & Sorenson, before the House for consideration.

**HB 464** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

Mr. Speaker Spence resumed the Chair.

Representative Smith moved to place **HB 464** on the Speaker's Table. The motion was seconded by Representative Roy and adopted by voice vote.

Representatives Boulden, Miro, D. Ennis, Brady, Schroeder, Reynolds, Cathcart, Williams, Maier, Valihura & Ulbrich requested that they be marked present.

Representative Smith deferred to Representative Lofink. Representative Lofink requested that action on **SB 311 w/SA 1** be Deferred to a Day Certain, Thursday, May, 16, 2002.

Representative DiLiberto requested personal privilege of the floor to introduce guests. Representative DiLiberto deferred to Representative Keeley. Representatives Keeley & Oberle requested that they be marked present. Representative DiLiberto requested and was granted personal privilege of the floor to introduce guests. Mr. Speaker Spence introduced a guest.

Representative Price made an announcement regarding **HB 60**.

Representative Smith deferred to Representative West.

Representative West brought **HB 474**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 474 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO STRIKE A REFERENCE THAT THE TOWN MANAGER IS SELECTED ON A ONE YEAR BASIS. (2/3 bill)**

The roll call on **HB 474** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 474** was sent to the Senate for concurrence.

Representative Smith brought **HB 482**, jointly sponsored by Senators McDowell & Cloutier & cosponsored by Representatives Buckworth, Brady, Keeley, Plant, Scott & Williams, before the House for consideration.

**HB 482 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE PERTAINING TO CEMETERIES.**

Representative Smith introduced and brought **HA 1 to HB 482** before the House for consideration.

Representative Smith made comments. **HA 1** was adopted by voice vote. Representatives Smith & Caulk made comments. Representative Smith requested and was granted privilege of the floor for Ron Smith, House Attorney. Representatives Caulk, Scott & Smith made comments.

Representative Smith moved to place **HB 482 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith made an announcement regarding **HB 478 & HB 436**.

Mr. Speaker Spence introduced guests.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HS 1 for HB 377**, jointly sponsored by Senator Blevins & Representative Spence & Representatives Buckworth, Ewing, Hudson, Ulbrich, Valihura & Keeley & Senators Adams, McDowell, Henry, Marshall, McBride, Sokola, Vaughn, Amick, Sorenson, Cloutier, Connor, Simpson, Still & Winslow, before the House for consideration.

**HB 377 - An Act to Amend Titles 16 and 20 of the Delaware Code Relating to Emergencies and Public Health.**

Representative Maier brought **HA 1 to HB 377** before the House for consideration. Representative Maier requested that **HA 1** be stricken. Representative Maier deferred to Representative Hudson. Representative Hudson brought **HA 2 to HS 1 for HB 377** before the House for consideration. Representative Hudson made comments. **HA 2** was adopted by voice vote. Representative Maier brought **HA 3 to HS 1 for HB 377**, jointly sponsored by Representative Valihura, before the House for consideration. Representative Maier made comments.

The roll call on **HA 3** was taken and revealed:

YES: 27.

NO: Representatives Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, VanSant, Viola, West & Williams - 14.

Therefore, having received a constitutional majority, **HA 3** was declared passed.

Representative Thornburg brought **HA 4 to HS 1 for HB 377** before the House for consideration.

Representative Thornburg made comments. **HA 4** was adopted by voice vote. Representative Thornburg brought **HA 5 to HS 1 for HB 377** before the House for consideration. Representative Thornburg made comments. **HA 5** was adopted by voice vote. Representative Maier made comments.

The roll call on **HS 1 for HB 377 w/HA 2, 3, 4 & 5** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Roy - 2.

Therefore, having received a constitutional majority, **HS 1 for HB 377 w/HA 2, 3, 4 & 5** was sent to the Senate for concurrence.

Mr. Speaker Spence, Representatives Smith, Maier & Mr. Speaker Spence made comments.

Representative Smith moved to lift **HB 482 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **HB 482 w/HA 1**, jointly sponsored by Senators McDowell & Cloutier & cosponsored by Representatives Buckworth, Brady, Keeley, Plant, Scott & Williams, before the House for consideration.

**HB 482 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE PERTAINING TO CEMETERIES.**

Representative Smith deferred to Representative West. Mr. Speaker Spence introduced guests. Representative West introduced and brought **HA 2 to HB 482** before the House for consideration. Representative West made comments. **HA 2** was adopted by voice vote. Representatives Williams, Plant & Smith made comments.

The roll call on **HB 482 w/HA 1 & 2** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Roy - 2.

Therefore, having received a constitutional majority, **HB 482 w/HA 1 & 2** was sent to the Senate for concurrence.

The Majority Leader moved to recess for caucus at 4:50 p.m.

The House reconvened at 5:11 p.m. with Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Fallon.

Representative Fallon moved to suspend the rules which interfere with action on **HB 459**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Fallon brought **HB 459**, jointly sponsored by Representatives Ewing & West & Senator Bunting, before the House for consideration.

**HB 459 - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.**

Mr. Speaker Spence resumed the Chair. Representative Price made comments.

The roll call on **HB 459** was taken and revealed:

YES: 38.

NO: Representative Price - 1.

ABSENT: Representatives D. Ennis & Roy - 2.

Therefore, having received a constitutional majority, **HB 459** was sent to the Senate for concurrence.

Representative Smith deferred to Representative West. Representative West made comments regarding **HB**

**459.**

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **SB 99 w/SA 1 & SA 4**, jointly sponsored by Senator McBride & Senator Blevins & Representative Valihura & Senators Bunting, Henry, Sokola, Cloutier, Sorenson & Winslow & Representatives Smith & Maier, before the House for consideration.

**SB 99 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.**

Representative Hudson made comments. Representative Wagner requested that **HA 1 to SB 99** be stricken. Representative B. Ennis requested that **HA 2 to SB 99** be stricken. Representative Viola requested that **HA 1 to HA 1 to SB 99** be stricken. Representative Lee requested that **HA 11 to SB 99** be stricken. Representative Valihura requested that **HA 6 to SB 99** be stricken. Representative Miro requested that **HA 3 to HA 1 to SB 99** be stricken. Representative Valihura requested that **HA 4 to SB 99** be stricken. Mr. Speaker Spence made an announcement. Representative Viola requested that **HA 3 to SB 99** be stricken. Representative Hudson moved to suspend the rules which interfere with action on **HA 5 to SB 99**. The motion was seconded by Representative Buckworth and adopted by voice vote. Representative Schroeder brought **HA 5 to SB 99** before the House for consideration. Representative Schroeder made comments. Representative Schroeder moved to place **HA 5** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith moved to suspend the rules which interfere with introduction of and action on amendments to **SB 99**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative B. Ennis brought **HA 12 to SB 99**, jointly sponsored by Representative Viola & Representatives Brady, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Lee, Lofink, Quillen, Scott, Spence, Thornburg, VanSant & West, before the House for consideration. Representatives B. Ennis & Hudson made comments. **HA 12** was adopted by voice vote. Representative Price brought **HA 10 to SB 99** before the House for consideration. Representative Price made comments. Representative Price moved to place **HA 10** on the Speaker's Table. The motion was seconded by Representative Schroeder and adopted by voice vote. Representative Valihura introduced and brought **HA 19 to SB 99**, jointly sponsored by Representative Hudson & Representative Smith, before the House for consideration. Representatives Valihura, Wagner & Valihura made comments. **HA 19** was adopted by voice vote.

The roll call on **SB 99 w/SA 1 & 4 & HA 12 & 19** was taken and revealed:

YES: 30.

NO: Representatives Brady, B. Ennis, Houghton, Lee & Thornburg - 5.

NOT VOTING: Representatives Plant, Reynolds, VanSant & Viola - 4.

ABSENT: Representatives D. Ennis & Roy - 2.

Therefore, having received a constitutional majority, **SB 99 w/SA 1 & 4 & HA 12 & 19** was returned to the Senate for concurrence on **HA 12 & 19**.

Representative Hudson & Mr. Speaker Spence made comments regarding **SB 99**.

The Majority Leader moved to recess to the call of the Chair at 5:45 p.m.

Mr. Acting Speaker Roy called the House to order at 2:10 p.m. on May 7, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 321, SB 349, SCR 28 & SB 351** and requests the concurrence of the House & **HB 412** and is returning same to the House. 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.

**28TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 7, 2002**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative David H. Ennis, Sixth 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 491** - WAGNER & SENATOR BLEVINS; REPRESENTATIVES D. ENNIS, EWING, MAIER, MIRO, QUILLEN, REYNOLDS, BRADY, HOUGHTON, PLANT, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Pharmacy.

**HB 493** - OBERLE & SENATOR DELUCA; REPRESENTATIVE SCOTT - LABOR - An Act to Amend Title 9 of the Delaware Code Relating to the Appointment of Assistant County Attorneys.

**HA 1 to HB 457** - LAVELLE - Placed with the Bill.

**HA 1 to HB 478** - KEELEY - Placed with the Bill.

**SB 321** - DELUCA & REPRESENTATIVE ULBRICH; SENATORS HENRY, VENABLES & WINSLOW - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Professional Counselors of Mental Health.

**SB 349** - VAUGHN & REPRESENTATIVE LEE - CORRECTIONS - An Act to Amend Title 10 of the Delaware Code Relating to Proceedings In Forma Pauperis.

**SB 351** - MCDOWELL & SENATOR BLEVINS; REPRESENTATIVES MAIER, VALIHURA & KEELEY - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code Relating to the Office of the Child Advocate.

The Reading Clerk read the following communications into the record:

May 3, 2002

#### LEGISLATIVE ADVISORY #29

Governor Ruth Ann Minner signed the following legislation on the date indicated: 4/24/02 - **SS 1 to SB 294 aab HA 1**; 4/25/02 - **HB 458**; 4/29/02 - **SB 297, SB 316, HB 420 aab HA 1, HB 386, HB 343 & HJR 24**; 5/3/02 - **SB 345**.

Representatives Valihura, Buckworth & DiLiberto requested that they be marked present.

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

HOUSING & COMMUNITY AFFAIRS: **HB 455** - 6M.

Representative Ewing requested that he be marked present. Representative Smith made an announcement.

Representatives Price, B. Ennis & Brady requested that they be marked present.

Representative Smith deferred to Representative Price. Representative Price requested and was granted privilege of the floor to present House Tributes to World War II Veterans who received high school diplomas pursuant to **HB 60**.

Representative Wagner requested that she be marked present. Representative Wagner made comments.

Representatives Fallon, Cathcart, Lavelle, Carey, Ulbrich & Boulden requested that they be marked present.

Representative D. Ennis requested and was granted personal privilege of the floor to make comments. Representative West requested that he be marked present. Representative Smith made an announcement.

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

The House reconvened at 4:40 p.m. with Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **SB 231**, jointly sponsored by Senator Blevins, before the House for consideration.

**SB 231** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE PENALTIES AND ENFORCEMENT OF PROHIBITIONS ON AFFIXING TOBACCO PRODUCT TAX STAMPS.

Representative Hudson introduced and brought **HA 1 to SB 231** before the House for consideration.

Representative Hudson made a comment. **HA 1** was adopted by voice vote. Representative Hudson made comments.

The roll call on **SB 231 w/HA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Houghton, Keeley & Viola - 3.

Therefore, having received a constitutional majority, **SB 231 w/HA 1** was returned to the Senate for concurrence on **HA 1**.

Representatives Lofink, Reynolds, Williams, Spence & Oberle requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiLiberto. Representative DiLiberto requested that action on **SB 221** be Deferred to a Day Certain, Thursday, June, 13, 2002.

Representative Smith deferred to Representative Oberle. Representative Oberle requested that action on **HB 233** be Deferred to a Day Certain, Thursday, June, 13, 2002.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 445**, jointly sponsored by Senator Marshall, before the House for consideration.

**HB 445** - AN ACT TO AMEND TITLE 16, DELAWARE CODE, PERTAINING TO A REPORT OF THE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION.

Representative Maier made comments.

The roll call on **HB 445** was taken and revealed:

YES: 41.

Therefore having received a constitutional majority, **HB 445** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 332**, jointly sponsored by Senators Blevins, Amick, Henry & McDowell & Representative Keeley, before the House for consideration.

**SB 332** - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION.

Representative Maier deferred to Representative Smith. Representative Smith requested and was granted privilege of the floor for Gerald Spadaccini, Deputy Principal Assistant, Office of the Medical Examiner.

Representatives Smith, Valihura, DiLiberto & B. Ennis made comments.

The roll call on **SB 332** was taken and revealed:

YES: 39.

NO: Representatives DiLiberto & Williams - 2.

Therefore, having received a constitutional majority, **SB 332** was returned to the Senate.

Representative Smith deferred to Representative Spence. Representative Spence introduced guests.

Representatives Gilligan, Spence & Reynolds made comments. Representative Scott requested and was granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Reynolds.

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

HOUSING & COMMUNITY AFFAIRS: **SB 328 w/SA 1** - 6M.

Representative Reynolds introduced and brought **HCR 45**, jointly sponsored by Senator Sokola on behalf of All Representatives & on behalf of All Senators, before the House for consideration.

**HCR 45** - COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2002.

Representative Reynolds made comments.

**HCR 45** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Ewing made an announcement. Representative Smith requested and was granted personal privilege of the floor to make an announcement.

Representative Wagner introduced **HB 494** jointly sponsored by Senator Cook.

**HB 494 - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO STATE PROCUREMENT.**

Mr. Acting Speaker assigned **HB 494** to the Telecommunications Internet & Technology Committee.

Representative Wagner requested and was granted personal privilege of the floor to make comments regarding

**HR 44.** Representative Smith made comments.

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

Mr. Acting Speaker Buckworth called the House to order at 2:10 p.m. on May 8, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 298 w/SA 1, SB 339, SB 353, SB 248 w/SA 2 & 3 & SB 291 w/SA 2.**

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.

**29TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 8, 2002**

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives DiPinto, Reynolds, Scott & Ulbrich - 4.

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

Mr. Acting Speaker introduced Byron White, an Eagle Scout, who led those present in a pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HA 1 to HB 428 - MULROONEY** - Placed with the Bill.

**SB 248 w/SA 2 & 3 - BLEVINS & SENATOR MCBRIDE; SENATORS BONINI, BUNTING, CLOUTIER, CONNOR, SOKOLA; REPRESENTATIVES MIRO, DILIBERTO, BUCKWORTH, CAREY, B. ENNIS, EWING, GILLIGAN, KEELEY, MULROONEY, PRICE, VANSANT, VIOLA, WEST - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Creating a Crime Victims' Ombudsman Office and Amending the Victims Bill of Rights.**

**SB 291 w/SA 2 - VAUGHN & REPRESENTATIVE B. ENNIS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.**

**SB 298 w/SA 1 - SIMPSON & REPRESENTATIVE SCHROEDER; SENATOR VENABLES - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools.**

**SB 339 - DELUCA & REPRESENTATIVE SPENCE & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 25 of the Delaware Code Relating to Sale of Abandoned Property.**

**SB 353 - SOKOLA & REPRESENTATIVE VALIHURA; SENATORS BLEVINS, DELUCA, MCBRIDE, MCDOWELL, CLOUTIER & WINSLOW; REPRESENTATIVES DIPINTO, D. ENNIS, HUDSON, STONE & B. ENNIS - TRANSPORTATION - An Act to Amend Title 17 of the Delaware Code Relating to a Safe Routes to Schools Program.**

**HA 1 to SB 304 - HUDSON** - Placed with the Bill.

Mr. Acting Speaker introduced guests. Representatives West & Wagner requested that they be marked present. Representative Smith brought the following prefiled **Consent Calendar #16** before the House for consideration.

**HR 48 - Fallon & Representative Thornburg & Representative Hudson on behalf of All Representatives - IN RECOGNITION OF NATIONAL TOURISM WEEK AND THE IMPORTANCE OF TOURISM TO THE ECONOMIC WELL-BEING OF THE FIRST STATE.**

**HCR 46 - Maier on behalf of All Representatives & Senator Marshall on behalf of All Senators - RECOGNIZING THE VITAL ROLE THAT CERTIFIED NURSING ASSISTANTS PLAY IN PROVIDING**

HEALTH CARE SERVICES, AND ENCOURAGING EMPLOYERS TO RECRUIT, RETAIN AND REWARD CERTIFIED NURSING ASSISTANTS FOR THEIR QUALITY CARE.

**SCR 28** - Sorenson & Senator DeLuca on behalf of all Senators & Representatives Smith & B. Ennis on behalf of all Representatives - COMMENDING THE 2001 EAGLE SCOUTS FOR having ATTAINED THE HIGHEST RANK ONE CAN EARN IN THE BOY SCOUTS OF AMERICA.

**Consent Calendar #16** was adopted by voice vote and **HR 48** was declared passed and **HCR 46** was sent to the Senate for concurrence and **SCR 28** was returned to the Senate.

Representative VanSant requested that he be marked present. Representative Fallon made comments regarding **HR 48**. Representative Hudson requested that she be marked present. Mr. Acting Speaker made comments. Representative Fallon made an announcement.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:19 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 2:19 p.m.: Representatives Boulden, Brady, D. Ennis, Oberle, Plant & Spence.

Mr. Acting Speaker Roy called the House to order at 2:04 p.m. on May 9, 2002.

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

TELECOMMUNICATIONS INTERNET & TECHNOLOGY: **HB 473** - 4F; **HB 492** - 4F.

HEALTH & HUMAN DEVELOPMENT: **HB 454** - 5M.

PUBLIC SAFETY: **HB 486** - 6M.

JUDICIARY: **HB 479** - 1F, 5M; **SB 286** - 7M; **SB 303** - 5M, 2U; **SB 330** - 6M.

TRANSPORTATION: **HB 476** - 7M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 477** - 7M; **HB 480** - 6M, 1U.

REVENUE & FINANCE: **HB 471** - 6M, 1U.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 459 w/SA 1**, **HB 111 w/SA 2** & **HCR 45** and is returning same to the House & **SB 368 w/SA 1** and requests the concurrence of the House.

May 2, 2002

The Honorable Terry Spence

Speaker of the House of Representatives

Legislative Hall

Dover, DE 19901

Dear Terry,

Please express to members of your caucus, all of whom I'm missing very much these days, my deep appreciation for their many cards, phone calls and other remembrances during this period of my illness. The overwhelming response on your part has lifted my spirits and helped me immeasurably on my road to recovery which will not be too long now since I seem to make more progress and feel better everyday.

During my days as capitol correspondent for the News Journal Papers, back in the early 60's the House of Representatives was my one permanent beat as I covered a host of other areas of state government, but daily when the House was in session, I was there to cover the proceedings and I learned to value greatly its influence and power in determining what was best for our state of Delaware. As I look back over those 40 years I think that our Representatives from those days until now have served us very well indeed. You are all to be commended.

Well, as I say I miss you considerably and I do hope to be back before the end of

the session so that I can again observe you in action and perhaps express a wee voice in some of your deliberations. All the best.

Sincerely

Ned Davis

Mr. Speaker Spence resumed the Chair.

Representatives Brady and Plant requested that they be marked present for the current Legislative Day.

Mr. Speaker Spence assigned **HB 471** to the Appropriations Committee.

Representative Miro requested that he be marked present.

Representative Viola introduced **HB 498**.

**HB 498** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. (2/3 bill)

Mr. Speaker assigned **HB 498** to the Judiciary Committee.

Representatives DiPinto & Scott 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.

### **30TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 9, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Buckworth – 1.

A prayer was offered by Representative Pamela S. Maier, Twenty-First Representative District.

Mr. 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 495** - LEE & REPRESENTATIVE SPENCE & REPRESENTATIVE SMITH - HOUSE ADMINISTRATION - An Act to Amend Title 29, Delaware Code Relating to the Delaware Sunset Act.

**HA 1 to HB 484** - B. ENNIS - Placed with the Bill.

**SB 368 w/SA 1** - MARSHALL & SENATORS BLEVINS, AMICK & SIMPSON; REPRESENTATIVES MAIER, DIPINTO & B. ENNIS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Minimum Staffing for Nursing Home Facilities and Training for Certified Nursing Assistants.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested and was granted privilege of the floor for himself and Christopher B. Wolfe, Director of Legal Studies, University of Delaware, who introduced members of a Ukranian Business Delegation. Representative D. Ennis presented House Certificates to the members of the delegation. Nataliya Avramenko addressed the House. Mr. Speaker Spence made comments.

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

HEALTH & HUMAN DEVELOPMENT: **SB 368 w/SA 1** - 4M.

The Reading Clerk read the following communication into the record:

#### **M E M O R A N D U M**

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

FROM: Gerald A. Buckworth

DATE: Thursday, May 09, 2002

RE: Absence from Session

Please be advised that it is necessary for me to be absent today due to illness. Thank you for understanding.

Representative Smith deferred to Representative Roy. Representative Roy requested and was granted privilege of the floor for Alan Sokolow, Executive Director, Eastern Regional Conference, Council of State Governments. Representative Roy presented a gift to Mr. Sokolow.

Representative B. Ennis requested that he be marked present. Mr. Speaker Spence introduced guests.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:40 p.m. with Representative Oberle as Acting

Representative Oberle requested that he be marked present.

Mr. Acting Speaker Oberle appointed Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HS 1 for HB 385**, jointly sponsored by Representative Ewing & Representative Gilligan & Representative VanSant & Representative B. Ennis & Senator Adams & Senator Winslow, before the House for consideration.

**HB 385** - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SURVIVORS' ELIGIBILITY FOR PENSION BENEFITS. (F/N)

Representatives Oberle, Gilligan, Maier, Wagner, Oberle, Ewing & Oberle made comments.

The roll call on **HS 1 for HB 385** was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **HS 1 for HB 385** was sent to the Senate for concurrence.

Representatives Keeley, Lavelle, Lofink, Price, Reynolds, Schroeder, Ulbrich & Valihura requested that they be marked present during the roll call.

Representative Smith brought the following **Consent Agenda B** before the House for concurrence on Senate Amendments.

**HB 111 w/SA 2** - Oberle & Senator Sokola; Representative Ewing - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING ANTIQUE AUTOMOBILES OR MOTOR VEHICLES REGISTERED ANTIQUE AND INSPECTION.

**HB 401 w/SA 2** - Spence & Senators Marshall & Winslow - AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO MEDALS, DECORATIONS AND HONORS FOR ACTIVE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RETIREMENT OF DELAWARE NATIONAL GUARD MEMBERS.

**HB 459 w/SA 1** - Fallon & Representatives Ewing & West & Senator Bunting - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Representative Smith requested that **HB 459 w/SA 1** be removed from **Consent Agenda B**.

The roll call on **Consent Agenda B** was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **HB 111 w/SA 2 & HB 401 w/SA 2** were sent to the Governor.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought **HB 459 w/SA 1**, jointly sponsored by Representatives Ewing & West & Senator Bunting, before the House for concurrence on **SA 1**.

**HB 459** - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Representative Price made comments.

The roll call on **HB 459 w/SA 1** was taken and revealed:

YES: 38.

NO: Representative Price - 1.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **HB 459 w/SA 1** was sent to the Governor.

Representative Smith deferred to Representative Oberle.

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

Representative Oberle brought **HB 462**, jointly sponsored by Senator Blevins & Representative Maier, before the House for consideration.

**HB 462 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRACTICE OF PHARMACY.**

Representative Oberle made comments. Representative Oberle requested and was granted privilege of the floor for David Dryden, Director, Office of Narcotics and Dangerous Drugs. Representative Wagner made comments.

The roll call on **HB 462** was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & West - 2.

Therefore, having received a constitutional majority, **HB 462** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier moved to suspend the rules which interfere with action on **SB 368 w/SA 1**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Maier brought **SB 368 w/SA 1**, jointly sponsored by Senator Marshall & Senators Blevins, Amick & Simpson & Representatives DiPinto & B. Ennis, before the House for consideration.

**SB 368 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS.**

Representatives Maier, Ewing, DiPinto & Wagner made comments.

The roll call on **SB 368 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **SB 368 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 455**, jointly sponsored by Senator Bunting & Representatives Buckworth, D. Ennis, Ewing, Fallon, Hudson, Reynolds & Brady, before the House for consideration.

**HB 455 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO HOTELS, RESTA AND PLACES OF ENTERTAINMENT.**

Representative Wagner introduced and brought **HA 1 to HB 455** before the House for consideration. Representative Wagner made a comment. **HA 1** was adopted by voice vote.

Representatives Wagner, Price, Miro, Viola, Williams, Caulk & Wagner made comments. Representative Wagner requested and was granted privilege of the floor for Champe C. McCulloch, President, Delaware Hotel and Lodging Association. Representatives Caulk, Smith, Scott & Wagner made comments.

Representative Wagner moved to place **HB 455 w/HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 421**, jointly sponsored by Representative Maier & Senator Blevins & Representatives Brady, D. Ennis, Ewing, Caulk, DiLiberto, Gilligan, Houghton, Keeley, Lee, Mulrooney, Oberle,

Plant, Price, Schroeder, Scott, Spence, VanSant, Viola, West & Williams & Senators Simpson & Vaughn, before the House for consideration.

**HB 421** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL AND PARAMEDIC SERVICES.

Representatives B. Ennis & DiPinto made comments. Representative B. Ennis requested and was granted privilege of the floor for William Stevenson, Director, Emergency Medical Services, Division of Public Health. Representatives DiPinto, Smith & B. made comments.

Representative B. Ennis moved to place **HB 421** on the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **HB 322**, jointly sponsored by Senator DeLuca & Representatives Maier, Keeley & Price & Senators Henry, Venables & Winslow, before the House for consideration.

**HB 322** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PSYCHOLOGISTS.

Representative Ulbrich made comments.

The roll call on **HB 322** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Miro & Reynolds - 3.

Therefore, having received a constitutional majority, **HB 322** was sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis. Representative D. Ennis requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Price.

Representative Price brought **HB 460**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 460** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, BY CLARIFYING VOTING QUALIFICATIONS, PROHIBITING MEMBERS OF COUNCIL FROM BEING EMPLOYED BY THE TOWN, CLARIFYING THE POWERS OF THE MAYOR, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH CODE OF CONDUCT, CONTRACT, AND COMPETITIVE BIDDING PROVISIONS BY ORDINANCE, CLARIFYING FORFEITURE OF OFFICE PROVISIONS, AUTHORIZING REMOTE ELECTRONIC ACCESS MEETING PARTICIPATION BY COUNCIL MEMBERS, EXPANDING THE TOWN'S ABILITY TO CREATE LIENS AND TO COLLECT COSTS AND ATTORNEY'S FEES, EXPANDING THE JURISDICTION OF THE TOWN POLICE AND ALDERMAN, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATION, IMPOSE IMPACT FEES AND TO COLLECT A "VOLUNTARY ASSESSMENT" FROM VIOLATORS IN LIEU OF REQUIRING A COURT APPEARANCE. (2/3 bill)

Representative Price brought **HA 1 to HB 460** before the House for consideration. Representative Price made a comment. **HA 1** was adopted by voice vote. Representative Price made a comment.

The roll call on **HB 460 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Miro - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 460 w/HA 1** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 6:00 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:03 p.m. on May 14, 2002.

The Chief Clerk read the following communications into the record:



The Senate wishes to inform the House that it has passed **HCR 44, HCR 46 & HB 218** and is returning same to the House.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative Plant, do hereby request that my name be removed as cosponsor of **HB 455**.

Date: May 9, 2002

Signed: Hazel D. Plant

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.

**31ST LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**  
**May 14, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

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

The following prefiled legislation was introduced:

**HB 496** - HUDSON; REPRESENTATIVES LEE, BUCKWORTH, DIPINTO, WAGNER, KEELEY;  
SENATORS MARSHALL, VAUGHN, WINSLOW - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Creation of an Indigent Party Expense Fund and the Priority Order of Payments to the Videophone Fund and the Indigent Party Expense Fund. (3/5 bill)

**HB 497** - WEST & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Amend Section 30 by Adding a New Subsection (47) to Authorize the Town to Receive Bequests, Gifts and Donations of All Kinds and to Dispose of the Same. (2/3 bill)

**HA 3 to HB 271** - SPENCE - Placed with the Bill.

**HA 1 to SCR 18** - SMITH - Placed with the Bill.

Representatives Gilligan & Cathcart requested that they be marked present. The House observed a moment of silence in memory of former House staff Member Richard Millman at the request of Mr. Acting Speaker Quillen.

Representative Lee requested that he be marked present. Representatives Ewing & Gilligan made comments.

Representative Price requested that she be marked present.

The Chief Clerk read the following communication into the record:

May 14, 2002

**LEGISLATIVE ADVISORY #30**

Governor Ruth Ann Minner signed the following legislation on the date indicated: 5/9/02 - **HB 412, HB 413, SS 1 to SB 130 aab SA 1 & HA 2, SB 288 aab SA 1, SB 305, SB 322 & SJR 13**.

Representatives Williams, Miro & Wagner requested that they be marked present.

Representative Smith deferred to Representative Miro. Representative Miro made comments. Representative Miro requested and was granted privilege of the floor for Dr. Susanna Lee, President and CEO, Jobs for Delaware Graduates; Dalisha Henry, President, and Genice Hughes, Vice-President, Delaware Career Association. Representatives Spence, Wagner & Miro made comments. Dr. Lee introduced two of her staff members from Jobs for Delaware Graduates.

Representative Ulbrich requested that she be marked present. Representative Buckworth requested and was granted personal privilege of the floor to introduce a guest. Representative Ulbrich made an announcement.

Representative Spence introduced a guest. Representative Plant requested that she be marked present.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart introduced **HS 1 for HB 340**, jointly sponsored by Senator Simpson & Representatives Buckworth, Fallon, Lavelle, Lofink, Reynolds, Valihura, Wagner, Gilligan, Houghton, Keeley & Viola & Senators McBride, Amick, Sorenson & Connor.

**HB 340 - AN ACT TO AMEND CHAPTER 66, TITLE 7 OF THE DELAWARE CODE RELATING TO THE PROTECTION OF WETLANDS.**

Mr. Acting Speaker assigned **HS 1 for HB 340** to the Land Use and Infrastructure Committee.

Representative Smith made an announcement.

Representatives Lavelle & Lofink requested that they be marked present.

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

The House reconvened at 5:05 p.m. with Representative Buckworth as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Representatives Valihura, Mulrooney & Oberle requested that they be marked present.

Representative Smith introduced **HB 502**, jointly sponsored by Representatives Buckworth, DiPinto, Ewing, Hudson & Maier & Senators Bunting, Amick & Simpson.

**HB 502 - AN ACT TO AMEND CHAPTER 68 OF TITLE 18 OF THE DELAWARE CODE RELATING TO PROVIDING LIMITATION ON NON-ECONOMIC DAMAGES IN MEDICAL MALPRACTICE LITIGATION.**

Mr. Speaker Spence assigned **HB 502** to the House Administration Committee.

Representative D. Ennis requested that he be marked present.

Representative Smith deferred to Representative Price.

Representative Price introduced **HB 500**, jointly sponsored by Representative Spence & Representative DiLiberto & Representative Keeley & Representative Viola & Senator Bunting & Representatives Boulden, Brady, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Mulrooney, Plant, Reynolds, Schroeder, Stone, Thornburg, Ulbrich, Valihura, VanSant & Williams & Senators Blevins, Bonini, Cloutier, Connor, Sokola & Venables & cosponsored by Representatives Buckworth & Scott.

**HB 500 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX AND A VETERANS' HOME.**

Mr. Speaker Spence assigned **HB 500** to the Veterans Affairs Committee.

Representative Price, Mr. Speaker Spence & Representative Cathcart made comments regarding **HB 500**.

Representative Reynolds requested that he be marked present.

Representative Smith deferred to Representative Schroeder.

Representative Schroeder brought **HB 448**, jointly sponsored by Senator Bunting & Representatives B. Ennis, Gilligan, Price, Quillen, Wagner & West & Senators Blevins, DeLuca & Simpson, before the House for consideration.

**HB 448 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICIAL STATE MARINE ANIMAL.**

Representative Schroeder made comments. Representative Schroeder requested and was granted privilege of the floor for Abigail Bradley, a senior at Cape Henlopen High School. Representative Schroeder introduced guests.

The roll call on **HB 448** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 448** was sent to the Senate for concurrence.

Representative Maier requested that she be marked present during the roll call.

Representative Smith deferred to Representative Cathcart. Representative Cathcart requested and was granted privilege of the floor to present a House Tribute to Jamie Tobin, member of the House staff. Representatives Wagner & Cathcart made comments.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 446**, jointly sponsored by Senator DeLuca, before the House for consideration.

**HB 446 - AN ACT TO AMEND TITLE 21 RELATING TO REGISTRATION AND CONTROL OF OFF-HIGHWAY VEHICLES.**

Mr. Speaker Spence reassigned **HB 502** to the Economic Development/Banking & Insurance Committee.

Representative Oberle introduced and brought **HA 1 to HB 446** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote. Representatives Oberle, Maier, Oberle, Maier, Oberle, Schroeder, Oberle & West made comments.

The roll call on **HB 446 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 446 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **SB 328 w/SA 1**, sponsored by Senator Adams & Representative West & Senators Venables & Bunting, before the House for consideration.

**SB 328 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE TOWN OF GEORGETOWN, SUSSEX COUNTY, DELAWARE.** (3/4 bill)

Representative Valihura made comments.

The roll call on **SB 328 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Hudson - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **SB 328 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Ewing. Representative Ewing requested that action on **SB 286** be Deferred to a Day Certain, Thursday, May, 16, 2002.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 477**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 477 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.**

Representative Stone made comments.

The roll call on **HB 477** was taken and revealed:

YES: 40.

NOT VOTING: Representative Oberle - 1.

Therefore, having received a constitutional majority, **HB 477** was sent to the Senate for concurrence.

Representative Smith brought **HB 395 w/SA 1**, jointly sponsored by Senator Cloutier & Senator Sokola & cosponsored by Representatives Carey, Cathcart, D. Ennis, Hudson, Lavelle & Thornburg & Senator Cook, before the House for concurrence on SA 1.

**HB 395 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE SYMBOLS.**

Representative Smith made comments.

The roll call on **HB 395 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Viola - 1.

Therefore, having received a constitutional majority, **HB 395 w/SA 1** was sent to the Governor.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 492**, jointly sponsored by Representative Hudson & Senator Marshall & Senator McBride, before the House for consideration.

**HB 492 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION OF PUBLIC UTILITIES.** (3/5 bill)

Representative Roy made comments.

The roll call on **HB 492** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 492** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **HB 476**, jointly sponsored by Senator Sorenson & Representatives Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Keeley, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Smith, Thornburg, Valihura & Viola, before the House for consideration.

**HB 476 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REFLECTIVE MATERIAL ON LARGE TRASH CONTAINERS LOCATED ON HIGHWAYS.** (2/3 bill)

Representatives Lavelle & Smith made comments.

The roll call on **HB 476** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 476** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 239 w/ SA 1**, jointly sponsored by Senator Henry & Senators Blevins, Cook, McDowell, Sokola, Amick, Bonini, Cloutier, Connor, Simpson, Sorenson & Winslow & Representatives Hudson, Keeley & Plant, before the House for consideration.

**SB 239 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE KINSHIP CARE PROGRAM.** (F/N)

Representative Maier brought **HA 1 to SB 239** before the House for consideration. Representative Maier made a comment. **HA 1** was adopted by voice vote. Representative Maier introduced and brought **HA 2 to SB 239** before the House for consideration. Representative Maier made comments. **HA 2** was adopted by voice vote. Representative Maier made comments.

The roll call on **SB 239 w/SA 1 & HA 1 & 2** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 239 w/SA 1 & HA 1 & 2** was returned to the Senate for concurrence on **HA 1 & 2**.

Representative Spence introduced a guest.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 33**, jointly sponsored by Representatives Carey, Ewing & Reynolds, before the House for consideration.

**HB 33 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM.** (F/N)

Representative Miro brought **HA 1 to HB 33** before the House for consideration. Representative Miro made a comment. Representative Valihura introduced and brought **HA 1 to HA 1 to HB 33** before the House for consideration. Representative Valihura made comments. **HA 1 to HA 1** was adopted by voice vote. Representative Miro made comments. **HA 1 w/HA 1** was adopted by voice vote. Representatives Miro & Wagner made comments.

Representative Miro moved to place **HB 33 w/HA 1 & HA 1 to HA 1** on the Speaker's Table. The motion was seconded by Representative Wagner and adopted by voice vote.

Representative Valihura made comments regarding **SB 99**.

Representative Quillen made an announcement.

The Majority Whip moved to recess to the call of the Chair at 6:20 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on May 15, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 242, SB 338, SB 342 & SB 355 w/SA 1** and requests the concurrence of the House; **HB 234, HB 273 & HB 395 w/SA 1** and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator George H. Bunting, Jr., do hereby request that my name be removed as cosponsor of **HB 489**.

Date: May 14, 2002

Signed: George H. Bunting, Jr.

Mr. Acting Speaker made an announcement. Mr. Acting Speaker introduced a guest.

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.

**32ND LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 15, 2002**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative John J. Viola, Twenty-Sixth Representative District.

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

The minutes of the previous two legislative days were approved as posted.

The following prefiled legislation was introduced:

**HB 499** - ULBRICH & SENATOR DELUCA; REPRESENTATIVES HUDSON, VALIHURA, DILIBERTO, KEELEY; SENATORS BUNTING, SOKOLA, SIMPSON, STILL - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Real Estate Appraisers.

**HB 501** - PRICE & REPRESENTATIVE KEELEY & REPRESENTATIVE PLANT; REPRESENTATIVES BRADY, B. ENNIS, HOUGHTON, MULROONEY, SCHROEDER, SPENCE; SENATOR VENABLES - GAMING & PARIMUTUELS - An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to Bingo.

**HB 503** - SPENCE; SENATOR SHARP - EDUCATION - An Act to Amend Title 29 of the Delaware Code Relating to Certain Exemptions From the Provisions of the Administrative Procedures Act.

**HA 2 to HB 406** - WAGNER - Placed with the Bill.

**HA 3 to HB 406** - STONE - Placed with the Bill.

**HA 4 to HB 406** - CATHCART & REPRESENTATIVE STONE - Placed with the Bill.

**HA 1 to HB 473** - GILLIGAN - Placed with the Bill.

**HA 2 to HB 473** - GILLIGAN - Placed with the Bill.

**HA 3 to HB 473** - SMITH - Placed with the Bill.

**SB 242** - MCBRIDE & REPRESENTATIVES BUCKWORTH, EWING, LOFINK, OBERLE, SPENCE & GILLIGAN - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 29 of the Delaware Code Relating to Bid Bonding Requirements.

**SB 338** - COOK & REPRESENTATIVE STONE - ECONOMIC DEVELOPMENT, BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Investment in Stock of Subsidiaries.

**SB 342** - BLEVINS & REPRESENTATIVES KEELEY, MAIER, OBERLE & SENATORS BONINI, MCDOWELL - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Chapter 275, Volume 71, Laws of Delaware Relating to Health Insurance.

**SB 355 w/SA 1** - MCBRIDE & REPRESENTATIVE QUILLEN; SENATORS BUNTING, VENABLES & CONNOR; REPRESENTATIVES CAREY, PRICE & WEST - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 29, Chapter 80 of the Delaware Code Relating to the Council on Shellfisheries.

Representative Wagner requested and was granted privilege of the floor for Laura Anderson, representing Creative Mentoring.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #68

DATE: May 15, 2002

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
H141-1526	D. Ennis cosponsor: Rep. Maier	4/29/2002	T	Richard Seidel/Retirement/New Castle Conservation District
H141-1527	Spence	4/26/2002	T	Harry Simeone/Honorary Doctor of Business/Goldey Beacom
H141-1528	DiPinto	4/25/2002	T	M. Lynn Herrick Sharp/Outstanding Volunteer Award Recipient
H141-1529	Hudson cosponsors: Reps. Maier, Miro & Roy Hockessin	5/2/2002	T	Community News/Grand Opening/New Home in
H141-1530	Spence	4/23/2002	T	Linda Magaw/Professionalism and Compassion/Patients
H141-1531	Spence	4/23/2002	T	Noreen Quinn/Professionalism and Compassion/Patients
H141-1532	Spence	4/23/2002	T	Karen DiCriscio/Physical Therapist/Skillful Care
H141-1533	Spence	4/23/2002	T	Loni Holmes/Physical Therapist/Skillful Care
H141-1534	Spence	4/23/2002	T	Maureen Swiatek/Physical Therapist/Skillful Care
H141-1535	Spence	4/23/2002	T	John Records/Physical Therapist/Skillful Care
H141-1536	DiPinto	4/23/2002	T	Dr. Mimi Silbert/Delancey Street/Rebuilding Lives
H141-1537	DiPinto	4/26/2002	T	Rockford Tower/Re-opening
H141-1538	DiPinto	3/22/2002	T	Barbara & Tom Hughes/50th Wedding Anniversary
H141-1539	Wagner	4/27/2002	T	Amanda Willey & Paul Perrone/Marriage
H141-1540	Smith cosponsors: Reps. Spence & Lee	4/24/2002	T	Honorable William Roth/Honorary Speaker of the House
H141-1541	DiPinto	4/25/2002	T	Jack Jurden/Brightening Our Days
H141-1542	Wagner	4/18/2002	M	Frank James Hardcastle, Sr.
H141-1543	Carey cosponsor: Rep. West	5/16/2002	T	Clayton Thomas Serman/Eagle Scout
H141-1544	Price	5/25/2002	T	Town of Selbyville/100th Anniversary
H141-1545	Quillen	5/4/2002	T	Doris Calhoun/Volunteerism
H141-1546	Boulden	5/7/2002	T	Christopher Koston/Teenager of the Year/Newark Lions Club
H141-1547	Boulden	5/7/2002	T	Li Chen/Teenager of the Year/Newark Lions Club
H141-1548	Thornburg	5/10/2002	T	Byron White/Eagle Scout
H141-1549	Lee	5/5/2002	T	Portsville United Methodist Church/170th Anniversary

HOUSE TRIBUTE ANNOUNCEMENT #69

DATE: May 15, 2002

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
H141-1550	Cathcart	6/8/2002	T	Amanda Tobin & Stephen Johnson/Marriage
H141-1551	Price	5/3/2002	T	Joe Lobb/Ocean View Town Manager/Retirement
H141-1552	Roy	5/13/2002	T	Falun Dafa Day/Photo Exhibition
H141-1553	Maier	4/22/2002	T	Fritz Griesinger/President/Pike Creek Civic League
H141-1554	Wagner	5/4/2002	T	Jennifer Luff & Matthew Foskey/Marriage
H141-1555	Wagner	5/4/2002	T	Leslie Stagg & Andrew Kosek/Marriage
H141-1556	Wagner	5/4/2002	T	Melissa Murray & Simon Willetts/Marriage
H141-1557	B. Ennis	4/17/2002	M	Thomas A Dobies, Sr.

H141-1558	B. Ennis	4/15/2002	M	Mary B. Martin
H141-1559	Quillen	5/1/2002	T	Dr. Melbourne Carriker/Published Scientific Papers
H141-1560	Fallon	5/1/2002	T	Diane Callaway/President/National Association of Educational Office Professionals
H141-1561	Cathcart	5/2/2002	T	Redding Intermediate School/50th Anniversary
H141-1562	Schroeder	2/24/2002	T	Agnes & Joseph Cavanaugh/50th Wedding Anniversary
H141-1563	Brady	3/19/2002	T	Peg & Peter Scarpitti, Sr./60th Wedding Anniversary
H141-1564	Scott	3/8/2002	T	Helena & Theodore Spanish/50th Wedding Anniversary
H141-1565	Schroeder	3/22/2002	T	Kay & Bob Leitton/60th Wedding Anniversary
H141-1566	Gilligan	3/14/2002	T	Henry & Amy Neff/55th Wedding Anniversary
H141-1567	Gilligan	5/11/2002	T	Mill Creek Fire Company/75th Anniversary
	cosponsors: Reps. Maier & Roy			
H141-1568	Gilligan	5/11/2002	T	Catherine Jenkins/53 Years/Mill Creek Ladies Auxiliary
H141-1569	Lavelle	4/25/2002	T	Very Reverend John O'Brien/Ordination/40th Anniversary
H141-1570	Lavelle	4/25/2002	T	Very Reverend Michael Szupper/Ordination/45th Anniversary
	cosponsor: Rep. Ulbrich			
H141-1571	Buckworth	5/1/2002	T	Kay Wood Bailey/Retirement/Prison Arts
H141-1572	DiPinto	4/25/2002	T	Delaware Art Museum Council/Outstanding Volunteer Arts/Culture Award Recipient

#### HOUSE TRIBUTE ANNOUNCEMENT #70

DATE: May 15, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the of the sponsor:

Number	Sponsor	Date	Type	Description
H141-1573	DiPinto	4/25/2002	T	Brandywine Springs Elementary
	cosponsors: Reps. Hudson, Maier & Miro			School/Outstanding Volunteer Community Service Award
H141-1574	Gilligan	3/21/2002	T	Donald & Jody Schneckenburger/50th Wedding Anniversary
H141-1575	Stone	5/3/2002	T	Kent County Republican Women's Club/50th Anniversary
	Reps. Thornburg, Wagner, Quillen & Hudson			
H141-1576	Stone	5/3/2002	T	Eva Scotton/First President/Women's Club
	cosponsors: Reps. Thornburg, Wagner, Quillen & Hudson			
H141-1577	B. Ennis	4/29/2002	M	Margaret H. Buxton
H141-1578	Buckworth	4/25/2002	T	MSgt. Belva Berry/Volunteer Governmental Award
H141-1579	Smith	4/25/2002	T	Marian Lindbergh/Volunteer Individual Award
H141-1580	Roy	4/25/2002	T	Cinda McCombie/Volunteer Education Award Recipient
H141-1581	Spence	4/25/2002	T	Margarita Rodriguez-Duffy/Outstanding Professional Volunteer Award Recipient
	cosponsor: Rep. DiLiberto			
H141-1582	Spence	4/25/2002	T	Patient Family Support Volunteers/Christiana Care/Award
H141-1583	Hudson	4/25/2002	T	Michelle & Steve McCann/Volunteer Human Needs Award
H141-1584	Hudson	4/25/2002	T	Susan McGrath/Volunteer Education Award Recipient
H141-1585	Hudson	4/25/2002	T	Agilent Technologies, Inc./Volunteer Corporate Award
H141-1586	Spence	6/1/2002	T	Gloria & Philip Corrozi/45th Wedding Anniversary
	cosponsor: Rep. Hudson			
H141-1587	Maier	4/14/2002	T	Pat & Ronald Geyer/50th Wedding Anniversary

H141-1588	DiPinto	5/7/2002	T	Dr. Bentley Hollander/Member/Board of Medical Practice
H141-1589	DiPinto	5/7/2002	T	Janet Chin/Member/Council on Libraries
H141-1590	Price	5/7/2002	T	Thomas Runk/World War II Veteran/High School Diploma
H141-1591	Price	5/7/2002	T	James Carson, Jr./World War II Veteran/High School Diploma
	cosponsor: Rep. Wagner			
H141-1592	Price	5/7/2002	T	Edward Rosiak/World War II Veteran/High School Diploma
	cosponsor: Rep. VanSant			

HOUSE TRIBUTE ANNOUNCEMENT #71

DATE: May 15, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the sponsor:

Number	Sponsor	Date	Type	Description
H141-1593	Price	5/7/2002	T	Thomas Lynch/World War II Veteran/High School Diploma
	cosponsor: Rep. Valihura			
H141-1594	Price	5/7/2002	T	George Buckalew, Sr./World War II Veteran/High School Diploma
	cosponsor: Rep. Valihura			
H141-1595	Price	5/7/2002	T	Joseph Orlowski/World War II Veteran/High School Diploma
	cosponsor: Rep. Ulbrich			
H141-1596	Price	5/7/2002	T	LeRoy Rench/World War II Veteran/High School Diploma
	cosponsor: Rep. Stone			
H141-1597	Price	5/7/2002	T	John Siekierda/World War II Veteran/High School Diploma
	cosponsor: Rep. Reynolds			
H141-1598	Price	5/7/2002	T	Edward Buckalew/World War II Veteran/High School Diploma
	cosponsor: Rep. Reynolds			
H141-1599	Price	5/7/2002	T	Harvey Parry, Jr./World War II Veteran/High School Diploma
	cosponsor: Rep. Gilligan			
H141-1600	Price	5/7/2002	T	Theodore Czajkowski/World War II Veteran/High School Diploma
	cosponsor: Rep. Gilligan			
H141-1601	Price	5/7/2002	T	Ralph Moore/World War II Veteran/High School Diploma
	cosponsor: Rep. Ewing			
H141-1602	Price	5/7/2002	T	Stanley Warren/World War II Veteran/High School Diploma
	cosponsor: Rep. B. Ennis			
H141-1603	Price	5/7/2002	T	Jerry McNeal, Sr./World War II Veteran/High School Diploma
	cosponsor: Rep. B. Ennis			
H141-1604	Price	5/7/2002	T	Alfred Sosienski/World War II Veteran/High School Diploma
	cosponsor: Rep. DiPinto			
H141-1605	Price	5/7/2002	T	Charles Hart, Jr./World War II Veteran/High School Diploma
	cosponsor: Rep. Carey			
H141-1606	Price	5/7/2002	T	William Fones/World War II Veteran/High School Diploma
	cosponsor: Rep. Buckworth			
H141-1607	Price	5/7/2002	T	Edward Hoopes/World War II Veteran/High School Diploma
	cosponsor: Rep. Brady			
H141-1608	Stone	6/7/2002	T	William Alexander Wells/Eagle Scout
H141-1609	Oberle	5/2/2002	T	Brandon Subach/Eagle Scout
H141-1610	DiPinto	5/2/2002	T	David Crumplar/Eagle Scout



# HOUSE TRIBUTE ANNOUNCEMENT #72

DATE: May 15, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at of the sponsor:

Number	Sponsor	Date	Type	Description
H141-1611	Carey	5/2/2002	T	Tori Suess/Bronze Medal/Math Counts
H141-1612	Carey	5/2/2002	T	Qi Tao Li/Silver Medal/Math Counts
H141-1613	Price	5/7/2002	T	Evan Ottey/World War II Veteran/High School Diploma
H141-1614	Fallon	5/7/2002	T	Gail Launay/Ten Years/Partners in Policymaking
	cosponsors: Reps. Maier & Schroeder			
H141-1615	Spence	5/10/2002	T	Marianne Cruikshank/Visit to Delaware
H141-1616	Wagner	5/11/2002	T	Karryl Hubbard & Alex McManus/Marriage
H141-1617	Stone	5/11/2002	T	Paula Pocius & Patrick McPhail/Marriage
	cosponsor: Rep. Wagner			
H141-1618	Wagner	5/11/2002	T	Janet Arns & John Ray/Marriage
H141-1619	Price	5/12/2002	T	Dolores & James Holahan/50th Wedding Anniversary
H141-1620	Maier	5/8/2002	T	Allen Prettyman/Nurse Practitioner Excellence Award Recipient
H141-1621	Williams	4/26/2002	T	Marilyn Bartley/Nurse of the Year
H141-1622	Caulk	4/25/2002	T	Jack Burris/Volunteer Community Service Award Recipient
H141-1623	Price	5/21/2002	T	Phillip Showell Elementary School/Nationally Distinguished School
H141-1624	Price	5/13/2002	T	Oak Orchard Cheer Senior Center/25th Anniversary
H141-1625	Williams	5/7/2002	T	Neighbor to Neighbor Program/Volunteer Spirit
H141-1626	Smith	5/7/2002	T	Paul Hopkins/President/Foulkside Civic Association
H141-1627	Ewing	5/10/2002	T	Sharon Hawk/Retirement/28 Years/Woodbridge Schools
H141-1628	Smith	5/8/2002	T	Ann Diggins/President/Buckingham Greene Civic Association
H141-1629	Caulk	6/15/2002	T	Thomas Lindale, Jr./Retirement/28 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1630	Wagner	6/15/2002	T	Richard Headley/Retirement/32 Years/Capital Schools
H141-1631	Thornburg	6/15/2002	T	Richard Barlow/Retirement/25 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1632	Wagner	6/15/2002	T	Curtis Coleman/Retirement/29 Years/Capital Schools
H141-1633	Buckworth	6/15/2002	T	William Suleski/Retirement/34 Years/Capital Schools
	cosponsor: Rep. Wagner			

T - Tribute

M - Memoriam

Representatives Cathcart, Boulden & Stone requested that they be marked present.

Representative Smith brought the following prefiled **Consent Calendar #17** before the House for consideration.

**HR 49** - Wagner & Representative D. Ennis & Representative Boulden & Representative Brady - RE-ESTABLISHING THE COMMUTER TASK FORCE TO IMPLEMENT THE RECOMMENDATIONS OF RE-ESTABLISHING COMMUTER RAIL SERVICE BETWEEN NEW CASTLE AND KENT COUNTIES AND TO MAKE FURTHER RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

**HCR 47** - D. Ennis & Representative Wagner; Representatives B. Ennis & Keeley - RECOMMENDING THAT THE STATE PERSONNEL OFFICE TAKE IMMEDIATE STEPS TO DECENTRALIZE THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

**HCR 48** - Ewing & Representative Williams - A CONCURRENT RESOLUTION REQUESTING THAT THE DIVISION OF MOTOR VEHICLES AND DEPARTMENT OF PUBLIC SAFETY PLACE RACIAL BACKGROUND AS A DATA ELEMENT ON DELAWARE DRIVERS' LICENSES AND ACCIDENT REPORTS.

**Consent Calendar #17** was adopted by voice vote and **HR 49** was declared passed and **HCR 47 & HCR 48** were sent to the Senate for concurrence.

Representative Wagner made comments regarding **HCR 47**. Representative Wagner requested and was granted personal privilege of the floor to make comments. Representative Smith made comments.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:19 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 2:19 p.m.: Representatives Brady, Carey, DiPinto, D. Ennis, Gilligan, Keeley, Miro, Oberle, Price, Reynolds, Roy, Schroeder & Spence.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:10 p.m. on May 16, 2002.

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

CORRECTIONS: **SB 349** - 7M.

PUBLIC SAFETY: **HB 484** - 7M; **SB 248 w/SA 2 & 3** - 7M.

APPROPRIATIONS: **SB 304** - 3F, 1M.

EDUCATION: **SB 298 w/SA 1** - 7M.

JUDICIARY: **HB 481** - 7M; **HB 496** - 7M; **SB 339** - 5M.

HEALTH & HUMAN DEVELOPMENT: **SB 351** - 5M.

Representatives Price, Williams, Carey, Scott, Hudson & Lofink requested that they be marked present for the current Legislative Day.

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

### **33RD LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**May 16, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative D. Ennis - 1.

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

Mr. 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 504** - D. ENNIS & REPRESENTATIVE WAGNER & REPRESENTATIVE KEELEY & REPRESENTATIVE B. ENNIS & SENATOR HENRY; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CAULK, DIPINTO, EWING, HUDSON, LEE, MAIER, MIRO, MULROONEY, PLANT, PRICE, SCHROEDER, STONE, THORNBURG, ULBRICH, VALIHURA, VANSANT, VIOLA - LABOR - An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to State Employees.

**HB 505** - B. ENNIS & REPRESENTATIVE VANSANT & SENATOR CONNOR; REPRESENTATIVES BRADY, CAULK, EWING, KEELEY, PRICE, SPENCE, VIOLA, WEST; SENATOR VAUGHN - PUBLIC SAFETY - An Act to Amend Subchapter II, Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Certain County Officials.

**HB 507 - OBERLE & SENATOR BLEVINS & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT** - An Act to Amend Title 16 of the Delaware Code Relating to Public Health Quality Assurance in the Operation of Home Health Agency Programs. (3/5 bill)

**HA 1 to HB 444** - MIRO - Placed with the Bill.

**SB 324 - CLOUTIER & REPRESENTATIVE VALIHURA; SENATORS ADAMS, AMICK, BLEVINS, BONINI, BUNTING, CONNOR, COOK, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SHARP, SIMPSON, SOKOLA, SORENSON, STILL, VAUGHN, WINSLOW; REPRESENTATIVES CATHCART, HUDSON, LAVELLE, SCHROEDER - TRANSPORTATION** - An Act to Amend Title 17 of the Delaware Code Relating to Transportation Construction Projects Requiring Landscaping and Reforestation Activities.

**SB 341 w/SA 2 - BLEVINS & REPRESENTATIVE MAIER - ECONOMIC DEVELOPMENT/BANKING & INSURANCE** - An Act to Amend Title 18 of the Delaware Code and Chapter 96, Volume 73, Laws of Delaware Relating to Health Insurance.

**SB 356 - BLEVINS & REPRESENTATIVE ULBRICH & REPRESENTATIVE MAIER - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY** - An Act to Amend Title 24 of the Delaware Code Relating to Nursing.

**HA 1 to SB 303** - STONE - Placed with the Bill.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Terry R. Spence  
FROM: Rep. Dave Ennis  
DATE: May 16, 2002  
RE: Absence from Session

I will be absent from Session today for medical reasons.

The Senate wishes to inform the House that it has passed **SB 324, SB 341 w/SA 2 & SB 356** and requests the concurrence of the House; **HB 151 w/HA 1 & 2 & HB 263 w/HA 1** and is returning same to the House.

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

Representative Buckworth requested and was granted privilege of the floor to present a House Tribute to Kay Wood Bailey, Administrator, Prison Arts Program. Mr. Speaker Spence presented a gift to Ms. Bailey.

Representatives B. Ennis, Brady & Wagner made comments. Representative Quillen requested and was granted personal privilege of the floor to introduce a guest. Representative Fallon requested and was granted privilege of the floor to present House Commendations to members of the Delaware National Guard Retired Officers Association.

Representative Smith made comments regarding **HCR 50**.

Representative Gilligan requested that he be marked present. Representative Gilligan made comments.

Mr. Speaker Spence made comments regarding **HB 500**.

Representatives Stone, Miro, Maier, Ulbrich, Cathcart, DiPinto, Mulrooney & Viola requested that they be marked present.

Representative Smith introduced and brought **HCR 50**, jointly sponsored by Representative Spence & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives & Senator Sharp & Senator Vaughn & Senator Marshall & Senator Amick & Senator Sorenson on behalf of All Senators, before the House for consideration.

**HCR 50 - PROCLAIMING MAY 25, 2002, NATIONAL SALUTE TO THE U.S. MILITARY DAY IN DELAWARE.**

WHEREAS, the men and women of the U.S. Armed Forces serve our great nation and protect our country and freedoms every day; and

WHEREAS, we support our men and women in uniform who are risking their lives to preserve our freedom and way of life; and

WHEREAS, May is National Military Appreciation Month and the month in which Americans celebrate Memorial Day; and

WHEREAS, now is the time to thank America's heroes for their sacrifice; and

WHEREAS, McDonald's National Salute to the U.S. Military pays tribute to the brave men and women who dedicate their lives to serving our country; and

WHEREAS, McDonald's has a long, rich history of broad-based support of social responsibility and commitment to give back to the communities in which it serves; and

WHEREAS, McDonald's will join others to pay tribute to those men and women through a nationally televised special called "Rockin' for the USA: A National Salute to the U.S. Military", which will air Memorial Day weekend on CBS (Saturday, May 25<sup>th</sup> at 9 p.m. EST); and

WHEREAS, McDonald's will host community rallies at restaurants throughout the country to salute and celebrate local heroes who serve in the U.S. Military.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware, the Senate concurring therein, that Saturday, May 25, 2002, is hereby proclaimed National Salute to the U.S. Military Day in Delaware and encourages all our residents to join in this salute during Memorial Day weekend.

BE IT FURTHER RESOLVED that the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware on behalf of all Delawareans hereby commends McDonalds for their longstanding commitment to serving those who serve our nation.

BE IT FURTHER RESOLVED that suitably prepared copies of this Resolution be sent to each Delaware McDonalds for their use in celebrating the day.

**HCRR 50** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced **HB 506**, jointly sponsored by Representative West.

**HB 506** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE TOBACCO PRODUCT TAX. (3/5 bill)

Mr. Speaker Spence assigned **HB 506** to the Revenue & Finance Committee.

Representative Smith deferred to Representative Fallon. Representative Fallon requested and was granted privilege of the floor to present a House Tribute to Gail Launay, State Coordinator, Partners in Policy Making. Representative Cathcart made comments.

Representative Plant requested that she be marked present.

Mr. Speaker Spence introduced a guest.

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 4:38 p.m. with Representative Oberle as Acting Speaker.

Representative Oberle requested that he be marked present.

Representative Smith deferred to Representative Viola.

Representative Viola brought **HB 396**, jointly sponsored by Senator DeLuca & Representatives B. Ennis, Gilligan, Keeley, Maier & Mulrooney & Senators Amick & Sokola, before the House for consideration.

**HB 396** - AN ACT TO AMEND CHAPTER 23 OF TITLE 24 OF THE DELAWARE CODE RELATING TO PAWN BROKERS, SECOND-HAND DEALERS, AND JUNK DEALERS. (2/3 bill)

Representative Viola made comments. Representative Viola introduced and brought **HA 1** to **HB 396** before the House for consideration. Representatives Viola & Buckworth made comments. Representative Viola requested and was granted privilege of the floor for Melanie George, House Attorney. Representatives Buckworth, Price & Mr. Acting Speaker made comments. Mr. Acting Speaker made an announcement. Representative Viola moved to place **HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote. Mr. Acting Speaker made an announcement.

Representative Viola moved to place **HB 396** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Lofink.

Representative Lofink brought **SB 311 w/SA 1**, jointly sponsored by Senator Marshall, before the House for consideration.

**SB 311 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.**

Representative Lofink made comments.

The roll call on **SB 311 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **SB 311 w/SA 1** was returned to the Senate.

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

Mr. Acting Speaker introduced a guest.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 286**, jointly sponsored by Senator Sharp, before the House for consideration.

**SB 286 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, BY ADDING A NEW SECTION 40 RELATING TO THE ADMISSIBILITY OF EVIDENCE GATHERED PURSUANT TO A SEARCH WARRANT. (2/3 bill)**

Representative Ewing made comments. Representative Ewing requested and was granted privilege of the floor for Steve Wood, Deputy Attorney General. Representatives Valihura, Wagner, Mr. Acting Speaker & Representative Ewing made comments. Representative Ewing requested and was granted privilege of the floor for Matthew Denn, Legal Counsel, Governor's Office. Representatives Ewing, Valihura & Smith made comments.

The roll call on **SB 286** was taken and revealed:

YES: 25.

NO: Representatives Brady, Gilligan, Keeley, Maier, Plant, Quillen, Roy, Scott, Stone, Ulbrich, Valihura, Viola, West & Williams - 14.

ABSENT: Representatives Boulden & D. Ennis - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, **SB 286** was declared defeated.

Representative Smith deferred to Representative Viola.

Representative Viola moved to lift **HB 396** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

**HB 396 - AN ACT TO AMEND CHAPTER 23 OF TITLE 24 OF THE DELAWARE CODE RELATING TO PAWNBROKERS, SECOND-HAND DEALERS, AND JUNK DEALERS. (2/3 bill)**

Representative Viola moved to lift **HA 1** from the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote. Mr. Speaker Spence resumed the Chair. Representative Viola introduced and brought **HA 1 to HA 1 to HB 396** before the House for consideration. Representative Viola made a comment. **HA 1 to HA 1** was adopted by voice vote. Representative Price made comments. Representative Viola requested and was granted privilege of the floor for Major Joseph Switsky, Delaware State Police. Representative Price made comments. **HA 1w/HA 1** was adopted by voice vote. Representative Viola made comments.

The roll call on **HB 396 w/HA 1 & HA 1 to HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 396 w/HA 1 & HA 1 to HA 1** was sent to the Senate for concurrence.

Representative Viola made comments.

Representative Smith deferred to Representative Viola.

Representative Viola moved to suspend the rules which interfere with action on **HB 498**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Viola brought **HB 498** before the House for consideration.

**HB 498 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. (2/3 bill)**

Representative Viola made comments.

The roll call on **HB 498** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 498** was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **SB 346 w/SA 1**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **SB 346 w/SA 1**, sponsored by Senators Adams, Cook & Winslow Representative Lee, before the House for consideration.

**SB 346 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO COMPOSITION OF ELECTIONS DISTRICTS.**

Representatives Smith & Gilligan made comments.

The roll call on **SB 346 w/SA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & D. Ennis - 2.

Therefore, having received a constitutional majority, **SB 346 w/SA 1** was returned to the Senate.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **SB 393**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith introduced and brought **SB 393**, jointly sponsored by Senator Sharp & Senator Adams & Senator Marshall & Representative Spence & Representative Lee, before the House for consideration.

**SB 393 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO DISTRICT BOUNDARIES OF CERTAIN GENERAL ASSEMBLY SENATE AND HOUSE OF REPRESENTATIVE DISTRICTS.**

Representatives Smith, Reynolds & Smith made comments.

Representative Smith moved to place **SB 393** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 434**, jointly sponsored by Senator Vaughn & Representatives Brady, Buckworth, Fallon, Houghton, Miro, Plant, Spence, VanSant, Viola & West & cosponsored by Representative Williams, before the House for consideration.

**HB 434 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES.**

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative B. Ennis made comments.

The roll call on **HB 434** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, D. Ennis, Price, Schroeder & West - 5.

Therefore, having received a constitutional majority, **HB 434** was sent to the Senate for concurrence.

Representative Lavelle requested and was granted personal privilege of the floor to introduce a guest.  
Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 435**, jointly sponsored by Senator Vaughn & Representatives Brady, Buckworth, Ewing, Fallon, Houghton, Miro, Plant, Spence, VanSant & West, before the House for consideration.

**HB 435 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE SECURITY SYSTEMS AND PROTECTIVE SERVICES.**

Representative B. Ennis made comments.

The roll call on **HB 435** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & D. Ennis - 2.

Therefore, having received a constitutional majority, **HB 435** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 490**, jointly sponsored by Senator McBride, before the House for consideration.

**HB 490 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING, TRAPPING AND FISHING LICENSES. (2/3 bill)**

Representatives Quillen, Fallon, DiLiberto, Quillen & Schroeder made comments. Representative Quillen requested and was granted privilege of the floor for David S. Small, Deputy Secretary, Department of Natural Resources and Environmental Control. Mr. Speaker Spence resumed the Chair. Representatives Schroeder, Price, Lavelle & Scott made comments.

Representative Quillen moved to place **HB 490** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart brought **HB 406**, jointly sponsored by Senator Sharp & Representatives Roy, Spence, Hudson, Valihura, Smith, Miro, Boulden, Buckworth, Thornburg & DiPinto & Senator Winslow, before the House for consideration.

**HB 406 - AN ACT TO AMEND TITLE 6 RELATING TO BUILDING CONSTRUCTION PAYMENTS.**

Representative Cathcart brought **HA 1 to HB 406** before the House for consideration. Representative Cathcart made comments. **HA 1** was adopted by voice vote. Representative Cathcart deferred to Representative Wagner. Representative Wagner requested that **HA 2 to HB 406** be stricken. Representative Cathcart deferred to Representative Stone. Representative Stone requested that **HA 3 to HB 406** be stricken. Representative Cathcart brought **HA 4 to HB 406**, jointly sponsored by Representative Stone, before the House for consideration. Representative Cathcart requested that **HA 4** be stricken. Representative Cathcart introduced and brought **HA 5 to HB 406**, jointly sponsored by Representative Stone, before the House for consideration. Representative Cathcart made comments. **HA 5** was adopted by voice vote. Representative Cathcart made comments.

The roll call on **HB 406 w/HA 1 & 5** was taken and revealed:

YES: 37.

ABSENT: Representatives Boulden, Buckworth, D. Ennis & West - 4.

Therefore, having received a constitutional majority, **HB 406 w/HA 1 & 5** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro. Representative Miro requested that action on **HB 360** be Deferred to a Day Certain, Thursday, June, 6, 2002.

Representative Miro introduced **HS 1 for HB 280**, jointly sponsored by Representatives Carey, DiPinto, Ewing, Fallon, Hudson, Lavelle, Quillen, Reynolds, Brady, Houghton & Plant.

**HB 280 - AN ACT TO AMEND TITLES 28 AND 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF VIDEO LOTTERIES IN QUALIFIED ENTERTAINMENT ZONES.**

Mr. Speaker assigned **HS 1 for HB 280** to the Business/Corporations/Commerce Committee.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 480**, jointly sponsored by Senator Adams & Representatives DiPinto, Hudson, Roy, Smith, Spence, Valihura, VanSant & Wagner & Senators Amick, Bonini, Cook, McDowell & Winslow, before the House for consideration.

**HB 480 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS.**

Representative Stone made an announcement.

Representative Stone moved to place **HB 480** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **SB 304**, jointly sponsored by Senators Blevins & Sokola & Representatives DiLiberto, Gilligan & Roy, before the House for consideration.

**SB 304 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE DELAWARE ASSOCIATION FOR THE BLIND. (3/4 bill) (F/N)**

Representative Hudson brought **HA 1 to SB 304** before the House for consideration. Representative Hudson made comments. **HA 1** was adopted by voice vote. Representatives Hudson, Gilligan & Hudson made comments.

The roll call on **SB 304 w/HA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, Buckworth, D. Ennis, Scott & West - 5.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **SB 304 w/HA 1** was returned to the Senate for concurrence on **HA 1**.

Representative Lavelle made an announcement.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **SB 350**, jointly sponsored by Senator Adams, before the House for consideration.

**SB 350 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FRANCHISING PRACTICES.**

Representative DiPinto made comments.

The roll call on **SB 350** was taken and revealed:

YES: 37.

ABSENT: Representatives Boulden, Buckworth, D. Ennis & West - 4.

Therefore, having received a constitutional majority, **SB 350** was returned to the Senate.

Representative Smith moved to lift **SB 393** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **SB 393**, jointly sponsored by Senators Sharp, Adams & Marshall & Representative Spence & Representative Lee, before the House for consideration.

**SB 393 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATED TO DISTRICT BOUNDARIES OF CERTAIN GENERAL ASSEMBLY SENATE AND HOUSE OF REPRESENTATIVE DISTRICTS.**

Representative Smith made a comment.

The roll call on **SB 393** was taken and revealed:

YES: 37.

ABSENT: Representatives Boulden, Buckworth, D. Ennis & West - 4.

Therefore, having received a constitutional majority, **SB 393** was returned to the Senate.



Representative Smith moved to lift **HB 480** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

**HB 480 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS.**

Representative Smith deferred to Representative Stone. Representative Stone deferred to Representative Keeley. Representative Cathcart rose on a point of order. Mr. Speaker concurred. Representative Keeley introduced and brought **HA 1 to HB 480** before the House for consideration. Representative Keeley requested that **HA 1** be stricken. Representative Oberle made a comment. Representative Price introduced and brought **HA 2 to HB 480**, jointly sponsored by Representative Miro, before the House for consideration. Representative Price requested that **HA 2** be stricken. Representative Keeley introduced and brought **HA 3 to HB 480**, jointly sponsored by Representative Miro, before the House for consideration. Representatives Keeley, Smith & Miro made comments. **HA 3** was adopted by voice vote. Representatives Stone, Lavelle, Stone, Lavelle & Stone made comments.

The roll call on **HB 480 w/HA 3** was taken and revealed:

YES: 32.

NO: Representatives Lavelle, Quillen & Thornburg - 3.

NOT VOTING: Representatives Oberle & Smith - 2.

ABSENT: Representatives Boulden, Buckworth, D. Ennis & West - 4.

Therefore, having received a constitutional majority, **HB 480 w/HA 3** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson. Mr. Speaker made an announcement.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 488** - 5M; **HB 491** - 5M; **SB 321** - 5M.

TELECOMMUNICATIONS INTERNET & TECHNOLOGY: **HB 494** - 5F.

Representative Hudson introduced and brought **HR 50**, sponsored on behalf of All Representatives, before the House for consideration.

**HR 50 - RECOGNIZING THE IMPORTANCE OF SAFETY WHILE USING WIRELESS PHONES AND TO DECLARE MAY 20 THROUGH MAY 24, 2002 AS "WIRELESS SAFETY WEEK" IN DELAWARE.**

Representative Hudson made comments.

**HR 50** was adopted by voice vote.

Representative Smith made an announcement. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representatives Smith, Gilligan & DiPinto made comments.

The Majority Leader moved to recess to the call of the Chair at 6:55 p.m.

Mr. Acting Speaker Buckworth called the House to order at 2:10 p.m. on June 4, 2002.

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.

**34TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 4, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Williams - 1.

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

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

The following out-of-session prefiled legislation was introduced:

May 29, 2002

**HB 508 - MAIER & SENATOR SOKOLA; REPRESENTATIVES VANSANT, BUCKWORTH, D. ENNIS, EWING, FALLON, HUDSON, STONE, WAGNER, BRADY, B. ENNIS, HOUGHTON, KEELEY, PLANT, PRICE,**

SCOTT, VIOLA, WILLIAMS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Persons with Mental Disabilities and Sexual Offending Behavior.

**HB 509** - FALLON & REPRESENTATIVE WAGNER & SEN. MCBRIDE; REPRESENTATIVES BRADY, BUCKWORTH, CAULK, EWING, B. ENNIS, D. ENNIS, HOUGHTON, PLANT, VIOLA, WEST; SENATOR HENRY - EDUCATION - An Act to Amend Titles 14 and 29 of the Delaware Code Relating to Employee Salaries, Work Conditions and the Merit System of Personnel Administration.

**HB 510** - 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 511** - SPENCE - HOUSE ADMINISTRATION - An Act to Amend Title 1 of the Delaware Code Related to General Provisions.

**HB 512** - PRICE; REPRESENTATIVES B. ENNIS, HUDSON, SPENCE - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Blue Crabs. (2/3 bill)

**HB 513** - VALIHURA; REPRESENTATIVES BRADY, CAULK, KEELEY, LOFINK; SENATORS CLOUTIER, WINSLOW - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Titles 9 and 22 of the Delaware Code Relating to County and Municipal Open Space Conservation Taxes.

**HB 514** - THORNBURG & SENATOR COOK; REPRESENTATIVES SPENCE, LEE, VANSANT, B. ENNIS; SENATORS VENABLES, STILL - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HB 515** - DIPINTO - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 22 of the Delaware Code Relating to Parking Authorities.

**HB 516** - DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW, - APPROPRIATIONS - An Act to Amend Title 15 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.

**HB 517** - DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW, - APPROPRIATIONS - An Act to Amend Title 31 of the Delaware Code Codifying Certain Sections of the Fiscal Year 2002 Budget Act.

**HB 518** - DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW, - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.

**HB 519** - DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW, - APPROPRIATIONS - An Act to Amend Title 19 of the Delaware Code by Codifying a Section of the Fiscal Year 2002 Budget Act.

**HB 520** - DIPINTO & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW, - APPROPRIATIONS - An Act to Amend Title 16 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.

**HB 521** - SCHROEDER; REPRESENTATIVES BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, DILIBERTO, DIPINTO, B. ENNIS, EWING, FALLON, GILLIGAN, KEELEY, LAVELLE, LEE, LOFINK, MIRO, PRICE, SPENCE, WAGNER, WEST; SENATOR BUNTING - PUBLIC SAFETY - An Act to Amend Title 21 Relating to Motor Vehicles and Special Registration Plates.

**HB 522** - SPENCE & SENATOR MCBRIDE & REPRESENTATIVE BOULDEN; REPRESENTATIVES SMITH, LEE, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LAVELLE, LOFINK, MAIER, MIRO, OBERLE, QUILEN, REYNOLDS, ROY, STONE, THORNBURG, ULBRICH, VALIHURA, WAGNER, GILLIGAN, VANSANT, BRADY, DILIBERTO, B. ENNIS, HOUGHTON, KEELEY, MULROONEY, PLANT, PRICE, SCHROEDER, SCOTT, VIOLA, WEST; SENATORS AMICK, SORENSON, HENRY, MCDOWELL, BLEVINS, BONINI, CONNOR, SIMPSON, STILL, WINSLOW -

**POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY** - An Act to Amend Title 24 of the Delaware Code Regarding Substitution of Drugs.

**HB 523** - GILLIGAN & REPRESENTATIVE ROY & SENATOR COOK; REPRESENTATIVES KEELEY, SCHROEDER - TELECOMMUNICATIONS INTERNET & TECHNOLOGY - An Act to Amend Title 29 of the Delaware Code Relating to the Disposal of State-Owned Equipment.

**HB 524** - WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to the Base Period for Unemployment Compensation.

**HA 2 to HB 33** - WAGNER - Placed with the Bill.

**HA 2 to HB 484** - B. ENNIS - Placed with the Bill.

**SB 343** - MARSHALL & REPRESENTATIVE LOFINK; SENATORS MCBRIDE, DELUCA, HENRY, SHARP; REPRESENTATIVE MULROONEY - LABOR - An Act to Amend Section 6960, Chapter 69, Title 29, Delaware Code Relating to Public Works Contracts and Prevailing Wage Rates.

**SB 361** - ADAMS & REPRESENTATIVE WAGNER; REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

**SB 362** - ADAMS & REPRESENTATIVE WAGNER; REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Chapter 17, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

**SB 363** - ADAMS & REPRESENTATIVE WAGNER; REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Chapter 18, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Liability Companies and the Registration and Regulation of Foreign Limited Liability Companies. (3/5 bill)

**SB 364** - ADAMS & REPRESENTATIVE WAGNER; REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Chapter 15, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Partnerships and the Registration and Regulation of Foreign Limited Liability Partnerships. (3/5 bill)

**SB 371 w/SA 1** - ADAMS & REPRESENTATIVE LAVELLE - PUBLIC SAFETY - An Act to Amend Title 29 of the Delaware Code Relating to the Freedom of Information Act and the Disclosure of Evidence that May Jeopardize the Physical Safety of Delawareans.

**HA 1 to SB 298** - WAGNER - Placed with the Bill.

Representatives Wagner, B. Ennis & Viola requested that they be marked present. Representative Smith introduced guests. Representative Smith deferred to Representative Ewing. Representative Ewing introduced guests. The minutes of the previous legislative day were approved as posted.

Representative Carey requested and was granted privilege of the floor for Dr. Dean Betts, Safety and Driver Education Associate, Department of Education, who introduced the Milford High School team, winners of the Driver Education competition. Ty Wilkerson and Ryan Sutcliffe, two of the winners addressed the House. Representative Carey presented House Tributes to the winners and their instructors. Representative Fallon made a comment. Representative D. Ennis requested and was granted personal privilege of the floor to make comments.

Representative Smith requested and was granted privilege of the floor to present a House Tribute to Philip and Gloria Corrozi on the occasion of their forty-fifth wedding anniversary. Representative West requested that he be marked present. Representative Wagner made an announcement.

Representative Wagner requested that **HB 63**, **HB 118** & **HB 455** be stricken.

Representatives Lofink, Cathcart, Mulrooney & Quillen requested that they be marked present. Representative Ewing made an announcement.

Representative B. Ennis requested that **HB 227** be stricken.

Representative Smith requested and was granted privilege of the floor for Erin Cooper, Miss Delaware 2001 and the 2002 Miss Delaware contestants who announced their names for the record.

Representative Hudson requested that she be marked present.

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

HOUSE ADMINISTRATION: **HB 497** - 1F, 2M.

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

The House reconvened at 4:33 p.m. with Representative Oberle as Acting Speaker.

Representative Oberle requested that he be marked present.

Representative Smith deferred to Representative Spence. Representatives Spence & Price requested that they be marked present.

Representative Smith deferred to Representative Spence. Representative Spence requested that **HB 271** be stricken.

Representatives Brady & Schroeder requested that they be marked present.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 485**, jointly sponsored by Representatives Spence & Maier & Senators Sokola & Henry & Representatives Buckworth, Carey, DiLiberto, D. Ennis, Ewing, Lofink, Valihura, B. Ennis & Houghton, before the House for consideration.

**HB 485** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

Representative Wagner introduced and brought **HA 1 to HB 485** before the House for consideration.

Representative Wagner made comments. **HA 1** was adopted by voice vote.

Representatives Wagner, Lavelle, Wagner & Lavelle made comments.

The roll call on **HB 485 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Williams - 1.

Therefore, having received a constitutional majority, **HB 485 w/HA 1** was sent to the Senate for concurrence.

Representatives DiPinto, Miro, Plant, Reynolds & Ulbrich requested that they be marked present during the roll call.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 437**, jointly sponsored by Representatives D. Ennis & DiPinto & Senator Vaughn & Representatives Brady, Buckworth, Caulk, Ewing, Fallon, Houghton, Lee, Miro, Oberle, Price, Quillen, Spence, VanSant, Viola & West & Senator Simpson, before the House for consideration.

**HB 437** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO STATE EMERGENCY RESPONSE COMMISSION; AND PROVIDING FOR EMERGENCY PLANNING AND RESPONSE.

Representative B. Ennis brought **HA 1 to HB 437** before the House for consideration. Representative B. Ennis made comments. **HA 1** was adopted by voice vote. Representatives B. Ennis & Maier made comments.

The roll call on **HB 437 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Williams - 1.

Therefore, having received a constitutional majority, **HB 437 w/HA 1** was sent to the Senate for concurrence.

Mr. Acting Speaker introduced a guest. Representatives Gilligan & Smith made comments.

Representative Smith deferred to Representative Roy. Representative Roy requested that action on **HB 473** be Deferred to a Day Certain, Thursday, June, 6, 2002.

Representative Smith deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with action on **HB 522**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence brought **HB 522**, jointly sponsored by Senator McBride & Representatives Boulden, Smith, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola & West & Senators Amick, Sorenson, Henry, McDowell, Blevins, Bonini, Connor, Simpson, Still & Winslow, before the House for consideration.

**HB 522** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE REGARDING SUBSTITUTION OF DRUGS.

Representative Spence made comments. Representative Spence requested and was granted privilege of the floor for Calvin A. Freeman, President, Board of Pharmacy. Representative Stone made comments. Representative Spence introduced guests. Representative Spence made comments.

Representative Wagner introduced and brought **HA 1 to HB 522** before the House for consideration. Representative Wagner made a comment. **HA 1** was adopted by voice vote.

The roll call on **HB 522 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Williams - 2.

Therefore, having received a constitutional majority, **HB 522 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee brought **SB 349**, jointly sponsored by Senator Vaughn, before the House for consideration.

**SB 349** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN FORMA PAUPERIS.

Mr. Speaker Spence resumed the Chair. Representatives Lee & Oberle made comments. Representative Oberle requested and was granted privilege of the floor for John Brady, House Attorney.

Mr. Speaker Spence assigned **HS 1 for HB 340** to the Appropriations Committee.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Oberle made comments. Representative Lee requested and was granted privilege of the floor for Steve Wood, Deputy Attorney General. Representatives Lee, Valihura, Lavelle, Oberle & Lavelle made comments.

The roll call on **SB 349** was taken and revealed:

YES: 29.

NO: Representatives Plant & Scott - 2.

NOT VOTING: Representatives Brady, Keeley, Maier, Oberle, Price & Viola - 6.

ABSENT: Representatives D. Ennis, Spence, Valihura & Williams - 4.

Therefore, having received a constitutional majority, **SB 349** was returned to the Senate.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan requested that **HB 405** be stricken.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 351**, jointly sponsored by Senators McDowell & Blevins & Representatives Valihura & Keeley, before the House for consideration.

**SB 351** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE OFFICE OF THE CHILD ADVOCATE.

Mr. Acting Speaker Buckworth appointed Representative Roy as Acting Speaker.

Representative Maier made comments.

The roll call on **SB 351** was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Spence & Williams - 3.

Therefore, having received a constitutional majority, **SB 351** was returned to the Senate.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **SB 233**, jointly sponsored by Senators Sorenson, Bonini, Amick, Cloutier, Connor, McDowell, Simpson, Still & Winslow & Representatives Cathcart, DiLiberto, DiPinto, B. Ennis, D. Ennis, Fallon, Houghton, Maier, Mulrooney, Reynolds, Schroeder, Scott, Ulbrich, Valihura, Viola & Wagner, before the House for consideration.

**SB 233** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE.

Representative Buckworth made comments.

The roll call on **SB 233** was taken and revealed:

YES: 36.

ABSENT: Representatives D. Ennis, Oberle, Spence, Ulbrich & Williams - 5.

Therefore, having received a constitutional majority, **SB 233** was returned to the Senate.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 486**, jointly sponsored by Representative Maier & Senator Bunting, before the House for consideration.

**HB 486** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND DRIVERS LICENSES.

Representative Wagner made comments.

The roll call on **HB 486** was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Oberle, Spence & Williams - 4.

Therefore, having received a constitutional majority, **HB 486** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson. Representative Hudson requested that action on **HB 447** be Deferred to a Day Certain, Thursday, June, 6, 2002.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **SB 314**, jointly sponsored by Senator Henry, before the House for consideration.

**SB 314** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT OBLIGATIONS.

Representative Hudson made comments.

The roll call on **SB 314** was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Spence & Williams - 3.

Therefore, having received a constitutional majority, **SB 314** was returned to the Senate.

Representative Smith deferred to Representative Ulbrich. Representative Ulbrich made comments regarding **HB 528**.

Representative Ulbrich introduced **HB 528**, jointly sponsored by Senator McDowell & Representative Price & Senator Cloutier.

**HB 528** - AN ACT TO AMEND TITLES 10, 11, AND 16 OF THE DELAWARE CODE RELATING TO THE CHILD PROTECTION REGISTRY AND CRIMINAL BACKGROUND CHECKS.

Mr. Acting Speaker assigned **HB 528** to the Health & Human Development Committee.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House

FROM: Dennis P. Williams

Representative, 1st District  
DATE: June 4, 2002  
RE: Absence from Session

I will be absent from session on Tuesday, June 4, 2002, due to personal business. Thank you for your consideration.

Representative Lofink made an announcement.

Representative Wagner requested that **HB 494** be stricken.

Representative Smith deferred to Representative Cathcart. Representative Cathcart requested that action on **SB 242** be Deferred to a Day Certain, Thursday, June, 6, 2002.

The Majority Leader moved to recess to the call of the Chair at 5:50 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m. on June 5, 2002.

The Reading Clerk read the following communications into the record:

#### MEMORANDUM

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Richard A. DiLiberto  
DATE: June 4, 2002  
RE: Absence from Session

I respectfully request that you excuse my absence from session on June 5, 2002, as I will be attending the Annual Bench and Bar Conference in New Castle County.

Thank you.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Gerald A. Buckworth, do hereby request that my name be removed as a cosponsor of **HB 323**.

Date: June 4, 2002

Signed: Gerald A. Buckworth

The Senate wishes to inform the House that it has passed **SB 369, SB 336 w/SA 1, SB 361, SB 362, SB 363, SB 364, SB 369, SB 393, SB 346 w/SA 1, SB 371 w/SA 1 & SCR 29 & SCR 31** and requests the concurrence of the House; **HB 278 w/SA 1 & HCR 50** and is returning same to the House.

May 29, 2002

#### LEGISLATIVE ADVISORY #31

Governor Ruth Ann Minner signed the following legislation on the date

indicated: 5/15/02 - **SB 368 aab SA 1**; 5/21/02 - **SB 328 aab SA 1**; 5/17/02 - **SB 332, HB 111 aab SA 2, HB 218, HB 401 aab SA 2 & HB 459 aab SA 1**; 5/21/02 - **HB 234, HB 263 aab HA 1 & HB 273**.

The Majority Whip moved to adjourn at 2:03 p.m., thereby ending the current legislative day. The House reconvened at 2:04 p.m.

#### **35TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 5, 2002**

The Chief Clerk called the roll:

Members Present: 36.

Members Absent: Representatives DiLiberto, Hudson, Spence, Ulbrich & Williams - 5.

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

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

The following prefiled legislation was introduced:

**HB 525 - VIOLA & REPRESENTATIVE MULROONEY; REPRESENTATIVES BRADY, BUCKWORTH, CATHCART, DILIBERTO, B. ENNIS, EWING, GILLIGAN, HOUGHTON, HUDSON, KEELEY, MAIER, MIRO, PLANT, PRICE, SCHROEDER, VANSANT, WAGNER, WEST, WILLIAMS; SENATORS BLEVINS,**

MARSHALL, SOKOLA - PUBLIC SAFETY - An Act to Amend Title 29 of the Delaware Code Relating to Freedom of Information.

**HB 526** - VIOLA; REPRESENTATIVES CATHCART, CAULK, D. ENNIS, FALLON, SPENCE, ULBRICH, WEST; SENATORS AMICK, BLEVINS, SOKOLA - TELECOMMUNICATIONS INTERNET & TECHNOLOGY - An Act to Amend Title 21 of the Delaware Code Relating to Cell Phones and Rules of the Road. (2/3 bill)

**HB 527** - VALIHURA & SENATOR HENRY - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Titles 9 and 22 of the Delaware Code Relating to Persons with Disabilities.

**HA 1 to HB 323** - OBERLE - Placed with the Bill.

**HA 1 to HB 447** - HUDSON - Placed with the Bill.

**HA 2 to HB 478** - KEELEY - Placed with the Bill.

**SB 336 w/SA 1** - HENRY & REPRESENTATIVE HUDSON; SENATOR MARSHALL & REPRESENTATIVE KEELEY - SUBSTANCE ABUSE - An Act to Amend Title 16 of the Delaware Code Relating to Drug Paraphernalia. (2/3 bill)

**SB 369** - COOK & REPRESENTATIVE OBERLE; SENATORS VAUGHN, SOKOLA, BLEVINS, HENRY, WINSLOW, BONINI, SIMPSON; REPRESENTATIVES DIPINTO, REYNOLDS, FALLON, STONE, BRADY, SCHROEDER, WEST - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Implementation of Skills/Knowledge Supplements and Payment of Stipends.

**HA 1 to SB 338** - STONE - Placed with the Bill.

Representative Lee deferred to Representative Maier. Representative Maier requested and was granted privilege of the floor to present House Certificates to the Delaware Health Care Facility Association All-Star Special Award Winners. Representative Ewing requested and was granted personal privilege of the floor to make comments. Representatives Fallon, Buckworth, D. Ennis, DiPinto, Houghton, Brady & Plant requested that they be marked present.

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

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #73

DATE: June 5, 2002

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
H141-1634	Thornburg cosponsor: Rep. Wagner	6/15/2002	T	Donald Rider, Sr./Retirement/15 Years/Capital Schools
H141-1635	Buckworth cosponsor: Rep. Wagner	6/15/2002	T	Joseph Hajeck/Retirement/17 Years/Capital Schools
H141-1636	B. Ennis cosponsor: Rep. Wagner	6/15/2002	T	Ted George/Retirement/35 Years/Capital Schools
H141-1637	Wagner	6/15/2002	T	James Brown/Retirement/29 Years/Capital Schools
H141-1638	Quillen cosponsor: Rep. Wagner	6/15/2002	T	Patsy Brown/Retirement/32 Years/Capital Schools
H141-1639	Wagner	6/15/2002	T	Linda Zaccovic/Retirement/7 Years/Capital Schools
H141-1640	Buckworth cosponsor: Rep. Wagner	6/15/2002	T	Charlotte Ward/Retirement/26 Years/Capital Schools
H141-1641	Buckworth cosponsor: Rep. Wagner	6/15/2002	T	Nancy Suleski/Retirement/34 Years/Capital Schools
H141-1642	Wagner	6/15/2002	T	Joann Pate/Retirement/19 Years/Capital Schools



H141-1643	Stone	6/15/2002	T	Betty Melton/Retirement/30 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1644	Wagner	6/15/2002	T	Jean Knotts/Retirement/11 Years/Capital Schools
H141-1645	Quillen	6/15/2002	T	Martha Higgins/Retirement/39 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1646	Buckworth	6/15/2002	T	Anne Haltom/Retirement/26 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1647	Wagner	6/15/2002	T	Carol Griffith/Retirement/31 Years/Capital Schools
H141-1648	Stone	6/15/2002	T	Sally Donnellan/Retirement/22 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1649	Thornburg	6/15/2002	T	Karen Blakeman/Retirement/16 Years/Capital Schools
	cosponsor: Rep. Wagner			
H141-1650	Carey	5/15/2002	T	George Dickerson/Chairman/Delaware Police Chiefs' Council
H141-1651	B. Ennis	5/10/2002	T	Alan Bradley/President/Del-Mar-Va Volunteer Firemen's Association
H141-1652	Hudson	5/19/2002	T	Molly Janet Matlusky/Christening
	cosponsor: Rep. Valihura			

HOUSE TRIBUTE ANNOUNCEMENT #74

DATE: June 5, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Date</u>	<u>Type</u>	<u>Description</u>
H141-1653	Wagner	5/16/2002	T	Freddie Brunson/Retirement/35 Years/Lake Forest Schools
H141-1654	Quillen	5/16/2002	T	M. Eleanor Cain/Retirement/30 Years/Lake Forest
H141-1655	Thornburg	5/16/2002	T	Linda Davis/Retirement/30 Years/Lake Forest Schools
H141-1656	Quillen	5/16/2002	T	William Falasco/Retirement/30 Years/Lake Forest
H141-1657	Caulk	5/16/2002	T	Beverly Gemmill/Retirement/31 Years/Lake Forest Schools
H141-1658	Thornburg	5/16/2002	T	Kathleen Killay/Retirement/32 Years/Lake Forest
H141-1659	Quillen	5/16/2002	T	Betty Myers/Retirement/30 Years/Lake Forest Schools
H141-1660	Fallon	6/15/2002	T	Mr. & Mrs. Carlton King, Jr./60th Wedding Anniversary
H141-1661	Ewing	5/19/2002	T	Lisa Price/Associate Degree/Social Services
H141-1662	Wagner	5/12/2002	M	Meriam Moyer
H141-1663	Quillen	5/16/2002	T	John Wozniak/Retirement/12 Years/Lake Forest Schools
H141-1664	Caulk	5/15/2002	T	Betty Stone/Retirement/26 Years/Lake Forest Schools
H141-1665	Stone	5/8/2002	T	Victor Giangrant/Small Business Person of the Year
	cosponsor: Rep. Wagner			
H141-1666	Wagner	5/8/2002	T	George Frick/Induction/Sports Hall of Fame
	cosponsor: Rep. Stone			
H141-1667	Carey	5/31/2002	T	Allan Redden/Retirement/31 Years/DELDOT
H141-1668	Price	5/14/2002	T	Jacquelyn Wilson/Delaware Distinguished Principal
H141-1669	Buckworth	5/10/2002	T	Thomas Onley/Senior Customer Service Specialist/Blue Cross
H141-1670	Hudson	5/20/2002	T	Michael Hemphill/Small Business Person of Year
H141-1671	Maier	6/9/2002	T	Paul Ayars/80th Birthday
H141-1672	Maier	4/19/2002	T	Jean & William Bell, Jr./50th Wedding Anniversary

H141-1673	DiPinto	5/15/2002	T	Stephen Gunzenhauser/Director/Delaware Symphony
H141-1674	Spence	6/21/2002	T	Mary Ann Pry/Retirement/Delaware State
	cosponsors: Reps. Reynolds, Oberle			Education Association
H141-1675	Williams	5/8/2002	T	Honorable Margaret Rose Henry/Legislator of the
	cosponsor: Rep. Stone			Year/DANA

#### HOUSE TRIBUTE ANNOUNCEMENT #75

DATE: June 5, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the sponsor:

Number	Sponsor	Date	Type	Description
H141-1676	Spence	6/1/2002	T	City of New Castle/Separation Day Celebration
H141-1677	Lavelle	5/15/2002	T	Jeffrey Rominger/Eagle Scout
H141-1678	Brady	5/23/2002	T	Eric Gage/Eagle Scout
H141-1679	Wagner	5/15/2002	T	Carolyn Blazejowski & Jerry Palmer/Marriage
	cosponsor: Rep. Quillen			
H141-1680	Carey	5/12/2002	M	Richard Millman
	cosponsors: All Representatives			
H141-1681	Wagner	5/10/2002	M	Jay R. Dougherty
H141-1682	Smith	5/12/2002	M	Theresa Fennick
	cosponsor: Rep. Valihura			
H141-1683	Cathcart	5/11/2002	T	Jamie Tobin/Graduation/Wesley College
	cosponsors: All Representatives			
H141-1684	Maier	3/28/2002	T	Rory Connell/Swimmer of the Year/All-State First Team
H141-1685	Wagner	6/15/2002	T	Alex Becton/Retirement/12 Years/Lake Forest Schools
H141-1686	Smith	5/3/2002	T	Dolores & William Galloway, Jr./50th Wedding Anniversary
H141-1687	Wagner	5/18/2002	T	Heather Zak & Dr. Jamie Ramsay/Marriage
H141-1688	Carey	5/18/2002	T	Denise Matthews & John Wyatt/Marriage
	cosponsor: Rep. Wagner			
H141-1689	Stone	5/11/2002	T	Cheryl Caniford & Orville Carney/Marriage
H141-1690	Buckworth	5/12/2002	M	Daniel Godwin Herrick
	cosponsor: Rep. Wagner			
H141-1691	Williams	5/5/2002	M	Rachel K. Hammond
H141-1692	Plant	5/19/2002	T	Reverend Donald Dunnigan, Sr./10th Anniversary/Cornerstone Fellowship Baptist Church
H141-1693	Smith	5/16/2002	T	Anabelle O'Malley/English Language Arts
	cosponsors: Reps. Maier & D. Ennis			
	Teacher of the Year			
H141-1694	Lavelle	5/16/2002	T	Molly Kathleen Sturgell/Junior Miss
H141-1695	Spence	5/15/2002	T	Frank Shea/Distinguished Active Official
	cosponsors: Reps. Reynolds & Lee			
H141-1696	Keeley	5/18/2002	T	Kira Rosario/Outstanding Hispanic Art Student
	cosponsor: Rep. Miro			

#### HOUSE TRIBUTE ANNOUNCEMENT #76

DATE: June 5, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Date</u>	<u>Type</u>	<u>Description</u>
H141-1697	Keeley cosponsor: Rep. Miro	5/18/2002	T	Luis Rivera/Outstanding Hispanic Sports Student
H141-1698	Keeley cosponsor: Rep. Miro	5/18/2002	T	Eileen Perez/Outstanding Hispanic Science & Technology Student
H141-1699	Roy cosponsors: Reps. Keeley & Miro	5/18/2002	T	Dan Alvarez/Outstanding Hispanic Middle School Student
H141-1700	Roy cosponsors: Reps. Keeley & Miro	5/18/2002	T	Adrienne Jones/Outstanding Hispanic Middle School Student
H141-1701	Keeley cosponsors: Reps. Miro & Fallon	5/18/2002	T	Joaquin Cabrera/Outstanding Hispanic High School Student
H141-1702	DiPinto cosponsors: Reps. Keeley & Miro	5/18/2002	T	Aubrey Plaza/Hispanic High School Student of the Year
H141-1703	Keeley cosponsors: Reps. Miro & Mulrooney	5/18/2002	T	Priscilla Marino/Outstanding Hispanic Community Service Student
H141-1704	Keeley cosponsors: Reps. Lavelle & Miro	5/18/2002	T	Lillian Garcia/Outstanding Hispanic Art Student
H141-1705	Keeley cosponsors: Reps. Miro & Quillen	5/18/2002	T	Thomas Hoffman/Outstanding Hispanic Academic Student
H141-1706	Plant cosponsors: Reps. Keeley & Miro	5/18/2002	T	Tania Anzures-Mejia/Outstanding Hispanic Academic Student
H141-1707	Keeley cosponsor: Rep. Miro	5/18/2002	T	Francheska Vargas/Outstanding Hispanic Academic Student
H141-1708	Keeley cosponsors: Reps. Miro & Viola	5/18/2002	T	Lesley Rosario/Hispanic High School Student of the Year
H141-1709	Spence cosponsors: Reps. Keeley & Miro	5/18/2002	T	Ricardo Aala-Santana/Hispanic High School Student of the Year
H141-1710	Keeley cosponsors: Reps. Miro & Oberle	5/18/2002	T	Jennifer Ibanez/Hispanic High School Student of the Year
H141-1711	Buckworth	5/16/2002	T	Adrian Rigby/ROTC/Fifth Place/Knockout Competition
H141-1712	Hudson	5/19/2002	T	Salvatore Causi/Little Vinnie's Pizza Grand Opening
H141-1713	Oberle	6/16/2002	T	James Johnson/Distinguished Service/United Auto Workers
H141-1714	B. Ennis	5/16/2002	T	Joan Conard/Volunteer Education Award Recipient

#### HOUSE TRIBUTE ANNOUNCEMENT #77

DATE: June 5, 2002

The following Tributes and Memoriams have been issued through the Office of the Chief Clerk of the House at the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Date</u>	<u>Type</u>	<u>Description</u>
H141-1715	Scott	5/16/2002	T	Sergeant Keith Sparks/Community Service
H141-1716	Cathcart	4/25/2002	T	Wesley Bennett/Volunteer Human Needs Award
H141-1717	Cathcart	4/25/2002	T	Walter Kabis/Volunteer Arts-Culture Award
H141-1718	West	5/16/2002	T	P. Susanne Toccafondi/Retirement/15 Years/Lake Forest Schools
H141-1719	Quillen	5/16/2002	T	Sara Towers/Retirement/20 Years/Lake Forest Schools
H141-1720	Buckworth	5/30/2002	T	Timothy Webb/Eagle Scout
H141-1721	Caulk	5/30/2002	T	Nathan Peck/Eagle Scout

H141-1722	Wagner	5/30/2002	T	Gordon Peer/Eagle Scout
H141-1723	Fallon	4/4/2002	T	Elsa & Harry Lundblad/60th Wedding Anniversary
H141-1724	Brady	5/24/2002	T	Cathleen Klopping/Retirement/14+ Years/Brandywine Schools
H141-1725	Brady	5/23/2002	T	Susan Mersic/Retirement/35 Years/Brandywine Schools
H141-1726	Brady	5/23/2002	T	Linda Duko/Retirement/36 Years/Brandywine Schools
H141-1727	Wagner	4/25/2002	T	Rita Paige/Volunteer Community Service Award
H141-1728	DiPinto	5/28/2002	T	Francis Norton Center/Dedication/Community Resource Center
H141-1729	Hudson	5/5/2002	T	Todd Sommerlatte/Eagle Scout
	cosponsor: Rep. DiPinto			
H141-1730	Mulrooney	4/25/2002	T	Mary & Pat Marinelli/60th Wedding Anniversary
H141-1731	Gilligan	4/18/2002	T	Gertrude & Edward Nordsiek/60th Wedding Anniversary
H141-1732	VanSant	5/3/2002	T	Suzanne & Stanley Borowski/50th Wedding Anniversary
H141-1733	Houghton	4/14/2002	T	Anna & George Broda, Jr./50th Wedding Anniversary
H141-1734	Mulrooney	4/12/2002	T	Annabelle & Carl Witt/55th Wedding Anniversary
H141-1735	Houghton	4/18/2002	T	Marijane & Ernest Waymon/60th Wedding Anniversary
H141-1736	Houghton	4/19/2002	T	Patricia & Leonard Jezyk/50th Wedding Anniversary
H141-1737	Gilligan	4/26/2002	T	Joseph & Elizabeth Pilli/50th Wedding Anniversary
H141-1738	VanSant	4/26/2002	T	Jacqueline & James Becker/50th Wedding Anniversary
T- Tribute				
M - Memoriam				

Representative Lee brought the following prefiled **Consent Calendar #18** before the House for consideration.

**HR 51** – Wagner & Representatives DiPinto, Hudson, Maier, Miro, Reynolds, Stone, Thornburg, Brady, B. Ennis, Houghton, Plant, Scott, Viola & Williams - REQUESTING THAT THE EMPLOYEE BENEFITS COMMITTEE AND THE BOARD OF PENSION TRUSTEES REVIEW BENEFITS THAT ARE AVAILABLE TO DISABLED STATE EMPLOYEES AND TO PROVIDE RECOMMENDATIONS CONCERNING THOSE BENEFITS.

**HR 52** – Wagner & Representative D. Ennis - A RESOLUTION FOR A STRONG FEDERAL FUNDING COMMITMENT TO THE NATIONAL INTERCITY PASSENGER RAIL SYSTEM.

**HCR 49** - D. Ennis & Representatives Wagner, B. Ennis, Keeley & Lee - RECOMMENDING THAT THE STATE PERSONNEL OFFICE TAKE IMMEDIATE STEPS TO RECENTRALIZE THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

**HCR 51** - Valihura & Senator Henry & Representative Wagner - CREATING A COMMISSION TO ASSESS AND MAKE RECOMMENDATIONS ON COMMUNITY-BASED ALTERNATIVES FOR PERSONS WITH DISABILITIES.

**SCR 29** – McDowell & Representative D. Ennis - REQUESTING THE DELAWARE STATE ENERGY OFFICE TO ASSESS THE POSSIBILITY OF DELAWARE BECOMING THE FIRST STATE PARTNER WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S GREEN POWER PARTNERSHIP.

**SCR 31** – Henry & Representative Smith – RELATING TO THE ESTABLISHMENT OF CRITERIA FOR CANDIDATES WHO WILL BE PROVIDED WITH A SMOKE DETECTION DEVICE.

**Consent Calendar #18** was adopted by voice vote and **HR 51** & **HR 52** were declared passed and **HCR 49** & **HCR 51** were sent to the Senate for concurrence and **SCR 29** & **SCR 31** were returned to the Senate.

Representative West requested that he be marked present.

The Majority Whip moved to recess for committee meetings and 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 Boulden, Cathcart, Gilligan, Oberle, Reynolds & Stone.

Mr. Acting Speaker Quillen called the House to order at 2:13 p.m. on June 6, 2002.

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

JUDICIARY: **SB 361** - 5M; **SB 362** - 5M; **SB 363** - 5M; **SB 364** - 5M.

LABOR: **HB 428** - 6M; **HB 461** - 6M; **HB 493** - 6M; **SB 343** - 5F, 1M.

EDUCATION: **HB 323** - 7M; **HB 503** - 7M; **SB 291 w/SA 2** - 6M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 502** - 8M.

BUSINESS/CORPORATIONS/COMMERCE: **HS 1 for HB 280** - 8M, 1U.

Representatives DiLiberto, Keeley, Hudson, Ulbrich, Stone, DiPinto, Spence, Viola, Gilligan, Williams & B. Ennis requested that they be marked present for the current Legislative Day.

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.

### **36TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 6, 2002**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Arthur L. Scott, 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 529 - DIPINTO & SENATOR MCDOWELL - REVENUE & FINANCE** - An Act to Amend Title 22 of the Delaware Code to Provide for Municipal Tax Increment Financing and to Provide for Municipal Special Development Districts. (2/3 bill)

**HB 530 - BOULDEN; REPRESENTATIVES FALLON, LOFINK - PUBLIC SAFETY** - An Act to Amend Title 21 of the Delaware Code Relating to the Occupant Protection System Safety Act.

**HB 531 - PRICE - REVENUE & FINANCE** - An Act to Amend Title 30 of the Delaware Code Relating to a Special Annual Assessment on Residential Contractors and Residential Real Estate Developers. (3/5 bill)

**HB 532 - KEELEY; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOUGHTON, LAVELLE, MAIER, MIRO, MULROONEY, PRICE, SCHROEDER, STONE, VALIHURA, VANSANT, WAGNER, WEST; SENATORS BLEVINS, BUNTING, CONNOR, DELUCA, MCDOWELL, SIMPSON, SOKOLA, VAUGHN - JUDICIARY** - An Act to Amend Title 11 of the Delaware Code Relating to Bail Bonds.

**HB 535 - STONE & SENATOR COOK - ECONOMIC DEVELOPMENT/BANKING & INSURANCE** - An Act to Amend Title 18 of the Delaware Code Relating to the Standard Nonforfeiture Law for Individual Deferred Annuities.

**HA 1 to HB 411 - GILLIGAN** - Placed with the Bill.

**HA 1 to HB 505 - B. ENNIS** - Placed with the Bill.

**HA 1 to HB 506 - WEST** - Placed with the Bill.

**SS 1 for SB 273 w/SA 2 & 3 - MCBRIDE & REPRESENTATIVE QUILLEN; SENATORS CLOUTIER, CONNOR, WINSLOW; REPRESENTATIVES CAREY, D. ENNIS, PRICE - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT** - An Act to Amend Title 7 of the Delaware Code Relating to Aboveground Storage Tanks. (3/5 bill)

Representative Smith deferred to Representative Price. Representative Price introduced guests. Representative Price requested and was granted privilege of the floor to present a House Tribute to Sergeant Monroe B. Hudson, Jr.,

2001 Delaware State Police Trooper of the Year. Sergeant Hudson addressed the House. Representative Stone requested and was granted personal privilege of the floor to introduce a guest. Representative Caulk requested and was granted personal privilege of the floor to make comments. Representative Fallon requested and was granted personal privilege of the floor to introduce a guest.

Representatives Buckworth, Maier & Plant 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 **SS 1 for SB 273 w/SA 2 & 3** and requests the concurrence of the House.

Thursday  
May 30, 2002

To all Representatives,

I want to thank each of you, from the bottom of my heart, for your vote in passing House Bill 385. Thank you so much!

Sincerely,  
Gail Rupert Honey

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

HEALTH & HUMAN DEVELOPMENT: **HB 507** - 4M.

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **SB 356** - 5M.

Representative Cathcart requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:29 p.m.

The House reconvened at 4:43 p.m.

Representative Smith deferred to Representative Oberle.

Representative Oberle requested that he be marked present.

Representative Oberle introduced and brought **HCR 52**, jointly sponsored by Senator Sokola & Representatives Smith, Lee, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Price, Schroeder, Scott, Viola & West, before the House for consideration.

**HCR 52** - REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE COMPARABILITY, EQUITY AND APPLICATION OF OTHER INDICATORS OF STUDENT PERFORMANCE.

Representatives Oberle & Smith made comments.

**HCR 52** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith made comments.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 473**, jointly sponsored by Senators McDowell & Henry & Representatives Buckworth, Thornburg, Wagner & Williams & Senators Amick, Sorenson, Cloutier & Winslow, before the House for consideration.

**HB 473** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE DEFINITION AND USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ("EPAMD'S")

Representative Roy brought **HA 1 to HB 473**, sponsored by Representative Gilligan, before the House for consideration. Representative Roy moved to place **HA 1** on the Speaker's Table. The motion was seconded by Representative Ewing and adopted by voice vote. Representative Roy brought **HA 2 to HB 473**, sponsored by Representative Gilligan, before the House for consideration. Representative Roy moved to place **HA 2** on the Speaker's Table. The motion was seconded by Representative Ewing and adopted by voice vote. Representative Roy brought **HA 3 to HB 473**, sponsored by Representative Smith, before the House for consideration. Representative Smith requested that **HA 3** be stricken.

Representative Reynolds requested that he be marked present.

Representative Roy introduced and brought **HA 4 to HB 473**, jointly sponsored by Representatives Smith & Gilligan, before the House for consideration. Representative Roy requested that **HA 4** be stricken. Representative Roy introduced and brought **HA 5 to HB 473**, jointly sponsored by Representative Gilligan, before the House for consideration. Representatives Roy, Ewing, Reynolds, Roy, Smith, Keeley & West made comments. **HA 5** was adopted by voice vote. Representatives Lavelle & Roy made comments.

The roll call on **HB 473 w/HA 5** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **HB 473 w/HA 5** was sent to the Senate for concurrence.

Representatives Brady, Miro, Schroeder, Valihura, Wagner & Boulden requested that they be marked present during the roll call.

Representative Caulk requested and was granted personal privilege of the floor to make a comment.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 360**, jointly sponsored by Senator Sokola & Representatives Buckworth, Gilligan & Lavelle & Senator McDowell, before the House for consideration.

**HB 360 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD. (2/3 bill) (F/N)**

Representative Miro moved to place **HB 360** on the Speaker's Table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 447**, jointly sponsored by Representative Viola & Senator Cook & Representatives Buckworth, Carey, D. Ennis, Fallon, Miro, Reynolds, Valihura & Smith & cosponsored by Representative Spence & Senators Sorenson, Cloutier & Winslow, before the House for consideration.

**HB 447 - AN ACT TO AMEND TITLE 21 AND TITLE 6 OF THE DELAWARE CODE RELATING TO SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER, AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO INCREASE PUBLIC AWARENESS OF SPECIAL PARKING AND RELATED SERVICES FOR PERSONS WITH DISABILITIES AND FOR PERSONS 85 OR OLDER. (2/3) (F/N)**

Representative Hudson brought **HA 1 to HB 447** before the House for consideration. Representatives Hudson & Gilligan made comments. **HA 1** was adopted by voice vote. Representative Hudson made comments.

The roll call on **HB 447 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 447 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lee.

Representative Lee moved to lift **HB 291 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote. Representative Lee requested that action on **HB 291 w/HA 1** be Deferred to a Day Certain, Tuesday, June 11, 2002.

Representative Smith deferred to Representative Oberle. Representative Oberle requested that action on **HB 323** be Deferred to a Day Certain, Tuesday, June, 11, 2002.

Representative Smith deferred to Representative Lofink. Representative Lofink requested that action on **SB 343** be Deferred to a Day Certain, Thursday, June, 13, 2002.

Representative Smith made an announcement.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan moved to restore **SB 286**. The motion was seconded by Representative Buckworth and adopted by voice vote.

**SB 286** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, BY ADDING A NEW SECTION 40 RELATING TO THE ADMISSIBILITY OF EVIDENCE GATHERED PURSUANT TO A SEARCH WARRANT. (2/3 bill)

Representative Gilligan moved to place **SB 286** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith brought **SCR 18**, sponsored by Senator Henry & Representative Maier, before the House for consideration.

**SCR 18** - RELATING TO THE ESTABLISHMENT OF A DELAWARE JOINT SCHOOL SAFETY COMMITTEE.

Representatives Maier & Smith made comments. Representative Smith brought **HA 1** to **SCR 18** before the House for consideration. **HA 1** was adopted by voice vote.

**SCR 18 w/HA 1** was adopted by voice vote and was returned to the Senate for concurrence on **HA 1**.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 493**, jointly sponsored by Senator DeLuca & cosponsored by Representative Scott, before the House for consideration.

**HB 493** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF ASSISTANT COUNTY ATTORNEYS.

Representative Oberle made comments.

The roll call on **HB 493** was taken and revealed:

YES: 39.

ABSENT: Representatives Miro & Smith - 2.

Therefore, having received a constitutional majority, **HB 493** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Schroeder.

Representative Schroeder brought **HB 382**, jointly sponsored by Representatives Caulk, B. Ennis, Ewing, Fallon, Houghton, Lavelle, Maier, Quillen, Ulbrich, Valihura, VanSant & West & Senator Bunting, before the House for consideration.

**HB 382** - AN ACT TO AMEND TITLE 10, CHAPTER 81 OF THE DELAWARE CODE RELATING TO LIMITATIONS FROM CIVIL LIABILITY FOR CERTAIN VOLUNTEERS.

Representative Schroeder brought **HA 1** to **HB 382** before the House for consideration. Representative Schroeder made a comment. **HA 1** was adopted by voice vote. Representative Schroeder made comments.

The roll call on **HB 382 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Oberle - 1.

Therefore, having received a constitutional majority, **HB 382 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 463** before the House for consideration.

**HB 463** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE ESTABLISHING NEW CDL DISQUALIFICATION OFFENSES AND LICENSING LIMITATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS AND THEIR EMPLOYERS.

Representatives Ewing & Schroeder made comments. Representative Ewing requested and was granted privilege of the floor for Jerome Emerson, Commercial Drivers License Program Coordinator, Division of Motor Vehicles. Representative Schroeder made comments.

The roll call on **HB 463** was taken and revealed:

YES: 36.

NO: Representatives West & Quillen - 2.

NOT VOTING: Representative B. Ennis - 1.



ABSENT: Representatives Plant & Price - 2.

Therefore, having received a constitutional majority, **HB 463** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 503**, jointly sponsored by Senator Sharp, before the House for consideration.

**HB 503** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.

Representatives Spence & Wagner made comments. Representative Oberle requested and was granted privilege of the floor for Richard Armitage, Director of Community and Government Relations, University of Delaware.

Representatives Oberle & D. Ennis made comments.

The roll call on **HB 503** was taken and revealed:

YES: 39.

ABSENT: Representatives Lavelle & Viola - 2.

Therefore, having received a constitutional majority, **HB 503** was sent to the Senate for concurrence.

Representative Smith deferred to Representative West.

Representative West brought **HB 497**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 497** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO", TO AMEND SECTION 30 BY ADDING A NEW SUBSECTION (47) TO AUTHORIZE THE TOWN TO RECEIVE BEQUESTS, GIFTS AND DONATIONS OF ALL KINDS AND TO DISPOSE OF THE SAME. (2/3 bill)

Mr. Speaker Spence resumed the Chair.

The roll call on **HB 497** was taken and revealed:

YES: 39.

ABSENT: Representatives Miro & Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 497** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 339**, jointly sponsored by Senator DeLuca & Representative Spence, before the House for consideration.

**SB 339** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY.

Representative Wagner made comments.

The roll call on **SB 339** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 339** was returned to the Senate.

Representatives Lofink, Gilligan, Reynolds, Smith & Caulk made comments.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis moved to lift **HB 421** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative B. Ennis brought **HB 421 w/HA 1**, jointly sponsored by Representative Maier & Senator Blevins & Representatives Brady, D. Ennis, Ewing, Caulk, DiLiberto, Gilligan, Houghton, Keeley, Lee, Mulrooney, Oberle, Plant, Price, Schroeder, Scott, Spence, VanSant, Viola, West & Williams & Senators Simpson & Vaughn, before the House for consideration.

**HB 421 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY MEDICAL AND PARAMEDIC SERVICES.**

Representative B. Ennis introduced and brought **HA 1** to **HB 421** before the House for consideration.

Representative B. Ennis made comments. **HA 1** was adopted by voice vote. Representatives B. Ennis & Maier made comments.

The roll call on **HB 421 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Miro & Williams - 2.

Therefore, having received a constitutional majority, **HB 421 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced **HB 540**, jointly sponsored by Representative Roy & Representatives Smith, Carey, DiPinto, Hudson, Lavelle, Maier, Price, Stone, Thornburg, Valihura, Gilligan, Brady, B. Ennis & Viola & Senators Marshall, Bunting, Henry, McBride, McDowell, Sokola, Vaughn, Cloutier & Winslow.

**HB 540 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO ESTABLISH A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AND BANKING SYSTEM RELATING THERETO.**

Mr. Speaker Spence assigned **HB 540** to the Land Use and Infrastructure Committee.

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

HOUSING & COMMUNITY AFFAIRS: **HB 513** - 6M.

VETERANS AFFAIRS: **HB 500** - 8F, 1M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **SB 342** - 7M.

Mr. Speaker Spence assigned **HS 1 for HB 280** to the Gaming & Parimutuels Committee.

Representative Smith brought **HB 278 w/SA 1**, sponsored by Representative Maier & Senator Cloutier & Representatives DiPinto, Miro & Stone & Senators Amick, Henry & Winslow, before the House for concurrence on **SA 1**.

**HB 278 - AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING AND THE PRONOUNCEMENT OF DEATH.**

Representatives Maier & Smith made comments.

The roll call on **HB 278 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 278 w/SA 1** was sent to the Governor.

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

Representative Valihura made comments.

The Majority Leader moved to recess to the call of the Chair at 6:16 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:10 p.m. on June 11, 2002.

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 374 & SB 376 w/SA 1** and requests the concurrence of the House; **HB 260 & HB 425 w/SA 1** and is returning same to the House.

Representatives Stone & Wagner made announcements.

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

**37TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 11, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Caulk -1.

The House observed a moment of silence in memory of G. Wallace Caulk, Sr. at the request of Representative Lofink.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

Mr. 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 533** - WAGNER & SENATOR COOK - EDUCATION - An Act to Amend Title 29, Chapter 69 of the Delaware Code Relating to the Provisions of Capital Project Coordinator Services to School Districts.

**HB 534** - WAGNER & SENATOR COOK; REPRESENTATIVES BUCKWORTH, CATHCART, D. ENNIS, HUDSON, LOFINK, MAIER, QUILLEN, BRADY, B. ENNIS - JUDICIARY - 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.

**HB 536** - STONE & SENATOR COOK - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Title Insurance.

**HB 537** - QUILLEN & SENATOR SIMPSON - 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 542** - STONE & REPRESENTATIVE VALIHURA & SENATOR ADAMS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Fiduciaries.

**HB 544** - WAGNER & SENATOR HENRY; REPRESENTATIVES CAULK, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, QUILLEN, REYNOLDS, B. ENNIS, KEELEY, PRICE, VIOLA, WEST - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Trusts.

**HB 545** - WAGNER & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, EWING, VALIHURA, BRADY, PLANT, PRICE, VIOLA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 Relating to Group Health Insurance Contracts.

**HA 1 to HB 451** - SPENCE - Placed with the Bill.

**HA 1 to HB 500** - PRICE - Placed with the Bill.

**SB 374** - ADAMS & REPRESENTATIVE LEE; SENATOR HENRY & REPRESENTATIVE EWING - PUBLIC SAFETY - An Act to Amend Title 11 Relating to Delaware State Police.

**SB 376 w/SA 1** - DELUCA & REPRESENTATIVE SPENCE; SENATORS CONNOR, HENRY, SIMPSON; REPRESENTATIVES BRADY, CATHCART, B. ENNIS, HUDSON, KEELEY, LAVELLE, MAIER, PRICE, VIOLA - TRANSPORTATION - An Act to Amend Title 17 of the Delaware Code Relating to the Use of Traffic Counting Machinery Upon State Highways.

**HA 1 to SB 291** - B. ENNIS - Placed with the Bill.

**HA 2 to SB 303** - STONE - Placed with the Bill.

**HA 1 to SB 371** - SMITH - Placed with the Bill.

Representative Hudson requested that she be marked present. Mr. Speaker Spence introduced guests.

Representative Fallon made comments. Representative DiLiberto requested that he be marked present. Representative DiLiberto requested and was granted personal privilege of the floor to introduce a guest. Representative Smith deferred to Representative Wagner. Representative Wagner made an announcement. Representative Wagner requested and was granted privilege of the floor to introduce a guest. Representative Keeley requested that she be marked present. Representative D. Ennis requested and was granted personal privilege of the floor to make comments.

The Chief Clerk read the following communications into the record:

June 11, 2002

TO: House Speaker, Terry R. Spence  
FROM: Representative G. Wallace Caulk, Jr.  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session on June 11, 12 and 13, 2002 due to the passing of my father this morning.

June 10, 2002

LEGISLATIVE ADVISORY #32

Governor Ruth Ann Minner signed the following legislation on the date indicated: 5/23/02 - **HB 395 aab SA 1 & HB 151 aab HA 1 & 2**; 5/29/02 - **SB 239 aab SA 1 & HA 1 & 2, SB 311 aab SA 1, SB 346 aab SA 1, SB 350 & SB 393**; 5/31/02 - **SB 99 aab SA 1 & 4 & HA 12 & 19**.

MEMORANDUM

TO: Bernard J. Brady  
Secretary of the Senate  
FROM: JoAnn M. Hedrick  
Chief Clerk of the House  
RE: **SB 286**  
DATE: June 11, 2002

On May 16, 2002, **SB 286** was defeated in the House. The Bill was transmitted to the Senate on June 4, 2002.

On June 6 a motion was made in the House to restore **SB 286**. The motion was adopted and the Bill was laid on the Speaker's Table. Please return the original of **SB 286** to the House for further action at your earliest opportunity. Thanks.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Wayne A. Smith, do hereby request that my name be removed as a cosponsor of **SB 405**.

Date: June 6, 2002

Signed: Wayne A. Smith

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Terry R. Spence, do hereby request that my name be removed as a cosponsor of **SB 405**.

Date: June 6, 2002

Signed: Terry R. Spence

Representatives Ulbrich & Cathcart requested that they be marked present.

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

Representatives B. Ennis, Lavelle, Mulrooney & Reynolds requested that they be marked present.

Representative DiPinto requested and was granted personal privilege of the floor to introduce a guest. Mr. Speaker Spence introduced guests.

Representative Lavelle introduced **HB 550**, jointly sponsored by Representative Smith & Senator Sokola & Representatives Carey, Caulk, DiPinto, Ewing, Hudson, Lee, Stone, Thornburg, Viola & Wagner & Senators Cloutier, Connor, Simpson, Sorenson & Still & cosponsored by Senator Blevins.

**HB 550 - AN ACT TO AMEND CHAPTER 47, TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS.**

Mr. Speaker Spence assigned **HB 550** to the House Administration Committee.

Representative Lavelle introduced **HB 551**, jointly sponsored by Representative Smith & Senator Sokola & Representatives Caulk, DiPinto, B. Ennis, Hudson, Lofink, Plant, Quillen & Wagner & Senator Sorenson.

**HB 551 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS.**

Mr. Speaker Spence assigned **HB 551** to the House Administration Committee.

The Majority Leader moved to recess for caucus at 2:27 p.m.

The House reconvened at 5:12 p.m.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: JoAnn M. Hedrick  
Chief Clerk of the House  
FROM: Bernard J. Brady  
Secretary of the Senate  
DATE: June 11, 2002  
SUBJECT: Senate Bill 286

Pursuant to your communication in reference to **SB 286** I hereby return the original bill to the House as requested.

Thank you.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Hazel Plant, do hereby request that my name be removed as a cosponsor of **HB 532**.

Date: June 11, 2002

Signed: Hazel D. Plant

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Catherine Cloutier, do hereby request that my name be removed as a cosponsor of **HB 551**.

Date: June 11, 2002

Signed: Catherine Cloutier

Representative West requested and was granted privilege of the floor to introduce a guest. Mr. Speaker Spence made comments.

Representative Smith brought **HB 502**, jointly sponsored by Representatives Buckworth, DiPinto, Ewing, Hudson & Maier & Senators Bunting, Amick & Simpson, before the House for consideration.

**HB 502 - AN ACT TO AMEND CHAPTER 68 OF TITLE 18 OF THE DELAWARE CODE RELATING TO PROVIDING LIMITATION ON NON-ECONOMIC DAMAGES IN MEDICAL MALPRACTICE LITIGATION.**

Representative Smith made comments. Representative Smith requested and was granted privilege of the floor for Thomas P. Ferry, Administrator, Alfred I. DuPont Hospital for Children. Representative Smith made a comment. Representative Oberle requested that he be marked present. Representatives Oberle & Smith made comments. Representative Smith requested and was granted privilege of the floor for Dr. Diane A. Adams, D. O., a private practice doctor. Representatives D. Ennis, Wagner, Smith, Ulbrich, DiLiberto & Valihura made comments. Representative Oberle rose on a point of order. Representatives Smith & DiLiberto made comments. Representative Smith deferred to Representative Oberle. Representative Oberle made comments. Representative Oberle requested and was granted privilege of the floor for Bart Dalton, President-Elect, Delaware Trial Lawyers Association. Representative Oberle made comments. Representative Oberle requested and was granted privilege of the floor for Randall Robbins, Member of Delaware Trial Lawyers Association. Representatives Oberle, Smith, Ulbrich, Oberle, Wagner, Keeley, D. Ennis, Smith, Ewing & Oberle made comments. Representative Oberle requested and was granted privilege of the floor for Frederick W. Iobst, President, Delaware Trial Lawyers Association. Representatives Valihura, Ulbrich & Ewing made comments. Representative Smith requested and was granted privilege of the floor for Dr. Stephen S. Grubbs, Doctor of Oncology. Representatives Smith, Wagner & Valihura made comments. Representative Smith requested and was granted privilege of the floor for Larry Zutz, President, Zutz Insurance. Representatives Valihura, Oberle, Smith, D. Ennis, Ulbrich, Stone, Valihura, Lavelle, Scott, Smith & Oberle made comments.

Representative Smith moved to place **HB 502** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Ewing.

Representatives Williams, Brady, Plant, Price, Miro, Valihura, Boulden & Schroeder requested that they be marked present.

Representative Ewing moved to suspend the rules which interfere with introduction of and action on **HR 54**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Ewing introduced and brought **HR 54**, jointly sponsored by Representatives Lee, Buckworth, Carey, Fallon, Quillen, Thornburg, Wagner & West, before the House for consideration.  
**HR 54** - REQUESTING THE SECRETARY OF EDUCATION REVIEW THE FEASIBILITY OF COUNTY WIDE PUBLIC SCHOOL DISTRICTS IN KENT AND SUSSEX COUNTIES.

Representatives Ewing, Gilligan, Valihura & Oberle made comments.

**HR 54** was adopted by voice vote.

Representative Wagner requested that **HB 468** be stricken.

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

TELECOMMUNICATIONS INTERNET & TECHNOLOGY: **HB 510** - 6M; **HB 523** - 6M; **HB 526** - 6M.

The Reading Clerk read the following communication into the record:

House of Representatives  
c/o JoAnn Hedrick, Chief Clerk  
Legislative Hall  
Dover, Delaware 19901

Dear Members of the House of Representatives:

I would like to take this opportunity to express my deep appreciation for all of the calls, letters and expressions of sympathy extended to me and my family following the passing of my Father, Ernest Spence. Knowing each of you were keeping us in your thoughts and prayers during this difficult time in our lives was very comforting.

My Father served in this Chamber for one term and remembered with fondness the special bond we as legislator have with one another. He would be pleased to know this same family feeling exists today.

Again thank you for your kindness and thoughtfulness. My family joins me in extending our heartfelt gratitude to each of you for your support.

May God bless each of you and your families.

Sincerely,

Terry R. Spence

Speaker of the House

Representative Smith deferred to Representative Price.

Representative Price brought **HB 500**, jointly sponsored by Representatives Spence, DiLiberto, Keeley & Viola & Senator Bunting & Representatives Boulden, Brady, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Hudson, Lavelle, Lee, Lofink, Maier, Mulrooney, Plant, Reynolds, Schroeder, Stone, Thornburg, Ulbrich, Valihura, VanSant & Williams & Senators Blevins, Bonini, Cloutier, Connor, Sokola & Venables & cosponsored by Representatives Scott & Buckworth, before the House for consideration.

**HB 500** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX AND A VETERANS' HOME.

Representative Price brought **HA 1** to **HB 500** before the House for consideration.

Representative Price made comments. **HA 1** was adopted by voice vote. Representative Price made comments.

The roll call on **HB 500 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, Fallon, Roy & West - 4.

Therefore, having received a constitutional majority, **HB 500 w/HA 1** was sent to the Senate for concurrence.

Representative Price introduced guests.

The Majority Leader moved to recess at 7:52 p.m.

The House reconvened at 8:03 p.m.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 291 w/HA 1**, jointly sponsored by Representatives B. Ennis, Spence, Smith, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lofink, Miro, Roy, Valihura, Wagner, VanSant,

DiLiberto, Houghton, Keeley & Plant & Senators Bunting & Cloutier & cosponsored by Senator Sorenson, before the House for consideration.

**HB 291** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SAFETY. (F/N)  
(2/3 bill)

Representative Lee introduced and brought **HA 2 to HB 291** before the House for consideration.

Representative Lee made comments. **HA 2** was adopted by voice vote. Representatives Lee, Cathcart, DiPinto, Valihura & Lee made comments.

The roll call on **HB 291 w/HA 1 & 2** was taken and revealed:

YES: 35.

ABSENT: Representatives Caulk, Fallon, Roy, Scott, VanSant & West - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 291 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 323**, jointly sponsored by Senator DeLuca & Representatives Cathcart, D. Ennis, Spence, Maier, Miro, Reynolds, Ulbrich, Gilligan, VanSant, Brady, DiLiberto, B. Ennis, Keeley, Mulrooney, Plant, Price, Schroeder, Viola & West & Senators Connor, Simpson, Still, Winslow, McDowell, Blevins & Sokola, before the House for consideration.

**HB 323** - AN ACT TO AMEND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE RELATING TO THE PUBLIC SCHOOL EMPLOYMENT RELATIONS ACT.

Representative Oberle brought **HA 1 to HB 323** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote. Representative Oberle made comments. Representative Oberle requested that **HA 2 to HB 323** be stricken. Representative Lee introduced and brought **HA 3 to HB 323** before the House for consideration. Representatives Lee, Oberle, Miro, Lavelle, Lee, Hudson & Oberle made comments. **HA 3** was defeated by voice vote. Representative Oberle made a comment. Representative Oberle deferred to Representative Wagner. Representative Wagner announced that she will not be voting on **HB 323 w/HA 1** because of a possible conflict of interest. Representative Reynolds made comments. Representative Reynolds requested and was granted privilege of the floor for David Williams, Attorney for Delaware School Boards Association. Representatives Maier, Miro, Valihura, Cathcart & Oberle made comments.

The roll call on **HB 323 w/HA 1** was taken and revealed:

YES: 32.

NOT VOTING: Representatives Thornburg & Wagner - 2.

ABSENT: Representatives Caulk, Fallon, Hudson, Roy, Scott, VanSant & West - 7.

Therefore, having received a constitutional majority, **HB 323 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lofink.

Representative Lofink brought **SB 242**, jointly sponsored by Senator McBride & Representatives Buckworth, Ewing, Oberle, Spence & Gilligan, before the House for consideration.

**SB 242** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BID BONDING REQUIREMENTS.

Representative Lofink made comments.

The roll call on **SB 242** was taken and revealed:

YES: 35.

ABSENT: Representatives Caulk, Fallon, Roy, Scott, VanSant & West - 6.

Therefore, having received a constitutional majority, **SB 242** was returned to the Senate.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SB 342**, sponsored by Senator Blevins & Representatives Keeley, Maier & Oberle & cosponsored by Senators Bonini & McDowell, before the House for consideration.

**SB 342 - AN ACT TO AMEND CHAPTER 275, VOLUME 71, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE.**

Representative Stone made comments. Representative Stone deferred to Representative Keeley.  
Representative Keeley made comments.

The roll call on **SB 342** was taken and revealed:

YES: 35.

ABSENT: Representatives Caulk, Fallon, Roy, Scott, VanSant & West - 6.

Therefore, having received a constitutional majority, **SB 342** was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 9:05 p.m.

Mr. Speaker Spence called the House to order at 2:23 p.m. on June 12, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 373, SB 389, SB 390, SB 320 w/SA 1, SB 384 & SB 395** and requests the concurrence of the House.

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Patricia Blevins, do hereby request that my name be removed as co-sponsor of **HB 540**.

Date: June 11, 2002

Signed: Patricia Blevins

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Terry R. Spence, do hereby request that my name be removed as co-sponsor of **HB 525**.

Date: June 11, 2002

Signed: Terry R. Spence

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Terry R. Spence, do hereby request that my name be removed as co-sponsor of **HB 502**.

Date: June 11, 2002

Signed: Terry R. Spence

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

**38TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 12, 2002**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Caulk & Oberle - 2.

A prayer was offered by Representative Pamela S. Maier, Twenty-First Representative District.

Mr. 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 475 - ULBRICH & SENATOR DELUCA; REPRESENTATIVES HUDSON, VALIHURA, DILIBERTO, KEELEY; SENATORS BUNTING, SOKOLA, STILL, SIMPSON - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 14 of the Delaware Code Relating to Education and Interscholastic Athletics.**

**HB 539 - KEELEY - TELECOMMUNICATIONS INTERNET & TECHNOLOGY - An Act to Amend Title 19 of the Delaware Code Relating to Notice of Monitoring.**

**HB 541 - STONE & REPRESENTATIVE VALIHURA & SENATOR ADAMS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act Amending Title 12, Delaware Code Relating to Trusts.**

**HB 543 - BOULDEN & REPRESENTATIVE THORNBURG - PUBLIC SAFETY - An Act to Amend Title 24 of the Delaware Code Relating to Security Systems and Protective Services.**

**HB 546 - SMITH & REPRESENTATIVE VALIHURA & REPRESENTATIVE LAVELLE & REPRESENTATIVE D. ENNIS & REPRESENTATIVE CATHCART & REPRESENTATIVE BRADY & SENATOR CLOUTIER & SENATOR WINSLOW & SENATOR BUNTING; REPRESENTATIVES HUDSON,**



LOFINK, MAIER, QUILLEN, SPENCE, MULROONEY - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to the Department of Natural Resources and Environmental Control. (3/5 bill)

**HB 547** - DIPINTO & REPRESENTATIVE HOUGHTON & SENATOR MCDOWELL - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 10 of the Delaware Code Relating to Executions.

**HB 548** - VALIHURA & REPRESENTATIVE SMITH & REPRESENTATIVE LAVELLE & REPRESENTATIVE CATHCART & REPRESENTATIVE BRADY & SENATOR CLOUTIER & SENATOR WINSLOW & SENATOR BUNTING; REPRESENTATIVES HUDSON, REYNOLDS, LOFINK, SPENCE, MULROONEY - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Environmental Control.

**HB 549** - SPENCE - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Special Education Services.

**HB 552** - WILLIAMS & SENATOR HENRY; REPRESENTATIVES CAULK, KEELEY - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act To Amend Title 31 of the Delaware Code Relating to Health Insurance. (2/3 bill)

**HB 553** - VIOLA; REPRESENTATIVES BOULDEN, BRADY, BUCKWORTH, CAREY, CATHCART, CAULK, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, MAIER, MIRO, MULROONEY, OBERLE, PLANT, PRICE, REYNOLDS, SCHROEDER, SPENCE, THORNBURG, ULBRICH, VALIHURA, WAGNER, WILLIAMS; SENATORS BLEVINS, CLOUTIER - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Voting Procedure.

**HB 554** - THORNBURG & SENATOR COOK; REPRESENTATIVE WILLIAMS; SENATOR CONNOR - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Threats Against Public Officials or Public Servants.

**HB 556** - SPENCE & SENATOR SHARP & REPRESENTATIVE SMITH & REPRESENTATIVE LEE & SENATOR ADAMS & SENATOR MARSHALL - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to District Boundaries of General Assembly House of Representative and Senate Districts and Authorizing County Governments and the City of Wilmington to Amend Councilmanic and Levy Court District Lines.

**HB 557** - DIPINTO & SENATOR ADAMS - TELECOMMUNICATIONS INTERNET & TECHNOLOGY - An Act to Amend Titles 16 and 30 of the Delaware Code Relating to the Emergency Reporting System Fund and Procedures Relating Thereto.

**HA 1 to HB 491** - WAGNER - Placed with the Bill.

**HA 1 to HB 502** - OBERLE - Placed with the Bill.

**HA 2 to HB 502** - SMITH - Placed with the Bill.

**HA 3 to HB 502** - SMITH - Placed with the Bill.

**HA 1 to HB 507** - OBERLE - Placed with the Bill.

**HA 1 to HB 528** - ULBRICH - Placed with the Bill.

**HA 1 to HB 537** - QUILLEN - Placed with the Bill.

**HA 1 to HB 556** - PLANT - Placed with the Bill.

**SB 320 w/SA 1** - BLEVINS & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Bail Conditions.

**SB 373** - BUNTING & REPRESENTATIVE SCHROEDER - 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 Clarify Qualifications of Commissioners and Mayor. (2/3 bill)

**SB 384** - BLEVINS & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapters 5 and 22, Title 13 of the Delaware Code Relating to Orders for Medical Support.

**SB 389** - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON - APPROPRIATIONS - An Act to Amend Title 7 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.

**SB 390** - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON - APPROPRIATIONS - An Act to Amend Title 13 of the Delaware Code by Codifying a Section of the Fiscal Year 2002 Budget Act.

**SB 395** - BUNTING & REPRESENTATIVE PRICE - HOUSE ADMINISTRATION - An Act to Amend an Act Being, Chapter 2 of Volume 73, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate The Town of Selbyville" to Provide for Refunding All Outstanding Bonds or Other Indebtedness of the Town to Include Refinancing Such Bonds or Other Evidences of Indebtedness and to Include Refunding Procedures Even if There is a Premium to Prepay. (2/3 bill)

**HA 1 to SS 1 for SB 273** - CATHCART - Placed with the Bill.

Representative Reynolds made comments. Representative Keeley requested and was granted personal privilege of the floor to introduce a guest. Representative West requested that he be marked present. Representative Fallon & Mr. Speaker Spence introduced guests.

Mr. Speaker Spence introduced Desirea DiFrancesco who read a poem she wrote regarding the September 11, 2001 terrorist attack.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker. Representative Lee deferred to Representative D. Ennis. Representative D. Ennis requested and was granted personal privilege of the floor to introduce guests. Representative Reynolds made comments.

Representative D. Ennis requested and was granted privilege of the floor for Paige Cutrona & Augustus Mercante who sang patriotic songs. Mr. Acting Speaker Buckworth, Representatives D. Ennis, Fallon, D. Ennis & Fallon made comments.

The Reading Clerk read the following communication into the record:

June 12, 2002

TO: House Speaker Terry R. Spence  
FROM: Representative William A. Oberle, Jr.  
SUBJECT: Absence from Session

Please be advised that I am unable to attend session today, June 12, 2002 due to personal business.

Representatives Carey & Roy requested that they be marked present. Representative Quillen made an announcement.

Representative Quillen introduced **HB 560**, jointly sponsored by Representative Ewing & Senator Vaughn & Representatives B. Ennis, D. Ennis, Houghton, Keeley, Price & VanSant & cosponsored by Representatives Fallon & Thornburg & Senator Bonini.

**HB 560** - AN ACT TO AMEND CHAPTER 275 OF VOLUME 73 OF THE LAWS OF DELAWARE RELATING TO THE CLEAN INDOOR AIR ACT.

Mr. Acting Speaker assigned **HB 560** to the Business/Corporations/Commerce Committee.

Representative Mulrooney requested that he be marked present.

Representative Ulbrich made comments. Representative D. Ennis introduced guests. Representative B. Ennis requested and was granted personal privilege of the floor to make comments. Representatives Lavelle & Lee made comments. Representative Lee deferred to Representative Plant. Representative Plant requested that she be marked present.

Representative Plant introduced **HB 555**, jointly sponsored by Senator Henry & Representatives Gilligan, Houghton, Keeley, Price, Viola & Williams.

**HB 555 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO FEES FOR CASHING CHECKS.**

Mr. Acting Speaker assigned **HB 555** to the Business/Corporations/Commerce Committee.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #78**

DATE: June 12, 2002

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>
H141-1739	Hudson	5/16/2002	M	Arthur J. Sullivan, Sr.
H141-1740	Quillen	5/28/2002	T	Coach Bill Falasco/Retirement/Lake Forest High/30 Years
H141-1741	Quillen	5/28/2002	T	Coach Fred Brunson/Retirement/35 Years/Lake Forest Schools
H141-1742	Hudson	5/23/2002	T	Reggie Braud/Safety Training and Evaluation Process Award Recipient
H141-1743	Hudson	5/18/2002	T	Eric Engberg/Graduation/Juris Doctor
H141-1744	Brady	5/20/2002	M	Walter W. Smock, Ph.D.
H141-1745	B. Ennis	5/18/2002	M	Kenneth William Foster
H141-1746	Buckworth	6/4/2002	T	Elizabeth Maciarelllo/Teacher of the Year/Arnold Elementary
H141-1747	Buckworth	6/4/2002	T	Diana Foster/Teacher of the Year/Brown Elementary
H141-1748	Buckworth	6/4/2002	T	Priscilla Olliver/Teacher of the Year/Frear Elementary
H141-1749	Buckworth	6/4/2002	T	Nancy Pierce/Teacher of the Year/Postlethwait Middle School
H141-1750	Buckworth	6/4/2002	T	June Ward/Teacher of the Year/Caesar Rodney School District
H141-1751	Buckworth	6/4/2002	T	Miki Hartman/Teacher of the Year/Charlton School
H141-1752	Buckworth	6/4/2002	T	Michele Brown/Teacher of the Year/Star Hill Elementary
H141-1753	Buckworth	6/4/2002	T	Amy Laslow/Teacher of the Year/Dover Air Base Middle School
H141-1754	Buckworth	6/4/2002	T	Mary Macpherson/Teacher of the Year/Stokes Elementary
H141-1755	Buckworth	6/4/2002	T	Janet Foltz/Teacher of the Year/Fifer Middle School
H141-1756	Buckworth	6/4/2002	T	Paula Warrington/Teacher of the Year/Welch Elementary
H141-1757	Buckworth	6/4/2002	T	Eddy Seger/Teacher of the Year/Caesar Rodney High
H141-1758	Lofink	5/29/2002	T	Clifford Reynolds/Retirement/25 Years/OIS
H141-1759	Plant	5/31/2002	T	Student and Family Enrichment Center/3rd Anniversary
H141-1760	B. Ennis	5/24/2002	M	H. Thomas Williams

**HOUSE TRIBUTE ANNOUNCEMENT #79**

DATE: June 12, 2002

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>
H141-1761	Wagner	6/1/2002	T	Amanda Decker & Stephen Belford/Marriage

H141-1762	Viola	6/5/2002	T	Chanda Gibson/Graduation/Perfect Attendance/13 Years
H141-1763	D. Ennis	5/31/2002	T	Dottoressa Ada Girolamini/Visit to Delaware
H141-1764	DiPinto	5/30/2002	T	Paul Ignudo, Sr./New Position/Diamond State Port Corporation
H141-1765	Oberle	5/27/2002	M	Honorable Ernest S. Spence, Jr.
	cosponsors: All Representatives			
H141-1766	Brady	6/12/2002	T	Nancy Nesselrotte/Retirement/34 Years/Brandywine Schools
H141-1767	Brady	6/12/2002	T	Janice Thomas/Retirement/35 Years/Brandywine Schools
H141-1768	Brady	6/4/2002	T	Elena Harasika/Retirement/28 Years/Brandywine Schools
H141-1769	D. Ennis	6/4/2002	T	Maryanne Ennis/Retirement/16 Years/Brandywine Schools
	cosponsor: Rep. Brady			
H141-1770	Brady	6/4/2002	T	Ronni Cohen/Retirement/33 Years/Brandywine Schools
H141-1771	DiPinto	5/15/2002	T	Sister Mary Hugh Placilla/50th Anniversary/Religious Service
H141-1772	DiPinto	5/15/2002	T	Sister Philip Touhey/60th Anniversary/Religious Service
H141-1773	Brady	6/4/2002	T	Mary Rhodunda/Retirement/23 Years/Brandywine Schools
H141-1774	Carey	6/4/2002	T	Jack Simon/Teacher/Driver's Ed/Team Championship
H141-1775	Carey	6/4/2002	T	Sam Williams/Teacher/Driver's Ed/Team Championship
H141-1776	Carey	6/4/2002	T	Ryan Sutcliffe/Driver's Education Team Championship
H141-1777	Carey	6/4/2002	T	Kyle Morris/Driver's Education Team Championship
H141-1778	Carey	6/4/2002	T	Chad Christie/Driver's Education Team Championship
H141-1779	Carey	6/4/2002	T	Stacey Billings/Driver's Education Team Championship
H141-1780	Carey	6/4/2002	T	Ty Wilkerson/Driver's Education Team Championship
H141-1781	Carey	6/4/2002	T	Kris Kendzierski/Driver's Education Team Championship
H141-1782	Buckworth	6/3/2002	T	Brian Berns/Coach/Track and Field/State Championship
H141-1783	Spence	6/4/2002	T	Reverend Thomas Protack/Best Wishes/New Position
H141-1784	Oberle	6/6/2002	T	Mayra Wilson-Tijerino/Graduation/Sterck School

HOUSE TRIBUTE ANNOUNCEMENT #80

DATE: June 12, 2002

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
H141-1785	Oberle	6/6/2002	T	Eric Norman/Graduation/Sterck School
H141-1786	Oberle	6/6/2002	T	Demetrius Jackson/Graduation/Sterck School
H141-1787	Oberle	6/6/2002	T	Christopher Koston/Graduation/Sterck School
H141-1788	B. Ennis	5/11/2002	T	Dorris & James Cruson/50th Wedding Anniversary
H141-1789	Maier	6/15/2002	T	Bryan Gregory Hills/Eagle Scout
H141-1790	Price	6/4/2002	T	Sergeant Monroe Hudson, Jr./Trooper of the Year
	cosponsor: Rep. Schroeder			
H141-1791	Schroeder	6/30/2002	T	Brian King/Eagle Scout
H141-1792	Ewing	6/7/2002	T	Earl Willey/90th Birthday
H141-1793	Wagner	5/15/2002	T	Dale Donaway/Golf Coach of the Year/Henlopen Conference
H141-1794	Quillen	4/25/2002	T	Felton Fire Company Auxiliary/Public Safety Award Recipient
H141-1795	B. Ennis	6/5/2002	T	Marcia Brown/Retirement/US Postal Service
H141-1796	Carey	6/11/2002	T	William Woolford/Employee of First Quarter/KSI
H141-1797	Carey	6/11/2002	T	Nancy Elliott/Employee of Second Quarter/KSI
H141-1798	Carey	6/11/2002	T	Dean Murray/Employee of the Fourth Quarter/KSI
H141-1799	Carey	6/11/2002	T	John Henning/Employee of the Year/KSI

H141-1800	Carey	6/11/2002	T	Peggy Strine/Appreciation Award Recipient/KSI
H141-1801	Carey	6/11/2002	T	Pat Billings/Staff Employee of the Year/KSI
H141-1802	Carey	6/11/2002	T	Hanna Conrad/Staff Employee of the Year/KSI
H141-1803	Price	6/7/2002	T	Mountaire Farms/4 Million Accident-Free Hours
cosponsor: Rep. West				
H141-1804	Scott	6/6/2002	T	James Gladney, Jr./Outstanding Community Service
H141-1805	Valihura	6/6/2002	T	Robert Kleiner/Bar-Bench Media Essay Contest Winner
H141-1806	Brady	6/1/2002	T	Margaret Brady/College Graduation/Dual Degrees
H141-1807	Brady	6/7/2002	T	Lieutenant Colonel Othell Hamlett/Service/War on Terror
H141-1808	Spence	6/10/2002	T	Jack Naylor/Opportunity Center/15 Years
cosponsor: Rep. Lofink				

T - Tribute

M - Memoriam

Representative Lee brought the following prefiled **Consent Calendar #19** before the House for consideration.

**HR 47** - Smith on behalf of All Representatives - COMMORATING THE 20 YEAR ANNIVERSARY OF THE LEGISLATIVE FELLOWS PROGRAM.

**HCR 53** - Keeley - RECOGNIZING THE MONTH OF OCTOBER AS PSYCHOLOGICALLY HEALTHY WORK PLACE MONTH.

**Consent Calendar #19** was adopted by voice vote and **HR 47** was declared passed and **HCR 53** was sent to the Senate for concurrence.

Representative Williams requested that he be marked present.

The Majority Whip moved to recess for committee meetings and to the call of the Chair at 3:02 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 3:02 p.m.: Representatives Brady, DiPinto, Lofink, Miro, Plant, Schroeder, Smith, Stone & Viola.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on June 13, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SS 1 for SB 240, SB 392, SB 394, SB 391 w/SA 1, SB 379, SB 381, SB 372 w/SA 1 & SCR 33** and requests the concurrence of the House; **HB 322, HB 266, HB 393, HB 474, HB 448 & HB 477** and is returning same to the House.

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

HEALTH & HUMAN DEVELOPMENT: **HB 528** - 3F, 1M.

JUDICIARY: **HB 534** - 5M.

EDUCATION: **HB 533** - 6M; **SB 369** - 6M; **SB 149 w/SA 1** - 7M.

PUBLIC SAFETY: **HB 521** - 5M; **HB 505** - 4M, 1U; **SB 374** - 5M.

SUBSTANCE ABUSE: **SB 336 w/SA 1** - 4M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 535** - 7M; **HB 541** - 7M; **HB 542** - 7M; **HB 544** - 7M; **SB 338** - 7M; **SB 341 w/SA 2** - 7M.

REVENUE & FINANCE: **HB 529** - 6M.

HOUSING & COMMUNITY AFFAIRS: **HB 527** - 6M.

BUSINESS/CORPORATIONS/COMMERCE: **HB 515** - 7M.

LAND USE AND INFRASTRUCTURE: **HB 489** - 2F, 3M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **SS 1 for SB 273 w/SA 2 & 3** - 4M; **SB 355 w/SA 1** - 4M; **HB 512** - 5M.

HOUSE ADMINISTRATION: **HB 495** - 2F, 2M; **HB 511** - 3M; **HB 550** - 4M; **HB 551** - 4M.

APPROPRIATIONS: **HB 4** - 5M; **HB 471** - 6M; **HB 472** - 5M, 1U; **HB 516** - 6M; **HB 517** - 6M; **HB 518** - 6M; **HB 519** - 6M; **HB 520** - 6M.

Mr. Acting Speaker assigned **HB 489** & **HB 511** to the Appropriations Committee.

The Majority Whip moved to adjourn at 2:15 p.m., thereby ending the current legislative day. The House reconvened at 2:16 p.m.

### **39TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 13, 2002**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Caulk – 1.

Mr. Acting Speaker introduced a guest.

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

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

The following prefiled legislation was introduced:

- **SPENCE & REPRESENTATIVES REYNOLDS & SENATOR MCBRIDE; REPRESENTATIVE LAVELLE**  
- **EDUCATION** - An Act to Amend Title 14 of the Delaware Code Relating to Education.

**HB 561** - **QUILLEN & SENATOR SIMPSON** - **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 Restrictions Related to Personal or Private Interest of Mayor or Council Members. (2/3 bill)

**HB 562** - **DIPINTO & SENATOR MCBRIDE; REPRESENTATIVES CAREY, D. ENNIS, QUILLEN, PRICE; SENATOR CONNOR** - **NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT** - An Act to Amend Title 7 of the Delaware Code Relating to the Clean Air Act Title V Operating Permit Program.

**HB 563** - **SPENCE & SENATOR SHARP; REPRESENTATIVES SMITH, LEE, GILLIGAN, VANSANT; SENATORS ADAMS, VAUGHN, AMICK, SORENSON** - **HOUSE ADMINISTRATION** - An Act to Amend Chapter 17, Title 29, Delaware Code Relating to Emergency Interim Succession.

**HB 564** - **WILLIAMS** - **JUDICIARY** - An Act to Amend Title 11 of the Delaware Code Relating to Victims of Sexual Assault.

**HB 565** - **WAGNER & REPRESENTATIVE STONE** - **HOUSE ADMINISTRATION** - An Act to Amend Title 15 of the Delaware Code Relating to Registration Books, Supplies and Places, Office and Mobile Registration.

**HB 567** - **HUDSON & SENATOR MARSHALL** - **REVENUE & FINANCE** - An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)

**HA 2 to HB 556** - **SMITH** - Placed with the Bill.

**SS 1 for SB 240** - **DELUCA & REPRESENTATIVE ULBRICH; SENATORS BUNTING, SOKOLA, SIMPSON, STILL; REPRESENTATIVES HUDSON, VALIHURA, DILIBERTO & KEELEY** - **POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY** - An Act to Amend Chapter 11, Title 24 of the Delaware Code Relating to Dentistry and Dental Hygiene.

**SB 372 w/SA 1** - **MCBRIDE & REPRESENTATIVE ULBRICH & SENATOR SORENSON & REPRESENTATIVE SCHROEDER** - **HEALTH & HUMAN DEVELOPMENT** - An Act to Amend Title 16 of the Delaware Code Related to Health and Safety in Order to Implement Recommendations of the Task Force on Cancer Incidence and Mortality and Improve the Quality of Cancer Registry Reporting. (2/3 bill)

**SB 379** - **HENRY & REPRESENTATIVE SMITH; SENATORS BLEVINS, MCBRIDE, MCDOWELL, SHARP, SOKOLA, WINSLOW; REPRESENTATIVES BUCKWORTH, DIPINTO, EWING, FALLON, LEE, SPENCE, PLANT, VANSANT, WEST** - **PUBLIC SAFETY** - An Act to Amend Title 21 of the Delaware Code to Create Additional Security Measures for the Issuance of Driver's Licenses and Identification Cards.

**SB 381** - **VAUGHN & REPRESENTATIVE DIPINTO** - **APPROPRIATIONS** - An Act to Amend Title 6 of the Delaware Code Relating to Retail Sales of Motor Fuel.

**SB 391 w/SA 1 - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON - APPROPRIATIONS - An Act to Amend Title 11 of the Delaware Code Codifying Certain Sections of the Fiscal Year 2002 Budget Act.**

**SB 392 - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON - APPROPRIATIONS - An Act to Amend Title 14 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.**

**SB 394 - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, HENRY, MCBRIDE, CLOUTIER, WINSLOW; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, BRADY, HOUGHTON - APPROPRIATIONS - An Act to Amend Title 3 of the Delaware Code by Codifying Certain Sections of the Fiscal Year 2002 Budget Act.**

The House observed a moment of silence in memory of Barbara Vietri at the request of Representative Keeley. Representative Keeley made comments. Representative Roy requested that he be marked present. Representatives DiLiberto & Scott requested and were granted personal privilege of the floor to introduce guests. Representatives Houghton & Wagner requested that they be marked present.

Representative Lee deferred to Representative Thornburg. Representative Thornburg requested and was granted privilege of the floor to present a House Tribute to Lynn Atz, Small Business Administration Account Advocate Award recipient. Representative Valihura made comments.

Representatives West, Lofink & Gilligan requested that they be marked present. Mr. Acting Speaker introduced guests. Representative Lee deferred to Representative Schroeder. Representatives Schroeder & Mulrooney introduced guests. Representatives Reynolds & Viola requested that they be marked present.

The Majority Whip moved to recess for caucus at 2:29 p.m.

The House reconvened at 4:48 p.m.

Representative Smith moved to suspend the rules which interfere with action on **HB 556**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith brought **HB 556**, jointly sponsored by Senator Sharp & Representative Spence & Representative Lee & Senator Adams & Senator Marshall, before the House for consideration.

**HB 556 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISTRICT BOUNDARIES OF GENERAL ASSEMBLY HOUSE OF REPRESENTATIVE AND SENATE DISTRICTS AND AUTHORIZING COUNTY GOVERNMENTS AND THE CITY OF WILMINGTON TO AMEND COUNCILMANIC AND LEVY COURT DISTRICT LINES.**

Representatives Smith, Brady & Price requested that they be marked present. Representative Smith made comments. Representative Smith deferred to Representative Plant. Representative Plant made a comment. Representative Plant brought **HA 1 to HB 556** before the House for consideration. Representative Plant requested that she be marked present. Representatives Plant & Smith made comments. Representative Boulden requested that he be marked present. Representatives Smith, Scott, Plant, Gilligan, Wagner & Smith made comments. Representatives Miro, Ulbrich, Williams, Cathcart & D. Ennis requested that they be marked present. **HA 1** was defeated by voice vote.

Representative Smith brought **HA 2 to HB 556** before the House for consideration. Representative Smith made comments.

The roll call on **HA 2 to HB 556** was taken and revealed:

YES: 38.

NO: Representatives Plant & Scott - 2.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HA 2 to HB 556** was

adopted.

Representatives Oberle & Spence requested that they be marked present during the roll call.

Representative Gilligan made comments.

The roll call on **HB 556 w/HA 2** was taken and revealed:

YES: 35.

NO: Representatives DiLiberto, Gilligan, Plant, Scott & Williams - 5.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 556 w/HA 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lofink. Representative Lofink made comments regarding **SB**

**343.**

Representative Smith deferred to Representative DiLiberto.

Representative DiLiberto brought **SB 221**, jointly sponsored by Senator Blevins & Senators Vaughn & Winslow & Representatives Oberle, Spence Wagner & Keeley, before the House for consideration.

**SB 221** - AN ACT PROPOSING AMENDMENT TO ARTICLE 1, SECTION 4 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO JURIES IN CIVIL TRIALS. (2/3 bill)

Representative DiLiberto moved to place **SB 221** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 233**, jointly sponsored by Representative VanSant & Representative Keeley & Senator Vaughn & Senator Connor, before the House for consideration.

**HB 233** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SALES OF GOODS.

Representative Oberle moved to place **HB 233** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Oberle. Representative Oberle made a comment.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 451** before the House for consideration.

**HB 451** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE POLICE.

Representative Spence brought **HA 1 to HB 451** before the House for consideration. Representatives Spence & Wagner made comments. Representative Spence moved to place **HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence moved to place **HB 451** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Reynolds brought **SB 291 w/SA 2**, sponsored by Senator Vaughn & Representative B. Ennis, before the House for consideration.

**SB 291** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Representative B. Ennis brought **HA 1 to SB 291** before the House for consideration. Representative B. Ennis requested that **HA 1** be stricken. Representative B. Ennis introduced and brought **HA 2 to SB 291**, jointly sponsored by Representative Boulden, before the House for consideration. Representative B. Ennis made comments. **HA 2** was adopted by voice vote. Representatives Wagner, Reynolds, B. Ennis, DiPinto & Reynolds made comments.

The roll call on **SB 291 w/SA 2 & HA 2** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & Plant - 2.



Therefore, having received a constitutional majority, **SB 291 w/SA 2 & HA 2** was returned to the Senate for concurrence on **HA 2**.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan brought **HB 523**, jointly sponsored by Representative Roy & Senator Cook & Representatives Keeley & Schroeder, before the House for consideration.

**HB 523 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPOSAL OF STATE-OWNED EQUIPMENT.**

Representative Gilligan made comments.

The roll call on **HB 523** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 523** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 491**, jointly sponsored by Senator Blevins & Representatives D. Ennis, Ewing, Maier, Miro, Quillen, Reynolds, Brady, Houghton, Plant & Williams, before the House for consideration.

**HB 491 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACY.**

Representative Wagner brought **HA 1 to HB 491** before the House for consideration. Representative Wagner a made comment. **HA 1** was adopted by voice vote. Representative Wagner made comments.

The roll call on **HB 491 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 491 w/HA 1** was sent to the Senate for concurrence.

Representative Wagner made comments.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 533**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 533 - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO THE PROVISIONS OF CAPITAL PROJECT COORDINATOR SERVICES TO SCHOOL DISTRICTS.**

Representative Wagner introduced and brought **HA 1 to HB 533** before the House for consideration.

Representative Wagner made a comment. **HA 1** was adopted by voice vote. Representatives Wagner, Maier & Fallon made comments.

The roll call on **HB 533 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & Scott - 2.

Therefore, having received a constitutional majority, **HB 533 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **HB 551**, jointly sponsored by Representative Smith & Senator Sokola & Representatives Caulk, DiPinto, B. Ennis, Hudson, Lofink, Plant, Quillen & Wagner & Senator Sorenson, before the House for consideration.

**HB 551 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTION OFFICERS.**

Representative Lavelle introduced and brought **HA 1 to HB 551** before the House for consideration.

Representative Lavelle made comments. **HA 1** was adopted by voice vote. Representatives Lavelle, Smith, Maier & Lavelle made comments.

The roll call on **HB 551 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk & Thornburg - 2.

Therefore, having received a constitutional majority, **HB 551 w/HA 1** was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair. Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 534**, jointly sponsored by Senator Cook & Representatives Buckworth, Cathcart, D. Ennis, Hudson, Lofink, Maier, Quillen, Brady & B. Ennis, before the House for consideration.

**HB 534 - 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.**

Representatives Wagner, Price, Viola, Wagner, Scott & Wagner made comments.

The roll call on **HB 534** was taken and revealed:

YES: 39.

NOT VOTING: Representative Scott - 1.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 534** was sent to the Senate for concurrence.

Mr. Speaker Spence assigned **SB 374** to the Labor Committee.

Representative DiLiberto introduced guests.

Representative Smith deferred to Representative Ulbrich. Representative Ulbrich requested that action on **HB 528** be Deferred to a Day Certain, Tuesday, June, 18, 2002.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Spence.

Representative Spence moved to lift **HB 451** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence brought **HB 451** before the House for consideration.

**HB 451 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE POLICE.**

Representative Spence moved to lift **HA 1 to HB 451** from the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote. Representative Spence brought **HA 1** before the House for consideration. Representative Spence made comments. Representative Spence introduced and brought **HA 1 to HA 1 to HB 451** before the House for consideration. Representative Spence made a comment. **HA 1 to HA 1** was adopted by voice vote. Representatives Spence & Wagner made comments. **HA 1 w/HA 1** was adopted by voice vote. Representatives B. Ennis & Spence made comments.

The roll call on **HB 451 w/HA 1 & HA 1 to HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 451 w/HA 1 & HA 1 to HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Reynolds. Representative Reynolds made comments.

Representative Smith brought **HB 425 w/SA 1**, sponsored by Representative Lofink & Representative Oberle & Senator Marshall & cosponsored by Representative Viola, before the House for concurrence on **SA 1**.

**HB 425 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.**

Representative Smith made a comment.

The roll call on **HB 425 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, **HB 425 w/SA 1** was sent to the Governor.

Representative Smith introduced and brought **SCR 32**, jointly sponsored by Senator McBride on behalf of All Senators & Representative Spence on behalf of All Representatives, before the House for consideration.

**SCR 32 - HONORING THE UNITED STATES FLAG AND THE VALUES IT REPRESENTS ON FLAG DAY, JUNE 14, 2002.**

Representative Smith made comments.

**SCR 32** was adopted by voice vote and was returned to the Senate.

Representative Smith deferred to Representative Spence.

Representative Spence introduced **HB 571**, jointly sponsored by Representative D. Ennis & Senator McBride & Representatives Buckworth, Carey, DiPinto, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Reynolds, Gilligan, DiLiberto, B. Ennis, Houghton, Viola & West.

**HB 571 - AN ACT TO AMEND TITLES 7 AND 11 OF THE DELAWARE CODE RELATING TO DANGEROUS DOGS AND OTHER ANIMALS.**

Representative Spence made comments.

Mr. Acting Speaker assigned **HB 571** to the Natural Resources & Environmental Management Committee.

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

Representative Smith deferred to Representative Lee. Representative Lee requested that **HB 495** be stricken.

Representative Smith deferred to Representative Hudson. Representative Hudson requested that **HB 426** be stricken.

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

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 536 - 7M.**

EDUCATION: **HB 558 - 6M.**

HOUSE ADMINISTRATION: **HB 537 - 3M.**

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 499 - 5M.**

TRANSPORTATION: **SB 324 - 5M; SB 353 - 5M.**

The Majority Leader moved to recess to the call of the Chair at 6:30 p.m.

Mr. Acting Speaker Roy called the House to order at 2:10 p.m. on June 18, 2002.

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.

#### **40TH LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 18, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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

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

The following prefiled legislation was introduced:

**HB 559 - ROY & REPRESENTATIVE VALIHURA & SENATOR BLEVINS; REPRESENTATIVE MIRO - LAND USE AND INFRASTRUCTURE - An Act Suspending Municipal Annexations of Property Located in New Castle County.**

**HB 568 - SCHROEDER - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.**

**HB 569 - LAVELLE & SENATOR SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Education and School Property and Equipment.**

**HA 1 to HB 471 - DIPINTO - Placed with the Bill.**

**HA 1 to HB 512 - PRICE - Placed with the Bill.**

**HA 2 to HB 528 - ULBRICH - Placed with the Bill.**

**SB 318** - ADAMS & REPRESENTATIVE EWING; REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jurisdiction and Venue of the Justice of the Peace Court.

**SB 319** - ADAMS & REPRESENTATIVE EWING; REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Organization and Operation of the Justice of the Peace Court.

**SB 347** - ADAMS & REPRESENTATIVE EWING; REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Entry of Default Judgments in the Justice of the Peace Court.

**HA 2 to SB 371** - LAVELLE - Placed with the Bill.

Representatives Miro, Maier, Wagner & B. Ennis requested that they be marked present.

Representative Fallon introduced guests.

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

Representative Smith deferred to Representative Price. Representatives Price & Houghton requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:17 p.m.

The House reconvened at 4:55 p.m. with Representative Buckworth as Acting Speaker.

Representatives West, Brady & Oberle requested that they be marked present.

Representative Smith deferred to Representative Fallon.

Representative Fallon introduced and brought **HCR 56**, sponsored on behalf of All Representatives & jointly sponsored by Senator Simpson on behalf of All Senators, before the House for consideration.

**HCR 56** - REQUESTING CONGRESS RENAME THE NATIONAL NURSE SERVICE CORPS SCHOLARSHIP PROGRAM TO HONOR LUCILLE PETRY.

WHEREAS, Lucille Petry was raised in the Delaware towns of Selbyville and Felton; and

WHEREAS, Ms. Petry earned a degree from the University of Delaware and graduated first in her class from the Johns Hopkins School of Nursing; and

WHEREAS, Ms. Petry dedicated herself to her profession and was a strong advocate of the position that doctors and nurses should be partners in the delivery of health care services; and

WHEREAS, Ms. Petry created the Cadet Nurse Corps (CNC) in 1943; and

WHEREAS, the CNC was responsible for alleviating the shortage of nurses during World War II by producing 180,000 trained military and civilian nurses during its brief three-year history; and

WHEREAS, on June 7, 1949 Ms. Petry became the first woman in the 150-year history of the U.S. Public Health Service to be sworn in as Assistant Surgeon General; and

WHEREAS, it was through Ms. Petry's persistence that schools of nursing eventually received federal funds to improve the quality of their programs; and

WHEREAS, Ms. Petry was the only woman to serve as a delegate and technical advisor to the First World Assembly of World Health Organizations (WHO) in Geneva in 1948; and

WHEREAS, as leader of the WHO's Expert Committee on Nursing, Ms. Petry traveled extensively improving the quality of nursing throughout the world; and

WHEREAS, Ms. Petry earned many recognitions of her work, including 10 honorary doctorates; and

WHEREAS, the Congress of the United States of America is currently fashioning a program to provide financial assistance for the education of prospective nurses in exchange for service in areas of critical need; and

WHEREAS, this program is in keeping with Ms. Petry's life work to improve and expand nursing care; and

WHEREAS, this program is currently entitled the National Nurse Service Corps Scholarship Program.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 141<sup>st</sup> General Assembly of the State of Delaware, the Senate concurring therein, that the U.S. Congress consider renaming the National Nurse Service Corps Scholarship Program to honor the contributions of Lucille Petry to the field of nursing.

BE IT FURTHER RESOLVED that suitably prepared copies of this resolution shall be sent by registered mail to each member of Delaware's congressional delegation as well as the Speaker of the House of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, and President George W. Bush.

Representative Fallon made comments.

**HCR 56** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith made comments.

Representative Smith deferred to Representative Ulbrich. Representative Ulbrich requested that she be marked present.

Representative Ulbrich brought **HB 528**, jointly sponsored by Senator McDowell & Representative Price & Senator Cloutier, before the House for consideration.

**HB 528** - AN ACT TO AMEND TITLES 10, 11, AND 16 OF THE DELAWARE CODE RELATING TO THE CHILD PROTECTION REGISTRY AND CRIMINAL BACKGROUND CHECKS. (F/N)

Representative Ulbrich made comments. Representative Ulbrich brought **HA 1 to HB 528** before the House for consideration. Representative Ulbrich made comments. **HA 1** was adopted by voice vote. Representative Ulbrich brought **HA 2 to HB 528** before the House for consideration. Representative Ulbrich made comments. **HA 2** was adopted by voice vote. Representative Ulbrich introduced and brought **HA 3 to HB 528** before the House for consideration. Representative Ulbrich made comments. **HA 3** was adopted by voice vote. Representative Ulbrich made comments.

The roll call on **HB 528 w/HA 1, 2 & 3** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 528 w/HA 1, 2 & 3** was sent to the Senate for concurrence.

Representatives Plant, Schroeder, Williams, Spence & Cathcart requested that they be marked present during the roll call.

Mr. Acting Speaker & Representative Price made comments regarding **HB 528**.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 507**, jointly sponsored by Senator Blevins & Representative Maier, before the House for consideration.

**HB 507** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH QUALITY ASSURANCE IN THE OPERATION OF HOME HEALTH AGENCY PROGRAMS. (3/5 bill)

Representative Oberle brought **HA 1 to HB 507** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote. Representatives Oberle, Maier & Caulk made comments. Representative Oberle requested and was granted privilege of the floor for Kevin Charles, Chief, Health Systems Protection Section, Division of Public Health, Department of Health and Social Services.

Mr. Speaker Spence resumed the Chair. Representatives Caulk & Oberle made comments.

The roll call on **HB 507 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 507 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made announcements.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 527**, jointly sponsored by Senator Henry, before the House for consideration.

**HB 527** - AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO PERSONS WITH DISABILITIES.

Representative Valihura made comments.

The roll call on **HB 527** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 527** was sent to the Senate for concurrence.

Representative Valihura introduced guests.

Representative Smith brought the following **Consent Agenda C** before the House for consideration.

**SB 356** - Blevins & Representatives Ulbrich & Maier - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.

**SB 321** - DeLuca & Representative Ulbrich & Senators Venables & Winslow - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PROFESSIONAL COUNSELORS OF MENTAL HEALTH.

**HB 488** - Ulbrich & Senator DeLuca & Representatives Hudson, Thornburg, Valihura, DiLiberto & Keeley & Senators Bunting, Sokola, Simpson & Still -AN

ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF LANDSCAPE ARCHITECTURE.

**HB 515** - DiPinto - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO PARKING AUTHORITIES.

**HB 510** - Roy & Senator McBride - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL.

**HB 429** - Valihura & Representatives Buckworth, B. Ennis, Fallon, Houghton, Keeley, Lee, Maier, Mulrooney, Plant, West & Williams - AN ACT TO AMEND TITLES 14 AND 16 OF THE DELAWARE CODE RELATING TO FIRE DRILLS AND THE DUTIES OF THE STATE FIRE MARSHAL AND SCHOOL DISTRICTS IN THE STATE.

**HB 466** - Valihura & Representatives Boulden, Brady, Cathcart, DiPinto, B. Ennis, Ewing, Keeley, Lavelle, Lofink, Price & Quillen & Senators Bonini, Henry, McDowell, Sorenson & Winslow - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

**HB 544** - Wagner & Senator Henry & Representatives Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen, Reynolds, B. Ennis, Keeley, Price, Viola & West - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS.

**SB 355 w/SA 1** - McBride & Representative Quillen & Senators Bunting, Venables & Connor & Representatives Carey, Price & West - AN ACT TO AMEND TITLE 29, CHAPTER 80 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELLFISHERIES.

Representative Smith requested that **SB 356**, **HB 429** & **HB 544** be removed from **Consent Agenda C**.

The roll call on **Consent Agenda C** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 321** & **SB 355 w/SA 1** were returned to the Senate and **HB 488**, **HB 515**, **HB 510** & **HB 466** were sent to the Senate for concurrence.

Representative Smith requested that action on **SB 356** be Deferred to a Day Certain, Wednesday, June, 19, 2002. Representative Smith requested that action on **HB 429** be Deferred to a Day Certain, Thursday, June, 20, 2002. Representative Smith requested that action on **HB 544** be Deferred to a Day Certain, Thursday, June, 20, 2002.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought **SB 298 w/SA 1**, sponsored by Senator Simpson & Representative Schroeder & cosponsored by Senator Venables, before the House for consideration.

**SB 298** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOLS.

Representative Reynolds deferred to Representative Schroeder. Representative Schroeder deferred to Representative Wagner. Representative Wagner requested that **HA 1 to SB 298** be stricken. Representatives Schroeder, Wagner, Gilligan, Wagner, DiLiberto, Schroeder & Reynolds made comments.

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

YES: 41.

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

Mr. Speaker Spence appointed Representative Roy as Acting Speaker.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 558**, jointly sponsored by Representative Reynolds & Senator McBride & cosponsored by Representative Lavelle, before the House for consideration.

**HB 558** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION.

Representative Spence made comments.

The roll call on **HB 558** was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 558** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 4**, jointly sponsored by Representative Buckworth & cosponsored by Representative Thornburg, before the House for consideration.

**HB 4** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK. (F/N)

Representative Ewing requested that **HA 1 to HB 4** be stricken. Representative Ewing introduced and brought **HA 2 to HB 4**, jointly sponsored by Representatives Spence, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Hudson, Quillen, Ulbrich, VanSant, B. Ennis & Price, before the House for consideration. Representative Ewing made comments. **HA 2** was adopted by voice vote. Representatives Ewing & Smith made comments. Mr. Speaker Spence resumed the Chair.

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

YES: 40.

ABSENT: Representative Scott - 1.

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

Representative Ewing made a comment.

Mr. Speaker Spence reassigned **HB 560** to the Health & Human Development Committee.

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

PUBLIC SAFETY: **SB 371 w/SA 1** - 5M.

TELECOMMUNICATIONS INTERNET & TECHNOLOGY: **HB 557** - 4F.

HOUSE ADMINISTRATION: **HB 553** - 4M.

Representative Smith deferred to Representative Miro. Representative Miro requested and was granted privilege of the floor to present a House Tribute to Jennifer Keeley. Representatives Keeley & Miro made comments.

Representative Smith deferred to Representative Reynolds. Representative Reynolds deferred to Representative Oberle.

Representative Oberle brought **SB 369**, jointly sponsored by Senator Cook & Representatives DiPinto, Reynolds, Fallon, Stone, Brady, Schroeder & West & Senators Vaughn, Sokola, Blevins, Henry, Winslow, Bonini & Simpson, before the House for consideration.

**SB 369** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IMPLEMENTATION OF SKILLS/KNOWLEDGE SUPPLEMENTS AND PAYMENT OF STIPENDS.

Representative Oberle made comments.

The roll call on **SB 369** was taken and revealed:

YES: 39.

ABSENT: Representatives Quillen & Viola - 2.

Therefore, having received a constitutional majority, **SB 369** was returned to the Senate.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan introduced and brought **HCR 55**, jointly sponsored by Representatives Boulden & Thornburg, before the House for consideration.

**HCR 55** - ESTABLISHING THE FALSE SECURITY ALARM TASK FORCE TO STUDY AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANTLY DECREASING THE NUMBER OF POLICE RESPONSES TO FALSE ALARMS.

Representatives Gilligan & Valihura made comments.

**HCR 55** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 481**, jointly sponsored by Representative Keeley & Senator Winslow & Senator Cloutier & Representatives DiPinto, Hudson, Lavelle, Miro, Reynolds, Smith, Ulbrich & Wagner & Senator Simpson, before the House for consideration.

**HB 481** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JUSTICES OF THE PEACE AND THE SENTENCES FOR MISDEMEANORS.

Representatives Valihura, Keeley & Smith made comments.

The roll call on **HB 481** was taken and revealed:

YES: 38.

ABSENT: Representatives B. Ennis, Plant & Quillen - 3.

Therefore, having received a constitutional majority, **HB 481** was sent to the Senate for concurrence.

Representatives Reynolds & West made comments.

Representative Smith brought **HB 556 w/HA 2 & SA 1**, jointly sponsored by Senator Sharp & Representative Spence & Representative Lee & Senator Adams & Senator Marshall, before the House for concurrence on **SA 1**.

**HB 556** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DISTRICT BOUNDARIES OF GENERAL ASSEMBLY HOUSE OF REPRESENTATIVE AND SENATE DISTRICTS AND AUTHORIZING COUNTY GOVERNMENTS AND THE CITY OF WILMINGTON TO AMEND COUNCILMANIC AND LEVY COURT DISTRICT LINES.

Representative Smith made comments.

The roll call on **HB 556 w/HA 2 & SA 1** was taken and revealed:

YES: 33.

NO: Representatives DiLiberto, Gilligan, Plant, Scott, VanSant & Williams - 6.

ABSENT: Representatives B. Ennis & Quillen - 2.

Therefore, having received a constitutional majority, **HB 556 w/HA 2 & SA 1** was sent to the Governor.

Representative Lee deferred to Representative Stone.

Representative Stone brought **HB 536**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 536** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO TITLE

INSURANCE.

Representative Stone made comments.

The roll call on **HB 536** was taken and revealed:

YES: 38.

ABSENT: Representatives B. Ennis, Plant & Quillen - 3.

Therefore, having received a constitutional majority, **HB 536** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schroeder.



Representative Schroeder brought **HB 521**, jointly sponsored by Representatives Brady, Buckworth, Carey, Cathcart, Caulk, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Keeley, Lavelle, Lee, Lofink, Miro, Price, Spence, Wagner & West & Senator Bunting, before the House for consideration.

**HB 521 - AN ACT TO AMEND TITLE 21 RELATING TO MOTOR VEHICLES AND SPECIAL REGISTRATION PLATES.**

Representatives Schroeder & Valihura made comments.

The roll call on **HB 521** was taken and revealed:

YES: 37.

ABSENT: Representatives B. Ennis, Plant, Quillen & Scott - 4.

Therefore, having received a constitutional majority, **HB 521** was sent to the Senate for concurrence.

Representative Lee brought **HB 424 w/SA 1**, jointly sponsored by Senator Sharp & Representatives Smith, Boulden, Cathcart, DiLiberto, Ewing, Fallon, Lavelle, Maier, Miro, Stone, Thornburg, Valihura, Gilligan, VanSant, B. Ennis, Houghton, Mulrooney, Plant, Price, Viola & West & Senators Bunting, Vaughn, Cloutier & Simpson, before the House for concurrence on SA 1.

**HB 424 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS. (2/3 bill)**

Representative Lee made comments.

The roll call on **HB 424 w/SA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives B. Ennis, Ewing, Plant, Quillen & Scott - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 424 w/SA 1** was sent to the Governor.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 445, HS 1 for HB 377 w/HA 2, 3, 4, 5 & SA 1 & 2, HB 522 w/HA 1, HB 380, HB 424 w/SA 1, HB 446 & HCR 53** and is returning same to the House; **SB 318, SB 319, SB 347, SB 404 & SCR 32** and requests the concurrence of the House.

WITHDRAWAL OF SPONSORSHIP

I, Shirley Price, do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: Shirley A. Price

WITHDRAWAL OF SPONSORSHIP

I, Pamela Thornburg, do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: Pamela Thornburg

WITHDRAWAL OF SPONSORSHIP

I, Nancy Wagner, do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: Nancy Wagner

WITHDRAWAL OF SPONSORSHIP

I, Rep. Quillen, do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: George R. Quillen

WITHDRAWAL OF SPONSORSHIP

I, Richard C. Cathcart, do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: R. C. Cathcart

June 3, 2002

Dear Ms. Hedrick:

Thank you for your letter on Taiwan's participation in the World Health Assembly (WHA). National Security Advisor Condoleezza Rice asked me to respond on her behalf.

This Administration strongly believes in working closely with Taiwan to increase its participation, including observership, in the WHA. Taiwan can and should contribute to improving global health. We believe this goal to be meritorious in national policy, public health, and moral terms. Health and Human Services Secretary Thompson made this point clearly in public remarks delivered May 14 in Geneva.

However, efforts to gain entry will have to be long-term, as Taiwan does not currently enjoy sufficient support from other WHA members to achieve observer status. Over time we believe this support will broaden and we will do our part to make this happen.

Thank you for sharing your views on this issue.

Sincerely,  
James F. Moriarty  
Special Assistant to the President and  
Senior Director for Asian Affairs

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

HOUSE ADMINISTRATION: **SB 395** - 1F, 3M.

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 475** - 5M; **SS 1 for SB 240** - 5M.

The Majority Leader moved to recess to the call of the Chair at 6:34 p.m.

Mr. Acting Speaker Roy called the House to order at 2:18 p.m. on June 19, 2002.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 324**, **HB 406 w/HA 1 & 5**, **HB 315 w/HA 1 & SA 1**, **HB 556 w/HA 2 & SA 1** and is returning same to the House; **SB 380**, **SB 312 w/SA 1**, **SB 365 w/SA 1**, **SB 386 & SB 399** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Hazel D. Plant do hereby request that my name be removed as cosponsor of **HB 571**.

Date: June 18, 2002

Signed: Hazel D. Plant

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.

### **41ST LEGISLATIVE DAY - 141ST GENERAL ASSEMBLY - SECOND SESSION**

**June 19, 2002**

The Chief Clerk called the roll:

Members Present: 41.

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:

**HS 1 for HB 377 w/HA 2, 3, 4 & 5 & SA 1 & 2** - MAIER & SENATOR BLEVINS & REPRESENTATIVE SPENCE; REPRESENTATIVES BUCKWORTH, EWING, HUDSON, ULBRICH, VALIHURA, KEELEY; SENATORS ADAMS, MCDOWELL, HENRY, MARSHALL, MCBRIDE, SOKOLA, VAUGHN, AMICK, SORENSON, CLOUTIER, CONNOR, SIMPSON, STILL, WINSLOW - HOUSE ADMINISTRATION - An Act to Amend Titles 16 and 20 of the Delaware Code Relating to Emergencies and Public Health.

**HS 1 for HB 483** - WEST - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Protected Wildlife and Licenses. (3/5 bill)

**HB 570** - WILLIAMS & REPRESENTATIVE DIPINTO & REPRESENTATIVE KEELEY & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 22 of the Delaware Code to Authorize the City of Wilmington to Adopt Impact Fees for Offenses Committed Within the Jurisdiction of the City of Wilmington.

**HB 572** - QUILLEN - GAMING & PARIMUTUELS - An Act to Amend Title 3, Chapter 100 of the Delaware Code Relating to Harness Racing. (3/5 bill)

**HB 573** - SCOTT - JUDICIARY - An Act to Amend Title 11, of the Delaware Code Relating to Impact Fees for Offenses Committed Within the Jurisdiction of the City of Wilmington.

**HB 574** - SPENCE & REPRESENTATIVE B. ENNIS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Establishing Audit and Recovery Management Services in the Department of Health and Social Services.

**HB 575** - LEE & REPRESENTATIVE B. ENNIS & SENATOR BUNTING & SENATOR VAUGHN - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to Commitment, Fresh Pursuit.

**HB 576** - VALIHURA; REPRESENTATIVES BRADY, BUCKWORTH, CAULK, B. ENNIS, D. ENNIS, FALLON, HUDSON, LAVELLE, PLANT, SCOTT; SENATORS CLOUTIER, SIMPSON, WINSLOW - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 13 of the Delaware Code Relating to Marriage License Applications and Limitations on the Issuance of Marriage Licenses.

**HB 577** - VALIHURA; REPRESENTATIVES BRADY, CAREY, DIPINTO, B. ENNIS, FALLON, HOUGHTON, HUDSON, LAVELLE, LOFINK, MULROONEY, PLANT, PRICE, REYNOLDS, STONE, THORNBURG, VIOLA, WEST; SENATORS CLOUTIER, SORENSON, WINSLOW - JUDICIARY - An Act Proposing An Amendment to Article I, § 6 of the Constitution of Delaware of 1897, as Amended, Relating to Searches and Seizures. (2/3 bill)

**HB 578** - VALIHURA & REPRESENTATIVE KEELEY & SENATOR WINSLOW & SENATOR CLOUTIER; REPRESENTATIVES CAREY, DIPINTO, B. ENNIS, EWING, HOUGHTON, HUDSON, LAVELLE, LOFINK, MAIER, MULROONEY, PLANT, PRICE, SCHROEDER, STONE, ULBRICH, WAGNER; SENATOR SORENSON - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Creating or Maintaining a Community Nuisance. (2/3 bill)

**HB 579** - VALIHURA; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, B. ENNIS, D. ENNIS, EWING, HOUGHTON, HUDSON, LAVELLE, LOFINK, MIRO, SPENCE, WEST; SENATOR STILL - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Theft. (2/3 bill)

**HB 580** - VALIHURA; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, DIPINTO, B. ENNIS, EWING, MIRO, ULBRICH, WILLIAMS; SENATORS AMICK, CLOUTIER, CONNOR, SORENSON, STILL, WINSLOW - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Summer School Classes for Special Education Teachers.

**HB 581** - VALIHURA; SENATORS AMICK, CLOUTIER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to the State Tort Claims Act.

**HB 583** - CATHCART; REPRESENTATIVES CAULK, EWING, FALLON, HUDSON, SPENCE, VALIHURA, WEST; SENATOR STILL - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Equipment and Construction of Vehicles.

**HA 1 to HS 1 for HB 483** - WEST - Placed with the Bill.

**HA 1 to HB 567** - HUDSON - Placed with the Bill.

**HA 1 to HB 570** - WILLIAMS - Placed with the Bill.

**SB 312 w/SA 1** - AMICK & SENATOR MCBRIDE & REPRESENTATIVE OBERLE; SENATOR DELUCA; REPRESENTATIVES BOULDEN, ULBRICH, VANSANT - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Delaware Association of Professional Engineers and the Council of the Delaware Association of Professional Engineers.

**SB 365 w/SA 1** - BLEVINS & SENATOR MCDOWELL & REPRESENTATIVE WAGNER & REPRESENTATIVE BUCKWORTH - JUDICIARY - An Act to Amend Title 13 of the Delaware Code Relating to Guardianship of a Child in Family Court.

**SB 380** - VAUGHN & REPRESENTATIVE LEE - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to the Institutional Release Classification Board. (F/N)

**SB 386** - BLEVINS & REPRESENTATIVE WAGNER; SENATORS ADAMS, COOK, DELUCA, HENRY, MARSHALL, SHARP, SORENSON, VAUGHN, WINSLOW; REPRESENTATIVES DIPINTO, GILLIGAN, LEE, MAIER, OBERLE, SMITH, SPENCE, STONE, WILLIAMS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 69 of Title 29 of the Delaware Code Related to State Procurement to Authorize the Procurement of Professional Services by Cooperative Agreement.

**SB 399** - MCBRIDE & REPRESENTATIVE QUILLEN - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 20 of the Delaware Code Relating to Emergency Orders.

**SB 404** - SOKOLA & REPRESENTATIVE MAIER; SENATOR SIMPSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Truancy.

**HA 2 to SB 343** - D. ENNIS - Placed with the Bill.

**HA 3 to SB 343** - PRICE; REPRESENTATIVES SCHROEDER, WEST - Placed with the Bill.

Representative Ewing requested and was granted personal privilege of the floor to introduce a guest. Mr. Acting Speaker introduced guests. Representatives Lee & Cathcart made comments. Representative Hudson requested and was granted personal privilege of the floor to introduce a guest. Representatives West & DiLiberto requested that they be marked present. Representative DiLiberto requested and was granted personal privilege of the floor to introduce a guest. Representatives Scott & Wagner requested that they be marked present.

Representative Wagner requested that **HB 397** be stricken.

Representative Fallon requested that she be marked present. Representative Fallon made comments. Representative Reynolds requested that he be marked present. Representative Reynolds made comments. Representative VanSant requested that he be marked present. Representative Quillen requested and was granted personal privilege of the floor to make an announcement. Representative Thornburg requested and was granted personal privilege of the floor to introduce a guest. Representative Lavelle requested that he be marked present. Representative Lavelle requested and was granted personal privilege of the floor to make comments. Representative Maier requested and was granted personal privilege of the floor to introduce a guest. Representatives Miro & Gilligan requested that they be marked present. Representatives Lee & Gilligan made comments.

Representative Lee deferred to Representatives D. Ennis & Maier. Representative D. Ennis requested and was granted privilege of the floor for himself and Representative Maier to present House Tributes to Rory Connell and Katelynn Brady, 2002 Swimmers of the Year. Keith Brady, Katelynn's father addressed the House. Representatives Cathcart, D. Ennis & Miro made comments.

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

The House reconvened at 4:15 p.m.

Representative Smith brought **SB 395**, sponsored by Senator Bunting & Representative Price, before the House for consideration.

**SB 395** - AN ACT TO AMEND AN ACT BEING, CHAPTER 2 OF VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO PROVIDE FOR REFUNDING ALL OUTSTANDING BONDS OR OTHER INDEBTEDNESS OF THE TOWN TO INCLUDE REFINANCING SUCH BONDS OR OTHER EVIDENCES OF INDEBTEDNESS AND TO INCLUDE REFUNDING PROCEDURES EVEN IF THERE IS A PREMIUM TO PREPAY. (2/3 bill)

Representative Smith made comments.

Representatives Smith, Caulk, Price & Stone requested that they be marked present.

The roll call on **SB 395** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 395** was returned to the Senate.

Representatives Oberle, Spence, Williams, Ulbrich & Plant requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiPinto. Representative DiPinto requested and was granted personal privilege of the floor to make comments regarding **SB 434**.

Mr. Acting Speaker & Representative Smith made comments.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth introduced **HB 584**, jointly sponsored by Senator Cook.

**HB 584** - AN ACT TO AMEND TITLE 14 AND 21 OF THE DELAWARE CODE RELATING TO DRUG AND ALCOHOL TESTING OF PUBLIC SCHOOL BUS DRIVERS AND THE ISSUANCE OF A SCHOOL BUS ENDORSEMENT TO DELAWARE DRIVER'S LICENSES.

Mr. Acting Speaker assigned **HB 584** to the Education Committee.

Representative Smith deferred to Representative Plant.

Representative Plant introduced **HB 566**, jointly sponsored by Senator Henry & Representative Gilligan.

**HB 566** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON FEES AND CHARGES FOR CASHING CHECKS OR MONEY ORDERS.

Mr. Acting Speaker assigned **HB 566** to the Business/Corporations/Commerce Committee.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 55** before the House for consideration.

**HR 55** - REQUESTING THE SECRETARY OF THE DEPARTMENT OF FINANCE AND THE DIRECTOR OF THE STATE LOTTERY OFFICE TO STUDY THE FEASIBILITY OF INSTITUTING SPORTS GAMING ACTIVITIES AT EXISTING GAMES VENUES IN THE STATE.

Representative Oberle made comments.

Representative Oberle moved to place **HR 55** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote. Representatives Smith, Gilligan & DiPinto made comments.

Representative Smith brought **Consent Agenda D** before the House for consideration.

**HB 516** - DiPinto & Senator Vaughn & Representatives Buckworth, D. Ennis, Fallon, Brady & Houghton & Senators Cook, Henry, McBride, Cloutier & Winslow - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**HB 517** - DiPinto & Senator Vaughn & Representatives Buckworth, D. Ennis, Fallon, Brady & Houghton & Senators Cook, Henry, McBride, Cloutier & Winslow - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**HB 518** - DiPinto & Senator Vaughn & Representatives Buckworth, D. Ennis, Fallon, Brady & Houghton & Senators Cook, Henry, McBride, Cloutier & Winslow - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**HB 519** - DiPinto & Senator Vaughn & Representatives Buckworth, D. Ennis, Fallon, Brady & Houghton & Senators Cook, Henry, McBride, Cloutier & Winslow - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**HB 520** - DiPinto & Senator Vaughn & Representatives Buckworth, D. Ennis, Fallon, Brady & Houghton & Senators Cook, Henry, McBride, Cloutier & Winslow - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**SB 389** - Vaughn & Representative DiPinto & Senators Cook, Henry, McBride, Cloutier & Winslow & Representatives D. Ennis, Fallon, Brady & Houghton - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**SB 390** - Vaughn & Representative DiPinto & Senators Cook, Henry, McBride, Cloutier & Winslow & Representatives D. Ennis, Fallon, Brady & Houghton - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**SB 391 w/SA 1** - Vaughn & Representative DiPinto & Senators Cook, Henry, McBride, Cloutier & Winslow & Representatives D. Ennis, Fallon, Brady & Houghton - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**SB 392** - Vaughn & Representative DiPinto & Senators Cook, Henry, McBride, Cloutier & Winslow & Representatives D. Ennis, Fallon, Brady & Houghton - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

**SB 394** - Vaughn & Representative DiPinto & Senators Cook, Henry, McBride, Cloutier & Winslow & Representatives D. Ennis, Fallon, Brady & Houghton - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY CODIFYING CERTAIN SECTIONS OF THE FISCAL YEAR 2002 BUDGET ACT.

The roll call on **Consent Agenda D** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 516, HB 517, HB 518, HB 519 & HB 520** were sent to the Senate for concurrence and **SB 389, SB 390, SB 391 w/SA 1, SB 392 & SB 394** were returned to the Senate.

Representative Smith brought **Consent Agenda E**, which requires a two-thirds vote, before the House for consideration

Representative Smith made comments.

**SB 330** - Adams & Representative Wagner - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEARCH WARRANT RETURNS.

**SB 361** - Adams & Representatives Wagner & Valihura - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. (2/3 bill)

**SB 362** - Adams & Representatives Wagner & Valihura - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF Foreign Partnerships. (3/5 bill)

**SB 363** - Adams & Representatives Wagner & Valihura - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. (3/5 bill)

**SB 364** - Adams & Representatives Wagner & Valihura - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS. (3/5 bill)

**SB 353** - Sokola & Representative Valihura & Senators Blevins, DeLuca, McBride, McDowell, Cloutier & Winslow & Representatives DiPinto, D. Ennis, Hudson, Stone & B. Ennis - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO A SAFE ROUTES TO SCHOOLS PROGRAM.

**HB 557** - DiPinto & Senator Adams - AN ACT TO AMEND TITLES 16 AND 30 OF THE DELAWARE CODE RELATING TO THE EMERGENCY REPORTING SYSTEM FUND AND PROCEDURES RELATING THERETO.

The roll call on Consent Agenda E was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of two-thirds Members of the House, **SB 330, SB 361, SB 362, SB 363, SB 364 & SB 353** were returned to the Senate and **HB 557** was sent to the Senate for concurrence.

Representative Valihura made comments regarding **SB 361, SB 362, SB 363, SB 364 & SB 353**.

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

Representative Smith deferred to Representative Lee.

Representative Lee requested that **SCR 34** be added to **Consent Calendar #20**.

**SCR 34** - Simpson on behalf of All Senators & Representative Lee on behalf of all Representatives - HONORING THE YOUNG WOMEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2002 SESSION OF DELAWARE'S GIRLS' STATE.

Representative Smith brought the following prefiled **Consent Calendar #20** before the House for consideration.

**HR 53** - Wagner - A RESOLUTION ESTABLISHING A TASK FORCE FOR CERTIFICATION NEEDS OF DELAWARE SCHOOL TEACHERS.

**HR 56** - Smith & Representative Caulk -RECOGNIZING THE IMPORTANT HISTORICAL SIGNIFICANCE OF BARRATT'S CHAPEL AND REQUESTING THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS INVOLVEMENT IN CREATING A MEMORIAL PARK ON BARRAT'S CHAPEL GROUNDS.

**HR 57** - Wagner & Representative Stone & Representatives Spence, Smith, Lee, Buckworth, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hudson, Lavelle, Lofink, Miro, Reynolds, Thornburg, Valihura, VanSant, Brady, B. Ennis Houghton, Plant, Scott & Viola - A RESOLUTION ENVOURAGING LOCAL SCHOOL DISTRICTS TO ALLOW RESIDENTS TO DONATE BOOKS TO ELEMENTARY SCHOOLS FOR THE PARENT-CHILD READING PROGRAM "DELAWARE PICK A BOOK".

**HCR 54** - Quillen - REQUESTING DELAWARE'S CONSRVATION DISTRICTS EVALUATE THE IMPACT OF CERTAIN ARMY CORPS OF ENGINEERS' PERMITTING PRACTICES ON CONSTRUCTION AND MAINTENANCE OF DRAINAGE AND FLOOD CONTROL PROJECTS.

**SCR 33** - Adams & Representative Lofink - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES PREPARE LEGISLATION ADDRESSING SAFETY CONCERNS RELATING TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DAMS IN THIS STATE.

**SCR 34** - Simpson on behalf of All Senators & Representative Lee on behalf of All Representatives - HONORING THE YOUNG WOMEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2002 SESSION OF DELAWARE'S GIRLS' STATE.

**Consent Calendar #20** was adopted by voice vote and **HR 53, HR 56 & HR 57** were declared passed & **HCR 54** was sent to the Senate for concurrence & **SCR 33 & SCR 34** were returned to the Senate.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SB 338**, jointly sponsored by Senator Cook, before the House for consideration.

**SB 338** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INVESTMENT IN STOCK OF SUBSIDIARIES.

Representative Stone requested that **HA 1** be stricken. Representative Stone introduced and brought **HA 2** to **SB 338** before the House for consideration. Representative Stone made comments. **HA 2** was adopted by voice vote. Representative Stone made comments.

The roll call on **SB 338 w/HA 2** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 338 w/HA 2** was returned to the Senate for concurrence on **HA 1**.

Representative Smith deferred to Representative Stone.

Representative Stone brought **SB 341 w/SA 2**, sponsored by Senator Blevins & Representative Maier, before the House for consideration.

**SB 341** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE AND CHAPTER 96, VOLUME 73, LAWS OF DELAWARE RELATING TO HEALTH INSURANCE.

Representative Stone made comments.

The roll call on **SB 341 w/SA 2** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **SB 341 w/SA 2** was returned to the Senate.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **SB 356**, jointly sponsored by Senator Blevins & Representative Maier, before the House for consideration.

**SB 356 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.**

Representative Ulbrich made comments.

The roll call on **SB 356** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Smith - 2.

Therefore, having received a constitutional majority, **SB 356** was returned to the Senate.

Representative Lee brought **SB 308**, jointly sponsored by Senators Vaughn & McDowell, before the House for consideration.

**SB 308 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PAROLE.**

Representative Lee deferred to Representative DiLiberto. Representative DiLiberto brought **HA 1 to SB 308** before the House for consideration. Representatives DiLiberto, Williams & Gilligan made comments. **HA 1** was defeated by voice vote. Representative Lee made comments.

The following communication was read into the record at the request of Representative Lee:

June 5, 2002

The Honorable James T. Vaughn  
The Honorable Harris B. McDowell  
Delaware State Senate  
Legislative Hall  
Dover, Delaware 19901

The Honorable Clifford G. Lee  
  
Delaware House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Re: Senate Bill No. 308

Dear Representative Lee and Senators McDowell and Vaughn:

As you are aware, Senate Bill No. 308 would modify the present statutory requirements for service as the Chairperson of the Board of Parole. During the House Judiciary Committee's consideration of this bill, several committee members asked what the annual salary for this position is and what salary would likely be proposed for this position, now that the former Chairperson has resigned, particularly in view of the fact that under the existing Truth in Sentencing system, the role that parole plays in our criminal justice system is limited (as parole is available only for persons sentenced after June 30, 1990).

In light of the diminished role of parole in our current system, but giving due consideration to the fact that the Chairperson position is and remains a full-time job requiring competent attention, the Governor intends to propose that this position be funded with a salary of not greater than \$55,000 annually (which would decrease the current salary from \$70,000, as approved in the 2003 Budget Act). I hope you find this information useful in connection with the bill. Of course, if you have any questions, please contact me.

Very truly yours,

Joseph C. Schoell

Deputy Legal Counsel to Governor Minner

Representatives Wagner, Valihura & Lee made comments. Mr. Acting Speaker ruled that Representative Valihura was out of order. Representatives Lee, Williams, Gilligan, Valihura, Scott & Gilligan made comments.

The roll call on **SB 308** was taken and revealed:

YES: 30.

NO: Representatives DiLiberto, Hudson, Lavelle, Maier, Miro, Scott, Ulbrich, Valihura & Wagner - 9.

ABSENT: Representatives Spence & Stone - 2.