

Since House Joint Resolution No. 26 does not mandate the implementation of the recommended rights, it seems reasonable to conclude that the Resolution does not authorize or require expenditures and, therefore 29 Del. C. §1901(a) would not apply to this Resolution, and the attached fiscal note would not be necessary. I hope there is no problem with deleting the fiscal note to House Joint Resolution No. 26 and rescheduling this resolution on the House agenda.

Of course, were the General Assembly to mandate provision of these services, then the fiscal note would be required.

Should you have any questions, please do not hesitate to contact me. Your consideration in this matter is greatly appreciated.

Yours very truly,  
Richard S. Gebelein  
Attorney General

RSG/pdw

cc: The Honorable Robert W. Riddagh

Representative Gilligan requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative Burris moved to place HJR 26 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh moved to lift HB 367 w/HA 1w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought HB 367 w/HA 1w/HA 1, jointly sponsored by Senator Cook, before the House for consideration.

HB 367 - An Act to Amend Chapter 87, Title 10 of the Delaware Code Relating to Court, County and Other Public Offices.

Representative Riddagh brought HA 2 to HB 367 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Riddagh moved to place HB 367 w/HA 1w/HA 1, HA 2 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Barnes brought HB 413, jointly sponsored by Senator Adams, before the House for consideration.

HB 413 - An Act to Amend Title 3 of the Delaware Code by Adding a Chapter 76 Thereto Relating to Registration of Livestock Dealers.

Representative Barnes brought HA 1 to HB 413 before the House for consideration. HA 1 was adopted by voice vote.

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

Representative Brady requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Barnes moved to place HB 413 w/HA 1 on the Speaker's table. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Spence brought HB 382 before the House for consideration.

HB 382 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Reissuance of License Plates.

The roll call on HB 382 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 382 was sent to the Senate for concurrence.

Representative Fallon brought HB 356, jointly sponsored by Representatives Petrilli, Cathcart, Mack, Spence, Jester, Dixon, Darling, Barnes, West, Campanelli, Minner, Soles, Buckworth, Van Sciver & Maroney & Senators Connor, Cook, Adams, Martin & Littleton & co-sponsored by Senator Bair, before the House for consideration.

HB 356 - An Act to Amend Delaware Code, Title 14, by Providing for Assignment of Existing Pupil Units in Support of High School Counselors.

Representative Fallon brought HA 1 to HB 356 before the House for consideration. HA 1 was adopted by voice vote.

Representative Fallon brought HA 2 to HB 356 before the House for consideration. HA 2 was adopted by voice vote.

Representative Fallon moved to place HB 356 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Free brought HB 590, jointly sponsored by Representative Maroney and Representatives Barnes, Brady, Buckworth, Cain, Corrozi, Derrickson, Edwards, Ennis, Fallon, George, Hebner, Holloway, Jonkiert, Mack, McKay, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Spence & Van Sciver & Senators Citro, Holloway, Knox, Littleton, Neal & Vaughn, before the House for consideration.

HB 590 - An Act to Amend Chapter 81 of Title 10, Delaware Code, Relating to Liability for Food Donated to and Served by a Charity Kitchen.

The roll call on HB 590 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 590 was sent to the Senate for concurrence.

Representative Free brought HB 581, jointly sponsored by Representatives Brady, Van Sciver, Buckworth, Mack, Soles, Fallon, Spence, Gilligan, Jester & Barnes & Senators Neal, Bair, Connor, Arnold & Martin, before the House for consideration.

HB 581 - An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards. (Fiscal Note)

Representative Free brought HA 1 to HB 581 before the House for consideration. HA 1 was adopted by voice vote.

Representative Free moved to place HB 581 w/HA 1 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 578, jointly sponsored by Senator Holloway & Representatives Oberle & Brady, before the House for consideration.

HB 578 - An Act to Amend Title 29, Delaware Code, Relating to Purchasing by the Division of Visually Impaired.

The roll call on HB 578 was taken and revealed:

YES: YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 578 was sent to the Senate for concurrence.

Representative George brought SB 399, sponsored by Senator Sharp & co-sponsored by Representatives George & Cathcart, before the House for consideration.

SB 399 - An Act Concurring in a Proposed Amendment to Article III, Section 22, of the 1897 Constitution of the State of Delaware Relating to the Term of the Office of Sheriff. (2/3 bill)

The roll call on SB 399 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 399 was returned to the Senate.

Representative Cordrey brought HB 345 w/SA 1, jointly sponsored by Senator Littleton, before the House for consideration.

HB 345 - An Act to Amend an Act Being Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Grant the Alderman Jurisdiction for Certain Criminal Offenses. (2/3 bill)

The roll call on HB 345 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cathcart, Holloway, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 345 w/SA 1 was sent to the Governor.

Representative Bennett moved to suspend the rules which interfere with introduction of and action on HCR 129. The motion was seconded by Representative George and adopted by voice vote.

Representative Bennett introduced and brought HCR 129, jointly sponsored by Senator Zimmerman & Representatives Anderson, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Dixon, George, Gilligan, Harrington, Hebner, Jester, Jonkiert, Oberle, Minner, Sincok, West, Roy, Plant, Riddagh, Maroney, Free, Fallon, Edwards, Van Sciver & Soles & Senators Cook, Marshall & Vaughn, before the House for consideration.

HCR 129 - Supporting the Request of United States Senator Bill Roth for Locating 25 New C-5A Galaxies at the Dover Air Force Base.

HCR 129 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 5:20 p.m.

14th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY  
Second Session

March 30, 1982

The Speaker called the House to order at 1:43 p.m.

The Majority Leader moved to adjourn at 1:45 p.m., thereby ending the previous legislative day. The House reconvened at 1:46 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Edwards - 1.

A prayer was offered by Representative Kevin W. Free, Fourth District.

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

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

The following prefiled legislation was introduced:

HB 609 - OBERLE, ROY, ENNIS, CAMPANELLI, BARNES, CORROZI, MACK - ADM/S: An Act to Amend Delaware Code Title 21, Relating to Issuance of a Drivers License.

HB 610 - SPENCE - ADM/S: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Jogging or Running Along a Highway or a Shoulder of a Highway. (2/3 bill)

HB 611 - BARNES, JONKIEFT, BENNETT, DIXON, GILLIGAN, BUCKWORTH, WEST, ANDERSON, CAMPANELLI, EDWARDS, POWELL, HARRINGTON, SPENCE, PLANT, VAN SCIVER, OBERLE, MINNER, JESTER, MACK, CAIN, FALLON, DARLING, CORDREY, CORROZI, HOLLOWAY; SENATORS HOLLOWAY, TORBERT, VAUGHN, CITRO, LITTLETON, HUGHES, ADAMS, ZIMMERMAN, MARSHALL, BERNDT, MARTIN - ADM/S: An Act to Amend Sections 602 and 5103, Title 24, Delaware Code, by Removing the Board of Cosmetology From the Jurisdiction of the Board of Personal Services.

HB 612 - FALLON - H/ADM: An Act to Amend Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Provide for the Appointment of the City Manager and the Assistant City Manager for an Indefinite Term, to Provide for Their Removal, to Provide for the Appointment and Dismissal of Employees by the City Manager, to Provide for the Appointment of the Chief of Police and for the Operation of the Police Department. (2/3 bill)

HB 613 - CORROZI, BENNETT, DERRICKSON, FALLON, FREE, GILLIGAN, JESTER, MCKAY, PETRILLI, SINCOCK; SENATORS COOK, BAIR, BERNDT, HOLLOWAY, HUGHES, MCBRIDE, MCDOWELL, NEAL, TORBERT, VAUGHN, ZIMMERMAN - ED: An Act to Amend Chapter 18, Title 14 of the Delaware Code Relating to the Sunset Provisions of the Educational Finance Overview Committee.

HA 1 to HJR 28 - PLANT - JUD: Placed with the bill.

HA 3 to HB 21 - POWELL - Placed with the bill. (Agenda)

HA 2 to HB 181 - OBERLE - Placed with the bill. (Agenda)

HA 3 to HB 181 - RIDDAGH - Placed with the bill. (Agenda)

HA 4 to HB 181 - RIDDAGH - Placed with the bill. (Agenda)

HA 2 to HB 413 - BARNES - Placed with the bill. (L.O.T.)

HA 1 to HB 438 - OBERLE - Placed with the bill. (Ready List)

SB 449 - TORBERT; REPRESENTATIVE BENNETT - ADM/S: An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to Certificates of Title.

SB 450 w/SA 1 - CORDREY, MCBRIDE, MARTIN - H/SS: An Act to Amend Chapters 21 and 41 of Title 21, Delaware Code, Relating to Special License Plates, Parking ID Cards, and Parking for the Handicapped. (2/3 bill)

SB 465 - VAUGHN; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Chapter 43, Title 11, Delaware Code, Relating to Parole Procedure.

Representative Derrickson requested that HB 180, HB 187, & HB 249 be stricken.

Representative Riddagh announced that HB 599 has been re-assigned to the Corrections Subcommittee.

Representative Corrozi requested that HB 391 be stricken.

Representative Burris requested that HB 156 be stricken.

Representative Sincock requested that HB 153 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 102 w/SA 1; SCR 101, HCR 128, SB 450 w/SA 1; SB 449, SB 465, HB 353 w/HA 1w/HA 1,HA 2,3,4,9 & SA 3.

Representative Riddagh moved to lift HB 181 w/HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought HB 181 w/HA 1, jointly sponsored by Senator Sharp, before the House for consideration.

HB 181 - An Act to Amend Chapter 9, Part I, Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware and Providing for Expungement Under Certain Circumstances.

Representative Oberle brought HA 2 to HB 181 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh brought HA 3 to HB 181 before the House for consideration. HA 3 was adopted by voice vote.

Representative Riddagh brought HA 4 to HB 181 before the House for consideration. Representative Riddagh requested that HA 4 be stricken.

Representative Riddagh moved to place HB 181 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Bennett moved to lift HB 21 from the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Bennett brought HB 21, jointly sponsored by Representatives McKay & Petrilli, before the House for consideration.

HB 21 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salespersons and Real Estate Appraisers by Providing for the Appointment of a Real Estate Appraiser Committee.

Representative Bennett brought HA 1 to HB 21 before the House for consideration. HA 1 was adopted by voice vote.

Representative Bennett brought HA 2 to HB 21 before the House for consideration. HA 2 was adopted by voice vote.

Representative Powell brought HA 3 to HB 21 before the House for consideration. HA 3 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for Mr. Paul Nickel, President, Delaware Chapter #203, Society of Real Estate Appraisers.

Representative Bennett moved to place HB 21 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Powell moved to reconsider SS 1 for SB 8 w/SA 2. The Motion was seconded by Representative Petrilli. Representative Powell withdrew the motion.

Representative Gilligan moved to suspend the Agenda rules which interfere with action on HCR 35. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Gilligan brought HCR 35, jointly sponsored by Representatives Bennett, George, McKay & Plant & Senator Hughes, before the House for consideration.

HCR 35 - Notifying the Council of State Governments That the Delaware General Assembly Wishes to Change Its Affiliation From the Eastern to the Southern Regional Office.

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

Representative Spence brought HB 383 before the House for consideration.

HB 383 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Vehicles Being Towed by Tow Trucks.

Representative Spence brought HA 1 to HB 383 before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative Burris moved to place HB 383 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Barnes brought HB 394, jointly sponsored by Representatives Burris, George, Jonkiert, Harrington, Edwards, Darling, Maroney, Corrozi, Derrickson, Sincok, McKay, Riddagh, Ennis, Powell, Spence, Buckworth, Cathcart, Mack, Free, Fallon, Plant, Soles, Bennett & Minner & Senators Littleton & Connor, before the House for consideration.

HB 394 - An Act to Amend Title 14, Chapter 10 of the Delaware Code to Provide for Indemnity of Members of School Boards of Education, Principals and Superintendents Against Damages, Losses and Expenses of Defense of Civil Actions.

Representative Barnes moved to place HB 394 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Darling brought HB 424, jointly sponsored by Representatives Minner, Cordrey & West, before the House for consideration.

HB 424 - An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Sentence for Rape in the First Degree.

Representative Darling requested and was granted the privilege of the floor for Seaford Police Department Sergeant Charles Pugh.

Representative Darling moved to place HB 424 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Barnes moved to lift HB 394 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Barnes brought HB 394, jointly sponsored by Representatives Burris, George, Jonkiert, Harrington, Edwards, Darling, Maroney, Corrozi, Derrickson, Sincok, McKay, Riddagh, Ennis, Powell, Spence, Buckworth, Cathcart, Mack, Free, Fallon, Plant, Soles, Bennett & Minner & Senators Littleton & Connor, before the House for consideration.

HB 394 - An Act to Amend Title 14, Chapter 10 of the Delaware Code to Provide for Indemnity of Members of School Boards of Education, Principals and Superintendents Against Damages, Losses and Expenses of Defense of Civil Actions.

Representative Barnes brought HA 1 to HB 394 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Barnes rose on a point of order.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Al O. Plant, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 394.

Date: 3/30/82.

Signed: Al O. Plant, Sr.

The roll call on HB 394 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Cordrey, Darling, Jester, Jonkiert, Mack, Minner, Mr. Speaker Hebner - 8.

NO: Representatives Anderson, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West - 28.

NOT VOTING: Representatives Buckworth, Holloway, Van Seiver - 3.

ABSENT: Representatives Edwards, Fallon - 2.

Therefore, not having received a constitutional majority, HB 394 w/HA 1 was declared defeated.

Representative Brady rose on a point of order.

Representative Spence moved to lift HB 383 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Spence brought HB 383 w/HA 1 before the House for consideration.

HB 383 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Vehicles Being Towed by Tow Trucks.

The roll call on HB 383 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Campanelli, Edwards, Gilligan - 3.

Therefore, having received a constitutional majority, HB 383 w/HA 1 was sent to the Senate for concurrence.

Representative Brady brought HB 450, jointly sponsored by Senator Adams, before the House for consideration.

HB 450 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Credited Service and Eligibility Under the Pension Laws.

Representative Brady brought HA 1 to HB 450 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 450 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 34.

NOT VOTING: Representatives Campanelli, Fallon, Oberle, Van Seiver - 4.

ABSENT: Representatives Burris, Edwards, West - 3.

Therefore, having received a constitutional majority, HB 450 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend all rules which interfere with introduction of and action on SCR 102 w/SA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Petrilli introduced and brought SCR 102 w/SA 1, jointly sponsored by Senators Sharp, Neal, Vaughn, Cordrey & Adams & Representatives Roy, Barnes & Bennett, before the House for consideration.

SCR 102 - Establishing a Waste Management Study Committee.

SCR 102 w/SA 1 was adopted by voice vote and returned to the Senate.

Representative Darling moved to lift HB 424 from the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Darling brought HB 424, jointly sponsored by Representatives Minner, Cordrey & West, before the House for consideration.

HB 424 - An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Sentence for Rape in the First Degree.

Representative Darling requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 424 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Harrington, Jester, Mack, Minner, Oberle, Riddagh, Spence, Van Seiver, West, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Campanelli, Corrozi, Ennis, Fallon, Maroney, McKay, Plant, Smith, Soles - 10.

NOT VOTING: Representatives Derrickson, Free, Holloway, Jonkiert, Petrilli, Powell, Roy, Sincok - 8.

ABSENT: Representative Edwards - 1.

Therefore, having received a constitutional majority, HB 424 was sent to the Senate for concurrence.

Representative Derrickson introduced HB 615, jointly sponsored by Senator Cordrey.

HB 615 - An Act to Amend Chapter 212, Volume 25, Laws of Delaware, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds" as Amended, by Increasing the Amount Which the Town of Bethany Beach May Raise by Taxation of Assessable Real Estate. (2/3 bill)

Mr. Speaker assigned HB 615 to the House Administration Committee.

Mr. Speaker re-assigned HB 613 to the Appropriations Committee.

Mr. Speaker re-assigned HB 392, HB 407 - HA 1; HB 492, HB 512, HB 517, HB 549, HB 534, HB 592, SB 7 w/SA 1; SB 176 - HA 1; SB 229 w/SA 1; SB 277 w/SA 1; SB 285 w/SA 1; SB 346 - HA 1 & SJR 28 w/SA 1 to the Appropriations Committee.

Representative Bennett moved to lift HB 21 w/HA 1,2,3,5 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Bennett brought HB 21, jointly sponsored by Representatives McKay & Petrilli, before the House for consideration.

HB 21 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salespersons and Real Estate Appraisers by Providing for the Appointment of a Real Estate Appraiser Committee.

Representative Powell brought HA 5 to HB 21 before the House for consideration. HA 5 was adopted by voice vote.

Representative George rose on a point of order.

Representative Bennett requested and was granted the privilege of the floor for Mr. Paul Nickel, President, Delaware Chapter #203, Society of Real Estate Appraisers.

Mr. Speaker Hebner declared a recess at 5:55 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:57 p.m.

The roll call on HB 21 w/HA 1,2,3,5 was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Corrozi, Dixon, Ennis, George, McKay, Petrilli, Powell, Sincok, Soles, Spence, Mr. Speaker Hebner - 14.

NO: Representatives Anderson, Campanelli, Cathcart, Cordrey, Darling, Free, Gilligan, Holloway, Jester, Mack, Maroney, Minner, Oberle, Riddagh, Smith, Van Seiver, West - 17.

NOT VOTING: Representatives Barnes, Brady, Buckworth, Derrickson, Fallon, Harrington, Plant, Roy - 8.

ABSENT: Representatives Edwards, Jonkiert - 2.

Therefore, not having received a constitutional majority, HB 21 w/HA 1,2,3,5 was declared defeated.

Mr. Speaker Hebner announced that HB 517 has been removed from the Appropriations Committee for the purpose of placing it on the Agenda for Wednesday, March 31, 1982.

Representative Powell moved to reconsider SS 1 for SB 8 w/SA 2. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Derrickson, Dixon, Ennis, Harrington, Holloway, Jester, Mack, Maroney, McKay, Petrilli, Plant, Powell, Riddagh, Sincok, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Corrozi, Fallon, Free, George, Gilligan, Minner, Oberle, Smith, Soles, Spence, Van Sciver, West - 13.

ABSENT: Representatives Darling, Edwards, Jonkiert, Roy - 4.

Representative Petrilli rose on a point of order.

Therefore, having received a constitutional majority, the motion was adopted and SS 1 for SB 8 w/SA 2 was restored.

SB 8 - An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to an Award of Alimony in Divorce and Annulment Actions.

Representative Riddagh moved to place SS 1 for SB 8 w/SA 2 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to recess to the call of the Chair at 6:21 p.m.

15th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

March 31, 1982

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

Mr. Speaker re-assigned SB 358 to the Natural Resources & Agriculture Committee.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Edwards - 2.

A prayer was offered by Scott Northay, Talley Junior High School.

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

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

The following prefiled legislation was introduced:

HB 614 - RESERVED.

HB 616 - ANDERSON, BARNES, BENNETT, BUCKWORTH, CAIN, CORROZI, CATHCART, CORDREY, DERRICKSON, DIXON, ENNIS, GILLIGAN, HOLLOWAY, JESTER, MACK, PLANT, RIDDAGH, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ARNOLD, BERNDT, SHARP, CONNOR, HOLLOWAY, MARTIN, MCDOWELL, NEAL, TORBERT, VAUGHN - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Notice of Rent Increases.

HB 617 - PETRILLI, BRADY, OBERLE; SENATOR HOLLOWAY - H/SS: An Act to Amend Title 16, Delaware Code, Relating to the Sheltered Workshop Program of the Division for the Visually Impaired.

HB 618 - FREE - H/SS: An Act to Amend Chapter 7, Title 24, Delaware Code, Relating to the Practice of Chiropractic.

HS 1 for HB 473 - POWELL; SENATOR COOK - R&F: An Act to Amend Sections 2911 and 2913 of Title 18 of the Delaware Code Relating to Life Insurance Policy Loans.

HA 3 to HB 367 - RIDDAGH - Placed with the bill. (L.O.T.)

HA 1 to HB 530 - MARONEY - Placed with the bill. (Agenda)

HA 1 to HB 557 - BRADY - ED: Placed with the bill.

HA 2 to HB 557 - BRADY - ED: Placed with the bill.

HA 3 to HB 557 - BRADY - ED: Placed with the bill.

HA 4 to HB 557 - BRADY - ED: Placed with the bill.

HA 1 to HB 604 - CORDREY - R&F: Placed with the bill.

HA 1 to HB 605 - CORDREY - R&F: Placed with the bill.

SB 401 w/SA 1,2 - MCBRIDE, BERNDT, CITRO, CONNOR, LITTLETON, TORBERT, VAUGHN, BAIR; REPRESENTATIVES DIXON, PETRILLI, SOLES, SPENCE - ADM/S: An Act to Amend Chapter 8, Title 22 of the Delaware Code Prohibiting Adult Entertainment Activities in Certain Locations Within the Corporate Limits of Municipal Corporations. (2/3 bill)

SB 402 - MCBRIDE, BERNDT, CITRO, CONNOR, LITTLETON, TORBERT, VAUGHN; REPRESENTATIVES DIXON, PETRILLI, SOLES, SPENCE - ADM/S: An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to the Licensing, Operation and Location of Adult Entertainment Establishments.

SB 403 w/SA 1 - MCBRIDE, BERNDT, CITRO, CONNOR, LITTLETON, TORBERT, VAUGHN, BAIR; REPRESENTATIVES DIXON, PETRILLI, SOLES, SPENCE - ADM/S: An Act to Amend Chapter 16, Title 24 of the Delaware Code Creating Additional Grounds for Revocation of a License to Operate an Adult Entertainment Establishment; and Authorizing the Commission on Adult Entertainment Establishments to Adopt Regulations Concerning Enforcement.

SB 410 - CORDREY - H/SS: An Act to Amend Chapters 10 and 11, Title 16 and Chapter 28, Title 31, of the Delaware Code Requiring Certain Health Care Facilities to Ascertain Upon Admission Whether or Not a Patient Has Donated All or Part of His or Her Body as an Anatomical Gift and to Maintain a Record Thereof.

The Reading Clerk read the following communication into the record:

On Richard Sincoc's 60th Birthday

Those stars in Sincoc's eyes  
Are dollars in disguise;  
To make him laugh with glee  
Stay away from the money tree.  
Our Richard knows no trouble  
Like watching debt-service double;  
The pain of budget making  
Oft leaves our hero quaking.  
Let's skip that thought for now  
This is no time for gloom;  
Richard S. is sixty, Wow!  
For frowns there is no room.  
So, let's say Happy Birthday  
To our Grandpa-Chairman-Friend;  
And wish him many sweet returns  
And happy days that never end!

ANON

The following prefiled Consent Calendar was introduced:

HR 151 - OBERLE - Commending Brenda Lemon, of Todd Estates, for Her Extraordinary Assistance to the Injured After a Highway Crash at Newark on March 12, 1982.

HR 152 - POWELL, ROY, PETRILLI, GILLIGAN - Congratulating the Theater and Music Departments of the John Dickinson High School and the Director, Betty Metz, for Their Production of Grease March 18-20, 1982.

HR 153 - OBERLE - Requesting the State Board of Education and the Administrators of the Delaware Public and Nonpublic Schools to Enforce the Rules Regulating School Bus Capacity to Prevent Overcrowding and Increase Safety.

HR 154 - BURRIS, PETRILLI, HEBNER - Expressing Our Sorrow at the Death of Andrew O. McFarley, of Wilmington, a Former Sergeant-at-Arms in the House of Representatives.

HR 155 - OBERLE - Congratulating Elizabeth N. Hines, of Wilmington, on Her Appointment as Director of the Plummer Work Release Center.

HR 156 - CATHCART, CAMPANELLI, ROY, EDWARDS, SPENCE, MACK, DIXON, VAN SCIVER, BARNES, PLANT, JONKIERT, BUCKWORTH, POWELL, CORROZI, CORDREY, GILLIGAN - Relating to the Operation of Motor Vehicle Inspection Lanes.

HR 157 - SPENCE, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CAMPANELLI, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HARRINGTON, HEBNER, HOLLOWAY, JESTER, JONKIERT, MACK, MARONEY, MCKAY, MINNER, OBERLE, PETRILLI, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SMITH, SOLES, VAN SCIVER, WEST - Congratulating Thomas J. Mason, of Newark, on His Induction Into the Amateur Softball Association's National Hall of Honor.

HR 158 - VAN SCIVER, ENNIS, SPENCE, CORROZI, GILLIGAN, MACK, CATHCART, POWELL - Commending Louis Bender on His Selection as Basketball Coach of the Year.

HR 159 - ROY - Congratulating Angie Sebok, of Arundel, on Her Victory in the 1982 Delaware Junior Science and Humanities Symposium.

HR 160 - VAN SCIVER, CORROZI, MACK, ANDERSON, CATHCART, SPENCE, BUCKWORTH, CAMPANELLI, WEST, JONKIERT, ENNIS - Requesting That President Reagan Leave the Older American Act, Title V Intact.

HR 161 - VAN SCIVER, CORROZI, ROY, SPENCE, MACK, CATHCART, DIXON, SOLES, JESTER - Commending the Delaware State Police for Their Conscientious Effort to Reduce Traffic Deaths.

HCR 130 - BARNES; SENATORS COOK, CORDREY - Congratulating Polly Jennifer Adams, Daughter of Senator and Mrs. Thurman Adams, Upon Her Selection as Delaware Farm Bureau Queen.

HCR 131 - MCKAY, HEBNER, SMITH, MARONEY, SINCOCK, ENNIS, GEORGE, PLANT; SENATORS HUGHES, BAIR, HOLLOWAY, BERNDT, KNOX, MCDOWELL - Welcoming Humanities Project Students From the Talley Junior High School as They Visit the Legislative Hall and Observe the General Assembly in Action Today, March 31, 1982.

HCR 132 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - Requesting the Governor of the State of Delaware to Declare the Month of May as Drug and Alcohol Education and Prevention Month.

HCR 133 - ENNIS, DERRICKSON, MINNER, MCKAY, WEST, CORDREY, BARNES, BURRIS; SENATORS CORDREY, HUGHES, LITTLETON, COOK, ADAMS - Mourning the Death of H. Edward Maull, Sr., of Lewes, Former Member of the Selective Service Commission and Sussex County Solicitor for 16 Years.

SCR 101 - ADAMS, REPRESENTATIVE BARNES - Mourning the Death of Earl N. (Dick) Keel, of Bridgeville, a Member of This House of Representatives in the 118th General Assembly.

SCR 103 - BAIR, MCBRIDE, KNOX; REPRESENTATIVE MARONEY - Congratulating Rona G. Finkelstein Upon Her Selection to Receive the Joseph P. Del Tufo Award for Distinguished Service to the Humanities.

SCR 104 - MARTIN, BAIR, HOLLOWAY, MARSHALL, VAUGHN, CONNOR, LITTLETON, MCDOWELL, NEAL, MCBRIDE, SHARP, KNOX, CITRO, ARNOLD, TORBERT; REPRESENTATIVES ANDERSON, OBERLE, CORROZI, CAMPANELLI, GILLIGAN, SOLES, JESTER, JONKIERT, CAIN, BENNETT, CATHCART, MACK, POWELL, BUCKWORTH, FREE, EDWARDS, PETRILLI, BARNES - Strongly Recommending That the Department of Natural Resources and Environmental Control Take an Active and Aggressive Role in Preserving the White Clay Creek Valley.

Consent Calendar #33 was adopted by voice vote and HCR 130, HCR 131, HCR 132 & HCR 133 were sent to the Senate for concurrence and SCR 101, SCR 103 & SCR 104 were returned to the Senate.

Representative Derrickson moved to suspend all rules which interfere with introduction of and action on a Proposed Resolution. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson introduced and brought the Proposed Resolution before the House for consideration.

HR - REQUESTING THE BORROWER OR BORROWERS OF HUBCAPS FROM REPRESENTATIVE BOB RIDDAGH'S CAR TO RETURN SAME WITHOUT DELAY ON PAIN OF ANY NEW PUNISHMENT HANG'EM HIGH BOB CAN IMAGINE.

WHEREAS, Representative Bob (Shoot on Sight) Riddagh, the one-man vigilante of Smyrna, lost all four hubcaps on his Legislative Car during the evening of March 30, 1982, while the vehicle was parked in front of his mansion; and

WHEREAS, Hang'em High Bob already has discussed a bill calling for the death penalty for swiping, stealing, pilfering, or larcenizing hubcaps, also known as but not limited to wheel plates; and

WHEREAS, little did the thieves know whose ox they gored or whose temper they stirred when they lifted Bob's hubcaps; and

WHEREAS, despite this annoying loss Judiciary Committee Chairman and Former Speaker Riddagh, after preparing a press release to announce the divestiture, has gone back to his continuing study of crime, this time with new and personal motivation.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives of the 131st General Assembly of Delaware requests the borrower or borrowers of hubcaps from Representative Bob Riddagh's car to return same without delay on pain of any new punishment Hang'em High Bob can imagine.

BE IT FURTHER RESOLVED that we recommend to our veteran colleague that he take the hubcaps in at night after this shaking experience.

The Proposed Resolution was disallowed because of a technicality.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 402, SB 403 w/SA 1; SB 401 w/SA 1,2; SB 410, HCR 129, SCR 103, SCR 104.

TO: Representative Charles L. Hebner  
Speaker of the House of Representatives

FROM: Representative Thomas E. Brady

DATE: March 30, 1982

RE: Absence from legislature

Because of business commitments it will be necessary for me to be absent from the House on Wednesday, March 31, 1982 and Thursday, April 1, 1982.

TEB/cjs

Representative Burris moved to recess for committee meetings at 2:29 p.m.

The House reconvened at 5:15 p.m.

Representative Holloway brought HB 485, co-sponsored by Representatives Plant & Ennis & Senator Holloway, before the House for consideration.

HB 485 - An Act to Amend Chapter 1, Title 22, Delaware Code Relating to the Mandatory Requirement That Organizations Conducting Social Functions in Which the Public is Attracted Must Have a Bona Fide Police Officer on Duty to Maintain Order On and Off Premises After Five Consecutive Complaints to Proper Law Enforcement Authorities by Residents of the Area. (2/3 bill)

Representative Holloway brought HA 1 to HB 485 before the House for consideration. HA 1 was adopted by voice vote.

Representative Holloway brought HA 2 to HB 485 before the House for consideration. HA 2 was adopted by voice vote.

Representative Holloway moved to place HB 485 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Bennett brought HB 398, jointly sponsored by Representative Minner, before the House for consideration.

HB 398 - An Act Directing the Transfer of Oak Grove School Site of East Dover Hundred, Kent County Delaware to J. Ward Hurley and Mildred J. Hurley for a Fee.

The roll call on HB 398 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Edwards, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 398 was sent to the Senate for concurrence.

Representative McKay brought HB 458, jointly sponsored by Senator Connor, before the House for consideration.

HB 458 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Eligibility for Approved Leave.

The roll call on HB 458 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Edwards, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 458 was sent to the Senate for concurrence.

Representative Minner requested that action on HB 520 be deferred to a Day Certain, Tuesday, April 6, 1982.

Representative Maroney brought HB 530, jointly sponsored by Senator Holloway, before the House for consideration.

HB 530 - An Act to Amend Chapter 32, Title 16 of the Delaware Code Relating to Cancer Control.

Representative Maroney brought HA 1 to HB 530 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Acting Director of the Division of Public Health, Dr. George Bender.

The roll call on HB 530 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Edwards, George, Jonkiert, Plant - 5.

Therefore, having received a constitutional majority, HB 530 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought HB 533, jointly sponsored by Representative Roy & Senators Vaughn & Arnold, before the House for consideration.

HB 533 - An Act to Amend Chapter 5, Title 4, Delaware Code, to Permit the Alcoholic Beverage Control Commission to License Establishments as "Bottle Clubs".

Representative Petrilli brought HA 1 to HB 533 before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli brought HA 1 to HA 1 to HB 533 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Petrilli brought HA 2 to HB 533 before the House for consideration. HA 2 was adopted by voice vote.

Representative Petrilli moved to place HB 533 w/HA 1 w/HA 1, HA 2 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Roy moved to suspend House Rule 20E to permit consideration of two Senate Bills in the Administrative Services Committee at the next committee meeting on Wednesday, April 7, 1982. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Free moved to restore HB 372 w/HA 1,2,3,4. The motion was seconded by Representative Van Sciver and adopted by voice vote.

HB 372 - An Act to Amend Chapter 23, Title 24, and Chapter 23, Title 30, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

Representative Van Sciver moved to place HB 372 w/HA 1,2,3,4 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to recess to the call of the Chair at 6:23 p.m.

16th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

April 1, 1982

The Speaker called the House to order at 2:45 p.m.

The Reading Clerk read the following Committee Reports into the record:

H/ADM: HB 521 - 1F,3M; HB 612 - 4M.

APPRO: HB 613 - 6F; SJR 28 w/SA 1 - 3F,3M.

R&F: HB 425 - 3F,1M; HB 427 - 3F,1M; HB 433 - 4F,1M; HB 546 - 3F,2M; HB 579 - 3F,2M.

JUD: HB 460 - 2F,2M; HB 519 - 1F,3M; HB 594 - 1F,4M; SB 465 - 1F,3M.

NR/AGRI: SB 358 - 2F,3M; SB 395 - 5F.

ED: HB 557 - 4M.

Representative George rose on a point of order.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 590, HCR 130, HCR 131, HCR 132, HCR 133, SB 442, HB 601 w/SA 1.

The Majority Leader moved to adjourn at 2:47 p.m., thereby ending the previous legislative day. The House reconvened at 2:48 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Edwards - 2.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

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

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

The following prefiled legislation was introduced:

HB 614 - BUCKWORTH, MACK, SPENCE - JUD: Amending Title 21, of the Delaware Code, Mandating the Seizure of a Vehicle Operated by Repeat Offenders of \$4177, Title 21, Delaware Code (Operation of Vehicle While Under the Influence of Intoxicating Liquor or Drug). (2/3 bill)

HB 619 - BENNETT - ADM/S: An Act to Amend Chapter 3, Title 25, Delaware Code, Relating to the Dedication of Real Property to the Public Use or Enjoyment.

HB 620 - BARNES, HARRINGTON, DIXON, BENNETT; SENATORS MCDOWELL, NEAL, BAIR - R&F: An Act to Amend Section 3321, Title 19, Delaware Code, Relating to Unemployment Compensation Appeals.

HS 1 for HB 364 - RIDDAGH, DERRICKSON, HARRINGTON, POWELL, SMITH; SENATORS SHARP, ARNOLD, VAUGHN - R&F: An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

HA 5 to HB 557 - SMITH - Placed with the bill. (Ready List)

HA 1 to HB 579 - POWELL - R&F: Placed with the bill.

SB 442 - TORBERT - ADM/S: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Authorized Emergency Vehicles.

Representative Burris moved to recess for caucus at 2:55 p.m.

The House reconvened at 3:44 p.m.

Representative Burris brought HB 601 w/SA 1, jointly sponsored by Senator Adams, before the House for consideration.

HB 601 - An Act to Amend Title 24 of the Delaware Code Relating to Professional Land Surveyors.

The roll call on HB 601 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derriksen, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.

NO: Representative Barnes - 1.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Brady, Buckworth, Edwards, Jonkiert, Roy - 5.

Therefore, having received a constitutional majority, HB 601 w/SA 1 was sent to the Governor.

Representative Gilligan brought HB 564, jointly sponsored by Senator Arnold & Representatives Corrozi, McKay, Petrilli, Powell, Roy & Spence & Senators Citro, Connor, Martin, McBride, Knox & Sharp, co-sponsored by Representative Van Seiver, before the House for consideration.

HB 564 - An Act to Authorize and Approve the Transfer of Certain Real Property in Mill Creek Hundred to the Mill Creek Fire Company. (3/4 bill)

Representative Gilligan brought HA 1 to HB 564 before the House for consideration. HA 1 was adopted by voice vote.

The following communication is included in the record at the request of Representative Gilligan:

Gilpin, Van Trump and Montgomery, Inc. Realtors

1 April 1982

Ms. Marna Whittington

Secretary of Department

of Administrative Services

State of Delaware

801 Silver Lake Boulevard

P.O. Box 370

Wilmington, DE 19901

Re: Market Evaluation

Dear Secretary Whittington:

In response to your telephone call Tuesday, 30 March 1982, regarding this office providing to you a written "estimation of value" of the rear and unimproved or paved portion of Parcel #82, Map Location 39.3, see Exhibit "A" attached, from the State of Delaware to a tax exempt local fire company in consideration of \$1.00 with revisionary rights retained by the State of Delaware.

First, let me thank you for your confidence in Gilpin, Van Trump and Montgomery Inc. and second, qualify the following market value estimation, because of the severe time constraint and the fact that several critical assumptions needed to be made by us without confirmation from your office.

#### ASSUMPTIONS:

- 1) Subject Parcel #82, Map #39.3 owned by State of Delaware, size 2.04 acres, tax status-exempt, deed recorded in Book 1072, Page 0623, land value recorded at \$50,000, improvement value at \$11,400.
- 2) Rear portion of above described parcel equals approximately 1.02 acres.
- 3) Right of way access in common with State of Delaware; Magistrate Court #10 along westerly border of parcel to provide ingress and egress to portion of parcel being considered donated by state.
- 4) Entire parcel presently zoned C-2.
- 5) Rear portion (1/2) of subject parcel loses all commercial value when separated from front portion with road frontage on Kirkwood Highway.
- 6) Without frontage, the rear portion would revert in value to residential usage.
- 7) Estimate that approximately 5 each - 60 ft. wide building lots with the right away along westerly portion into the rear half could be subdivided.
- 8) Proper re-zoning and water, sewer and utilities could be brought into place for rear portion of the subject parcel.

Weighing the limited amount of information we have available, and taking into consideration the assumptions we have made, coupled with the very soft market for unimproved residential lots in this area, we believe that this land could be valued at \$4500 to \$5500 per lot times 5 = \$22,500 to \$27,500 or \$22,000 - \$25,000 per acre.

Again, we at Gilpin, Van Trump and Montgomery, Inc. are delighted to be of service to you and to the State of Delaware in any way possible. However, this estimate of market value is by no means to be construed or used as an appraisal. Hopefully, the above will be of use to you and the state.

Sincerely,  
Leigh Johnstone  
Vice president

LJ:ke

Attachment

The roll call on HB 564 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Buckworth, Edwards - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 564 w/HA 1 was sent to the Senate for concurrence.

Representative Spence brought HB 384 before the House for consideration.

HB 384 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Rear-Wheel Flaps.

Representative Spence moved to place HB 384 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Riddagh brought SB 194 w/SA 1, sponsored by Senators Zimmerman & Neal, before the House for consideration.

SB 194 - An Act to Amend Title 6 and Title 11 of the Delaware Code Relating to Trade and Commerce; and Providing for a Uniform Trade Secrets Act.

The roll call on SB 194 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Edwards, Holloway, Plant - 4.

Therefore, having received a constitutional majority, SB 194 w/SA 1 was returned to the Senate.

Representative Roy requested that action on HB 426 be deferred to a Day Certain, Thursday, April 8, 1982.

Representative Gilligan brought HB 566, jointly sponsored by Representative Riddagh, before the House for consideration.

HB 566 - An Act to Amend Chapter 7, Title 11, Del. C., Relating to Child Custody.

Representative Gilligan requested and was granted the privilege of the floor for Family Court Judge Jay Paul James.

The roll call on HB 566 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Edwards, Jonkiert, Petrilli - 4.

Therefore, having received a constitutional majority, HB 566 was sent to the Senate for concurrence.

Representative Campanelli brought HR 53 before the House for consideration.

HR 53 - A Resolution Condemning the Recent Proposals of the United States With Respect to Social Security Insofar as They Adversely Impact on Senior Citizens.

The roll call on HR 53 was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

NO: Representatives Burris, Derrickson, Ennis, Harrington, Maroney, McKay, Sincok, Smith, Mr. Speaker Hebner - 9.

NOT VOTING: Representatives Barnes, Buckworth, Cathcart, Corrozi, Fallon, Free, Mack, Oberle, Powell, Riddagh, Spence, Van Seiver - 12.

ABSENT: Representatives Brady, Edwards, Petrilli, Roy - 4.

Therefore, not having received a constitutional majority, HR 53 was declared defeated.

Representative Spence moved to lift HB 384 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Spence requested and was granted the privilege of the floor for Robert Voshell, Director, Division of Motor Vehicles.

The roll call on HB 384 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 32.

NO: Representatives Anderson, Cain, Jonkiert, Van Seiver - 4.

NOT VOTING: Representatives Burris, Campanelli - 2.

ABSENT: Representatives Brady, Edwards, Plant - 3.

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

Representative Roy requested that action on HB 536 be deferred to a Day Certain, Tuesday, April 6, 1982.

Representative Powell brought SB 132, sponsored by Senator Cordrey, before the House for consideration.

SB 132 - An Act to Amend Chapter 88, Title 29 of the Delaware Code, Relating to the State Bank Commissioner's Office.

The roll call on SB 132 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Burris, Edwards, Plant, Roy - 5.  
Therefore, having received a constitutional majority, SB 132 was returned to the Senate.  
Representative Powell brought SB 239, sponsored by Senator Cordrey, before the House for consideration.

SB 239 - An Act to Amend Chapter 7, Title 5 of the Delaware Code Relating to Banking; and Providing for the Location of Meetings of Stockholders. (2/3 bill)

The roll call on SB 239 was taken and revealed:

YES: Representatives Anderson, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 34.

NO: Representatives Jonkiert, West - 2.

NOT VOTING: Representatives Bennett, Derrickson - 2.

ABSENT: Representatives Barnes, Brady, Edwards - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 239 was returned to the Senate.

Representative Riddagh brought HB 551, jointly sponsored by Representatives Oberle & Spence & Senators Arnold, Sharp & Vaughn, before the House for consideration.

HB 551 - An Act to Amend Chapter 7, Part I, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

Representative Riddagh brought HA 1 to HB 551 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh requested and was granted the privilege of the floor for Richard J. McMahon, Attorney General's Office.

The roll call on HB 551 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 35.

NOT VOTING: Representatives Derrickson, West - 2.

ABSENT: Representatives Brady, Edwards, Plant, Van Seiver - 4.

Therefore, having received a constitutional majority, HB 551 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 553, jointly sponsored by Representatives Oberle & Spence & Senators Arnold, Sharp & Vaughn, before the House for consideration.

HB 553 - An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Court of Common Pleas and Superior Court Covering the Right to Trial by Jury.

Representative Riddagh requested and was granted the privilege of the floor for Richard J. McMahon, Attorney General's Office.

The roll call on HB 553 was taken and revealed:

YES: Representatives Anderson, Cathcart, Corrozi, Darling, Dixon, Ennis, Jonkiert, Mack, Maroney, McKay, Oberle, Riddagh, Spence, Mr. Speaker Hebner - 14.

NO: Representatives Barnes, Bennett, Buckworth, Cain, Campanelli, Cordrey, Derrickson, Fallon, Free, George, Gilligan, Harrington, Jester, Minner, Petrilli, Plant, Roy, Sincok, Soles, West - 20.

NOT VOTING: Representative Powell - 1.

ABSENT: Representatives Brady, Burris, Edwards, Holloway, Smith, Van Seiver - 6.

Therefore, not having received a constitutional majority, HB 553 was declared defeated.

Representative Harrington introduced HB 621, jointly sponsored by Senator Sharp.

HB 621 - An Act to Amend Chapter 63, Title 18, Delaware Code, to Prevent Nonprofit Health Service Corporations From Implementing Rate Increases Without Official Action by the Insurance Department, and to Require Financial Disclosures From Such Corporations.

Mr. Speaker assigned HB 621 to the Revenue & Finance Committee.

Representative West introduced HB 622.

HB 622 - An Act to Amend Chapter 43, Title 18 of the Delaware Code by Defining "Unoccupied" for Purposes of Fire Protection Insurance.

Mr. Speaker assigned HB 622 to the Revenue & Finance Committee.

Representative Petrilli moved to recess to the call of the Chair at 5:33 p.m.

#### 17th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

#### Second Session

April 6, 1982

The Speaker called the House to order at 2:15 p.m.

Representative Edwards requested that he be marked present for the previous Legislative Day, Thursday, April 1, 1982.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Brady - 1.

A prayer was offered by Representative Katharine M. Jester, Twenty-Ninth District.

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

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

The following prefiled legislation was introduced:

HB 623 - SMITH, GILLIGAN; SENATORS MARTIN, KNOX - NR/AGRI: An Act to Amend the Following: (1) Subsections (a) and (b), Section 6055, Chapter 60, Title 7 of the Delaware Code Relating to Allowing Beverage Containers Sold or Offered for Sale in Delaware to be Labeled by Stamping or Other Method, Allowing the Abbreviation of the Word Delaware, and the Eliminating of the Requirement That Deposit Notations be Permanently Printed or Embossed on Beverage Containers That Have Been Certified as Refillable; (2) Subsection (b), Section 6054, Chapter 60, Title 7 of the Delaware Code Relating to Not Requiring a Deposit for the On-Premise Sale of a Beverage Container; (3) Subsection (b), Section 6052, Chapter 60, Title 7 of the Delaware Code Changing the Word "Gallons" to "Quarts".

HB 624 - BARNES; SENATOR ZIMMERMAN - NR/AGRI: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to the Killing of Unlicensed Dogs.

HB 625 - MACK - R&F: An Act Amending Title 18 of the Delaware Code Relating to Automobile Insurance Rates.

HB 626 - OBERLE, PLANT; SENATORS CONNOR, TORBERT - ADM/S: An Act to Amend Title 29, Delaware Code, to Eliminate the Fining of Public Employees as a Disciplinary Measure and the Requirement That Public Employees Work Without Their Usual Remuneration.

HB 627 - MINNER - NR/AGRI: An Act to Amend Volume 62, Chapter 407, Laws of Delaware, by Amending the Capital Improvement Projects Schedule. (3/4 bill)

HB 628 - JONKIERT - ADM/S: An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to Renewal of Licenses to Pharmacists and to Assistant Pharmacists.

HB 629 - DARLING; SENATOR COOK - H/ADM: An Act to Amend Chapter 50, Volume 57, Laws of Delaware, Relating to the Charter of the Town of Viola. (2/3 bill)

HB 630 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 11, Title 12, Delaware Code, Relating to the Escheat of Abandoned or Unclaimed Property.

HB 631 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 61, Title 30, Delaware Code, to Impose a Penalty for Failure to File Public Accommodation Tax Returns.

HB 632 - POWELL; SENATOR COOK - R&F: An Act to Amend Section 1195, Chapter 11, Title 30, Delaware Code, Relating to Penalties for Failure to Pay Certain Taxes.

HB 633 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax.

HB 634 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 61, Title 30, Delaware Code, Relating to Public Accommodation Taxes.

HB 635 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax.

HB 636 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 14, Title 30, Delaware Code, Relating to the Gift Tax.

HB 637 - POWELL; SENATOR COOK - R&F: An Act to Amend Section 1194, Chapter 11, Title 30, Delaware Code, Relating to Failure to File Returns.

HB 638 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 21, Title 30, Delaware Code, Relating to Occupational and Business Licenses and Taxes.

HB 639 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 21, Part III, Title 30, Delaware Code, to Provide Procedures for Obtaining and Enforcing Judgments Against Certain Delinquent Taxpayers.

HA 1 to HB 496 - BUCKWORTH - Placed with the bill. (Ready List)

HA 3 to HB 533 - FREE - Placed with the bill. (L.O.T.)

HA 1 to HB 546 - HARRINGTON - Placed with the bill. (Ready List)

HA 6 to HB 557 - OBERLE - Placed with the bill. (Ready List)

SS 1 to SB 119 - BERNDT - APPRO: An Act to Amend Chapter 21, Part III, Title 29 of the Delaware Code Relating to the Annual Salary of the Governor.

SB 451 w/SA 1 - TORBERT; REPRESENTATIVES BENNETT, BUCKWORTH - H/ADM: An Act to Reincorporate the Town of Camden. (2/3 bill)

HA 1 to SB 449 - BENNETT - ADM/S: Placed with the bill.

Representative Fallon requested and was granted the privilege of the floor for Miss Preteen Delaware Audrey Holt.

Representative George requested that HA 7 & 8 to HB 353 be stricken.

Representative Sincok requested that HB 127 be stricken.

Representative Burris moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:07 p.m.

Representative Minner brought HB 520, jointly sponsored by Representatives Cain & Anderson, before the House for consideration.

HB 520 - An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Reasons for Cancellation or Nonrenewal of Automobile Insurance.

Representative Minner brought HA 1 to HB 520 before the House for consideration. Representative Minner requested that HA 1 be stricken.

Representative Minner brought HA 2 to HB 520 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 520 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddaghn, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Edwards, Plant - 3.

Therefore, having received a constitutional majority, HB 520 w/HA 2 was sent to the Senate for concurrence.

Representative Roy brought HB 536, jointly sponsored by Representatives Burris, Buckworth, Petrilli, Powell, Hebner, Dixon & Gilligan & Senators Hughes, Adams, Martin, Holloway & Vaughn, before the House for consideration.

HB 536 - A Bill to Amend the "Tied-House" Provisions of the Liquor Control Act to Permit Corporations Whose Stock is Publicly Traded to Have Ownership Interests in Manufacturing and Consumer Sales of Alcoholic Liquors Where Such Ownership Would Not be Anti-Competitive.

The roll call on HB 536 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Campanelli, Jonkiert - 2.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority, HB 536 was sent to the Senate for concurrence.

Representative Petrilli moved to lift HB 533 w/HA 1 w/HA 1 & HA 2 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 533 w/HA 1 w/HA 1 & HA 2, jointly sponsored by Representative Roy & Senators Vaughn & Arnold, before the House for consideration.

HB 533 - An Act to Amend Chapter 5, Title 4, Delaware Code, to Permit the Alcoholic Beverage Control Commission to License Establishments as "Bottle Clubs". (3/5 bill)

Representative Free brought HA 3 to HB 533 before the House for consideration. HA 3 was adopted by voice vote.

Representative Derrickson brought HA 4 to HB 533 before the House for consideration. HA 4 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for John H. McDonald, Executive Secretary, Delaware Alcoholic Beverage Control Commission.

The roll call on HB 533 w/HA 1 w/HA 1, HA 2, HA 3, HA 4 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 39.

NO: Representative West - 1.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 533 w/HA 1 w/HA 1, HA 2, 3, 4 was sent to the Senate for concurrence.

Representative Van Sciver moved to lift HB 372 w/HA 1,2,3,4 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Van Sciver brought HB 372 w/HA 1,2,3,4, jointly sponsored by Representatives Brady, Buckworth, Cathcart, Corrozi, Dixon, Ennis, Fallon, Gilligan, Mack, Petrilli, Spence, Powell; Senators Arnold, Citro, Littleton & Vaughn, before the House for consideration.

HB 372 - An Act to Amend Chapter 23, Title 24, and Chapter 23, Title 30, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

Representative Van Sciver brought HA 5 to HB 372 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HB 372 w/HA 1, 2, 3, 4 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Jester, Mack, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

NO: Representatives Bennett, Harrington - 2.

NOT VOTING: Representatives Derrickson, Edwards, Holloway, Jonkiert, Plant - 5.

ABSENT: Representatives Brady, Petrilli - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 372 w/HA 1, 2, 3, 4 & 5 was sent to the Senate for concurrence.

Representative Fallon moved to lift HB 356 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Fallon brought HB 356 w/HA 1,2, jointly sponsored by Representatives Petrilli, Cathcart, Mack, Spence, Jester, Dixon, Darling, Barnes, West, Campanelli, Minner, Soles, Buckworth, Van Sciver & Maroney & Senators Connor, Cook, Adams, Martin & Littleton, before the House for consideration.

HB 356 - An Act to Amend Delaware Code, Title 14, by Providing for Assignment of Existing Pupil Units in Support of High School Counselors.

Representative Fallon requested that action on HB 356 w/HA 1,2 be deferred to a Day Certain, Tuesday, June 1, 1982.

Representative Riddagh brought HB 561, jointly sponsored by Representatives Spence, Oberle & Senators Vaughn, Sharp & Arnold, before the House for consideration.

HB 561 - An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Searches at Nighttime.

Representative Riddagh brought HA 1 to HB 561 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 561 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Cathcart, Petrilli - 3.

Therefore, having received a constitutional majority, HB 561 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 574, jointly sponsored by Representatives Spence & Oberle & Senators Vaughn, Sharp & Arnold, before the House for consideration.

HB 574 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Sentence for Robbery First Degree and Attempted Robbery First Degree.

The roll call on HB 574 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority, HB 574 was sent to the Senate for concurrence.

Representative Petrilli brought HB 517, jointly sponsored by Representatives Bennett, McKay, Corrozi, Ennis, Brady, Smith, Powell, Burris, Oberle, Roy, Riddagh, Mack, Harrington, Cathcart, Sincok, Spence, Buckworth, Free, Fallon, Maroney, Van Sciver, Dixon, Campanelli, Jester, Jonkiert, Anderson, Minner, Darling, Cain, Soles & Gilligan & Senators Sharp, Arnold, Cook, Holloway, McBride, Berndt, Neal, Knox, Connor & Martin, before the House for consideration.

HB 517 - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Crediting of Interest to Local School District Funds.

Representative Petrilli brought HA 1 to HB 517, jointly sponsored by Representatives Powell & Bennett, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 517 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority, HB 517 w/HA 1 was sent to the Senate for concurrence.

Representative Sincok brought HS 1 for HB 415, jointly sponsored by Representatives Bennett, George, Minner & McKay & Senators Cook & McBride, before the House for consideration.

HB 415 - An Act to Amend Chapter 19, Title 29 of the Delaware Code Relating to Fiscal Projections.

Representative Sincok brought HA 1 to HS 1 for HB 415 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 for HB 415 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representative Campanelli - 1.

NOT VOTING: Representatives Jonkiert, Mack, Oberle - 3.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority, HS 1 for HB 415 w/HA 1 was sent to the Senate for concurrence.

Representative Sincok brought SJR 28 w/SA 1, jointly sponsored by Senators McBride, Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McDowell, Neal, Sharp, Torbert, Vaughn & Zimmerman & Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Jester, Jonkiert, Minner, Oberle, Plant, Powell, Riddagh, Roy, Soles, Spence & West, before the House for consideration.

SJR 28 - Directing the Department of Transportation to Designate and Mark U.S. 495 From Naamans Road to the Kennedy Memorial Highway Near Minquadales as the Vietnam Veterans Memorial Highway in Honor of Delaware Servicemen Who Served in the Vietnam Conflict and Making an Appropriation Therefor.

The roll call on SJR 28 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Brady, Jonkiert - 2.

Therefore, having received a constitutional majority, SJR 28 w/SA 1 was returned to the Senate.

Representative Cain brought HB 427 before the House for consideration.

HB 427 - An Act to Amend Chapter 66, Part VI, Title 16 of the Delaware Code Relating to Fire Protection; and Providing for an Assessment to be Collected Prior to the Recordation of Certain Documents. (3/5 bill)

Representative Cain moved to place HB 427 on the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Cain brought HB 425 before the House for consideration.

HB 425 - An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to the Delivery of Fire Prevention Services to Certain Types of Multi-Unit Residential Buildings; and Providing a Financial Means of Support for Fire Companies and Fire Departments Servicing Such Buildings. (2/3 bill)

Mr. Speaker Hebner appointed Representative Riddagh as Temporary Speaker.

Representative Cain brought HA 1 to HB 425 before the House for consideration. HA 1 was adopted by voice vote.

Representative Cain brought HA 2 to HB 425 before the House for consideration. HA 2 was adopted by voice vote.

Representative Hebner brought HA 3 to HB 425 before the House for consideration. HA 3 was adopted by voice vote.

Representative Free brought HA 4 to HB 425 before the House for consideration. HA 4 was defeated by voice vote.

Representative Cain moved to place HB 425 w/HA 1, 2, & 3 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Mr. Speaker Riddagh declared a recess at 5:54 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:57 p.m.

Mr. Speaker Hebner resumed the Chair.

Representative Minner introduced HR 168, jointly sponsored by Representatives Bennett, Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Plant, Soles & West.

HR 168 - Just So We Don't Overlook the Fact That Our Veteran Colleague, Representative Ronnie Darling, is 49 Today.

HR 168 was adopted by voice vote.

Representative George introduced HB 640, jointly sponsored by Representatives Sincock, McKay, Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Plant, Powell, Riddagh, Smith, Soles, Spence, Van Sciver & West & Senators Adams, Bair, Berndt, Cook, Holloway, Hughes, Littleton, Marshall, Martin, McBride, McDowell, Sharp & Vaughn.

HB 640 - An Act to Require the Executive Branch of Government to Prepare and Submit to the General Assembly Beginning With the Fiscal Year 1984 a Budget Bill for All Proposed Expenditures of State Special Funds, Excluding Federal Grants and Non-Federal Grants and Gifts, Bequests, Tuition Receipts and the Proceeds of Debt Instruments by State Agencies, and to Amend Chapter 76, Title 29, Delaware Code by Reorganizing the Delaware State Clearinghouse Committee.

Mr. Speaker assigned HB 640 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 453, HB 61 w/HA 1,2; SB 452, SCR 108, HB 507 w/HA 1,2,3; HB 95, SCR 106, SCR 107, HB 332 w/HA 1; HB 291 w/HA 1; SS 1 for SB 119; SB 451 w/SA 1; SCR 105, HB 232, HB 506 w/HA 1,2.

TO: Representative Charles L. Hebner  
Speaker of the House of Representatives  
Representative John M. Burris  
Majority Leader  
Representative Joseph R. Petrilli  
Majority Whip

FROM: Representative Thomas E. Brady

DATE: April 1, 1982

RE: Absence from Legislature

Business commitments will make it necessary for my absence from the House of Representatives, Tuesday, April 6, 1982 and Wednesday, April 7, 1982, and it is very likely I will be late for session on Thursday, April 8, 1982.

TEB/cjs

Representative Burris moved to recess to the call of the Chair at 6:15 p.m.

18th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

April 7, 1982

The Speaker called the House to order at 1:57 p.m.

Representative Maroney introduced HR 170.

HR 170 - Congratulating Douglas Hawkins, of Perth, on His Election as Governor for the Youth in Government Sessions at Dover April 23-25, 1982.

HR 170 was placed on Consent Calendar #34 for Wednesday, April 7, 1982.

Representative George introduced HCR 139, jointly sponsored by Representative Cain, co-sponsored by Representatives Maroney, Burris, Corrozi, McKay & Van Sciver.

HCR 139 - Congratulating Hap Hansen, President and General Manager of Brandywine Raceway, Upon His Nomination for a Good Guy Award From the United States Harness Writers Association.

HCR 139 was placed on Consent Calendar #34 for Wednesday, April 7, 1982.

Representative Cain requested and was granted the privilege of the floor for Mrs. Delaware, Mrs. Carol B. Moneta.

Representative Cain moved to suspend the rules which interfere with introduction of and action on HR 171. The motion was seconded by Representative Powell and adopted by voice vote.

Representative Cain introduced and brought HR 171, jointly sponsored by Representative Dixon, before the House for consideration.

HR 171 - Congratulating Carol Moneta, of Newark, Upon Winning the Mrs. Delaware Title and Wishing Her Good Luck in the National Competition in May.

HR 171 was adopted by voice vote.

The Reading Clerk read the following Committee Reports into the record:

H/ADM: HB 560 - 3M.

H/SS: SB 410 - 3M.

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous legislative day. The House reconvened at 2:16 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Brady - 1.

A prayer was offered by Reverend Clifford Armour, Atonement Methodist Church, Claymont, Delaware.

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

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

The following prefiled legislation was introduced:

HB 641 - POWELL, MCKAY; SENATORS ADAMS, CORDREY - R&F: An Act to Amend Chapter 33, Title 12 of the Delaware Code Relating to Banks or Trust Companies Establishing Common Funds for the Collective Investment of Funds Held in a Fiduciary or Agency Capacity.

HB 642 - DERRICKSON - ADM/S: An Act to Grant Title to the Rabbits Ferry School to the Rabbits Ferry Community Center. (3/4 bill)

HB 643 - VAN SCIVER, CORROZI, CATHCART, MACK, EDWARDS; SENATORS CITRO, CONNOR - ED: An Act to Amend Title 14, Delaware Code, by Mandating the Funding of Nonpublic School Nurses at the Same Level as Public School Nurses.

HB 644 - BENNETT - ADM/S: An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to Periodic Hand Gun Training for Sheriffs and Regular Deputy Sheriffs of This State.

HB 645 - BENNETT - ADM/S: An Act Proposing an Amendment to Constitution of the State of Delaware, Relating to the Term of the Office of Sheriff for Kent and Sussex Counties. (2/3 bill)

HB 646 - ROY, OBERLE, CATHCART, SPENCE, BURRIS, BENNETT, DIXON; SENATOR HUGHES - NR/AGRI: An Act to Amend §6059, Title 7, Delaware Code, Relating to Beverage Containers.

HB 647 - HARRINGTON, BARNES, BENNETT, DIXON - ADM/S: An Act to Amend §2308, Title 19, Delaware Code, to Permit an Exclusion From Workmen's Compensation for Officers of Corporations.

HB 648 - HARRINGTON, BENNETT, DIXON, EDWARDS, BARNES; SENATORS BAIR, ZIMMERMAN - ADM/S: An Act to Amend Title 22 and Title 9, Delaware Code, by Limiting Testing for Occupational Licensing.

HB 649 - BUCKWORTH; SENATOR TORBERT - ADM/S: An Act to Amend §2306, Title 12, Delaware Code, Relating to the Distribution of a Decedent's Property.

HS 1 for HB 491 - MINNER - ADM/S: An Act to Amend Chapter 45 of Title 7 of the Delaware Code to Allow for Title or Interest in Public Lands to be Obtained Only by Deed or Written Instrument.

HS 1 for HB 592 - ROY; SENATOR SHARP - R&F: A Private Act Directing the Board of Pension Trustees to Grant a Retroactive Pension Adjustment to Edward C. Sobolewski.

HS 1 for HJR 26 - RIDDAGH, SPENCE, MINNER, MACK, JONKIERT, SINCOCK, CATHCART, BENNETT, ROY, SMITH, DIXON, POWELL, BARNES, CORROZI, OBERLE, EDWARDS, HARRINGTON, FALLON, BUCKWORTH, MARONEY, SOLES, DERRICKSON, VAN SCIVER, CAMPANELLI; SENATORS VAUGHN, SHARP, ARNOLD, LITTLETON, COOK, CITRO, HUGHES, NEAL, HOLLOWAY, TORBERT, MCBRIDE - JUD: Proposing a "Bill of Rights" for Delaware Residents Who Are Victims of Crime.

HA 5 to HB 181 - RIDDAGH - Placed with the bill. (L.O.T.)

HA 1 to HB 427 - CAIN - Placed with the bill. (L.O.T.)

HA 1 to HB 440 - MARONEY - Placed with the bill. (Agenda)

HA 2 to HB 440 - MARONEY - Placed with the bill. (Agenda)

SB 452 - ADAMS; REPRESENTATIVE BARNES - H/ADM: An Act to Amend An Act, Being Chapter 166, Volume 43, Laws of Delaware, as Amended, Entitled An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown, to Provide for a Registration System for the Annual Municipal Election. (2/3 bill)

SB 453 - ADAMS; REPRESENTATIVE BARNES - R&F: An Act to Amend Chapter 41, Title 7, Delaware Code, Relating to Compensation of Tax Ditch Commissioners.

The following prefiled Consent Calendar was introduced:

HR 162 - MACK, CATHCART, SPENCE, BUCKWORTH; SENATOR CONNOR - Congratulating the William Penn High School Wrestling Team, Its Coaches and Booster Club for Achieving a Perfect Record for 1981-1982.

HR 163 - MARONEY - Congratulating Anthony D. So, of Wilmington, Upon His Selection as the First Delawarean to Win the Young American Award of the Boy Scouts of America.

HR 164 - MARONEY - Requesting Governor Pierre S. du Pont, IV to Declare the Week of April 18, 1982, Delaware Architecture Week as Part of the National Observance.

HR 165 - HARRINGTON - Congratulating Sarah Amanda (Mandy) McFadden, of Dover, on Her Selection by the Quota Club of Wilmington as Deaf Woman of the Year.

HR 166 - PLANT - In Memory of the Rev. Dr. Martin Luther King, Jr., Who Was Murdered in Memphis, Tennessee, on April 4, 1968, While Campaigning for Better Treatment for Sanitation Workers.

HR 167 - PLANT - Congratulating the Four Delaware Students Who Were Cited by the National Achievement Scholarship Program.

HR 169 - FALLON - Expressing Our Sorrow at the Death of Melba Phillips Robinson, of Seaford, the First Woman to be Elected President of the Delaware Association of Realtors.

HCR 134 - DERRICKSON; SENATOR CORDREY - Requesting the Secretary of the Department of Natural Resources and Environmental Control to Dredge Certain Creeks and Lakes in the State.

HCR 135 - RIDDAGH; SENATOR VAUGHN - Authorizing the Clayton Century Club to Erect Information Signs on Route 6 East of Clayton, Delaware on the So Called Smyrna-Clayton Road.

HCR 136 - BURRIS & ALL REPRESENTATIVES; SENATOR CORDREY & ALL SENATORS - Expressing Appreciation to the Vocational Student Organizations of Delaware.

HCR 137 - MINNER; SENATOR MCBRIDE; REPRESENTATIVES ANDERSON, BENNETT, CAIN, CAMPANELLI, CORDREY, DARLING, DIXON, GEORGE, GILLIGAN, HOLLOWAY, JESTER, JONKIERT, PLANT, SOLES, WEST; SENATORS ADAMS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, SHARP, TORBERT, VAUGHN, ZIMMERMAN - Requesting President Reagan to Abandon the Concept of an Annual Fee for Fishermen and Recreational Boaters.

HCR 138 - BUCKWORTH; SENATOR TORBERT - Congratulating Tina Harris, of Caesar Rodney High School, for Her Outstanding Four-Year Career.

SCR 105 - ADAMS; REPRESENTATIVE BARNES - Joining in the Celebration of a New Set of Commemorative Stamps Featuring the Official Bird and Flower of Each of the 50 States to be Issued April 14, 1982.

SCR 106 - LITTLETON; REPRESENTATIVE CORDREY - Authorizing the Town of Delmar to Erect a Welcome Sign in the Median Strip at U.S. 13.

SCR 107 - HOLLOWAY, BERNDT - Commending the Chairman, Vice Chairman, and Members of the Joint Finance Committee and the Controller General and His Staff for Implementing Innovative Budget Hearings by Program Rather Than by Individual Agency.

SCR 108 - HOLLOWAY; REPRESENTATIVE RIDDAGH - Commending Kent County Prothonotary Emily G. Morris for Her Initiative in Distributing Unpaid Victim's Restitution Funds.

Representative Petrilli requested that HCR 137 be removed from Consent Calendar #34.

Representative Smith requested that HCR 134 be removed from Consent Calendar #34.

Consent Calendar #34 was adopted by voice vote and HCR 135, HCR 136, HCR 138 & HCR 139 were sent to the Senate for concurrence and SCR 105, SCR 106, SCR 107 & SCR 108 were returned to the Senate.

Representative Burris moved to recess for committee meetings at 2:34 p.m.

The House reconvened at 5:15 p.m.

Representative Maroney brought HB 440, jointly sponsored by Representatives Barnes, Bennett, Buckworth, Cathcart, Free & Minner, before the House for consideration.

HB 440 - An Act to Amend Chapters 21 and 41 of Title 21 Delaware Code, Relating to Special License Plates, Parking ID/Cards, and Parking for the Handicapped. (2/3 bill)

Representative Maroney brought HA 1 to HB 440 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney brought HA 2 to HB 440 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 440 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Jonkiert, Plant, Spence - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 440 w/HA 1 & 2 was sent to the Senate for concurrence.

Mr. Speaker assigned HCR 137 to the House Administration Committee.

Mr. Speaker assigned HCR 134 to the Natural Resources & Agriculture Committee.

Representative McKay brought HB 521, jointly sponsored by Representative Bennett & Senators Knox, Adams & Torbert, before the House for consideration.

HB 521 - An Act Proposing an Amendment to Article III, Section 19 of the Constitution of the State of Delaware Relating to the Qualifications and Duties of the Lieutenant Governor. (2/3 bill)

Representative McKay brought HA 1 to HB 521 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 521 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, McKay, Petrilli, Powell, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Riddagh, West - 17.

ABSENT: Representative Brady - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 521 w/HA 1 was declared defeated.

Representative Powell brought HB 579, jointly sponsored by Representative Dixon & Senators Adams & Littleton, before the House for consideration.

HB 579 - An Act to Amend Chapter 23, Title 30, Delaware Code, Relating to Gross Receipts Tax on Draymen or Movers. (Fiscal Note)

Mr. Speaker Hebner declared a recess at 5:53 p.m.

The House reconvened at 5:55 p.m.

Representative Powell brought HA 1 to HB 579 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 579 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Brady - 1.

Therefore, having received a constitutional majority, HB 579 w/HA 1 was sent to the Senate for concurrence.

Representative Cain moved to suspend the rules which interfere with lifting HB 425 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Cain brought HB 425 w/HA 1,2,3 before the House for consideration.

HB 425 - An Act to Amend Title 9 and Title 22 of the Delaware Code Relating to the Delivery of Fire Prevention Services to Certain Types of Multi-Unit Residential Buildings; and Providing a Financial Means of Support for Fire Companies and Fire Departments Servicing Such Buildings. (2/3 bill)

Representative Free brought HA 6 to HB 425 before the House for consideration. Mr. Speaker Hebner ruled that HA 6 is invalid.

Representative Ennis brought HA 7 to HB 425, jointly sponsored by Representative Hebner, before the House for consideration.

The roll call on HA 7 to HB 425 was taken and revealed:

YES: Representatives Burris, Cathcart, Ennis, Free, Petrilli, Roy, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 10.

NO: Representatives Anderson, Barnes, Bennett, Cain, Cordrey, Darling, Dixon, Edwards, George, Gilligan, Holloway, Jester, Mack, McKay, Minner, Plant, Powell, Soles - 18.

NOT VOTING: Representatives Buckworth, Campanelli, Corrozi, Derrickson, Fallon, Harrington, Maroney, Oberle, Riddagh, Sincok - 10.

ABSENT: Representatives Brady, Jonkiert, West - 3.

Therefore, not having received a constitutional majority, HA 7 to HB 425 was declared defeated.

Representative Free brought HA 8 to HB 425 before the House for consideration.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

HA 8 was adopted by voice vote.

Representative Cain moved to place HB 425 w/HA 1,2,3 & 8 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Burris moved to recess to the call of the Chair at 6:36 p.m.

19th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

April 8, 1982

The Speaker called the House to order at 1:48 p.m.

Representative Soles introduced HCR 140, jointly sponsored by Representative Ennis & Senators Bair & McBride.

HCR 140 - Designating April 30, 1982 as Human Relations Day in Delaware and Commending the Late S. Lowan Pitts, Former Director of the Human Relations Commission and All Delawareans Who Have Served as Members of the Commission Since Its Inception 20 Years Ago.

HCR 140 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following Committee Reports into the record:

H/ADM: HB 615 - 5M; HB 629 - 5M; SB 451 w/SA 1 - 5M; SB 452 - 5M.

APPRO: HB 640 - 3F,3M; SS 1 for SB 119 - 5F.

R&F: HB 547 - 5F; HB 636 - 5F; HS 1 for HB 592 - 2F,3M.

ADM/S: HB 374 - 3M,1UF; HB 451 - 4M; HB 568 - 3M; HB 571 - 5M; HB 582 - 5M; HB 583 - 4M; HB 598 - 4M; SB 116 - 4M; SB 251 - 4M; SB 267 w/SA 1 - 3M; SB 427 - 4M.

JUD: HS 1 for HJR 26 - 1F,3M; HB 490 - 5M.

ED: HB 587 - 1F,4M; HB 591 - 3M,1UF; HB 602 - 5M; HB 608 - 5M; SCR 94 - 1F,3M.

NR/AGRI: HB 457 - 4M; HB 623 - 3F,1M; HB 624 - 4F,1M; SB 342 - 1F,4M.

Representative Gilligan introduced HR 172.

HR 172 - Expressing Our Sorrow at the Death of Joseph Simmons, a Delaware Teacher for 30 Years.

HR 172 was adopted by voice vote.

The Majority Leader moved to adjourn at 1:59 p.m., thereby ending the previous legislative day. The House reconvened at 2:00 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth - 1.

A prayer was offered by Representative Ruth Ann Minner, Thirty-Third District.

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

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

The following prefiled legislation was introduced:

HB 650 - VAN SCIVER - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Dangerous Weapons.

HB 651 - DERRICKSON - NR/AGRI: An Act to Amend Chapter 68, Title 7, Delaware Code, by Adding to §6807 a Paragraph Relating to Permit Application Fees. (3/5 bill)

HB 652 - DERRICKSON - JUD: An Act to Amend Title 10, Delaware Code, by Creating a New Section 7401 Providing a Statutory Right for a Defendant to Recover Attorney's Fees From a Plaintiff Who Wrongfully Institutes Legal Proceedings.

HB 653 - BUCKWORTH, BARNES, DARLING, SOLES - NR/AGRI: An Act to Amend Chapter 80, Title 29 of the Delaware Code Relating to Park Managers and Other Personnel.

HB 654 - ROY - ADM/S: An Act to Amend Subchapter VI of Chapter 1, Title 26, Delaware Code Relating to Regulation by the Public Service Commission of Rates Charged by Cable Television Systems.

HB 655 - BARNES, BUCKWORTH, DARLING, SOLES; SENATORS MARTIN, ZIMMERMAN, COOK, VAUGHN, ARNOLD, BERNDT, KNOX - NR/AGRI: An Act to Amend Chapter 61, Title 7 of the Delaware Code Relating to Public Hearings Under the Underwater Lands Act.

HB 656 - HARRINGTON; SENATOR ZIMMERMAN - ADM/S: An Act to Grant Title to a Portion of the Former Richardson & Robbins Property Owned by the State to the City of Dover.

HB 657 - EDWARDS, BARNES, HARRINGTON, DIXON, BENNETT - ADM/S: An Act to Amend Section 3321, Title 19, Delaware Code, Relating to Unemployment Compensation Appeals.

HB 658 - SOLES; SENATOR NEAL - ADM/S: An Act to Amend Title 25, Chapter 51, Delaware Code, Relating to Terms of Rental Agreements.

HB 659 - CORDREY, DARLING, WEST - NR/AGRI: An Act to Amend Title 3 of the Delaware Code to Provide for Control of Giant Ragweed. (2/3 bill)

HB 660 - MINNER, DARLING - ED: An Act to Amend Title 14 Chapter 13, Title 14 Chapter 17, and Title 14 Chapter 19 of the Delaware Code as It Relates to State Salary Schedules for School Employees and the Establishment of Local District Tax Rates.

HB 661 - CATHCART, MACK, BUCKWORTH, SPENCE, BARNES, DIXON, BENNETT, GILLIGAN; SENATORS CITRO, MCBRIDE, CONNOR - JUD: An Act to Amend §1447, Title 11, Delaware Code, Relating to the Penalty for Possession of a Deadly Weapon During Commission of a Felony.

HB 662 - MARONEY - H/SS: An Act to Amend Chapter 5, Title 31, Delaware Code Relating to Nontransferability of Assistance Granted Under This Chapter.

HA 1 to HB 457 - SMITH - Placed with the bill. (Ready List)

HA 7 to HB 557 - SMITH - Placed with the bill. (Ready List)

HA 1 to HB 560 - BUCKWORTH - Placed with the bill. (Agenda)

HA 1 to HB 620 - BENNETT - R&F: Placed with the bill.

SB 139 w/SA 1,3 - MCBRIDE; REPRESENTATIVE SMITH; SENATORS HOLLOWAY, MARTIN, MURPHY, SHARP, VAUGHN, ZIMMERMAN, NEAL; REPRESENTATIVES ANDERSON, CAIN, CAMPANELLI, DIXON, GILLIGAN, HOLLOWAY, JESTER, PLANT, MINNER, OBERLE, SPENCE, SOLES - NR/AGRI: An Act to Amend Chapter 5 and Chapter 11, Part I, Title 7 of the Delaware Code Relating to Fishing; and Providing for the Imposition of Certain Charges. (3/5 bill)

SB 258 - NEAL, MARTIN, ARNOLD; REPRESENTATIVES PETRILLI, ANDERSON, SOLES, JESTER - JUD: An Act to Amend Chapter 45, Title 11 of the Delaware Code Relating to Appeal From Certain Convictions Before Aldermen and Mayors.

SB 459 - HOLLOWAY - JUD: An Act to Amend Chapter 5, Title 13 of the Delaware Code to Permit the Family Court to Attach up to 50 Percent of the Unemployment Compensation Payment to a Defendant Who Fails to Pay a Support Order.

SB 471 - TORBERT; REPRESENTATIVE BUCKWORTH - H/ADM: An Act to Amend Chapter 71, Title 15, Delaware Code, Relating to Special Elections for the General Assembly.

SB 483 w/SA 1 - CORDREY - ADM/S: An Act Relating to the Leasing of Warwick School No. 203, Located in Sussex County.

Representative Burris moved to recess for caucus at 2:04 p.m.

The House reconvened at 2:38 p.m.

Representative Burris requested and was granted the privilege of the floor for Teresa Mitchell representing Vocational Student Organizations.

Representative Roy brought SCR 9, sponsored by Senator Martin, before the House for consideration.

SCR 9 - Urging the Members of the Delaware Congressional Delegation to Encourage Negotiations Between the United States and Japan to Restrain Auto Exports to the United States and Any Other Efforts to Assist the Auto Industry to Meet the Challenge of Foreign Car Imports.

SCR 9 was adopted by voice vote and returned to the Senate.

Representative Riddagh brought SB 394, jointly sponsored by Senators Vaughn & Sharp, before the House for consideration.

SB 394 - An Act to Amend Chapter 90, Title 11, Delaware Code Relating to Compensation for Innocent Victims of Crime.

The roll call on SB 394 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, Free, George, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 32.

ABSENT: Representatives Brady, Buckworth, Cain, Derrickson, Ennis, Harrington, Holloway, Plant, Spence - 9.

Therefore, having received a constitutional majority, SB 394 was returned to the Senate.

Representative Powell brought SB 265, sponsored by Senators Cook & Bair & Representatives Minner & Fallon, before the House for consideration.

SB 266 - An Act to Amend Chapter 86, Title 29 of the Delaware Code Relating to the Establishment of the Delaware Commission for Women.

The roll call on SB 266 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Brady, Buckworth - 2.

Therefore, having received a constitutional majority, SB 266 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on Special Senate Agenda 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 130, sponsored by Senator Marshall, before the House for consideration.

SB 130 - An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to Professions and Occupations; and Providing for a Public Member on the Governing Body of Certain Boards, Commissions and Other Agencies.

Representative Jonkiert brought HA 1 to SB 130 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 130 w/HA 1 was taken and revealed:

YES: Representative Jonkiert - 1.

NO: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representatives George, Holloway, Plant - 3.

ABSENT: Representatives Brady, Buckworth - 2.

Therefore, not having received a constitutional majority, SB 130 w/HA 1 was declared defeated.

Representative Burris moved to recess for caucus at 3:17 p.m.

The House reconvened at 4:01 p.m.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Representative John P. McKay, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 376.

Date: 4/8/82.

Signed: John P. McKay.

Representative Powell moved to suspend the rules which interfere with action on HB 636. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Powell brought HB 636, jointly sponsored by Senator Cook, before the House for consideration.

HB 636 - An Act to Amend Chapter 14, Title 30, Delaware Code, Relating to the Gift Tax. (Fiscal Note)

Representative Powell brought HA 1 to HB 636 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 636 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Brady, Buckworth, Jonkiert - 4.

Therefore, having received a constitutional majority, HB 636 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with action on Special Senate Agenda I. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought SB 449, sponsored by Senator Torbert & Representative Bennett, before the House for consideration.

SB 449 - An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to Certificates of Title.

Representative Bennett brought HA 1 to SB 449 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 449 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Barnes, Brady, Buckworth, Jonkiert, Smith - 5.

Therefore, having received a constitutional majority, SB 449 w/HA 1 was returned to the Senate for concurrence.

Representative Powell brought SB 84 w/SA 2,3 - HA 1,2,3 & 4, sponsored by Senator Martin, co-sponsored by Senator McDowell, before the House for consideration.

SB 84 - An Act to Amend Title 24 and Title 30, Delaware Code, Relating to Second-Hand Dealers in Precious Metals. (2/3 bill)

Representative Powell moved to place SB 84 w/SA 2,3 - HA 1,2,3 & 4 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Roy brought SB 251, sponsored by Senator Cordrey, before the House for consideration.

SB 251 - An Act to Amend Chapter 31, Title 24, Delaware Code, Relating to Pre-Need Funeral Contracts.

Representative Roy brought HA 1 to SB 251 before the House for consideration. HA 1 was adopted by voice vote.

Representative Soles requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on SB 251 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Brady, Buckworth, Ennis, Plant - 4.

Therefore, having received a constitutional majority, SB 251 w/HA 1 was returned to the Senate for concurrence.

Representative Burris brought SB 344, sponsored by Senators McDowell, Sharp, Cook, Murphy, Neal, Connor & Representatives George, Cain, Minner, Barnes & Fallon, before the House for consideration.

SB 344 - An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to the Requirement That Each Department, Agency, Commission or Authority of This State Adopt a Forms Management Plan Which Meets Certain Criteria; Providing for a Forms Management Officer in Each Agency; Requiring Each Agency to Use Only Forms Approved Under Its Forms Management Plan; Requiring Each Agency to File Its Plan With the Bureau of Archives and Records; Providing for the Approval and Monitoring of Each Plan by the Bureau of Archives and Records.

Representative Burris moved to place SB 344 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Jester moved to suspend the rules which interfere with introduction of and action on SCR 110. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Jester introduced and brought SCR 110, jointly sponsored by Senators Vaughn & Hughes & Representative Riddagh before the House for consideration.

SCR 110 - Memorializing U.S. Senator Joseph R. Biden, Jr. to Continue to Use the Good Influences of His Office in Negotiating With the U.S. Corps of Engineers to Have a Landfill Located at Cherry Island.

The roll call on SCR 110 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Fallon, Harrington, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 30.

NO: Representatives Ennis, Free, George, Gilligan, Jonkiert, Plant - 6.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Brady, Buckworth, Edwards, McKay - 4.

Therefore, having received a constitutional majority, SCR 110 was returned to the Senate.

Representative Mack moved to suspend the rules which interfere with action on SCR 111. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Mack introduced and brought SCR 111, jointly sponsored by Senator Connor, before the House for consideration.

SCR 111 - Mourning the Death of Phillip F. Susi, Community Leader in New Castle for Many Years.

SCR 111 was adopted by voice vote and returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on Special Senate Agenda 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought SB 120 w/SA 1, sponsored by Senators Sharp, McDowell & Martin, before the House for consideration.

SB 120 - An Act to Amend Chapter 1, Title 26 of the Delaware Code to Ban the Use of Construction Program Costs in Computing the Rate Base for Utilities.

Representative Gilligan moved to place SB 120 w/SA 1 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Burris moved to lift SB 344 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 344, sponsored by Senators McDowell, Sharp, Cook, Murphy, Neal & Connor & Representatives George, Cain, Minner & Fallon, before the House for consideration.

SB 344 - An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to the Requirement That Each Department, Agency, Commission or Authority of This State Adopt a Forms Management Plan Which Meets Certain Criteria; Providing for a Forms Management Officer in Each Agency; Requiring Each Agency to Use Only Forms Approved Under Its Forms Management Plan; Requiring Each Agency to File Its Plan With the Bureau of Archives and Records; Providing for the Approval and Monitoring of Each Plan by the Bureau of Archives and Records.

Representative George brought HA 1 to SB 344 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 344 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Buckworth, Darling - 3.

Therefore, having received a constitutional majority, SB 344 w/HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Roy brought SB 116, sponsored by Senators McBride, Murphy & Zimmerman & Representative Oberle, before the House for consideration.

SB 116 - An Act to Amend Subchapter II, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits. (Fiscal Note)

Representative Oberle moved to place SB 116 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Powell brought SB 115, sponsored by Senators Zimmerman & Murphy, before the House for consideration.

SB 115 - An Act to Amend Subchapter II, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax.

Representative Jonkiert rose on a point of order.

Mr. Speaker re-assigned SB 115 to the Revenue & Finance Committee.

Representative Roy brought HB 426 before the House for consideration.

HB 426 - An Act to Amend Chapter 37, Title 10 of the Delaware Code Relating to Wrongful Death Actions. (Fiscal Note)

Representative Roy brought HA 1 to HB 426 before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Mr. Harold Schmittinger & Mr. John Babiarz representing Trial Lawyers Association.

Representative Roy moved to place HB 426 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincoc and adopted by voice vote.

Mr. Speaker re-assigned HB 560 to the House Administration Committee.

Representative Jester requested that action on SB 353 be deferred to a Day Certain, Tuesday, May 4, 1982.

Representative Jester brought HS 1 for HB 343, jointly sponsored by Representatives Campanelli, Soles, Fallon & Free & Senators Bair, Vaughn & McDowell, before the House for consideration.

HB 343 - An Act to Amend Title 14, Delaware Code, Relating to Unpaid Leaves of Absence.

Representative Jester brought HA 1 to HS 1 for HB 343 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 for HB 343 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Ennis - 1.

ABSENT: Representatives Brady, Buckworth, Darling, Roy - 4.

Therefore, having received a constitutional majority, HS 1 for HB 343 w/HA 1 was sent to the Senate for concurrence.

Representative Derrickson brought HB 541, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 541 - An Act to Amend Chapter 64, Volume 63, Laws of Delaware, Entitled "An Act to Reinstate the Town of Ocean View in Sussex County, Delaware". (2/3 bill)

The roll call on HB 541 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Buckworth, Campanelli, Darling - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 541 was sent to the Senate for concurrence.

Representative Powell brought SB 410, sponsored by Senator Cordrey, before the House for consideration.

SB 410 - An Act to Amend Chapters 10 and 11, Title 16 and Chapter 28, Title 31, of the Delaware Code Requiring Certain Health Care Facilities to Ascertain Upon Admission Whether or Not a Patient Has Donated All or Part of His or Her Body as an Anatomical Gift and to Maintain a Record Thereof.

Representative Powell brought HA 1 to SB 410 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 410 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Buckworth, Cain, Darling, Roy - 5.

Therefore, having received a constitutional majority, SB 410 w/HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Holloway requested that HB 486 be stricken.

Representative Smith brought HB 580, jointly sponsored by Senator Bair, before the House for consideration.

HB 580 - An Act to Amend Section 10004 of Title 29, Delaware Code by Exempting Towns Which Are Direct Democracies From Keeping Individual Voting Records.

The roll call on HB 580 was taken and revealed:

YES: Representatives Anderson, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 31.

NO: Representatives Bennett, Gilligan, Soles - 3.

ABSENT: Representatives Barnes, Brady, Buckworth, Campanelli, Darling, George, Plant - 7.

Mr. Speaker Hebner declared a recess at 5:41 p.m.

The House reconvened at 5:42 p.m.

Therefore, having received a constitutional majority, HB 580 was sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SS 1 for SB 500. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to recess at 5:46 p.m.

The House reconvened at 5:52 p.m.

Representative Burris introduced and brought SS 1 for SB 500, jointly sponsored by Senators Cordrey, Sharp, McDowell, Knox, Arnold; Representatives Hebner, Petrilli, George & Cain, before the House for consideration.

SB 500 - An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to Reapportionment of the State Legislative Districts.

The roll call on SS 1 to SB 500 was taken and revealed:

YES: Representatives Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, George, Harrington, Holloway, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

NO: Representatives Anderson, Gilligan - 2.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Brady, Buckworth, Fallon, Jester, Jonkiert - 5.

Therefore, having received a constitutional majority, SS 1 for SB 500 was returned to the Senate.

Representative Corrozi brought HB 613, jointly sponsored by Representatives Bennett, Derrickson, Fallon, Free, Gilligan, Jester, McKay, Petrilli, Sincok; Senators Cook, Bair, Berndt, Holloway, Hughes, McBride, McDowell, Neal, Torbert, Vaughn & Zimmerman, before the House for consideration.

HB 613 - An Act to Amend Chapter 18, Title 14 of the Delaware Code Relating to the Sunset Provisions of the Educational Finance Overview Committee.

Representative Corrozi brought HA 1 to HB 613 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 613 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Buckworth, Plant - 3.

Therefore, having received a constitutional majority, HB 613 w/HA 1 was sent to the Senate for concurrence.

Representative Cordrey brought HB 570, jointly sponsored by Representatives West, Minner & Darling, before the House for consideration.

HB 570 - An Act to Amend Chapter 21, Title 21 of the Delaware Code to Increase From Two to Five Miles the Distance a Reduced-Registration Fee Farm Truck May be Operated or Towed Between Farms Owned or Managed by the Owner of the Vehicle.

The roll call on HB 570 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Buckworth, Holloway - 3.

Therefore, having received a constitutional majority, HB 570 was sent to the Senate for concurrence.

Representative Mack requested that action on HB 376 be deferred to a Day Certain, Tuesday, May 11, 1982.

Representative Riddagh brought SB 280, sponsored by Senator McBride, before the House for consideration.

SB 280 - An Act to Amend Chapter 5, Part I, Title 11 of the Delaware Code Relating to Assaults Upon Persons Rendering Emergency Care.

Representative Van Sciver brought HA 1 to SB 280, jointly sponsored by Representative Petrilli, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 280 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Buckworth, Holloway - 3.

Therefore, having received a constitutional majority, SB 280 w/HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Free rose on a point of order.

Mr. Speaker re-assigned SCR 94 to the Appropriations Committee.

Representative Jonkiert rose on a point of order.

Representative Sincok rose on a point of order.

Representative Maroney moved to lift HB 154 w/HA 1,3 & 4 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney brought HB 154 w/HA 1,3 & 4, jointly sponsored by Representatives Free, Cathcart, Ennis & Oberle & Senator Knox, before the House for consideration.

HB 154 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

Representative Edwards brought HA 5 to HB 154 before the House for consideration. Representative Edwards requested that HA 5 be stricken.

Representative Cathcart brought HA 6 to HB 154 before the House for consideration.

Representative Hebner requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

HA 6 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Superintendent of State Police Norman V. Cochran.

Mr. Speaker Hebner declared a recess at 7:07 p.m. for the purpose of changing the recording tape.

The House reconvened at 7:10 p.m.

The roll call on HB 154 w/HA 1,3,4 & 6 was taken and revealed:

YES: Representatives Anderson, Brady, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver - 30.

NO: Representatives Bennett, Cordrey, Darling, Jonkiert, Mack, Minner, West, Mr. Speaker Hebner - 8.

NOT VOTING: Representative Barnes - 1.

ABSENT: Representatives Buckworth, Jester - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 154 w/HA 1,2,4 & 6 was sent to the Senate for concurrence.

The following prefiled Consent Calendar was introduced:

HR 173 - BURRIS - Expressing Our Sorrow at the Death of Alan H. Edwards, of Southington, Connecticut, Father of Our Colleague, Representative James F. Edwards.

HCR 141 - HARRINGTON, BARNES, EDWARDS, DIXON, BENNETT - Requesting the Members of the Delaware Congressional Delegation to Support Senate Joint Resolution 180 Designating the Week of May 9, 1982, as National Small Business Week.

HCR 142 - MACK, ANDERSON, BARNES, BENNETT, BUCKWORTH, BURRIS, CAIN, CAMPANELLI, CORDREY, CORROZI, DARLING, DERRICKSON, EDWARDS, ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HARRINGTON, JESTER, JONKIERT, MARONEY, MCKAY, MINNER, OBERLE, PETRILLI, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SMITH, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, HOLLOWAY, KNOX, LITTLETON, MCBRIDE, MCDOWELL, NEAL, SHARP, TORBERT, VAUGHN, ZIMMERMAN - Saluting Professional Secretaries' Week for Their Contribution to Our Society and Designating the Week of April 18-24, 1982, as Professional Secretaries' Week and Wednesday, April 21, as Secretaries' Day.

HCR 143 - SMITH - Requesting the Support of the Delaware Congressional Delegation for Reauthorization of the Endangered Species Act.

HCR 144 - SMITH - Congratulating Six Delaware Educators Who Have Been Cited for Their Environmental Work by the Delaware Nature Education Society.

SCR 109 - HOLLOWAY; REPRESENTATIVE RIDDAGH - Providing for the Appointment of a Special Committee to Study Plea-Bargaining in Delaware Courts and to Recommend Whether This Practice Should be Discontinued.

Representative Darling requested that HCR 143 be removed from the Consent Calendar.

Mr. Speaker assigned HCR 143 to the Natural Resources & Agriculture Committee.

Consent Calendar #35 was adopted by voice vote and HCR 141, HCR 142 & HCR 144 were sent to the Senate for concurrence and SCR 109 was returned to the Senate.

Representative Soles requested that HB 658 be stricken.

Representative Roy requested that HB 646 be stricken.

Representative Smith requested that HB 173 be stricken.

Representative Jonkiert introduced HB 681, jointly sponsored by Representative Powell & Senator Marshall.

HB 681 - An Act to Amend Chapter 11, Title 30 of the Delaware Code to Give the Director of the Division of Revenue Authority to Forgive the Interest on Erroneous Refunds of Interest, Penalty or Addition to the Personal Income Tax.

Mr. Speaker assigned HB 681 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 7:30 p.m.

The following prefiled legislation was introduced:

HB 663 - CATHCART - ADM/S: An Act to Amend Chapter 1, Title 21 of the Delaware Code Relating to the Definition of a Vehicle Dealer and Other Related Definitions.

HB 664 - CATHCART - ADM/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Driver's License Reinstatement Fees.

HB 665 - CATHCART - ADM/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special License Plates for Towed Vehicles. (3/5 bill)

HB 666 - CATHCART - ADM/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Pedestrians.

HB 667 - EDWARDS, ENNIS - ADM/S: An Act to Amend Section 5306, Chapter 53, Title 25 of the Delaware Code With Reference to Landlord-Tenant Relationships: Increasing the Deduction From Rent for the Repair of Minor Defects Which are Not Repaired by a Landlord Who Has Received Notice of Such Defects.

HB 668 - CATHCART - ADM/S: An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to Excluding Saturdays as Work Days for Employees of the Department of Public Safety.

HB 669 - CATHCART - ADM/S: An Act to Amend Title 21, Delaware Code, Relating to Farm Equipment Being Moved on the Highways.

HB 670 - CATHCART - ADM/S: An Act to Amend Chapters 25 and 63, Title 21 of the Delaware Code Relating to the Sale and Title of Used Taxicabs.

HB 671 - CATHCART - ADM/S: An Act to Amend Title 21 of the Delaware Code Relating to New Residents Obtaining Drivers' Licenses and Vehicle Registrations.

HB 672 - CATHCART - ADM/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Antique Vehicles.

HB 673 - CATHCART - ADM/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Appearance for Driver's License Renewals.

HB 674 - CATHCART - ADM/S: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Retention of Drivers' Records and Vehicle Records.

HB 675 - CATHCART - ADM/S: An Act to Amend Chapters 23 & 25, Title 21, Delaware Code, Relating to Application for Certificate of Title for a Vehicle.

HB 676 - MACK, SPENCE, CATHCART, MINNER, JONKIERT; SENATORS BERNDT, VAUGHN - ADM/S: An Act to Amend Title 25 of the Delaware Code Relating to a Landlord's Responsibility for Providing Heat.

HB 677 - DARLING; SENATOR COOK - H/ADM: An Act to Amend Chapter 167, Volume 40, Laws of Delaware, Relating to the Charter of the City of Harrington. (2/3 bill)

HB 678 - DARLING - ADM/S: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to Stopping, Standing or Parking.

HB 679 - CAMPANELLI, DIXON, MACK, OBERLE, RIDDAGH, SINCOCK, WEST; SENATORS CONNOR, HUGHES, MARSHALL, MCBRIDE, VAUGHN - ADM/S: An Act to Amend Title 24 and Title 30, Delaware Code, Relating to the Licensing of Locksmiths and Suppliers of Locksmith Tools and Equipment: Providing an Annual Tax Thereon and Providing Penalties. (3/5 bill)

HB 680 - HOLLOWAY - JUD: An Act to Amend Subchapter II, Subpart A of Chapter 5, Title 11, of the Delaware Code Relating to Mandatory Sentences for Offenses Against Elderly and Physically Disabled Persons.

HS 1 for HB 365 - EDWARDS, MARONEY, GILLIGAN, MINNER; SENATORS HOLLOWAY, NEAL, MCBRIDE, LITTLETON - H/SS: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Nursing and Schools of Nursing.

HA 1 to HB 416 - MARONEY - H/SS: Placed with the bill.

20th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 4, 1982

The Speaker called the House to order at 2:12 p.m.

The Reading Clerk read the following Committee Report into the record:

H/SS: HS 1 for HB 365 - 3F,1M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 322 w/SA 1; SB 461, SB 508, SB 499 w/SA 1; SB 474 w/SA 1; SCR 115, SCR 116, HB 579 w/HA 1; SCR 114, HCR 144, HCR 142, SB 97 w/SA 1,2,3,4; HCR 141, SCR 111, SB 421, SB 388 w/SA 1; HB 533 w/HA 1 w/HA 1, HA 2,3,4; HB 564 w/HA 1; SB 498 w/SA 1; HB 49, HB 335, HB 428, HB 334 w/HA 1; SS 1 for SB 500; HCR 136, HCR 138, HCR 139, HCR 140, HB 331, HS 1 for HB 91, HB 100 w/HA 1, SA 1,2,3,4,5,6; HB 298 w/HA 1; HB 274 w/HA 1; SCR 112, SCR 113, SB 483 w/SA 1; SB 258, SB 471, HB 522 w/HA 1; HB 523 w/HA 1; SB 459, SCR 109, SCR 110, HCR 135, SJR 31, SB 139 w/SA 1,3; HB 398.

The Majority Leader moved to adjourn at 2:17 p.m., thereby ending the previous legislative day. The House reconvened at 2:18 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Corrozi, Fallon - 2.

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

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

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

The following prefiled legislation was introduced:

SB 97 w/SA 1,2,3,4 - HOLLOWAY - H/ADM: An Act to Amend Chapter 66, Title 16 of the Delaware Code Relating to the Requirement of Residential Smoke Detectors. (2/3 bill)

SB 322 w/SA 1 - HOLLOWAY - ADM/S: An Act to Amend Chapter 55, Title 25, Delaware Code, Relating to Rent.

SB 388 w/SA 1 - ZIMMERMAN, LITTLETON, MCBRIDE, NEAL - ED: An Act to Amend Title 14, Delaware Code, to Provide Tuition-Free Higher Education for Persons Age 60 or Older.

SB 421 - CITRO, MARSHALL; REPRESENTATIVE CORROZI - ADM/S: An Act to Amend Chapter 59, Title 29, Delaware Code Relating to the Placement of Certain Employees of the Court of Common Pleas Into the Merit System of Personnel Administration.

SB 461 - HOLLOWAY - JUD: An Act to Amend Chapter 5, Title 13 of the Delaware Code to Provide That a Family Court Defendant in a Support Action Who Fails to Provide the Court With a Change of Address May be Held in Contempt.

SB 474 w/SA 1 - ZIMMERMAN, CORDREY, NEAL, BAIR, MCDOWELL; REPRESENTATIVES BENNETT, HARRINGTON, DIXON, EDWARDS, BARNES - ADM/S: An Act to Amend Title 29, Delaware Code, by Adding Thereto a New Chapter 103 Relating to Establishing a Business Regulation and Licensing System.

SB 498 w/SA 1 - CORDREY, SHARP, MCDOWELL; REPRESENTATIVES GEORGE, CAIN - H/ADM: An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Reapportionment of the State Legislative Districts.

SB 499 w/SA 1 - ZIMMERMAN, CORDREY, MCDOWELL, NEAL, BAIR, CONNOR, MCBRIDE, ADAMS, SHARP, TORBERT, CITRO, LITTLETON, ARNOLD, VAUGHN; REPRESENTATIVES BENNETT, DIXON, BARNES, EDWARDS, HARRINGTON - R&F: An Act to Amend Subchapter VII, Chapter 11, Title 30, Delaware Code, Relating to Withholding of Tax by Employers.

SB 508 - ADAMS, CORDREY; REPRESENTATIVES POWELL, MCKAY - R&F: An Act to Amend Title 5 of the Delaware Code Relating to Bank Branches.

SJR 31 - MCDOWELL, TORBERT, MARSHALL, BAIR, CONNOR; REPRESENTATIVES SMITH, BARNES, SOLES, JONKIERT - H/ADM: Relating to the Extension of the Final Report of the Delaware Sunset Committee.

SCR 112 - MCBRIDE; REPRESENTATIVES MINNER, ANDERSON, BENNETT, CAIN, CAMPANELLI, CORDREY, DARLING, DIXON, GEORGE, GILLIGAN, HOLLOWAY, JESTER, JONKIERT, PLANT, SOLES, WEST; SENATORS ADAMS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCDOWELL, SHARP, TORBERT, VAUGHN, ZIMMERMAN - NR/AGRI: Requesting President Reagan to Abandon the Concept of an Annual Fee for Fishermen and Recreational Boaters.

\* HB 100 w/HA 1; SA 1,2,3,4,5,6 - PETRILLI, MCKAY - H/ADM: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing for the Granting of Monetary Awards for Suggestions That Result in Financial or Economic Benefit to the State of Delaware.

\*Returned from Senate with Amendments.

The Reading Clerk read the following communications into the record:

May 3, 1982

The Honorable Charles Hebner  
Speaker of the House  
Legislative Hall  
Dover, DE 19901  
Dear Mr. Speaker:

Please express to all the members of the House my gratitude and appreciation for Concurrent Resolution No. 108 citing me for my work with the crime victim's restitution fund.

I'm happy to report that the restitution account is now current and all old monies have been disbursed.

Your thoughtfulness encourages me to continue to work hard for the citizens of Kent County and Delaware.

Sincerely,  
Emily G. Morris  
Prothonotary

EGM:sbb

April 30, 1982

To the House of Representatives  
of the 131st General Assembly  
of the State of Delaware

I am returning without my signature House Bill No. 289, as amended by House Amendment No. 1, which I received on April 20, 1982 and which is entitled as follows:

"AN ACT TO AMEND SECTION 6503, CHAPTER 65, TITLE 25, OF THE  
DELAWARE CODE WITH REFERENCE TO LANDLORD-TENANT  
RELATIONSHIPS; PROVIDING FOR THE CREATION OF RENTAL UNITS FOR  
THE EXCLUSIVE USE OF SENIOR CITIZENS."

The bill has a laudable purpose: to provide housing for the State's senior citizens by permitting landlords to reserve units for rental to senior citizens.

Under the bill, the landlord would be permitted to set aside units for senior citizens notwithstanding the provisions of Delaware law prohibiting discrimination in rentals for reasons of race, creed, color, sex, national origin, age or occupation, or because the tenant has a child or children.

The problem with the bill is that it provides a procedure whereby unscrupulous landlords may avoid the non-discrimination provisions of Delaware law simply by designating and registering units as reserved for senior citizens. There is no mechanism to assure that a landlord in fact rents such units to senior citizens; moreover, there is no assurance that such units would be available to senior citizens on a non-discriminatory basis, since these requirements of the Code would no longer apply.

At a time when many segments of our population are having difficulty finding adequate available housing, I believe it would be unwise to retreat from the broad guarantees of present law that housing should be equally available to all.

Respectfully submitted,  
Pierre S. du Pont, IV  
Governor

Attachment  
PSduP/BRR/r

April 30, 1982

To the House of Representatives  
of the 131st General Assembly  
of the State of Delaware

On April 20, 1982, I received House Bill No. 335, which is entitled:

"AN ACT TO AMEND CHAPTER 93, TITLE 10 OF THE DELAWARE CODE  
RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE  
COURT."

Because of a technical flaw in the bill, I am returning it without my signature.

The bill increases the civil jurisdiction of the Justice of the Peace Courts in contract actions from \$1,500 to \$2,500. However, the bill fails to amend two additional sections of the Code which deal with jurisdiction in actions in trespass, replevin and detinue.

Thus, should I sign House Bill No. 335 the result would be that the required jurisdictional amounts would vary, depending on the nature of the action brought, a situation which would create great confusion. Because I believe that the jurisdictional level should be uniform for all actions brought in the Justice of the Peace Courts, I am returning House Bill No. 335 without my signature.

Respectfully submitted,  
Pierre S. du Pont, IV  
Governor

Attachment  
PSduP/BRR/r

May 4, 1982

Dear Former House Member:

From time to time we have been pleasantly surprised to have former House Members visit us during session. Old acquaintances are renewed and old stories are re-told. At such times it becomes obvious that the bonds of fellowship and common experience that unite us are stronger than those party affiliations that might divide us.

With that in mind, I am setting aside Thursday, May 20, 1982, as an informal House Alumni Day, in hopes that as many of you as possible might be able to visit with us.

While there will be no great hoopla or ceremony, it could give all Representatives - past and present - a renewed appreciation of our elective system of government and the honor bestowed upon us by our neighbors.

The informal proceedings will begin in the House Chamber with a special showing of a newly produced film, "Count-Down for Delaware Natural Areas", from the Delaware Nature Center.

We will go into session at 1:30 p.m. and from there on things will be just as confused and hectic as they were when you were a member. Contrary to rumor, I will not force all Democrats to sit in the gallery.

We hope to arrange a meeting for you all with the Governor and provide a briefing by leaders of each caucus.

Those of you who can go the distance should feel free to join us at the Gold Key following the session - as usual.

Hope to see you on the 20th and until then you have...

the very best regards of,  
Charles L. Hebner  
Speaker of the House

CLH:kwm

Enclosure

cc: Present Members of the House

Representative Cathcart requested that HB 665 be stricken.

Representative Burris moved to recess for caucus at 2:32 p.m.

The House reconvened at 4:42 p.m.

Representative Jester brought SB 353, jointly sponsored by Senators Vaughn, Sharp, Cook & Hughes, before the House for consideration.

SB 353 - An Act to Authorize and Empower the Governor and Commissioner of Corrections to Transfer Certain Lands Situated in Blackbird Hundred, New Castle County, State of Delaware, to the Veteran Affairs Commission for the Purpose of Establishing a Veterans Cemetery.

Representative Jester brought HA 1 to SB 353 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to recess at 4:45 p.m.

The House reconvened at 4:48 p.m.

Representative Jester moved to place SB 353 w/HA 1 on the Speaker's table. Representative Jester withdrew the motion.

Representative Burris brought HA 2 to SB 353 before the House for consideration.

Representative Jester requested and was granted the privilege of the floor for Senator James T. Vaughn.

Representative Jester moved to place SB 353 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris introduced HCR 148.

HCR 148 - Mourning the Death of James Dominic Fallon, Jr., of Seaford, Husband of Representative Evelyn K. (Tina) Fallon, and a 1958 Fulbright Scholar.

Representative Burris moved to place HA 2 to SB 353 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Cain rose on a point of order.

HCR 148 was adopted by voice vote and sent to the Senate for concurrence.

Representative Derrickson brought HB 615, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 615 - An Act to Amend Chapter 212, Volume 25, Laws of Delaware, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds" as Amended, by Increasing the Amount Which the Town of Bethany Beach May Raise by Taxation of Assessable Real Estate. (2/3 bill)

The roll call on HB 615 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 33.

NO: Representatives Cain, Mack - 2.

NOT VOTING: Representatives Gilligan, Petrilli - 2.

ABSENT: Representatives Campanelli, Corrozi, Fallon, Sincok - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 615 was sent to the Senate for concurrence.

Representative Harrington introduced HCR 149, jointly sponsored by Representatives Riddagh, Bennett, Minner, Buckworth & Darling & Senators Cook, Zimmerman & Torbert.

HCR 149 - Congratulating the Robbins Hose Company for Serving Dover and Delaware in the Best Spirit of Voluntarism for 100 Years.

Representative Harrington rose on a point of order.

Representative Harrington moved to suspend the rules which interfere with introduction of and action on HCR 149. The motion was properly seconded and adopted by voice vote.

HCR 149 was adopted by voice vote and sent to the Senate for concurrence.

Representative Roy moved to lift HB 426 w/HA 1 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Roy brought HB 426 w/HA 1 before the House for consideration.

HB 426 - An Act to Amend Chapter 37, Title 10 of the Delaware Code Relating to Wrongful Death Actions.

Representative Jonkiert requested and was granted the privilege of the floor for Attorney Clifford B. Hearn representing American Insurance Association.

Representative Derrickson rose on a point of order.

Representative Burris moved to recess to the call of the Chair at 6:01 p.m.

21st LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 5, 1982

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

Representative Burris moved to place HB 426 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney introduced and brought HCR 153 before the House for consideration.

HCR 153 - Welcoming Bert the Bookworm to the 131st General Assembly to Sell His Special Library Program for Summer 82.

HCR 153 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Fallon - 1.

A prayer was offered by Representative Donald J. Van Sciver, Sixteenth District.

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

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

The following prefiled legislation was introduced:

HB 682 - ROY, SMITH, OBERLE, CATHCART, SPENCE, BURRIS, BENNETT, DIXON; SENATOR HUGHES - NR/AGRI: An Act to Amend §6059 (3), Title 7, Delaware Code, Permitting the Sale of Beverages in Nonrefillable Glass Beverage Containers.

HB 683 - MACK, RIDDAGH - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Right to Trial by Jury in the Court of Common Pleas and Superior Court.

HB 684 - ENNIS, EDWARDS, VAN SCIVER, ROY, CATHCART, FREE, MACK, GILLIGAN, DIXON - ADM/S: An Act to Amend Title 24 of the Delaware Code by Creating a New Chapter 39 Pertaining to the Licensing, Surety Bonding, and Contract Requirements for Health Studios.

HB 685 - ROY, BURRIS; SENATOR MARTIN - ADM/S: An Act to Amend Title 21, Chapter 21 and Chapter 45, Delaware Code, Relating to Registration of Vehicles and Special Permit Fees for Size and Weight of Vehicles. (3/5 bill)

HB 686 - POWELL, BURRIS, HEBNER, SINCOCK, GEORGE, MINNER; SENATORS COOK, CORDREY, KNOX, BERNDT, CONNOR - R&F: An Act to Amend Chapter 83, Title 29, Delaware Code, to Designate the Secretary of Finance as an Ex-Officio Member of the Board of Pension Trustees in Place of the Budget Director.

HR 179 - CAMPANELLI - R&F: Requesting the State Insurance Commissioner to Approve the Workers' Compensation Plan Recommended by the Bituminous Insurance Companies of Illinois Which Provides Discounts up to 25 Percent.

HR 180 - BURRIS, PETRILLI - H/ADM: In Reference to Compensation Rate for the Majority Attorney.

HCR 150 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - APPRO: Providing for the Disclosure of the Total Income and Assets of the University of Delaware to the Joint Finance Committee in Order to Evaluate the Need for Appropriation Increases Requested by the University of Delaware.

HA 1 to HB 429 - BENNETT - Placed with the bill. (Ready List)

HA 1 to HB 489 - BENNETT - R&F: Placed with the bill.

HA 2 to HB 513 - HARRINGTON - JUD: Placed with the bill.

SB 355 - BERNDT - JUD: An Act to Amend Chapter 23, Title 12, of the Delaware Code Relating to Decedents Estates Providing for Administration of Small Estates and Claims for Allowances of a Surviving Spouse.

SB 356 - BERNDT - JUD: An Act to Amend Chapter 15, Title 12 of the Delaware Code Relating to the Requirement of a Bond for a Personal Representative of a Decedent.

SB 492 - ADAMS, VAUGHN; REPRESENTATIVE BARNES - ADM/S: An Act to Amend Chapter 41, Title 21, of the Delaware Code Relating to Failure to Stop at the Command of a Police Officer.

SB 493 w/SA 1 - ADAMS, VAUGHN; REPRESENTATIVE BARNES - ADM/S: An Act to Amend Chapter 2, Title 11, of the Delaware Code Relating to the Definition of the Term "Firearm".

SB 494 - ADAMS, VAUGHN; REPRESENTATIVE BARNES - ADM/S: An Act to Amend Chapter 5, Title 11, of the Delaware Code Relating to Receiving a Stolen Firearm.

SB 495 - ADAMS, VAUGHN; REPRESENTATIVE BARNES - ADM/S: An Act to Amend Chapter 5, Title 11, of the Delaware Code Relating to Theft of a Firearm.

SB 496 - ADAMS, VAUGHN; REPRESENTATIVE BARNES - ADM/S: An Act to Amend Chapter 42, Title 21, of the Delaware Code Relating to Leaving the Scene of a Personal Injury Accident.

SB 502 - MCDOWELL; REPRESENTATIVE BRADY - JUD: An Act to Amend Chapter 59 of Title 29, Delaware Code by Providing for the Assignment of Retired Justices and State Judges to Active Duty.

HA 1 to SS 1 for SB 8 - RIDDAGH - Placed with the bill. (L.O.T.)

HA 1 to SB 388 - SINCOCK, DERRICKSON - ED: Placed with the bill.

Representative Buckworth introduced and brought HR 181 before the House for consideration.

HR 181 - Celebrating Eddie Knight Day in Honor of a Former Member of the House of Representatives.

HR 181 was adopted by voice vote.

Representative Burris moved to recess for committee meetings at 2:37 p.m.

The House reconvened at 3:21 p.m.

Representative Riddagh moved to restore HB 521 w/HA 1. The motion was seconded by Representative Sincoc.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Dixon, Edwards, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, West - 13.

ABSENT: Representatives Derrickson, Ennis, Fallon, Powell - 4.

Therefore, having received a constitutional majority, the motion was adopted and HB 521 w/HA 1 was restored.

HB 521 - An Act Proposing an Amendment to Article III, Section 19 of the Constitution of the State of Delaware Relating to the Qualifications and Duties of the Lieutenant Governor. (2/3 bill)

Representative McKay moved to place HB 521 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Harrington brought HB 369 w/SA 1 before the House for consideration.

HB 369 - An Act to Amend Chapter 39 of Title 18 of the Delaware Code Relating to Casualty Insurance Contracts.

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

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Ennis, Fallon, Free, Powell - 5.

Therefore, having received a constitutional majority, HB 369 w/SA 1 was sent to the Governor.

The following prefilled Consent Calendar was introduced:

HR 174 - MARONEY - Calling Attention to the First National Organ Donation Week, April 26-30, 1982.

HR 175 - HARRINGTON - Calling Attention to Marketing Research Week May 17 Through 22, 1982.

HR 176 - MACK - Extending Congratulations to Chad Hall of Delaware City on Being Elevated to the Rank of Eagle Scout.

HR 177 - MACK, GILLIGAN - Extending Congratulations to Paul Toro of Wilmington, Delaware on His Elevation to the Rank of Eagle Scout.

HR 178 - BARNES - Congratulating Valerie Shahan, of Farmington, the First Young Woman to be Elected President of the Delaware Chapter of Future Farmers of America.

HCN 145 - BENNETT, BUCKWORTH; SENATOR TORBERT - Mourning the Death of Mattie Walls Brown, of Wyoming, Delaware Mother of the Year in 1951.

HCN 146 - SMITH, MARONEY; SENATOR HOLLOWAY - Congratulating Charles E. Marvil, of Green Acres, on His Selection as State Social Worker of the Year.

HCN 147 - BENNETT; SENATOR TORBERT - Congratulating Franklin B. (Frank) Shakespeare, Ellis D. Taylor, John J. Tosi, Sr., Charles A. (Chip Marshall) Marchlewicz, the Rev. James V. O'Neill, Clifford E. Garvine and Frank L. Coveleski Upon Their Election to the Delaware Sports Hall of Fame.

HCN 151 - SINCOCK; SENATOR BERNDT - Congratulating Josh W. McDonald, of Fairfax, a National Winner in the Veterans of Foreign Wars' Voice of Democracy Contest.

HCN 152 - SOLES, WEST - Commemorating the Death One Year Ago of Mary Elizabeth Houde and Commending Her Efforts as a Hall Director in Service to the University of Delaware.

SCR 113 - ALL SENATORS & ALL REPRESENTATIVES - Commending the Student and Community Award Winners at the Distributive Education Clubs of American 1982 Career Development Conference.

SCR 114 - ZIMMERMAN; REPRESENTATIVE HARRINGTON - Proclaiming the Week of May 10 to May 16 as "Small Business Week".

SCR 115 - VAUGHN; REPRESENTATIVES JESTER, ANDERSON - Expressing Condolences Upon Learning of the Death of B. Walter Johnson, Former Member of the House of Representatives and the Senate.

SCR 116 - ZIMMERMAN, TORBERT, BERNDT; REPRESENTATIVE BENNETT - Mourning the Death of Mary W. Hearn, of Dover, Principal of the Towne Point Elementary School.

SCR 117 - HOLLOWAY, BERNDT - Requesting the President and the Congress Not to Impose an Import Fee on Foreign Oil.

Representative Smith requested that SCR 117 be removed from Consent Calendar #36.

Mr. Speaker assigned SCR 117 to the Natural Resources & Agriculture Committee.

Consent Calendar #36 was adopted by voice vote and HCN 145, HCN 146, HCN 147, HCN 151 & HCN 152 were sent to the Senate for concurrence and SCR 113, SCR 114, SCR 115 & SCR 116 were returned to the Senate.

Representative Burris moved to lift HB 426 w/HA 1 from the Speaker's table for the purpose of adding it to the Agenda for Thursday, May 6, 1982.

Representative Petrilli moved to suspend the rules which interfere with action on SCR 117. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought SCR 117, sponsored by Senators Holloway & Berndt, before the House for consideration.

SCR 117 - Requesting the President and the Congress Not to Impose an Import Fee on Foreign Oil.

Representative Minner rose on a point of order.

Representative Petrilli moved to place SCR 117 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.  
Representative Burris moved to recess to the call of the Chair at 5:50 p.m.

22nd LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 6, 1982

The Speaker called the House to order at 1:47 p.m.  
The Reading Clerk read the following Committee Reports into the record:  
NR/AGRI: HB 682 - 3F,1M; HB 655 - 5F; HCR 134 - 3F,1M; HB 651 - 4F.  
H/SS: HB 617 - 4M; HB 515 - 3M; HB 662 - 3M,1UF; HB 416 - 4M.  
H/ADM: HR 180 - 5M; SJR 31 - 2F,2M; HB 100 w/HA 1; SA 1,2,3,4,5,6 - 5M; HB 677 - 3F,2M.  
ED: HB 552 - 4M.  
ADM/S: HB 626 - 1F,3M.  
Mr. Speaker Hebner declared a recess at 1:51 p.m.  
The House reconvened at 1:53 p.m.  
The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m.  
The Chief Clerk called the roll.  
Members Present: 39.  
Members Absent: Representatives Brady, Fallon - 2.  
A prayer was offered by Representative Gwynne P. Smith, Tenth District.  
The Speaker led those present in a pledge of allegiance to the Flag.  
The following prefiled legislation was introduced:  
HB 687 - FREE, MARONEY, SMITH, VAN SCIVER, BUCKWORTH, SOLES, DIXON, JESTER; SENATORS NEAL, TORBERT - H/SS: An Act to Amend Chapter 74, Title 16, Delaware Code Relating to Regulations of the Use of Ionizing Radiation.  
HB 688 - CATHCART - ADM/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special License Plates for Towed Vehicles. (3/5 bill)  
HB 689 - OBERLE - ADM/S: An Act Amending Title 17 of the Delaware Code Relating to the Maintenance of Abandoned Automotive Service Stations. (2/3 bill)  
HB 690 - MINNER; REPRESENTATIVES BURRIS, ROY, BUCKWORTH - ADM/S: An Act to Amend Chapter 5, Title 5 of the Delaware Code Relating to Off-Premises Sales Licenses for Clubs and Multiple Activity Clubs.  
HB 691 - JESTER, MINNER, MARONEY, EDWARDS; SENATORS MCDOWELL, BERNDT, KNOX - H/SS: An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Mandatory Continuing Education for Psychologists as a Prerequisite for License Renewal.  
HB 692 - RIDDAGH - JUD: An Act to Amend Chapter 7, Part I, Title 7 of the Delaware Code Relating to Trespassing on Real Property for the Purpose of Fishing, Hunting, or Trapping.  
HB 693 - BARNES, BUCKWORTH, BURRIS, RIDDAGH, HARRINGTON, ENNIS, MINNER. DARLING; SENATORS ADAMS, LITTLETON - R&F: An Act to Amend Chapters 21, 23 and 29 of Title 30 of the Delaware Code to Provide for Licensing and Gross Receipts Taxation of Nurseries as Farms, Retailers, or Wholesalers, as Applicable, and to Make Related Changes. (3/5 bill)  
HA 2 to HB 426 - FREE - Placed with the bill. (L.O.T.)  
HA 3 to HB 426 - DERRICKSON, BENNETT - Placed with the bill. (L.O.T.)  
HA 1 to HB 555 - RIDDAGH - Placed with the bill. (Agenda)  
HA 1 to HB 556 - RIDDAGH - Placed with the bill. (Agenda)  
HA 1 to HB 596 - BARNES - R&F: Placed with the bill.  
HA 1 to HB 643 - VAN SCIVER - ED: Placed with the bill.  
HA 1 to HB 679 - CAMPANELLI - ADM/S: Placed with the bill.  
HA 3 to SB 353 - BURRIS - Placed with the bill. (L.O.T.)  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SCR 118, HCR 153, HCR 148, HCR 149, SB 355, SB 356, SCR 117, SB 502, SB 495, SB 494, SB 492, SB 496, SB 493 w/SA 1.  
April 12, 1982

LEGISLATIVE ADVISORY #31

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/2/82 - HB 313 aab HA 2, HA 1 to HA 2 & HA 3; 4/6/82 - HB 345 aab SA 1, SB 337, SS 1 for SB 466; 4/8/82 - HB 353 aab HA 1, HA 1 to HA 1, HA 2, 3, 4, 9 & SA 3.

The following are Constitutional Amendments and do not require the Governor's signature: SB 182, SB 399.  
April 21, 1982

LEGISLATIVE ADVISORY #32

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on April 15, 1982: HB 232, HB 291 aab HA 1; HB 332 aab HA 1; HB 506 aab HA 1 & HA 2; HB 590, HB 601 aab SA 1; SB 194 aab SA 1; SB 239.  
The Governor vetoed the following legislation on April 16, 1982: SB 132.

April 22, 1982

LEGISLATIVE ADVISORY #33

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on April 20, 1982: HB 61 aab HA 1 & HA 2; HB 95, HB 398, HB 507 aab HA 1, HA 2 & HA 3; HB 522 aab HA 1; HB 523 aab HA 1; SB 266, SB 394, SS 1 for SB 500.

The following is a resolution and the Governor signed it on April 20, 1982: SJR 28 aab SA 1.

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

Representative Roy moved to lift HB 426 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought HB 426 w/HA 1 before the House for consideration.

HB 426 - An Act to Amend Chapter 37, Title 10 of the Delaware Code Relating to Wrongful Death Actions.

Representative Free brought HA 2 to HB 426 before the House for consideration. Representative Free moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Derrickson brought HA 3 to HB 426, jointly sponsored by Representative Bennett, before the House for consideration. Representative Derrickson moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Roy brought HA 4 to HB 426 before the House for consideration. Representative Oberle moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Roy brought HA 5 to HB 426 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Mr. Harold Schmittinger & Mr. John Babiarz, Jr. representing Delaware Trial Lawyers Association.

Representative Roy moved to place HA 5 to HB 426 on the Speaker's table. The motion was seconded by Representative Derrickson and adopted by voice vote.

Representative Derrickson moved to lift HA 3 to HB 426 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Mr. Harold Schmittinger & Mr. John Babiarz, Jr. representing Delaware Trial Lawyers Association.

The roll call on HA 3 to HB 426 was taken and revealed:

YES: Representatives Bennett, Cain, Derrickson, Ennis, Free, George, Harrington, Maroney, McKay, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Mr. Speaker Hebner - 16.

NO: Representatives Anderson, Barnes, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Gilligan, Jester, Jonkiert, Mack, Minner, Oberle, Roy, Soles, West - 18.

ABSENT: Representatives Brady, Burris, Edwards, Fallon, Holloway, Plant, Van Sciver - 7.

Therefore, not having received a constitutional majority, HA 3 to HB 426 was declared defeated.

Representative Roy moved to lift HA 5 to HB 426 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

The roll call on HA 5 to HB 426 was taken and revealed:

YES: Representatives Barnes, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, West, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Jonkiert, Sincok - 4.

ABSENT: Representatives Brady, Burris, Cain, Derrickson, Fallon, Holloway, Maroney, Plant, Van Sciver - 9.

Therefore, having received a constitutional majority, HA 5 to HB 426 was adopted.

Representative Roy moved to lift HA 4 to HB 426 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote. HA 4 was adopted by voice vote.

Representative Roy brought HA 1 to HA 1 to HB 426 before the House for consideration.

Representative Roy requested that HA 1 to HA 1 to HB 426 be stricken.

Mr. Speaker Hebner ruled that HA 1 to HB 426 can be amended.

Representative Roy requested that HA 1 to HA 1 to HB 426 be restored.

Representative Jonkiert rose on a point of order.

HA 1 to HA 1 to HB 426 was adopted by voice vote.

The roll call on HB 426 w/HA 1 w/HA 1, HA 4, HA 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 31.

NO: Representatives Derrickson, McKay - 2.

NOT VOTING: Representatives Ennis, Free, Sincok - 3.

ABSENT: Representatives Brady, Burris, Fallon, Holloway, Maroney - 5.

Therefore, having received a constitutional majority, HB 426 w/HA 1 w/HA 1, HA 4 & HA 5 was sent to the Senate for concurrence.

Representative Smith brought SB 318, jointly sponsored by Senator Zimmerman, before the House for consideration.

SB 318 - An Act to Amend Chapter 73, Title 7 of the Delaware Code to Specify Terms of Office for the Members of the Delaware Natural Areas Advisory Council.

The roll call on SB 318 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 32.

ABSENT: Representatives Brady, Burris, Campanelli, Edwards, Fallon, Gilligan, Holloway, Maroney, Roy - 9.

Therefore, having received a constitutional majority, SB 318 was returned to the Senate.

Representative Ennis requested that action on HB 282 be deferred to a Day Certain, Wednesday, May 12, 1982.

Representative Ennis brought HB 290, jointly sponsored by Representatives Hebner & Smith & Senators Bair, & Berndt, before the House for consideration.

HB 290 - An Act to Amend Section 4403, Chapter 44, Title 6, Delaware Code Pertaining to Home Solicitation Sales, by Extending the Application of That Act to Transactions Consummated at Transient Places of Business.

Representative Ennis requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 290 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Burris, Edwards, Fallon, Holloway, Maroney - 6.

Therefore, having received a constitutional majority, HB 290 was sent to the Senate for concurrence.

Representative Barnes brought HB 310 before the House for consideration.

HB 310 - An Act to Amend Chapter 71, Title 14, Delaware Code Relating to Free Public Libraries.

The roll call on HB 310 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Burris, Edwards, Fallon, Holloway, Maroney - 6.

Therefore, having received a constitutional majority, HB 310 was sent to the Senate for concurrence.

Representative Cathcart brought HB 339, jointly sponsored by Representatives Roy, Spence & Mack, Plant & Senators Citro & Connor, before the House for consideration.

HB 339 - An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Grounds for the Alcoholic Beverage Control Commission to Grant a License.

Representative Cathcart brought HA 1 to HB 339 before the House for consideration. HA 1 was adopted by voice vote.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Al O. Plant, Sr., do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 339.

Date: 5/6/82.

Signed: Al O. Plant, Sr.

The roll call on HB 339 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 32.

NO: Representatives Campanelli, George, Jester, Plant - 4.

ABSENT: Representatives Brady, Burris, Edwards, Fallon, Holloway - 5.

Therefore, having received a constitutional majority, HB 339 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought HB 351, jointly sponsored by Representative Fallon, before the House for consideration.

HB 351 - An Act to Amend Chapter 13, Title 14 of the Delaware Code, With Reference to the Assignment of Administrative Units.

Representative Petrilli moved to place HB 351 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Buckworth brought HB 496, jointly sponsored by Representatives Harrington & Riddagh & Senators Knox & Arnold, before the House for consideration.

HB 496 - An Act to Amend Chapter 55, Title 15, Delaware Code, Relating to Absentee Voting.

Representative Buckworth brought HA 1 to HB 496 before the House for consideration.

Representative George requested and was granted the privilege of the floor for House Attorney Robert Aulgur.

HA 1 was adopted by voice vote.

The roll call on HB 496 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Barnes, Brady, Fallon, Holloway, Petrilli - 5.

Therefore, having received a constitutional majority, HB 496 w/HA 1 was sent to the Senate for concurrence.

Representative Smith moved to suspend all rules which interfere with action on SJR 31. The motion was properly seconded and adopted by voice vote.

Representative Smith brought SJR 31, jointly sponsored by Senators McDowell, Torbert, Marshall, Bair & Connor & Representatives Barnes, Soles & Jonkiert, before the House for consideration.

SJR 31 - Relating to the Extension of the Final Report of the Delaware Sunset Committee.

The roll call on SJR 31 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Buckworth, Derrickson, Fallon, Holloway, Petrilli - 6.

Therefore, having received a constitutional majority, SJR 31 was returned to the Senate.

Mr. Speaker Hebner declared a recess at 4:25 p.m. for the purpose of changing the recording tape.

The House reconvened at 4:28 p.m.

Representative Burris introduced HB 694, jointly sponsored by Representative Dixon & Senators Berndt & Zimmerman.

HB 694 - An Act to Amend Chapter 60, Title 7 of the Delaware Code, Being Volume 61, Chapter 503, Laws of Delaware, Relating to the Reclamation and Recycling of Beverage Containers.

Mr. Speaker assigned HB 694 to the Natural Resources & Agriculture Committee.

Mr. Speaker re-assigned HB 692 to the Natural Resources & Agriculture Committee.

Representative Burris moved to recess at 4:32 p.m.

The House reconvened at 4:34 p.m.

Representative Riddagh moved to suspend the rules which interfere with action on SB 502. The motion was properly seconded and adopted by voice vote.

Representative Riddagh brought SB 502, sponsored by Senator McDowell & Representative Brady, before the House for consideration.

SB 502 - An Act to Amend Chapter 59 of Title 29, Delaware Code by Providing for the Assignment of Retired Justices and State Judges to Active Duty.

Representative Burris moved to place SB 502 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Free requested that HB 618 be stricken.

Representative Burris moved to recess to the call of the Chair at 4:54 p.m.

23rd LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 11, 1982

The Speaker called the House to order at 1:48 p.m.

The Reading Clerk read the following Committee Reports into the record:

R&F: HB 443 - 2F,3M; HS 1 for HB 473 - 1F,5M; HB 585 - 2F,4M; HB 600 - 2F,4M; HB 630 - 2F,4M; HB 631 - 2F,4M; HB 632 - 2F,4M; HB 633 - 2F,4M; HB 634 - 2F,4M; HB 635 - 2F,4M; HB 637 - 2F,4M; HB 638 - 2F,4M; HB 639 - 2F,4M; HB 641 - 2F,4M; SB 508 - 2F,4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 386 w/SA 1,2,3,4,5,6,7,8,10,11; HB 414 w/HA 1; HB 458, SCR 119, HCR 145, HCR 146, HCR 147, HCR 151, HCR 152.

May 3, 1982

LEGISLATIVE ADVISORY #34

FROM: Office of Counsel to the Governor

The Governor signed the following legislation April 30, 1982 - HB 274 aab HA 1; HB 334 aab HA 1; HB 428, HB 533 aab HA 1, HA 1 to HA 1, HA 2, HA 3 & HA 4.

The Governor vetoed the following legislation April 30, 1982 - HB 289 aab HA 1; HB 335.

The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Brady, Fallon, Holloway - 3.

A prayer was offered by Representative John P. McKay, Thirteenth District.

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

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

The following prefiled legislation was introduced:

HB 695 - RIDDAGH; SENATOR SHARP; REPRESENTATIVES BARNES, BUCKWORTH, CATHCART, EDWARDS, ENNIS, HARRINGTON, MACK, OBERLE, SPENCE, WEST, CAMPANELLI, DARLING, DIXON, JONKIERT, MINNER; SENATORS MARSHALL, MCBRIDE, TORBERT, VAUGHN, ARNOLD, BAIR, CITRO, HUGHES, LITTLETON - JUD: An Act to Amend Chapter 4, Part 1, Title 11 of the Delaware Code Relating to Criminal Liability of the Owner or Legal Occupant of a Dwelling for Injuries to an Unlawful Intruder.

HB 696 - DERRICKSON - JUD: An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Criminal Offenses and Penalties - Alcoholic Liquors.

HB 697 - BUCKWORTH, DIXON, MACK, SPENCE, FREE, BARNES, ENNIS, CATHCART - R&F: An Act to Amend Title 18, Section 2503 of the Delaware Code Requiring Insurers to Provide Reductions in Motor Vehicle Insurance Premium Rates for Drivers Completing a Motor Vehicle Accident Prevention Course.

HB 698 - JESTER; SENATOR VAUGHN - H/ADM: An Act to Amend Title 14 of the Delaware Code Relating to Polling Places in School District Elections.

HB 699 - PLANT - ED: An Act to Amend Chapter 51, Title 14, Delaware Code, Relating to the Release of the Annual Audit Report of the University of Delaware.

HA 2 to HB 283 - ENNIS - Placed with the bill. (Ready List)

HA 9 to HB 425 - ENNIS - Placed with the bill. (L.O.T.)

HA 8 to HB 557 - DERRICKSON - Placed with the bill. (Ready List)

HA 1 to HB 609 - OBERLE - ADM/S: Placed with the bill.

SB 386 w/SA 1,2,3,4,5,6,7,8,10,11 - TORBERT; REPRESENTATIVE BENNETT - H/ADM: An Act to Amend Title 29, Delaware Code, to Require Financial Disclosure for Certain State Officials and Employees of the Legislative, Executive, and Judicial Branches of Government.

HA 2 to SB 388 - SINCOCK, DERRICKSON - ED: Placed with the bill.

Representative Mack brought HB 376, jointly sponsored by Representatives Catheart, Ennis, Spence, Sincock, Petrilli, Powell, Soles, Riddagh, Brady, Roy, Maroney, Plant, Corrozi, Cordrey, Free, Cain, West, Van Seiver, Dixon & McKay, before the House for consideration.

HB 376 - An Act Proposing an Amendment to the Constitution of 1897 of the State of Delaware as Amended by Adding a New Section 11 to Article XV Incorporating Therein the Grant of Home Rule Power Previously Given to New Castle County by Statute. (2/3 bill)

Representative Mack moved to place HB 376 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to recess for caucus at 2:08 p.m.

The House reconvened at 3:55 p.m.

Representative Jester moved to lift SB 353 w/HA 1 from the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Jester brought SB 353 w/HA 1, jointly sponsored by Senators Vaughn, Sharp, Cook & Hughes, before the House for consideration.

SB 353 - An Act to Authorize and Empower the Governor and Commissioner of Corrections to Transfer Certain Lands Situated in Blackbird Hundred, New Castle County, State of Delaware, to the Veteran Affairs Commission for the Purpose of Establishing a Veterans Cemetery.

Representative Burris requested that HA 2 to SB 353 be stricken.

Representative Burris brought HA 3 to SB 353 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for Corrections Commissioner John L. Sullivan.

Representative Jester requested and was granted the privilege of the floor for Mr. Reese Phillips, Chairman of the Veterans Affairs Committee of Delaware.

The roll call on HA 3 to SB 353 was taken and revealed:

YES: Representatives Burris, Catheart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cordrey, Darling, Dixon, George, Jester, Minner, Soles, West - 14.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Brady, Fallon, Gilligan, Holloway - 4.

Therefore, having received a constitutional majority, HA 3 to SB 353 was adopted.

The roll call on SB 353 w/HA 1,3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Catheart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Fallon, Gilligan, Holloway, Roy - 5.

Therefore, having received a constitutional majority, SB 353 w/HA 1,3 was returned to the Senate for concurrence on the Amendments.

Representative Burris moved to recess to the call of the Chair at 5:20 p.m.

#### 24th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

#### Second Session

May 12, 1982

The Speaker called the House to order at 1:55 p.m.

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the previous legislative day. The House reconvened at 1:57 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon, Holloway - 2.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

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

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

The following prefiled legislation was introduced:

HB 700 - EDWARDS, BUCKWORTH, DIXON, JESTER, JONKIERT; SENATORS HUGHES, KNOX, VAUGHN - ADM/S: An Act to Amend Chapter 85, Title 29 of the Delaware Code to Provide for Reimbursement of Out-of-Pocket Expenses for Members Attending Meetings of the Governor's Council on Labor.

HR 701 - EDWARDS, BUCKWORTH, DIXON, HARRINGTON, JESTER, JONKIERT; SENATORS HUGHES, KNOX, VAUGHN - ADM/S: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Hearings of the Industrial Accident Board; Notice of Awards.

HB 702 - EDWARDS, BUCKWORTH, DIXON, HARRINGTON, JONKIERT; SENATORS HUGHES, KNOX, VAUGHN - R&F: An Act to Amend Chapter 23, Title 19 of the Delaware Code to Increase the Amount Paid by Insurance Carriers and Employers Who are Self-Insurers Into the Industrial Accident Board Second Injury and Contingency Fund.

HB 703 - EDWARDS, BUCKWORTH, DIXON, HARRINGTON, JONKIERT; SENATORS HUGHES, KNOX, VAUGHN - ADM/S: An Act to Amend Chapter 58A, Title 29 of the Delaware Code to Permit State Agencies to Enter Into Certain Professional Service Contracts Without Competitive Bidding.

HB 704 - EDWARDS, BUCKWORTH, DIXON, HARRINGTON, JESTER, JONKIERT; SENATORS HUGHES, KNOX, VAUGHN - R&F: An Act to Amend Chapter 21, Title 19 of the Delaware Code Relating to Deposits to the General Fund.

HB 705 - BENNETT, BUCKWORTH, EDWARDS, HARRINGTON, JESTER; SENATORS HUGHES, KNOX - R&F: An Act to Amend Chapter 33 of Title 19, Delaware Code Relating to Unemployment Compensation.

HB 706 - CAMPANELLI - H/ADM: An Act to Amend Chapter 45, Title 15 of the Delaware Code Relating to Polling Places in Private Residences.

HA 2 to HB 556 - RIDDAGH - Placed with the bill. (Agenda)

HA 1 to HB 576 - BENNETT - Placed with the bill. (Ready List)

SB 497 - VAUGHN; REPRESENTATIVE JESTER - H/ADM: An Act to Amend Chapter 128 of Volume 33, Laws of Delaware Relating to Increasing the Number of Members Who Serve on the Board of Health. (2/3 bill)

SB 509 w/SA 1 - MARSHALL, MCDOWELL, CONNOR, CITRO; REPRESENTATIVES JONKIERT, RIDDAGH - JUD: An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to a Special Law Enforcement Assistance Fund.

SB 510 - MARSHALL, TORBERT, CONNOR, CITRO; REPRESENTATIVES JONKIERT, RIDDAGH - JUD: An Act to Amend Chapter 42 of Title 11 of the Delaware Code Relating to the Procedure for Determining Punishment for First Degree Murder.

SB 511 w/SA 1 - MARSHALL, TORBERT, CITRO, CONNOR; REPRESENTATIVES JONKIERT, RIDDAGH - JUD: An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Presentence Investigations.

SB 512 - MARSHALL, MCDOWELL, CITRO, CONNOR; REPRESENTATIVES JONKIERT, RIDDAGH - H/SS: An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Drug Trafficking.

SB 521 - MARSHALL, REPRESENTATIVES JONKIERT, RIDDAGH - JUD: An Act to Amend Chapter 45 of Title 10 to Eliminate the Requirement That Jury Commissioners Note Temporary Excuses or Exclusions on the Juror Qualification Form.

HA 1 to SB 21 - HARRINGTON - R&F: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 521, SB 497, HB 541, HB 220, SB 509 w/SA 1; SB 510, SB 511 w/SA 1; SB 512.

#### FRATERNAL ORDER OF POLICE

May 12, 1982

#### IN V I T A T I O N

TO: One-hundred-thirty-first General Assembly,  
State of Delaware, Legislative Hall,  
Dover, Delaware

The Delaware State Lodge Fraternal Order of Police feels privileged to again host Police Memorial Services in Delaware. The service is to pay tribute to those law enforcement officers throughout the State who have lost their lives in the line of duty. We also honor those who, while actively engaged in law enforcement, died of other causes. All served their country and state, have made the supreme sacrifice, but have not been forgotten.

On behalf of the Delaware State Lodge Fraternal Order of Police, we cordially invite the members of the 131st General Assembly to attend the ceremony. The ceremony will take place in front of Legislative Hall on May 13, 1982 at 12 Noon.

Respectfully submitted,

Paul Davis,

Chairman, Police Memorial Service

PD/srw

The following prefiled Consent Calendar was introduced:

HR 182 - HARRINGTON - Congratulating the Dover High School Chorus and Select Ensemble for Victories at the Festival of Music Competition in Ocean City, Maryland, During the Weekend of April 30-May 2, 1982.

HR 183 - ROY - Congratulating the Identical Triplets, Christopher, Collin and Craig Gregory, Upon Receiving Their Eagle Scout Awards.

HR 184 - SMITH, HARRINGTON, BENNETT, BUCKWORTH - Mourning the Death of Russell T. (Russ) Gillo, a Member of the Council on Game and Fish and Former Federal Game Management Agent for the State.

HR 185 - RIDDAGH - Congratulating Richard Harman, Jr., of Smyrna, Upon His Receiving the Boy Scouts of America's Medal of Merit for Saving a Tot From Drowning Last Summer.

HR 186 - ROY, PETRILLI, CORROZI, MCKAY - Congratulating the Alexis I. du Pont High School Band for Its Triumphs at the National Festival of Music Competition at Ocean City, Maryland, During the Weekend of April 30-May 2, 1982.

HCR 154 - SPENCE; SENATOR SHARP - Wishing Bruce Peisino, of Christiana High School, a Rapid and Full Recovery From the Critical Spinal Injury He Suffered While Quarterbacking His Football Team in October.

HCR 155 - OBERLE & ALL REPRESENTATIVES & ALL SENATORS - Mourning the Death of Ben W. Barker, Director of the State Division of Vocational Rehabilitation and a Nationally-Known Leader in Aid for the Deaf.

HCR 156 - BUCKWORTH, BARNES, CORROZI, ENNIS, FREE, MACK, SPENCE - Asking for Wide Public Support for the Delaware Olympic Committee Which has Started Its Quadrennial Campaign for Funds to Help Finance the 1984 Olympic Team.

SCR 118 - MCBRIDE, SHARP, CITRO, MARSHALL; REPRESENTATIVES CAMPANELLI, VAN SCIVER, CORROZI, SPENCE - Congratulating the Conrad Junior High School Concert Band and Band Director Mark Donovan for Taking First Prize at the National/International Music Festival in Orlando, Fla.

SCR 119 - ADAMS; REPRESENTATIVE BARNES - Requesting the Members of the Delaware Congressional Delegation to Support the Bipartisan Resolution Asking the Secretary of Agriculture to Open a \$600-Million Emergency Credit Fund to Assist Farmers Who Need Last-Resort Loans.

Representative McKay requested that SCR 119 be removed from Consent Calendar #37.

Consent Calendar #37 was adopted by voice vote and HCR 154, HCR 155 & HCR 156 were sent to the Senate for concurrence and SCR 118 was returned to the Senate.

Mr. Speaker assigned SCR 119 to the Natural Resources & Agriculture Committee.

Representative Burris moved to recess for committee meetings at 2:10 p.m.

The House reconvened at 4:12 p.m.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: HB 609 - 1F,4M; HB 616 - 4M; HB 628 - 4M; HB 642 - 5M; HB 647 - 4M; HB 649 - 4M; HB 654 - 4M; HB 656 - 4M; HB 657 - 4M; SB 442 - 4M; SB 483 - 3M,1UF; SB 322 - 4M; SB 421 - 4M; SB 474 - 4M.

H/SS: - HB 687 - 3M; HB 691 - 3M.

Representative Cordrey moved to suspend the rules which interfere with introduction of and action on SCR 123. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cordrey introduced and brought SCR 123, jointly sponsored by Senator Littleton & All Senators before the House for consideration.

SCR 123 - Congratulating Kelly Hastings, of Laurel, as Delaware Winner of an Artistic Discovery, a National Art Competition Sponsored by Congressman Tom Evans and the Congressional Arts Caucus.

SCR 123 was adopted by voice vote and returned to the Senate.

Representative Ennis brought HB 282, jointly sponsored by Representatives Hebner & Smith & Senators Bair & Berndt, before the House for consideration.

HB 282 - An Act to Amend Chapter 53, Title 25 of the Delaware Code Relating to Landlord-Tenant Relationships by Providing for Verification of Excess Utility Charges.

Representative Ennis moved to place HB 282 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Powell brought HB 433, jointly sponsored by Representative Riddagh, before the House for consideration.

HB 433 - An Act to Amend Chapter 22, Title 25 of the Delaware Code Relating to Unit Properties; and Providing for an Amount of Interest to be Charged on Certain Assessments.

The roll call on HB 433 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 34.

NO: Representatives Campanelli, Oberle, Van Seiver, West - 4.

NOT VOTING: Representative Mack - 1.

ABSENT: Representatives Fallon, Holloway - 2.

Therefore, having received a constitutional majority, HB 433 was sent to the Senate for concurrence.

Representative Oberle brought HB 438, jointly sponsored by Senator Martin, before the House for consideration.

HB 438 - An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Dogs.

Representative Oberle moved to place HB 438 on the Speaker's table. The motion was seconded by Representative Cathcart and adopted by voice vote.

Representative Spence brought HB 511 before the House for consideration.

HB 511 - An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Registration Plates for the Handicapped.

The roll call on HB 511 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Fallon, Holloway - 2.

Therefore, having received a constitutional majority, HB 511 was sent to the Senate for concurrence.

Representative Van Seiver brought HB 519, jointly sponsored by Representatives Edwards, Mack, Buckworth, Cathcart, Corrozi, Gilligan, West, Fallon & Spence & Senator Citro, before the House for consideration.

HB 519 - An Act to Amend Title 11 of the Delaware Code to Increase the Penalty for Assault on Medical Personnel. (2/3 bill)

Representative Van Seiver moved to place HB 519 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Riddagh brought HS 1 for HJR 26, jointly sponsored by Representatives Spence, Minner, Mack, Jonkiert, Sincok, Cathcart, Bennett, Roy, Smith, Dixon, Powell, Barnes, Corrozi, Oberle, Edwards, Harrington, Fallon, Buckworth, Maroney, Soles, Derriekson, Van Seiver & Campanelli & Senators Vaughn, Sharp, Arnold, Littleton, Cook, Citro, Hughes, Neal, Holloway, Torbert & McBride, before the House for consideration.

HJR 26 - Proposing a "Bill of Rights" for Delaware Residents Who Are Victims of Crime.  
Representative Riddagh read the following communications into the record:  
April 1, 1982

The Honorable Robert W. Riddagh  
Chairman, Judiciary Committee  
House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Representative Riddagh:

I recently discussed with Chief Justice Herrmann House Joint Resolution No. 26, which urges the courts and criminal justice system of Delaware to adopt a "Victims Bill of Rights". The Chief Justice is extremely pleased with the principles of your Resolution and is eager to implement those provisions applicable to the courts via an Administrative Directive which would be binding on all the courts of the state.....

Yours very truly,  
John R. Fisher  
Director

Administrative Office of the Courts

Mr. Speaker, HS 1 for HJR 26 sets in place a series of guidelines for the treatment of crime victims. Since HJR 26 only has a short synopsis, I would like to speak to the House for the record in case there are any future doubts as to the intent.

We hear a great deal these days on the lack of public confidence in the institution and mechanism of government.

There are two ways the so-called criminal justice system part of that institution can reclaim that trust.

The first, of course, is by reducing crime significantly.

The second is by the criminal justice system treating citizens as though they are what they are "decent law abiding people who comprise the majority of the heart of our republic."

The fourteen specific sections of HJR #26 - A to P - spell out the intent of this resolution.

Many of these proposed rights are of a similar nature and follow the American Bar Association's recommendations.

HJR #26 also has the support of the Delaware Council on Crime and Justice.

Mr. Speaker - the sponsors of this resolution believe if passed and carried out by the system it will help the victim and their families cope with the grief and hopefully ease the burdens that victim witnesses face during the investigation and trial stages of a violent crime.

We also have high hopes that it will help with some of the inequities of the present criminal "justice system".

Unfortunately many of our citizens involved in the criminal justice system as a victim today emerge from that experience believing it is heavily weighted toward the rights of the criminal.

The roll call on HS 1 for HJR 26 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Fallon, Holloway - 2.

Therefore, having received a constitutional majority, HS 1 for HJR 26 was sent to the Senate for concurrence.

Representative Bennett brought HB 576, jointly sponsored by Representatives Riddagh, Darling, Minner & George & Senators Berndt, Knox & McDowell, before the House for consideration.

HB 576 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware, Relating to the Criminal Jurisdiction of Inferior Courts and Justices of the Peace. (2/3 bill)

Representative Bennett brought HA 1 to HB 576 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 576 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.

NO: Representative Jonkiert - 1.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Campanelli, Derrickson, Fallon, Holloway, Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 576 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 555, jointly sponsored by Representatives Spence, Jonkiert, Mack, Minner, Roy, Harrington & Oberle & Senators Sharp, Arnold, Vaughn, Hughes, Cook & Littleton, before the House for consideration.

HB 555 - An Act to Amend Chapter 5 and Chapter 35, Title 11 of the Delaware Code, Relating to the Intimidation of Victims and Witnesses.

Representative Riddagh brought HA 1 to HB 555 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh read the following communication into the record:

HB #555 would add a further chapter to the victims bill of rights by reducing the trauma of harassment and threats to a victim or their family before a trial. This type of legislation was approved by the American Bar Association after a study by the victims committee of the ABA criminal justice section.

Since successful intimidation undermines the public confidence in the legal process and the crime of intimidation is very common although only the unsuccessful ones are reported or discovered.

HB #555 contains two types of intimidation offenses. Under 3532 every person who knowingly and with malice prevents or attempts to prevent a witness or victim from attending or giving testimony at any trial proceeding is guilty of a class E felony. (A class E felony is punishable by 7 years and such fine or other conditions the court may order).

3533 would be the same as 3533 except it would include aggravated acts of intimidation such as expressed or implied threats of force or violence upon the victim - family or property - or if the intimidation is committed by a person previously convicted of intimidation in this state or another is guilty of a class D felony - 10 years - such fines and other conditions as ordered by the court.

Under 3534 every person attempting intimidation of a witness is guilty of the offense without regard to success or failure. Under the provisions in 3535 the court may also order protection for the witness.

At the present time 1263 of Title 11 refers to intimidation of a witness as tampering with a witness under the heading of tampering with a witness and is presently classified as a misdemeanor which is fixed by the court not to exceed two years. The same as issuing a worthless check. With the worthless check charge carrying a mandatory sentence of restitution to the amount of the check.

A violent criminal who is free on bail can, if he chooses to and the stakes are high enough, make certain there will be no problems presented at his trial by the simple device of eliminating any witness who might testify against him.

A perfect example of the terroristic threats used is explained in very simple language by a federal prosecutor in a case in a nearby state where several defendants indicted on charges of racketeering, extortion and labor payoffs.

In that particular case, the witnesses were threatened with serious injury or death if they testified.

The prosecutor testified in court by addressing the presiding judge and informing him that although the witnesses considered themselves law abiding citizens but, because one witness prior to the trial was shot 5 times, two other witnesses knowingly and willingly committed perjury to avoid testifying against the defendants and went to jail.

In an excerpt from the transcript of that trial in a federal court:

Question from prosecutor, Mr. Brookin - Did anyone in your company ever pay any money to the defendant?

Answer - I can't answer that.

Question - Why can't you answer it?

Answer - I cannot answer because I am not ready to die - I have a family to look after.

Mr. Speaker, Delaware's tampering with a witness statute needs upgrading from its class A misdemeanor statute to stronger model legislation.

I believe HB #555 will do that.

The roll call on HB 555 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebnor - 37.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Derrickson, Fallon, Holloway - 3.

Therefore, having received a constitutional majority, HB 555 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 556, jointly sponsored by Representatives Spence, Jonkiert, Mack, Minner, Powell, Bennett, Roy, Oberle, Harrington & Dixon & Senators Vaughn, Arnold, Citro, Littleton, Hughes, Torbert & Cook, before the House for consideration.

HB 556 - An Act to Amend Chapter 35, Part II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Certain Limitations to the Exclusionary Rule.

Representative Riddagh brought HA 1 to HB 556 before the House for consideration. Representative Riddagh requested that HA 1 be stricken.

Representative Riddagh brought HA 2 to HB 556 before the House for consideration. HA 2 was adopted by voice vote.

Representative Riddagh read the following communication into the record:

Mr. Speaker, HB #556 is an effort to make certain that all criminal proceedings shall be a search for the truth.

Many of us believe at the present time the application of the exclusionary rules are being applied in favor and for the benefit of the criminal and in many instances the truth is being ignored by the state and federal courts.

Many courts at the present time carry the exclusionary rules too far and exclude evidence of truth in which five of our present nine supreme court judges have indicated may be true and believe the court would be willing to take another look at them if some were challenged.

Although four of the members have indicated for a number of years there may be sufficient reasons to reconsider the exclusionary rules, during last year's confirmation hearing of Justice Connor she was asked by a reporter her feelings on the present application of the exclusionary rules she replied that she did not feel a guilty person should go free on technicalities only, thereby indicating she may consider amending the obvious frivolous practice now being used.

But for a state to have an opportunity to challenge any of the present exclusionary rules, that state must have a statute covering state exclusionary rule.

HB #556 would allow evidence acquired to be used at a trial if it has been obtained by an officer acting in good faith and belief that it was in conformity within the guideline of the provisions of the bill and the 4th amendment to our constitution.

Under the guidelines in HB #556 illegally obtained evidence as described under 3532 B 1,2,3 will not be admissible. Admissible evidence is described under 3534 B 1,2,3.

One example under B1 of this section is: Evidence that relied on a statute which was ruled unconstitutional at a later date. Example - San Francisco - a person convicted of murdering his girlfriend's ten month old baby by his own confession of throwing the child down an eleven story trash chute because he thought the woman had another boyfriend and also thought the mother would stay with him if he got rid of the baby. His confession ran through three detailed typed papers. He was convicted of murder and the conviction was upheld by the Maryland Court of special appeals.

But as his attorney was taking care of the long and drawn out appeal processes, another case came through the courts where the judge ruled that the defendant has to be taken before a court commissioner within 24 hours or the state could not use any subsequent confession.

McClain, the defendant in the baby's murder trial, did not complete his confession until 12 minutes after that deadline.

But the ridiculous application of this exclusionary rule was that the McClain case was tried two years before the 24 hour rule was adopted by the Maryland Supreme Court.

In their attempt to devise an even more perfect system for the convicted killer, some balmy judges had developed a brand new exclusionary rule and, in their judicial reasoning, said (in effect) why not apply it to the two year old McClain case, after all there is no way to bring life back into the smashed baby's body.

Mr. Speaker, this is only one example of the mockery of true justice under the present exclusionary rules as used by our courts. Let me proceed with example number two which may well fall within B2. Where a simple error by a typist resulted in a situation where an accused bookie may be freed from a 6-15 year prison term and one million dollars in cash and securities returned to him because, although the search warrant was issued on a certain date and said it would expire 15 days after issuance, the court ruled that the inadvertent omission of expiration date was reason to invalidate the warrant. This type of an honest mistake would in my opinion be covered under 3534 B2 of this bill.

Example #3 - the 5th Circuit Court of California held that a police officer who sought to retrieve a suspect's jacket for the sole purpose of keeping the suspect warm during an early morning detention was guilty of an illegal seizure and required the suppression of evidence.

At 4:15 a.m. on January 18, 1978, Fresno police officer Julian Perea and his partner were on duty and eating breakfast at a restaurant. Perea noticed the petitioner sweeping behind the counter. Perea recognized the petitioner as being the robbery suspect depicted in a photograph he had been shown three days earlier. Officer Perea then asked the petitioner to step outside. The petitioner complied. It was cold outside. Perea went back into the restaurant and asked waitress Dolland to get the petitioner's jacket. Waitress Dolland reached into the jacket pocket because she was "nosey" and pulled out a bank moneybag. Perea remembered seeing a similar jacket in the photograph he had been shown three days earlier. He put the jacket in his car. The moneybag and jacket were thrown out of court by the court as illegal evidence and the suspect was set free.

This type of case is where the officer acted in good faith and with the belief his conduct comported with existing laws.

Example #4 - Another California decision. The suspect was taken into custody after murdering his mother, father and grandfather while they were watching television. This may well fall under 3534 B-3 of HB #556. He was warned of his Miranda rights but he then asked the police if he could talk off the record. The suspect then implicated himself by indicating he had disposed of a rifle where some children might find it. He was then warned of his rights again and in the ensuing hours made two separate confessions. The state's higher court overturned the confession with the explanation the defendant did not realize what he was doing when he spoke off the record and in 1979 threw out the confession and the federal court refused to reinstate the conviction.

Unusual examples of this case and misuse of our criminal justice system, although the conviction was in 1976 - in 1978 while in prison, in an interview with Mike Wallace on a Sixty Minutes program the prisoner admitted to the multiple murders saying he believed drugs leg him to sneak up behind the victims and fire the rifle while they watched T.V. After the conviction was overturned, in a highly unusual letter, the suspect's attorney, a Mr. Crew, expressed dismay that the court had accepted his argument attacking the confessions as inadmissible. In his letter he wrote - "your recent decision in this case was predictable."

However, it is difficult to understand how a system of laws to protect innocent people can become so twisted to give freedom to a person who deliberately kills three innocent human beings, thereafter confesses four times to these killings, the last on national television and, with all this, somehow finds that freedom awaits him.

Mr. Crew, the defense attorney, continued: "I am a responsible citizen in my community and shutter to think that now my family has been given less protection by the courts."

Mr. Crew's letter to the court also drew praise from the prosecutor of that case by saying - when somebody like Jim Crew who is an excellent and tough defense attorney criticizes a court decision like this, then you realize just how bad the Braesecue decision was.

In effect Mr. Crew was saying to the court - as an attorney I did what I was supposed to do and you bought it - are you crazy.

This California decision was issued on a four to three vote.

In an interview after the ruling the prosecutor, Mr. Cardoza, said we are losing sight of what the framers of our constitution intended. This decision is a super example of applying the logic of the rule to the point of absurdity.

Mr. Speaker, I agree with Mr. Cardoza and hopefully HB #556 will be an instrument to convince the members of the U.S. Supreme Court to take another look at the present applications of the present exclusionary rules.

We all can appreciate the value of constitutional guarantees for those suspected or indicted for crimes. But the time has arrived when legislators also should recognize the value of a few constitutional guarantees for the 95 plus percent of the honest, hardworking law-abiding citizens of this country such as the right not to be the next victim of a convicted criminal set free by a ridiculous set of rules which has unduly hampered law enforcement.

The roll call on HB 556 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Derrickson, Fallon, Holloway, Petrilli - 4.

Therefore, having received a constitutional majority, HB 556 w/HA 2 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 438 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Oberle brought HA 1 to HB 438 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 1 to HA 1 to HB 438 before the House for consideration.

Representative Free rose on a point of order.

HA 1 was adopted by voice vote.

Representative Minner brought HA 2 to HB 438 before the House for consideration. HA 2 was adopted by voice vote.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Minner requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Oberle moved to place HB 438 w/HA 1w/HA 1, HA 2 on the Speaker's table. Representative Oberle withdrew the motion.

Representative Burris moved to recess to the call of the Chair at 5:30 p.m.

25th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 13, 1982

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

Representative Van Sciver brought HA 3 to HB 438 before the House for consideration. HA 3 was adopted by voice vote.

Representative Oberle moved to waive all rules which interfere with action on HB 438 w/HA 1 w/HA 1, HA 2,3. The motion was seconded by Representative Petrilli. Representative Oberle withdrew the motion.

The roll call on HB 438 w/HA 1 w/HA 1, HA 2,3 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Cordrey, Jester - 2.

ABSENT: Representatives Barnes, Fallon, Holloway, Jonkiert - 4.

Therefore, having received a constitutional majority, HB 438 w/HA 1 w/HA 1, HA 2,3 was sent to the Senate for concurrence.

Representative Brady requested that HA 3 to HB 395 be stricken.

Representative Smith moved to suspend the rules which interfere with action on HB 323 w/HA 1 & SA 1w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Smith brought HB 323 w/HA 1 & SA 1w/SA 1, jointly sponsored by Representatives Buckworth & Harrington, before the House for consideration.

HB 323 - An Act to Amend Chapter 66, of Title 7, Delaware Code, to Provide for Enforcement by Civil Penalty and to Add a Lesser Criminal Penalty. (2/3 bill)

Representative Brady rose on a point of order.

The roll call on HB 323 w/HA 1 & SA 1w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representative Gilligan - 1.

ABSENT: Representatives Barnes, Fallon, Holloway, Jonkiert - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 323 w/HA 1 & SA 1w/SA 1 was sent to the Governor.

The Reading Clerk read the following Committee Reports into the record:

JUD: HB 696 - 5M; HB 652 - 1F,4M; HB 695 - 1F,4M; HB 683 - 1F,4M; HB 650 - 5M; SB 461 - 5M; SB 258 - 5M; SB 459 - 2F,3M; SB 355 - 2F,3M; SB 356 - 2F,3M.

Representative Roy requested that HB 477 be stricken.

Mr. Speaker re-assigned SB 120 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 2:46 p.m., thereby ending the previous legislative day. The House reconvened at 2:47 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon, Holloway - 2.

A prayer was offered by Representative James F. Edwards, Eighth District.

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

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

The following prefiled legislation was introduced:

HB 707 - RIDDAGH, DIXON, PETRILLI, HARRINGTON, JESTER, EDWARDS, CAMPANELLI, WEST, MINNER, BARNES, BRADY, BENNETT; SENATORS ZIMMERMAN, VAUGHN, MCBRIDE, HOLLOWAY, HUGHES, COOK, TORBERT - JUD: An Act to Amend Title 10 and Title 25 of the Delaware Code Relating to the Limitation of Real Actions.

HB 708 - RIDDAGH - JUD: An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to Confinement at the Delaware State Hospital.

HB 709 - ROY, SMITH, FREE, SOLES, MACK, BUCKWORTH, SPENCE, PETRILLI, MINNER, GILLIGAN, DIXON, JESTER, BRADY; SENATORS HUGHES, SHARP, CITRO, COOK, MCBRIDE - ADM/S: An Act to Amend Title 19, Delaware Code, Adding Sexual Harassment to Unlawful Employment Practices, Providing Unemployment Compensation to Persons Who are Forced to Leave Employment Because of Sexual Harassment and Workmen's Compensation to Any Worker Physically or Mentally Injured on the Job Due to Sexual Harassment.

HB 710 - ROY, SMITH, FREE, SOLES, MACK, BUCKWORTH, SPENCE, PETRILLI, MINNER, GILLIGAN, DIXON, JESTER; SENATORS HUGHES, SHARP, CITRO, COOK, MCBRIDE - ADM/S: An Act to Amend Title 19, Delaware Code, Relating to Sexual Harassment by Public Employees. (2/3 bill)

HB 711 - ROY, SPENCE, MACK, GEORGE; SENATORS ZIMMERMAN, VAUGHN, MCBRIDE, HUGHES, BERNDT - ADM/S: An Act to Amend Section 422(b), Subchapter II, Chapter 4, Title 29, Delaware Code, Relating to the Care of State Property.

HB 712 - BENNETT, SINCOCK, DARLING, BARNES, MINNER; SENATORS HUGHES, BERNDT, LITTLETON - ADM/S: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 713 - CAIN - ADM/S: An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Grounds for the Alcoholic Beverage Control Commission to Refuse to License an Applicant.

HA 1 to HS 1 for HB 365 - EDWARDS - Placed with the bill. (Ready List)

HA 2 to HS 1 for HB 365 - EDWARDS - Placed with the bill. (Ready List)

HA 1 to HB 591 - OBERLE - APPRO: Placed with the bill.

HA 2 to HB 596 - BARNES - R&F: Placed with the bill.

SS 1 for SB 354 - NEAL, BERNDT, CONNOR, HOLLOWAY, KNOX, LITTLETON, ARNOLD, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, VAUGHN, ZIMMERMAN, BAIR, SHARP; REPRESENTATIVES ANDERSON, BARNES, BRADY, CATHCART, CORROZI, EDWARDS, ENNIS, FALLON, FREE, JESTER, MARONEY, MINNER, OBERLE, POWELL, SOLES, VAN SCIVER, DIXON, MACK, HARRINGTON, ROY, SPENCE - ED: An Act to Amend Chapter 31, Part 1, Title 14 of the Delaware Code Relating to the Education of the Handicapped and Providing Certain Procedural Safeguards; and to Amend Chapter 9, Part 1, Title 10 of the Delaware Code Relating to the Jurisdiction of the Family Court.

SB 489 - COOK, REPRESENTATIVE SPENCE - NR/AGRI: An Act to Amend Chapter 71, Title 7 of the Delaware Code to Provide for Exemptions Under Certain Circumstances From the Noise Control Law. Representative Burris moved to recess for caucus at 2:52 p.m.

The House reconvened at 3:57 p.m.

Representative Riddagh moved to suspend the rules which interfere with action on SB 502. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought SB 502, sponsored by Senator McDowell & Representative Brady, before the House for consideration.

SB 502 - An Act to Amend Chapter 59 of Title 29, Delaware Code by Providing for the Assignment of Retired Justices and State Judges to Active Duty.

Representative Jonkiert brought HA 1 to SB 502 before the House for consideration. HA 1 was defeated by voice vote.

The roll call on SB 502 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Brady, Fallon, Holloway, Plant - 4.

Therefore, having received a constitutional majority, SB 502 was returned to the Senate.

Representative Sincock brought HB 585, jointly sponsored by Representative Powell & Senator Cook, before the House for consideration.

HB 585 - An Act to Amend Section 5201(b), Title 29, Delaware Code, to Clarify Eligibility for Health Care Insurance Coverage.

The roll call on HB 585 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Fallon, Holloway - 3.

Therefore, having received a constitutional majority, HB 585 was sent to the Senate for concurrence. Representative Petrilli brought HB 617, jointly sponsored by Representatives Brady & Oberle & Senator Holloway, before the House for consideration.

HB 617 - An Act to Amend Title 16, Delaware Code, Relating to the Sheltered Workshop Program of the Division for the Visually Impaired.

Representative Petrilli brought HA 1 to HB 617 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 617 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Fallon, Holloway, Minner, Roy - 5.

Therefore, having received a constitutional majority, HB 617 w/HA 1 was sent to the Senate for concurrence.

Representative George brought HB 640, jointly sponsored by Representatives Sincok, McKay, Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Plant, Powell, Riddagh, Smith, Soles, Spence, Van Seiver & West & Senators Adams, Bair, Berndt, Cook, Holloway, Hughes, Littleton, Marshall, Martin, McBride, McDowell, Sharp & Vaughn, before the House for consideration.

HB 640 - An Act to Require the Executive Branch of Government to Prepare and Submit to the General Assembly Beginning With the Fiscal Year 1984 a Budget Bill for All Proposed Expenditures of State Special Funds, Excluding Federal Grants and Non-Federal Grants and Gifts, Bequests, Tuition Receipts and the Proceeds of Debt Instruments by State Agencies, and to Amend Chapter 76, Title 29, Delaware Code by Reorganizing the Delaware State Clearinghouse Committee.

The roll call on HB 640 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Brady, Campanelli, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Cathcart, Derrickson, Fallon, Holloway - 5.

Therefore, having received a constitutional majority, HB 640 was sent to the Senate for concurrence. Representative Harrington brought HB 547, jointly sponsored by Senator Sharp, before the House for consideration.

HB 547 - An Act to Amend Title 18 of the Delaware Code by Establishing Minimum Standards for Medicare Supplement Insurance.

Representative Derrickson brought HA 1 to HB 547 before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington requested and was granted the privilege of the floor for J. Patrick McCann, Delaware Insurance Department.

The roll call on HB 547 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Free, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 30.

NO: Representatives Edwards, Jonkiert - 2.

NOT VOTING: Representatives Campanelli, Ennis, George, Gilligan, Plant - 5.

ABSENT: Representatives Brady, Cain, Fallon, Holloway - 4.

Therefore, having received a constitutional majority, HB 547 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on HCR 157. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Jonkiert introduced and brought HCR 157, jointly sponsored by Representative Maroney & Senator Marshall, before the House for consideration.

HCR 157 - Thanking the Girls Clubs of Delaware for Their Outstanding Work and Marking the Week of May 9-15, 1982, as Girls Club Week.

HCR 157 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with lifting SCR 117 from the Speaker's table and action on it. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought SCR 117, sponsored by Senators Holloway & Berndt, before the House for consideration.

SCR 117 - Requesting the President and the Congress Not to Impose an Import Fee on Foreign Oil.

Representative Petrilli requested and was granted the privilege of the floor for Senator Robert J. Berndt.

SCR 117 was adopted by voice vote and returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SCR 126. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli introduced and brought SCR 126, jointly sponsored by Senator Sharp, before the House for consideration.

SCR 126 - Providing for an Extension of the Deadline for Presenting the Findings of the Waste Management Study Commission.

SCR 126 was adopted by voice vote and returned to the Senate.

Representative West introduced HCR 158, jointly sponsored by Senator Cordrey.

HCR 158 - Mourning the Death of Joseph Benjamin (Joe Ben) Hudson, of Mission, Believed to Have Been Delaware's Oldest Living Resident at 108 Years.

Representative West moved to suspend the rules which interfere with action on HCR 158. The motion was seconded by Representative George and adopted by voice vote.

HCR 158 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following Committee Reports into the record:

JUD: HB 707 - 2F,2M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 130 w/SA 1; HB 323 w/SA 1 w/SA 1; SS 1 for SB 354, SCR 122, SCR 123, SB 489, SCR 124, SCR 125, SCR 126, HCR 154, HCR 155, HCR 156, SB 473.

The Senate wishes to inform the House that it has defeated: HB 248.

Representative Burris moved to recess to the call of the Chair at 5:31 p.m.

26th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 18, 1982

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

Mr. Speaker re-assigned SB 421 & SB 474 w/SA 1 to the Appropriations Committee.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Edwards - 2.

A prayer was offered by Reverend Charles M. Moyer, Whatcoat United Methodist Church, Dover, DE.

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

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

The following prefiled legislation was introduced:

HB 714 - RIDDAGH, MACK, MINNER, SPENCE; SENATORS VAUGHN, CITRO - R&F: An Act to Amend Title 6 of the Delaware Code by Adopting the Revised Uniform Limited Partnership Act, as Modified Consistent With Delaware Practice, Relating to the Creation, Regulation and Dissolution of Domestic Limited Partnerships, as Well as the Regulation of Foreign Limited Partnerships.

HB 715 - HARRINGTON, POWELL - R&F: An Act to Amend Chapter 42, Title 18 of the Delaware Code Relating to the Delaware Insurance Guaranty Association by Redefining the Definition of Insolvent Insurer.

HB 716 - GEORGE - ADM/S: An Act to Provide for a Summer Employment Program for Delaware Youth.

HB 717 - WEST - NR/AGRI: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to a Deduction From State Income Tax Refunds or a Contribution to be Added to State Income Tax Payments for the Support of Wildlife Programs.

HB 718 - JESTER; SENATOR VAUGHN - NR/AGRI: An Act to Approve the Transfer and Conveyance of Certain Land Between the State of Delaware and Delmarva Power and Light Company. (3/4 bill)

HB 719 - CAMPANELLI - H/ADM: An Act to Amend Chapter 45, Title 15 of the Delaware Code Relating to Polling Places.

HB 720 - HARRINGTON, EDWARDS, DIXON, BARNES, BENNETT; SENATOR BAIR - R&F: An Act to Amend Chapter 25, Title 18 of the Delaware Code to Require Certain Insurers to Submit a Loss and Expense Experience Report With Their Annual Statement.

HB 721 - HARRINGTON, DIXON - R&F: An Act to Amend Chapter 7, Title 18 of the Delaware Code by Changing Appointments of Agents, Limited and Fraternal Representatives From an Annual to a Continual Basis and Amending the Fees for Appointments. (3/5 bill)

HB 722 - ROY, OBERLE; SENATOR HOLLOWAY - ADM/S: An Act to Amend Title 14 Relating to the Establishment of the Skilled Maintenance Worker Category of Employee.

HA 1 to HB 687 - FREE - Placed with the bill. (Ready List)

HA 1 to HB 699 - PLANT - ED: Placed with the bill.

SB 473 - TORBERT; REPRESENTATIVE RIDDAGH - JUD: An Act to Amend Subpart B, Subchapter II, Title 11, Delaware Code, Relating to First Degree Murder.

Representative Burris moved to recess for caucus at 2:00 p.m.

The House reconvened at 3:15 p.m.

Representative Fallon brought HB 612 before the House for consideration.

HB 612 - An Act to Amend Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" to Provide for the Appointment of the City Manager and the Assistant City Manager for an Indefinite Term, to Provide for Their Removal, to Provide for the Appointment and Dismissal of Employees by the City Manager, to Provide for the Appointment of the Chief of Police and for the Operation of the Police Department. (2/3 bill)

The roll call on HB 612 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Edwards, Smith - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 612 was sent to the Senate for concurrence.

Representative Darling brought HB 629, jointly sponsored by Senator Cook, before the House for consideration.

HB 629 - An Act to Amend Chapter 50, Volume 57, Laws of Delaware, Relating to the Charter of the Town of Viola. (2/3 bill)

The roll call on HB 629 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Brady, Cathcart, Edwards - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 629 was sent to the Senate for concurrence.

Representative Maroney brought HB 589, jointly sponsored by Representative Holloway, before the House for consideration.

HB 589 - An Act to Amend Chapter 17 of Title 24, Delaware Code to Permit the Board of Medical Practice to Discipline a Physician Whose License to Practice Medicine Has Been Suspended or Revoked in Another State.

The roll call on HB 589 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Bennett, Campanelli - 2.

ABSENT: Representatives Brady, Edwards - 2.

Therefore, having received a constitutional majority, HB 589 was sent to the Senate for concurrence.

Representative Anderson brought HB 598, jointly sponsored by Senator Martin & Representatives Cordrey, Dixon, Jester, Minner, Cain, Gilligan, Plant, West, Holloway, Darling, Jonkiert, Brady, Fallon, Riddagh, Corrozi, Cathcart, Mack, Edwards & Van Sciver & Senators Sharp & Holloway, before the House for consideration.

HB 598 - An Act to Amend Chapter 51, Title 25 of the Delaware Code Relating to Termination of a Rental Agreement.

The roll call on HB 598 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Petrilli - 1.

ABSENT: Representatives Brady, Edwards - 2.

Therefore, having received a constitutional majority, HB 598 was sent to the Senate for concurrence.

Representative Harrington brought HB 546, jointly sponsored by Representatives Ennis, Powell & Dixon, before the House for consideration.

HB 546 - An Act to Amend Chapter 21 of Title 21, Delaware Code Relating to Requirements of Insurance for All Motor Vehicles Registered in This State.

Representative Harrington brought HA 1 to HB 546 before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington brought HA 2 to HB 546 before the House for consideration. HA 2 was adopted by voice vote.

Representative Harrington requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Harrington moved to place HB 546 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Minner brought HB 543, jointly sponsored by Representatives Darling, Oberle, Brady & Powell & Senators Cordrey & Zimmerman, before the House for consideration.

HB 543 - An Act to Amend Subchapter III, Chapter 27, Title 21, Delaware Code and Chapter 474 of 61 Laws of Delaware Relating to Operation of a Vehicle While Under the Influence of Intoxicating Liquor or Drugs. (2/3 bill)

Representative Minner brought HA 1 to HB 543 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 543 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Derrickson, Edwards - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 543 w/HA 1 was sent to the Senate for concurrence.

Representative McKay moved to suspend the rules which interfere with introduction of and action on SCR 129. The motion was seconded by Representative Burris and adopted by voice vote.

Representative McKay introduced and brought SCR 129, jointly sponsored by Senator McBride, before the House for consideration.

SCR 129 - Welcoming Visiting Japanese Educators to Delaware.

SCR 129 was adopted by voice vote and returned to the Senate.

Representative Bennett moved to suspend the rules which interfere with introduction of and action on SCR 128. The motion was seconded by Representative George and adopted by voice vote.

Representative Bennett introduced and brought SCR 128, jointly sponsored by Senators Zimmerman, McBride, McDowell, Torbert, Connor, Neal & Bair & Representatives McKay, Fallon, Free, Jester & Campanelli, before the House for consideration.

SCR 128 - Recognizing the Hugh O'Brian Youth Foundation for Its Many Contributions to Youth Across the Country and Welcoming Its Founder, Hugh O'Brian to Delaware, the First State.

SCR 128 was adopted by voice vote and returned to the Senate.

Mr. Speaker Hebner appointed Representative Riddagh as Temporary Speaker.

Representative Hebner moved to suspend the rules which interfere with introduction of and action on HR 192. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Hebner introduced and brought HR 192, jointly sponsored by Representative George, before the House for consideration.

HR 192 - Recognizing J. Eugene Derrickson for His Outstanding Contributions to the Citizens of Delaware.

HR 192 was adopted by voice vote.

Mr. Speaker Hebner resumed the Chair.

Representative Harrington brought HB 443 before the House for consideration.

HB 443 - An Act to Amend Chapter 42, Title 18, Delaware Code Relating to the Scope of the Delaware Insurance Guarantee Association Act.

The roll call on HB 443 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Catheart, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, Harrington, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 26.

NO: Representatives Darling, Gilligan, Jester, Jonkiert, Minner, West - 6.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, George, Holloway, Plant - 6.

ABSENT: Representatives Brady, Edwards, McKay - 3.

Therefore, having received a constitutional majority, HB 443 was sent to the Senate for concurrence.

Representative Minner requested that action on HB 490 be deferred to a Day Certain, Tuesday, May 25, 1982.

Representative Buckworth brought SB 358, jointly sponsored by Senators Zimmerman & Beradt & Representative Soles, before the House for consideration.

SB 358 - An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Regulation of Solid Waste.

Representative Oberle requested and was granted the privilege of the floor for Thomas Eichler, Director, Division of Environmental Control.

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

The roll call on SB 358 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Catheart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Derrickson, Edwards, Holloway, McKay - 5.

Therefore, having received a constitutional majority, SB 358 was returned to the Senate.

Representative Plant requested that HB 263 be stricken.

Representative Riddagh requested that HB 364 be stricken.

Representative Burris moved to recess to the call of the Chair at 5:06 p.m.

## 27th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

Second Session

May 19, 1982

The Speaker called the House to order at 1:57 p.m.

Mr. Speaker re-assigned HB 698 to the Education Committee.

Mr. Speaker re-assigned HB 557 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Edwards - 2.

A prayer was offered by Representative Donald J. Van Seiver, Sixteenth District.

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

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

The following prefiled legislation was introduced:  
 HB 723 - CORROZI, GILLIGAN - H/ADM: An Act to Authorize the Transfer of Certain Real Property in Mill Creek Hundred to the Belvedere Volunteer Fire Company. (3/4 bill)  
 HB 724 - JONKIERT; SENATOR MARSHALL - ADM/S: An Act to Amend Chapter 44, Title 21 of the Delaware Code Relating to the Towing of Abandoned Vehicles From Private Property.  
 HA 1 to HB 392 - MARONEY - APPRO: Placed with the bill.  
 HA 9 to HB 557 - OBERLE, POWELL - Placed with the bill. (Ready List)  
 SB 525 w/SA 1 - HOLLOWAY - ADM/S: An Act to Amend Chapter 4, Title 24 of the Delaware Code Relating to the Licensing of Barbers.  
 SB 538 - HOLLOWAY - JUD: An Act to Amend Subchapter II, Title 13, Delaware Code, Relating to Violation of Family Court Support Orders.  
 HA 2 to SB 303 - SOLES, DIXON, JESTER, OBERLE, POWELL; SENATORS CONNOR, VAUGHN - ED: Placed with the bill.  
 The Reading Clerk read the following communications into the record:  
 The Senate wishes to inform the House that it has passed: SB 538, SCR 129, SCR 127, SCR 128, HCR 157, HCR 158, SB 525 w/SA 1; HB 395 w/HA 2.  
 The following prefiled Consent Calendar was introduced:  
 HR 187 - BURRIS - Mourning the Death of Virginia Salevan Townsend, a Columnist for the Milford Chronicle For More Than Forty Years and Former Social Editor of the Newspaper.  
 HR 188 - FALLON - Mourning the Death of David Albert Passwaters Sr., Former Mayor of Blades.  
 HR 189 - MACK, CATHCART, SPENCE - Joining in the Praise for Jim Sherman, of New Castle, Named the University of Delaware's Top Senior Athlete for the 1981-1982 School Year.  
 HR 190 - BUCKWORTH, HARRINGTON, DARLING, BENNETT - Congratulating Vernon E. Pike, of Camden, on His Selection as Delaware Small Business Person of the Year.  
 HR 191 - CAMPANELLI - Requesting Governor Pierre S. du Pont, 4th, to Direct Secretary of Health and Social Services Patricia Schramm to Sign a Contract With SERD to Provide Care and Treatment for Acute Alcoholics.  
 HR 193 - ROY, GILLIGAN, PETRILLI, POWELL - Congratulating Phil Hershey, of William Penn High School, and John Price, of Dickinson High School, Upon Their Selections as New Castle County Track Coaches of the Year.  
 HCR 159 - VAN SCIVER, EDWARDS; SENATOR HOLLOWAY - Requesting a Feasibility Study be Made Concerning the Formation of a Department of Aging.  
 HCR 160 - GEORGE; SENATOR MCDOWELL - Joining in the Chorus of Praise for the Career of Rabbi Herbert E. Drooz as He Retires After Nearly 40 Years at Temple Beth Emeth in Wilmington.  
 HCR 161 - JONKIERT; SENATOR MARSHALL - Welcoming Commissioner John D. Needham, the National Commander of the Salvation Army, to Delaware on June 2-3, 1982.  
 HCR 162 - RIDDAGH; SENATORS COOK, VAUGHN - Mourning the Death of Carlton M. Davis, of Clayton, a Member of the House of Representatives in the 117th General Assembly.  
 HCR 163 - SOLES - Congratulating the University of Delaware's Women's Lacrosse Team Upon Winning the Division II Title for the Second Consecutive Year.  
 SCR 122 - SENATOR BAIR & ALL SENATORS & ALL REPRESENTATIVES - Recognizing Delaware Arts Appreciation Days.  
 SCR 124 - BAIR, ZIMMERMAN; REPRESENTATIVE HARRINGTON - Congratulating Mr. Lewis A. Wells on the Occasion of His Retirement From the Wesley College Faculty on May 15, 1982.  
 SCR 125 - BAIR, ZIMMERMAN, TORBERT; REPRESENTATIVE HARRINGTON - Congratulating Dr. Roland O. Jones on the Occasion of His Retirement From the Wesley College Faculty on May 15, 1982.  
 SCR 127 - HOLLOWAY - Urging the Family Court of Delaware to Recommend Creative and Innovative Methods of Treatment of Victims of Incest to the General Assembly.  
 Representative Derrickson requested that HR 191 be removed from Consent Calendar #38.  
 Representative Roy requested that HR 193 be removed from Consent Calendar #38. Representative Roy requested that HR 193 be stricken.  
 Representative McKay requested that HCR 159 be removed from Consent Calendar #38.  
 Representative Smith requested that SCR 127 be removed from Consent Calendar #38.  
 Representative Sincok rose on a point of order. Mr. Speaker concurred.  
 Mr. Speaker assigned HR 191, SCR 127 & HCR 159 to the Health & Social Services Committee.  
 Representative West introduced HR 194.  
 HR 194 - Inviting Governor Pierre S. du Pont 4th to Give the General Assembly a Report on His Trip to England.  
 HR 194 was placed on Consent Calendar #38.  
 Representative Bennett introduced HR 195, jointly sponsored by Representative Soles.  
 HR 195 - Congratulating the University of Delaware Baseball Team for an Outstanding Season as the Blue Hens Travel to Orono, Maine, for the Northeast Region Finals of the College World Series.  
 HR 195 was placed on Consent Calendar #38.  
 Representative Bennett introduced HB 725, jointly sponsored by Representative Soles & Representatives Cain, Burris, Corrozi, Sincok, Barnes & Powell.  
 HB 725 - An Act to Amend Title 14, Delaware Code, Relating to the Establishment of a Delaware Higher Education Supplemental Loan Authority; Providing for the Membership, Powers, Duties and Organization of the Authority; Providing That the Authority May Issue Bonds for Its Corporate Purposes Relating to Loans for Students or Parents of Students to Assist in Financing the Cost of Higher Education; Providing for the Terms and Manner of Issuance of the Bonds; Defining Certain Terms; and Generally Relating to the Authority, Its Borrowing Powers, and the Financing of Student Loans by the Authority.  
 Mr. Speaker assigned HB 725 to the Education Committee.

Representative Petrilli moved to recess for committee meetings at 2:25 p.m.  
The House reconvened at 5:13 p.m.  
Representative Oberle requested that HB 460 be stricken.  
Representative Burris moved to recess to the call of the Chair at 5:15 p.m.

28th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 20, 1982

The Speaker called the House to order at 2:13 p.m.

The Reading Clerk read the following Committee Reports into the record:

H/SS: SB 308 - 4M; SB 512 - 4M.

NR/AGRI: SB 139 w/SA 1,3 - 1F,2M; HB 653 - 4F; HCR 143 - 4F.

JUD: SB 511 w/SA 1 - 4M; SB 521 - 5M; SB 473 - 5M; SB 509 w/SA 1 - 5M; SB 510 - 5M.

ADM/S: HS 1 for HB 491 - 3M; HB 663 - 1F,3M; HB 664 - 4M; HB 666 - 1F,3M; HB 667 - 3M; HB 668 - 4M; HB 669 - 4M; HB 670 - 4M; HB 671 - 4M; HB 672 - 1F,3M; HB 673 - 1F,3M; HB 674 - 4M; HB 675 - 4M; HB 676 - 3M; HB 678 - 3M; HB 679 - 3M; HB 684 - 4M; HB 688 - 4M; HB 689 - 3M; SB 401 w/SA 1,2 - 3M; SB 402 - 3M; SB 403 w/SA 1 - 3M; SB 492 - 3M; SB 493 w/SA 1 - 3M; SB 494 - 3M; SB 495 - 3M.

ED: SS 1 for SB 354 - 3M; SB 303 w/SA 1 - 1F,2M,1UF; HB 698 - 1F,3M.

H/ADM: HCR 137 - 1F,3M; HB 588 - 4M; HB 706 - 5M; SB 497 - 5M.

R&F: HB 697 - 2F,3M; HB 705 - 1F,4M.

The following prefiled Consent Calendar was introduced:

HR 187 - BURRIS - Mourning the Death of Virginia Salevan Townsend, a Columnist for the Milford Chronicle for More Than Forty Years and Former Social Editor of the Newspaper.

HR 188 - FALLON - Mourning the Death of David Albert Passwaters Sr., Former Mayor of Blades.

HR 189 - MACK, CATHCART, SPENCE - Joining in the Praise for Jim Sherman, of New Castle, Named the University of Delaware's Top Senior Athlete for the 1981-1982 School Year.

HR 190 - BUCKWORTH, HARRINGTON, DARLING, BENNETT - Congratulating Vernon E. Pike, of Camden, on His Selection as Delaware Small Business Person of the Year.

HR 194 - WEST - Inviting Governor Pierre S. du Pont 4th to Give the General Assembly a Report on His Trip to England.

HR 195 - BENNETT, SOLES - Congratulating the University of Delaware Baseball Team for an Outstanding Season as the Blue Hens Travel to Orono, Maine, for the Northeast Region Finals of the College World Series.

HR 196 - BUCKWORTH, VAN SCIVER - Wishing Eugene N. Dailey, of Dover, a Happy Retirement as He Closes a Valuable Career With the State Department of Public Instruction.

HR 197 - SPENCE & ALL MEMBERS OF THE HOUSE & SENATE - Wishing the Delaware Association for Blind Athletes Team a Sackful of Gold Medals as They Journey to Austin, Texas, for the National Track Championships.

HCR 160 - GEORGE; SENATOR MCDOWELL - Joining in the Chorus of Praise for the Career of Rabbi Herbert E. Drooz as He Retires After Nearly 40 Years at Temple Beth Emeth in Wilmington.

HCR 161 - JONKIERT; SENATOR MARSHALL - Welcoming Commissioner John D. Needham, the National Commander of the Salvation Army, to Delaware on June 2-3, 1982.

HCR 162 - RIDDAGH; SENATORS COOK, VAUGHN - Mourning the Death of Carlton M. Davis, of Clayton, a Member of the House of Representatives in the 117th General Assembly.

HCR 163 - SOLES - Congratulating the University of Delaware's Women's Lacrosse Team Upon Winning the Division II Title for the Second Consecutive Year.

HCR 164 - VAN SCIVER & ALL MEMBERS OF THE HOUSE & SENATE - Congratulating Participants in the Annual Vocational Skills and Leadership Contest Sponsored by the Vocational Industrial Clubs of America.

SCR 122 - SENATOR BAIR & ALL SENATORS & ALL REPRESENTATIVES - Recognizing Delaware Arts Appreciation Days.

SCR 124 - BAIR, ZIMMERMAN; REPRESENTATIVE HARRINGTON - Congratulating Mr. Lewis A. Wells on the Occasion of His Retirement from the Wesley College Faculty on May 15, 1982.

SCR 125 - BAIR, ZIMMERMAN, TORBERT; REPRESENTATIVE HARRINGTON - Congratulating Dr. Roland O. Jones on the Occasion of His Retirement From the Wesley College Faculty on May 15, 1982.

SCR 130 - BERNDT, CONNOR, CORDREY; REPRESENTATIVES DERRICKSON, BARNES, GILLIGAN - Commending the Vocational-Industrial Clubs of America and Their Advisors for the Leadership Manifested at the Bethany Beach Conference.

SCR 131 - MARTIN, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, CORDREY, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MCBRIDE, MCDOWELL, NEAL, SHARP, TORBERT, VAUGHN, ZIMMERMAN - Mourning the Death of B. Thomas Elliott, of Laurel, Father of State Insurance Commissioner David H. Elliott.

Representative Roy introduced HR 198, jointly sponsored by Representatives Gilligan, Petrilli, Powell, Cathcart, Mack, Dixon & Spence.

HR 198 - Congratulating Phil Hershey, of William Penn High School, and John Price, of Dickinson High School, Upon Their Selections as New Castle County Track Coaches of the Year.

HR 198 was placed on Consent Calendar #38.

Consent Calendar #38 was adopted by voice vote and HCR 160, HCR 161, HCR 162, HCR 163 & HCR 164 were sent to the Senate for concurrence and SCR 122, SCR 124, SCR 125, SCR 130 & SCR 131 were returned to the Senate.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Former Representative Thomas Temple, Thirty-Ninth District.

Former Speaker Fader led those present in a pledge of allegiance to the Flag.

Mr. Speaker Hebner announced that the House rules will be suspended today.

The following prefired legislation was introduced:

HB 726 - CAMPANELLI - H/ADM: An Act to Amend Chapter 50, Title 15 of the Delaware Code Relating to Requirements for Voting Machines.

SB 561 w/SA 1 - MCDOWELL & BAIR; VAUGHN, MARSHALL, CONNOR, MARTIN, ZIMMERMAN, SHARP, HOLLOWAY, TORBERT, BERNDT, NEAL; REPRESENTATIVES GEORGE, CAIN, JESTER, GILLIGAN, ANDERSON, DIXON, CAMPANELLI, SOLES, PLANT, DARLING, WEST, MINNER, BENNETT, CORDREY, JONKIERT, ROY, SPENCE, CATHCART, SMITH - H/SS: An Act to Amend Chapter 79, Title 29, Delaware Code, Relating to the Establishment of a Lead Agency of Services to Children and Youth.

HA 1 to SB 89 - RIDDAGH; SENATOR BERNDT - Placed with the bill. (Ready List)

HA 1 to SB 139 - SMITH - Placed with the bill. (Ready List)

HA 1 to SB 395 - JESTER - Placed with the bill. (Agenda)

The following Former Representatives were granted the privilege of the floor for the purpose of introducing themselves:

Clifford Pryor, 104th General Assembly  
Wilbert Hocker, 122nd General Assembly  
Warren Allen, 116th General Assembly  
Joe Rollins, 125th General Assembly  
Ralph Smith, 126th General Assembly  
Ed Morris, 127-130th General Assemblies  
Bill Brady, 129-130th General Assemblies  
Thomas Temple, 127-129th General Assemblies  
Cliff Hearn, 125-126th General Assemblies  
Amos McCluney, 127th General Assembly  
Henrietta Johnson, 126-129th General Assemblies  
Jim Hastings, 118th General Assembly  
Bill Gordy, 126th-130th General Assemblies  
Chester Grove, 119-120th General Assembly  
Joe Loughney, 129-130th General Assemblies  
Ken Boulden, 124-129th General Assemblies  
George Hering, 123-126th General Assemblies  
Bob Quillen, 124-126th General Assemblies  
John Dillman, 124-126th General Assemblies  
Don Lynch, 127-129th General Assemblies  
Oliver Fonville, 123-125th General Assemblies  
Ray Evans, 124th General Assembly  
Tom Little, 124-126th General Assemblies  
George Jarvis, 125-126th General Assemblies  
Bill Poulterer, 126-127th General Assemblies  
Jack Kirk, 125-127th General Assemblies  
John Ferguson, 123-124, 127-130th General Assemblies  
Neal Moerschel, 125-126th General Assemblies  
Harold Bockman, 123rd General Assembly  
Lew Harrington, 124-128th General Assemblies  
John Fader, 106th General Assembly  
Ed Stanski, 125th General Assembly

Representative Burris moved to recess at 2:55 p.m.

The House reconvened at 3:48 p.m.

Representative Powell brought HB 630, jointly sponsored by Senator Cook, before the House for consideration.

HB 630 - An Act to Amend Chapter 11, Title 12, Delaware Code, Relating to the Escheat of Abandoned or Unclaimed Property. (Fiscal Note)

Representative Powell requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on HB 630 was taken and revealed:

YES: Representatives Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 29.

NO: Representatives Anderson, Darling, Jonkiert, Minner, Oberle, West - 6.

NOT VOTING: Representatives Cain, Campanelli, Cordrey - 3.

ABSENT: Representatives Barnes, Holloway, Plant - 3.

Therefore, having received a constitutional majority, HB 630 was sent to the Senate for concurrence. Representative Powell brought HB 631, jointly sponsored by Senator Cook, before the House for consideration.

HB 631 - An Act to Amend Chapter 61, Title 30, Delaware Code, to Impose a Penalty for Failure to File Public Accommodation Tax Returns.

Representative Powell requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on HB 631 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Darling, Minner - 2.

ABSENT: Representatives Cordrey, Jester, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority, HB 631 was sent to the Senate for concurrence.

Representative Powell brought HB 632, jointly sponsored by Senator Cook, before the House for consideration.

HB 632 - An Act to Amend Section 1195, Chapter 11, Title 30, Delaware Code, Relating to Penalties for Failure to Pay Certain Taxes. (Fiscal Note)

Representative Powell requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on HB 632 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Darling, Gilligan, Harrington, Jester, Jonkiert, Minner, Plant, Soles, West - 11.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Cordrey - 1.

Therefore, having received a constitutional majority, HB 632 was sent to the Senate for concurrence.

Representative Powell brought HB 633, jointly sponsored by Senator Cook, before the House for consideration.

HB 633 - An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax. (Fiscal Note)

Representative Powell requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

Representative Powell moved to place HB 633 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Powell brought HB 634, jointly sponsored by Senator Cook, before the House for consideration.

HB 634 - An Act to Amend Chapter 61, Title 30, Delaware Code, Relating to Public Accommodation Taxes.

The roll call on HB 634 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Cordrey, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 634 was sent to the Senate for concurrence.

Representative Powell brought HB 635, jointly sponsored by Senator Cook, before the House for consideration.

HB 635 - An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax.

The roll call on HB 635 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Cordrey, Derrickson - 2.

Therefore, having received a constitutional majority, HB 635 was sent to the Senate for concurrence.

Representative Powell brought HB 637, jointly sponsored by Senator Cook, before the House for consideration.

HB 637 - An Act to Amend Section 1194, Chapter 11, Title 30, Delaware Code, Relating to Failure to File Returns. (Fiscal Note)

The roll call on HB 637 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Darling, Jester, Jonkiert, Minner - 4.

ABSENT: Representatives Barnes, Cordrey - 2.

Therefore, having received a constitutional majority, HB 637 was sent to the Senate for concurrence.

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

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

HR 199. The motion was seconded by Representative George and adopted by voice vote.

Representative Jester introduced and brought HR 199, jointly sponsored by Representatives Mack & Cain, before the House for consideration.

HR 199 - Requesting the Coast Guard to Make a Thorough Investigation of the Barge-Ship Collision in the Chesapeake & Delaware Canal on May 18 Which Caused the Closing of the Waterway and Potential Damage to the Water Supply in Central Delaware.

HR 199 was adopted by voice vote.

Mr. Speaker re-assigned HB 610 to the Judiciary Committee.  
Mr. Speaker re-assigned SS 1 for SB 354 to the Appropriations Committee.  
Representative Burr is moved to recess to the call of the Chair at 5:46 p.m.

29th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 25, 1982

The Speaker called the House to order at 1:46 p.m.  
Mr. Speaker re-assigned HB 705 to the Administrative Services Committee.  
The Reading Clerk read the following communications into the record:

May 14, 1982

LEGISLATIVE ADVISORY #35

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/8/82 - HB 564 aab HA 1; 5/13/82 - HB 49, HS 1 for HB 91, HB 331, SB 280 aab HA 1; SB 410 aab HA 1; SB 449 aab HA 1; SB 318; SB 502.

The following legislation was vetoed by the Governor on May 14, 1982: SB 251 aab HA 1; SB 344 aab HA 1.

Please note-the following should be included in Legislative Advisory #31: SCR 90. The preceding is a resolution and the Governor signed it on March 20, 1982.

The Senate wishes to inform the House that it has passed: SCR 130, SCR 131, SB 561 w/SA 1; SCR 132, HB 154 w/HA 1,3,4,6; HB 589.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Jeffrey G. Mack, Nineteenth District.

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

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

The following prefilled legislation was introduced:

HB 727 - CATHCART, CAIN, GILLIGAN, MINNER, ROY, DIXON, SPENCE, MACK; SENATORS MCBRIDE, HUGHES, NEAL, MARTIN, CONNOR - NR/AGRI: An Act to Amend 29 Delaware Code, §§8223 to 8230 Relating to the Transportation of Hazardous Materials. (2/3 bill)

HB 728 - BUCKWORTH - ED: An Act Amending Title 14 of the Delaware Code Providing for Partial State Support for Employment of One Assistant Principal in Each Delaware Public School.

HB 729 - VAN SCIVER - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Prohibition of Dangerous Weapons.

HB 730 - ROY, MACK, SMITH, GEORGE, FREE, MINNER, RIDDAGH, POWELL, OBERLE, BUCKWORTH, BRADY, SPENCE, PETRILLI, SINCOCK, GILLIGAN, DIXON; SENATORS CITRO, BERNDT, COOK, BAIR, HUGHES - JUD: An Act to Amend Title 11, Delaware Code, by Creating a New Offense Relating to Computer Crimes.

HB 731 - SPENCE - JUD: An Act to Amend Chapter 70, Title 21, Delaware Code, Relating to Fines for Certain Parking Violations.

HB 732 - POWELL; SENATOR ADAMS - R&F: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to the State Employees Pension Plan and Making Technical Changes and Corrections Thereto.

HB 733 - HARRINGTON, BRADY, DIXON - R&F: An Act to Amend Title 18, Section 513 of the Delaware Code to Increase Domestic Insurers' Statutory Deposit.

HB 734 - PLANT, OBERLE, HOLLOWAY; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to the Acquisition of Motor Vehicles for State Purposes.

HB 735 - SINCOCK, MINNER; SENATORS CORDREY, BERNDT - NR/AGRI: An Act to Amend Subchapter II, Section 2117, Chapter 21, Title 23, of the Delaware Code Relating to Release of Boat Registration Information.

HB 736 - SPENCE, ROY, PETRILLI,\*JONKIERT, CATHCART, BENNETT, BUCKWORTH, MACK, BARNES, EDWARDS, DIXON, SINCOCK, ENNIS, CORROZI, OBERLE, MARONEY, CAMPANELLI, RIDDAGH; SENATORS MARSHALL, CITRO, ARNOLD, CONNOR, BERNDT, KNOX, MCBRIDE, SHARP, HUGHES, ADAMS - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Revocation of a Driver's License for Vehicular Assault.

HB 737 - WEST - NR/AGRI: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Game Refuges by Providing That State Lands May be Used for Training Dogs at Certain Times of Year.

HA 3 to HB 271 - BUCKWORTH - Placed with the bill. (L.O.T.)

HA 1 to HB 540 - BENNETT - Placed with the bill. (Agenda)

HA 3 to HB 546 - HARRINGTON - Placed with the bill. (L.O.T.)

SCR 132 - CORDREY, ZIMMERMAN, MARSHALL - R&F: Urging the Delaware Insurance Commissioner to Reconsider His Decision to Not Disapprove a Rate Increase by Blue Cross and Blue Shield of Delaware Inc. Until a Public Hearing Has Been Held.

Representative Minner moved to suspend the rules which interfere with action on HS 1 for HB 491. The motion was seconded by Representative Burr and adopted by voice vote.

Representative Minner brought HS 1 for HB 491 before the House for consideration.

HB 491 - An Act to Amend Chapter 45 of Title 7 of the Delaware Code to Allow for Title or Interest in Public Lands to be Obtained Only by Deed or Written Instrument.

The roll call on HS 1 for HB 491 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Barnes, Brady, Ennis, Holloway, Jester, Plant - 6.

Therefore, having received a constitutional majority, HS 1 for HB 491 was sent to the Senate for concurrence.

Representative Minner brought HB 490 before the House for consideration.

HB 490 - An Act to Amend Chapter 5, Subchapter III, Subpart I, of Title 11 of the Delaware Code, to Make it a Crime to Fraudulently Convey or Receive Public Lands.

Representative Minner requested and was granted the privilege of the floor for Deputy Attorney General June MacArtor, Division of Environmental Control.

Representative Minner brought HA 1 to HB 490 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 490 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Brady, Ennis, Holloway - 4.

Therefore, having received a constitutional majority, HB 490 w/HA 1 was sent to the Senate for concurrence.

Representative Powell requested that action on HS 1 for HB 473 be deferred to a Day Certain, Thursday, May 27, 1982.

Representative Powell moved to lift HB 633 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Powell brought HB 633, jointly sponsored by Senator Cook, before the House for consideration.

HB 633 - An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax. (Fiscal Note)

Representative Powell brought HA 1 to HB 633 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 633 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representative Darling - 1.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Barnes, Brady, Ennis, Holloway, Jester - 5.

Therefore, having received a constitutional majority, HB 633 w/HA 1 was sent to the Senate for concurrence.

Representative Powell brought HB 638, jointly sponsored by Senator Cook, before the House for consideration.

HB 638 - An Act to Amend Chapter 21, Title 30, Delaware Code, Relating to Occupational and Business Licenses and Taxes. (Fiscal Note)

The roll call on HB 638 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

NO: Representative Darling - 1.

ABSENT: Representatives Barnes, Brady, Campanelli, Cathcart, Ennis, Holloway, Riddagh - 7.

Therefore, having received a constitutional majority, HB 638 was sent to the Senate for concurrence.

Representative Powell brought HB 639, jointly sponsored by Senator Cook, before the House for consideration.

HB 639 - An Act to Amend Chapter 21, Part III, Title 30, Delaware Code, to Provide Procedures for Obtaining and Enforcing Judgments Against Certain Delinquent Taxpayers.

Representative Powell brought HA 1 to HB 639 before the House for consideration. HA 1 was adopted by voice vote.

Representative Powell requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on HB 639 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representative Darling - 1.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Brady, Cain, Ennis, Holloway, Spence - 5.

Therefore, having received a constitutional majority, HB 639 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 567, jointly sponsored by Representatives Spence, Jonkiert, Mack, Minner, Roy, Harrington & Oberle & Senators Arnold, Vaughn, Hughes, Cook & Littleton, before the House for consideration.

HB 567 - An Act to Amend Chapter 4 and Chapter 39, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Certain Verdicts in Criminal Cases. (2/3 bill)

Representative Riddagh brought HA 1 to HB 567 before the House for consideration. HA 1 was adopted by voice vote.

Representative Riddagh brought HA 2 to HB 567 before the House for consideration. HA 2 was adopted by voice vote.

Mr. Speaker Hebner declared a recess at 2:38 p.m. for the purpose of changing the recording tape.

The House reconvened at 2:39 p.m.

Representative Riddagh read the following communication into the record:

Some legislative bodies have come to the conclusion that the plea of insanity, as it is being used in today's criminal trials, is a concept that needs rethinking.

The question being asked is: "Is justice being served by the narrow range of the present insanity plea, or has this plea turned into a last resort to beat the system, where the defendant has nothing to lose and everything to gain by the present system?"

Examples - the Hinckley case - the Joey Coyle case - did such mental illness really affect their ability to obey the law? Under the present Delaware law, a defendant can only be found innocent or guilty of the charge or innocent by reason of insanity.

Today many psychiatrists now recognize that there are different degrees of mental illnesses between sane and insane.

An insane person lacks substantial capacity to appreciate the criminality of his conduct or to conform to the requirements of the law. The term mental disease does not include abnormality manifested only by repeated criminal or antisocial conduct.

The narrow choice of the present law puts an incredible responsibility on any psychiatrist to decide, by a few examinations in a hospital, if the defendant is insane or only mentally ill.

This has been a haphazard system and over the years has resulted in many persons in these United States being judged innocent by reason of insanity, returning to society within several months or a few years, only to commit the same type of offense over again.

House Bill 567 would offer all the protection, medication and treatment to the truly insane and this bill has been reviewed by the staff of the Delaware State Hospital and Amendment #1 was the only change they requested and that was that the hospital staff be directly responsible for the treatment and the authority for the person's discharge from the hospital.

Under HB 567, a jury, after hearing the facts, could also recognize the defendant as mentally ill - but nevertheless hold the defendant responsible for his actions.

An example of how this new concept would work has been demonstrated under the same type of statute passed by the Michigan, Idaho and Kentucky legislatures.

Michigan's law was passed in 1975, although the truly insane are still being cared for in their mental hospitals. The results of the guilty but mentally ill concept in Michigan have shown that where the courts, or the jury, were given a choice of innocent by reason of insanity or guilty but mentally ill, the majority of guilty but mentally ill decisions were rendered against sex offenders and now many of them are not getting off scott-free after a few months in the hospital.

Under 401(a) of HB 567 as amended the truly insane are protected although the basic thrust is to separate the "insufficient will power defense" from the standard "not guilty by reason of insanity plea" and change the method of handling these pleas in the interest of more orderly trials. Under (b) of 401 there is created a standard less than true insanity, but recognizing the possibility that the defendant may be suffering from a mental disorder, and provides for treatment as well as incarceration alone. Also under 407b, a person found guilty but mentally ill shall have a sentence imposed on him that may be lawfully imposed on any other defendant convicted of the same offense, committed to the Correction Department and given the opportunity for medical and hospital treatment as is psychiatrically indicated in unison with the Delaware State Hospital for as long as is necessary to promote a cure, at which time the defendant would be remanded back to the Correction Division.

401(C) defines what is not insanity.

Section 407 provides for the handling of persons who are convicted under the verdict "guilty but mentally ill".

Section 407(a): The defendant may move for a verdict of guilty but mentally ill; however, there shall be no findings of guilty but mentally ill until the trier of fact has examined all reports. (A guilty but mentally ill plea is not automatic.)

407(b) as amended would have the Commissioner of Corrections responsible for the prisoner, but the course of treatment would be determined by the Division of Mental Health or the State Hospital (requested by hospital authorities).

Representative Holloway requested and was granted the privilege of the floor for Legislative Council Attorney Thom Shields.

Representative Riddagh rose on a point of order.

Representative Jonkiert rose on a point of order.

The roll call on HB 567 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.

NO: Representatives Brady, Holloway, Plant - 3.

NOT VOTING: Representatives Campanelli, Derrickson, Maroney - 3.

ABSENT: Representative Corrozi - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 567 w/HA 1,2 was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with introduction of and action on HCR 165. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Smith introduced and brought HCR 165, jointly sponsored by Representatives Jester, Cain, Spence & Senators McBride & Arnold, before the House for consideration.

HCR 165 - Expressing Concern at the Recent Action Taken by the New Castle County Executive's Office Regarding the State Farmland Assessment Tax Advisory Committee.

Representative Sincok moved to place HCR 165 on the Speaker's table. The motion was seconded by Representative Mack and adopted by voice vote.

Representative Burr moved to recess to the call of the Chair at 4:12 p.m.

30th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY  
Second Session

May 26, 1982

The Speaker called the House to order at 1:52 p.m.

Representative Derrickson introduced HB 745, jointly sponsored by Representative Minner & Senator Knox.

HB 745 - An Act to Amend Chapter 9 and Chapter 11, Title 7, Delaware Code Relating to Finfishing in Tidal and Non-Tidal Waters of the State. (2/3 bill)

Mr. Speaker assigned HB 745 to the Natural Resources & Agriculture Committee.

Representative Edwards introduced HB 746, jointly sponsored by Representative Van Sciver & Representatives Corrozi, Petrilli, Mack, Ennis, Sincok & Derrickson & Senator Holloway.

HB 746 - An Act to Amend Title 31, Delaware Code, Relating to the Establishment of an Adult Protective Services Unit Within the Department of Health and Social Services and Further Providing a Supplementary Appropriation Therefor. (3/5 bill)

Mr. Speaker assigned HB 746 to the Health & Social Services Committee.

The Reading Clerk read the following communications into the record:

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Terry R. Spence, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HCR 165.

Date: 5/25/82.

Signed: Terry R. Spence.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, R. Sincok, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 746.

Date: 5/26/82.

Signed: R. Sincok.

Representative Bennett requested that HB 620 be stricken.

Representative George requested that HB 7, HB 349, HB 463 & HCR 54 be stricken.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Cain - 2.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth District.

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

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

The following prefiled legislation was introduced:

HB 738 - SMITH, DERRICKSON - NR/AGRI: An Act to Amend Section 6151, Subchapter II, Chapter 61, Title 7, Delaware Code Relating to Commercial Vessels and Structures Anchored Over Public Lands Beneath the Waters of the State.

HB 739 - BENNETT, ROY - ADM/S: An Act to Amend Title 29, Chapter 69, Delaware Code Relating to Public Works Contracts. (2/3 bill)

HB 740 - BENNETT, DARLING - ADM/S: An Act to Amend Title 24, Delaware Code by Creating a New Chapter Providing for Licensing and Regulation of Resident and Nonresident Auctioneers and Apprentice Auctioneers.

HB 741 - FALLON - ADM/S: An Act to Amend Chapter 100, Title 29 of the Delaware Code Relating to Public Library Records.

HB 742 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel", to Permit the Issuing of Revenue Bonds. (2/3 bill)

HB 743 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - H/ADM: An Act to Amend Chapter 17, Title 15, Delaware Code, Relating to the Change of Party Designation.

HB 744 - WEST - NR/AGRI: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to the Taking of Raccoons.

HA 3 to HS 1 for HB 365 - DERRICKSON, BENNETT - Placed with the bill. (Ready List)

HA 4 to HS 1 for HB 365 - DERRICKSON, BENNETT - Placed with the bill. (Ready List)

HA 5 to HS 1 for HB 365 - DERRICKSON, BENNETT - Placed with the bill. (Ready List)

HA 1 to HB 716 - GEORGE - ADM/S: Placed with the bill.

SB 513 w/SA 1,2 - ADAMS - ADM/S: An Act to Amend Title 6, Delaware Code, Relating to the Establishment of a Motor Vehicle Franchising Practices Act.

The Reading Clerk read the following communications into the record:

May 24, 1982

LEGISLATIVE ADVISORY #36

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/20/82 - HB 220, HB 369 aab SA 1; HB 414 aab HA 1; HB 541, HB 579 aab HA 1; 5/24/82 - HB 458.

The following is a resolution and the Governor signed it on May 20, 1982: SJR 31.

The Senate wishes to inform the House that it has passed: SB 513 w/SA 1,2; SCR 133, SCR 134, HCR 160, HCR 161, HCR 162, HCR 163, HCR 164.

May 18, 1982

Representative Roger Roy

Legislative Hall

Dover, Delaware 19901

Dear Roger,

It has come to my attention that you have voiced your concerns about two tentatively scheduled partisan political workshops at the 1982 Annual Meeting of the Eastern Regional Conference. I have reported your views to the Executive Committee and they have asked us to revise that portion of the program.

Do you have any suggestions regarding either a reworking of those workshops to avoid partisanship or organizing alternative plenary or workshop sessions on a totally different issue. Your recommendations would be very much appreciated as would any thoughts you might have about potential speakers.

Once again, we appreciate knowing your views on this subject and look forward to hearing your specific proposals.

I hope to see you in New York in August.

Sincerely,  
Representative Marshall French  
New Hampshire  
Chairman, Eastern Regional Conference

MF:da

cc: Speaker of the House Charles Hebnor

Representative West read the following communication into the record:

Mr. Speaker:

Back on January 31 of this year I had the pleasure of introducing House Resolution 113. All this resolution did was to ask President Reagan to fire Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System. The resolution pointed out that one of the reasons for the high interest rates was the policy of the Federal Reserve Board. The resolution said that young married couples could no longer buy homes in the United States because of the interest rates.

For some hidden reason this resolution was buried in the House Administration Committee and the members were not given the chance to vote on it. This is a bad situation in a democracy, Mr. Speaker. We are here to vote for or against. The people will tell us on election day if we are right or wrong.

Anyhow, those of us who support House Resolution 113 have been vindicated beyond question — United States Congressman Henry Reuss, who is chairman of the Joint Economic Committee of the Congress, one of the highest places in our government, said Sunday that a budget resolution will soon be introduced which will require the Federal Reserve Board to change its policies and let the interest rate come down.

Mr. Reuss pointed out that Congress told the Federal Reserve Board to shape up in 1975 and it did so and the interest rate declined and — most important — the recession ended. I want you to know, Mr. Speaker, that I was right in January and I am going to keep fighting to lower these interest rates whether you bury my resolutions or not.

Representative Burris moved to recess for committee meetings at 2:10 p.m.

The House reconvened at 4:04 p.m.

The Reading Clerk read the following Committee Reports into the record:

JUD: HB 661 - 1F,4M; HB 708 - 5M; HB 729 - 5M; HB 730 - 1F,4M; HB 736 - 1F,4M; SB 538 - 1F,4M.

ADM/S: HB 648 - 5M; HB 690 - 4M; HB 700 - 4M; HB 701 - 4M; HB 703 - 4M; HB 709 - 5M; HB 710 - 5M; HB 711 - 5M; HB 716 - 5M; HB 722 - 1F,3M; HB 724 - 4M; HB 734 - 4M; SB 525 - 3M.

ED: HB 725 - 4M.

NR/AGRI: HB 745 - 5M.

H/SS: HCR 159 - 4F.

Representative Smith requested that HB 321 be stricken.

The following prefilled Consent Calendar was introduced:

HR 180 - BURRIS, PETRILLI - In Reference to Compensation Rate for the Majority Attorney.

HR 200 - FALLON - Expressing Our Sorrow at the Death of Robert Karl Miller, Earth Science Teacher at the Seaford Junior High School.

HCR 143 - SMITH - Requesting the Support of the Delaware Congressional Delegation for Reauthorization of the Endangered Species Act.

HCR 166 - OBERLE & ALL REPRESENTATIVES & SENATORS - Saluting the Sixteen Officers of the Delaware State Police, Members of the Class of 1963, Who Are Retiring.

HCR 167 - BUCKWORTH; SENATOR TORBERT - Congratulating Clyde Jensen, of Camden, Upon His Nomination for the President's Volunteer Action Award.

HCR 168 - JONKIERT, GILLIGAN, SPENCE; SENATOR MARSHALL - Congratulating John Francis Smagala, Jr., of Wilmington, Upon His Selection for the Middle Atlantic AAU Cultural Exchange Wrestling Team Which Will Tour Ecuador and the Dominican Republic This Summer.

SCR 133 - HOLLOWAY, MARSHALL, MCBRIDE, MCDOWELL, TORBERT, BERNDT, KNOX, NEAL; REPRESENTATIVE EDWARDS - Expressing Grateful Appreciation to the Planners of the Statewide Conference on Drug, Alcohol and Gambling Addiction in the State of Delaware, Held at Wilmington High School on Monday, May 17, 1982 Attended by Over Four Hundred Citizens.

SCR 134 - ADAMS; REPRESENTATIVE BARNES - Congratulating the Woodbridge High School Team and Coach Bill Degnan for Winning the Division II Track and Field Championship.

Consent Calendar #39 was adopted by voice vote and HCR 143, HCR 166, HCR 167 & HCR 168 were sent to the Senate for concurrence and SCR 133 & SCR 134 were returned to the Senate.

Representative Campanelli introduced HR 201.

HR 201 - Requesting the State Insurance Commissioner to Approve the Worker's Compensation Deviation Requests of Eagle Star Insurance Company of America and Pennsylvania Casualty Company Which Would Provide for Lower Worker's Compensation Premiums.

Representative Campanelli moved to suspend the rules which interfere with action on HR 201. The motion was seconded by Representative Anderson and adopted by voice vote.

HR 201 was adopted by voice vote.

Representative Riddagh brought HB 695, jointly sponsored by Senator Sharp & Representatives Barnes, Buckworth, Cathcart, Edwards, Ennis, Harrington, Mack, Oberle, Spence, West, Campanelli, Darling, Dixon, Jonkiert & Minner & Senators Marshall, McBride, Torbert, Vaughn, Arnold, Bair, Citro, Hughes & Littleton, before the House for consideration.

HB 695 - An Act to Amend Chapter 4, Part I, Title 11 of the Delaware Code Relating to Criminal Liability of the Owner or Legal Occupant of a Dwelling for Injuries to an Unlawful Intruder.

Representative Riddagh read the following communication into the record:

Attorney is concerned that this Bill offers too much protection to the occupant. It is the responsibility of any legislative body to offer all the protection possible to their constituents.

We do it now for the criminal element under the constitution when they become the defendant.

The valid defense against prosecution is not valid because a good attorney general would not buy that argument in the case of an invited guest in the home who would not leave.

That type of case would surely go to trial and the occupant would have the burden of proof to prove the defense of his actions.

Burden of proof is on the defendant to prove the justification of their defense. Does the guest who refuses to leave have a weapon. 99% of the law abiding public do not know the present laws.

The roll call on HB 695 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Cain, Cordrey - 3.

Therefore, having received a constitutional majority, HB 695 was sent to the Senate for concurrence.

Representative Riddagh brought HB 707, jointly sponsored by Representatives Dixon, Petrilli, Harrington, Jester, Edwards, Campanelli, West, Minner, Barnes, Brady & Bennett & Senators Zimmerman, Vaughn, McBride, Holloway, Hughes, Cook & Torbert, before the House for consideration.

HB 707 - An Act to Amend Title 10 and Title 25 of the Delaware Code Relating to the Limitation of Real Actions.

Representative Derrickson requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 707 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representatives Derrickson, Ennis, Free, Sincok - 4.

ABSENT: Representatives Brady, Cain - 2.

Therefore, having received a constitutional majority, HB 707 was sent to the Senate for concurrence.

Representative Powell brought HB 600, jointly sponsored by Senator Cook, before the House for consideration.

HB 600 - An Act to Amend Section 5526(b), Chapter 55, Title 29 of the Delaware Code by Changing the Date for Disability Pensioners to Report Their Earnings.

The roll call on HB 600 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Cain, Petrilli - 3.

Therefore, having received a constitutional majority, HB 600 was sent to the Senate for concurrence.

Representative Powell brought HB 641, jointly sponsored by Representative McKay & Senators Adams & Cordrey, before the House for consideration.

HB 641 - An Act to Amend Chapter 33, Title 12 of the Delaware Code Relating to Banks or Trust Companies Establishing Common Funds for the Collective Investment of Funds Held in a Fiduciary or Agency Capacity.

Representative Powell requested and was granted the privilege of the floor for Mr. James Jackson, Executive Vice President, Delaware Banking Association.

The roll call on HB 641 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Bennett, Derrickson, Mack, Oberle - 4.

ABSENT: Representatives Brady, Cain, Holloway, Petrilli - 4.

Therefore, having received a constitutional majority, HB 641 was sent to the Senate for concurrence.

Mr. Speaker Hebner announced that Representative Petrilli has been removed from the Appropriations Committee and Representative Harrington is assigned to the Appropriations Committee.

Mr. Speaker re-assigned HB 716 to the Appropriations Committee.

Representative Burr is moved to recess to the call of the Chair at 5:56 p.m.

31st LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

May 27, 1982

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 503, SCR 135, SB 353 w/HA 1,3 & SA

1.

The Majority Leader moved to adjourn at 1:50 p.m., thereby ending the previous legislative day. The House reconvened at 1:51 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Ennis - 1.

A prayer was offered by Brother Ronald Giannone, Mary Mother of Hope House, Wilmington, Delaware.

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

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

The following prefiled legislation was introduced:

HB 747 - MARONEY, FALLON, MCKAY, EDWARDS, SOLES; SENATORS MCBRIDE, TORBERT, NEAL, KNOX - H/SS: An Act to Amend Section 122, Title 16 of the Delaware Code Relating to Duties of the State Board of Health.

HB 748 - BUCKWORTH - ED: An Act Amending Title 14 of the Delaware Code Relating to Employment of Assistant Principal in Delaware Public Schools and Making a Supplementary Appropriation Therefor.

HB 749 - ANDERSON; SENATORS SHARP, ARNOLD; REPRESENTATIVES CAMPANELLI, DARLING, JESTER, MINNER, OBERLE, ROY, SPENCE - ADM/S: An Act to Amend Chapter 27, Subchapter 1, Title 21 of the Delaware Code Relating to School Bus Drivers' Licenses.

HB 750 - SOLES; SENATOR NEAL - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Termination of Rental Agreements.

HB 751 - BENNETT, DIXON, BARNES, EDWARDS, HARRINGTON - R&F: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation Appeals.

HB 752 - CAMPANELLI - H/ADM: An Act to Amend Chapter 81, Part V, Title 9 of the Delaware Code Relating to County Taxes.

HB 753 - MINNER - NR/AGRI: An Act to Amend Chapter 5, Subchapter III, Subpart I, Title 11 of the Delaware Code to Make it a Crime to Fraudulently Receive Public Lands.

HS 1 for HB 654 - ROY - ADM/S: An Act to Amend Subchapter VI of Chapter 1, Title 26, Delaware Code Relating to Regulation by the Public Service Commission of Rates Charged by Cable Television Systems. (3/5 bill)

HA 6 to HS 1 for HB 365 - CATHCART - Placed with the bill. (Ready List)

HA 7 to HS 1 for HB 365 - EDWARDS - Placed with the bill. (Ready List)

HA 2 to HB 602 - MACK - Placed with the bill. (Agenda)

HA 3 to HB 602 - BENNETT - Placed with the bill. (Agenda)

SB 353 w/HA 1,3; SA 1 - VAUGHN, SHARP, COOK, HUGHES; REPRESENTATIVE JESTER H/ADM: An Act to Authorize and Empower the Governor and Commissioner of Corrections to Transfer Certain Lands Situated in Blackbird Hundred, New Castle County, State of Delaware, to the Veteran Affairs Commission for the Purpose of Establishing a Veterans Cemetery.

SB 503 - ADAMS, CORDREY, LITTLETON, VAUGHN; REPRESENTATIVES BARNES, DERRICKSON - NR/AGRI: An Act Authorizing the Department of Agriculture to Continue the Pilot Project on the Concepts of Dynamic Seeding (Weather Modification).

Mr. Speaker Hebner appointed Representative Riddagh as Temporary Speaker.

Representative Hebner moved to suspend the rules which interfere with introduction of and action on HCR 169. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Hebner introduced and brought HCR 169, jointly sponsored by All Representatives and Senator Cordrey & All Senators, before the House for consideration.

HCR 169 - Encouraging Support for the 12th Annual Field & Track Games Sponsored by the Delaware Special Olympics on June 4, 5, and 6, 1982.

Representative Hebner requested and was granted the privilege of the floor for Mrs. Madelyn Johnston representing Brandywine Social Club & Delaware Special Olympics.

HCR 169 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the chair.

Representative Buckworth requested that HB 728 be stricken.

Representative Hebner requested that HB 66 be stricken.

Representative Powell brought HS 1 for HB 473, jointly sponsored by Senator Cook, before the House for consideration.

HB 473 - An Act to Amend Sections 2911 and 2913 of Title 18 of the Delaware Code Relating to Life Insurance Policy Loans.

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

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

Representative Cain requested and was granted the privilege of the floor for Mr. Bernard Dempsey representing Continental American Life Insurance Company.

Representative Powell moved to place HS 1 for HB 473 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Powell brought SB 508, jointly sponsored by Senators Adams & Cordrey & Representative McKay, before the House for consideration.

SB 508 - An Act to Amend Title 5 of the Delaware Code Relating to Bank Branches.

The roll call on SB 508 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 33.

NO: Representative West - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representatives Brady, Ennis, Holloway, Jonkiert, Plant, Smith - 6.

Therefore, having received a constitutional majority, HB 508 was returned to the Senate.

Representative Jester brought SB 395, jointly sponsored by Senator Zimmerman, before the House for consideration.

SB 395 - An Act to Amend Subchapter VII of Chapter 5, Title 11, Delaware Code, Relating to Abandonment of Animals. (2/3 bill)

Representative Jester brought HA 1 to SB 395 before the House for consideration. Representative Jester requested that HA 1 be stricken.

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

Representative Jester brought HA 2 to SB 395 before the House for consideration. HA 2 was adopted by voice vote.

Representative Jester requested and was granted the privilege of the floor for William L. Richardson representing Delaware Animal League.

The roll call on SB 395 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Brady, Burris, Ennis - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 395 w/HA 2 was returned to the Senate for concurrence.

Representative Jester brought SB 427, jointly sponsored by Senators Vaughn, Cook & Torbert & Representatives Riddagh, Sincok & Dixon, before the House for consideration.

SB 427 - An Act to Amend Chapter 31, Title 20 and Chapter 61, Title 29 of the Delaware Code Relating to the Division of Emergency Planning and Operations; Authorizing the Division of Emergency Planning and Operations to Create and Maintain a Delaware Radiological Emergency Plan and to Accept and Expend Funds From Public or Private Sources in Connection Therewith.

The roll call on SB 427 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Brady, Ennis - 2.

Therefore, having received a constitutional majority, SB 427 was returned to the Senate.

Representative Smith brought HB 623, jointly sponsored by Representative Gilligan & Senators Martin & Knox, before the House for consideration.

HB 623 - An Act to Amend the Following: (1) Subsections (a) and (b), Section 6055, Chapter 60, Title 7 of the Delaware Code Relating to Allowing Beverage Containers Sold or Offered for Sale in Delaware to be Labeled by Stamping or Other Method, Allowing the Abbreviation of the Word Delaware, and the Eliminating of the Requirement That Deposit Notations be Permanently Printed or Embossed on Beverage Containers That Have Been Certified as Refillable; (2) Subsection (b), Section 6054, Chapter 60, Title 7 of the Delaware Code Relating to Not Requiring a Deposit for the On-Premise Sale of a Beverage Container; (3) Subsection (b), Section 6052, Chapter 60, Title 7 of the Delaware Code Changing the Word "Gallons" to "Quarts".

The roll call on HB 623 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Corrozi, Derrickson, Fallon, Free, George, Gilligan, Harrington, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Bennett, Campanelli, Cathcart, Cordrey, Darling, Dixon, Edwards, Jester, Jonkiert, Mack, Minner, Oberle, Plant, West - 14.

ABSENT: Representatives Brady, Cain, Ennis -  
 Therefore, having received a constitutional majority, HB 623 was sent to the Senate for concurrence.  
 Representative Burris moved to recess for caucus at 3:55 p.m.  
 The House reconvened at 5:13 p.m.  
 Representative Bennett brought HB 539 before the House for consideration.  
 HB 539 - An Act to Amend Article II, Section 2 of the Constitution of the State of Delaware  
 Relating to the Term of Office for Members of the House of Representatives. (2/3 bill)  
 The roll call on HB 539 was taken and revealed:  
 YES: Representatives Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Holloway,  
 Jester, Jonkiert, Plant, Mr. Speaker Hebner - 12.  
 NO: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson,  
 Edwards, Fallon, Free, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh,  
 Roy, Sincok, Smith, Soles, Spence, Van Sciver - 26.  
 ABSENT: Representatives Ennis, Powell, West - 3.  
 Therefore, not having received a constitutional majority of at least two-thirds Members of the  
 House, HB 539 was declared defeated.  
 Representative Spence requested that his name be removed as a sponsor of SB 560.  
 Mr. Speaker re-assigned HB 722 to the Appropriations Committee.  
 Mr. Speaker re-assigned HB 727 to the Administrative Services Committee.  
 Mr. Speaker Hebner announced that Representative Harrington has been removed from the  
 Appropriations Committee and Representative Petrilli is assigned to the Appropriations Committee.  
 Representative Bennett requested that HB 540 be stricken.  
 Representative Hebner withdrew his motion to strike HB 66.  
 Representative Burris moved to recess to the call of the Chair at 6:02 p.m.

32nd LEGISLATIVE DAY  
 131ST GENERAL ASSEMBLY

Second Session

June 1, 1982

The Speaker called the House to order at 1:56 p.m.  
 Representative Burris moved to recess for caucus at 1:57 p.m.  
 The House reconvened at 3:38 p.m.  
 Mr. Speaker announced that HB 392 had been inadvertently re-assigned to the Appropriations  
 Committee. HB 392 was removed from the Appropriations Committee.  
 The following prefiled legislation was introduced:  
 HB 754 - OBERLE - R&F: An Act to Amend Title 19, Delaware Code, Relating to Unemployment  
 Compensation.  
 HB 755 - OBERLE - ADM/S: An Act to Amend Subsection (b), Section 5854, Title 29, Delaware  
 Code, Relating to Conflicts of Interest of State Agency Employees.  
 HB 756 - OBERLE - ADM/S: An Act to Amend Subsection (b), Section 5854, Title 29, Delaware  
 Code, Relating to Conflicts of Interest of State Agency Employees.  
 HB 757 - ROY - ADM/S: An Act to Amend Chapter 1, Subchapter II, Title 26 of the Delaware Code  
 Relating to the Granting of Easements for Public Utilities Across Railroad Property.  
 HB 758 - ANDERSON, CAIN, ENNIS, SPENCE, CATHCART, MACK, MINNER, JESTER, OBERLE -  
 NR/AGRI: An Act to Amend Chapter 5, Title 7 of the Delaware Code Relating to Fishing Licenses. (3/5  
 bill)  
 HB 759 - MARONEY, SOLES; SENATOR KNOX - JUD: An Act to Amend Chapter 4, Title 11 of the  
 Delaware Code Relating to Confinement at the Delaware State Hospital.  
 HB 760 - HARRINGTON, BARNES, BUCKWORTH, BURRIS, CATHCART, CORROZI, EDWARDS,  
 DERRICKSON, FALLON, FREE, HEBNER, MACK, MARONEY, MCKAY, OBERLE, PETRILLI, POWELL,  
 RIDDAGH, ROY, SINCOK, SMITH, SPENCE, CAIN, VAN SCIVER, ANDERSON, BENNETT, WEST,  
 CAMPANELLI, CORDREY, DARLING, DIXON, GEORGE, GILLIGAN, HOLLOWAY, JESTER,  
 JONKIERT, MINNER, PLANT, SOLES; SENATORS ARNOLD, BAIR, BERNDT, CITRO, CONNOR,  
 HUGHES, KNOX, LITTLETON, NEAL, ADAMS, COOK, CORDREY, HOLLOWAY, SHARP, MARSHALL,  
 MARTIN, MCBRIDE, MCDOWELL, TORBERT, VAUGHN, ZIMMERMAN - R&F: An Act to Amend  
 Chapters 23, 25, 27 and 29, Title 30, Delaware Code Eliminating the Quarterly or Monthly Return Filing  
 Requirements for Gross Receipt Taxes in the Case of Certain Small Businesses.  
 HB 761 - HOLLOWAY - H/ADM: An Act to Amend Article II, Section 4 of the Constitution of the  
 State of Delaware Relating to the Time and Frequency of Sessions of the General Assembly. (2/3 bill)  
 HB 762 - HOLLOWAY - APPRO: An Act to Amend Chapter 7, Title 29 of the Delaware Code  
 Relating to Compensation and Expenses of Members of the General Assembly.  
 HB 763 - OBERLE, MACK, SPENCE - R&F: An Act to Amend Title 18, Chapter 25 of the Delaware  
 Code Relating to Insurance Rates.  
 HB 764 - DARLING; SENATOR COOK - H/ADM: An Act to Re-Incorporate the Town of Felton.  
 (2/3 bill)  
 HB 765 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - APPRO: An Act to Provide for a  
 Supplemental Appropriation to the Wilmington Housing Authority for the Purpose of an Emergency  
 Concerning Housing in the State of Delaware. (3/4 bill)

HB 766 - DERRICKSON; SENATOR KNOX - R&F: An Act to Amend Title 19, Chapter 23, Delaware Code Relating to Workmen's Compensation and Defining Certain Employers.

HB 767 - ROY, DIXON, VAN SCIVER - ADM/S: An Act to Amend Section 7310 of Title 16, Delaware Code, Relating to the Authority of the State Fire Prevention Commission.

HB 768 - FALLON, CAMPANELLI, JESTER - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to the Salaries of School Secretaries and Clerks and Making a Supplementary Appropriation Therefor.

HB 769 - JONKIERT - R&F: An Act to Amend Chapter 7, Title 18 of the Delaware Code by Increasing the Special Tax on Gross Premiums for Benefit of the Police. (3/5 bill)

HB 770 - GEORGE - R&F: An Act to Amend Chapter 11 and Chapter 30 of Title 30 of the Delaware Code to Allow a Credit Against Tax for Contributions of Certain Agricultural Products to Certain Tax-Exempt Organizations.

HB 771 - MARONEY; SENATOR KNOX - ADM/S: An Act to Amend Titles 24 and 30, Delaware Code, Relating to the Regulation of Security Systems and Protective Services. (3/5 bill)

HB 772 - PETRILLI - ED: An Act to Amend Title 14, Delaware Code and Chapter 120, Volume 63, Laws of Delaware, Relating to the Method of Calculating Units in Public School Districts.

HB 773 - MCKAY, FREE, FALLON, JESTER, CAMPANELLI, PETRILLI, CORROZI - ED: An Act to Amend Title 14 Delaware Code by Establishing the Postsecondary Employment Program in Order to Provide Financial Assistance to College Students Through Employment Opportunities.

HB 774 - DERRICKSON - ADM/S: An Act to Amend Title 4, Delaware Code, Relating to Conflicts of Alcoholic Beverage Commission Regulations With Local Ordinances Pertaining to the Sale of Alcoholic Beverages.

HB 775 - HEBNER, GILLIGAN - ADM/S: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Credit for Expenses Incurred by Active Fire Company Members.

HB 776 - OBERLE - ADM/S: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Landlord Rental Increases.

HB 777 - MACK - ADM/S: An Act to Amend Chapter 27 of Title 21 of the Delaware Code Relating to Mandatory Revocation of License.

HB 778 - MINNER - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education; and Providing for a Standardized Test Disclosure Act.

HS 1 for HB 557 - OBERLE; SENATOR SHARP; REPRESENTATIVES CAIN, CAMPANELLI, CATHCART, FREE, DIXON, GILLIGAN, PETRILLI, POWELL, PLANT, ROY, SPENCE; SENATORS MCDOWELL, MARSHALL, MCBRIDE - ADM/S: An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to Negotiations and Employee Relations of Professional Employees.

HA 1 to HB 456 - MARONEY, CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 525 - PLANT - APPRO: Placed with the bill.

HA 1 to HB 663 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 745 - DERRICKSON - Placed with the bill. (Ready List)

HA 1 to HB 763 - OBERLE - R&F: Placed with the bill.

SB 385 - TORBERT - H/ADM: An Act to Amend Chapter 55, Title 15, Delaware Code, Relating to Absentee Voting in Special Elections.

SB 469 w/SA 1 - SHARP; REPRESENTATIVE HARRINGTON - R&F: An Act to Amend Title 18, Del. C., by Establishing a Delaware Life and Health Insurance Guaranty Association.

SB 485 w/SA 1 - SHARP - JUD: An Act to Amend Subchapter IV, Chapter 47, Title 16 of the Delaware Code Relating to Possession of Prescription Drugs.

SB 519 - SHARP - R&F: An Act to Amend Title 18, Section 513 of the Delaware Code to Increase Insurers' Statutory Deposit.

SB 529 - CORDREY, ADAMS, LITTLETON - H/ADM: An Act to Amend Title 10, Chapter 87, Delaware Code Annotated, Relating to Sussex County Sheriff and Prothonotary.

SB 530 - ADAMS, CORDREY, LITTLETON - H/ADM: An Act to Amend Section 9418, Title 9, of the Delaware Code Annotated, as It Relates to the Sussex County Clerk of the Peace.

SB 531 - ADAMS, CORDREY, LITTLETON - H/ADM: An Act to Amend Section 6305, Title 9, of the Delaware Code Annotated, as It Relates to Sussex County Building Permit Fees.

SB 556 - CORDREY, BAIR; REPRESENTATIVES SINCOCK, MARONEY, SOLES - H/SS: An Act to Amend Title 24, Section 1781, Delaware Code Pertaining to the Anatomical Gifts by Minors With Parental Consent.

HA 1 to SB 288 - BRADY - Placed with the bill. (Ready List)

The Majority Leader moved to adjourn at 3:40 p.m., thereby ending the previous legislative day. The House reconvened at 3:41 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative John P. McKay, Thirteenth District.

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

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 169, SB 556, SB 485 w/SA 1; SCR 136, HCR 143, HCR 166, HCR 167, HCR 168, SB 529, SB 530, SB 531, SB 385, SB 519, SB 469 w/SA 1; HB 536, HB 520 w/HA 2; SB 535.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Terry Spence, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of SB 560.

Date: 5/27/82.

Signed: Terry R. Spence.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Philip J. Corrozi, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of SB 560.

Date: 6/1/82.

Signed: Philip J. Corrozi.

Representative Mack requested that HA 2 to HB 602 be stricken.

Representative Fallon brought HB 356 w/HA 1 & 2, jointly sponsored by Representatives Petrilli, Cathcart, Mack, Spence, Jester, Dixon, Darling, Barnes, West, Campanelli, Minner, Soles, Buckworth, Van Sciver & Maroney & Senators Connor, Cook, Adams, Martin & Littleton, before the House for consideration.

HB 356 - An Act to Amend Delaware Code, Title 14, by Providing for Assignment of Existing Pupil Units in Support of High School Counselors.

The roll call on HB 356 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Campanelli, Cordrey, Darling, Dixon, Fallon, Jester, Jonkiert, Mack, Maroney, Minner, Van Sciver, Mr. Speaker Hebner - 15.

NO: Representatives Bennett, Brady, Burris, Cain, Cathcart, Corrozi, Edwards, Ennis, George, Harrington, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Soles, Spence, West - 20.

NOT VOTING: Representatives Derrickson, Free, Gilligan, Holloway, Plant, Smith - 6.

Therefore, not having received a constitutional majority, HB 356 w/HA 1,2 was declared defeated.

Representative Edwards brought HB 657, jointly sponsored by Representatives Barnes, Harrington, Dixon & Bennett, before the House for consideration.

HB 657 - An Act to Amend Section 3321, Title 19, Delaware Code, Relating to Unemployment Compensation Appeals.

Representative Edwards brought HA 1 to HB 657 before the House for consideration. HA 1 was adopted by voice vote.

Representative Edwards moved to place HB 657 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Jester brought HB 698, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 698 - An Act to Amend Title 14 of the Delaware Code Relating to Polling Places in School District Elections.

The roll call on HB 698 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Barnes, Plant - 2.

Therefore, having received a constitutional majority, HB 698 was sent to the Senate for concurrence.

Representative Spence brought HB 602, jointly sponsored by Senator McBride & Representatives Riddagh, Edwards, Mack, Dixon, Oberle, Cathcart, Minner, West, Cordrey, Jester, Plant, Holloway, Cain, Anderson, Campanelli, Free, Corrozi, Buckworth, Bennett, Soles, Roy, Ennis & Barnes & Senators Hughes, Arnold & Neal, before the House for consideration.

HB 602 - An Act to Amend Delaware Code Titles 14, 10, 11 and 31 Relating to Public School Truancy.

Representative Oberle brought HA 1 to HB 602 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Newark Police Sergeant Alex von Koch.

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

Representative Jonkiert moved to place HA 1 to HB 602 on the Speaker's table. The motion was seconded by Representative Corrozi.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Ennis, Fallon, George, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Powell, Riddagh, Roy, Sincock, Soles, Van Sciver, West, Mr. Speaker Hebner - 26.

NO: Representatives Darling, Harrington, Holloway, Minner, Oberle, Petrilli, Smith, Spence - 8.

NOT VOTING: Representatives Brady, Free - 2.

ABSENT: Representatives Barnes, Cain, Derrickson, Edwards, Plant - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to HB 602 was placed on the Speaker's table.

Representative Bennett brought HA 3 to HB 602 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 602 w/HA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representative Campanelli - 1.

ABSENT: Representatives Barnes, Cain, Derrickson, Edwards, Plant, Powell - 6.

Therefore, having received a constitutional majority, HB 602 w/HA 3 was sent to the Senate for concurrence.

Representative Van Sciver moved to suspend the rules which interfere with introduction of and action on HCR 171. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Van Sciver introduced and brought HCR 171, jointly sponsored by Representatives Oberle, Spence, Cathcart & Mack & Senator Citro, before the House for consideration.

HCR 171 - Requesting General Motors Corporation Reconsider Their Decision to Purchase Subcompact Japanese Autos.

HCR 171 was adopted by voice vote and sent to the Senate for concurrence.

Representative Powell introduced HB 779, jointly sponsored by Senator Sharp & Representative Petrilli.

HB 779 - An Act to Amend Title 29, Delaware Code, by Providing a Limited Opportunity for the Retirement of Full-Time Classroom Teachers After Twenty-Five Years of Service Without Penalty.

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

Representative Powell moved to suspend the rules which interfere with introduction of HB 779. The motion was seconded by Representative George and adopted by voice vote.

Mr. Speaker assigned HB 779 to the Administrative Services Committee.

Representative Burris moved to recess to the call of the Chair at 5:42 p.m.

33rd LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 2, 1982

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

The Reading Clerk read the following communications into the record:

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Edward J. Bennett, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HCR 170.

Date: 6/1/82.

Signed: E. J. Bennett.

The Senate wishes to inform the House that it has passed: SB 563, HB 426 w/HA 1 w/HA 1, HA 4,5; SB 516 w/SA 1, SA 2 w/SA 1,2; HB 547 w/HA 1; HB 617 w/HA 1; HCR 137, HCR 138.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: HS 1 for HB 557 - 2F, 2M.

ED: SS 1 for SB 354 - 3M.

The Majority Leader moved to adjourn at 1:50 p.m., thereby ending the previous legislative day. The House reconvened at 1:51 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes.

A prayer was offered by Representative Charles P. West, Forty-First District.

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

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

The following prefilled legislation was introduced:

HA 1 to HA 3 to HS 1 for HB 365 - DERRICKSON - Placed with the bill. (Ready List)

HA 1 to HB 515 - EDWARDS - Placed with the bill. (Agenda)

HA 2 to HB 687 - FREE - Placed with the bill. (Ready List)

HA 1 to HB 768 - FALLON - ED: Placed with the bill.

SB 516 w/SA 1,2 w/SA 1,2 - SHARP - ADM/S: An Act to Amend Chapter 1, Title 24, Delaware Code, Relating to Certified Public Accountants. (3/5 bill)

SB 535 - MCDOWELL, MARSHALL, NEAL, BAIR, ZIMMERMAN, KNOX, ARNOLD, MARTIN; REPRESENTATIVES OBERLE, ANDERSON, CAIN, CORDREY, JONKERT, HOLLOWAY, SMITH - NR/AGRI: An Act to Amend Part VII, Title 7 of the Delaware Code Relating to the Utilization of Solar Energy; and Providing for the Creation of Solar Easements.

SB 563 - CORDREY; REPRESENTATIVE POWELL - R&F: An Act to Amend Title 5 of the Delaware Code by Providing for the Organization of Limited Purpose Trust Companies and to Amend the Capital Stock Requirements of Banks and Trust Companies. (2/3 bill)

The following prefilled Consent Calendar was introduced:

HR 202 - FALLON - Mourning the Death of George E. Higgins, Former Member of the Seaford City Council and a Decorated Veteran of Marine Corps Service in World War II.

HR 203 - GILLIGAN - Mourning the Death of William J. Holland, Jr., of Windermere, a Retired Foreman at the Getty Oil Company Refinery.

HR 204 - OBERLE, HEBNER - Requesting the Solid Waste Authority to Increase the Frequency of the Tests for Accuracy of the Scales Used at the New Castle County Landfill.

HR 205 - HARRINGTON - Congratulating 2nd Lieutenant William F. Hargraves, Jr., of Dover, on His Graduation From the Military Academy at West Point.

HCR 170 - CATHCART, ANDERSON, BARNES, BRADY, BUCKWORTH, BURRIS, CAIN, CAMPANELLI, CORROZI, DIXON, FREE, GEORGE, MACK, HARRINGTON, HOLLOWAY, MARONEY, MINNER, OBERLE, PETRILLI, POWELL, SINCOCK, SMITH, SOLES, SPENCE, VAN SCIVER, HEBNER; SENATORS BERNDT, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, SHARP, TORBERT, VAUGHN - Urging the President of the United States to Propose to the Government of the Soviet Union an Immediate Verifiable United States-Soviet Union Nuclear Weapons Freeze.

HCR 172 - VAN SCIVER; SENATORS CITRO, MCBRIDE - Congratulating Elizabeth C. Williams on Her Selection as a 1982 Presidential Scholar.

HCR 173 - CORROZI, VAN SCIVER; SENATOR CITRO - Congratulating Frederick R. Waugh on His Selection as a 1982 Presidential Scholar.

SCR 135 - SHARP, MCBRIDE; REPRESENTATIVE VAN SCIVER - Congratulating the Minquas Fire Company No. 1, of Newport, on Its 75th Anniversary as a Volunteer Organization.

SCR 136 - CORDREY - Authorizing the Town of South Bethany to Erect an Information Sign for the Town of South Bethany in the Median of Route 1.

SCR 137 - ADAMS, CORDREY, LITTLETON; REPRESENTATIVE CORDREY - Congratulating Former Speaker of the House William J. Gordy, of Laurel, Upon His Selection for a Certificate of Appreciation From the University of Delaware.

SCR 138 - NEAL; REPRESENTATIVE OBERLE; SENATORS ARNOLD, MARTIN, SHARP, VAUGHN; REPRESENTATIVES ANDERSON, PETRILLI, SOLES - Commending and Congratulating Chief William Brierley of the Newark Police Department on His Selection as General Chairman of the Division of State Associations of Chiefs of Police of the International Association of Chiefs of Police.

Consent Calendar #40 was adopted by voice vote and HCR 170, HCR 172 & HCR 173 were sent to the Senate for concurrence and SCR 135, SCR 136, SCR 137 & SCR 138 were returned to the Senate.

Representative Burris moved to recess for committee meetings at 2:05 p.m.

The House reconvened at 4:34 p.m.

The Reading Clerk read the following Committee Reports into the record:

ED: SS 1 for SB 354 - 6M. (Correction from previous Committee Report.)

JUD: HB 759 - 1F,2M; SB 485 - 1F,4M.

H/SS: HB 747 - 1F,2M; SB 556 - 4M.

ED: HB 660 - 3M; HB 773 - 5M; HB 778 - 3M; HB 768 - 4M.

NR/AGRI: HB 718 - 2F,2M; HB 735 - 3F,1M; HB 738 - 2F,2M; SB 489 - 4M; SCR 112 - 3M.

H/ADM: HB 723 - 2F,2M; HB 742 - 4M; HB 764 - 1F,3M; SB 97 - 1F,2M,1UF; SB 529 - 4M; SB 530 - 1F,3M; SB 531 - 4M.

Representative Ennis moved to suspend the Agenda rules which interfere with action on SB 303 w/SA 1. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Ennis brought SB 303 w/SA 1, jointly sponsored by Senators Bair, Sharp, Berndt, Arnold, Knox, Citro & Hughes, before the House for consideration.

SB 303 - An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Equalization Funding.

Representative Ennis requested and was granted the privilege of the floor for Dr. James Sparks, Department of Public Instruction.

Representative Cain rose on a point of order.

Representative Burris moved to recess at 4:48 p.m.

The House reconvened at 4:49 p.m.

Representative Sincok brought HA 1 to SB 303 before the House for consideration. HA 1 was adopted by voice vote.

Representative Soles brought HA 2 to SB 303 before the House for consideration. Representative Sincok moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Brady, Burris, Corrozi, Derrickson, Edwards, Ennis, Free, Gilligan, Harrington, Jonkiert, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Cain, Cathcart, Cordrey, Darling, Dixon, Fallon, George, Holloway, Jester, Mack, Minner, Oberle, Plant, Soles, Spence, West - 17.

NOT VOTING: Representatives Bennett, Buckworth - 2.

ABSENT: Representatives Barnes, Campanelli - 2.

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

Therefore, having received a majority vote of the Members present and voting, the motion was adopted and HA 2 to SB 303 was placed on the Speaker's table.

Representative Soles brought HA 3 to SB 303 before the House for consideration. Representative Petrilli moved to place HA 3 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representative Brady, Burris, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Jonkiert, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 19.

NO: Representatives Anderson, Cain, Cathcart, Cordrey, Darling, Dixon, Fallon, George, Gilligan, Holloway, Jester, Mack, Minner, Oberle, Plant, Soles, Spence, West - 18.

NOT VOTING: Representatives Bennett, Buckworth - 2.

ABSENT: Representatives Barnes, Campanelli - 2.

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

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

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

Therefore, having received a majority vote of the Members present and voting, the motion was adopted and HA 3 to SB 303 was placed on the Speaker's table.

Representative Ennis requested and was granted the privilege of the floor for John J. Lacek, Director of Finance for Brandywine School District.

The roll call on SB 303 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Brady, Campanelli, Corrozi, Derrickson, Edwards, Ennis, Free, George, Gilligan, Jonkiert, Maroney, McKay, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Darling, Dixon, Fallon, Harrington, Jester, Mack, Minner, Oberle, Soles, Spence, West - 18.

NOT VOTING: Representatives Holloway, Riddagh - 2.

ABSENT: Representative Barnes - 1.

Therefore, not having received a constitutional majority, SB 303 w/SA 1 & HA 1 was declared defeated.

Representative Burris moved to recess to the call of the Chair at 5:41 p.m.

34th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 3, 1982

The Speaker called the House to order at 1:49 p.m.

Mr. Speaker re-assigned SB 97 w/SA 1,2,3,4; HB 660 & HB 768 to the Appropriations Committee.

Representative Riddagh brought HB 130 w/SA 1, jointly sponsored by Representatives Harrington, Powell & Cain; Senators Connor, Murphy & Zimmerman, before the House for consideration.

HB 130 - An Act to Amend Chapter 15, Part IV, Title 12 of the Delaware Code Relating to Powers of Attorney; and Providing for a Uniform Durable Power of Attorney Act.

The roll call on HB 130 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Barnes, Buckworth, Cain, George, Gilligan, Holloway, Plant - 7.

Therefore, having received a constitutional majority, HB 130 w/SA 1 was sent to the Governor.

The Reading Clerk read the following Committee Reports into the record:

R&F: HB 622 - 6M; HB 686 - 2F,4M; HB 693 - 6M; HB 715 - 3F,3M; HB 721 - 2F,4M; HB 732 - 3F,3M; HB 760 - 4F,2M; SB 563 - 3F,3M.

Representative Cathcart requested that HA 6 to HS 1 for HB 365 be stricken.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 508 - ROY - ADM/S: An Act to Amend Subchapter I, Chapter 1, Title 13, Delaware Code Relating to Solemnization of Marriages.

HA 8 to HS 1 for HB 365 - MARONEY - Placed with the bill. (Agenda)

HA 1 to HS 1 for HB 557 - VAN SCIVER - Placed with the bill. (Ready List)

HA 2 to HB 657 - EDWARDS - Placed with the bill. (L.O.T.)

HA 1 to HA 1 to HB 745 - DERRICKSON - Placed with the bill. (Ready List)

HA 2 to HB 745 - DERRICKSON - Placed with the bill. (Ready List)

HA 3 to HB 745 - BURRIS - Placed with the bill. (Ready List)

HA 4 to HB 745 - BURRIS - Placed with the bill. (Ready List)

HA 5 to HB 745 - MINNER - Placed with the bill. (Ready List)

HA 6 to HB 745 - MINNER - Placed with the bill. (Ready List)

HA 7 to HB 745 - MINNER - Placed with the bill. (Ready List)

SB 528 - ZIMMERMAN, CORDREY, MCDOWELL, BAIR, NEAL - ADM/S: An Act to Amend Chapter 65, Title 29, Delaware Code, Relating to Prompt Payment of Bills by Agencies of the State of Delaware.

SB 560 w/SA 1 - MCBRIDE; REPRESENTATIVE BARNES; SENATORS ADAMS, COOK, CORDREY, MARTIN, SHARP, TORBERT, VAUGHN, ARNOLD, BAIR, BERNDT, HUGHES, KNOX, NEAL; REPRESENTATIVES BUCKWORTH, CORROZI, FALLON, HEBNER, POWELL, RIDDAGH, SINCOCK, SPENCE, ANDERSON, BENNETT, CORDREY, DARLING, HOLLOWAY, MINNER, SOLES - H/SS: An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally-Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

SB 571 - SHARP, HUGHES; REPRESENTATIVES SPENCE, GILLIGAN, MINNER, CAMPANELLI, OBERLE, CATHCART, EDWARDS - ADM/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to the Use of a Special Green Light for a Command Post at an Accident, Fire or Disaster Scene and for Use on a Hazardous Material Response Vehicle.

SJR 33 - CONNOR, MARTIN, MCBRIDE, HOLLOWAY; REPRESENTATIVES MACK, CATHCART, DIXON, SPENCE - H/ADM: In Respect to a Session of the Members and Officers of the 131st General Assembly of the State of Delaware Commemorating the 300th Anniversary of the Landing of William Penn at New Castle, Delaware.

Representative Burris moved to recess for caucus at 2:07 p.m.

The House reconvened at 3:41 p.m.

Representative Edwards brought HS 1 for HB 365, jointly sponsored by Representatives Maroney, Gilligan, Minner; Senators Holloway, Neal, McBride & Littleton, before the House for consideration.

HB 365 - An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Nursing and Schools of Nursing.

Representative Edwards brought HA 1 to HS 1 for HB 365 before the House for consideration. HA 1 was adopted by voice vote.

Representative Edwards brought HA 2 to HS 1 for HB 365 before the House for consideration. HA 2 was adopted by voice vote.

Representative Derrickson brought HA 3 to HS 1 for HB 365, jointly sponsored by Representative Bennett, before the House for consideration.

Representative Derrickson brought HA 1 to HA 3 to HS 1 for HB 365 before the House for consideration. HA 1 to HA 3 was adopted by voice vote.

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

Representative Derrickson brought HA 2 to HA 3 to HS 1 for HB 365 before the House for consideration.

The roll call on HA 2 to HA 3 to HS 1 for HB 365 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Sciver, Mr. Speaker Hebner - 36.

NO: Representatives Campanelli, Cordrey, West - 3.

ABSENT: Representatives Holloway, Spence - 2.

Therefore, having received a constitutional majority, HA 2 to HA 3 to HS 1 for HB 365 was adopted.

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

Representative Derrickson requested and was granted the privilege of the floor for Attorney Victor Battaglia representing Delaware State Medical Society.

The roll call on HA 3 to HS 1 for HB 365 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Harrington, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Sincok, Smith, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Campanelli, Cordrey, Edwards, Gilligan, Holloway, Jester, Jonkiert, Mack, Petrilli, Plant, Soles, Spence, Van Sciver, West - 15.

ABSENT: Representatives Cathcart, Roy - 2.

Therefore, having received a constitutional majority, HA 3 to HS 1 for HB 365 was adopted.

Representative Derrickson requested that HA 4 & HA 5 to HS 1 for HB 365 be stricken.

Representative Edwards requested that HA 7 to HS 1 for HB 365 be stricken.

Representative Maroney brought HA 8 to HS 1 for HB 365 before the House for consideration.

Representative Maroney requested and was granted the privilege of the floor for Carol Watson, Delaware Licensed Practical Nurses Association.

The roll call on HA 8 to HS 1 for HB 365 was taken and revealed:

YES: Representatives Derrickson, Maroney, McKay, Sincok - 4.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Holloway, Jonkiert, Plant - 3.

Therefore, not having received a constitutional majority, HA 8 to HS 1 for HB 365 was declared defeated.

Representative Maroney brought HA 9 to HS 1 for HB 365 before the House for consideration.

Representative Edwards moved to place HA 9 on the Speaker's table. The motion was seconded by Representative Harrington.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Corrozi, Darling, Dixon, Edwards, Ennis, Gilligan, Jester, Mack, Minner, Oberle, Petrilli, Roy, Soles, Spence, Van Sciver, West - 20.

NO: Representatives Campanelli, Cathcart, Derrickson, Maroney, McKay, Riddagh, Sincok - 7.

NOT VOTING: Representatives Bennett, Brady, Fallon, Free, George, Harrington, Powell, Smith, Mr. Speaker Hebner - 9.

ABSENT: Representatives Burris, Cordrey, Holloway, Jonkiert, Plant - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 9 to HS 1 for HB 365 was placed on the Speaker's table.

Representative Cathcart brought HA 10 to HS 1 for HB 365 before the House for consideration.

Representative Edwards moved to place HA 10 on the Speaker's table. The motion was seconded by Representative Mack.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver - 32.

NO: Representatives Cathcart, Darling, Maroney, Minner, Plant, Roy - 6.

NOT VOTING: Mr. Speaker Hebner - 1.

ABSENT: Representatives Gilligan, West - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 10 to HS 1 for HB 365 was placed on the Speaker's table.

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

Representative Burris moved to recess at 5:02 p.m.

The House reconvened at 5:04 p.m.

The roll call on HS 1 for HB 365 w/HA 1,2,3 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 37.

NO: Representatives Jester, Plant, West - 3.

NOT VOTING: Representative Cordrey - 1.

Therefore, having received a constitutional majority, HS 1 for HB 365 w/HA 1,2,3 w/HA 1,2 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: SB 560 w/SA 1; HCR 171, SB 528, SB 571, SJR 33, HB 698, HB 471, HS 1 for HJR 26, HB 578, HB 580, HB 566, HCR 170, HCR 172, HCR 173, SB 578, SB 580.

Representative Spence moved to suspend the rules which interfere with introduction of HB 780. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Spence withdrew the motion.

Representative Burris moved to recess to the call of the Chair at 5:15 p.m.

35th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 8, 1982

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

The Reading Clerk read the following Committee Reports into the record:

ADM/S: - HS 1 for HB 508 - 5M; HS 1 for HB 654 - 5M; HB 749 - 5M; HB 757 - 5M; HB 775 - 1F, 4M.  
NR/AGRI: HB 727 - 5M.

ADM/S: HB 727 - 5M (Correction from above Committee Report.)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 590, SB 588, HS 1 for HB 247 w/HA 1.

The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 181 - RIDDAGH; SENATOR SHARP - JUD: An Act to Amend Chapter 9, Part I, Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware; and Providing for Expungement Under Certain Circumstances.

HA 2 to HS 1 for HB 557 - DERRICKSON - Placed with the bill. (Ready List)

HA 3 to HS 1 for HB 557 - BRADY - Placed with the bill. (Ready List)

HA 4 to HS 1 for HB 557 - BRADY - Placed with the bill. (Ready List)

HA 5 to HS 1 for HB 557 - BRADY - Placed with the bill. (Ready List)

HA 8 to HB 745 - DERRICKSON - Placed with the bill. (Ready List)

HA 1 to HB 755 - OBERLE - ADM/S: Placed with the bill.

SB 578 - HOLLOWAY; REPRESENTATIVE HOLLOWAY - ADM/S: An Act Authorizing and Directing the Department of Transportation to Name the South Market Street Bridge in Wilmington the John E. Reilly, Sr. Bridge in Honor of the Late State Senator.

SB 580 - HOLLOWAY; REPRESENTATIVE HOLLOWAY - ADM/S: An Act Authorizing and Directing the Department of Transportation to Name the Walnut Street Bridge in Wilmington the Leo J. Dugan Bridge in Honor of the Late State Representative and City Councilman.

SB 588 - ZIMMERMAN - ADM/S: An Act to Amend Chapter 16, Title 16, Delaware Code Relating to Litter Control.

SB 590 - COOK, LITTLETON, ADAMS; REPRESENTATIVES SINCOCK, FALLON - APPRO: A Bond Act of the State of Delaware Deauthorizing Previously Authorized General Obligation Bonds of the State of Delaware and Appropriating Certain Sums From the Future School Construction Fund for the Repair of a Free Public School. (3/4 bill)

Representative Riddagh requested that HB 181 be stricken.

Representative Mack brought HB 676, jointly sponsored by Representatives Spence, Cathcart, Minner & Jonkiert & Senators Berndt & Vaughn, before the House for consideration.

HB 676 - An Act to Amend Title 25 of the Delaware Code Relating to a Landlord's Responsibility for Providing Heat.

Representative Mack brought HA 1 to HB 676 before the House for consideration. HA 1 was adopted by voice vote.

Representative Mack requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Hebner ruled that HB 676 is invalid.

Representative Buckworth brought SB 451 w/SA 1, jointly sponsored by Senator Torbert & Representative Bennett, before the House for consideration.

SB 451 - An Act to Reincorporate the Town of Camden. (2/3 bill)

The roll call on SB 451 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives George, Jonkiert, Spence - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 451 w/SA 1 was returned to the Senate.

Representative Smith brought SB 139 w/SA 1,3, jointly sponsored by Senator McBride & Senators Holloway, Martin, Murphy, Sharp, Vaughn & Zimmerman & Representatives Anderson, Cain, Campanelli, Dixon, Gilligan, Holloway, Jester, Plant, Minner, Neal, Oberle, Spence & Soles, before the House for consideration.

SB 139 - An Act to Amend Chapter 5 and Chapter 11, Part I, Title 7 of the Delaware Code Relating to Fishing; and Providing for the Imposition of Certain Charges. (3/5 bill)

Representative Smith brought HA 1 to SB 139 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 139 w/SA 1,3 & HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Campanelli, George, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 139 w/SA 1,3 & HA 1 was returned to the Senate for concurrence on the Amendment.

Representative West brought HB 468 before the House for consideration.

HB 468 - An Act to Amend Title 11, Delaware Code, Relating to Transfers of Criminal Cases From Justice of the Peace Courts, Mayor's Courts or Alderman's Courts to the Court of Common Pleas. (2/3 bill)

Representative Derrickson requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative West moved to place HB 468 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Edwards brought HB 515, jointly sponsored by Senator Holloway, before the House for consideration.

HB 515 - An Act to Amend Chapter 3, Title 31 of the Delaware Code by Adding a New Subchapter Relating to Infanticide.

Representative Edwards brought HA 1 to HB 515 before the House for consideration. HA 1 was adopted by voice vote.

Representative Campanelli moved to place HB 515 w/HA 1 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Campanelli, Jester, West - 4.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 35.

NOT VOTING: Representative Plant - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 515 w/HA 1 remained before the House.

The roll call on HB 515 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 30.

NO: Representatives Bennett, Burris, Darling, McKay, Sincok, Smith, West - 7.

NOT VOTING: Representatives Campanelli, Maroney - 2.

ABSENT: Representatives Fallon, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 515 w/HA 1 was sent to the Senate for concurrence.

Representative Minner brought SB 43 w/SA 1, sponsored by Senator Adams, before the House for consideration.

SB 43 - An Act to Amend Title 21, Chapter 44, Relating to Abandoned Vehicles.

Representative Spence brought HA 1 to SB 43 before the House for consideration. Representative Spence brought HA 1 to HA 1 to SB 43 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Spence requested that HA 1 to SB 43 be stricken.

Representative Spence requested that HA 1 to HA 1 to SB 43 be stricken.

The roll call on SB 43 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Cain, Jonkiert - 2.

Therefore, having received a constitutional majority, SB 43 w/SA 1 was returned to the Senate.

Representative Burris moved to reconsider SB 303 w/SA 1 & HA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris brought SB 303 w/SA 1 & HA 1, sponsored by Senators Bair, Sharp, Berndt, Arnold, Knox, Citro & Hughes & Representative Ennis, before the House for consideration.

SB 303 - An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Equalization Funding.

The roll call on SB 303 w/SA 1 & HA 1 was taken and revealed:

Representative Cathcart rose on a point of order. Mr. Speaker concurred.  
Representative Cain rose on a point of order. Mr. Speaker concurred.  
Representative Cain requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

YES: Representatives Brady, Burris, Campanelli, Corrozi, Darling, Derrickson, Edwards, Ennis, Free, George, Gilligan, Maroney, McKay, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 21.

NO: Representatives Bennett, Buckworth, Cain, Cathcart, Dixon, Jester, Mack, Minner, Oberle, Soles, Spence, West - 12.

NOT VOTING: Representatives Barnes, Fallon, Harrington, Holloway, Riddagh - 5.

ABSENT: Representatives Anderson, Cordrey, Jonkiert - 3.

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

Representative Burris moved to recess for caucus at 3:22 p.m.

The House reconvened at 4:57 p.m.

Representative Burris moved that Mr. Speaker Hebner's ruling on Representative Anderson's absent vote on SB 303 w/SA 1 & HA 1 be appealed. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker Hebner directed the Chief Clerk to record Representative Anderson's vote as "no" on SB 303 w/SA 1 & HA 1.

The corrected roll call on SB 303 w/SA 1 & HA 1 revealed:

YES: Representatives Brady, Burris, Campanelli, Corrozi, Darling, Derrickson, Edwards, Ennis, Free, George, Gilligan, Maroney, McKay, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Buckworth, Cain, Cathcart, Dixon, Jester, Mack, Minner, Oberle, Soles, Spence, West - 13.

NOT VOTING: Representatives Barnes, Fallon, Harrington, Holloway, Riddagh - 5.

ABSENT: Representatives Cordrey, Jonkiert - 2.

Therefore, having received a constitutional majority, SB 303 w/SA 1 & HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SJR 34. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SJR 34, sponsored by Senator Martin & All Senators & All Representatives, before the House for consideration.

SJR 34 - In Recognition of Legislators, Living and Deceased, Whose Tenure of Service in the Delaware General Assembly Has Been 20 Years or More.

Representative Burris requested and was granted the privilege of the floor for Senator Roger A. Martin.

Representative Burris requested and was granted the privilege of the floor for Former Senator Calvin R. McCullough.

The roll call on SJR 34 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, SJR 34 was returned to the Senate.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on HCR 174. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart introduced and brought HCR 174, jointly sponsored by Senator Connor, before the House for consideration.

HCR 174 - Marking the Eighth Anniversary of the De La Warr Senior Center on June 9, 1982.

HCR 174 was adopted by voice vote and sent to the Senate for concurrence.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HCR 175. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Roy introduced and brought HCR 175, jointly sponsored by Representatives Petrilli, Powell & Gilligan & Senators Arnold & Sharp, before the House for consideration.

HCR 175 - Congratulating the Dickinson High School Softball Team on Winning the Delaware State Tournament.

HCR 175 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on HCR 176. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincok introduced and brought HCR 176, jointly sponsored by Representative Jester & Senators Adams & Littleton, before the House for consideration.

HCR 176 - Thanking Otis D. Fincher, of Dover, Retiring State Conservationist for the Soil Conservation Service, for His Outstanding Contribution.

HCR 176 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on HCR 177. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought HCR 177, jointly sponsored by Representative Cathcart & Senator Berndt, before the House for consideration.

HCR 177 - Thanking Dora E. Bunitsky, of McDaniel Crest, for Her Fine Service as She Retires June 9, 1982, as a School Food Service Employee.

HCR 177 was adopted by voice vote and sent to the Senate for concurrence.

Representative West moved to suspend the rules which interfere with introduction of and action on HCR 178. The motion was seconded by Representative George and adopted by voice vote.

Representative West introduced and brought HCR 178, jointly sponsored by Senator Cordrey, before the House for consideration.

HCR 178 - Congratulating Paul Bastianelli, of Sussex Central High School, Upon His Selection as an All-America Wrestler by Wrestling USA Magazine.

HCR 178 was adopted by voice vote and sent to the Senate for concurrence.

Representative Spence moved to suspend the rules which interfere with introduction of HB 780. The motion was properly seconded and adopted by voice vote.

Representative Spence introduced HB 780, jointly sponsored by Senator Torbert & Representatives Oberle, Cathcart, Free, Buckworth, Mack, Ennis, Roy, Sincok, Riddagh, Corrozi, Fallon, Van Sciver, Petrilli, Jonkiert, Dixon, Anderson, Hebner, Edwards, Cain, George, Burris, Gilligan, Barnes, Maroney, Harrington, Brady, Jester, Derrickson, Powell, McKay & Smith & Senators Bair, Holloway, Sharp, Neal, Vaughn, Cook, Connor, Berndt, Arnold, Adams & Littleton.

HB 780 - An Act to Amend Chapter 27 and Chapter 41, Title 21 of the Delaware Code Relating to Operation of Motor Vehicles, Suspension and Revocation of License for Refusal to Submit to Chemical Test, and to Driving Under the Influence of Alcohol or Other Drugs and Further Providing a Supplementary Appropriation Therefor. (2/3 bill)

Mr. Speaker assigned HB 780 to the Judiciary Committee.

Representative Burris moved to recess to the call of the Chair at 5:40 p.m.

36th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 9, 1982

The Speaker called the House to order at 1:54 p.m.

Mr. Speaker Hebner announced that SCR 132 has been removed from the Revenue & Finance Committee and placed on Consent Calendar #41 for Wednesday, June 9, 1982.

The Reading Clerk read the following Committee Report into the record:

NR/AGRI: HB 753 - 4F.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Campanelli, Holloway - 2.

A prayer was offered by Representative Charles L. Hebner, Ninth District.

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

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

The following prefiled legislation was introduced:

HB 781 - BARNES - NR/AGRI: An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Pesticides. (2/3 bill)

HB 782 - ENNIS - ADM/S: An Act to Amend Chapter 65, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for the Reservation of Rental Units for Use by Senior Citizens.

HB 783 - GILLIGAN - ADM/S: An Act to Amend Title 6, Chapter 51 of the Delaware Code to Provide Standards Pertaining to the Sale of Firewood.

HB 784 - SPENCE, PETRILLI; SENATOR TORBERT - ADM/S: An Act to Amend Chapter 41 and Chapter 70, Title 21, Delaware Code, Relating to Fines for Certain Parking Violations. (2/3 bill)

HB 785 - BUCKWORTH, BENNETT - ED: An Act to Amend Delaware Code, Title 14, as It Relates to the Funding of Educational Services for Persons Who Are Autistic.

HB 786 - HARRINGTON; SENATOR SHARP - R&F: An Act to Amend Chapter 25, Title 18, Delaware Code, to Prevent Health and Accident Insurance Corporations From Implementing Rate Increases Without Official Action by the Insurance Department, and Amend Chapter 5 to Require Financial Disclosures From Such Corporations.

HA 4 to HB 271 - WEST - Placed with the bill. (L.O.T.)

HA 6 to HS 1 for HB 557 - OBERLE - Placed with the bill. (Ready List)

HA 7 to HS 1 for HB 557 - MCKAY - Placed with the bill. (Ready List)

HA 8 to HS 1 for HB 557 - OBERLE - Placed with the bill. (Ready List)

HA 1 to HB 669 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 688 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 703 - EDWARDS - Placed with the bill. (Ready List)

HA 1 to HB 754 - OBERLE - R&F: Placed with the bill.

HA 1 to HB 780 - OBERLE - JUD: Placed with the bill.

SB 396 w/SA 1 - ZIMMERMAN - R&F: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Prohibitions Against Premium Increases.

SB 419 - MARSHALL, CITRO; REPRESENTATIVES JONKIERT, EDWARDS - H/SS: An Act to Amend Chapter 17 of Title 24 of the Delaware Code Mandating Proper Medical Treatment for Children Born Alive After an Abortion or Attempted Abortion.

SB 562 w/SA 1,2 - ZIMMERMAN, VAUGHN, BAIR, BERNDT; REPRESENTATIVES BARNES, EDWARDS, DARLING, CORDREY - NR/AGRI: An Act to Amend Chapter 7 of the Delaware Code Relating to Falconry Licensing. (3/5 bill)

SB 583 - MCDOWELL, HOLLOWAY, MARSHALL, NEAL, MARTIN, VAUGHN, ZIMMERMAN, BERNDT; REPRESENTATIVES GEORGE, HOLLOWAY, FREE, BRADY, SINCOCK, MARONEY, CAMPANELLI, CATHCART, MACK, SPENCE, OBERLE, SOLES, ANDERSON, CAIN, MINNER - H/ADM: An Act to Provide That a Referendum be Held in the November 1982 General Election on the Question of a Verifiable U.S.-Soviet Freeze on Nuclear Weapons.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 396 w/SA 1; HB 695, HCR 119, SB 419, SJR 34, SCR 140, HB 555 w/HA 1; SB 562 w/SA 1,2; SB 583.

Representative Harrington moved to lift HB 546 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Van Sciver and adopted by voice vote.

Representative Harrington brought HB 546 w/HA 1,2, jointly sponsored by Representatives Ennis, Powell & Dixon, before the House for consideration.

HB 546 - An Act to Amend Chapter 21 of Title 21, Delaware Code Relating to Requirements of Insurance for All Motor Vehicles Registered in This State.

Representative Harrington brought HA 3 to HB 546 before the House for consideration. Representative Harrington moved to place HA 3 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Harrington brought HA 4 to HB 546 before the House for consideration. HA 4 was adopted by voice vote.

Representative Harrington moved to lift HA 3 to HB 546 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Harrington moved to place HA 3 to HB 546 on the Speaker's table. Representative Harrington withdrew the motion. Representative Harrington requested that HA 3 to HB 546 be stricken.

The roll call on HB 546 w/HA 1,2,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Holloway, Plant - 3.

Therefore, having received a constitutional majority, HB 546 w/HA 1,2,4 was sent to the Senate for concurrence.

Representative Derrickson brought SB 107, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 107 - An Act to Amend Subchapter III, Chapter 1, Title 25, Delaware Code Relating to the Recording of Deeds and Letters of Attorney.

Representative Derrickson moved to place SB 107 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Roy brought HB 682, jointly sponsored by Representatives Smith, Oberle, Cathcart, Spence, Burris, Bennett & Dixon & Senator Hughes, before the House for consideration.

HB 682 - An Act to Amend §6059 (3), Title 7, Delaware Code, Permitting the Sale of Beverages in Nonrefillable Glass Beverage Containers.

The roll call on HB 682 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, George, Holloway - 3.

Therefore, having received a constitutional majority, HB 682 was sent to the Senate for concurrence.

Representative Derrickson brought HB 429, jointly sponsored by Representative Oberle, before the House for consideration.

HB 429 - A Bill to Amend Title 18, Delaware Code by Adding Section 2525(e) Requiring Insurers Licensed in This State to Write Property or Casualty Insurance to Submit a Loss and Expense Experience Report With Its Annual Statement.

Representative Derrickson moved to place HB 429 on the Speaker's table. Representative Cain rose on a point of order. Mr. Speaker concurred. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Powell brought SB 563, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 563 - An Act to Amend Title 5 of the Delaware Code by Providing for the Organization of Limited Purpose Trust Companies and to Amend the Capital Stock Requirements of Banks and Trust Companies. (2/3 bill)

The roll call on SB 563 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 34.

NO: Representatives Jonkiert, West - 2.

NOT VOTING: Representatives Cain, Plant - 2.

ABSENT: Representatives Campanelli, Holloway, Maroney - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 563 was returned to the Senate.

Representative Bennett moved to suspend the rules which interfere with introduction of and action on HR 211. The motion was seconded by Representative Soles and adopted by voice vote.

Representative Bennett introduced and brought HR 211, jointly sponsored by Representatives Soles, Cathcart & Oberle, before the House for consideration.

HR 211 - Respectfully Requesting the Senate to Return Senate Bill No. 303 to the House of Representatives.

Mr. Speaker Hebner ruled that HR 211 is invalid.

Representative Buckworth brought HB 649, jointly sponsored by Senator Torbert, before the House for consideration.

HB 649 - An Act to Amend §2306, Title 12, Delaware Code, Relating to the Distribution of a Decedent's Property.

The roll call on HB 649 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Campanelli, Dixon, George, Harrington, Holloway - 5.

Therefore, having received a constitutional majority, HB 649 was sent to the Senate for concurrence.

Representative Darling brought HB 677, jointly sponsored by Senator Cook, before the House for consideration.

HB 677 - An Act to Amend Chapter 167, Volume 40, Laws of Delaware, Relating to the Charter of the City of Harrington. (2/3 bill)

The roll call on HB 677 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Campanelli, Dixon, George, Holloway - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 677 was sent to the Senate for concurrence.

Representative Buckworth brought HB 653, jointly sponsored by Representatives Barnes, Darling & Soles, before the House for consideration.

HB 653 - An Act to Amend Chapter 80, Title 29 of the Delaware Code Relating to Park Managers and Other Personnel. (Fiscal Note)

Representative Buckworth requested and was granted the privilege of the floor for Mr. Robert F. Jones, Department of Natural Resources & Environmental Control, Division of Parks & Recreation.

The roll call on HB 653 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Cain, Jonkiert - 2.

ABSENT: Representatives Campanelli, Holloway, Plant, Roy - 4.

Therefore, having received a constitutional majority, HB 653 was sent to the Senate for concurrence.

Representative Minner brought HB 690, jointly sponsored by Representatives Burris, Roy & Buckworth, before the House for consideration.

HB 690 - An Act to Amend Chapter 5, Title 5 of the Delaware Code Relating to Off-Premises Sales Licenses for Clubs and Multiple Activity Clubs.

Representative Minner requested that HB 690 be stricken.

Representative West brought HB 499 before the House for consideration.

HB 499 - An Act to Amend Chapter 64, Title 7 of the Delaware Code Relating to Powers of the Solid Waste Authority.

Representative West brought HA 1 to HB 499 before the House for consideration. HA 1 was adopted by voice vote.

Representative Cathcart requested and was granted the privilege of the floor for Delaware Solid Waste Authority Manager N. C. Vasuki.

The roll call on HB 499 w/HA 1 was taken and revealed:

YES: Representatives Cain, Cordrey, Darling, Edwards, George, Gilligan, Jonkiert, Minner, Oberle, West - 10.

NO: Representatives Anderson, Brady, Buckworth, Cathcart, Corrozi, Ennis, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 20.

NOT VOTING: Representatives Barnes, Bennett, Derrickson, Dixon, Fallon - 5.

ABSENT: Representatives Burris, Campanelli, Holloway, Jester, Plant, Sincoc - 6.

Therefore, not having received a constitutional majority, HB 499 w/HA 1 was declared defeated.

Representative Derrickson brought HB 642 before the House for consideration.

HB 642 - An Act to Grant Title to the Rabbits Ferry School to the Rabbits Ferry Community Center. (3/4 bill)

Representative Derrickson brought HA 1 to HB 642 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 642 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Campanelli, Holloway, Plant, Sincok - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 642 w/HA 1 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules which interfere with introduction of and action on HB 787. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Minner introduced and brought HB 787, jointly sponsored by Representatives Burris, Roy, Buckworth & Harrington, before the House for consideration.

HB 787 - An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Off-Premises Sales Licenses for Clubs and Multiple Activity Clubs.

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

Representative Minner requested and was granted the privilege of the floor for John McDonald, Executive Secretary of the Delaware Alcoholic Beverage Control Commission.

The roll call on HB 787 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Campanelli, Derrickson, Gilligan, Holloway, Roy - 5.

Therefore, having received a constitutional majority, HB 787 was sent to the Senate for concurrence.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on a House Resolution.

Representative Burr moved to recess for caucus at 4:02 p.m.

The House reconvened at 4:49 p.m.

Representative Cathcart withdrew his motion.

Representative Maroney brought SB 265, jointly sponsored by Senator Holloway, before the House for consideration.

SB 265 - An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Practice of Medicine.

The roll call on SB 265 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Campanelli, Ennis, Holloway, Petrilli - 4.

Therefore, having received a constitutional majority, SB 265 was returned to the Senate.

Representative Barnes brought SB 342, jointly sponsored by Senator Adams, before the House for consideration.

SB 342 - An Act to Amend Title 3, Delaware Code Relating to Biological Products for Poultry and Animal Diseases. (2/3 bill)

Representative Barnes brought HA 1 to SB 342 before the House for consideration. Representative Barnes brought HA 1 to HA 1 to SB 342 before the House for consideration. HA 1 to HA 1 was adopted by voice vote. HA 1 was adopted by voice vote.

The roll call on SB 342 w/HA 1 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Campanelli, Holloway - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 342 w/HA 1 w/HA 1 was returned to the Senate for concurrence on the Amendments.

The following prefiled Consent Calendar was introduced:

HR 206 - MARONEY - Congratulating Second Lieutenant Priscilla Anne Greene, of Graylyn Crest, Delaware's First Woman to Graduate From the Military Academy at West Point.

HR 207 - BRADY - Mourning the Death of H. Albert Young, of Wilmington, a Former Attorney General of Delaware.

HR 208 - WEST - Mourning the Death of Joseph Benjamin (Joe Ben) Hudson, of Mission, Believed to Have Been Delaware's Oldest Living Resident at 108 Years.

HR 209 - HEBNER, SINCOCK - Congratulating Thomas Keating Holland, of Claymont, for His Outstanding Scholastic Record and Upon His Selection for a President Harry S. Truman Scholarship Award for Delaware.

HR 210 - EDWARDS - Requesting the Sunset Committee to Discontinue Any Consideration It Has Given or Is Giving to the Transfer of the Duties and Responsibilities of the Board of Veterinary Medicine and the Board of Podiatry Examiners to the Board of Personal Services.

HR 179 - MARONEY - Marking the Week of June 13-19, 1982, as National Orchestra Week.

HR 180 - BUCKWORTH, BENNETT; SENATORS TORBERT, ZIMMERMAN - Commending Joshua T. West, of Dover, for His Outstanding Service as He Retires as a Member of the Board of Education of the Caesar Rodney School District.

HR 181 - DIXON, BARNES, EDWARDS; SENATORS ARNOLD, VAUGHN - Urging the State Office of Personnel to Adopt Policies and Implement Rules to Provide That Any Person Convicted for Failing to Comply With the Military Selective Service Act Shall be Ineligible to Hold Any Position of State Employment.

HR 182 - MARONEY; SENATOR HOLLOWAY - Joining the Observance of Child Abuse Prevention Week June 6 Through June 12, 1982.

HCR 183 - MARONEY; SENATOR HOLLOWAY - Mourning the Death of Eugene C. Syrovatka, J.D., Executive Director of the New Castle County Medical Society and the Delaware Academy of Medicine.

HCR 184 - SPENCE & ALL REPRESENTATIVES & SENATORS - Wishing for a Speedy Return to Good Health for Former Speaker of the House John P. Ferguson.

SCR 132 - CORDREY - Urging the Delaware Insurance Commissioner to Reconsider His Decision to Not Disapprove a Rate Increase by Blue Cross and Blue Shield of Delaware Inc. Until a Public Hearing Has Been Held.

SCR 140 - BAIR, COOK; REPRESENTATIVES SMITH, SOLES, JESTER, ANDERSON, FALLON, MARONEY, MINNER - Recognizing Barbara C. Herr for Her Work as Chair of the Governor's Commission on the Status of Women.

Representative West requested that HR 208 be removed from Consent Calendar #41.

Representative Brady requested that HR 210 be removed from Consent Calendar #41.

Representative Darling brought SB 307, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 307 - An Act to Amend Title 11, Delaware Code, Section 475, Relating to Immunity as An Affirmative Defense.

The roll call on SB 307 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Corrozi, Holloway - 3.

Therefore, having received a constitutional majority, SB 307 was returned to the Senate.

Representative Riddagh brought SB 459, sponsored by Senator Holloway, before the House for consideration.

SB 459 - An Act to Amend Chapter 5, Title 13 of the Delaware Code to Permit the Family Court to Attach Up to 50 Percent of the Unemployment Compensation Payment to a Defendant Who Fails to Pay a Support Order.

The roll call on SB 459 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NO: Representative Jonkiert - 1.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Campanelli, Holloway - 2.

Therefore, having received a constitutional majority, SB 459 was returned to the Senate.

Representative Riddagh brought SB 461, sponsored by Senator Holloway, before the House for consideration.

SB 461 - An Act to Amend Chapter 5, Title 13 of the Delaware Code to Provide That a Family Court Defendant in a Support Action Who Fails to Provide the Court With a Change of Address May be Held in Contempt.

The roll call on SB 461 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Campanelli, Holloway - 2.

Therefore, having received a constitutional majority, SB 461 was returned to the Senate.

Representative Derrickson brought HB 696 before the House for consideration.

HB 696 - An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Criminal Offenses and Penalties - Alcoholic Liquors.

Representative Derrickson moved to place HB 696 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Soles brought HB 571, jointly sponsored by Representatives Cain, Jester, Petrilli, Oberle & Senators Neal & Vaughn, before the House for consideration.

HB 571 - An Act to Amend Section 2220, Chapter 22, Title 25, Delaware Code, by Requiring Condominium Conversions to Conform to Subdivision and Zoning Regulations.

The roll call on HB 571 was taken and revealed:

YES: Representatives Barnes, Brady, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 32.

NO: Representatives Bennett, Buckworth, Harrington, McKay, Riddagh - 5.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Anderson, Campanelli, Holloway - 3.

Therefore, having received a constitutional majority, HB 571 was sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with action on SB 590. The motion was seconded by Representative Derrickson and adopted by voice vote.

Representative Sincok brought SB 590, jointly sponsored by Senators Cook & Littleton & Representative Fallon, before the House for consideration.

SB 590 - A Bond Act of the State of Delaware Deauthorizing Previously Authorized General Obligation Bonds of the State of Delaware and Appropriating Certain Sums From the Future School Construction Fund for the Repair of a Free Public School. (3/4 bill)

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

Mr. Speaker Hebner declared a recess at 6:07 p.m. for the purpose of changing the recording tape.

The House reconvened at 6:09 p.m.

The roll call on SB 590 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 32.

NO: Representatives Darling, Jester, McKay, Minner, West - 5.

ABSENT: Representatives Anderson, Campanelli, Cathcart, Holloway - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 590 was returned to the Senate.

Representative Burris moved to recess to the call of the Chair at 6:17 p.m.

37th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 10, 1982

The Speaker called the House to order at 2:35 p.m.

Representative West requested that HR 208 be stricken.

Mr. Speaker assigned HR 210 to the Health & Social Services Committee.

Representative Oberle introduced HR 211.

HR 211 - Congratulating the Five Students at the Sterck School Who Will be Graduated on June 14, 1982.

HR 211 was placed on Consent Calendar #41.

Representative Edwards introduced HCR 185, jointly sponsored by Senator Holloway.

HCR 185 - Requesting Governor Pierre S. du Pont 4th to Consider the Creation of a Separate Department for Alcoholism and Drug Abuse and to Have Legislation Prepared to Accomplish This Purpose.

HCR 185 was placed on Consent Calendar #41.

Representative Powell introduced HCR 186.

HCR 186 - Congratulating the Delaware Federation of Garden Clubs for Winning First Place in the 1981 Competition of the National Council of State Garden Clubs.

HCR 186 was placed on Consent Calendar #41.

Representative Free requested that HCR 181 be removed from Consent Calendar #41.

Representative Van Seiver requested that HCR 185 be removed from Consent Calendar #41.

Consent Calendar #41 was adopted by voice vote and HCR 179, HCR 180, HCR 182, HCR 183, HCR 184 & HCR 186 were sent to the Senate for concurrence and SCR 132 & SCR 140 were returned to the Senate.

Representative Edwards moved to suspend the rules which interfere with action on HCR 185. The motion was seconded by Representative Petrilli and adopted by voice vote.

HCR 185 was adopted by voice vote and sent to the Senate for concurrence.

Representative Dixon moved to suspend the rules which interfere with action on HCR 181. The motion was seconded by Representative Petrilli and adopted by voice vote.

HCR 181 was adopted by voice vote and sent to the Senate for concurrence.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on HR 212. The motion was seconded by Representative Petrilli.

HR 212 - Respectfully Requesting the Senate to Return Senate Bill No. 303 to the House of Representatives.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Cordrey, Darling, Dixon, Free, Mack, McKay, Minner, Oberle, Soles, Spence, West - 17.

NO: Representatives Brady, Corrozi, Derrickson, Edwards, Ennis, George, Gilligan, Harrington, Maroney, Petrilli, Plant, Powell, Roy, Sincok, Smith, Van Seiver, Mr. Speaker Hebner - 17.

NOT VOTING: Representatives Fallon, Jonkiert, Riddagh - 3.

ABSENT: Representatives Burris, Campanelli, Holloway, Jester - 4.

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

The Majority Whip moved to adjourn at 3:00 p.m., thereby ending the previous legislative day. The House reconvened at 3:01 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Burris, Campanelli - 2.

A prayer was offered by Representative Ruth Ann Minner, Thirty-Third District.

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

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

The following prefiled legislation was introduced:

HA 2 to HB 392 - MARONEY - Placed with the bill. (Special Agenda III)

HA 1 to HB 451 - JONKIERT - Placed with the bill. (Special Agenda II)

HA 9 to HS 1 for HB 557 - FREE - Placed with the bill. (Ready List)

HA 10 to HS 1 for HB 557 - FREE - Placed with the bill. (Ready List)

HA 11 to HS 1 for HB 557 - FREE - Placed with the bill. (Ready List)

HA 12 to HS 1 for HB 557 - FREE - Placed with the bill. (Ready List)

HA 13 to HS 1 for HB 557 - FREE - Placed with the bill. (Ready List)  
 HA 14 to HS 1 for HB 557 - OBERLE - Placed with the bill. (Ready List)  
 HA 15 to HS 1 for HB 557 - BRADY - Placed with the bill. (Ready List)  
 HA 1 to HB 730 - ROY - Placed with the bill. (Special Agenda III)  
 HA 9 to HB 745 - MINNER - Placed with the bill. (Special Agenda II)  
 HA 1 to HB 770 - GEORGE - R&F: Placed with the bill.  
 HA 1 to HB 777 - MACK - ADM/S: Placed with the bill.  
 SB 392 w/SA 3,4 - VAUGHN - JUD: An Act to Amend Title 11, Delaware Code Relating to the Establishment of a Delaware Criminal Justice Information System.  
 SB 592 - HOLLOWAY; REPRESENTATIVES EDWARDS, VAN SCIVER, CORROZI, PETRILLI, MACK, ENNIS, DERRICKSON - H/SS: An Act to Amend Title 31, Delaware Code, Relating to the Establishment of An Adult Protective Services Unit Within the Department of Health and Social Services.  
 The Reading Clerk read the following Committee Reports into the record:  
 ADM/S: HB 739 - 5M; HB 741 - 4M.  
 JUD: HB 780 - 3F,2M.  
 The Senate wishes to inform the House that it has passed: SB 510 w/SA 1; SB 577, SCR 141, HB 641, SB 592, HCR 174, HCR 177, SB 392 w/SA 3,4; SCR 139, HCR 46, HCR 175, HCR 176, HCR 178.  
 Representative Jonkiert brought HB 451 before the House for consideration.  
 HB 451 - An Act to Amend Chapter 1, Title 4 of the Delaware Code Redefining the Word "Restaurant".  
 Representative Jonkiert brought HA 1 to HB 451 before the House for consideration. HA 1 was adopted by voice vote.  
 The roll call on HB 451 w/HA 1 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.  
 NOT VOTING: Representative Cathcart - 1.  
 ABSENT: Representatives Burris, Cain, Campanelli, Holloway, Jester, Plant - 6.  
 Therefore, having received a constitutional majority, HB 451 w/HA 1 was sent to the Senate for concurrence.  
 Representative Maroney brought SB 308, sponsored by Senators Sharp, McDowell & Arnold & Representatives Petrilli & Gilligan, before the House for consideration.  
 SB 308 - An Act to Amend Part VIII, Title 16 of the Delaware Code Relating to Hospitals and Other Health Facilities; and Providing for the Establishment of Health Maintenance Organizations.  
 Representative Maroney brought HA 1 to SB 308 before the House for consideration. HA 1 was adopted by voice vote.  
 Representative Maroney requested and was granted the privilege of the floor for William E. Kirk, III, Blue Cross & Blue Shield of Delaware.  
 The roll call on SB 308 w/HA 1 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Ennis, Free, George, Gilligan, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 29.  
 NO: Representatives Darling, Derrickson, Fallon, Harrington, Jonkiert, Riddagh, Sincok - 7.  
 NOT VOTING: Representatives Holloway, Plant - 2.  
 ABSENT: Representatives Burris, Campanelli, Jester - 3.  
 Therefore, having received a constitutional majority, SB 308 w/HA 1 was returned to the Senate for concurrence on the Amendment.  
 Representative Bennett requested that HB 712 be stricken.  
 Mr. Speaker Hebner appointed Representative Derrickson as Acting Speaker.  
 Representative Riddagh brought SB 355, sponsored by Senator Berndt, before the House for consideration.  
 SB 355 - An Act to Amend Chapter 23, Title 12, of the Delaware Code Relating to Decedents Estates Providing for Administration of Small Estates and Claims for Allowances of a Surviving Spouse.  
 The roll call on SB 355 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Acting Speaker Derrickson - 36.  
 ABSENT: Representatives Burris, Campanelli, Hebner, Jester, Jonkiert - 5.  
 Therefore, having received a constitutional majority, SB 355 was returned to the Senate.  
 Representative Riddagh brought SB 356, sponsored by Senator Berndt, before the House for consideration.  
 SB 356 - An Act to Amend Chapter 15, Title 12 of the Delaware Code Relating to the Requirement of a Bond for a Personal Representative of a Decedent.  
 The roll call on SB 356 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Acting Speaker Derrickson - 35.  
 ABSENT: Representatives Burris, Campanelli, Hebner, Holloway, Jester, Jonkiert - 6.  
 Therefore, having received a constitutional majority, SB 356 was returned to the Senate.  
 Representative Riddagh brought SB 177, sponsored by Senator Sharp, before the House for consideration.

**SB 177 - An Act Amending Chapter 19, Title 10 of the Delaware Code, Relating to Admission of Attorneys.**

The roll call on **SB 177** was taken and revealed:

**YES:** Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Acting Speaker Derrickson - 29.

**NO:** Representatives Edwards, Petrilli, Smith - 3.

**NOT VOTING:** Representatives Brady, Oberle - 2.

**ABSENT:** Representatives Burris, Campanelli, Dixon, Hebner, Holloway, Jester, Jonkiert - 7.

Therefore, having received a constitutional majority, **SB 177** was returned to the Senate.

Representative Riddagh brought **SB 89**, sponsored by Senators Sharp, Knox, Hughes & McBride & Representatives Maroney & Smith, before the House for consideration.

**SB 89 - An Act to Amend Chapter 17, Title 24, Delaware Code Relating to Determination of Death.**

Representative Riddagh brought **HA 1** to **SB 89**, jointly sponsored by Senator Berndt, before the House for consideration.

Representative Riddagh requested and was granted the privilege of the floor for Senator Robert J. Berndt.

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

The roll call on **HA 1** to **SB 89** was taken and revealed:

**YES:** Representatives Anderson, Barnes, Bennett, Buckworth, Cordrey, Darling, Ennis, Harrington, Hebner, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, West, Mr. Acting Speaker Derrickson - 21.

**NO:** Representatives Cain, Cathcart, Corrozi, Edwards, George, Gilligan, Holloway, Mack, Oberle, Spence, Van Seiver - 11.

**NOT VOTING:** Representatives Dixon, Free, Plant - 3.

**ABSENT:** Representatives Brady, Burris, Campanelli, Fallon, Jester, Jonkiert - 6.

Therefore, having received a constitutional majority, **HA 1** to **SB 89** was adopted.

Representative Maroney moved to place **SB 89 w/HA 1** on the Speaker's table. The motion was seconded by Representative Gilligan and defeated by voice vote.

The roll call on **SB 89 w/HA 1** was taken and revealed:

**YES:** Representatives Barnes, Bennett, Buckworth, Cordrey, Darling, Ennis, Fallon, Harrington, Hebner, Maroney, McKay, Minner, Petrilli, Powell, Roy, Sincok, Smith, Soles, Mr. Acting Speaker Derrickson - 19.

**NO:** Representatives Anderson, Cain, Cathcart, Dixon, Edwards, George, Gilligan, Mack, Oberle, Riddagh, Spence, Van Seiver, West - 13.

**NOT VOTING:** Representatives Brady, Corrozi, Free, Holloway, Plant - 5.

**ABSENT:** Representatives Burris, Campanelli, Jester, Jonkiert - 4.

Therefore, not having received a constitutional majority, **SB 89 w/HA 1** was declared defeated.

Representative Sincok brought **SS 1** for **SB 119**, sponsored by Senator Berndt, before the House for consideration.

**SB 119 - An Act to Amend Chapter 21, Part III, Title 29 of the Delaware Code Relating to the Annual Salary of the Governor.**

Mr. Speaker Hebner resumed the Chair.

The roll call on **SS 1** for **SB 119** was taken and revealed:

**YES:** Representatives Brady, Corrozi, Derrickson, Ennis, Free, Harrington, Maroney, McKay, Powell, Riddagh, Sincok, Smith, Soles, Mr. Speaker Hebner - 14.

**NO:** Representatives Anderson, Barnes, Buckworth, Cain, Cathcart, Cordrey, Darling, Dixon, Edwards, Fallon, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Roy, Spence, Van Seiver, West - 22.

**NOT VOTING:** Representatives Bennett, George - 2.

**ABSENT:** Representatives Burris, Campanelli, Plant - 3.

Therefore, not having received a constitutional majority, **SS 1** for **SB 119** was declared defeated.

Representative Free brought **HB 687**, jointly sponsored by Representatives Maroney, Smith, Van Seiver, Buckworth, Soles, Dixon & Jester & Senators Neal & Torbert, before the House for consideration.

**HB 687 - An Act to Amend Chapter 74, Title 16, Delaware Code Relating to Regulations of the Use of Ionizing Radiation.**

Representative Free brought **HA 1** to **HB 687** before the House for consideration. Representative Free requested that **HA 1** be stricken.

Representative Free brought **HA 2** to **HB 687** before the House for consideration. **HA 2** was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Riddagh as Acting Speaker.

Five Members rose for the purpose of cutting off the debate on **HB 687 w/HA 2**.

The roll call on the motion was taken and revealed:

**YES:** Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Hebner, Holloway, Jester, Mack, McKay, Minner, Oberle, Petrilli, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Acting Speaker Riddagh - 32.

**NOT VOTING:** Representatives Free, Maroney - 2.

**ABSENT:** Representatives Buckworth, Burris, Campanelli, Derrickson, Jonkiert, Plant, Powell - 7.

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

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

Therefore, having received a constitutional majority, the motion was adopted and the debate on **HB 687 w/HA 2** was discontinued.

The roll call on HB 687 w/HA 2 was taken and revealed:

YES: Representatives Cathcart, Dixon, Edwards, Free, Harrington, Hebner, Jester, Mack, Minner, Oberle, Petrilli, Smith, Soles, Spence, Van Sciver, West - 16.

NO: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cordrey, Corrozi, Darling, Ennis, Fallon, George, Gilligan, Holloway, McKay, Roy, Sincok, Mr. Acting Speaker Riddagh - 17.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representatives Buckworth, Burris, Campanelli, Derrickson, Jonkiert, Plant, Powell - 7.

Therefore, not having received a constitutional majority, HB 687 w/HA 2 was declared defeated.

Mr. Speaker Hebner resumed the Chair.

Representative Roy brought SB 401 w/SA 1,2, sponsored by Senators McBride, Berndt, Citro, Connor, Littleton, Torbert & Vaughn & Representatives Dixon, Petrilli, Soles & Spence, before the House for consideration.

SB 401 - An Act to Amend Chapter 8, Title 22 of the Delaware Code Prohibiting Adult Entertainment Activities in Certain Locations Within the Corporate Limits of Municipal Corporations. (2/3 bill)

The roll call on SB 401 w/SA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

ABSENT: Representatives Buckworth, Burris, Campanelli, Derrickson, Fallon, Jonkiert, Plant, Powell - 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 401 w/SA 1,2 was returned to the Senate.

Representative Roy brought SB 402, sponsored by Senators McBride, Berndt, Citro, Connor, Littleton, Torbert & Vaughn & Representatives Dixon, Petrilli, Soles & Spence, before the House for consideration.

SB 402 - An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to the Licensing, Operation and Location of Adult Entertainment Establishments.

The roll call on SB 402 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

ABSENT: Representatives Buckworth, Burris, Campanelli, Derrickson, Fallon, Jonkiert, Plant, Powell - 8.

Therefore, having received a constitutional majority, SB 402 was returned to the Senate.

Representative Roy brought SB 403 w/SA 1, sponsored by Senators McBride, Berndt, Citro, Connor, Littleton, Torbert & Vaughn & Representatives Dixon, Petrilli, Soles & Spence, before the House for consideration.

SB 403 - An Act to Amend Chapter 16, Title 24 of the Delaware Code Creating Additional Grounds for Revocation of a License to Operate an Adult Entertainment Establishment; and Authorizing the Commission on Adult Entertainment Establishments to Adopt Regulations Concerning Enforcement.

The roll call on SB 403 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

ABSENT: Representatives Buckworth, Burris, Campanelli, Cordrey, Derrickson, Fallon, Jonkiert, Plant, Powell - 9.

Therefore, having received a constitutional majority, SB 403 w/SA 1 was returned to the Senate.

Representative West moved to suspend the rules which interfere with lifting HB 468 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative West brought HB 468 before the House for consideration.

HB 468 - An Act to Amend Title 11, Delaware Code, Relating to Transfers of Criminal Cases From Justice of the Peace Courts, Mayor's Courts or Alderman's Courts to the Court of Common Pleas. (2/3 bill)

Representative Oberle brought HA 1 to HB 468 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 468 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 28.

NO: Representatives Brady, Free, Petrilli, Riddagh, Van Sciver - 5.

ABSENT: Representatives Buckworth, Burris, Campanelli, Derrickson, Fallon, Jonkiert, Plant, Powell - 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 468 w/HA 1 was sent to the Senate for concurrence.

Representative George moved to suspend the rules which interfere with action on HB 640 w/SA 1,2. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative George brought HB 640 w/SA 1,2, jointly sponsored by Representatives Sincock, McKay, Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Plant, Powell, Riddagh, Smith, Soles, Spence, Van Seiver & West & Senators Adams, Bair, Berndt, Cook, Holloway, Hughes, Littleton, Marshall, Martin, McBride, McDowell, Sharp & Vaughn, before the House for consideration.

HB 640 - An Act to Require the Executive Branch of Government to Prepare and Submit to the General Assembly Beginning With the Fiscal Year 1984 a Budget Bill for All Proposed Expenditures of State Special Funds, Excluding Federal Grants and Non-Federal Grants and Gifts, Bequests, Tuition Receipts and the Proceeds of Debt Instruments by State Agencies, and to Amend Chapter 76, Title 29, Delaware Code, by Reorganizing the Delaware State Clearinghouse Committee.

The roll call on HB 640 w/SA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 33.

ABSENT: Representatives Buckworth, Burris, Campanelli, Derrickson, Fallon, Jonkiert, Plant, Powell - 8.

Therefore, having received a constitutional majority, HB 640 w/SA 1,2 was sent to the Governor.

Representative Petrilli moved to recess to the call of the Chair at 6:38 p.m.

### 38th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

#### Second Session

June 15, 1982

The Speaker called the House to order at 1:52 p.m.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: HB 750 - 4M; HB 755 - 5M; HB 777 - 5M; SB 528 - 4M; SB 571 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 137, SCR 138, SB 555, SB 576 w/SA 1; SB 505 w/SA 1; SB 306, HB 640 w/SA 1,2; SB 589 w/SA 1; SCR 142, HCR 184, HB 237, HB 487 w/HA 1. June 11, 1982

#### LEGISLATIVE ADVISORY #37

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/26/82 - SB 358; 6/1/82 - HB 323 aab HA 1, SA 1 & SA 1 to SA 1; HB 395 aab HA 2; 6/2/82 - HB 154 aab HA 1, HA 3, HA 4 & HA 6; 6/3/82 - HB 589; 6/4/82 - HB 698; 6/8/82 - SB 427, SB 508; 6/9/82 - HB 426 aab HA 1, HA 1 to HA 1, HA 4 & HA 5; HB 520 aab HA 2; HB 536; HB 617 aab HA 1; SB 395 aab HA 2; SB 563.

The following are resolutions and the Governor signed them on the dates indicated: 6/1/82 - HCR 166; 6/3/82 - HS 1 for HJR 26; 6/9/82 - SJR 34.

The Majority Whip moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Edwards, Ennis - 2.

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

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

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

The following prefiled legislation was introduced:

HS 1 for HB 715 - HARRINGTON, POWELL - R&F: An Act to Amend Chapter 42, Title 18 of the Delaware Code Relating to the Delaware Insurance Guaranty Association by Redefining the Definition of Insolvent Insurer.

HA 10 to HB 745 - DERRICKSON - Placed with the bill. (Special Agenda II)

HA 11 to HB 745 - DERRICKSON - Placed with the bill. (Special Agenda II)

HA 1 to HB 749 - ANDERSON - Placed with the bill. (Special Agenda II)

SB 306 - NEAL, MARTIN, VAUGHN; REPRESENTATIVE BRADY - H/ADM: An Act to Amend Chapter 11, Title 9, of the Delaware Code Relating to Vacancies in the Office of the County Executive of New Castle County and in the Offices of Other Elected Officials of the County Governing Body.

SB 505 w/SA 1 - MARTIN, ADAMS, HOLLOWAY, VAUGHN, LITTLETON; REPRESENTATIVES JESTER, MINNER, CATHCART, OBERLE, ROY - ADM/S: An Act to Amend Chapter 69, Title 21, Delaware Code Relating to Removal of Motor Vehicles From Public Highways.

SB 555 - COOK, CONNOR, CORDREY; REPRESENTATIVES OBERLE, ROY - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code to Provide Group Life Insurance for State Retirees.

SB 570 w/SA 1 - HOLLOWAY, SHARP, LITTLETON, TORBERT, HUGHES; REPRESENTATIVES GILLIGAN, HARRINGTON, HEBNER, OBERLE, CORROZI - R&F: An Act to Amend Chapter 9 and Chapter 21 of Title 5 of the Delaware Code Relating to Mutual Savings Banks and Savings Societies, Subjecting Them to the Same General Loan Limitations Applicable to Other State Banks or Trust Companies.

SB 576 w/SA 1 - HOLLOWAY, SHARP, HUGHES, LITTLETON, TORBERT; REPRESENTATIVES OBERLE, HEBNER, HARRINGTON - R&F: An Act to Amend Chapter 63, Volume 12, Laws of Delaware, Entitled "An Act to Incorporate the Artisans' Savings Bank," As Amended, to Permit the Bank to Make Certain Loans. (2/3 bill)

SB 577 - HOLLOWAY, SHARP, HUGHES, LITTLETON, TORBERT; REPRESENTATIVES OBERLE, HEBNER, HARRINGTON, GILLIGAN - R&F: An Act to Amend C(101) Of Volume 8, Laws of Delaware, Entitled "An Act to Incorporate the Wilmington Savings Fund Society," As Amended, to Provide that the Society May Make Certain Loans and Investments. (2/3 bill)

SB 589 w/SA 1 - ADAMS, KNOX; REPRESENTATIVE DERRICKSON - R&F: An Act to Amend Title 19, Chapter 23, Delaware Code Relating to Workmen's Compensation and Defining Certain Employers.

HA 1 to SB 419 - SINCOCK, SOLES - H/SS: Placed with the bill.

Mr. Speaker re-assigned HB 780 to the Appropriations Committee.

Representative Derrickson brought HB 745, jointly sponsored by Representative Minner & Senator Knox, before the House for consideration.

HB 745 - An Act to Amend Chapter 9 and Chapter 11, Title 7, Delaware Code Relating to Finishing in Tidal and Non-Tidal Waters of the State. (2/3 bill)

Representative Derrickson requested that HA 10 & HA 11 to HB 745 be stricken.

Representative Minner requested that HA 9 to HB 745 be stricken.

Representative Derrickson brought HA 1 to HB 745 before the House for consideration. Representative Derrickson brought HA 1 to HA 1 to HB 745 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative Derrickson requested and was granted the privilege of the floor for Mr. William Wagner & Mr. Charles Lesser, Division of Fish & Wildlife.

HA 1 to HB 745 was adopted by voice vote.

Representative Derrickson brought HA 2 to HB 745 before the House for consideration. HA 2 was adopted by voice vote.

Representative Burris brought HA 3 to HB 745 before the House for consideration. Representative Burris moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Burris brought HA 4 to HB 745 before the House for consideration. Representative Burris moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Minner brought HA 5 to HB 745 before the House for consideration.

The roll call on HA 5 to HB 745 was taken and revealed:

YES: Representatives Anderson, Buckworth, Campanelli, Cordrey, Darling, Dixon, Jester, Minner, West - 9.

NO: Representatives Barnes, Bennett, Brady, Burris, Cain, Corrozi, Derrickson, Fallon, Gilligan, Harrington, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NOT VOTING: Representative Mack - 1.

ABSENT: Representatives Cathcart, Edwards, Ennis, Free, George, Holloway, Jonkiert, Plant - 8.

Therefore, not having received a constitutional majority, HA 5 to HB 745 was declared defeated.

Representative Minner brought HA 6 to HB 745 before the House for consideration. HA 6 was adopted by voice vote.

Representative Minner brought HA 7 to HB 745 before the House for consideration. HA 7 was adopted by voice vote.

Representative Derrickson requested that HA 8 to HB 745 be stricken.

Representative Bennett brought HA 12 to HB 745 before the House for consideration. HA 12 was adopted by voice vote.

The roll call on HB 745 w/HA 1 w/HA 1, HA 2, HA 6, 7, & 12 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Fallon, Free, George, Gilligan, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincock, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 30.

NO: Representatives Bennett, Darling, Harrington, West - 4.

NOT VOTING: Representatives Cordrey, Riddagh - 2.

ABSENT: Representatives Campanelli, Edwards, Ennis, Holloway, Plant - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 745 w/HA 1 w/HA 1, HA 2, 6, 7, & 12 was sent to the Senate for concurrence.

Representative Oberle brought HS 1 for HB 557, jointly sponsored by Senator Sharp & Representatives Cain, Campanelli, Cathcart, Free, Dixon, Gilligan, Petrilli, Powell, Plant, Roy & Spence & Senators McDowell, Marshall & McBride, before the House for consideration.

HB 557 - An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to Negotiations and Employee Relations of Professional Employees.

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

Representative Oberle requested and was granted the privilege of the floor for Secretary of Labor Dennis C. Carey.

Representative McKay requested and was granted the privilege of the floor for William Sewing, a parent representing the Citizens Legislative Committee.

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

Mr. Speaker Hebner declared a recess at 3:49 p.m. for the purpose of changing the recording tape.

The House reconvened at 3:50 p.m.

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

Representative Van Seiver requested that HA 1 to HS 1 for HB 557 be stricken.

Representative Derrickson brought HA 2 to HS 1 for HB 557 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Mr. Dennis Crowley representing Delaware State Education Association.

Representative Oberle requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey.

Representative Derrickson moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Brady brought HA 3 to HS 1 for HB 557 before the House for consideration. HA 3 was adopted by voice vote.

Representative Brady requested that HA 4 to HS 1 for HB 557 be stricken.

Representative Brady brought HA 5 to HS 1 for HB 557 before the House for consideration. HA 5 was adopted by voice vote.

Representative Oberle brought HA 6 to HS 1 for HB 557 before the House for consideration. HA 6 was adopted by voice vote.

Representative McKay brought HA 7 to HS 1 for HB 557 before the House for consideration.

The roll call on HA 7 to HS 1 for HB 557 was taken and revealed:

YES: Representatives Corrozi, Derrickson, Maroney, McKay, Riddagh, Sincok - 6.

NO: Representatives Anderson, Barnes, Bennett, Brady, Cain, Campanelli, Cathcart, Darling, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Minner, Oberle, Petrilli, Powell, Roy, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 26.

NOT VOTING: Representative Buckworth - 1.

ABSENT: Representatives Burris, Cordrey, Dixon, Edwards, Ennis, Jonkiert, Plant, West - 8.

Therefore, not having received a constitutional majority, HA 7 to HS 1 for HB 557 was declared defeated.

Representative Oberle brought HA 8 to HS 1 for HB 557 before the House for consideration.

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

Representative Oberle moved to place HA 8 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Free brought HA 9 to HS 1 for HB 557 before the House for consideration.

Representative Free moved to place HA 9 on the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

Representative Free brought HA 10 to HS 1 for HB 557 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Attorney Sheldon Sandler representing Delaware State Education Association.

Representative Burris moved to recess to the call of the Chair at 5:32 p.m.

39th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 16, 1982

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

HA 10 to HS 1 for HB 557 was adopted by voice vote.

Representative Free brought HA 11 to HS 1 for HB 557 before the House for consideration. HA 11 was adopted by voice vote.

Representative Free brought HA 12 to HS 1 for HB 557 before the House for consideration. HA 12 was defeated by voice vote.

Representative Free requested a Division of the Rules. After the Members voting aye and nay respectively had risen, Mr. Speaker Hebner declared that HA 12 to HS 1 for HB 557 had been defeated.

Representative Free brought HA 13 to HS 1 for HB 557 before the House for consideration. HA 13 was adopted by voice vote.

Representative Oberle brought HA 14 to HS 1 for HB 557 before the House for consideration. HA 14 was adopted by voice vote.

Representative Brady brought HA 15 to HS 1 for HB 557 before the House for consideration. HA 15 was adopted by voice vote.

Representative Harrington brought HA 16 to HS 1 for HB 557 before the House for consideration. HA 16 was adopted by voice vote.

Representative Van Seiver brought HA 17 to HS 1 for HB 557 before the House for consideration. HA 17 was adopted by voice vote.

Representative Sincok brought HA 18 to HS 1 for HB 557 before the House for consideration. HA 18 was adopted by voice vote.

Representative Roy brought HA 19 to HS 1 for HB 557 before the House for consideration. HA 19 was adopted by voice vote.

Representative Smith brought HA 20 to HS 1 for HB 557 before the House for consideration.

The roll call on HA 20 to HS 1 for HB 557 was taken and revealed:

YES: Representatives McKay, Smith - 2.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 33.

ABSENT: Representatives Derrickson, Edwards, Ennis, Holloway, Jonkiert, West - 6.

Therefore, not having received a constitutional majority, HA 20 to HS 1 for HB 557 was declared defeated.

Representative Darlin brought HA 21 to HS 1 for HB 557, jointly sponsored by Representative Bennett, before the House for consideration.

The roll call on HA 21 to HS 1 for HB 557 was taken and revealed:

YES: Representatives Bennett, Cordrey, Corrozi, Darling, Harrington, Jester, McKay, Riddagh - 8.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Campanelli, Catheart, Dixon, Fallon, Free, George, Gilligan, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 26.

NOT VOTING: Representative West - 1.

ABSENT: Representatives Burris, Derrickson, Edwards, Ennis, Holloway, Jonkiert - 6.

Therefore, not having received a constitutional majority, HA 21 to HS 1 for HB 557 was declared defeated.

Representative Oberle brought HA 22 to HS 1 for HB 557 before the House for consideration.

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

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

June 4, 1982

The Honorable William Oberle  
House of Representatives  
188 Scottfield Drive  
Newark, DE 19713  
Dear Bill:

The House Substitute to H.B. 557 recently introduced in the General Assembly reflects all changes required for my support. Briefly, some of the revisions include the involvement of the Education Finance Overview Committee in the fact-finding process, the elimination of the binding arbitration of grievances provision, the addition of the right to select and direct personnel to the specifically enumerated rights of public school employers, the requirement that fact-finding hearings be open to the public, (their recommendations are non-binding), and the express prohibition of strike-savings in a negotiated settlement. My support for H.B. 557 was contingent on these conditions, and I appreciate your work in modifying the original bill to address these important matters.

Obviously, the Act would become effective only following appropriation of funds by the General Assembly for implementing provisions of the Act.

Sincerely,  
Pierre S. du Pont  
Governor

PSduP/DCC/rf

The roll call on HA 22 to HS 1 for HB 557 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Burris, Cain, Campanelli, Catheart, Cordrey, Corrozi, Darling, Dixon, Fallon, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

NO: Representatives Barnes, Free - 2.

NOT VOTING: Representative Buckworth - 1.

ABSENT: Representatives Derrickson, Edwards, Ennis, Holloway, Jonkiert - 5.

Therefore, having received a constitutional majority, HA 22 to HS 1 for HB 557 was adopted.

Representative Oberle moved to place HS 1 for HB 557 w/HA 3,5,6,10,11,13,14,15,16,17,18,19 & 22 on the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

The Reading Clerk read the following Committee Reports into the record:

APPRO: HB 591 - 5M,1UF.

R&F: HB 714 - 4M; HB 754 - 1F,3M; SB 570 - 4F; SB 576 - 4F; SB 577 - 4F.

JUD: SB 392 - 2F,1M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 476 w/SA 2; SB 539 w/SA 1,3; SS 1 for SB 557, HCR 179, HCR 180, HCR 181, HCR 182, HCR 183, HCR 186.

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

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Derrickson, Edwards, Ennis - 3.

A prayer was offered by Reverend Chuck Betters, Red Lion Evangelical Church, Bear, DE.

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

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

The following prefiled legislation was introduced:

HA 3 to HB 392 - MARONEY - Placed with the bill. (Special Agenda III)

HA 16 to HS 1 for HB 557 - HARRINGTON - Placed with the bill. (Before the House)

HA 17 to HS 1 for HB 557 - VAN SCIVER - Placed with the bill. (Before the House)

HA 1 to HB 563 - WEST - R&F - Placed with the bill.

HA 1 to HB 764 - DARLING; SENATOR COOK - Placed with the bill. (Ready List)

SB 476 w/SA 2 - TORBERT, NEAL; REPRESENTATIVE BENNETT - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Conflict of Interest. (2/3 bill)

SB 539 w/SA 1,3 - ADAMS, LITTLETON; REPRESENTATIVE BARNES - NR/AGRI: An Act to Amend Chapter 14, Title 3, Delaware Code, Relating to Noxious Weeds.

SS 1 for SB 557 - CORDREY - R&F: An Act to Amend Chapter 13 of Title 18 of the Delaware Code Relating to Eligible Investments of Insurance Companies.

The following prefiled Consent Calendar was introduced:

HR 213 - BRADY - Thanking Students of the Red Clay Consolidated School District and Congratulating Their Music Teacher for a Fine Concert in the House of Representatives on May 5, 1982.

HR 214 - BENNETT - Congratulating Danny Roberts as He Retires After Five Years of Coaching Successful Dover High School Baseball Teams.

HCR 187 - SMITH; SENATOR BERNDT - Congratulating Theresa Mullins, of Wilmington, Upon Her Selection as a Co-Captain of the Notre Dame Women's Varsity Basketball Team for the 1982-1983 Season.

HCR 188 - BARNES, SPENCE; SENATOR LITTLETON - Requesting the Members of the Delaware Congressional Delegation to Support and Work for Senate Joint Resolution 199 of the Senate of the United States Which Restores the Freedom of Individuals and Groups to Engage in Prayer in Public Schools and Institutions.

HCR 189 - MINNER, SOLES - Recognizing the Effectiveness and Need for Title IX Provisions and Designating Wednesday, June 23 as Title IX Day in Delaware.

SCR 139 - ADAMS, BERNDT; REPRESENTATIVES SINCOCK, MCKAY - Establishing a Committee to Review the Pension Status of Corrections Officers.

SCR 141 - BAIR, HUGHES, BERNDT, KNOX; REPRESENTATIVES SINCOCK, HEBNER, SMITH - Congratulating the Concord High School Baseball Team Upon Winning the State Championship for the Second Year in a Row.

SCR 142 - MCBRIDE & ALL SENATORS & REPRESENTATIVES - Renewing Our Respect for Our American Flag.

Representative Brady introduced HR 215.

HR 215 - Requesting the Delaware Congressional Delegation to Help Obtain the Funds to Prevent the Eviction of 1,000 Low-Income Senior Citizens From High-Rise Buildings Run by the Wilmington Housing Authority.

HR 215 was placed on Consent Calendar #42.

Consent Calendar #42 was adopted by voice vote and HCR 187, HCR 188 & HCR 189 were sent to the Senate for concurrence and SCR 139, SCR 141 & SCR 142 were returned to the Senate.

Representative Mack moved to suspend the rules which interfere with action on SJR 33. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Mack brought SJR 33, jointly sponsored by Senators Connor, Martin, McBride & Holloway & Representatives Cathcart, Dixon & Spence, before the House for consideration.

SJR 33 - In Respect to a Session of the Members and Officers of the 131st General Assembly of the State of Delaware Commemorating the 300th Anniversary of the Landing of William Penn at New Castle, Delaware.

The roll call on SJR 33 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Edwards, Ennis, Holloway, Plant - 5.

Therefore, having received a constitutional majority, SJR 33 was returned to the Senate.

Representative Sincock moved to suspend the rules which interfere with introduction of and action on SCR 143. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincock introduced and brought SCR 143, jointly sponsored by Senators Adams & Berndt & All Senators & Representative Barnes, before the House for consideration.

SCR 143 - Expressing Our Appreciation for the Splendid Service Rendered by Dr. Samuel Lenher During Ten Years as Chairman of the Board of Trustees of the University of Delaware.

Representative Sincock requested and was granted the privilege of the floor for Dr. Samuel Lenher.

SCR 143 was adopted by voice vote and returned to the Senate.

Representative Roy brought HB 757 before the House for consideration.

HB 757 - An Act to Amend Chapter 1, Subchapter II, Title 26 of the Delaware Code Relating to the Granting of Easements for Public Utilities Across Railroad Property.

The roll call on HB 757 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Roy, Sincock, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 30.

NO: Representatives Darling, Minner, Smith, West - 4.

ABSENT: Representatives Cain, Derrickson, Edwards, Ennis, Holloway, Plant, Riddagh - 7.

Therefore, having received a constitutional majority, HB 757 was sent to the Senate for concurrence. Representative Jester brought SB 497, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 497 - An Act to Amend Chapter 128 of Volume 33, Laws of Delaware Relating to Increasing the Number of Members Who Serve on the Board of Health. (2/3 bill)

The roll call on SB 497 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Derrickson, Edwards, Ennis, Holloway, Jonkiert, Mack, Plant - 7.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 497 was returned to the Senate.

Representative Sincok brought HB 735, jointly sponsored by Representative Minner & Senators Cordrey & Berndt, before the House for consideration.

HB 735 - An Act to Amend Subchapter II, Section 2117, Chapter 21, Title 23, of the Delaware Code Relating to Release of Boat Registration Information.

The roll call on HB 735 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Edwards, Ennis, Holloway, Jonkiert - 5.

Therefore, having received a constitutional majority, HB 735 was sent to the Senate for concurrence.

Representative Anderson brought HB 749, jointly sponsored by Senators Sharp & Arnold & Representatives Campanelli, Darling, Jester, Minner, Oberle, Roy & Spence, before the House for consideration.

HB 749 - An Act to Amend Chapter 27, Subchapter 1, Title 21 of the Delaware Code Relating to School Bus Drivers' Licenses.

Representative Anderson brought HA 1 to HB 749 before the House for consideration. HA 1 was adopted by voice vote.

Representative Anderson requested and was granted the privilege of the floor for Mr. Bernard Davis representing Davis Bus Service, Inc.

Representative Van Sciver requested and was granted the privilege of the floor for Leon Hart representing Department of Public Instruction.

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

The roll call on HB 749 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

NO: Representatives Brady, Burris, Free, Harrington, Maroney, McKay - 6.

ABSENT: Representatives Derrickson, Edwards, Ennis - 3.

Therefore, having received a constitutional majority, HB 749 w/HA 1 was sent to the Senate for concurrence.

Representative Harrington brought HB 656, jointly sponsored by Senator Zimmerman, before the House for consideration.

HB 656 - An Act to Grant Title to a Portion of the Former Richardson & Robbins Property Owned by the State to the City of Dover. (3/4 bill)

The roll call on HB 656 was taken and revealed:

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

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representative Campanelli - 1.

ABSENT: Representatives Derrickson, Edwards, Ennis, Riddagh, Sincok - 5.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 656 was sent to the Senate for concurrence.

Representative Harrington brought HB 760, jointly sponsored by Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Edwards, Derrickson, Fallon, Free, Hebner, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Cain, Van Sciver, Anderson, Bennett, West, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant & Soles & Senators Arnold, Bair, Berndt, Citro, Connor, Hughes, Knox, Littleton, Neal, Adams, Cook, Cordrey, Holloway, Sharp, Marshall, Martin, McBride, McDowell, Torbert, Vaughn & Zimmerman, before the House for consideration.

HB 760 - An Act to Amend Chapters 23, 25, 27 and 29, Title 30, Delaware Code Eliminating the Quarterly or Monthly Return Filing Requirements for Gross Receipt Taxes in the Case of Certain Small Businesses. (Fiscal Note)

The roll call on HB 760 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Burris, Campanelli, Derrickson, Edwards, Ennis, Jonkiert, Sincok - 7.

Therefore, having received a constitutional majority, HB 760 was sent to the Senate for concurrence.

Representative Roy brought HB 730, jointly sponsored by Representatives Mack, Smith, George, Free, Minner, Riddagh, Powell, Oberle, Buckworth, Brady, Spence, Petrilli, Sincok, Gilligan & Dixon & Senators Citro, Berndt, Cook, Bair & Hughes, before the House for consideration.

HB 730 - An Act to Amend Title 11, Delaware Code, by Creating a New Offense Relating to Computer Crimes.

Representative Roy brought HA 1 to HB 730 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 730 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Burris, Campanelli, Derrickson, Edwards, Ennis, Sincok - 6.  
Therefore, having received a constitutional majority, HB 730 w/HA 1 was sent to the Senate for concurrence.

Representative Van Seiver brought HB 445, jointly sponsored by Representatives Edwards, Maroney, Mack, Corrozi, Barnes, Dixon & Riddagh & Senators Connor, Holloway & Citro, before the House for consideration.

HB 445 - An Act to Amend Delaware Code, Chapter 13, Title 14 as it Relates to the Salary Schedule of Educational Services to Persons Who are Deaf-Blind.

Representative Van Seiver requested that action on HB 445 be Deferred to a Day Certain, Thursday, June 17, 1982.

Representative George rose on a point of order.

Mr. Speaker re-assigned HB 445, SB 392 & HB 591 to the Appropriations Committee.

Representative Oberle brought HB 626, jointly sponsored by Representative Plant & Senators Connor & Torbert, before the House for consideration.

HB 626 - An Act to Amend Title 29, Delaware Code, to Eliminate the Fining of Public Employees as a Disciplinary Measure and the Requirement That Public Employees Work Without Their Usual Remuneration.

The roll call on HB 626 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Edwards, Ennis, Sincok - 4.

Therefore, having received a constitutional majority, HB 626 was sent to the Senate for concurrence.

Representative Jester brought HB 691, jointly sponsored by Representatives Minner, Maroney & Edwards & Senators McDowell, Berndt & Knox, before the House for consideration.

HB 691 - An Act to Amend Chapter 35, Title 24 of the Delaware Code Relating to Mandatory Continuing Education for Psychologists as a Prerequisite for License Renewal.

The roll call on HB 691 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Barnes, Cain, Derrickson, Edwards, Ennis, Sincok - 6.

Therefore, having received a constitutional majority, HB 691 was sent to the Senate for concurrence.

Representative Bennett brought HB 725, jointly sponsored by Representative Soles & Representatives Cain, Burris, Corrozi, Sincok, Barnes & Powell, before the House for consideration.

HB 725 - An Act to Amend Title 14, Delaware Code, Relating to the Establishment of a Delaware Higher Education Supplemental Loan Authority; Providing for the Membership, Powers, Duties and Organization of the Authority; Providing That the Authority May Issue Bonds for Its Corporate Purposes Relating to Loans for Students or Parents of Students to Assist in Financing the Cost of Higher Education; Providing for the Terms and Manner of Issuance of the Bonds; Defining Certain Terms; and Generally Relating to the Authority, Its Borrowing Powers, and the Financing of Student Loans by the Authority.

The roll call on HB 725 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Edwards, Ennis, Sincok - 4.

Therefore, having received a constitutional majority, HB 725 was sent to the Senate for concurrence.

Representative Maroney brought HB 392, jointly sponsored by Representatives Van Seiver, Gilligan, Fallon, Holloway, Jester & Bennett & Senators Connor, Martin & Holloway, before the House for consideration.

HB 392 - An Act to Amend Chapter 30, Title 14 of the Delaware Code Relating to a Professional Counselor Licensure Act. (Fiscal Note)

Representative Maroney moved to place HB 392 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Mr. Speaker Hebner rescinded the assignment of HB 591 to the Appropriations Committee as it had been reported out of the Appropriations Committee earlier today.

Representative Roy brought SB 442, sponsored by Senator Torbert, before the House for consideration.

SB 442 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Authorized Emergency Vehicles.

The roll call on SB 442 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Cordrey, Derrickson, Edwards, Ennis, Holloway, Sincok - 6.

Therefore, having received a constitutional majority, SB 442 was returned to the Senate.

Representative Smith brought SB 352 w/SA 1, jointly sponsored by Senators Berndt & Zimmerman & Representative Minner, before the House for consideration.

SB 352 - An Act to Amend Chapter 11, Title 12, Chapter 80, Title 29 and Chapter 13, Title 12 of the Delaware Code Relating to the Disposition of Lost, Abandoned or Stolen Property, Money, Boats Adrift, and Abandoned Vessels by the Department of Natural Resources and Environmental Control.

The roll call on SB 352 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Edwards, Ennis, Sincok - 4.

Therefore, having received a constitutional majority, SB 352 w/SA 1 was returned to the Senate.

Representative Jester brought HB 718, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 718 - An Act to Approve the Transfer and Conveyance of Certain Land Between the State of Delaware and Delmarva Power and Light Company. (3/4 bill)

The roll call on HB 718 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Edwards, Ennis, Sincok - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 718 was sent to the Senate for concurrence.

Representative Barnes brought SB 452, sponsored by Senator Adams, before the House for consideration.

SB 452 - An Act to Amend An Act, Being Chapter 166, Volume 43, Laws of Delaware, as Amended, Entitled An Act Amending, Revising and Consolidating the Charter of the Town of Georgetown," to Provide for a Registration System for the Annual Municipal Election. (2/3 bill)

The roll call on SB 452 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Edwards, Ennis, Plant, Sincok - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 452 was returned to the Senate.

Mr. Speaker Hebner appointed Representatives George, Minner, Roy, Cathcart & Powell to the Bond Committee.

Representative Jonkiert moved to lift HB 280 from the Speaker's table. The motion was seconded by Representative Roy.

Representative Burris moved to recess to the call of the Chair at 5:34 p.m.

40th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY  
Second Session

June 17, 1982

The Speaker called the House to order at 2:15 p.m.

The Reading Clerk read the following Committee Report into the record:

ADM/S: HB 784 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 552 w/SA 1,2; HB 602 w/HA 3; SB 532 w/SA 1; SCR 143, HS 1 for HB 415 w/HA 1; HB 570, SB 540 w/SA 1; SB 579 w/SA 1; SB 613, SB 594, SCR 144 w/SA 1; HB 530 w/HA 1.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 216. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 216 before the House for consideration.

HR 216 - Requesting the Senate to Return House Bill No. 200 to the House of Representatives for Further Consideration.

HR 216 was adopted by voice vote.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Ada Leigh Soles, Twenty-Fifth District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 186 - MARONEY - R&F: An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to Use of the Alternative Valuation Method for Inheritance Tax.

HB 788 - MACK, SPENCE, CATHCART, MINNER, JONKIERT; SENATORS BERNDT, VAUGHN - ADM/S: An Act to Amend Title 25 of the Delaware Code Relating to a Landlord's Responsibility for Providing Essential Services.

HB 789 - WEST, BURRIS, PETRILLI, CAIN, GEORGE, HARRINGTON, FALLON, OBERLE, MACK, HOLLOWAY, CORDREY, DIXON, JONKIERT, CAMPANELLI, BARNES, GILLIGAN, MINNER, DARLING, PLANT, BENNETT, BRADY, RIDDAGH, ENNIS, SPENCE, DERRICKSON, POWELL, ANDERSON; SENATORS CORDREY, HOLLOWAY, ADAMS, BAIR, LITTLETON - ADM/S: An Act to Authorize and Empower the Governor and the Secretary of the Department of Health and Social Services to Transfer Certain Lands Situated in Dagsboro Hundred, Sussex County, State of Delaware to the Veterans Affairs Commission for the Purpose of Establishing a Veterans Cemetery.

SB 532 w/SA 1 - MCDOWELL - JUD: An Act to Amend Subchapter VI, Chapter 39, Title 12, Delaware Code, Relating to Powers and Duties of the Public Guardian. (Fiscal Note)

SB 540 w/SA 1 - TORBERT, ZIMMERMAN; REPRESENTATIVE BENNETT - R&F: An Act Awarding Special Pension Benefits to George A. Ward and Directing the Board of Pension Trustees to Administer the Pension Provided as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 552 w/SA 1,2 - MARSHALL, TORBERT, CONNOR, HUGHES, CITRO; REPRESENTATIVES JONKIERT, RIDDAGH - JUD: An Act to Amend Title 11, Chapter 42 of the Delaware Code Relating to Punishment for First Degree Murder.

SB 579 w/SA 1 - VAUGHN - R&F: An Act to Amend Chapter 21 of Title 21, Delaware Code, Relating to Minimum Insurance Coverage Requirements for All Motor Vehicles Registered in This State.

SB 594 - HUGHES, VAUGHN, ADAMS, BAIR, BERNDT, CITRO, CONNOR, KNOX, LITTLETON, MCDOWELL, NEAL, SHARP - JUD: An Act to Amend Chapter 14, Title 11 Delaware Code Relating to Wearing Body Armor During the Commission of a Felony.

SB 613 - VAUGHN - R&F: An Act to Amend Chapter 1, of Title 21, Delaware Code Relating to the Definition of "Proof of Financial Responsibility".

HA 1 to SB 592 - MARONEY - H/SS: Placed with the bill.

Representative Spence requested that HB 731 be stricken.

Representative Maroney brought HB 759, jointly sponsored by Representative Soles & Senator Knox, before the House for consideration.

HB 759 - An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to Confinement at the Delaware State Hospital.

The roll call on HB 759 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

NO: Representative Edwards - 1.

ABSENT: Representatives Brady, Campanelli, Fallon, Van Sciver - 4.

Therefore, having received a constitutional majority, HB 759 was sent to the Senate for concurrence.

Representative Buckworth moved to lift HB 271 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Buckworth brought HB 271, jointly sponsored by Representative Smith, before the House for consideration.

HB 271 - An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Penalties for Violation of Certain Fish and Game Statutes; Prohibition of Hunting on Sundays; Spotlighting Deer and Prohibition of Selling and Transporting Skunks and Raccoons. (2/3 bill)

Representative Buckworth requested that HA 1 & HA 2 to HB 271 be stricken.

Representative Buckworth brought HA 3 to HB 271 before the House for consideration. HA 3 was adopted by voice vote.

Representative West brought HA 4 to HB 271 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 271 w/HA 3,4 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Roy, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 271 w/HA 3,4 was sent to the Senate for concurrence.

Representative Cordrey brought HB 742, jointly sponsored by Senator Littleton, before the House for consideration.

HB 742 - An Act to Amend Chapter 277, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Laurel", to Permit the Issuing of Revenue Bonds. (2/3 bill)

The roll call on HB 742 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cain, Holloway, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 742 was sent to the Senate for concurrence.

Representative Darling brought HB 764, jointly sponsored by Senator Cook, before the House for consideration.

HB 764 - An Act to Re-Incorporate the Town of Felton. (2/1/11)  
Representative Darling brought HA 1 to HB 764, jointly sponsored by Senator Cook, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 764 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derrickson, Mack, Roy - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 764 w/HA 1 was sent to the Senate for concurrence.

Representative Van Sciver brought HCR 159, jointly sponsored by Representative Edwards & Senator Holloway, before the House for consideration.

HCR 159 - Requesting a Feasibility Study be Made Concerning the Formation of a Department of Aging.

The roll call on HCR 159 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representative Darling - 1.

NOT VOTING: Representatives McKay, Sincok - 2.

ABSENT: Representatives George, Smith - 2.

Therefore, having received a constitutional majority, HCR 159 was sent to the Senate for concurrence.

Representative Roy brought HS 1 for HB 508 before the House for consideration.

HB 508 - An Act to Amend Subchapter I, Chapter 1, Title 13, Delaware Code Relating to Solemnization of Marriages.

The roll call on HS 1 for HB 508 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Buckworth, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HS 1 for HB 508 was sent to the Senate for concurrence.

Representative Petrilli brought HB 100 w/HA 1, SA 1,2,3,4,5,6, jointly sponsored by Representative McKay, before the House for consideration.

HB 100 - An Act to Amend Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing for the Granting of Monetary Awards for Suggestions That Result in Financial or Economic Benefit to the State of Delaware.

The roll call on HB 100 w/HA 1 & SA 1,2,3,4,5 & 6 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Brady, Campanelli - 2.

ABSENT: Representatives Buckworth, Cordrey, Jester, Plant - 4.

Therefore, having received a constitutional majority, HB 100 w/HA 1 & SA 1,2,3,4,5 & 6 was sent to the Governor.

Representative Maroney brought HB 662 before the House for consideration.

HB 662 - An Act to Amend Chapter 5, Title 31, Delaware Code Relating to Nontransferability of Assistance Granted Under This Chapter.

The roll call on HB 662 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Buckworth, Cordrey - 2.

Therefore, having received a constitutional majority, HB 662 was sent to the Senate for concurrence.

Representative Maroney brought HB 747, jointly sponsored by Representatives Fallon, McKay, Edwards & Soles & Senators McBride, Torbert, Neal & Knox, before the House for consideration.

HB 747 - An Act to Amend Section 122, Title 16 of the Delaware Code Relating to Duties of the State Board of Health.

The roll call on HB 747 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Buckworth, Burris, Cain, Cordrey, Edwards, Oberle, Smith - 7.

Therefore, having received a constitutional majority, HB 747 was sent to the Senate for concurrence.

Representative Oberle brought HB 591, jointly sponsored by Senator Bair & Representatives Van Sciver, Jester, Powell, Edwards, West, George, Mack, Roy, Harrington, Petrilli, Smith, Soles, Cain, Spence, Cathcart, Buckworth, Riddagh, Bennett, Anderson, Gilligan, Holloway, Derrickson & Ennis & Senators Neal, McDowell, Arnold, Citro, Connor, Hughes, Knox & Sharp, before the House for consideration.

HB 591 - An Act to Amend Chapter 31, and Chapter 17, Title 14 of the Delaware Code Relating to Exceptional Children. (Fiscal Note)

Representative Oberle brought HA 1 to HB 591 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris moved to recess for committee meetings at 3:47 p.m.

The House reconvened at 5:15 p.m.

The roll call on HB 591 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, George, Gilligan, Harrington, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 31.

NO: Representatives Jester, McKay, Minner, Plant, West - 5.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Cordrey, Ennis, Holloway, Jonkiert - 4.

Therefore, having received a constitutional majority, HB 591 w/HA 1 was sent to the Senate for concurrence.

Representative Spence brought HB 736, jointly sponsored by Representatives Roy, Petrilli, Jonkiert, Cathcart, Bennett, Buckworth, Mack, Barnes, Edwards, Dixon, Sincok, Ennis, Corrozi, Oberle, Maroney, Campanelli & Riddagh & Senators Marshall, Citro, Arnold, Connor, Berndt, Knox, McBride, Sharp, Hughes & Adams, before the House for consideration.

HB 736 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Revocation of a Driver's License for Vehicular Assault.

The roll call on HB 736 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Burris, Cathcart, Ennis, Maroney - 4.

Therefore, having received a constitutional majority, HB 736 was sent to the Senate for concurrence.

Representative Powell moved to suspend the rules which interfere with lifting HS 1 for HB 473 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Powell brought HS 1 for HB 473, jointly sponsored by Senator Cook, before the House for consideration.

HB 473 - An Act to Amend Sections 2911 and 2913 of Title 18 of the Delaware Code Relating to Life Insurance Policy Loans.

The roll call on HS 1 for HB 473 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 34.

NO: Representatives Darling, Fallon, Mack, Oberle, Van Sciver, West - 6.

ABSENT: Representative Ennis - 1.

Therefore, having received a constitutional majority, HS 1 for HB 473 was sent to the Senate for concurrence.

Representative Petrilli moved to reconsider SS 1 for SB 119. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought SS 1 for SB 119, sponsored by Senator Berndt, before the House for consideration.

SB 119 - An Act to Amend Chapter 21, Part III, Title 29 of the Delaware Code Relating to the Annual Salary of the Governor.

Representative Sincok moved to place SS 1 for SB 119 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Plant moved to suspend the rules which interfere with action on HB 419 w/SA 3. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Plant brought HB 419 w/SA 3, jointly sponsored by Representatives Holloway, Jonkiert, Campanelli, West & Dixon & Senator Holloway, before the House for consideration.

HB 419 - An Act to Amend Title 11, Delaware Code, by Punishing Certain Acts as Disorderly Conduct. (2/3 bill)

The roll call on HB 419 w/SA 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Ennis, Minner, Powell, Smith - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 419 w/SA 3 was sent to the Governor.

Representative Riddagh moved to reconsider SB 89 w/HA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 89 w/HA 1, sponsored by Senators Berndt, Sharp, Knox, Hughes & McBride & Representatives Maroney & Smith, before the House for consideration.

SB 89 - An Act to Amend Chapter 17, Title 24, Delaware Code Relating to Determination of Death. Representative Riddagh moved to place SB 89 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincok moved to lift SS 1 for SB 119 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

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

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

Representative Sincok brought SS 1 for SB 119, sponsored by Senator Berndt, before the House for consideration.

SB 119 - An Act to Amend Chapter 21, Part III, Title 29 of the Delaware Code Relating to the Annual Salary of the Governor.

The roll call on SS 1 for SB 119 was taken and revealed:

YES: Representatives Brady, Burris, Cain, Campanelli, Corrozi, Derrickson, Dixon, Free, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Barnes, Buckworth, Cathcart, Cordrey, Darling, Edwards, Fallon, Jonkiert, Mack, Oberle, Spence, Van Sciver, West - 14.

NOT VOTING: Representatives Bennett, Holloway - 2.

ABSENT: Representative Ennis - 1.

Therefore, having received a constitutional majority, SS 1 for SB 119 was returned to the Senate.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on HCR 190. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart introduced and brought HCR 190, jointly sponsored by Representatives Harrington, Fallon, Powell, Jonkiert, Anderson, Petrilli, Roy, Barnes, Mack, Burris, Buckworth, Brady, Spence, Cain, Plant, Soles, Oberle, Bennett, Ennis, Van Sciver, Maroney, Dixon & Holloway & Senators Berndt, Knox, Neal, Bair, Martin, Holloway, Marshall, Connor & Citro, before the House for consideration.

HCR 190 - Requesting Superintendents and/or Their Designees of the Four Reorganized School Districts of New Castle County to Meet and Make Recommendations Regarding State Equalization Funds. HCR 190 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle moved to lift HS 1 for HB 557 w/HA 3,5,6,10,11,13,14,15,16,17,18,19 & 22 from the Speaker's table. The motion was seconded by Representative Smith. Representative Oberle moved to suspend the rules which interfere with action on HS 1 for HB 557 w/HA 3,5,6,10,11,13,14,15,16,17,18,19 & 22. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HS 1 for HB 557 w/HA 3,5,6,10,11,13,14,15,16,17,18,19 & 22, jointly sponsored by Senator Sharp & Representatives Cain, Campanelli, Cathcart, Free, Dixon, Gilligan, Petrilli, Powell, Plant, Roy & Spence & Senators McDowell, Marshall & McBride, before the House for consideration.

HB 557 - An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to Negotiations and Employee Relations of Professional Employees.

Representative Oberle moved to lift HA 8 to HS 1 for HB 557 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HA 8 to HS 1 for HB 557 before the House for consideration. HA 8 was adopted by voice vote.

Representative McKay brought HA 23 to HS 1 for HB 557 before the House for consideration. Representative McKay moved to place HA 23 to HS 1 for HB 557 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative McKay brought HA 24 to HS 1 for HB 557 before the House for consideration. Representative McKay moved to place HA 24 to HS 1 for HB 557 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

The roll call HS 1 for HB 557 w/HA 3,5,6,8,10,11,13,14,15,16,17,18,19 & 22 on was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cathcart, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Holloway, Jester, Mack, Oberle, Petrilli, Plant, Powell, Roy, Soles, Spence - 21.

NO: Representatives Barnes, Bennett, Brady, Burris, Corrozi, Darling, Harrington, Maroney, McKay, Minner, Riddagh, Sincok, Smith - 13.

NOT VOTING: Representatives Buckworth, Cordrey, Jonkiert, Van Sciver, Mr. Speaker Hebner - 5.

ABSENT: Representatives Ennis, West - 2.

Therefore, having received a constitutional majority, HS 1 for HB 557 w/HA 3,5,6,8,10,11,13,14,15,16,17,18,19 & 22 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 6:19 p.m.

41st LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 21, 1982

The Speaker called the House to order at 2:36 p.m.

The Reading Clerk read the following communications into the record:

June 17, 1982

LEGISLATIVE ADVISORY #38

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/14/82 - HB 547 aab HA 1; 6/15/82 - HB 471, HB 578; 6/17/82 - SB 43 aab SA 1; SB 590.

The Senate wishes to inform the House that it has passed: SB 574 w/SA 1; SB 597 w/SA 1; SCR 145, SB 302, HB 419 w/SA 3; HCR 187, HCR 188, HCR 189, SB 554.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: SB 505 - 5M; SB 578 - 5M; SB 580 - 5M; SB 588 - 4M; HB 783 - 5M; HB 789 - 5M; HB 788 - 5M; HB 767 - 5M.

NR/AGRI: HB 758 - 4F,1M; SB 535 - 4F,1M; SB 539 - 5F; SB 562 - 3M.

R&F: SB 589 - 1F,5M; SS 1 for SB 557 - 2F,4M.

JUD: SB 532 - 2F,3M; SB 552 - 3F,2M; SB 594 - 2F,3M.

The Majority Leader moved to adjourn at 2:43 p.m., thereby ending the previous legislative day. The House reconvened at 2:44 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Van Sciver - 1.

A prayer was offered by Representative Orlando J. George, Jr., First District.

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

The following prefiled legislation was introduced:

HA 2 to HB 754 - OBERLE - Placed with the bill. (Ready List)

SB 302 - MARTIN, BERNDT, VAUGHN, HOLLOWAY, LITTLETON, CONNOR; REPRESENTATIVES CORDREY, ANDERSON, DIXON, JESTER, SOLES, OBERLE, CAIN, WEST - ED: An Act to Amend Title 14, Delaware Code, Relating to the Establishment of a Community Education Act.

SB 554 - MCBRIDE, TORBERT, HUGHES, VAUGHN, CITRO, SHARP; REPRESENTATIVES EDWARDS, CATHCART, JONKIERT, DIXON, BUCKWORTH, BARNES - ADM/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to the Registration of Motor Vehicles of Disabled Veterans.

SB 574 w/SA 1 - ZIMMERMAN, BERNDT; REPRESENTATIVES SINCOCK, ANDERSON - R&F: An Act to Amend Part III, Title 12 of the Delaware Code Relating to Disclaimer of Interests in Property.

HA 1 to SB 513 - ROY - ADM/S: Placed with the bill.

Representative Burris moved to recess for caucus at 2:52 p.m.

The House reconvened at 4:10 p.m.

The Reading Clerk read the following communication into the record:

June 21, 1982

The Honorable Thomas B. Sharp

Majority Leader

Senate

Legislative Hall

Dover, Delaware 19901

I have been informed...

Senator Sharp...

that you feel it is necessary to have the Senate pass a resolution approving the House's request for the return of HB 200 as per HR 216.

After consulting with several knowledgeable attorneys, including a representative from the Attorney General's Office, I can find no validity for your belief that a Senate Resolution is necessary to permit the return of HB 200 to this Chamber. Since the legislation is acknowledged to have passed the House improperly, a simple exchange between our respective Bill Clerks is all that is necessary.

If however you can cite the proper rules or laws that support your belief that a Senate Resolution is necessary, I would be pleased to acknowledge that my legal advice has been bad.

Barring that, as a matter of intrachamber courtesy I will expect either the return of HB 200 or a statement from you explaining your refusal.

Respectfully,  
Charles L. Hebner  
Speaker of the House

CLH:kwm

Representative Fallon brought HB 741 before the House for consideration.

HB 741 - An Act to Amend Chapter 100, Title 29 of the Delaware Code Relating to Public Library Records.

Representative Fallon brought HA 1 to HB 741 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 741 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derricksen, Holloway, Van Sciver - 3.

Therefore, having received a constitutional majority, HB 741 w/HA 1 was sent to the Senate for concurrence.

Representative Barnes moved to lift HB 413 w/HA 1 from the Speaker's table. The motion was seconded by Representative Sincock and adopted by voice vote.

Representative Barnes brought HB 413 w/HA 1, jointly sponsored by Senator Adams, before the House for consideration.

HB 413 - An Act to Amend Title 3 of the Delaware Code by Adding a Chapter 76 Thereto Relating to Registration of Livestock Dealers. (3/5 bill)

Representative Barnes brought HA 2 to HB 413 before the House for consideration. HA 2 was adopted by voice vote.

Representative Barnes brought HA 3 to HB 413 before the House for consideration. HA 3 was adopted by voice vote.

Representative Barnes requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Barnes moved to place HB 413 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Barnes brought HB 582, jointly sponsored by Representatives Harrington, Edwards, Dixon & Bennett, before the House for consideration.

HB 582 - An Act to Amend Chapter 31, Title 6, of the Delaware Code Relating to Unincorporated Associations.

Representative Barnes brought HA 1 to HB 582 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 582 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Derrickson, Van Seiver - 2.

Therefore, having received a constitutional majority, HB 582 w/HA 1 was sent to the Senate for concurrence.

Representative Spence brought HB 784, jointly sponsored by Representative Petrilli & Senator Torbert, before the House for consideration.

HB 784 - An Act to Amend Chapter 41 and Chapter 70, Title 21, Delaware Code, Relating to Fines for Certain Parking Violations. (2/3 bill)

The roll call on HB 784 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 34.

NO: Representative Edwards, Fallon, Gilligan - 3.

ABSENT: Representatives Burris, Holloway, Roy, Van Seiver - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 784 was sent to the Senate for concurrence.

Representative Bennett brought HB 587 before the House for consideration.

HB 587 - An Act Directing the State Board of Education to Develop a Program for Distribution of Surplus Textbooks and to Require Public Schools to Share Such Books Between Districts.

The roll call on HB 587 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Burris, Holloway, Van Seiver - 4.

Therefore, having received a constitutional majority, HB 587 was sent to the Senate for concurrence.

Representative Derrickson brought HB 652 before the House for consideration.

HB 652 - An Act to Amend Title 10, Delaware Code, by Creating a New Section 7401 Providing a Statutory Right for a Defendant to Recover Attorney's Fees From a Plaintiff Who Wrongfully Institutes Legal Proceedings.

The roll call on HB 652 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

NO: Representatives Campanelli, Free - 2.

ABSENT: Representatives Burris, Cain, Van Seiver - 3.

Therefore, having received a constitutional majority, HB 652 was sent to the Senate for concurrence.

Representative Bennett brought HB 608, jointly sponsored by Representatives McKay, Soles, George, Jester, Dixon, Anderson, West, Cain, Cordrey, Minner & Jonkiert, before the House for consideration.

HB 608 - An Act to Amend Chapter 10, Subchapter IV, Title 14 of the Delaware Code, With Reference to Time; Annual Election of School Board Members.

The roll call on HB 608 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 35.

NO: Representatives Brady, Gilligan, Petrilli - 3.

ABSENT: Representatives Derrickson, Jonkiert, Van Seiver - 3.

Therefore, having received a constitutional majority, HB 608 was sent to the Senate for concurrence.

Representative Anderson brought HB 616, jointly sponsored by Representatives Barnes, Bennett, Buckworth, Cain, Corrozi, Cathcart, Cordrey, Derrickson, Dixon, Ennis, Gilligan, Holloway, Jester, Mack, Plant, Riddagh, Soles, Spence, Van Seiver & West & Senators Arnold, Berndt, Sharp, Connor, Holloway, Martin, McDowell, Neal, Torbert & Vaughn, before the House for consideration.

HB 616 - An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Notice of Rent Increases.

The roll call on HB 616 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Roy, Van Sciver - 2.

Therefore, having received a constitutional majority, HB 616 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on HCR 191. The motion was seconded by Representative Dixon and adopted by voice vote.

Representative Jonkiert introduced and brought HCR 191, jointly sponsored by Representative Dixon & All Representatives & Senator Connor, before the House for consideration.

HCR 191 - Mourning the Death of Former Representative John Matushefske, of St. Georges.

HCR 191 was adopted by voice vote and sent to the Senate for concurrence.

Representative Harrington brought HB 647, jointly sponsored by Representatives Barnes, Bennett & Dixon, before the House for consideration.

HB 647 - An Act to Amend §2308, Title 19, Delaware Code, to Permit an Exclusion From Workmen's Compensation for Officers of Corporations.

The roll call on HB 647 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Burris, Derrickson, Holloway, Van Sciver - 4.

Therefore, having received a constitutional majority, HB 647 was sent to the Senate for concurrence.

Representative Maroney brought HB 456 before the House for consideration.

HB 456 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Custody, Care and Treatment of Delinquent Children.

Representative Maroney brought HA 1 to HB 456, jointly sponsored by Representative Cathcart, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 456 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Spence, Van Sciver - 2.

Therefore, having received a constitutional majority, HB 456 w/HA 1 was sent to the Senate for concurrence.

Representative Smith brought HB 738, jointly sponsored by Representative Derrickson, before the House for consideration.

HB 738 - An Act to Amend Section 6151, Subchapter II, Chapter 61, Title 7, Delaware Code Relating to Commercial Vessels and Structures Anchored Over Public Lands Beneath the Waters of the State.

The roll call on HB 738 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Bennett, Van Sciver - 2.

Therefore, having received a constitutional majority, HB 738 was sent to the Senate for concurrence.

Representative Powell moved to suspend the rules which interfere with action on SB 570 w/SA 1.

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

Representative Powell brought SB 570 w/SA 1, sponsored by Senators Holloway, Sharp, Littleton, Torbert & Hughes & Representatives Gilligan, Harrington, Hebner, Oberle & Corrozi, before the House for consideration.

SB 570 - An Act to Amend Chapter 9 and Chapter 21 of Title 5 of the Delaware Code Relating to Mutual Savings Banks and Savings Societies, Subjecting Them to the Same General Loan Limitations Applicable to Other State Banks or Trust Companies.

The roll call on SB 570 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Campanelli, Van Sciver - 2.

Therefore, having received a constitutional majority, SB 570 w/SA 1 was returned to the Senate.

Representative Powell brought SB 576 w/SA 1, sponsored by Senator Holloway, before the House for consideration.

SB 576 - An Act to Amend Chapter 63, Volume 12, Laws of Delaware, Entitled "An Act to Incorporate the Artisans' Savings Bank," As Amended, to Permit the Bank to Make Certain Loans. (2/3 bill)

The roll call on SB 576 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebnor - 38.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Jonkiert, Van Seiver - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 576 w/SA 1 was returned to the Senate.

Representative Powell brought SB 577, sponsored by Senator Holloway, before the House for consideration.

SB 577 - An Act to Amend CI(101) of Volume 8, Laws of Delaware, Entitled "An Act to Incorporate the Wilmington Savings Fund Society," As Amended, to Provide that the Society May Make Certain Loans and Investments. (2/3 bill)

The roll call on SB 577 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebnor - 38.

NOT VOTING: Representatives Campanelli, Jonkiert - 2.

ABSENT: Representative Van Seiver - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 577 was returned to the Senate.

Representative Burris moved to recess to the call of the Chair at 5:50 p.m.

#### 42nd LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

Second Session

June 22, 1982

The Speaker called the House to order at 3:12 p.m.

The Reading Clerk read the following communications into the record:

June 21, 1982

To the House of Representatives  
of the 131st General Assembly  
of the State of Delaware

On June 9, 1982 I received House Substitute No. 1 for House Bill No. 247, as amended by House Amendment No. 1, which is entitled:

"AN ACT TO DIRECT THE DEPARTMENT OF  
TRANSPORTATION TO POST SIGNS NOTIFYING  
DRIVERS ENTERING DELAWARE THAT LITTERING IS  
SUBJECT TO FINES UP TO \$250."

The laudable purpose of this bill is to publicize Delaware's anti-littering law by requiring signs to be posted at each major highway entrance to the State advising of the maximum fine for littering. I certainly concur that every effort should be made to reduce littering of Delaware's highways and adjacent properties and that travelers coming into Delaware should be prominently notified that such littering is subject to fine.

However, I am returning House Substitute No. 1 for House Bill No. 247, as amended by House Amendment No. 1 because it may have affected maximum fines that are now imposed under State law for various litter violations. For instance, although the penalty set in Title 21 for placing glass, cans and litter on a highway is set at a maximum of \$250., the Litter Control Law, in Title 16 establishes a \$50. maximum for such an offense. Moreover, the penalty prescribed in Section 6025 of Title 7 sets a maximum fine of \$500. for discarding garbage, refuse or rubble in the State, and the penalty for disposing of more than 5 pounds of trash along a highway may range from \$400. to \$600. for a first offense, with substantial increases in the fine for a second violation.

Therefore, the posting of signs stating that the maximum fine for littering is \$250. would at the least be misleading and add to the confusion already existing in the several laws relating to litter. And it is possible that the bill may have reduced these various legislatively prescribed penalties - especially since the Title of the bill fails to indicate the precise Title and Section of the Code which is being amended.

Accordingly, I am returning House Substitute No. 1 for House Bill No. 247, as amended by House Amendment No. 1, without my signature, with the hope that new legislation can be developed by the sponsor which will clarify the confusion which exists in the several Delaware laws relating to litter.

Respectfully submitted,  
Pierre S. du Pont, IV  
Governor

attachment  
PSduP/BRR/r

June 22, 1981

LEGISLATIVE ADVISORY #39

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 21, 1982 - HB 130 aab SA 1; HB 566, HB 580, SB 265, SB 307, SB 451 aab SA 1; SB 459, SB 461.

The Governor vetoed the following legislation on June 21, 1982 - HS 1 for HB 247 aab HA 1.

The Senate wishes to inform the House that it has passed: SB 591 w/SA 1; SB 618 w/SA 1; SB 596 w/SA 1; HCR 191, SB 544, SB 611 w/SA 1; SB 605, SB 602, SB 598, SB 607, HB 450 w/HA 1; SCR 146, SCR 147, SCR 148, SJR 32 w/SA 1; HCR 190.

The Reading Clerk read the following Committee Report into the record:

ADM/S: HB 782 - 4M.

Mr. Speaker re-assigned SB 554 to the Judiciary Committee.

The Majority Leader moved to adjourn at 3:20 p.m., thereby ending the previous legislative day. The House reconvened at 3:21 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

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

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

The following prefiled legislation was introduced:

SB 544 - HOLLOWAY - ADM/S: An Act to Amend Chapter 15, Title 24, Delaware Code, to Require Keepers of Inns, Hotels, and Motels to Make Accommodations Available at Advertised Rates Where Possible and Providing a Penalty for Failure to Do So. (2/3 bill)

SB 591 w/SA 1 - ADAMS, VAUGHN, TORBERT, HUGHES, CITRO, CORDREY, SHARP; REPRESENTATIVES BARNES, RIDDAGH, SPENCE, MINNER, OBERLE - JUD: An Act to Amend Subchapter 1, Chapter 19, Title 11, Delaware Code Relating to Providing Statewide Authority to Certain Police Officers Under Certain Conditions. (2/3 bill)

SB 595 w/SA 1 - HOLLOWAY; REPRESENTATIVE DERRICKSON - ADM/S: An Act to Amend Chapter 6, Title 24, Delaware Code, Relating to Number of Cosmetologists' Apprentices and the Fee Schedule for This Profession.

SB 597 w/SA 1 - CORDREY - H/ADM: An Act Awarding Special Pension Benefits to Mildred Carpenter, a Former State Employee; Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

SB 598 - CORDREY, ADAMS, LITTLETON - H/ADM: An Act to Amend Chapter 65, Title 9 of the Delaware Code Relating to Sanitary and Water Districts of Sussex County.

SB 602 - ADAMS, BERNDT; REPRESENTATIVES SINCOCK, MCKAY - R&F: An Act to Amend Chapter 55, Title 29, Delaware Code and Chapter 65, Part IV, Title 11, Delaware Code by Deleting Those Sections Relative to Special Pension Benefits for Corrections Officers.

SB 605 - ADAMS; REPRESENTATIVE BRADY - JUD: An Act Proposing an Amendment to Article IV, Section 3 of the Constitution of the State of Delaware Relating to the Judiciary. (2/3 bill)

SB 607 - CORDREY - H/ADM: An Act to Amend Chapter 302, Volume 49, Laws of Delaware, Being "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to the Elections and the Eligibility to Serve on the Town Council. (2/3 bill)

SB 611 w/SA 1 - ADAMS - R&F: An Act to Amend Chapter 17, Title 18 of the Delaware Code Regarding License Renewal Procedures for Appointments of Insurance Agents and Limited and Fraternal Insurance Representatives. (2/3 bill)

SB 618 w/SA 1 - CORDREY - H/ADM: An Act to Amend Chapter 75, Part V, Title 15 of the Delaware Code Relating to the Conduct of Elections. (2/3 bill)

SJR 32 w/SA 1 - BAIR, BERNDT; REPRESENTATIVES SOLES, ENNIS, JESTER - ED: Permitting Reorganized School Districts to Utilize Division II Funds to Establish Energy Management Programs.

HA 1 to SB 229 - CORDREY; SENATORS ADAMS, LITTLETON - APPRO: Placed with the bill.

HA 1 to SB 285 - CORDREY; SENATORS ADAMS, LITTLETON - APPRO: Placed with the bill.

HA 1 to SB 483 - BRADY - Placed with the bill. (Special Agenda VI)

Representative Burris brought HB 588, jointly sponsored by Representatives Sincock & George & Senators Zimmerman & Knox, before the House for consideration.

HB 588 - An Act to Amend Title 15, Delaware Code Relating to Electronic Voting Systems. (F/N)

Representative Burris requested and was granted the privilege of the floor for Mr. Keith Long representing Computer Election Systems.

Representative Burris moved to place HB 588 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Burris moved to recess at 3:37 p.m.

The House reconvened at 3:41 p.m.

Representative Oberle moved to reconsider HB 200 w/HA 1,2 w/HA 1,3 w/HA 1,5,6,7,9,10,12,23,24,26,28,29.

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

Representative Oberle moved to suspend the rules which interfere with reconsideration of HB 200 w/HA 1,2 w/HA 1,3 w/HA 1,5,6,7,9,10,12,23,24,26,28,29. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HB 200 w/HA 1,2 w/HA 1,3 w/HA 1,5,6,7,9,10,12,23,24,26,28,29, sponsored by Representatives Burris & Bennett, before the House for consideration.

HB 200 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Representative Burris requested that HB 200 w/HA 1,2 w/HA 1,3 w/HA 1,5,6,7,9,10,12,23,24,26,28,29 be stricken.

The following communication is included in the record at the request of Representative Campanelli:  
10 June 1982

The Honorable John A. Campanelli  
State Representative  
House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Re: House Bill 200  
Opinion No. 82-1016

Dear Representative Campanelli:

You have asked the opinion of this Office as to whether Article VIII, Section 11 of the Constitution of the State of Delaware was applicable to the vote taken by the House of Representatives on House Bill 200 during the 131st General Assembly. It is our opinion that Article VIII, §11 was applicable and House Bill 200 must be adopted by a three-fifths concurrence of both the House of Representatives and the Senate.

House Bill 200 was adopted to repeal the existing Worker's Compensation Act and establish a new system for the compensation for work related injuries and deaths occurring subsequent to February 1, 1982. A repealing act such as H.B. 200 constitutes a new act and if it adopts provisions in place of the repealed statute, those provisions are new legislation for purposes of enactment, even though they may be similar or identical in substance to the prior statute. *Morford v. Emerson*, Del. Super., 10A.2d 515 (1939). Accordingly, H.B. 200 must comply with applicable requirements of Art. VIII, §11 since it was enacted subsequent to Art. VIII.

Article VIII, §11(a) provides:

No tax or license fee may be imposed  
or levied except pursuant to an act of the  
General Assembly adopted with the  
concurrence of three-fifths of all members  
of each House.

The issue presented is whether H.B. 200 imposes or levies a "tax" or a "license fee". The terms "tax" and "license fee" share many characteristics and are often used interchangeably. Both concepts involve a mandatory exaction or charge reasonably assessed by a governmental entity upon persons or property within its jurisdiction for a public or governmental purpose. 51 Am. Jur. 2d, Licenses and Permits, §1; 71 Am. Jur. 2d, State and Local Taxation §51-4, 16. The distinction between the two is that a tax is a levy authorized under the police power of a government as a means of regulating or restricting a particular activity. *Conard v. State*, Del. Super., 16 A.2d 121 (1940).

In H.B. 200, Sections 2272, 2277 and 2278 can be interpreted as imposing a tax or license fee. Section 2272 requires insurance carriers and self-insurers to pay to the Industrial Accident Board percentages of premiums or payrolls for the establishment of a Second Injury Fund. Section 2277 imposes a "tax" upon carrier premiums and self-insurers' payrolls for the privilege of carrying on the business of Worker's Compensation Insurance in this State. Section 2278 imposes an "assessment" upon Worker's Compensation Insurance carriers to pay the administrative expenses of the act.

Each of the above sections imposes a mandatory levy upon carriers and self-insurers in order to raise revenues for the operation and maintenance of the Worker's Compensation system created by H.B. 200. The public purpose of Worker's Compensation legislation in general and the Second Injury Fund in particular has long been recognized. The system is designed to assure an economically adequate level of compensation to injured workers and shift the cost of such employment related injuries to the consumer as part of the costs of production. *Hill v. Moskin Stores, Inc.*, Del. Super., 165 A.2d 447 (1960); *Price v. All American Engineering Co.*, Del. Super., 320 A.2d 336 (1977).

The Price decision specifically notes that the Fund's payments are made to a limited category of recipients. Moreover, an exaction imposed by statute does not lose its character because it is applied to a certain class and there is no requirement that the class be the primary recipient of the tax's benefits, provided that a public purpose is served. *Houck v. Little River Drainage District*, 239 U.S. 254 (1915); *Board of Assessment Review for New Castle County v. Stewart*, Del. Super., 378 A.2d 113 (1977). The Legislature has wide discretion in the classification of tax payers so long as the classification adopted is reasonable and not arbitrary. In *Aetna Casualty and Surety Co. v. Smith*, Del. Super., 131 A.2d 168 (1957), the Supreme Court determined that a tax on fire insurance premiums assessed against fire insurance carriers for the purpose of increasing funds for firefighter pension funds was reasonable and valid. As such, the above cited sections of H.B. 200 meet the general definitions of tax and license fee.

This conclusion is supported by the few cases which have addressed the issue of whether mandatory premium and payroll percentage payments and contributions constitute taxes or license fees. The case of *State v. Vinther*, Wash. Supr., 29 P.2d 694 (1934), held that an employer's mandatory payroll percentage contributions to the state Workmen's Compensation Accident Fund were license fees or taxes imposed in furtherance of the public policy of caring for workmen injured in industry. This rationale was followed in the case of *State Industrial Accident Commission v. Aebi*, Ore. Supr., 162 P.2d 513 (1945), in which the Supreme Court of Oregon held that an employer's mandatory contributions under Oregon's Workmen's Compensation Act were taxes within the meaning of the Federal Bankruptcy Act. Finally, in the case of *Harper v. New Jersey Manufacturers Casualty Insurance Co.*, 58 A. 2d 792, *aff'd* 62 A.2d 135 (1949) a New Jersey court held that the State's Workmen's Compensation Act, which required Workmen's Compensation carriers and self-insurers to make premium and payroll percentage contributions to the State Compensation Funds, was a tax measure. No authority contrary to this position has been disclosed by research.

In addition to the above cases, further support is available for the conclusion that Section 2277 of H.B. 200 imposes a tax. This section states that it imposes a "tax" upon carrier premiums and self-insurer payrolls for the "privilege of carrying on the business of Worker's Compensation Insurance in this State". It has uniformly been held that a fee exacted as a prerequisite to the carrying on of a particular occupation or business is either a license fee or a tax. 51 Am. Jur. 2d, License and Permits, §14; 25 Words and Phrases, License Fee. However, where a fee is enacted solely for revenue purposes and its payment grants the privilege to carry on business without further conditions or restrictions, then the payment is a tax. Conard v. State, supra. Since its accompanying provisions in H.B. 200 do not evidence an intent to otherwise regulate or restrict the activities of Worker Compensation carriers and self-insurers, Section 2277 should be considered a tax.

The question whether Section 2278 is a tax or license fee is less susceptible to resolution. Section 2278 imposes an "assessment" upon insurance carriers to pay the Act's administrative expenses. A minority of jurisdictions have held that assessments of any form which are deposited into a specially designated fund and not into a state's general revenue fund are not taxes but special assessments. Natural Gas Co. v. McCanless, Tenn. Supr., 194 S.W.2d 476 (1946). While the issue has not been directly addressed in Delaware, the Supreme Court decision in Aetna Casualty And Surety Company v. Smith, supra strongly suggests that a distinction similar to that made in McCanless would not be adopted. In the Aetna decision, statutes which imposed payments upon insurance carrier premiums for the purpose of augmenting police and fire pension funds were held to be unconstitutional since they appropriated public money to municipal corporations without the three-fifths vote of each House of the General Assembly as required by Article VIII, Section 4 of the State Constitution. These payments were made into the specially earmarked funds and the State Insurance Commissioner maintained that these earmarked funds removed subsequent appropriations from the restrictions of Article VIII, Section 4. The Court disagreed, concluding that the constitutional provisions governed all appropriations and suggested that the General Assembly could not avoid constitutional provisions merely by creating individual funds. The Court stated, "the fact that it is paid into a special fund...is unimportant". Id. at 175.

The McCanless distinction has been abandoned by most jurisdictions except with regard to assessments made exclusively for the payment of administrative costs, when such payments are not mingled with any other funds. Port Authority of Allegheny County v. Smith, Pa. Cmwlth., 382 A.2d 153 (1978); Duhesher Farms, Inc. v. Ball, Mich. Supr., 273 N.W. 2d 877 (1979); Efros v. Russo, N.J. Super., 177 A.2d 565 (1962). Since Section 2278 meets the requirements set forth in the above cases and the General Assembly describes the levy imposed as an "assessment", Section 2278 should be considered a special assessment rather than a tax or license fee for purposes of Art. VIII, §11.

The final question presented is whether Sections 2272 and 2277 are severable from the remaining provisions of H.B. 200. The Delaware Supreme Court addressed the question of severability in State v. Schorr, Del. Supr., 65 A.2d 810 (1948), holding that:

It is also well settled, that where part of a statute found to be unconstitutional is so connected with other parts as to make them mutually dependent upon each other as conditions, considerations or compensations for the other, in such a manner as to justify the belief that the Legislature intended them as a whole, they stand or fall together.

Id. at 822.

Sections 2272 and 2277 provide the basis funding mechanism for H.B. 200. If these provisions were excised from the Bill, its essential purposes of providing adequate benefits to injured workers and shifting the cost of such injuries would be defeated. The Bill as a whole is dependent upon the valid enactment of these sections and, as such, they are not severable from it.

In conclusion, it is the opinion of this Office that Sections 2272 and 2278 of H.B. 200 impose new taxes or license fees and are not severable from the Bill as a whole. Accordingly, Art. VIII, §11 of the State Constitution requires that H.B. 200 be adopted by a three-fifths concurrence of each House in order to be valid. Since Art. VIII, §11 was in effect when H.B. 200 was passed by a less than three-fifths majority of the House of Representatives, that vote was insufficient.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,  
Timothy A. Casey  
Deputy Attorney General

bac

APPROVED:

Richard S. Gebelein  
Attorney General

Representative Smith brought SB 267 w/SA 1, jointly sponsored by Senators McDowell, Bair, Berndt, Connor, Holloway, Marshall, Martin & Neal & Representatives Anderson, Barnes, Corrozi, Darling, Ennis & Soles, before the House for consideration.

SB 267 - An Act to Amend Chapter 76, Part VII, Title 16 of the Delaware Code to Establish a Lighting Energy Efficiency Code for New and Existing Non-Residential Buildings. (2/3 bill)

Representative Smith moved to place SB 267 w/SA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative McKay brought HB 773, jointly sponsored by Representatives Free, Fallon, Jester, Campanelli, Petrilli & Corrozi, before the House for consideration.

HB 773 - An Act to Amend Title 14 Delaware Code by Establishing the Postsecondary Employment Program In Order to Provide Financial Assistance to College Students Through Employment Opportunities. (Fiscal Note)

Representative McKay requested and was granted the privilege of the floor for Dr. John F. Corrozi, Delaware Postsecondary Education Committee.

Representative McKay moved to place HB 773 on the Speaker's table. The motion was seconded by Representative Sinecock and adopted by voice vote.

Representative Burris moved to recess for caucus at 4:33 p.m.

The House reconvened at 5:06 p.m.

Representative Burris moved to suspend the rules which interfere with action on HB 694. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, Harrington, Holloway, Jonkiert, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Van Seiver, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Ennis, George, Gilligan, Jester, Minner, Smith, Soles, West - 12.

NOT VOTING: Representatives Cathcart, Mack, Spence - 3.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Burris brought HB 694, jointly sponsored by Representative Dixon & Senators Berndt & Zimmerman, before the House for consideration.

HB 694 - An Act to Amend Chapter 60, Title 7 of the Delaware Code, Being Volume 61, Chapter 503, Laws of Delaware, Relating to the Reclamation and Recycling of Beverage Containers.

Representative Derrickson brought HA 1 to HB 694 before the House for consideration. Representative Jonkiert moved to place HA 1 to HB 694 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Edwards, Free, George, Harrington, Holloway, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Spence, Van Seiver, West, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Derrickson, Ennis, Fallon, Gilligan, Jester, McKay, Minner, Riddagh, Roy, Sinecock, Smith, Soles - 17.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 to HB 694 was placed on the Speaker's table.

The roll call on HB 694 was taken and revealed:

YES: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Edwards, Free, Harrington, Jonkiert, Mack, Oberle, Plant, Powell, Sinecock, Spence, Van Seiver, West, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Corrozi, Ennis, Fallon, George, Gilligan, Jester, Maroney, Minner, Riddagh, Roy, Smith, Soles - 16.

NOT VOTING: Representatives Derrickson, Holloway, McKay, Petrilli - 4.

Therefore, having received a constitutional majority, HB 694 was sent to the Senate for concurrence. Representative Spence brought SB 489, jointly sponsored by Senator Cook, before the House for consideration.

SB 489 - An Act to Amend Chapter 72, Title 7 of the Delaware Code to Provide for Exemptions Under Certain Circumstances From the Noise Control Law.

Representative Derrickson brought HA 1 to SB 489 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 489 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SB 489 w/HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Powell brought SB 528, sponsored by Senators Zimmerman, Cordrey, McDowell, Bair & Neal, before the House for consideration.

SB 528 - An Act to Amend Chapter 65, Title 29, Delaware Code, Relating to Prompt Payment of Bills by Agencies of the State of Delaware. (Fiscal Note)

Representative Harrington brought HA 1 to SB 528, jointly sponsored by Senator Neal, before the House for consideration.

Representative Harrington requested and was granted the privilege of the floor for Mr. George E. Hale representing Delaware Development Office.

Five members rose for the purpose of cutting off the debate on HA 1 to SB 528.

The motion was adopted by voice vote.

The roll call on HA 1 to SB 528 was taken and revealed:

YES: Representatives Barnes, Edwards, Free, Harrington, Jonkiert, Mack, McKay, Riddagh, West, Mr. Speaker Hebner - 10.

NO: Representatives Anderson, Bennett, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, George, Gilligan, Jester, Maroney, Minner, Oberle, Petrilli, Powell, Roy, Sinecock, Soles, Spence, Van Seiver - 27.

ABSENT: Representatives Buckworth, Holloway, Plant, Smith - 4.

Therefore, not having received a constitutional majority, HA 1 to SB 528 was declared defeated.

Representative Harrington moved to place SB 528 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Burris brought Consent Agenda I, sponsored by Representative Cathcart, before the House for consideration.

HB 664 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Driver's License Reinstatement Fees.

HB 666 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Pedestrians.

HB 668 - An Act to Amend Chapter 51, Title 29 of the Delaware Code Relating to Excluding Saturdays as Work Days for Employees of the Department of Public Safety.

HB 670 - An Act to Amend Chapters 25 and 63, Title 21 of the Delaware Code Relating to the Sale and Title of Used Taxicabs.

HB 671 - An Act to Amend Title 21 of the Delaware Code Relating to New Residents Obtaining Drivers' Licenses and Vehicle Registrations.

HB 672 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Antique Vehicles.

HB 673 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Appearance for Driver's License Renewals.

The roll call on Consent Agenda I was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 44

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 664, HB 666, HB 668, HB 670, HB 671, HB 672 & HB 673 were sent to the Senate for concurrence.

Mr. Speaker Hebner appointed Representative Riddagh as Acting Speaker.

Representative Hebner moved to suspend the rules which interfere with introduction of and action on HB 790. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Hebner introduced and brought HB 790, jointly sponsored by Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Campanelli, Cordrey, Corrozi, Darling, Dixon, Edwards, Gilligan, Harrington, Jester, Jonkiert, Mack, Minner, Roy, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Spence, West, Fallon, Maroney, Ennis & Soles & Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Hughes, Knox, Littleton, Marshall, Martin, McBride, McDowell, Neal & Vaughn, before the House for consideration.

HB 790 - An Act to Amend Title 16, Chapter 66 of the Delaware Code Relating to the Appointment and Authority of the State Fire Prevention Commission.

Representative Harrington requested that his name be removed as a joint sponsor of HB 790.

The roll call on HB 790 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Hebner, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Acting Speaker Riddagh - 39.

NOT VOTING: Representative Harrington - 1.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 790 was sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with introduction of HB 791. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Burris introduced HB 791, jointly sponsored by Representatives Barnes, Derrickson & Fallon.

HB 791 - An Act to Amend Title 9 of the Delaware Code Providing for Reapportionment of the Sussex County Councilmanic Districts.

Mr. Acting Speaker assigned HB 791 to the House Administration Committee.

Representative Burris moved to recess to the call of the Chair at 7:15 p.m.

43rd LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 23, 1982

The Speaker called the House to order at 2:52 p.m.

Representative McKay moved to lift HB 773 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative McKay brought HB 773, jointly sponsored by Representatives Free, Fallon, Jester, Campanelli, Petrilli & Corrozi, before the House for consideration.

HB 773 - An Act to Amend Title 14 Delaware Code by Establishing the Postsecondary Employment Program in Order to Provide Financial Assistance to College Students Through Employment Opportunities. (Fiscal Note)

Representative McKay brought HA 1 to HB 773 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 773 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Soles, Spence, West, Mr. Speaker Hebner - 26.

NO: Representative Van Seiver - 1.

NOT VOTING: Representatives Buckworth, George, Gilligan, Powell, Riddagh, Roy - 6.

ABSENT: Representatives Bennett, Derrickson, Edwards, Ennis, Free, Holloway, Sinecock, Smith - 8.

Therefore, having received a constitutional majority, HB 773 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to lift HB 588 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris brought HB 588, jointly sponsored by Representatives Sinecock & George & Senators Zimmerman & Knox, before the House for consideration.

HB 588 - An Act to Amend Title 15, Delaware Code Relating to Electronic Voting Systems. (F/N)

Representative Burris brought HA 1 to HB 588 before the House for consideration. HA 1 was adopted by voice vote.

Representative Brady brought HA 2 to HB 588 before the House for consideration. HA 2 was adopted by voice vote.

Representative Brady brought HA 3 to HB 588 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 588 w/HA 1,2,3 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Corrozi, Darling, Fallon, George, Gilligan, Harrington, Jester, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sinecock, Spence, Van Seiver, Mr. Speaker Hebner - 24.

NO: Representatives Campanelli, Cathcart, Cordrey, Derrickson, Dixon, Edwards, Jonkiert, Mack, McKay, Roy, Smith, Soles, West - 13.

ABSENT: Representatives Bennett, Ennis, Free, Holloway - 4.

Therefore, having received a constitutional majority, HB 588 w/HA 1,2,3 was sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 3:20 p.m., thereby ending the previous legislative day. The House reconvened at 3:21 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Holloway - 1.

A prayer was offered by Representative Terry R. Spence, Twentieth District.

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

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

The following prefiled legislation was introduced:

HA 2 to HB 663 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 674 - CATHCART - Placed with the bill. (Ready List)

HA 1 to HB 675 - CATHCART - Placed with the bill. (Ready List)

SB 604 - KNOX, BERNDT - NR/AGRI: An Act to Amend Section 12.9, Article 12, §6501, Subchapter 1, Chapter 65, Title 7 of the Delaware Code Relating to the Delaware River Basin Compact and the Interest Rate of Bonds Issued by the Delaware River Basin Commission.

SB 612 - MARSHALL, HUGHES; REPRESENTATIVE SPENCE - JUD: An Act to Amend Chapter 43, Title 21, of the Delaware Code Relating to Vehicle Windshields, Front Side Windows and Side Wings. (2/3 bill)

SB 619 w/SA 1 - ZIMMERMAN, BERNDT; REPRESENTATIVES SMITH, JONKIERT - NR/AGRI: An Act to Amend Chapter 63 of Title 7 of the Delaware Code Pertaining to Hazardous Waste Management and Chapter 64 of Title 7 of the Delaware Code Pertaining to the Delaware Solid Waste Authority. (2/3 bill)

The Reading Clerk read the following communications into the record:  
June 23, 1982

LEGISLATIVE ADVISORY #40

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 22, 1982 - HB 555 aab HA 1; HB 695, SB 342 aab HA 1 & HA 1 to HA 1.

The Senate wishes to inform the House that it returns: HB 200 w/HA 1, HA 2 w/HA 1, HA 3 w/HA 1; HA 5,6,7,9,10,12,23,24,26,28,29.

The Senate wishes to inform the House that it has passed: SB 604, SB 612, HB 299, HB 298 w/HA 1; HB 309 w/HA 1; HB 567 w/HA 1,2; HB 577, HB 511, HB 600, HB 630, HB 631, HB 632, HB 633 w/HA 1; HB 634, HB 635, HB 636 w/HA 1; SB 619 w/SA 1; SCR 149, SCR 150, HB 638, HB 639 w/HA 1.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: SB 554 - 3F,2M; SB 555 - 2F,1M.

H/SS: SB 592 - 2F,2M.

JUD: SB 591 - 1F,2M; SB 605 - 1F,2M.

Mr. Speaker re-assigned SB 555 to the Appropriations Committee.

The Reading Clerk read the following corrected Committee Report into the record:

JUD: SB 554 - 3F,2M.

Representative Smith brought SB 249, jointly sponsored by Senators Zimmerman & Berndt & Representative Minner, before the House for consideration.

SB 249 - An Act to Amend Chapter 80, Title 29, Delaware Code Relating to the Membership of the Council on Game and Fish.

The roll call on SB 249 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Free, George, Holloway, Plant - 4.

Therefore, having received a constitutional majority, SB 249 was returned to the Senate.

Representative Roy brought SB 322 w/SA 1, sponsored by Senator Holloway, before the House for consideration.

SB 322 - An Act to Amend Chapter 55, Title 25, Delaware Code, Relating to Rent.

The roll call on SB 322 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Corrozi, Derrickson, Free, Holloway - 4.

Therefore, having received a constitutional majority, SB 322 w/SA 1 was returned to the Senate.

Representative Riddagh brought SB 465, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 465 - An Act to Amend Chapter 43, Title 11, Delaware Code, Relating to Parole Procedure.

The roll call on SB 465 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Free, Holloway, Jonkiert - 3.

Therefore, having received a constitutional majority, SB 465 was returned to the Senate.

Representative Roy brought SB 483 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 483 - An Act Relating to the Leasing of Warwick School No. 203, Located in Sussex County.

Representative Brady brought HA 1 to SB 483 before the House for consideration. Representative Brady requested that HA 1 be stricken.

Representative Brady brought HA 2 to SB 483 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 483 w/SA 1 & HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Free, Holloway - 2.

Therefore, having received a constitutional majority, SB 483 w/SA 1 & HA 2 was returned to the Senate for concurrence on the Amendment.

Representative Brady brought SB 288, jointly sponsored by Senator Adams, before the House for consideration.

SB 288 - An Act to Amend Chapter 56, Title 29 of the Delaware Code Relating to the State Judiciary Pension Plan.

Representative Brady moved to place SB 288 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Smith brought SS 1 for SB 203, jointly sponsored by Senators McDowell, Zimmerman, Arnold, Bair, Berndt, Cook, Connor, Marshall, Martin, Murphy & Neal & Representatives Barnes, Bennett, Campanelli, Free, Gilligan, Minner, Oberle & Plant, before the House for consideration.

SB 203 - An Act to Amend Title 7, Delaware Code, Relating to the Establishment of Public Policy in Promoting the Discovery, Development, Production and Regulation of Geothermal Resources in the State of Delaware. (3/5 bill)

The roll call on SS 1 for SB 203 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Derrickson, Holloway - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SS 1 for SB 203 was returned to the Senate.

Representative Roy brought SB 222 w/SA 1, sponsored by Senator Marshall, before the House for consideration.

SB 222 - An Act to Amend Chapter 51, Title 15, Delaware Code, Relating to the Right of Employees to Vote.

Representative Cain requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Roy moved to place SB 222 w/SA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought HB 59, jointly sponsored by Representatives Powell, Harrington, Mack, Spence, Gilligan & Cathcart & Senators McBride, Sharp, Citro & Hughes, before the House for consideration.

HB 59 - An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Conduct of Hearings on Applications for Parole.

Representative Oberle brought HA 1 to HB 59 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HB 59 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 59 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Holloway, Maroney, Roy, Smith - 5.

Therefore, having received a constitutional majority, HB 59 w/HA 1,2 was sent to the Senate for concurrence.

Representative Cathcart brought HB 661, jointly sponsored by Representatives Mack, Buckworth, Spence, Barnes, Dixon, Bennett & Gilligan & Senators Citro, McBride & Connor, before the House for consideration.

HB 661 - An Act to Amend §1447, Title 11, Delaware Code, Relating to the Penalty for Possession of a Deadly Weapon During Commission of a Felony.

The roll call on HB 661 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Powell, Roy, Soles, Spence, Van Sciver, West - 32.

NO: Representatives Minner, Sincok - 2.

NOT VOTING: Representatives Plant, Riddagh, Mr. Speaker Hebner - 3.

ABSENT: Representatives Derrickson, Holloway, Petrilli, Smith - 4.

Therefore, having received a constitutional majority, HB 661 was sent to the Senate for concurrence. Representative Jonkiert brought HB 724, jointly sponsored by Senator Marshall, before the House for consideration.

HB 724 - An Act to Amend Chapter 44, Title 21 of the Delaware Code Relating to the Towing of Abandoned Vehicles From Private Property.

Representative Harrington requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Minner announced that, because of possible conflict of interest, she would not be voting on HB 724.

The roll call on HB 724 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Derrickson, Holloway, Smith - 3.

Therefore, having received a constitutional majority, HB 724 was sent to the Senate for concurrence. Representative Riddagh brought SB 272 w/SA 1, jointly sponsored by Senators Sharp, Citro, McDowell, Zimmerman, Vaughn & Hughes & Representatives Oberle, Harrington, Cathcart, Mack, Spence, Minner & Jonkiert, before the House for consideration.

SB 272 - An Act Proposing an Amendment to Article IV of the Constitution of the State of Delaware Relating to the Jurisdiction of the Supreme Court. (2/3 bill)

The roll call on SB 272 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Dixon, Holloway, Petrilli, Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 272 w/SA 1 was returned to the Senate.

Representative Powell brought HB 732, jointly sponsored by Senator Adams, before the House for consideration.

HB 732 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to the State Employees Pension Plan and Making Technical Changes and Corrections Thereto.

The roll call on HB 732 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Bennett, Derrickson, Holloway, Jonkiert, Minner, Petrilli - 6.

Therefore, having received a constitutional majority, HB 732 was sent to the Senate for concurrence. Representative Powell brought HB 686, jointly sponsored by Representatives Burris, Hebner, Sincok, George & Minner & Senators Cook, Cordrey, Knox, Berndt & Connor, before the House for consideration.

HB 686 - An Act to Amend Chapter 83, Title 29, Delaware Code, to Designate the Secretary of Finance as an Ex-Officio Member of the Board of Pension Trustees in Place of the Budget Director.

The roll call on HB 686 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Derrickson, Holloway - 2.

Therefore, having received a constitutional majority, HB 686 was sent to the Senate for concurrence.

Representative Smith moved to lift SB 267 w/SA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Smith moved to suspend the rules which interfere with action on SB 267 w/SA 1. The motion was properly seconded and adopted by voice vote.

Representative Smith brought SB 267 w/SA 1, jointly sponsored by Senators McDowell, Bair, Berndt, Connor, Holloway, Marshall, Martin & Neal & Representatives Anderson, Barnes, Corrozi, Darling, Ennis & Soles, before the House for consideration.

SB 267 - An Act to Amend Chapter 76, Part VII, Title 16 of the Delaware Code to Establish a Lighting Energy Efficiency Code for New and Existing Non-Residential Buildings. (2/3 bill)

Representative Smith brought HA 1 to SB 267 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 267 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Cain, Edwards, George, Gilligan, Jester, Jonkiert, Mack, Maroney, Smith, Soles - 13.

NO: Representatives Brady, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Fallon, Harrington, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Spence, Van Sciver, West, Mr. Speaker Hebner - 20.

NOT VOTING: Representatives Powell, Sincok - 2.

ABSENT: Representatives Barnes, Derrickson, Ennis, Free, Holloway, Plant - 6.

Representative Brady rose on a point of order.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 267 w/SA 1 & HA 1 was declared defeated.

Representative Brady moved to lift SB 288 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Brady brought SB 288, jointly sponsored by Senator Adams, before the House for consideration.

SB 288 - An Act to Amend Chapter 56, Title 29 of the Delaware Code Relating to the State Judiciary Pension Plan.

Representative Brady brought HA 1 to SB 288 before the House for consideration. Representative Brady requested that HA 1 to SB 288 be stricken.

Representative Brady brought HA 2 to SB 288 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 288 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derrickson, Holloway, Plant - 3.

Therefore, having received a constitutional majority, SB 288 w/HA 2 was returned to the Senate for concurrence on the Amendment.

Representative Roy moved to lift SB 222 w/SA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Roy brought SB 222 w/SA 1, sponsored by Senator Marshall, before the House for consideration.

SB 222 - An Act to Amend Chapter 51, Title 15, Delaware Code, Relating to the Right of Employees to Vote.

Representative Roy brought HA 1 to SB 222 before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy moved to place SB 222 w/SA 1 & HA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Riddagh brought HB 714, jointly sponsored by Representatives Mack, Minner & Spence & Senators Vaughn & Citro, before the House for consideration.

HB 714 - An Act to Amend Title 6 of the Delaware Code by Adopting the Revised Uniform Limited Partnership Act, as Modified Consistent With Delaware Practice, Relating to the Creation, Regulation and Dissolution of Domestic Limited Partnerships, as Well as the Regulation of Foreign Limited Partnerships.

Representative Harrington requested and was granted the privilege of the floor for Attorney Paul Lukoff.

Mr. Speaker Hebner ruled that HB 714 has a three-fifths vote requirement.

The roll call on HB 714 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Derrickson, Holloway, Plant - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 714 was sent to the Senate for concurrence.

Representative Soles moved to suspend the rules which interfere with action on HB 725 w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Soles brought HB 725 w/SA 1, jointly sponsored by Representatives Bennett, Cain, Burris, Corrozi, Sincock, Barnes & Powell, before the House for consideration.

HB 725 - An Act to Amend Title 14, Delaware Code, Relating to the Establishment of a Delaware Higher Education Supplemental Loan Authority; Providing for the Membership, Powers, Duties and Organization of the Authority; Providing That the Authority May Issue Bonds for Its Corporate Purposes Relating to Loans for Students or Parents of Students to Assist in Financing the Cost of Higher Education; Providing for the Terms and Manner of Issuance of the Bonds; Defining Certain Terms; and Generally Relating to the Authority, Its Borrowing Powers, and the Financing of Student Loans by the Authority.

The roll call on HB 725 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Derrickson, Holloway, Plant - 3.

Therefore, having received a constitutional majority, HB 725 w/SA 1 was sent to the Governor.

Representative Brady brought HB 416, jointly sponsored by Representatives Minner, Soles & Free, before the House for consideration.

HB 416 - An Act to Amend Chapter 9 of Title 9 and Chapter 95 of Title 16 of the Delaware Code Relating to Access to Commercial Establishments by Handicapped Persons. (2/3 bill)

Representative Maroney brought HA 1 to HB 416 before the House for consideration. Representative Maroney requested that HA 1 be stricken.

Representative Cathcart brought HA 2 to HB 416 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 416 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 36.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Derrickson, Holloway, Plant, West - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 416 w/HA 2 was sent to the Senate for concurrence.

Representative Free moved to lift HB 581 w/HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Free brought HB 581 w/HA 1, jointly sponsored by Representatives Brady, Van Seiver, Buckworth, Mack, Soles, Fallon, Spence, Gilligan, Jester & Barnes & Senators Neal, Bair, Connor, Arnold & Martin, before the House for consideration.

HB 581 - An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards. (Fiscal Note)

Representative Free moved to place HB 581 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Van Seiver brought HB 729 before the House for consideration.

HB 729 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Prohibition of Dangerous Weapons.

The roll call on HB 729 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Derrickson, Holloway, Plant - 4.

Therefore, having received a constitutional majority, HB 729 was sent to the Senate for concurrence.

Representative Anderson brought HB 758, jointly sponsored by Representatives Cain, Ennis, Spence, Cathcart, Mack, Minner, Jester & Oberle, before the House for consideration.

HB 758 - An Act to Amend Chapter 5, Title 7 of the Delaware Code Relating to Fishing Licenses. (3/5 bill)

The roll call on HB 758 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Fallon, Holloway, Plant - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 758 was sent to the Senate for concurrence.

Representative Minner brought HB 753 before the House for consideration.

HB 753 - An Act to Amend Chapter 5, Subchapter III, Subpart I, Title 11 of the Delaware Code to Make It a Crime to Fraudulently Receive Public Lands.

The roll call on HB 753 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Bennett, Brady, Derrickson, Fallon, Holloway, Plant - 6.

Therefore, having received a constitutional majority, HB 753 was sent to the Senate for concurrence. Representative Soles brought HB 750, jointly sponsored by Senator Neal, before the House for consideration.

HB 750 - An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Termination of Rental Agreements.

The roll call on HB 750 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Bennett, Derrickson, Fallon, Holloway, Plant - 5.

Therefore, having received a constitutional majority, HB 750 was sent to the Senate for concurrence.

Representative West brought HB 622 before the House for consideration.

HB 622 - An Act to Amend Chapter 43, Title 18 of the Delaware Code by Defining "Unoccupied" for Purposes of Fire Protection Insurance.

Representative West requested that HB 622 be stricken.

Representative West moved to suspend the rules which interfere with introduction of and action on HB 792. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative West introduced and brought HB 792 before the House for consideration.

HB 792 - An Act to Amend Chapter 41, Title 18 of the Delaware Code by Defining "Unoccupied" for Purposes of Fire Protection Insurance.

Representative Powell brought HA 1 to HB 792 before the House for consideration.

Representative Burris moved to recess at 6:40 p.m.

The House reconvened at 6:52 p.m.

Representative Powell requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

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

The roll call on HA 1 to HB 792 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cain, Corrozi, Ennis, Free, George, Gilligan, Harrington, Maroney, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 19.

NO: Representatives Anderson, Barnes, Campanelli, Cordrey, Darling, Dixon, Edwards, Jester, Minner, Oberle, Soles, Spence, West - 13.

NOT VOTING: Representatives Cathcart, Plant - 2.

ABSENT: Representatives Bennett, Derrickson, Fallon, Holloway, Jonkiert, Mack, McKay - 7.

Therefore, not having received a constitutional majority, HA 1 to HB 792 was declared defeated.

The roll call on HB 792 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Free, Gilligan, Jester, Mack, Maroney, Minner, Oberle, Plant, Riddagh, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 25.

NO: Representatives Burris, Cain, Ennis, Harrington, Petrilli - 5.

NOT VOTING: Representatives Brady, George, Powell, Roy, Sincok - 5.

ABSENT: Representatives Bennett, Derrickson, Fallon, Holloway, Jonkiert, McKay - 6.

Therefore, having received a constitutional majority, HB 792 was sent to the Senate for concurrence.

Representative Riddagh moved to suspend the rules which interfere with action on HB 551 w/HA 1 & SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought HB 551 w/HA 1 & SA 1, jointly sponsored by Representatives Oberle & Spence & Senators Arnold, Sharp & Vaughn, before the House for consideration.

HB 551 - An Act to Amend Chapter 7, Part I, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

Representative Oberle requested and was granted the privilege of the floor for Richard McMahon, Attorney General's Office.

The roll call on HB 551 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Bennett, Derrickson, Fallon, Holloway, Jonkiert, McKay, Roy - 7.

Therefore, having received a constitutional majority, HB 551 w/HA 1 & SA 1 was sent to the Governor.

Representative Oberle moved to suspend the Agenda rules which interfere with action on HB 754. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Oberle brought HB 754 before the House for consideration.

HB 754 - An Act to Amend Title 19, Delaware Code, Relating to Unemployment Compensation.

Representative Oberle brought HA 1 to HB 754 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HB 754 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 754 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Bennett, Derrickson, Fallon, Holloway, Jonkiert, McKay, Roy - 7.

Therefore, having received a constitutional majority, HB 754 w/HA 1,2 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with introduction of HB 793. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney introduced HB 793, jointly sponsored by Senator Holloway & Representatives Riddagh, Free, Barnes, Brady, Buckworth, Burris, Corrozi, Dixon, Edwards, Ennis, Fallon, Jonkiert, Spence, Oberle, Petrilli, Plant, Powell & Hebner & Senators Knox & Neal.

HB 793 - An Act to Improve Services to Children and Youth by Increasing the Number of Social Workers in the Division of Child Protective Services; by Authorizing the Department of Health and Social Services to Initially Establish an Interagency Diagnostic Unit for Youth and by Establishing a Commission on Youth Services Upon Which the Lieutenant Governor Shall Serve as Chairman and Upon Which Shall Serve the Budget Director, the Commissioner of Corrections, the Secretary of Health and Social Services; the Superintendent of Public Instruction; a Family Court Judge Selected by the Governor, the Chairpersons of the Senate and House Committees on Health and Social Services and Seven Representatives of Private Sector Organizations Selected and Appointed by the Governor.

Mr. Speaker assigned HB 793 to the Health & Social Services Committee.

Representative Maroney moved to suspend the rules which interfere with introduction of HB 794. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney introduced HB 794, jointly sponsored by Senator Holloway & Representatives Riddagh, Free, Barnes, Brady, Buckworth, Burris, Corrozi, Dixon, Edwards, Ennis, Fallon, Jonkiert, Spence, Oberle, Petrilli, Plant, Powell & Hebner & Senators Knox & Neal.

HB 794 - An Act to Amend Chapter 9, Title 16, and Chapter 9, Title 10 of the Delaware Code Relating to the Investigation of Child Abuse and Neglect.

Mr. Speaker assigned HB 794 to the Health & Social Services Committee.

Representative Burris moved to recess to the call of the Chair at 7:55 p.m.

44th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 24, 1982

The Speaker called the House to order at 2:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 543 w/HA 1, SA 1; SCR 151, SCR 152, SB 393 w/SA 1; HB 735, SB 600 w/SA 1; SB 478 w/SA 1,2; HB 320 w/HA 1, SA 1; HB 725 w/SA 1; HB 642 w/HA 1; HB 760, HB 747, SB 632 w/SA 1; SB 635, SB 633, HB 319 w/HA 1; HB 574, HB 561 w/HA 1; HB 551 w/HA 1, SA 1.

Representative Roy moved to lift SB 222 w/SA 1 & HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought SB 222 w/SA 1 & HA 1, sponsored by Senator Marshall, before the House for consideration.

SB 222 - An Act to Amend Chapter 51, Title 15, Delaware Code, Relating to the Right of Employees to Vote.

Representative Roy brought HA 2 to SB 222 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 222 w/SA 1 & HA 1,2 was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jonkiert, Oberle, Petrilli, Roy, Soles, Spence - 15.

NO: Representatives Barnes, Bennett, Brady, Buckworth, Cathcart, Edwards, Ennis, Fallon, Free, Harrington, Jester, Mack, Maroney, McKay, Minner, Powell, Riddagh, Sincok, Smith, Van Seiver, West, Mr. Speaker Hebner - 22.

NOT VOTING: Representatives Corrozi, Derrickson - 2.

ABSENT: Representatives Burris, Plant - 2.

Therefore, not having received a constitutional majority, SB 222 w/SA 1 & HA 1,2 was declared defeated.

Representative Free moved to lift HB 581 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Free brought HB 581 w/HA 1, jointly sponsored by Representatives Brady, Van Seiver, Buckworth, Mack, Soles, Fallon, Spence, Gilligan, Jester & Barnes & Senators Neal, Bair, Connor, Arnold & Martin, before the House for consideration.

HB 581 - An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards. (Fiscal Note)

Representative Free brought HA 2 to HB 581 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 581 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NO: Representatives Campanelli, Jonkiert - 2.

ABSENT: Representatives Burris, Plant, Roy - 3.

Therefore, having received a constitutional majority, HB 581 w/HA 1,2 was sent to the Senate for concurrence.

Representative Oberle requested that HR 223 be removed from Consent Calendar #43 and stricken.

Representative Roy introduced HCR 199, jointly sponsored by Representatives Corrozi & Gilligan & Senators Arnold & Citro..

HCR 199 - Welcoming the Jeugdfanfare, a Belgian Band With Majorettes, Which Will Perform in Delaware July 15th to July 30th, 1982.

HCR 199 was placed on Consent Calendar #43.

Representative Minner introduced HCR 200, jointly sponsored by Representatives Jester & Fallon & Senator McBride.

HCR 200 - Commending the American Legion Auxiliary of the Department of Delaware and the More Than 70 Young Women Who Participated in the Fortieth Annual Session of the Girls' State for 1982.

HCR 200 was placed on Consent Calendar #43.

Representative Derrickson brought SB 589 w/SA 1, jointly sponsored by Senators Adams & Knox, before the House for consideration.

SB 589 - An Act to Amend Title 19, Chapter 23, Delaware Code Relating to Workmen's Compensation and Defining Certain Employers.

The roll call on SB 589 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Burris, George - 2.

Therefore, having received a constitutional majority, SB 589 w/SA 1 was returned to the Senate.

Representative Edwards brought HB 700, jointly sponsored by Representatives Buckworth, Dixon, Jester, & Jonkiert & Senators Hughes, Knox & Vaughn, before the House for consideration.

HB 700 - An Act to Amend Chapter 85, Title 29 of the Delaware Code to Provide for Reimbursement of Out-of-Pocket Expenses for Members Attending Meetings of the Governor's Council on Labor. (Fiscal Note)

Representative Campanelli requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey.

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

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

The roll call on HB 700 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Plant, Riddagh, Smith - 3.

Therefore, having received a constitutional majority, HB 700 was sent to the Senate for concurrence.

Representative Roy brought HB 767, jointly sponsored by Representatives Dixon & Van Sciver, before the House for consideration.

HB 767 - An Act to Amend Section 7310 of Title 16, Delaware Code, Relating to the Authority of the State Fire Prevention Commission.

The roll call on HB 767 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Soles, Spence, Van Sciver, West, - 35.

NO: Mr. Speaker Hebner - 1.

NOT VOTING: Representative Derrickson - 1.

ABSENT: Representatives Burris, Plant, Riddagh, Smith - 4.

Therefore, having received a constitutional majority, HB 767 was sent to the Senate for concurrence.

Representative Spence introduced HCR 201, jointly sponsored by Representatives Oberle, Harrington, Derrickson, McKay, Cain, Roy, Petrilli, West, Plant, Fallon, Barnes, Anderson, Powell, Burris, Sincok, Riddagh, Campanelli, Smith, Maroney, Hebner, Brady, Gilligan, Jonkiert, Jester, Bennett, Ennis, Dixon, Soles, Van Sciver, Darling, Minner, Edwards, Cordrey, Buckworth, Cathcart, Mack & Corrozi & Senators Connor, Arnold, Hughes, Torbert, Knox & McBride.

HCR 201 - Commending State Police Lieutenant William Ford and Dover Police Captains James Hutchison and Michael D. Stachecki for Their Major Part in Preventing a Serious Tragedy During the Hostage Holding at a Dover Law Office on June 16, 1982.

WHEREAS, members of the Delaware State Police, the Dover Police and the Federal Bureau of Investigation were called in to assist in the rescue of Dover Attorney John S. Grady, held hostage by a former deputy sheriff and prisoner, on June 16, 1982; and

WHEREAS, during the five-hour siege that began shortly before noon, Lawyer Grady was under a constant threat of death; and

WHEREAS, State Police Lieutenant William Ford, who had known the gunman-deputy sheriff, Thurman C. O'Neal, for many years, started talking by telephone to O'Neal shortly before 1 p.m. and in several conversations during the afternoon brought O'Neal to the point where he agreed a few minutes before 5 p.m. to release the lawyer in return for assurances that the FBI will investigate O'Neal's charges of a violation of his civil rights by State Police in 1976; and

WHEREAS, Lieutenant Ford's careful and patient dialogues with O'Neal throughout the afternoon averted what could have been a serious tragedy; and

WHEREAS, members of the Dover Police Force who commanded the operation were Captain James Hutchison and Captain Michael D. Stachecki.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives and the Senate of the 131st General Assembly of Delaware commend State Police Lieutenant William Ford and Dover Police Captains James Hutchison and Michael D. Stachecki for their major part in preventing a serious tragedy during the hostage holding at a Dover Law Office on June 16, 1982.

BE IT FURTHER RESOLVED that a copy of this resolution, suitably prepared, be sent to Lieutenant Ford and Dover Police Captains James Hutchison and Michael D. Stachecki as an expression of our appreciation for their fine work at a critical time.

HCR 201 was placed on Consent Calendar #43.

The following prefiled Consent Calendar was introduced:

HR 217 - BRADY - Thanking the Luther Tower Aides as They Mark the Tenth Year of Their Volunteer Services.

HR 218 - ENNIS, EDWARDS - Congratulating the Mt. Pleasant Girls' Swimming Team Upon Winning Their First State Championship.

HR 219 - HEBNER - Congratulating James J. Minnich, of Fairfax, for His Many Good Works as a Member of Lions International.

HR 220 - MARONEY - Joining Neighboring States in the Designation of September 13-19, 1982, as EMS Week.

HR 221 - FALLON, BENNETT - Joining in the Celebration of the 60th Wedding Anniversary of Robert and Anna Emery.

HR 222 - FALLON - Supporting the Construction of Channel 34 in Dover and Requesting the Delaware Congressional Delegation to Join in This Action.

HR 224 - CAIN - Mourning the Death of Mrs. Claude H. (Eula) Alley, a Community Leader of Birchwood Park.

HR 225 - OBERLE - Applauding the Third-Grade Children of the Ramon C. Cobbs Elementary School, Newark, for Their Talent Show.

HCR 192 - SMITH; SENATOR BAIR - Mourning the Death of Donald J. Bliss, of Chatham, a Founder of the Lions Club's Eye Bank Program in Delaware.

HCR 193 - MACK, HEBNER; SENATOR CONNOR - Congratulating Barton Duane Huxtable, of Penn Acres, Upon His Outstanding Scholastic Record at the University of Delaware.

HCR 194 - MARONEY - Requesting Governor Pierre S. du Pont 4th to Designate the Week of November 7 Through November 14, 1982, as Delaware Hospice Week.

HCR 195 - Commending State Police Lieutenant William Ford for His Major Part in Preventing a Serious Tragedy During the Hostage Holding at a Dover Law Office on June 16, 1982.

HCR 196 - SPENCE & ALL REPRESENTATIVES & SENATORS - Congratulating the Delaware Competitors Who Broke Four National Records and Won 23 Medals at the Blind Athletes' National Championships at the University of Texas.

HCR 197 - BARNES, SPENCE; SENATOR LITTLETON - Requesting the Governor Pierre S. du Pont 4th to Proclaim September, 1982, Gospel Music Month.

HCR 198 - JONKIERT, ROY; SENATOR MARSHALL - Commending Rita Long, of Wilmington, for Her Long Service With the Unemployment Benefit Section of the Department of Labor.

SCR 144 w/SA 1 - ZIMMERMAN, ADAMS, CORDREY, COOK, TORBERT, VAUGHN, LITTLETON; REPRESENTATIVES CAIN, JESTER, RIDDAGH, HARRINGTON, BENNETT, MINNER, BUCKWORTH, DARLING, BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - Urging the Nemours Clinic Inc. of Wilmington to Open and Staff a Satellite Office in Downstate Delaware to Dispense Dentures, Eyeglasses, and Pharmaceutical Assistance to Needy Senior Citizens.

SCR 145 - ARNOLD, TORBERT, BAIR, LITTLETON; REPRESENTATIVES HOLLOWAY, DIXON, ANDERSON, CATHCART, FREE, CORROZI, CORDREY, OBERLE, SPENCE, SINCOCK, WEST - Commending the Reporting of the Philadelphia Inquirer and Inviting the Philadelphia Inquirer to Establish and Publish a Daily Delaware Newspaper.

SCR 146 - NEAL; REPRESENTATIVE ROY - Commending the Division of Central Data Processing and Certain Individuals for a Fast, Efficient Transfer of CDP Computer Operations From the Highway Administration Building Into the William Penn Building in the Silver Lake Project.

SCR 147 - MCBRIDE, HOLLOWAY; REPRESENTATIVE DIXON - Congratulating William E. "Bill" Jenkins on His Election as State Commander of the Veterans of Foreign Wars.

SCR 148 - CONNOR, COOK; REPRESENTATIVES MACK, DIXON, CATHCART - Commending Jim Sherman for His Outstanding Achievements as a Member of the 1982 University of Delaware Blue Hens' East Coast Conference Championship Baseball Team.

SCR 149 - CONNOR & ALL SENATORS & ALL REPRESENTATIVES - Commending and Thanking the Members of Delaware's Volunteer Fire Companies and Ladies Auxiliaries for Their Dedicated and Invaluable Service to the Citizens of This State.

SCR 150 - VAUGHN; REPRESENTATIVES JESTER, SPENCE - Urging the County Executive of New Castle County Council, Richard Collins, Not to Discontinue Ambulance and Paramedic Services to Residents of Lower New Castle County.

SCR 151 - COOK; REPRESENTATIVE DARLING - Congratulating Tanya Lynn Kemp of Felton for Winning the Miss Delaware National Pre-Teen Title.

SCR 152 - MARTIN - Extending Hearty Congratulations and Best Wishes to Elbert Nostrand Carvel and His Wife, Ann, as They Prepare to Celebrate Their Golden Wedding Anniversary.

Consent Calendar #43 was adopted by voice vote and HCR 192, HCR 193, HCR 194, HCR 195, HCR 196, HCR 197, HCR 198, HCR 199, HCR 200 & HCR 201 were sent to the Senate for concurrence and SCR 144 w/SA 1; SCR 145, SCR 146, SCR 147, SCR 148, SCR 149, SCR 150, SCR 151 & SCR 152 were returned to the Senate.

Representative Spence requested and was granted the privilege of the floor for Delaware State Police Captain Ed Martin.

The Majority Leader moved to adjourn at 3:57 p.m., thereby ending the previous legislative day. The House reconvened at 3:58 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Robert McKim, The Presbyterian Church of Dover, Dover, Delaware.

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

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

The Reading Clerk read the following Committee Reports into the record:

R&F: HB 563 - 4F,1M; HB 704 - 2F,3M; HB 702 - 2F,3M; SB 469 - 4F,1M.

JUD: SB 612 - 2F,1M.

H/SS: SB 419 - 1F,3M; SB 560 - 2M,1UF; HB 794 - 1F,3M.

Representative Barnes brought SB 562 w/SA 1,2, jointly sponsored by Senators Zimmerman, Vaughn, Bair & Berndt & Representatives Edwards, Darling & Cordrey, before the House for consideration.

SB 562 - An Act to Amend Chapter 7 of the Delaware Code Relating to Falconry Licensing. (3/5 bill)

Representative Barnes requested and was granted the privilege of the floor for Mr. Paul F. Burns.

Representative Bennett requested and was granted the privilege of the floor for Dr. Margaret Hamillage representing Tri-State Bird Rescue.

Mr. Speaker Hebner appointed Representative Riddagh as Acting Speaker.

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

The roll call on SB 562 w/SA 1,2 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Campanelli, Cordrey, Darling, Derrickson, Dixon, Edwards, Harrington, Hebner, Jester, Minner, Petrilli, Mr. Acting Speaker Riddagh - 15.

NO: Representatives Anderson, Bennett, Brady, Cathcart, Corrozi, Ennis, Fallon, Free, George, Gilligan, Holloway, Mack, Maroney, Oberle, Powell, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West - 22.

ABSENT: Representatives Cain, Jonkiert, McKay, Plant - 4.

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, SB 562 w/SA 1,2 was declared defeated.

Mr. Speaker Hebner resumed the Chair.

Representative Ennis moved to suspend the rules which interfere with action on HB 782. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Ennis brought HB 782 before the House for consideration.

HB 782 - An Act to Amend Chapter 65, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code; and Providing for the Reservation of Rental Units for Use by Senior Citizens.

The roll call on HB 782 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Holloway, Jester, Jonkiert - 4.

Therefore, having received a constitutional majority, HB 782 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules which interfere with introduction of and action on HB 802. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Minner introduced and brought HB 802 before the House for consideration.

HB 802 - An Act to Amend the Charter of the Town of Frederica to Provide the Means for Filling Vacancies on the Town Council. (2/3 bill)

The roll call on HB 802 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 802 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 5:42 p.m.

45th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 28, 1982

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

The Reading Clerk read the following communications into the record:

June 25, 1982

To the House of Representatives  
of the 131st General Assembly  
of the State of Delaware

I am returning without my signature House Bill No. 237 which I received on June 15, 1982 and which is entitled:

"AN ACT TO AMEND TITLE 15, DELAWARE CODE,  
CHAPTER 55, RELATING TO PROVISIONS FOR  
ABSENTEE VOTING."

The bill eliminates the long standing requirement of Delaware law that an application for an absentee ballot be accompanied by an affidavit, subscribed and sworn before a notary. Instead, the application would be accompanied by an unnotarized and unwitnessed certificate of the applicant to the effect that he or she cannot be at the polls on election day and furnishing additional information required by law.

Because I believe this bill increases the possibility of fraud in the electoral process, I am returning it without my signature.

The present procedure minimizes risk of fraud by requiring a witness to the signature of an applicant for an absentee ballot. This requirement helps assure that the individual who files the application is the individual who actually seeks to vote. Under House Bill No. 237, on the other hand, anyone could easily complete a request for an absentee ballot and sign the name of an individual who appears on a list of registered voters.

Moreover, requiring notarization of an application helps assure that, should fraud occur, prosecution would be successful. The Attorney General advises that under House Bill No. 237 prosecution for executing a false certificate would be virtually impossible because there would be no witnesses to the signature.

For these reasons, I see no need to alter the existing procedure which has worked well to assure the integrity of elections in the State. Accordingly, I return House Bill No. 237 without my signature.

Respectfully submitted,  
Pierre S. du Pont, IV  
Governor

Attachment  
PSduP/BRR/r

The Senate wishes to inform the House that it has passed: SB 491 w/SA 1, SB 558, SCR 153, HB 677, HB 612, HB 615, HB 764 w/HA 1.

The following prefiled legislation was introduced:

HB 795 - MACK - R&F: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmen's Compensation.

HB 796 - MARONEY - R&F: An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 797 - SMITH, BARNES, DARLING; SENATOR BERNDT - NR/AGRI: An Act to Amend Title 25, Delaware Code, Section 6023(b), Subchapter II, Chapter 60, Title 7, Delaware Code, Section 6032, Subchapter II, Chapter 60, Title 7, Delaware Code and Section 6002, Chapter 60, Title 7, Delaware Code, Relating to Disclosure That Real Property is Suitable for On-Site Sewage Disposal, the Licensing of Persons Engaged in the Design, Construction, and Repair of On-Site Sewage Disposal Systems and the Licensing of Persons Engaged in Testing and Analyzing Real Property to Determine if the Property is Suitable for On-Site Sewage Disposal.

HB 798 - SMITH, JESTER - NR/AGRI: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to the Trapping and Hunting of Red Foxes and the Sale of Red Fox Hides.

HB 799 - BURRIS - H/ADM: An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to Boundaries of the General Assembly Representative Districts.

HB 800 - DERRICKSON, SINCOCK, POWELL, CORROZI, BARNES, BURRIS, SMITH, HARRINGTON, MINNER, BENNETT, CAIN, MARONEY, OBERLE, BUCKWORTH, HEBNER, ENNIS; SENATOR HUGHES - R&F: An Act to Amend Part IV of Title 30 of the Delaware Code to Impose a Tax on the Sale of Certain Beverage Containers. (3/5 bill)

HB 801 - EDWARDS - R&F: An Act to Amend Chapter 35, Title 18 of the Delaware Code to Provide for Alcohol and Other Drug Dependency Coverage in Group Health Insurance Policies and Contracts.

HB 803 - HEBNER - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HS 1 for HB 711 - ROY - ADM/S: An Act to Amend Section 422(b), Subchapter II, Chapter 4, Title 29, Delaware Code, Relating to the Care of State Property.

HJR 29 - BARNES, CATHCART, EDWARDS, DIXON, JESTER, CORDREY, SPENCE, PLANT, MACK, RIDDAGH, DERRICKSON, BURRIS; SENATORS HUGHES, HOLLOWAY - H/ADM: Expressing the Interest of the State of Delaware in the Establishment of a Veterans' Cemetery in the State.

HA 2 to HB 703 - EDWARDS - Placed with the bill. (Special Agenda X)

HA 1 to HB 793 - MARONEY - H/SS: Placed with the bill.

SB 393 w/SA 1 - BAIR, NEAL, MCDOWELL; REPRESENTATIVE JESTER - H/ADM: An Act to Establish the Delaware Management Advisory Committee Which has the Responsibility for Developing a Comprehensive Management Program for Delaware State Government.

SB 478 w/SA 1,2 - HOLLOWAY - H/SS: An Act to Amend Chapter 79, Title 29, Delaware Code, by Establishing an Office of Emergency Medical Services Within the Division of Public Health, Department of Health and Social Services, and Making Appropriation Therefor.

SB 600 w/SA 1 - HOLLOWAY - NR/AGRI: An Act to Amend and Revise Chapter 71, Title 7 of the Delaware Code Relating to Noise Control and Abatement. (2/3 bill)

SB 632 w/SA 1 - VAUGHN, ZIMMERMAN; REPRESENTATIVES JESTER, MINNER, RIDDAGH - NR/AGRI: An Act to Amend Subchapter VI, Chapter 7, Title 7, Delaware Code, Relating to the Hunting of Game.

SB 633 - CORDREY; REPRESENTATIVE DERRICKSON - H/ADM: An Act to Amend Chapter 196, Volume 22, Laws of Delaware, Being the Charter of the City of Lewes. (2/3 bill)

SB 635 - CORDREY - R&F: An Act to Amend Title 8, §391(b) of the Delaware Code to Clarify the Amount of Tax Due Upon the Receipt for Filing of Amendments to Certificates of Incorporation Increasing the Authorized Capital Stock of a Corporation.

HA 1 to SB 485 - RIDDAGH, SMITH - Placed with the bill. (Ready List)

HA 2 to SB 513 - OBERLE - ADM/S: Placed with the bill.

HA 1 to SB 618 - SOLES - H/ADM: Placed with the bill.

Representative George moved to suspend the rules which interfere with action on SB 583. The motion was seconded by Representative Gilligan.

Representative Petrilli moved to recess for caucus at 2:05 p.m.

The House reconvened at 3:02 p.m.

Representative George moved to suspend the rules which interfere with action on SB 583. The motion was seconded by Representative Cain.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles - 16.

NO: Representatives Barnes, Burris, Derrickson, Riddagh, Sincok, West - 6.

NOT VOTING: Representatives Buckworth, Corrozi, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Roy, Spence, Mr. Speaker Hebner - 12.

ABSENT: Representatives Brady, Edwards, Ennis, Fallon, Oberle, Smith, Van Seiver - 7.

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

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

The Majority Leader moved to adjourn at 3:07 p.m., thereby ending the previous legislative day. The House reconvened at 3:08 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Donald J. Van Seiver, Sixteenth District.

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

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

The following prefiled legislation was introduced:

SB 491 w/SA 1 - BAIR, KNOX, NEAL, MCDOWELL, MARTIN; REPRESENTATIVES SMITH, ROY, DARLING - ADM/S: An Act to Amend Chapter 94, Title 29 of the Delaware Code Establishing an Energy Planning Task Force. (Fiscal Note)

SB 558 - BERNDT - H/ADM: An Act to Permit an Employee of the Department of Elections of New Castle County to Retain Excess Wages (\$514.00).

HA 1 to SB 474 - HARRINGTON; SENATOR NEAL - APPRO: Placed with the bill.

Representative Barnes moved to lift HB 413 w/HA 1,2,3 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Barnes brought HB 413 w/HA 1,2,3, jointly sponsored by Senator Adams, before the House for consideration.

HB 413 - An Act to Amend Title 3 of the Delaware Code by Adding a Chapter 76 Thereto Relating to Registration of Livestock Dealers. (3/5 bill)

Representative Darling brought HA 4 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 413 w/HA 1,2,3 & 4 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Free, Van Seiver - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 413 w/HA 1,2,3 & 4 was sent to the Senate for concurrence.

Representative Mack brought HB 788, jointly sponsored by Representatives Spence, Cathcart, Minner & Jonkiert & Senators Berndt & Vaughn, before the House for consideration.

HB 788 - An Act to Amend Title 25 of the Delaware Code Relating to a Landlord's Responsibility for Providing Essential Services.

The roll call on HB 788 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NO: Representative Bennett - 1.

NOT VOTING: Representative Free - 1.

ABSENT: Representatives Holloway, Jester - 2.

Therefore, having received a constitutional majority, HB 788 was sent to the Senate for concurrence. Representative Mack brought HB 777 before the House for consideration.

HB 777 - An Act to Amend Chapter 27 of Title 21 of the Delaware Code Relating to Mandatory Revocation of License.

Representative Mack brought HA 1 to HB 777 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 777 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Minner - 1.

ABSENT: Representatives Harrington, Jester, Plant - 3.

Therefore, having received a constitutional majority, HB 777 w/HA 1 was sent to the Senate for concurrence.

Representative Edwards brought HB 701, jointly sponsored by Representatives Buckworth, Dixon, Harrington, Jester & Jonkiert & Senators Hughes, Knox & Vaughn, before the House for consideration.

HB 701 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Hearings of the Industrial Accident Board; Notice of Awards.

The roll call on HB 701 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Jester, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 701 was sent to the Senate for concurrence.

Representative West brought HB 239 before the House for consideration.

HB 239 - An Act to Amend Chapter 39, Title 18, Delaware Code, Relating to Reasons for Cancellation or Nonrenewal of Automobile Insurance.

Representative West brought HA 1 to HB 239 before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington requested and was granted the privilege of the floor for Attorney Jeffrey S. Marlin, Attorney representing State Farm Insurance.

The roll call on HB 239 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Campanelli, Cordrey, Darling, Dixon, Ennis, Jester, Minner, Roy, West, Mr. Speaker Hebner - 12.

NO: Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Fallon, George, Gilligan, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver - 23.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Burris, Cain, Free, Jonkiert, Smith - 5.

Therefore, not having received a constitutional majority, HB 239 w/HA 1 was declared defeated.

Representative Bennett brought HB 739, jointly sponsored by Representative Roy, before the House for consideration.

HB 739 - An Act to Amend Title 29, Chapter 69, Delaware Code Relating to Public Works Contracts. (2/3 bill)

The roll call on HB 739 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Cathcart, Cordrey, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Burris, Cain, Corrozi, Edwards, Plant - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 739 was sent to the Senate for concurrence.

Representative Riddagh brought HB 683, jointly sponsored by Representative Mack, before the House for consideration.

HB 683 - An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Right to Trial by Jury in the Court of Common Pleas and Superior Court.

Representative Riddagh requested and was granted the privilege of the floor for Deputy Attorney General Richard McMahon.

The roll call on HB 683 was taken and revealed:

YES: Representatives Barnes, Brady, Burris, Cathcart, Fallon, Free, Mack, Maroney, McKay, Petrilli, Riddagh, Roy, Spence, Van Sciver - 14.

NO: Representatives Anderson, Bennett, Buckworth, Cain, Campanelli, Cordrey, Darling, Dixon, Edwards, Ennis, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, Soles, Mr. Speaker Hebner - 21.

NOT VOTING: Representatives Derrickson, Powell, Sincok, Smith - 4.

ABSENT: Representatives Corrozi, West - 2.

Therefore, not having received a constitutional majority, HB 683 was declared defeated.

Representative Edwards brought HB 703, jointly sponsored by Representatives Buckworth, Dixon, Harrington & Jonkiert & Senators Hughes, Knox & Vaughn, before the House for consideration.

HB 703 - An Act to Amend Chapter 58A, Title 29 of the Delaware Code to Permit State Agencies to Enter Into Certain Professional Service Contracts Without Competitive Bidding.

Representative Edwards brought HA 1 to HB 703 before the House for consideration. HA 1 was adopted by voice vote.

Representative Edwards brought HA 2 to HB 703 before the House for consideration. HA 2 was adopted by voice vote.

Representative Edwards requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey.

The roll call on HB 703 w/HA 1,2 was taken and revealed:

YES: Representatives Buckworth, Burris, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Darling, Gilligan, Holloway, Jester, Minner, West - 8.

NOT VOTING: Representatives Barnes, Cain, Campanelli, Derrickson, Mack - 5.

ABSENT: Representatives Brady, George, Roy - 3.

Therefore, having received a constitutional majority, HB 703 w/HA 1,2 was sent to the Senate for concurrence.

Representative Riddagh moved to suspend the rules which interfere with action on SB 509 w/SA 1. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh brought SB 509 w/SA 1, jointly sponsored by Senators Marshall, McDowell, Connor & Citro & Representative Jonkiert, before the House for consideration.

SB 509 - An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to a Special Law Enforcement Assistance Fund.

The roll call on SB 509 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 37.

NO: Representative West - 1.

ABSENT: Representatives Brady, Holloway, Roy - 3.

Therefore, having received a constitutional majority, SB 509 w/SA 1 was returned to the Senate.

Representative Riddagh brought SB 510, jointly sponsored by Senators Marshall, McDowell, Connor & Citro & Representative Jonkiert, before the House for consideration.

SB 510 - An Act to Amend Chapter 42 of Title 11 of the Delaware Code Relating to the Procedure for Determining Punishment for First Degree Murder.

The roll call on SB 510 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representatives Plant, Soles - 2.

ABSENT: Representatives Brady, Burris, Holloway, Oberle - 4.

Therefore, having received a constitutional majority, SB 510 was returned to the Senate.

Representative Riddagh brought SB 511 w/SA 1, jointly sponsored by Senators Marshall, McDowell, Connor & Citro & Representative Jonkiert, before the House for consideration.

SB 511 - An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Presentence Investigations.

The roll call on SB 511 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representative Plant - 1.

ABSENT: Representatives Brady, Burris, Derrickson, Holloway, Oberle, Roy - 6.

Therefore, having received a constitutional majority, SB 511 w/SA 1 was returned to the Senate.

Mr. Speaker Hebner declared a recess at 4:59 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:04 p.m.

Representative Maroney brought SB 512, sponsored by Senators Marshall, McDowell, Connor & Citro & Representative Jonkiert, before the House for consideration.

SB 512 - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Drug Trafficking.

The roll call on SB 512 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

ABSENT: Representatives Brady, Burris, Holloway, Oberle, Plant, Roy, Smith - 7.

Therefore, having received a constitutional majority, SB 512 was returned to the Senate.

Representative Spence brought SB 571, jointly sponsored by Senators Sharp & Hughes & Representatives Gilligan, Minner, Campanelli, Oberle, Cathcart & Edwards, before the House for consideration.

SB 571 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to the Use of a Special Green Light for a Command Post at an Accident, Fire or Disaster Scene and for Use on a Hazardous Material Response Vehicle.

Representative Spence brought HA 1 to SB 571 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 571 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Burris, Holloway, Oberle - 3.

Therefore, having received a constitutional majority, SB 571 w/HA 1 was returned to the Senate for concurrence on the Amendment.

Representative West moved to suspend the Agenda rules which interfere with action on HB 789. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative West brought HB 789, jointly sponsored by Representatives Burris, Petrilli, Cain, George, Harrington, Fallon, Oberle, Mack, Holloway, Cordrey, Dixon, Jonkiert, Campanelli, Barnes, Gilligan, Minner, Darling, Plant, Bennett, Brady, Riddagh, Ennis, Spence, Derrickson, Powell & Anderson & Senators Cordrey, Holloway, Adams, Bair & Littleton, before the House for consideration.

HB 789 - An Act to Authorize and Empower the Governor and the Secretary of the Department of Health and Social Services to Transfer Certain Lands Situated in Dagsboro Hundred, Sussex County, State of Delaware to the Veterans Affairs Commission for the Purpose of Establishing a Veterans Cemetery. (Fiscal Note)

Representative West moved to place HB 789 on the Speaker's table. The motion was seconded by Representative Sincoc and adopted by voice vote.

Representative Cathcart moved to suspend the rules which interfere with action on HB 727. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Cathcart brought HB 727, jointly sponsored by Representatives Cain, Gilligan, Minner, Roy, Dixon, Spence & Mack & Senators McBride, Hughes, Neal, Martin & Connor, before the House for consideration.

HB 727 - An Act to Amend 29 Delaware Code, §§8223 to 8230 Relating to the Transportation of Hazardous Materials. (2/3 bill)

Representative Cathcart moved to place HB 727 on the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Jonkiert moved to suspend the Agenda rules which interfere with action on HB 628. The motion was seconded by Representative Sincoc and adopted by voice vote.

Representative Jonkiert brought HB 628 before the House for consideration.

HB 628 - An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to Renewal of Licenses to Pharmacists and to Assistant Pharmacists.

Representative Edwards brought HA 1 to HB 628 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 628 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Cain, Cordrey, Corrozi, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Plant, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Buckworth, Campanelli, Cathcart, Darling, Derrickson, Ennis, McKay, Oberle, Petrilli, Powell, Roy, Sincoc, Smith, West - 14.

ABSENT: Representatives Brady, Burris, Riddagh - 3.

Therefore, having received a constitutional majority, HB 628 w/HA 1 was sent to the Senate for concurrence.

Representative Van Sciver moved to suspend the Agenda rules which interfere with action on HB 650. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Van Sciver brought HB 650 before the House for consideration.

HB 650 - An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Dangerous Weapons.

The roll call on HB 650 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Burris, Cain, Dixon, Jester, Riddagh - 6.

Therefore, having received a constitutional majority, HB 650 was sent to the Senate for concurrence.

Representative Van Sciver brought HB 594, jointly sponsored by Representatives Riddagh, Corrozi & Oberle & Senator Citro, before the House for consideration.

HB 594 - An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to Carrying a Concealed Deadly Weapon.

The roll call on HB 594 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Brady, Burris, Ennis - 3.

Therefore, having received a constitutional majority, HB 594 was sent to the Senate for concurrence.

Mr. Speaker Hebner announced that HB 555 has been removed from the Appropriations Committee.

The Reading Clerk read the following Committee Reports into the record:

NR/AGRI: SB 600 w/SA 1 - 1F,4M; SB 632 w/SA 1 - 5M; HB 797 - 1F,3M.

H/SS: HB 793 - 1F,2M; SB 478 w/SA 1,2 - 4M.

APPRO: SB 392 w/SA 3,4 - 5M.

H/ADM: HB 794 - 1F,3M.

Mr. Speaker re-assigned SB 540 to the House Administration Committee.

Representative Petrilli moved to recess at 5:41 p.m.

The House reconvened at 7:25 p.m.

Mr. Speaker Hebner announced that SB 555 has been removed from the Appropriations Committee. (Correction from previous announcement.)

The Reading Clerk read the following communications into the record:

June 25, 1982

LEGISLATIVE ADVISORY #41

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on June 24, 1982 - HB 487 aab HA 1; HB 640 aab SA 1 & SA 2; HB 641, SB 355, SB 356, SB 401 aab SA 1 & SA 2; SB 402, SB 403 aab SA 1.

The Governor vetoed the following legislation on June 25, 1982 - HB 237, SB 177.

The Senate wishes to inform the House that it has passed: HS 1 for HB 557 w/HA 3,5,6,10,11,13,14,15,16,17,18,19,22,8 & SA 1,10,12,14; SCR 154, HB 613 w/HA 1 & SA 1.

Representative Cathcart brought HB 663 before the House for consideration.

HB 663 - An Act to Amend Chapter 1, Title 21 of the Delaware Code Relating to the Definition of a Vehicle Dealer and Other Related Definitions.

Representative Cathcart brought HA 1 to HB 663 before the House for consideration. HA 1 was adopted by voice vote.

Representative Cathcart brought HA 2 to HB 663 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 663 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Anderson, Burris, Holloway, Jester, Smith - 5.

Therefore, having received a constitutional majority, HB 663 w/HA 1,2 was sent to the Senate for concurrence.

Representative Cathcart brought HB 669 before the House for consideration.

HB 669 - An Act to Amend Title 21, Delaware Code, Relating to Farm Equipment Being Moved on the Highways.

Representative Cathcart brought HA 1 to HB 669 before the House for consideration. HA 1 was adopted by voice vote.

Representative Minner brought HA 2 to HB 669 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 669 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives Anderson, Burris, Holloway, Jester, Smith - 5.

Therefore, having received a constitutional majority, HB 669 w/HA 1,2 was sent to the Senate for concurrence.

Representative Cathcart brought HB 674 before the House for consideration.

HB 674 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Retention of Drivers' Records and Vehicle Records.

Representative Cathcart brought HA 1 to HB 674 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 674 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Burris, Holloway, Jester, Roy, Smith - 5.

Therefore, having received a constitutional majority, HB 674 w/HA 1 was sent to the Senate for concurrence.

Representative Cathcart brought HB 675 before the House for consideration.

HB 675 - An Act to Amend Chapters 23 & 25, Title 21, Delaware Code, Relating to Application for Certificate of Title for a Vehicle.

Representative Cathcart brought HA 1 to HB 675 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 675 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Burris, Holloway, Smith - 3.

Therefore, having received a constitutional majority, HB 675 w/HA 1 was sent to the Senate for concurrence.

Representative Cathcart brought HB 688 before the House for consideration.

HB 688 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special License Plates for Towed Vehicles. (3/5 bill)

Representative Cathcart brought HA 1 to HB 688 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 688 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 30.

NO: Representatives Campanelli, Darling, George, Gilligan, Jester, West - 6.

NOT VOTING: Representatives Bennett, Cordrey, Minner - 3.

ABSENT: Representatives Holloway, Smith - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 688 w/HA 1 was sent to the Senate for concurrence.

Representative Barnes brought SB 529, sponsored by Senators Cordrey, Adams & Littleton, before the House for consideration.

SB 529 - An Act to Amend Title 10, Chapter 87, Delaware Code Annotated, Relating to Sussex County Sheriff and Prothonotary.

Representative Barnes moved to place SB 529 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Barnes brought SB 530, sponsored by Senators Adams, Cordrey & Littleton, before the House for consideration.

SB 530 - An Act to Amend Section 9418, Title 9, of the Delaware Code Annotated, As It Relates to the Sussex County Clerk of the Peace.

Representative Barnes moved to place SB 530 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Barnes brought SB 531, sponsored by Senators Adams, Cordrey & Littleton, before the House for consideration.

SB 531 - An Act to Amend Section 6305, Title 9, of the Delaware Code Annotated, As It Relates to Sussex County Building Permit Fees.

Representative Barnes moved to place SB 531 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Barnes brought SB 539 w/SA 1,3, sponsored by Senator Adams, before the House for consideration.

SB 539 - An Act to Amend Chapter 14, Title 3, Delaware Code, Relating to Noxious Weeds. (2/3 bill)  
Representative McKay requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on SB 539 w/SA 1 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cain, Holloway, Minner - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 539 w/SA 1 & 3 was returned to the Senate.

Representative Riddagh brought SB 594, sponsored by Senators Hughes, Vaughn, Adams, Bair, Berndt, Citro, Connor, Knox, Littleton, McDowell, Neal & Sharp, before the House for consideration.

SB 594 - An Act to Amend Chapter 14, Title 11 Delaware Code Relating to Wearing Body Armor During the Commission of a Felony.

The roll call on SB 594 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Plant - 2.

Therefore, having received a constitutional majority, SB 594 was returned to the Senate.

Representative West moved to lift HB 789 from the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative West brought HB 789, jointly sponsored by Representatives Burris, Petrilli, Cain, George, Harrington, Fallon, Oberle, Mack, Holloway, Cordrey, Dixon, Jonkiert, Campanelli, Barnes, Gilligan, Minner, Darling, Plant, Bennett, Brady, Riddagh, Ennis, Spence, Derrickson, Powell & Anderson & Senators Cordrey, Holloway, Adams, Bair & Littleton, before the House for consideration.

HB 789 - An Act to Authorize and Empower the Governor and the Secretary of the Department of Health and Social Services to Transfer Certain Lands Situated in Dagsboro Hundred, Sussex County, State of Delaware to the Veterans Affairs Commission for the Purpose of Establishing a Veterans Cemetery. (Fiscal Note)

Representative West brought HA 1 to HB 789 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 789 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Free, Jester, McKay - 3.

ABSENT: Representatives Holloway, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 789 w/HA 1 was sent to the Senate for concurrence.

Representative Burris moved to recess for caucus at 8:16 p.m.

The House reconvened at 8:30 p.m.

Representative Oberle brought HS 1 for HB 557 w/HA 3,5,6,8,10,11,13,14,15,16,17,18,19,22 & SA 1,10,12 & 14, jointly sponsored by Senator Sharp & Representatives Cain, Campanelli, Cathcart, Free, Dixon, Gilligan, Petrilli, Powell, Plant, Roy & Spence & Senators McDowell, Marshall & McBride, before the House for consideration.

HB 557 - An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to Negotiations and Employee Relations of Professional Employees. (Fiscal Note)

Representative Oberle requested and was granted the privilege of the floor for Mr. Attorney Sheldon Sandler representing Delaware State Education Association.

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

Mr. Speaker Hebner declared a recess at 8:56 p.m.

The House reconvened at 8:58 p.m.

Representative Bennett requested and was granted the privilege of the floor for Mr. Jack P. Varsalona, Governor du Pont's Education Aide.

Representative Bennett brought HA 31 to HS 1 for HB 557 before the House for consideration.  
Representative Oberle requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey.

The roll call on HA 31 to HS 1 for HB 557 was taken and revealed:

YES: Representatives Barnes, Bennett, Cordrey, Corrozi, Darling, Harrington, Jonkiert, McKay, Minner, Petrilli, Riddagh, Sincock - 12.

NO: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Jester, Mack, Maroney, Oberle, Plant, Powell, Roy, Soles, Spence, West, Mr. Speaker Hebner - 22.

NOT VOTING: Representatives Buckworth, Derrickson, Van Sciver - 3.

ABSENT: Representatives Burris, Free, Holloway, Smith - 4.

Therefore, not having received a constitutional majority, HA 31 to HS 1 for HB 557 was declared defeated.

The roll call on HS 1 for HB 557 w/3,5,6,8,10,11,13,14,15,16,17,18,19,22 & SA 1,10,12 & 14 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Jester, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Roy, Soles, Spence - 22.

NO: Representatives Barnes, Bennett, Burris, Corrozi, Darling, Harrington, Jonkiert, McKay, Minner, Riddagh, Sincock - 11.

NOT VOTING: Representatives Buckworth, Cordrey, Derrickson, Van Sciver, West, Mr. Speaker Hebner - 6.

ABSENT: Representatives Holloway, Smith - 2.

Therefore, having received a constitutional majority, HS 1 for HB 557 w/3,5,6,8,10,11,13,14,15,16,17,18,19,22 & SA 1,10,12 & 14 was sent to the Governor.

Representative Burris moved to recess to the call of the Chair at 9:22 p.m.

46th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY  
Second Session

June 29, 1982

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

Representative Burris moved to suspend the rules which interfere with introduction of HB 804. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Burris introduced HB 804.

HB 804 - An Act to Amend Title 14 of the Delaware Code Relating to State Appropriations for Education.

Mr. Speaker assigned HB 804 to the Education Committee.

Mr. Speaker re-assigned HB 804 to the House Administration Committee.

Representative McKay rose on a point of order.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 189 w/SA 1; SB 634, SB 610 w/SA 1,2; HB 784, HB 379 w/HA 1,2; HB 383 w/HA 1; HB 382, HB 742, HB 749 w/HA 1; HB 275 w/HA 1.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Rabbi Samuel R. Stone, Congregation Beth Shalom, Dover, Delaware.

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

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

The following prefiled legislation was introduced:

SB 189 w/SA 1 - NEAL, SHARP, MCDOWELL, MURPHY, KNOX, CITRO, CONNOR; REPRESENTATIVES BENNETT, SOLES - ADM/S: An Act to Amend Chapters 88 and 69 of Title 29 of the Delaware Code Providing for Opportunities for Certain Small Business Concerns to do Business With the State. (Fiscal Note)

SB 610 w/SA 1,2 - HOLLOWAY - ADM/S: An Act to Amend Chapter 25, Title 24, Delaware Code, Relating to Qualifications of Applicants for Pharmacists.

SB 634 - TORBERT; REPRESENTATIVE BUCKWORTH - H/ADM: An Act to Amend Chapter 55, Title 15, Delaware Code, Relating to Absentee Voting in Special Elections.

HA 1 to SB 560 - MARONEY - Placed with the bill. (Special Agenda B)

Representative Roy brought SB 578, sponsored by Senator Holloway & Representative Holloway, before the House for consideration.

SB 578 - An Act Authorizing and Directing the Department of Transportation to Name the South Market Street Bridge in Wilmington the John E. Reilly, Sr. Bridge in Honor of the Late State Senator.

The roll call on SB 578 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Brady, Buckworth, Darling, Ennis, Holloway - 5.  
Therefore, having received a constitutional majority, SB 578 was returned to the Senate.

Representative Maroney brought SB 419, sponsored by Senators Marshall & Citro & Representatives Jonkiert & Edwards, before the House for consideration.

SB 419 - An Act to Amend Chapter 17 of Title 24 of the Delaware Code Mandating Proper Medical Treatment for Children Born Alive After an Abortion or Attempted Abortion.

Representative Soles brought HA 1 to SB 419, jointly sponsored by Representative Sincock, before the House for consideration.

Representative Edwards moved to place HA 1 to SB 419 on the Speaker's table. The motion was seconded by Representative Barnes.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Buckworth, Cain, Cathcart, Edwards, George, Gilligan, Jonkiert, Mack, Oberle, Plant, Roy, Spence, Van Sciver - 14.

NO: Representatives Anderson, Bennett, Burris, Cordrey, Corrozi, Derrickson, Dixon, Fallon, Free, Jester, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Sincock, Smith, Soles, West, Mr. Speaker Hebner - 21.

ABSENT: Representatives Brady, Campanelli, Darling, Ennis, Harrington, Holloway - 6.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 1 to SB 419 remained before the House.

The roll call on HA 1 to SB 419 was taken and revealed:

YES: Representatives Anderson, Bennett, Burris, Cordrey, Corrozi, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Riddagh, Sincock, Soles, Mr. Speaker Hebner - 15.

NO: Representatives Barnes, Buckworth, Cain, Cathcart, Edwards, George, Gilligan, Harrington, Mack, Oberle, Plant, Spence, Van Sciver, West - 14.

NOT VOTING: Representatives Derrickson, Dixon, Fallon, Free, Powell, Roy, Smith - 7.

ABSENT: Representatives Brady, Campanelli, Darling, Ennis, Holloway - 5.

Therefore, having received a constitutional majority, HA 1 to SB 419 was adopted.

Representative Maroney moved to place SB 419 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Riddagh brought SB 473, jointly sponsored by Senator Torbert, before the House for consideration.

SB 473 - An Act to Amend Subpart B, Subchapter II, Title 11, Delaware Code, Relating to First Degree Murder.

The roll call on SB 473 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 33.

NO: Representative Soles - 1.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Brady, Burris, Cain, Ennis, Holloway, Maroney - 6.

Therefore, having received a constitutional majority, SB 473 was returned to the Senate.

Representative Roy brought SB 505 w/SA 1, jointly sponsored by Senators Martin, Adams, Holloway, Vaughn & Littleton & Representatives Jester, Minner, Cathcart & Oberle, before the House for consideration.

SB 505 - An Act to Amend Chapter 69, Title 21, Delaware Code Relating to Removal of Motor Vehicles From Public Highways.

The roll call on SB 505 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Burris, Ennis, Holloway, Maroney - 4.

Therefore, having received a constitutional majority, SB 505 w/SA 1 was returned to the Senate.

Representative Roy brought SB 580, sponsored by Senator Holloway & Representative Holloway, before the House for consideration.

SB 580 - An Act Authorizing and Directing the Department of Transportation to Name the Walnut Street Bridge in Wilmington the Leo J. Dugan Bridge in Honor of the Late State Representative and City Councilman.

The roll call on SB 580 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Ennis, Holloway, Minner - 3.

Therefore, having received a constitutional majority, SB 580 was returned to the Senate.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SJR 36. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought SJR 36, jointly sponsored by Senators Cordrey, Berndt & Cook & Representatives George, McKay & Powell, before the House for consideration.

SJR 36 - The Official Estimate of General Fund Revenues for Fiscal Year 1982.

The roll call on SJR 36 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Ennis - 1.

Therefore, having received a constitutional majority, SJR 36 was returned to the Senate.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SJR 37. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincok introduced and brought SJR 37, jointly sponsored by Senators Cordrey, Berndt & Cook & Representatives George, McKay & Powell, before the House for consideration.

SJR 37 - The Official Estimate of General Fund Revenues for Fiscal Year 1983.

The roll call on SJR 37 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Darling, Ennis, Free - 3.

Therefore, having received a constitutional majority, SJR 37 was returned to the Senate.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SS 1 for SB 606. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought SS 1 for SB 606, jointly sponsored by Senators Cook, Berndt, Holloway, Hughes, McBride & Vaughn & Representatives Bennett, Corrozi, Derrickson, Gilligan & Petrilli, before the House for consideration.

SB 606 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1983; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

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

The roll call on SS 1 for SB 606 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 38.

NO: Representatives Minner, West - 2.

ABSENT: Representative Darling - 1.

Therefore, having received a constitutional majority, SS 1 for SB 606 was returned to the Senate.

Representative Anderson requested that HB 432 be stricken.

Representative Maroney brought SB 478 w/SA 1,2, sponsored by Senator Holloway, before the House for consideration.

SB 478 - An Act to Amend Chapter 79, Title 29, Delaware Code, by Establishing an Office of Emergency Medical Services Within the Division of Public Health, Department of Health and Social Services, and Making Appropriation Thereof. (Fiscal Note)

The roll call on SB 478 w/SA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Dixon, Free - 3.

Therefore, having received a constitutional majority, SB 478 w/SA 1,2 was returned to the Senate.

Representative Oberle brought SB 555, jointly sponsored by Senators Cook & Connor & Representative Roy, before the House for consideration.

SB 555 - An Act to Amend Chapter 55, Title 29, Delaware Code to Provide Group Life Insurance for State Retirees. (Fiscal Note)

The roll call on SB 555 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Free - 1.

Therefore, having received a constitutional majority, SB 555 was returned to the Senate.

Representative Riddagh brought SB 392 w/SA 3,4, sponsored by Senator Vaughn, before the House for consideration.

SB 392 - An Act to Amend Title 11, Delaware Code, Relating to the Establishment of a Delaware Criminal Justice Information System. (Fiscal Note)

The roll call on SB 392 w/SA 3 & 4 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Anderson, Burris, Campanelli - 3.

Therefore, having received a constitutional majority, SB 392 w/SA 3 & 4 was returned to the Senate.

Representative Van Sciver brought SB 592, jointly sponsored by Senator Holloway & Representatives Edwards, Corrozi, Petrilli, Mack, Ennis & Derrickson, before the House for consideration.

SB 592 - An Act to Amend Title 31, Delaware Code, Relating to the Establishment of an Adult Protective Services Unit Within the Department of Health and Social Services. (Fiscal Note)

Representative Maroney brought HA 1 to SB 592 before the House for consideration. Representative Maroney requested that HA 1 be stricken.

The roll call on SB 592 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 592 was returned to the Senate.

Representative Riddagh brought SB 632 w/SA 1, jointly sponsored by Senators Vaughn & Zimmerman & Representatives Jester & Minner, before the House for consideration.

SB 632 - An Act to Amend Subchapter VI, Chapter 7, Title 7, Delaware Code, Relating to the Hunting of Game.

Representative Petrilli requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on SB 632 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Derrickson, Holloway - 2.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 632 w/SA 1 was returned to the Senate.

Representative Bennett requested that HB 705 be stricken.

Representative Burris moved to recess for caucus at 3:55 p.m.

The House reconvened at 5:30 p.m.

The Reading Clerk read the following Committee Reports into the record:

H/ADM: HB 791 - 1F,2M; SB 386 w/SA 1,2,3,4,5,6,7,8,10,11 - 5M; SB 540 w/SA 1 - 5M; SB 597 w/SA 1 - 3M; SB 607 - 5M; SB 633 - 5M.

APPRO: SB 97 w/SA 1,2,3,4 - 6M; SB 229 w/SA 1 - 6M; SB 285 w/SA 1 - 6M.

ADM/S: HB 771 - 3M; SB 189 w/SA 1 - 3M; SB 610 w/SA 1,2 - 1F,3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 638, SB 575, SS 1 for SB 644, SCR 155, SCR 156, SCR 157, SS 1 for SB 606, SJR 36, SJR 37, HCR 192.

Representative Petrilli moved to reconsider SB 267 w/SA 1 & HA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Smith brought SB 267 w/SA 1 & HA 1, jointly sponsored by Senators McDowell, Bair, Berndt, Connor, Holloway, Marshall, Martin & Neal & Representatives Anderson, Barnes, Corrozi, Darling, Ennis & Soles, before the House for consideration.

SB 267 - An Act to Amend Chapter 76, Part VII, Title 16 of the Delaware Code to Establish a Lighting Energy Efficiency Code for New and Existing Non-Residential Buildings. (2/3 bill)

Representative Roy requested and was granted the privilege of the floor for Secretary of Administrative Services Marna Whittington.

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

The roll call on SB 267 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 267 w/SA 1 & HA 1 was returned to the Senate for concurrence on the Amendment.

Representative Smith moved to suspend the rules which interfere with action on HB 320 w/HA 1 & SA 1. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Smith brought HB 320 w/HA 1 & SA 1, jointly sponsored by Representatives Buckworth, Harrington & Minner & Senators Berndt & Zimmerman, before the House for consideration.

HB 320 - An Act to Amend Chapters 6 and 71, Title 29 of the Delaware Code Relating to Enforcement Vehicles of the Department of Natural Resources and Environmental Control.

The roll call on HB 320 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 320 w/HA 1 & SA 1 was sent to the Governor.

Representative Maroney moved to suspend the Agenda rules which interfere with action on HB 793. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney brought HB 793, jointly sponsored by Senator Holloway & Representatives Riddagh, Free, Barnes, Brady, Buckworth, Burris, Corrozi, Dixon, Edwards, Ennis, Fallon, Jonkiert, Spence, Oberle, Petrilli, Plant, Powell & Hebner & Senators Knox & Neal, before the House for consideration.

HB 793 - An Act to Improve Services to Children and Youth by Increasing the Number of Social Workers in the Division of Child Protective Services; by Authorizing the Department of Health and Social Services to Initially Establish an Interagency Diagnostic Unit for Youth; and by Establishing a Commission on Youth Services Upon Which the Lieutenant Governor Shall Serve as Chairman and Upon Which Shall Serve the Budget Director, the Commissioner of Corrections, the Secretary of Health and Social Services, the Superintendent of Public Instruction; a Family Court Judge Selected by the Governor, the Chairpersons of the Senate and House Committees on Health and Social Services and Seven Representatives of Private Sector Organizations Selected and Appointed by the Governor. (Fiscal Note)

Representative Maroney brought HA 1 to HB 793 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 793 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Spence, Van Sciver, Mr. Speaker Hebner - 26.

NO: Representatives Cain, Darling, Jester, Soles, West - 5.

NOT VOTING: Representatives Bennett, Campanelli, Cordrey, George, Gilligan, Holloway, Jonkiert, McKay, Minner - 9.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority, HB 793 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with action on HB 794. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Maroney brought HB 794, jointly sponsored by Senator Holloway & Representatives Riddagh, Free, Barnes, Brady, Buckworth, Burris, Corrozi, Dixon, Edwards, Ennis, Fallon, Jonkiert, Spence, Oberle, Petrilli, Plant, Powell & Hebner & Senators Knox & Neal, before the House for consideration.

HB 794 - An Act to Amend Chapter 9, Title 16, and Chapter 9, Title 10 of the Delaware Code Relating to the Investigation of Child Abuse and Neglect.

The roll call on HB 794 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority, HB 794 was sent to the Senate for concurrence.

Representative Powell brought SS 1 for SB 557, sponsored by Senator Cordrey, before the House for consideration.

SB 557 - An Act to Amend Chapter 13 of Title 18 of the Delaware Code Relating to Eligible Investments of Insurance Companies.

The roll call on SS 1 for SB 557 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SS 1 for SB 557 was returned to the Senate.

Representative Barnes brought SB 560 w/SA 1, jointly sponsored by Senator McBride & Senators Adams, Cook, Cordrey, Martin, Sharp, Torbert, Vaughn, Arnold, Bair, Berndt, Hughes, Knox & Neal & Representatives Buckworth, Corrozi, Fallon, Hebner, Powell, Riddagh, Sincok, Spence, Anderson, Bennett, Cordrey, Darling, Holloway, Minner & Soles, before the House for consideration.

SB 560 - An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally-Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

Representative Maroney brought HA 1 to SB 560 before the House for consideration.

Representative Maroney requested and was granted the privilege of the floor for Attorney Thomas Herlihy.

Representative Edwards moved to place HA 1 to SB 560 on the Speaker's table. The motion was seconded by Representative Cain.

The roll call on the motion was taken and revealed:

YES: Representatives Cain, Campanelli, Cathcart, Edwards, George, Gilligan, Jester, Jonkiert, Mack, Minner, Riddagh, Spence, Van Sciver - 13.

NO: Representatives Anderson, Bennett, Darling, Fallon, Harrington, Maroney, Soles, West, Mr. Speaker Hebner - 9.

NOT VOTING: Representatives Barnes, Brady, Buckworth, Cordrey, Corrozi, Derrickson, Ennis, Holloway, McKay, Oberle, Petrilli, Plant, Powell, Smith - 14.

ABSENT: Representatives Burris, Dixon, Free, Roy, Sincok - 5.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 1 to SB 560 remained before the House.

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

Representative Maroney requested that HA 1 to SB 560 be stricken.

Representative Barnes requested and was granted the privilege of the floor for Attorney Thomas Herlihy.

Five Members rose for the purpose of cutting off the debate on SB 560 w/SA 1.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, George, Gilligan, Jester, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 30.

NO: Representatives Cain, Edwards, Gilligan, Holloway, Minner, Oberle - 6.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Barnes, Derrickson, Free, Jonkiert - 4.

Therefore, having received a constitutional majority, the motion was adopted and the debate on SB 560 w/SA 1 was ended.

The roll call on SB 560 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Burris, Campanelli, Cordrey, Corrozi, Darling, Ennis, Fallon, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Mr. Speaker Hebner - 22.

NO: Representatives Cain, Cathcart, Edwards, George, Gilligan, Jonkiert, Mack, Oberle, Spence, Van Sciver, West - 11.

NOT VOTING: Representatives Brady, Buckworth, Dixon, Holloway - 4.

ABSENT: Representatives Derrickson, Free, Plant, Roy - 4.

Therefore, having received a constitutional majority, SB 560 w/SA 1 was returned to the Senate.

Representative Smith brought SB 619 w/SA 1, jointly sponsored by Senators Zimmerman & Berndt & Representative Jonkiert, before the House for consideration.

SB 619 - An Act to Amend Chapter 63 of Title 7 of the Delaware Code Pertaining to Hazardous Waste Management and Chapter 64 of Title 7 of the Delaware Code Pertaining to the Delaware Solid Waste Authority. (2/3 bill)

Representative Smith brought HA 1 to SB 619 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith moved to place SB 619 w/SA 1 & HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought SB 604, sponsored by Senators Knox & Berndt, before the House for consideration.

SB 604 - An Act to Amend Section 12.9, Article 12, §6501, Subchapter I, Chapter 65, Title 7 of the Delaware Code Relating to the Delaware River Basin Compact and the Interest Rate of Bonds Issued by the Delaware River Basin Commission.

Representative Smith requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Hebner declared a recess at 7:13 p.m. for the purpose of changing the recording tape.

The House reconvened at 7:24 p.m.

The roll call on SB 604 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives George, Holloway, Petrilli, Plant - 4.

Therefore, having received a constitutional majority, SB 604 was returned to the Senate.

Representative Smith moved to lift SB 619 w/SA 1 & HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

The Reading Clerk read the following communication into the record:

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Gerald A. Buckworth, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of SB 560.

Date: 6/29/82.

Signed: Gerald A. Buckworth.

Representative Smith brought SB 619 w/SA 1 & HA 1, jointly sponsored by Senators Zimmerman & Berndt & Representative Jonkiert, before the House for consideration.

SB 619 - An Act to Amend Chapter 63 of Title 7 of the Delaware Code Pertaining to Hazardous Waste Management and Chapter 64 of Title 7 of the Delaware Code Pertaining to the Delaware Solid Waste Authority. (2/3 bill)

Representative Oberle brought HA 2 to SB 619 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 619 w/SA 1 & HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 619 w/SA 1 & HA 1,2 was returned to the Senate for concurrence on the Amendments.

Representative Smith brought SB 600 w/SA 1, sponsored by Senator Holloway, before the House for consideration.

SB 600 - An Act to Amend and Revise Chapter 71, Title 7 of the Delaware Code Relating to Noise Control and Abatement. (2/3 bill)

Representative Jonkiert requested and was granted the privilege of the floor for Thomas P. Eichler representing Department of Natural Resources & Environmental Control.

The roll call on SB 600 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Campanelli, Corrozi, Derrickson, Holloway, Plant, Sincok - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 600 w/SA 1 was returned to the Senate.

Representative Smith brought HB 797, jointly sponsored by Representatives Barnes & Darling & Senator Berndt, before the House for consideration.

HB 797 - An Act to Amend Title 25, Delaware Code, Section 6023(b), Subchapter II, Chapter 60, Title 7, Delaware Code, Section 6032, Subchapter II, Chapter 60, Title 7, Delaware Code and Section 6002, Chapter 60, Title 7, Delaware Code, Relating to Disclosure That Real Property is Suitable for On-Site Sewage Disposal, the Licensing of Persons Engaged in the Design, Construction, and Repair of On-Site Sewage Disposal Systems and the Licensing of Persons Engaged in Testing and Analyzing Real Property to Determine if the Property is Suitable for On-Site Sewage Disposal.

The roll call on HB 797 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Ennis, Minner, West - 3.

ABSENT: Representatives Dixon, Holloway - 2.

Therefore, having received a constitutional majority, HB 797 was sent to the Senate for concurrence.

Representative Roy brought HS 1 for HB 711 before the House for consideration.

HB 711 - An Act to Amend Section 422(b), Subchapter II, Chapter 4, Title 29, Delaware Code, Relating to the Care of State Property.

The roll call on HS 1 for HB 711 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Dixon - 1.

Therefore, having received a constitutional majority, HS 1 for HB 711 was sent to the Senate for concurrence.

Representative Oberle brought HB 609, jointly sponsored by Representatives Roy, Ennis, Campanelli, Barnes, Corrozi & Mack, before the House for consideration.

HB 609 - An Act to Amend Delaware Code Title 21, Relating to Issuance of a Drivers License.

Representative Oberle moved to place HB 609 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Barnes brought HB 693, jointly sponsored by Representatives Buckworth, Burris, Riddagh, Harrington, Ennis, Minner & Darling & Senators Adams & Littleton, before the House for consideration.

HB 693 - An Act to Amend Chapters 21, 23 and 29 of Title 30 of the Delaware Code to Provide for Licensing and Gross Receipts Taxation of Nurseries as Farms, Retailers, or Wholesalers, as Applicable, and to Make Related Changes. (3/5 bill)(Fiscal Note)

Representative Barnes brought HA 1 to HB 693 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 693 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cordrey, Corrozi, Darling, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Jester, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, West, Mr. Speaker Hebner - 27.

NO: Representatives Anderson, Bennett, Cain, George, Gilligan, Holloway, Jonkiert, Mack, Soles - 9.

NOT VOTING: Representatives Cathcart, Dixon - 2.

ABSENT: Representatives Campanelli, Plant, Smith - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 693 w/HA 1 was sent to the Senate for concurrence.

Representative Barnes brought HB 655, jointly sponsored by Representatives Buckworth, Darling & Soles & Senators Martin, Zimmerman, Cook, Vaughn, Arnold, Berndt & Knox, before the House for consideration.

HB 655 - An Act to Amend Chapter 61, Title 7 of the Delaware Code Relating to Public Hearings Under the Underwater Lands Act.

The roll call on HB 655 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 655 was sent to the Senate for concurrence.

Representative Spence moved to lift HB 381 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Spence brought HB 381 before the House for consideration.

HB 381 - An Act to Amend Chapter 23 and Chapter 25, Title 21 of the Delaware Code Relating to Notary Requirements on Certificates of Titles.

The roll call on HB 381 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Harrington, Jonkiert, Maroney, McKay, Minner, Petrilli, Powell, Roy, Sincok, Soles, Spence, West, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Bennett, Cain, Campanelli, George, Gilligan, Holloway, Jester, Mack, Oberle, Riddagh, Van Sciver - 12.

NOT VOTING: Representatives Free, Plant - 2.

ABSENT: Representative Smith - 1.

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

Representative Edwards brought HB 702, jointly sponsored by Representatives Buckworth, Dixon, Harrington & Jonkiert & Senators Hughes, Knox & Vaughn, before the House for consideration.

HB 702 - An Act to Amend Chapter 23, Title 19 of the Delaware Code to Increase the Amount Paid by Insurance Carriers and Employers Who are Self-Insurers Into the Industrial Accident Board and Second Injury and Contingency Fund. (3/5 bill)

Representative Edwards brought HA 1 to HB 702 before the House for consideration. HA 1 was adopted by voice vote.

Representative Campanelli requested and was granted the privilege of the floor for Secretary of Labor Dennis Carey.

Representative Burris moved to place HB 702 w/HA 1 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Cordrey brought SB 229 w/SA 1, jointly sponsored by Senator Littleton, before the House for consideration.

SB 229 - An Act Awarding Special Pension Benefits to Mary Mears, Widow of Henry Dale Mears, Sr., a Former State Employee; Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Cordrey brought HA 1 to SB 229, jointly sponsored by Senators Adams & Littleton, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 229 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, Fallon, George, Gilligan, Holloway, Jester, Minner, Plant, Riddagh, Soles, West - 16.

NO: Representatives Bennett, Burris, Jonkiert, McKay, Petrilli, Sincok - 6.

NOT VOTING: Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Mack, Maroney, Oberle, Roy, Spence, Van Sciver, Mr. Speaker Hebner - 17.

ABSENT: Representatives Powell, Smith - 2.

Therefore, not having received a constitutional majority, SB 229 w/SA 1 & HA 1 was declared defeated.

Representative Cordrey brought SB 285 w/SA 1, jointly sponsored by Senators Adams & Cordrey, before the House for consideration.

SB 285 - An Act Awarding Special Pension Benefits to Frances W. Farlow, Appropriating Monies Into the Special Pension Fund Authorized by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code. (Fiscal Note)

Representative Cordrey brought HA 1 to SB 285, jointly sponsored by Senators Adams & Littleton, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 285 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, Fallon, George, Gilligan, Holloway, Jester, Minner, Plant, Riddagh, Soles, West - 16.

NO: Representatives Bennett, Burris, Derrickson, Jonkiert, McKay, Petrilli, Sincok - 7.

NOT VOTING: Representatives Barnes, Brady, Buckworth, Cathcart, Corrozi, Edwards, Ennis, Free, Harrington, Mack, Maroney, Oberle, Powell, Roy, Spence, Van Sciver, Mr. Speaker Hebner - 17.

ABSENT: Representative Smith - 1.

Therefore, not having received a constitutional majority, SB 285 w/SA 1 & HA 1 was declared defeated.

Representative Derrickson brought SB 633, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 633 - An Act to Amend Chapter 136, Volume 22, Laws of Delaware, Being the Charter of the City of Lewes. (2/3 bill)

The roll call on SB 633 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Gilligan, Holloway - 2.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 633 was returned to the Senate.

Representative Derrickson brought SB 607, sponsored by Senator Cordrey, before the House for consideration.

SB 607 - An Act to Amend Chapter 302, Volume 49, Laws of Delaware, Being "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to the Elections and the Eligibility to Serve on the Town Council. (2/3 bill)

The roll call on SB 607 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representative Cain - 1.

NOT VOTING: Representatives Campanelli, Gilligan, Holloway - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 607 was returned to the Senate.

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

Representative Mack brought SS 1 for SB 644, jointly sponsored by Senator Connor, before the House for consideration.

SB 644 - An Act to Amend Chapter 216, Volume 27 Laws of Delaware as It May Have Been Amended From Time to Time Relating to "An Act Amending, Revising and Consolidating the Charter of New Castle". (2/3 bill)

The roll call on SS 1 for SB 644 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Darling, Derrickson, George, Jonkiert, West - 5.

NOT VOTING: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Gilligan, Holloway, Jester, Minner, Plant, Soles - 11.

ABSENT: Representative Smith - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SS 1 for SB 644 was declared defeated.

Representative Burris brought HB 791, jointly sponsored by Representatives Barnes, Derrickson & Fallon, before the House for consideration.

HB 791 - An Act to Amend Title 9 of the Delaware Code Providing for Reapportionment of the Sussex County Councilmanic Districts.

Five members rose for the purpose of cutting off the debate on HB 791.

Representative George rose on a point of order.

Representative Burris moved to suspend the rules which interfere with action on HB 791. The motion was properly seconded and adopted by voice vote.

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

Five members rose for the purpose of cutting off the debate on HB 791.

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

The motion to cut off the debate on HB 791 was adopted by voice vote.

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

The roll call on HB 791 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Cain, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Soles, West - 12.

NOT VOTING: Representatives Bennett, Jonkiert - 2.

ABSENT: Representatives Campanelli, Plant - 2.

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

Therefore, having received a constitutional majority, HB 791 was sent to the Senate for concurrence.

Representative Edwards moved to lift SB 419 w/HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Edwards brought SB 419 w/HA 1, sponsored by Senators Marshall & Citro & Representatives Jonkiert & Maroney, before the House for consideration.

SB 419 - An Act to Amend Chapter 17 of Title 24 of the Delaware Code Mandating Proper Medical Treatment for Children Born Alive After an Abortion or Attempted Abortion. (2/3 bill)

Representative Edwards brought HA 2 to SB 419 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 419 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, - 38.

NOT VOTING: Representatives Smith, Mr. Speaker Hebner - 2.

ABSENT: Representative Derrickson - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 419 w/HA 1 & 2 was returned to the Senate for concurrence on the Amendments.

Representative Jonkiert moved to lift HB 280 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Jonkiert moved to suspend the rules which interfere with action on HB 280. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Jonkiert brought HB 280, jointly sponsored by Representatives Campanelli, Plant, Dixon, Corrozi, Roy & Powell, before the House for consideration.

HB 280 - An Act to Amend Title 28 of the Delaware Code Relating to Sports and Amusements by Authorizing and Providing for the Regulation, Control and Licensing of, and Pari-Mutuel Betting on, Greyhound Dog Racing in the State of Delaware. (Fiscal Note)

Representative Jonkiert requested that HB 280 be stricken.

Representative Burris moved to recess to the call of the Chair at 9:20 p.m.

47th LEGISLATIVE DAY  
131ST GENERAL ASSEMBLY

Second Session

June 30, 1982

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

The Reading Clerk read the following Committee Reports into the record:

APPRO: HB 445 - 5M,1UF; HB 780 - HA 1 - 6M.

R&F: HS 1 for HB 186 - 1F,5M; SB 574 w/SA 1 - 4F,2M; SB 579 w/SA 1 - 3F,3M; SB 602 - 3F,3M; SB 635 - 3F,3M.

JUD: SB 575 - 2F,2M.

H/ADM: SB 598 - 4M; SB 618 - 3M,1UF.

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 603; SB 475, SB 365, SB 490, SB 406, SB 550, SB 343 w/SA 1; SB 311, SB 624, SB 260, SB 622 w/SA 1; SB 643, HB 656, SB 625 w/SA 5,6,8,11,13,14,15,18,20,21.

Mr. Speaker re-assigned SB 513 w/SA 1,2 to the Labor Subcommittee.

Representative West moved to restore SB 562 w/SA 1,2. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Barnes brought SB 562 w/SA 1,2, jointly sponsored by Senators Zimmerman, Vaughn, Bair & Berndt & Representatives Edwards, Darling & Cordrey, before the House for consideration.

SB 562 - An Act to Amend Chapter 7 of the Delaware Code Relating to Falconry Licensing. (3/5 bill)  
Representative Free brought HA 1 to SB 562 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 562 w/SA 1,2 & HA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Campanelli, Cordrey, Darling, Derrickson, Dixon, Edwards, Free, Harrington, Jester, McKay, Minner, Oberle, Petrilli, Riddagh, Spence, West, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Bennett, Brady, Cain, Cathcart, Corrozi, George, Gilligan, Jonkiert, Mack, Maroney, Powell, Roy, Sincok, Smith, Soles, Van Sciver - 17.

NOT VOTING: Representative Ennis - 1.

ABSENT: Representatives Fallon, Holloway, Plant - 3.

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, SB 562 w/SA 1,2 & HA 1 was declared defeated.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Speaker Charles L. Hebner, Ninth District.

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

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

Representative Spence brought HB 780, jointly sponsored by Senator Torbert & Representatives Oberle, Cathcart, Free, Buckworth, Mack, Ennis, Roy, Sincok, Riddagh, Corrozi, Fallon, Van Sciver, Petrilli, Jonkiert, Dixon, Anderson, Hebner, Edwards, Cain, George, Burris, Gilligan, Barnes, Maroney, Harrington, Brady, Jester, Derrickson, Powell, McKay & Smith & Senators Bair, Holloway, Sharp, Neal, Vaughn, Cook, Connor, Berndt, Arnold, Adams & Littleton, before the House for consideration.

HB 780 - An Act to Amend Chapter 27 and Chapter 41, Title 21 of the Delaware Code Relating to Operation of Motor Vehicles, Suspension and Revocation of License for Refusal to Submit to Chemical Test, and to Driving Under the Influence of Alcohol or Other Drugs and Further Providing a Supplementary Appropriation Therefor. (2/3 bill)(Fiscal Note)

Representative Oberle brought HA 1 to HB 780 before the House for consideration. Representative Oberle requested that HA 1 be stricken.

Representative Spence brought HA 2 to HB 780 before the House for consideration. HA 2 was adopted by voice vote.

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

Five Members rose for the purpose of cutting off the debate on HB 780 w/HA 2. The motion was adopted by voice vote.

The roll call on HB 780 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 34.

NO: Representatives Darling, Minner - 2.

NOT VOTING: Representatives Cordrey, Plant - 2.

ABSENT: Representatives Campanelli, Holloway, Maroney - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 780 w/HA 2 was sent to the Senate for concurrence.

Representative Ennis brought SB 624, jointly sponsored by Senators Holloway & Berndt, before the House for consideration.

SB 624 - An Act to Permit Package Stores Located Within Shopping Centers to Relocate Their Premises Anywhere Within the Shopping Center, Whether More or Less Than 500 Feet.

The roll call on SB 624 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Cain, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Free, George, Mack, Petrilli, Powell, Roy, Sincok, Smith, Spence, Mr. Speaker Hebner - 21.

NO: Representatives Bennett, Burris, Campanelli, Cordrey, Darling, Gilligan, Harrington, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Riddagh, Soles, Van Seiver, West - 17.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representatives Holloway, Plant - 2.

Therefore, having received a constitutional majority, SB 624 was returned to the Senate.

Representative McKay brought SB 343 w/SA 1, sponsored by Senator Hughes, before the House for consideration.

SB 343 - An Act to Amend Chapter 43, Subchapter IV, Title 21, Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

Representative Cain brought HA 1 to SB 343 before the House for consideration.

Representative McKay requested and was granted the privilege of the floor for Senator Charles E. Hughes.

The roll call on HA 1 to SB 343 was taken and revealed:

YES: Representatives Cain, Campanelli, Cordrey, Darling, Dixon, Fallon, Gilligan, Harrington, Minner, Oberle, Smith, West - 12.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Jester, Jonkiert, Mack, Maroney, McKay, Petrilli, Plant, Riddagh, Roy, Sincok, Soles, Van Seiver, Mr. Speaker Hebner - 23.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Bennett, Burris, George, Powell, Spence - 5.

Therefore, not having received a constitutional majority, HA 1 to SB 343 was declared defeated.

Five members rose for the purpose of cutting off the debate on SB 343 w/SA 1. The motion was adopted by voice vote.

The roll call on SB 343 w/SA 1 was taken and revealed:

Representative Roy rose on a point of order.

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

Representative McKay moved to suspend the rules which interfere with action on SB 343 w/SA 1.

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

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Holloway, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Sincok, Smith, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Bennett, Cain, Cordrey, Darling, Dixon, George, Jester, Jonkiert, Minner, Plant, Soles, West - 12.

NOT VOTING: Representatives Campanelli, Cathcart, Gilligan, Powell, Roy, Spence - 6.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 343 w/SA 1 was declared defeated.

The Reading Clerk read the following Committee Reports into the record:

ADM/S: SB 624 - 4M.

JUD: SB 343 w/SA 1 - 3M; SB 622 w/SA 1 - 3M; SB 550 - 3M; SB 406 - 3M; SB 311 - 3M; SB 638 - 3M.

H/ADM: SB 558 - 5M; SB 598 - 4M; SB 618 w/SA 1 - 3M, 1UF; HB 799 - 5M.

R&F: SB 365 - 6M.

Mr. Speaker Hebner announced that SB 474 w/SA 1 is being removed from the Appropriations Committee.

Representative Dixon brought SB 558, sponsored by Senator Berndt, before the House for consideration.

SB 558 - An Act to Permit an Employee of the Department of Elections of New Castle County to Retain Excess Wages (\$514.00).

The roll call on SB 558 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Campanelli, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 35.

NOT VOTING: Representative Barnes - 1.

ABSENT: Representatives Burris, Cain, Corrozi, Minner, Smith - 5.

Therefore, having received a constitutional majority, SB 558 was returned to the Senate.

Representative Oberle brought SB 485 w/SA 1, sponsored by Senator Sharp, before the House for consideration.

SB 485 - An Act to Amend Subchapter IV, Chapter 47, Title 16 of the Delaware Code Relating to Possession of Prescription Drugs.

Representative Riddagh brought HA 1 to SB 485, jointly sponsored by Representative Smith, before the House for consideration.

Representative Van Seiver requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Riddagh requested that HA 1 to SB 485 be stricken.

Representative Oberle moved to suspend the rules which interfere with action on SB 485 w/SA 1. The motion was seconded by Representative Harrington and adopted by voice vote.

Mr. Speaker Hebner ruled that SB 485 is invalid.

Representative Oberle moved to place SB 485 w/SA 1 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

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

Representative Brady moved to suspend the rules which interfere with action on SB 605. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Brady brought SB 605, jointly sponsored by Senator Adams, before the House for consideration.

SB 605 - An Act Proposing an Amendment to Article IV, Section 3 of the Constitution of the State of Delaware Relating to the Judiciary. (2/3 bill)

The roll call on SB 605 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Corrozi, Derrickson, Holloway - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 605 was returned to the Senate.

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

Representative Derrickson moved to suspend the rules which interfere with action on SB 343 w/SA

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

Representative Petrilli moved to recess at 4:15 p.m.

The House reconvened at 4:58 p.m.

The following prefilled legislation was introduced:

HB 805 - PETRILLI - H/ADM: An Act to Amend Part V, Title 29, Delaware Code by Establishing a Delaware Compensation Commission to Make Recommendations Concerning Salaries of Certain State Officials.

HB 806 - MARONEY; SENATOR ZIMMERMAN - H/SS: An Act to Amend Title 13 of the Delaware Code Relating to Domestic Relations; and Providing for a Uniform Parentage Act.

HB 807 - FALLON; SENATOR COOK - ADM/S: An Act to Amend Chapter 5, Title 28, Delaware Code, Relating to the Standardbred Development Fund.

HB 808 - JONKIERT, MCKAY, SINCOCK, GEORGE, CAIN, PETRILLI - H/ADM: An Act to Establish the Delaware State Compensation Commission.

SB 260 - HOLLOWAY - ADM/S: An Act to Amend Chapter 33, Title 24 of the Delaware Code Relating to Veterinary Medicine by Increasing Compensation for the Board of Examiners: Providing for Exemptions; and Providing for Renewal Fees and Procedures.

SB 311 - NEAL, BAIR, BERNDT, COOK, KNOX, MARTIN; REPRESENTATIVES FREE, MARONEY, MINNER, PETRILLI, POWELL, SMITH, VAN SCIVER - JUD: An Act to Amend Chapter 17, Title 13, Delaware Code, Relating to the Domicile of Married Women.

SB 343 w/SA 1 - HUGHES, HOLLOWAY - JUD: An Act to Amend Chapter 43, Subchapter IV, Title 21, Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

SB 365 - NEAL - R&F: An Act to Amend Section 2906, of Title 25, Delaware Code, Relating to Priority of Liens for Government Services.

SB 406 - CITRO, MARSHALL, NEAL, BAIR, ARNOLD, VAUGHN; REPRESENTATIVES JONKIERT, CORROZI, RIDDAGH, ROY, CAMPANELLI - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Fee for the Issuance of a Duplicate Driver's License. (3/5 bill)

SB 475 - MCDOWELL, MARSHALL; REPRESENTATIVES HOLLOWAY, GEORGE, PLANT, FREE, BRADY - R&F: An Act to Amend Chapter 29, Title 25 of the Delaware Code to Provide for a Priority for Liens for Recovery of Costs Incurred by Municipalities or Political Subdivisions for Razing or Demolition and for Improvements to the Exteriors of Structures by Public Expenditure.

SB 490 - BAIR - JUD: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Temporary Instruction Permits.

SB 550 - BAIR, HUGHES, VAUGHN; REPRESENTATIVE CORROZI - JUD: An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to Increasing the Fee for a Duplicate Certificate of Title for a Vehicle. (3/5 bill)

SB 575 - NEAL, MARTIN; REPRESENTATIVES SOLES, PETRILLI - JUD: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Local Authorities and the Force and Effect of Local Traffic Ordinances and to Amend Chapter 27, Title 21, to Provide for a Clarification of the Word "Conviction".

SS 1 for SB 603 - SHARP - JUD: An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to Divorce and Annulment.

SB 622 w/SA 1 - TORBERT, REPRESENTATIVES BUCKWORTH, SPENCE - JUD: An Act to Amend Chapter 9 and Chapter 7 of Title 4 of the Delaware Code Relating to Alcoholic Offenses Involving Minors and to the Employment of Minors in Licensed Liquor Establishments. (2/3 bill)

SB 624 - HOLLOWAY, BERNDT; REPRESENTATIVE ENNIS - ADM/S: An Act to Permit Package Stores Located Within Shopping Centers to Relocate Their Premises Anywhere Within the Shopping Center, Whether More or Less Than 500 Feet.

SB 625 w/SA 5,6,8,11,13,14,15,18,20,21 - ADAMS, CITRO, LITTLETON; REPRESENTATIVES BARNES, BENNETT - R&F: An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1982". (Fiscal Note)

SB 638 - VAUGHN; REPRESENTATIVES JESTER, SPENCE - JUD: An Act to Amend Chapter 39, Title 9, Delaware Code, Relating to Ambulance and Paramedic Services for Lower New Castle County.

SB 643 - ADAMS, REPRESENTATIVE BURRIS - H/ADM: An Act to Re-Incorporate the Town of Ellendale. (2/3 bill)

Representative Derrickson moved to suspend the rules which interfere with action on SB 343 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson moved to reconsider SB 343 w/SA 1. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

Representative Burris moved to recess at 5:04 p.m.

The House reconvened at 5:14 p.m.

YES: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Van Seiver, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Jester, Jonkiert, Minner, Plant, Roy, Smith, Soles, Spence, West - 18.

NOT VOTING: Representative Cathcart - 1.

ABSENT: Representative Holloway - 1.

Therefore, having received a constitutional majority, the motion was adopted and SB 343 w/SA 1 was retored.

Representative Derrickson brought SB 343 w/SA 1, sponsored by Senator Hughes, before the House for consideration.

SB 343 - An Act to Amend Chapter 43, Subchapter IV, Title 21, Delaware Code Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

Representative Derrickson moved to place SB 343 w/SA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Van Seiver brought HB 445, jointly sponsored by Representatives Edwards, Maroney, Mack, Corrozi, Barnes, Dixon & Riddagh & Senators Connor, Holloway & Citro, before the House for consideration.

HB 445 - An Act to Amend Delaware Code, Chapter 13, Title 14 as It Relates to the Salary's Schedule of Educational Services to Persons Who are Deaf-Blind. (Fiscal Note)

Representative Van Seiver requested and was granted the privilege of the floor for Sheila Gorrafa representing Delaware Program for the Deaf-Blind.

Representative Bennett requested and was granted the privilege of the floor for Controller General Duane Olsen.

Five members rose for the purpose of cutting off the debate on HB 445. The motion was adopted by voice vote.

The roll call on HB 445 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 35.

NO: Representative West - 1.

NOT VOTING: Representatives Bennett, Buckworth, Cordrey, McKay, Minner - 5.

Therefore, having received a constitutional majority, HB 445 was sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SB 647. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought SB 647, jointly sponsored by Senators Cook, Berndt, Holloway, Hughes, McBride & Vaughn & Representatives Bennett, Corrozi, Derrickson, Gilligan & Petrilli, before the House for consideration.

SB 647 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

The roll call on SB 647 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 647 was returned to the Senate.

Representative Smith moved to suspend the rules which interfere with introduction of and action on HCR 208. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Smith introduced and brought HCR 208, jointly sponsored by Representative Soles & Representatives Bennett, Corrozi, Derrickson, Gilligan, Jonkiert, Petrilli & Sincok & Senators Berndt, Cook, Holloway, Hughes, McBride & Vaughn, before the House for consideration.

HCR 208 - Establishing a Joint Ad Hoc Grant-in-Aid Reform Committee.

HCR 208 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on SB 615. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincok introduced and brought SB 615, jointly sponsored by Senators Berndt & McBride & Representative Gilligan, before the House for consideration.

SB 615 - An Act to Amend Chapter 80, Volume 63, Laws of Delaware, Being an Act Entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions."

The roll call on SB 615 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

NO: Representative Edwards - 1.

NOT VOTING: Representative Holloway - 1.

Therefore, having received a constitutional majority, SB 615 was returned to the Senate.

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

June 15, 1982

Mr. Paul Murphy, President  
Brookside Community, Incorporated  
900 Marrows Road  
Newark, Delaware 19711  
Dear Mr. Murphy,

Thank you for your letter of June 1 requesting favorable consideration of House Bill 432 which appropriates funds for a pool complex in Brookside. House Bill 432 was assigned to the House Appropriations Committee last June when it was introduced by Representative Anderson and Senator Martin. As of this writing, there has been no action taken on the legislation. At such time as the bill reaches my desk for signature, you can be assured that every consideration will be given to its signature.

Again, thank you for letting me know of your interest in this issue.

Sincerely,  
Pierre S. du Pont, IV  
Governor

PSduP/abb/b

Representative Maroney brought HS 1 for HB 186 before the House for consideration.

HB 186 - An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to Use of the Alternate Valuation Method for Inheritance Tax. (Fiscal Note)

Representative Maroney brought HA 1 to HS 1 for HB 186 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 for HB 186 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, HS 1 for HB 186 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 771, jointly sponsored by Senator Knox, before the House for consideration.

HB 771 - An Act to Amend Titles 24 and 30, Delaware Code, Relating to the Regulation of Security Systems and Protective Services. (2/3 bill)

Representative Maroney brought HA 1 to HB 771 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney brought HA 2 to HB 771 before the House for consideration. HA 2 was adopted by voice vote.

Representative Burris moved to recess at 6:30 p.m.

The House reconvened at 9:31 p.m.

The roll call on HB 771 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sinecock, Smith, Soles, Van Seiver, West, Mr. Speaker Hebner - 36.

NO: Representatives Mack, Roy - 2.

NOT VOTING: Representatives Bennett, Spence - 2.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 771 w/HA 1 & 2 was sent to the Senate for concurrence.

The following prefiled Consent Calendar was introduced:

HR 226 - BRADY - Requesting the 132nd General Assembly, Convening in January, 1983, to Amend the Rules to Provide for a Bin in a Convenient Spot to Receive Paper for Recycling.

HR 227 - BARNES - Requesting the Senate to Return Certain Legislation to the House of Representatives for Further Consideration.

HR 228 - HARRINGTON - Congratulating Bruce W. Marvel, of Little Creek, Upon His Selection as Delaware Restaurateur of the Year.

HR 229 - HARRINGTON - Wishing Rabbi Samuel R. Stone, of Congregation Beth Shalom, Many Happy Years of Semi-Retirement.

HR 230 - SPENCE, MACK - Requesting the School Boards of the Brandywine and Colonial Districts to Cooperate on a Plan to Avoid the Need for Effecting a Difficult Transfer of Elementary Visually Impaired Students.

HR 231 - ENNIS, EDWARDS, SMITH - Mourning the Death of Joseph J. Mottola, of McDaniel Crest, Teacher and Former Football Coach at Mount Pleasant High School.

HR 232 - CAMPANELLI - Mourning the Death of Harold L. Janvier Sr., of Wilmington, a Delaware Labor Leader for Many Years.

HR 233 - WEST - Calling Attention to the False Position of the Giant Oil Companies With Respect to Oil-Price Decontrol.

HR 234 - CAMPANELLI - Mourning the Death of Walter C. Crawford Sr., of Wilmington, a Delaware Labor Leader for Many Years.

HR 235 - FREE, BRADY, GEORGE - Requesting the Ambassador to Guatemala to Use His Good Offices to Obtain the Release of Dr. Juan Jose Hurtado Vega, Abducted From San Juan Sacatepequez, One of Wilmington's Sister Cities.