



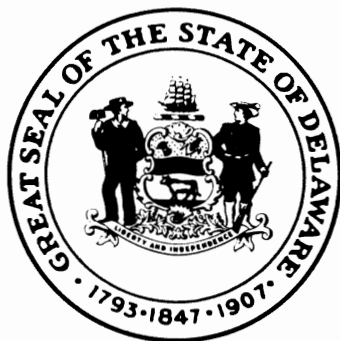








# STATE OF DELAWARE



## JOURNAL of the HOUSE OF REPRESENTATIVES

**133RD GENERAL ASSEMBLY**

**Convened  
Tuesday, January 8, 1985  
Dover, Delaware  
1985 - 1986**



MEMBERS OF THE HOUSE OF REPRESENTATIVES  
133rd GENERAL ASSEMBLY

NEW CASTLE COUNTY

District

- 1 ORLANDO J. GEORGE, JR., 2702 Baynard Boulevard, Wilmington
- 2 AL. O. PLANT, SR., 523 Eastlawn Avenue, Wilmington
- 3 JAMES H. SILLS, JR., 502 E. Sixth Street, Wilmington
- 4 KEVIN W. FREE, 1109 North Franklin Street, Wilmington
- 5 CASIMIR S. JONKIERT, 403 South Broom Street, Wilmington
- 6 DAVID H. ENNIS, 304 Beechwood Road, Wilmington
- 7 GWYNNE P. SMITH, 1419 Fresno Road, Wilmington
- 8 DAVID D. BRADY, 406 Pennsylvania Avenue, Claymont
- 9 CHARLES L. HEBNER, 913 Darley Road, Wilmington
- 10 JANE MARONEY, 4605 Concord Turnpike, Wilmington
- 11 MARYBETH T. BOYKIN, 3200 Tanya Drive, Wilmington
- 12 PHILIP J. CORROZI, 2511 Woodview Drive, Wilmington
- 13 JOHN F. VAN SANT, 311 Troy Avenue, Wilmington
- 14 JOHN A. CAMPANELLI, 1206 Charles Place, Wilmington
- 15 BRUCE C. REYNOLDS, 23 Freeport Road, New Castle
- 16 WILLIAM I. HOUGHTON, 9 Varmar Drive, New Castle
- 17 JEFFREY G. MACK, 216 Moores Avenue, New Castle
- 18 TERRY R. SPENCE, 26 Freeport Road, New Castle
- 19 ROBERT F. GILLIGAN, 2628 Sherwood Drive, Wilmington
- 20 ROGER ROY, 2807 Fawkes Drive, Wilmington
- 21 STEVEN C. TAYLOR, 2640 Grendon Drive, Wilmington
- 22 JOSEPH R. PETRILLI, 12 High Meadow Lane, Newark
- 23 ADA LEIGH SOLES, 215 Vassar Drive, Newark
- 24 WILLIAM A. OBERLE, JR., 188 Scottfield Drive, Newark
- 25 MARIAN P. ANDERSON, 41 Anglin Drive, Newark
- 26 RICHARD F. DAVIS, 6 Stallion Drive, Newark
- 27 KATHARINE M. JESTER, Rt #4, Box 424, Middletown

KENT COUNTY

- 28 BRUCE C. ENNIS, 522 Smyrna/Clayton Boulevard, Smyrna
- 29 DONALD M. CLARK, Drawer D, Kenton
- 30 G. ROBERT QUILLEN, P. O. Box 38, Harrington
- 31 E. STUART OUTTEN, 6 Winged Foot Court, Dover
- 32 EDWARD J. BENNETT, 1129 Woodsedge Road, Dover
- 33 G. WALLACE CAULK, JR., R. D. #1, Box 470, Frederica
- 34 GERALD A. BUCKWORTH, 127 North Old Mill Road, Dover

SUSSEX COUNTY

- 35 B. BRADFORD BARNES, R. D. #2, Box 27B, Bridgeville
- 36 V. GEORGE CAREY, R. D. #1, Box 161, Milford
- 37 JAY D. WINGATE, 2 Queen Street, Rehoboth Beach
- 38 CHARLES W. STEELE, JR., R. D. #2, Box 194C, Dagsboro
- 39 TINA FALLON, Route 4, Box 219, Seaford
- 40 CARROL W. CORDREY, Route 1, Box 520, Delmar
- 41 CHARLES P. WEST, R. D. 3, Box 241, Millsboro

STAFF MEMBERS  
133RD GENERAL ASSEMBLY

JoAnn Hedrick – Chief Clerk  
Lorraine Cusick – Majority Administrative Assistant  
Thomas J. McCarthy, Jr. – House Communications Officer  
Kathleen Accetta – Secretary/Receptionist  
Robert Aulgur – Minority Attorney  
Sally Baker – Podium Secretary  
Lori Ballance – Secretary  
Louise Banks – Head Bill Stamping Clerk  
V. Edward Banks – Sergeant-at-Arms  
Barbara Bierman – Legal Secretary/Leadership Secretary  
Mitzi Boddy – Bill Prep Clerk  
Barbara Book – Secretary  
Carol Breslin – Financial Assistant  
Carol Bundschuh – Page  
Morris Cohen – Sergeant-at-Arms  
Betty Jo Collins – Secretary/Receptionist  
Eileen Craig – Head Page  
Ruth Crossan – Secretary  
Doris Dayton – Secretary  
Judith Deer – Research Assistant  
Mary Anne Dill – Legal Secretary  
Jeanne Dynow – Speaker's Assistant

Patricia Ellerman - Bill Stamping Clerk  
 Lisa Faust - Legal Secretary  
 Shirley Ford - Secretary  
 Doreen Francisco - Podium Secretary  
 Kevin George - Assistant Recorder/Bill Clerk  
 Robin Gibbs - Secretary  
 Susan Gohn - Secretary  
 Vicki Hall - Page  
 Richard Hauge - Majority Attorney  
 Marybelle Hayes - Secretary  
 Myron Hazzard - Page  
 Flo Herrman - Secretary/Receptionist  
 Kathy Hill - Page  
 Margaret Hood - Page  
 Joan Jefferson - Secretary to Chief Clerk  
 Bonnie Johnson - Secretary  
 Patricia Joseph - Bill Clerk  
 Ruth Joyce - Page  
 Lynn Kanaga - Majority Attorney  
 Steven Kelly - Legal Intern  
 Lisa Kennedy - Bill Prep Clerk  
 Phyllis Koch - Secretary  
 Ruth Lane - Secretary  
 Sharon Latina - Leadership Secretary  
 Paula Lehrer - Minority Administrative Assistant  
 Judith McGeorge - Committee Assistant  
 Brian McGuire - Page  
 Rena McLaughlin - Secretary/Minority Assistant  
 Richard Millman - Recorder  
 Rosalie Millman - Bill Stamping Clerk  
 Kevin Moore - Minority Head Page  
 Gerald Nagle - Page  
 Sharon Niedoba - Legal Secretary  
 Ruth Parker - Speaker's Assistant  
 Stanley Petraschuk - Legal Intern  
 Joseph Pinkett - Page  
 Pamela Price - Research Assistant  
 Anna Redding - Attache to Leadership/Head Page  
 Jack Robinson - Assistant Recorder  
 Marie Robinson - Secretary  
 Carolyn Rogers - Page  
 Barbara Rossiter - Head Bill Prep  
 Regina Rothermel - Secretary  
 Ayesha Sammander - Information Specialist  
 Elizabeth Shalley - Secretary  
 Carilee Short - Page  
 Pegi Slack - Secretarial Supervisor/Secretary  
 Ronald Smith - Majority Attorney  
 Donna Snell - Reading Clerk/Page  
 Margaret Stafford - Page  
 Karen Stanard - Page  
 Arzella Stewart - Bill Prep Clerk  
 Edith Sylvester - Page  
 Ronald Thompson - Secretary  
 Norma Jean Tobey - Legal Secretary  
 Jennifer Torbert - Legal Secretary  
 Joy Wallack - Secretary  
 Louis Wambsganz - Sergeant-at-Arms  
 Eric Watson - Page  
 Sheila Wolfe - Legal Secretary  
 Ellen Younghans - Bill Prep Clerk

STANDING COMMITTEES  
 OF THE  
 HOUSE OF REPRESENTATIVES  
 133RD GENERAL ASSEMBLY

**APPROPRIATIONS:** Representative Philip J. Corrozi - Chairman; Representative Gwynne P. Smith; Representative Richard F. Davis; Representative George R. Quillen; Representative Ada Leigh Soles; Representative Edward J. Bennett.

**AGRICULTURE:** Representative G. Wallace Caulk, Jr. - Chairman; Representative V. George Carey; Representative Jeffrey G. Mack; Representative Donald M. Clark; Representative Carrol W. Cordrey.

**ADMINISTRATIVE SERVICES:** Representative Roger Roy – Chairman; Representative Steven C. Taylor; Representative G. Robert Quillen; Representative Charles P. West; Representative Bruce C. Ennis.

**Community Affairs:** Representative G. Robert Quillen – Chairman; Representative Steven C. Taylor; Representative Bruce C. Ennis.

**Transportation:** Representative Steven C. Taylor – Chairman; Representative G. Robert Quillen; Representative Charles P. West.

**ECONOMIC DEVELOPMENT:** Representative Kevin W. Free – Chairman; Representative Joseph R. Petrilli; Representative David H. Ennis; Representative David D. Brady.

**EDUCATION:** Representative Tina Fallon – Chairperson; Representative Kevin W. Free; Representative Bruce C. Reynolds; Representative Katharine M. Jester; Representative Jay D. Wingate.

**HUMAN RESOURCES:** Representative Jane Maroney and Representative Gerald A. Buckworth – Co-Chairmen; Representative Charles W. Steele, Jr.; Representative James H. Sills, Jr.

**Aging:** Representative Charles W. Steele, Jr. – Chairman; Representative Jane Maroney; Representative James H. Sills, Jr.

**Committee on Children:** Representative Gerald A. Buckworth and Representative Jane Maroney – Co-Chairmen; Representative Charles W. Steele, Jr.; Representative James H. Sills, Jr.

**HOUSE ADMINISTRATION:** Representative William A. Oberle, Jr. – Chairman; Representative Charles L. Hebner; Representative B. Bradford Barnes; Representative Orlando J. George, Jr.; Representative Robert F. Gilligan.

**JUDICIARY:** Representative Terry R. Spence – Chairman; Representative Bruce C. Reynolds; Representative Richard F. Davis; Representative Al O. Plant; Representative William I. Houghton.

**Public Safety:** Representative Richard F. Davis – Chairman; Representative Terry R. Spence; Representative Al O. Plant.

**Corrections:** Representative Bruce C. Reynolds – Chairman; Representative Terry R. Spence; Representative William I. Houghton.

**LABOR:** Representative Jeffrey G. Mack – Chairman; Representative Terry R. Spence; Representative William A. Oberle, Jr.; Representative Casimir S. Jonkiert; Representative John A. Campanelli.

**NATURAL RESOURCES:** Representative V. George Carey – Chairman; Representative G. Wallace Caulk, Jr.; Representative Jeffrey G. Mack; Representative Donald M. Clark; Representative Carrol W. Cordrey.

**REVENUE & FINANCE:** Representative Joseph R. Petrilli – Chairman; Representative Kevin W. Free; Representative Marybeth T. Boykin; Representative David H. Ennis; Representative Marian P. Anderson; Representative John F. Van Sant; Representative David D. Brady.

**Banking & Insurance:** Representative David H. Ennis – Chairman; Representative Kevin W. Free; Representative Joseph R. Petrilli; Representative John F. Van Sant.

**SMALL BUSINESS:** Representative Marybeth T. Boykin – Chairperson; Representative B. Bradford Barnes; Representative E. Stuart Outten.

**SUNSET:** Representative Roger Roy – Chairman; Representative Steven C. Taylor; Representative Marybeth T. Boykin; Representative Bruce C. Ennis; Representative William I. Houghton.

PERMANENT RULES  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
133RD GENERAL ASSEMBLY  
1985-1986

HOUSE RESOLUTION NO. 5  
AS AMENDED BY HOUSE AMENDMENT  
NOS. 1 AND 4 AND  
BY HOUSE RESOLUTION NO. 235

I. RULES OF ORDER

**Rule 1 – Convening of House**

The House of Representatives shall meet every Tuesday, Wednesday and Thursday at 1:30 P.M., unless otherwise ordered. The Speaker shall take the chair at the designated hour and shall call the House to order. The Speaker shall cause the names of the members to be called in alphabetical order, followed by the opening prayer and pledge to the flag. If a quorum is present, he shall proceed with the

business of the day. The minutes shall be made public and normally posted by the Chief Clerk prior to the next legislative day. With the consent of the House, the reading of the minutes for the previous day may be omitted.

**Rule 2 – Order of Business**

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

1. Presentation of petitions, memorials or communications.
2. Reports from Standing and Special Committees.
3. Introduction and first reading of Bills and Resolutions.
4. Consideration of Agenda.
5. Consent Calendar, once each week when needed.
6. Announcement of Committee meetings.
7. Announcement of Agenda for next legislative day.

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

**Rule 3 – Messages**

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

## II. DUTIES OF THE SPEAKER

**Rule 4 – Order and Decorum**

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

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

**Rule 5 – Decide Questions of Order; Appeal**

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

**Rule 6 – Temporary Presiding Officer**

(a) The Speaker may name a member to perform the duties of Presiding Officer, but such substitution shall not extend beyond an adjournment or a recess except when the Speaker obtains leave of absence, in which case he may name a member as Speaker Pro Tempore during such leave, which leave shall not exceed six consecutive legislative days.

(b) When neither the elected nor appointed presiding officer shall be present, the House shall be called to order by the senior member in terms of service for the Majority Party who shall serve in the interim as the Presiding Officer. The Presiding Officer shall serve no longer than five legislative days.

**Rule 7 – Signing of Bills and Resolutions**

The Speaker shall sign all Bills and Resolutions requiring his signature. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the Speaker Pro Tempore shall sign when and where necessary.

**Rule 8 – Assignment of Bills and Resolutions to Committee**

The Speaker shall determine the principal objective of a Bill or Resolution and, subject to the provisions of Rule 17, assign same to the appropriate committee. All prefiled Bills shall be pre-assigned to committees by the Speaker and each member notified in writing of assignments.

**Rule 9 – Appointment of Committees**

(a) The Speaker shall appoint all committees and subcommittees unless otherwise ordered by the House.

(b) Where illness or other sufficient cause shall compel the absence of any committee member, the Speaker, in his discretion, may fill such vacancy from the same political party as the absent member, during said absence.

**Rule 10 – Setting the Agenda**

The Speaker shall place items on the Agenda from the list of all measures that have been reported out of committee or have been laid on the table and which have been requested to be placed on the Agenda by the sponsor or floor manager.

## III. RIGHTS AND DUTIES OF MEMBERS

**Rule 11 – Attendance of Members**

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

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

**Rule 12 – Quorum**

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

#### **Rule 13 – Addressing the House**

(a) Every member desirous of speaking shall rise from his or her seat but shall not proceed to speak until recognized by the Speaker. Upon acknowledgement by the Speaker the member shall be seated until called upon. If two or more members seek recognition at the same time, the Speaker shall determine who is entitled to the floor.

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

#### **Rule 14 – Decorum of Members on Floor of House**

(a) Every member shall conduct himself or herself in an honorable manner at all times.

(b) He or she shall refer to other members by title unless use of the proper name is necessary to make the reference clear.

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

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

(1) A call to order by the Speaker.

(2) Point of order by a member.

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

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

### **IV. BILLS AND RESOLUTIONS**

#### **Rule 15 – Content of Resolutions**

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

(a) **Simple Resolutions:** A simple Resolution is a motion of the House and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

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

(c) **Joint Resolutions:** A Joint Resolution is the most formal type of Resolution, and is addressed to matters which are not internal affairs of either House individually, or the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and signed by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures and has the force of law while in effect for a wide variety of limited purposes, including subpoena power. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the Legislature and Governor combined.

#### **Rule 16 – Preparation and Custody**

(a) Every Bill and Resolution shall be introduced with as many backed copies as deemed necessary by the Speaker. The original of the Bill or Resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairman of the committee to which it was assigned. A 'duplicate' backed copy may go to the following: The Speaker, the Sponsor, and the Legislative Council. Upon introduction a copy of each Bill or Resolution shall be delivered to every member. Copies shall also be delivered to the Legislative Council.

(b) No Bill or Joint Resolution shall be introduced into the House unless it be 'prefaced' by a brief statement of its purpose which shall be known as the title and shall also contain the text of the Bill or Joint Resolution in full. Each Bill or Resolution shall have an appropriate enacting or resolving clause. If a Bill by its terms requires an extraordinary majority for enactment, such vote requirement shall be plainly indicated. At the end of each Bill or Joint Resolution introduced, the author shall include a brief synopsis of the intent of the Bill or Joint Resolution and in the lower left hand corner of page one shall be the initials of the unit preparing the Bill or Resolution, the initials of the Author and the typist, and, if prepared by automatic equipment, the identification number.

#### **Rule 16A. Rules of Legislative Conduct.**

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

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

(A) A member who has a personal or private interest in any measure or Bill pending before the House shall disclose the fact and shall not participate in the debate nor vote thereon; provided that, upon the request of any other member of the House, a member who has such a personal or private interest may nevertheless respond to questions concerning any such measure or Bill. A personal or private interest in a measure or Bill is an interest which tends to impair a member's independence of judgment in the performance of his or her duties with respect to that measure or Bill.

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

(C) Disclosure required under Subsection (A) shall be made in open session, (i) prior to the vote on the measure or the Bill by any Committee of which the member is a member, and (ii) prior to the vote on the measure or Bill in the House. Disclosure may be made by written statement submitted to the Chairman of a Committee or the Speaker of the House and read in open session in the Committee or the House as the case may be.

(D) For the purposes of this Rule:

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

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

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

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

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

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

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

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

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

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

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

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

(10) Engaging in conduct which the House determines (i) brings the House into disrepute or, (ii) reflects adversely on the member's fitness to hold legislative office.

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

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

(d) If the Ethics Committee recommends some disciplinary action with respect to a complaint, a Resolution shall be presented to the House that the House conduct a proceeding to consider the matter. If the Ethics Committee votes to dismiss a complaint, and there are no dissenting votes in the Committee, the House shall take no action with respect thereto. If the Ethics Committee votes to dismiss a complaint, but there are dissenting votes in the Committee, the House may consider the matter upon the petition of any member approved by a majority vote of the House. In any proceeding before the House involving an alleged violation of a Rule of Legislative Conduct, the accused member shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence and to cross-examine any witnesses; a transcript of any such proceeding shall be made and retained; and the procedural rules of Rule 55 shall apply.

(e) If the House finds by a majority vote that a member has violated a Rule of Legislative Conduct, it may impose such disciplinary action as it deems appropriate provided that no member may be suspended or expelled without the vote of 2/3 of the House concurring therein.

#### **Rule 17 - Introduction of Bills and Resolutions; Filing with Clerk**

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



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

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

a. The sponsor's initials in the 'Prefile-Yes' block on the request form;

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

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

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

(d) Introduction of the Bill or Resolution shall be considered the first reading. Unless otherwise ordered by the House, it shall be read by title only or by reference to the prefile list and assigned by the Speaker to its appropriate committee.

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

(f) The prime sponsor(s) of a Bill or Resolution is the House member (or members whose names are joined by "and") listed first to the right of the word "sponsor" in the upper right side on the first page of a Bill or Resolution. A joint sponsor is any member of the House or Senate whose name is printed on the measure after the name of the prime sponsor. A co-sponsor is a member of the House or Senate whose name is not otherwise shown on the measure but who signs the backer of the measure.

(g) The chairman of the House Standing Committee to which a Senate Bill or Resolution has been assigned shall also be the floor manager of that measure unless he or she defers to a House sponsor.

(h) The sponsor of a Bill or Resolution may withdraw his or her sponsorship only by submitting a written request for this purpose to the Speaker. The written request shall then be attached to the original of the Bill or Resolution.

#### **Rule 18 – Last Thirty Days**

No House Bill or Joint Resolution may be introduced in the House during the last thirty calendar days of the second session of the General Assembly.

#### **Rule 19 – Assignment to Sunset Committee.**

Every bill or joint resolution, whether emanating from the House or the Senate, amending Title 24 of the Delaware Code (which has been previously referred by the Speaker under the Rules to any committee of the House other than the Sunset Committee) shall, after the same has been reported back to the House, be referred to the Sunset Committee.

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

Every Bill or Joint Resolution, whether emanating from the House or the Senate, carrying an appropriation or which may involve any financial loss or obligation either present or future on the part of the State of \$25,000 or more (which has been previously referred by the Speaker under the Rules to any committee of the House other than the Committee on Appropriations) shall, after the same has been reported back to the House, be referred to the Committee on Appropriations.

#### **Rule 21 – Fiscal Notes**

No Bill or Resolution either authorizing expenditures or reducing revenues as described in Chapter 19, Title 29 of the Delaware Code shall be placed before the House for consideration unless accompanied by a fiscal note as required by that Chapter.

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

(a) When brought before the House for consideration, each Bill and Joint Resolution shall be given its final reading by title unless the Speaker directs a reading in full. Each House or Senate Bill prior to final reading shall have been checked for errors and initialed as approved by a House attorney whose initials shall be affixed to the original.

(b) Every Bill or Joint Resolution in order to pass the House shall be read on two different days of the session unless a majority of the members elected to the House determine otherwise or unless the Bill or Joint Resolution is on a Consent Calendar and voted on as part of a single group. No Bill or Joint Resolution shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the sponsor without his written consent.

#### **Rule 23 – Amendments**

(a) Amendments to a measure may be introduced by prefiling or when the measure is being discussed on the floor.

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

(c) When an amendment to a Bill would significantly change the fiscal impact of that bill a new fiscal note shall accompany the amendment.

(d) If a Bill becomes significantly changed by amendment, the Speaker shall reassign the amended Bill to committee.

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

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

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

**Rule 24 – Substitute Bills**

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

(b) Once assigned to committee the Substitute Bill shall render null and void the Bill for which it is a substitute.

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

**Rule 25 – Petition of Bill or Resolution out of Committee**

Every Bill or Resolution which shall have been in committee for a period of more than twelve legislative days shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

**Rule 26 – Voting**

(a) Except as provided for in Rule 43, each Bill or Joint Resolution which comes before the House for final action shall be acted upon by a separate roll call vote.

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

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

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

(e) Whenever any member answers "not voting" because of a "personal or private interest" as defined in Article II, Section 20 of the Delaware Constitution, the record shall so reflect.

**Rule 27 – Striking a Bill or Resolution**

Only a prime sponsor of a Bill or Resolution or a member authorized by a prime sponsor in writing can strike said Bill or Resolution. A Bill or Resolution may not be stricken once it has been voted upon. Upon the termination of any member from the House, any bill not yet acted upon by the House which has solely that member as a prime sponsor will be stricken.

**V. COMMITTEES**

**Rule 28 – Standing Committees**

(a) The standing committees and subcommittees of the House shall include members of the two political parties and shall be appointed by the Speaker. The Speaker shall designate a chairman for each committee he appoints. The Chief Clerk shall keep a list of current standing committees and members appointed thereto.

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

<u>COMMITTEES</u>	<u>SUBCOMMITTEES</u>
(1) APPROPRIATIONS	Grant-in-aid
(2) AGRICULTURE	
(3) ADMINISTRATIVE SERVICES	Community Affairs Transportation
(4) EDUCATION	
(5) HUMAN RESOURCES	Aging Children
(6) HOUSE ADMINISTRATION	
(7) JUDICIARY	Public Safety Corrections
(8) LABOR	
(9) NATURAL RESOURCES & ENVIRONMENTAL CONTROL	
(10) REVENUE AND FINANCE	Banking & Insurance
(11) ECONOMIC DEVELOPMENT	
(12) SMALL BUSINESS	
(13) SUNSET (Joint Committee)	

**Rule 29 – Appointment of Special Committees**

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

**Rule 29A. Ethics Committee.**

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

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

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

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

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

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

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

(6) To follow the procedural rules specified in Rule 55 and to establish such other procedural rules as shall not be inconsistent with the rules prescribed by the House.

(7) To act only upon a majority vote of its members.

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

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

(d) The Committee may undertake an investigation of an alleged violation by a member of any Rule of Legislative Conduct only upon a written complaint submitted by a member of the House. The complaint must be accompanied by a written statement signed by any person, sworn under oath, setting forth the facts supporting the complaint. In any such investigation or proceeding, a member shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained. In any such proceeding the procedural rules of Rule 55 shall apply.

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

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

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

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

#### **Rule 30 – Joint Committees**

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

#### **Rule 31 – Quorum on Committees**

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

#### **Rule 32 – Committee Meetings**

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

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

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

(d) All committee meetings will be open to the public except that the committee chairman may call an executive session at which no official action may be taken, in accordance with the provisions of Section 10004 (b) and (c) of Title 29.

#### **Rule 33 – Deliberative Process and Procedures of Standing Committees**

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

(b) Each Thursday each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting; a listing of all Bills or Resolutions in committee; and any other announcements from the committee including the times, places and dates of future meetings.

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

(d) Bills and Resolutions shall be reported out of committee by a majority of the full committee signing the backer. (Bills and Resolutions shall be voted out of a subcommittee by a majority vote of the subcommittee.) A Bill or Resolution may be tabled in committee by a majority vote of the committee. In any case where a member is recorded as "not voting" on account of a "personal or private interest" as defined in Article II, Section 20 of the Delaware Constitution, that fact shall be noted in the Committee records and on the backer of the Bill concerned where applicable.

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

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

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

#### **Rule 34 – Committee Reports**

Each Bill and Resolution reported out of committee shall have a printed or typewritten report which includes a summary of arguments for and against the legislation. A copy of this report shall be placed in each member's agenda book when the legislation appears on the agenda.

#### **Rule 35 – Committee Recommendations to Appropriations Committee**

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

#### **Rule 36 – Committee of the Whole**

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

## **VI. MOTIONS**

#### **Rule 37 – Debate and Vote on Motions**

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

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

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

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

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

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

#### **Rule 38 – Precedence of Motions**

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

(1) To adjourn *sine die*. If a motion to postpone indefinitely is pending when this motion is made, this motion is not debatable.

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

(3) To recess. If a motion to postpone indefinitely is pending when this motion is made, this motion is not debatable. This motion is passed by a majority of those members present.

(4) Question of Privilege.

(5) All incidental motions.

(6) To table.

(7) Motion to call the previous question. A motion to call the previous question shall not be entertained except at the request of five members rising for that purpose and so indicating and shall be determined by roll call vote without debate. When the previous question has been called and sustained, it shall not cut off action on amendments to the main measure and the vote shall be taken without debate first on the amendments in order and then on the main measure.

(8) To limit debate.

(9) Postpone to a day certain.

(10) To commit to committee.

(11) To amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.

(12) To postpone indefinitely. This motion is not debatable, may not be amended, and if carried affirmatively, may not be reconsidered.

(13) To reconsider.

(14) To take from the table.

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

#### **Rule 39 – Motion for Reconsideration**

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

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

#### **Rule 40 – Motion to Take From the Table**

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

(1) In the case of a House measure, only the prime sponsor of the measure or a member authorized in writing by the prime sponsor.

(2) In the case of a Senate measure, only the floor manager of a measure or a member authorized in writing by the floor manager.

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

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

#### **Rule 41 – House Calendar**

The Clerk of the House shall keep a House Calendar on which shall be placed the number and title of all Bills and Resolutions and the name of the prime and joint sponsors thereof; and if reported from committee, the action of the committee thereon. Said Bills and Resolutions shall be kept on the Calendar and final action recorded. Measures which lie over and are not disposed of shall be placed in the order in which they are presented.

#### **Rule 42 – Agenda**

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

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

(c) Any House Bill amended by the Senate shall either be placed on the Agenda or if significantly changed by amendment, then assigned to committee.

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

1. Deferred to day certain; or
2. Deferred to the end of agenda one time only; or
3. Laid on the table; or
4. Otherwise considered.

#### **Rule 43 – Consent Calendar**

(a) Any member of the House may propose any Bill or Resolution for inclusion on a Consent Calendar for final reading. The proposal shall be made in writing in the office of the Chief Clerk on any day. There shall be separate consent calendars for Bills and Resolutions and all Bills on a particular Consent Calendar shall have the same majority vote requirements.

(b) Consent Calendars may be considered on any Wednesday the House is in session.

(c) A Bill or Resolution shall be removed from a Consent Calendar if any member objects to its being included thereon and registers his or her objection in the office of the Chief Clerk, not later than one hour prior to the time the Consent Calendar is scheduled for consideration by the House. In addition, a Bill or Resolution may not be included on a Consent Calendar either if at the time of reading a Consent Calendar an amendment to it is proposed or if a member objects to its inclusion thereon.

(d) All Bills or Resolutions on a Consent Calendar shall be read and voted upon as a single group.

#### **Rule 44 – Announcement of Agenda; Delivery of Bills and Resolutions**

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

(b) Prior to the beginning of each legislative day, the Chief Clerk shall provide to each member, a printed copy by number, sponsor and/or committee, the Bills, Resolutions or other measures that are being placed on the Agenda for that legislative day. The Agenda shall not contain more than 30 items.

(c) All Bills and Resolutions originating in the House, or Senate Bills or Resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding legislative days.

## VIII. MISCELLANEOUS

### **Rule 45 – Offices, Parking Spaces and Seats**

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

### **Rule 46 – Authorized Manual of Parliamentary Procedure**

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the rules of parliamentary procedure comprised in Robert's Rules of Order, Newly Revised, shall govern the House.

### **Rule 47 – Supervision of Legislative Staff**

The Chief Clerk, or in his or her absence, the Assistant Chief Clerk, shall at all times have jurisdiction over the members of the legislative staff. In this respect, the Chief Clerk, or the Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration Committee. The Chief Clerk of the House will maintain on file job descriptions for all positions within the legislative staff.

### **Rule 48 – Registration and Identification of News Media**

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

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

(c) Any use or reproduction of House tapes will require permission of the Speaker of the House and the request shall be communicated to the Chief Clerk in writing. A fee may be charged for this service.

### **Rule 49 – Registration and Identification of Legislative Agents**

(a) Legislative agents shall be registered by Legislative Council.

### **Rule 50 – Privilege of Floor**

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

### **Rule 51 – Persons on the Floor of the House**

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

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

(c) Only members of the House or House staff shall be allowed to smoke in the House Chamber while the House is in session.

### **Rule 52 – Suspension of Rules**

The suspension of any Rule requires the concurrence of at least a majority of the Members elected to the House. This motion is debatable but does not permit discussion of the main question. It can neither be reconsidered, laid on the table, nor postponed indefinitely, and while it is pending no motion may be made except to adjourn. A separate suspension of the Rules is necessary for each proposition.

### **Rule 53 – Repeal or Amendment of Rules**

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

### **Rule 54 – Rules to be Printed**

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

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

### **Rule 55. Ethics Violations; Rules of Procedure.**

**Rule 55.1. Scope and Authority.**

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

**PROCEEDINGS BEFORE THE ETHICS COMMITTEE.**

**Rule 55.2. Meetings and Quorum.**

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

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

**Rule 55.3. Committee Records.**

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

(b)(1) Unless otherwise authorized by the Committee, no information received by the Committee respecting any alleged violation by a member of the House of Representatives of any Rule of Legislative Conduct shall be disclosed to the public before the transmittal under Rule 55.8 to such member of a statement of alleged violation in connection with such violation. After the service of such a statement on the member:

(2) the statement and any other paper filed pursuant to Rule 55.9 respecting such violation shall be made available for public inspection at reasonable hours, and

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

**Rule 55.4. Special Procedures.**

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

**Rule 55.5. Changes in Committee Rules.**

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

**COMMITTEE INVESTIGATIVE AUTHORITY.**

**Rule 55.6. Complaints.**

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

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

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

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

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

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

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

**Rule 55.7. Processing Complaints.**

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

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

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

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

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

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

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

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

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

**Rule 55.8. Preliminary Inquiry and Statement of Alleged Violation.**

(a)(1) If the Committee determines under Rule 55.7 that the allegation of a violation in a complaint filed with the Committee merits further inquiry, or if the Committee's determination in that regard is reversed by the House, the Committee shall conduct a preliminary inquiry to determine whether such violation occurred.

(2) In the preliminary inquiry:

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

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

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

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

(E) any probative evidence may be used.

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

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

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

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

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

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

**Rule 55.9. Answers and Motions and Committee Action.**

(a) If a statement of alleged violation is transmitted under Rule 55.8(b), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

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

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

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

(4) A motion for a bill of particulars.

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



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

(b) Within 10 calendar days after the receipt of any motion under Subsection (a) of this rule, the Committee shall consider such motion. Notice of the decision of the Committee respecting such motion shall be furnished the respondent.

When the Committee has acted on all motions submitted under paragraphs (2), (3) and (4) of Subsection (a) of this rule, the respondent shall, in accordance with paragraph (a)(1) of this rule, submit, within 10 calendar days of the date of the last Committee action, an answer to each count in the statement not dismissed by the Committee.

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

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

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

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

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

(C) dismiss the statement.

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

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

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

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

#### **Rule 55.10. Disciplinary Hearings before the Committee.**

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

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

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

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

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

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

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

Redirect and recross may be permitted in the Chairman's discretion.

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

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

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

**Rule 55.11. Committee Recommendations.**

(a)(1) As soon as practicable after the completion of the first phase of a disciplinary hearing respecting a Statement of Alleged Violation, the Committee shall consider each count contained in the statement and with respect to each count as originally drawn or as amended shall vote either to find that the count has been proved or to dismiss the count. A count shall not be proved unless at least a majority of the Committee vote for a motion that the count has been proved.

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

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

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

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

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

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

**Rule 55.12. Disclosure of Evidence.**

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

**Rule 55.13. Exculpatory Information.**

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

**Rule 55.14. Admissibility of Evidence.**

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

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

**Rule 55.15. Witnesses.**

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

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

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

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

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

#### PROCEEDINGS BEFORE THE HOUSE

##### Rule 55.16. Records of House Proceedings.

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

##### Rule 55.17. Special Procedures.

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

##### Rule 55.18. Consideration of Complaints by the House.

(a) If a Statement of Alleged Violation is served upon a respondent pursuant to Rule 55.8(c)(3), 55.9(f)(3), 55.11(c) or 55.11(d)(2), the respondent shall have 20 calendar days in which to respond. The response shall be by way of answer or motion, shall be in writing and signed by the respondent or his counsel, and shall be limited to the following:

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

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

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

(4) A motion for a bill of particulars.

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

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

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

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

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

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

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

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

(C) dismiss the statement or any counts thereof.

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

##### Rule 55.19. Disciplinary Hearings.

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

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

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

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

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

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

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

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

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

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

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

**Rule 55.20. Findings; Sanctions.**

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

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

(1) Suspension or expulsion from the House.

(2) Censure.

(3) Reprimand.

(4) Fine.

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

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

**Rule 55.21. Disclosure of Evidence.**

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

**Rule 55.22. Exculpatory Information.**

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

**Rule 55.23. Admissibility of Evidence.**

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

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

**Rule 55.24. Witnesses.**

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

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

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

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

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

1st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 8, 1985

Pursuant to Article II, Section 4 of the State Constitution, the 133rd General Assembly, State of Delaware, convened on Tuesday, January 8, 1985.

Acting Speaker Smith called the House to order at 2:20 p.m.

Mr. Oberle moved that Mrs. Smith be made Temporary Speaker until a permanent Speaker of the House is elected. The motion was seconded by Mr. Barnes and adopted by voice vote.

Mr. Oberle moved that Mrs. JoAnn Hedrick be made Temporary Chief Clerk until a Chief Clerk is elected and that Mrs. Peggi Gode be made Temporary Reading Clerk until a Reading Clerk is appointed and that Mrs. Pat Joseph be made Temporary Bill Clerk until a Bill Clerk is elected. The motion was seconded by Mr. Barnes and adopted by voice vote.

A prayer was offered by The Reverend Mrs. Jeanne Linderman, Christ Episcopal Church, Delaware City, DE.

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

The Temporary Chief Clerk called the names of the members-elect of the House of Representatives of the 133rd General Assembly.

NEW CASTLE COUNTY

Representative District No. 1 - Orlando J. George, Jr.  
Representative District No. 2 - Al O. Plant, Sr.  
Representative District No. 3 - James H. Sills, Jr.  
Representative District No. 4 - Kevin W. Free  
Representative District No. 5 - Casimir S. Jonkiert  
Representative District No. 6 - David H. Ennis  
Representative District No. 7 - Gwynne P. Smith  
Representative District No. 8 - David D. Brady  
Representative District No. 9 - Charles L. Hebner  
Representative District No. 10 - Jane Maroney  
Representative District No. 11 - Marybeth T. Boykin  
Representative District No. 12 - Phillip J. Corrozi  
Representative District No. 13 - John F. Van Sant  
Representative District No. 14 - John A. Campanelli  
Representative District No. 15 - Bruce C. Reynolds  
Representative District No. 16 - William I. Houghton  
Representative District No. 17 - Jeffrey G. Mack  
Representative District No. 18 - Terry R. Spence  
Representative District No. 19 - Robert F. Gilligan  
Representative District No. 20 - Roger P. Roy  
Representative District No. 21 - Steven C. Taylor  
Representative District No. 22 - Joseph R. Petrilli  
Representative District No. 23 - Ada Leigh Soles  
Representative District No. 24 - William A. Oberle, Jr.  
Representative District No. 25 - Marian P. Anderson  
Representative District No. 26 - Richard F. Davis  
Representative District No. 27 - Katharine M. Jester

KENT COUNTY

Representative District No. 28 - Bruce C. Ennis  
Representative District No. 29 - Donald M. Clark  
Representative District No. 30 - G. Robert Quillen  
Representative District No. 31 - E. Stuart Outten  
Representative District No. 32 - Edward J. Bennett  
Representative District No. 33 - G. Wallace Caulk, Jr.  
Representative District No. 34 - Gerald A. Buckworth

SUSSEX COUNTY

Representative District No. 35 - B. Bradford Barnes  
Representative District No. 36 - V. George Carey  
Representative District No. 37 - Jay D. Wingate  
Representative District No. 38 - Charles W. Steele, Jr.  
Representative District No. 39 - Tina K. Fallon  
Representative District No. 40 - Carrol W. Cordrey  
Representative District No. 41 - Charles P. West

Mr. Oberle moved to appoint two members to examine the Certificates of Election.

Madame Acting Speaker Smith appointed Mr. D. Ennis and Mrs. Jester to receive and examine the Certificates of Election of the Members-Elect.

Mr. Hebner introduced the University of Delaware Brass Quintet.

Madame Acting Speaker Smith declared a recess at 2:28 p.m. for the examination of the Certificates of Election.

The House reconvened at 2:43 p.m. with Representative-Elect D. Ennis reporting that the Certificates had been examined and found to be in order.

Madame Acting Speaker Smith requested that the Temporary Chief Clerk read the Certificate of Election as follows:

The State of Delaware  
New Castle County, SS.

BE IT REMEMBERED, That at the General Election Held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and eighty-four for New Castle County, according to the Constitution and Laws of the State of Delaware, CHARLES L. HEBNER was duly elected Representative for the Ninth (sic) Representative District for said County in the General Assembly which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Albert J. Stiftel and Joshua W. Martin constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November, A.D. 1984.

Albert J. Stiftel, President Judge  
Joshua W. Martin, III, Resident Associate Judge

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

Representative-Elect Oberle moved that the oath of Representative be administered to Gwynne P. Smith by Judge Gebelein, Associate Judge, Superior Court, State of Delaware. The motion was seconded by Representative-Elect Barnes and adopted by voice vote.

Judge Gebelein then administered the following oath to Gwynne P. Smith:

"I, Gwynne P. Smith, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the Office of Representative according to the best of my ability.

And, I do further solemnly swear that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office."

Gwynne P. Smith,

Sworn to this 8th day of January, A.D., 1985, before me.

Richard S. Gebelein  
Associate Judge  
Superior Court  
State of Delaware

Representative-Elect Oberle moved that Judge Gebelein administer the oath of office of Representative to the Representatives-Elect. The motion was seconded by Representative-Elect Barnes and adopted by voice vote. The oath of office was then administered by Judge Gebelein to the Representatives-Elect in groups of eight.

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

The roll call was taken and revealed:

Members Present: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Acting Speaker Smith - 41.

Representative Oberle moved that the roll be adopted as the permanent roll of the House of Representatives of the 133rd General Assembly. The motion was seconded by Representative Barnes and adopted by voice vote.

Senator Torbert notified the House that the Senate is organized and ready for business.

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

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

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware that Charles L. Hebner, be and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 133rd General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representatives Oberle and Barnes escorted Representative Hebner to the podium. Representative Smith resumed her seat on the floor.

Representative Oberle moved that the oath of office of Speaker be administered to Representative Hebner. The motion was seconded by Representative Barnes and adopted by voice vote.

Judge Gebelein then administered the oath of office of Speaker to Representative Hebner as follows:

I, Charles L. Hebner, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the Office of Speaker of the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability."

Charles L. Hebner

Speaker

Sworn and subscribed to this 8th day of January, A.D., 1985.

Richard S. Gebelein

Associate Judge

Superior Court

State of Delaware

Representative Roy announced that the Majority Caucus has elected Representative William A. Oberle, Jr. as Majority Leader and Representative B. Bradford Barnes as Majority Whip.

Representative Soles announced that the Minority Caucus has elected Representative Orlando J. George, Jr. as Minority Leader and Representative Robert F. Gilligan as Minority Whip.

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

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware that JoAnn M. Hedrick is to serve as Chief Clerk of the House during the pleasure of the House.

HR 2 was adopted by voice vote.

Representative Oberle introduced and brought HJR 1, jointly sponsored by Representative Barnes, before the House for consideration.

HJR 1 - In Reference to Election of Officers.

The roll call on HJR 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

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

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

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

HR 3 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Maroney and Representative Sills to notify the Governor that the House is organized.

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

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

HR 4 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Spence and Representative Wingate to notify the Senate that the House is organized.

Representative Spence returned from the Senate and announced that the Senate is in recess and will notify the House when it reconvenes.

Representative Smith introduced and brought HR 5, jointly sponsored by Representatives Roy, Free, Soles & Jonkiert, before the House for consideration.

HR 5 - Relating to the Permanent Rules of the House of Representatives of the 133rd General Assembly of the State of Delaware.

Representative Smith moved that HR 5 be placed on the Speakers table. The motion was properly seconded and adopted by voice vote.

Representative Oberle moved to recess to the call of the Chair at 3:52 p.m.

2nd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 9, 1985

Mr. Speaker Hebner called the House to order at 2:19 p.m.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current legislative day. The House reconvened at 2:21 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

Mr. Speaker declared a recess for the purpose of adjusting the recording tape at 2:22 p.m.

The House reconvened at 2:25 p.m.  
The minutes of the previous legislative day were approved as posted.  
The Reading Clerk read the following communication into the record:  
The Senate wishes to inform the House that it has passed: SJR 1 & HJR 1.  
Representative Oberle introduced and brought SJR 1, sponsored by Senators Cordrey & Sharp, before the House for consideration.  
SJR 1 - In Reference to Election of Officers.  
The roll call on SJR 1 was taken and revealed:  
YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.  
ABSENT: Representative Plant - 1.  
Therefore, having received a constitutional majority, SJR 1 was returned to the Senate.  
Representative Oberle introduced and brought HCR 1 before the House for consideration.  
HCR 1 - Providing That a Joint Session of the Senate and the House of Representatives be Convened for the Purpose of Hearing the Farewell Address of Governor Pierre S. du Pont, IV, Governor of the State of Delaware.  
HCR 1 was adopted by voice vote and sent to the Senate for concurrence.  
Mr. Speaker Hebner declared a recess at 2:40 p.m.  
The House reconvened at 4:58 p.m.  
The Reading Clerk read the following communication into the record:  
January 8, 1984 (sic)

The Honorable Charles L. Hebner  
House of Representatives  
Legislative Hall  
Dover, DE 19901  
Dear Chuck:

Congratulations on your selection as Speaker of the House of Representatives for the 133rd General Assembly. As outgoing Speaker, I have the privilege to give to you today a copy of our Annual Report itemizing the accomplishments and status of the House of Representatives from January 1983 to December 1984. This report is offered as a means of apprising you of the condition of the House of Representatives. Also attached to this report is an up-to-date summary of the budget balances and an indication of our fiscal situation as of January 8, 1985. I would also like to inform you that the financial files, personnel files, and complete House records are in order and are available for your inspection and use in the office of the Chief Clerk. The attached Annual Report was prepared for me by Paula Lehrer, Staff Director of the House of Representatives, and should give you a comprehensive look at what has happened during the past two years in our House administration.

Best of luck to you as you begin your term as Speaker I look forward to working with you; the members of the Democratic Caucus are hopeful that this will be a year of distinction and accomplishment for the General Assembly.

Yours truly,  
Orlando J. George, Jr.  
House Minority Leader

OJG/mmq

Representative Oberle requested and was granted the privilege of the floor for Acting Secretary of Labor, Marcilee A. Bierlein.  
Representative Oberle moved to recess to the call of the Chair at 5:33 p.m.

3rd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 10, 1985

Mr. Speaker Hebner called the House to order at 2:01 p.m.  
The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.  
The Chief Clerk called the roll.  
Members Present: 41.  
A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.  
The Speaker led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative 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 1, SCR 1, SCR 2 & SCR 3.  
The following prefiled legislation was introduced:  
HB 1 - (This number has been reserved.)  
HB 2 - JESTER, BUCKWORTH, REYNOLDS; SENATORS BAIR, VAUGHN - H/ADM: An Act to Amend Chapter 5, 6, 7, 15, Title 10 of the Delaware Code Relating to Domestic Relations--Including Divorce, Support, Attorneys' Fees, Guardians, Custody, Alimony, Property Division and Appeals.  
HB 3 - BENNETT - H/ADM: An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Tax Rate after General Reassessment.



HB 4 - GEORGE, GILLIGAN - H/ADM: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Exemptions.

HB 5 - BENNETT - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Term of Office of Sheriff for Kent and Sussex Counties. (2/3 bill)

Representative Oberle introduced and brought SCR 1, sponsored by Senators Cordrey & Sharp, before the House for consideration.

SCR 1 - Providing That a Joint Session of the House of Representatives and the Senate be Convened to Receive the Results of the 1984 Election for Governor and Lieutenant Governor of the State of Delaware.

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

Representative Oberle introduced and brought Consent Calendar #1 before the House for consideration.

HR 6 - QUILLEN, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, FREE, HEBNER, MACK, MARONEY, OBERLE, PETRILLI, REYNOLDS, ROY, SMITH, SPENCE, STEELE, TAYLOR - Mourning the Passing Away of our Former Colleague and Friend, Dr. Lorin B. Subrell.

HR 7 - QUILLEN, BENNETT - Expressing our Sadness at the Passing of our Former Colleague and Friend, Maurice N. Jarrell.

HCR 2 - GEORGE, PLANT, SILLS, FREE, JONKIERT, D. ENNIS, MARONEY, CORROZI, DAVIS, HEBNER, SOLES, HOUGHTON, BENNETT; SENATORS HOLLOWAY, MARSHALL, MCDOWELL - Commending Mayor William T. McLaughlin of Wilmington for His Prestigious Public Service as Mayor of the City of Wilmington and Further Commending Him for Having Received the Josiah Marvel Cup Annually Awarded by the Delaware State Chamber of Commerce.

SCR 2 - ADAMS & ALL SENATORS & ALL REPRESENTATIVES - Congratulating Ed Ralph Upon His Retirement as Director of the Sussex County Substation of the University of Delaware College of Agricultural Sciences.

Representative Barnes introduced SCR 3, cosponsored by Senators Adams, Cordrey, Slatcher, Cook, Vaughn & Minner & Representative Carey.

SCR 3 - Memorializing the Delaware Congressional Delegation and the Secretary of The Treasury to Suspend and Repeal Regulations Calling for Contemporaneous Recordkeeping for Light Trucks and Vehicles Used by Farmers and Small Business Operators.

SCR 3 was placed on Consent Calendar #1.

Consent Calendar #1 was adopted by voice vote and HCR 2 was sent to the Senate for concurrence and SCR 2 & SCR 3 were returned to the Senate.

Mr. Speaker Hebner appointed Representative Oberle as Chairman of the House Administration Committee.

Mr. Speaker Hebner declared a recess for the Joint Session at 2:19 p.m.

JOINT SESSION  
Senate Chamber  
January 10, 1985

At 2:37 p.m. on motion of Senator Sharp the Senate and House convened for Joint Session, Senator Cordrey presiding.

On motion of Senator Sharp and without objection, the Secretary of the Senate and the Chief Clerk of the House were appointed as secretaries of the Joint Session.

The President pro Tempore announced that under the provision of Article III, Section 3 of the Delaware Constitution of 1897, the election returns for Governor and Lt. Governor must be opened and published in the presence of the members of both Houses in Joint Session.

The President pro Tempore instructed the Reading Clerk to read the Certificates of Election for each of the three counties as follows:

THE STATE OF DELAWARE  
NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and eighty-four for New Castle County, according to the Constitution and Laws of the State of Delaware, Seventy seven thousand, eight hundred sixty six (77,866) votes were given for WILLIAM T. QUILLEN for GOVERNOR Ninety three thousand, three hundred ninety three (93,393) votes were given for MICHAEL CASTLE for GOVERNOR which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, ALBERT J. STIFTEL and JOSHUA W. MARTIN constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November A.D. 1984

Albert J. Stiftel, President Judge  
Joshua W. Martin, Resident Associate Judge

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THE STATE OF DELAWARE  
KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and eighty-four for Kent County, according to the Constitution and Laws of the State of Delaware, Fourteen Thousand Two Hundred Thirty-four (14,234) votes were given for (D) WILLIAM T. QUILLEN for Governor; Seventeen Thousand Eight Hundred Ninety-Four (17,894) votes were given for (R) MICHAEL N. CASTLE for Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Grover C. Brown and William G. Bush, III, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 8th day of November, A. D. 1984

Grover C. Brown, Chancellor

William G. Bush, III, Resident Associate Judge

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THE STATE OF DELAWARE  
SUSSEX COUNTY, ss.

BE IT REMEMBERED, that at the general election held on the Tuesday next after the first Monday in November, 1984, for Sussex County, according to the Constitution and Laws of the State of Delaware, Sixteen thousand two hundred and fifteen (16,215) votes were given for William T. Quillen for Governor Twenty-three thousand nine hundred and sixty three (23,963) votes were given for Michael N. Castle for Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE Hon. Claud L. Tease and Hon. Vincent J. Poppiti, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 10th day of November, 1984.

Claud L. Tease, Res. Assoc. Judge

Vincent J. Poppiti, Assoc. Judge

\* \* \* \* \*

THE STATE OF DELAWARE  
NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and eighty-four for New Castle County, according to the Constitution and Laws of the State of Delaware, Ninety thousand two hundred sixty nine (90,269) votes were given for S. B. WOO for LIEUTENANT GOVERNOR Eighty thousand two hundred thirteen (80,213) votes were given for BATTLE ROBINSON for LIEUTENANT GOVERNOR which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, ALBERT J. STIFTEL and JOSHUA W. MARTIN constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November A.D. 1984

Albert J. Stiftel, President Judge

Joshua W. Martin, III, Resident Associate Judge

\* \* \* \* \*

THE STATE OF DELAWARE  
KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and eighty-four for Kent County, according to the Constitution and Laws of the State of Delaware, Fourteen Thousand Four Hundred Ninety-Nine (14,499) votes were given for (D) S. B. WOO for Lieutenant-Governor; Sixteen Thousand Nine Hundred Fifty-One (16,951) votes were given for (R) D. BATTLE ROBINSON for Lieutenant-Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Grover C. Brown and William G. Bush, III, constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 8th day of November, A. D. 1984

Grover C. Brown, Chancellor

William G. Bush, III, Resident Associate Judge

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THE STATE OF DELAWARE  
SUSSEX COUNTY, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1984, for Sussex County, according to the Constitution and Laws of the State of Delaware, Sixteen Thousand Three Hundred Twenty-seven (16,327) votes were given for S. B. Woo for Lieutenant Governor Twenty-three Thousand Five Hundred Two (23,502) votes were given for D. Battle Robinson for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE Hon. Claud L. Tease and Hon. Vincent J. Poppiti, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 10th day of November, 1984.

Claud L. Tease, Res. Assoc. Judge  
Vincent J. Poppiti, Assoc. Judge

\* \* \* \* \*

On motion of Senator Sharp and without objection, the Secretary of the Senate and the Chief Clerk of the House compared their journals and found them to agree.

On motion of Senator Sharp and without objection, the Joint Session adjourned at 2:45 p.m.

\* \* \* \* \*

JOINT SESSION  
House Chamber  
January 10, 1985

The House reconvened at 6:40 p.m. for a Joint Session in the House Chamber for Governor du Pont's Farewell Address.

The Sergeant-at-Arms announced the Chief Justice and other members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms announced the Members of the Governor's Cabinet and other elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the Members of the Senate. They were admitted and seated.

The Speaker appointed Senator Marshall, Senator Berndt, Representative Reynolds, and Representative Free to escort the Governor to the Chamber.

Representative Oberle moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Oberle moved that the Speaker preside over the Joint Session. The motion prevailed.

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

Representative Oberle moved that the Speaker appoint a Committee to escort the Governor to the Joint Session. The Speaker introduced Mr. and Mrs. P. S. du Pont, III, Elise du Pont, Lieutenant Governor-Elect S. B. Woo, Senator Boggs, and Marna Whittington.

Mr. Speaker called for a brief recess in place.

Mr. Speaker reconvened the session.

The Sergeant-at-Arms announced the duly appointed Committee to escort the Governor to the Chamber has arrived.

The Speaker invited the Governor to the rostrum and welcomed Him to the Joint Session.

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

Governor-Elect Castle, Lt. Governor-Elect Woo, Mr. Speaker, Mr. President pro Tempore, members of the judiciary and cabinet, members of the 133rd General Assembly, Governor Boggs, honored guests, and all the people of the First State of the United States of America.

Just sixteen years ago this week, I stood in the well of this chamber, swearing my constitutional oath as a new representative in the 125th General Assembly. This evening I return here for the last time, to thank all of you -- staff, members of my cabinet, members of the General Assembly, and most of all the people of Delaware, for your faith, your support and your help as we made the decisions and the choices that have led Delaware back to prosperity. I thank you, for together we have made a difference.

Eight years ago, as members of the General Assembly were taking that same constitutional oath of office and I was preparing to take office as Governor, I was contemplating the opportunities, the challenges, and the awesome responsibilities each of us in this hall would face as we attempted to rescue a ship of state drifting toward disaster.

I believed then that Delaware's governmental problems could be solved; that we could have a government that lived within its means; that we could have a government capable not simply of fulfilling its legal responsibilities, but of improving the quality of life of all Delawareans as well; that we could have a government that was respected by its people. I said that it would take personal discipline from each of us and political discipline from all of us.

As I began preparing my remarks for this evening, I thought back to those early days, when the problems were before us, demanding immediate solutions, but the solutions lay at the end of a road we had only just begun to travel. Now patience is a virtue, but back then I think we all wanted to make changes -- lasting changes -- and make them quickly. We wanted to be well on our way on the journey we were just beginning.

In some ways, that was possible. Executive Order Number One, signed half an hour after I took the oath of office, immediately required financial disclosure for all cabinet officials and appointees. A simple signature on a document began a visible process of restoring people's trust in their government and its officials -- a trust that had been so badly shaken in the 1970's.

In other ways, visible progress took much longer -- and was certainly more difficult -- to accomplish.

As you all recall, Delaware was in serious financial trouble in 1977, primarily as a result of a spending appetite that was threatening to devour everything in its path. Why, some people even said the state was -- well -- perhaps bankrupt.

But we worked together to make the tough decisions. We froze the capital budget, reduced the operating budget, limited the growth of government and, perhaps most important of all, enacted constitutional spending restraints that made it virtually impossible to spend more money than was available. No government can spend its way to prosperity, and enacting constitutional restraints was a critical step in restoring the integrity of our government.

But government is not an end in itself, it is a means. Restoring integrity to government, restoring discipline to government and restraining government were part of a process of improving the means. The end was, and remains, to provide our citizens with the chance to prosper, to grow, to excel.

We reduced Delaware's high personal income tax rates which were stifling economic growth and were simply an unfair burden for our working men and women. We passed legislation like the Financial Center Development Act and the Blue Collar Jobs Bill -- both of which brought jobs and opportunity to our people. We began to rebuild Delaware's economic base.

After eight years, I think we can all look back with pride on what has been accomplished. In 1977, a year of deep concern for Delaware government, we made a covenant with the people. We said Delaware should have an honest and ethical government, and we have taken steps toward that end. We said Delaware government should live within its means and balance its budget, and we have accomplished that goal. We said Delaware's economic base should be rebuilt to provide our people with the opportunity to grow to their fullest potential, and we have responded by helping to provide greater employment opportunity than almost any other state in this nation.

Together, we have made the difficult decisions, cast the tough votes, and held a steady course. Without support in the General Assembly, without the leadership of Richard Cordrey, Andy Knox, Lonnie George, Chuck Hebner and John Burris, it would not have come to pass.

Delaware and our people are better off today than eight years ago because our government has accomplished the most important task of any government; to create a climate of opportunity in which all of its people may grow, and excel, and prosper.

But of course Delaware's progress in the past eight years has been the result of the actions of many more people than are gathered in this hall this evening. Certainly we provided some leadership and made some fundamental decisions that were helpful in clearing the way for progress. But while government alone can prevent opportunity, government alone cannot create opportunity. Delaware is blessed with community leadership that kept its part of the covenant -- creating a partnership with government to enhance that climate of opportunity. Just think back to the major pieces of legislation that helped clear the way for Delaware's progress -- most could not have been enacted, and our success would not have been possible, without the active participation and commitment of our community leaders.

Some might suggest that eight years ago Delaware stood at a crossroads, and that we -- in the words of Robert Frost's poem -- "took the road less traveled by." But I would suggest that the course we have followed together was one of our own making, that the choice we made was to follow a road other states had not traveled before us. But then, in the First State, we have a tradition of not waiting to see what others will do, but making our own decisions and charting our own course.

In a sense, America has recently faced the same choice we faced in 1977. We have seen a federal budget that has been out of balance for nineteen of the past twenty years, a budget that Congress has neither the political will nor the personal discipline to control. We have seen America's powerful economic engine mired in regulation and taxation policy that has stifled growth and prevented expansion. We have seen our competitiveness eroded abroad as a result of poor management of the national economy at home.

Perhaps the federal government should learn a lesson from Delaware and our sister states, these fifty laboratories of democracy which created the federal government -- that strong, conservative financial management is a prerequisite to good government. If it is our goal to provide every American with a chance to make tomorrow better than today -- and that must be our goal -- then this free nation, with its heritage of opportunity for all, must learn to make the same hard decisions and learn the same discipline we have shown here in Delaware and in other states.

For the nation and for every one of our states, the challenge is identical: to create a climate of opportunity, then to transform that opportunity through education and economic growth into increased prosperity for all. To transform opportunity into prosperity requires both sound education programs and conservative economic policies.

Education is the springboard to the future for every one of us. Our educational system must demand performance, and teach the art of critical thinking. For the challenge each of us faces as an individual is to learn to make sound judgment on difficult issues; to reason through the facts, disregard the fictions, consider the alternative choices, and reach a sound judgment among them; in other words, to develop the capacity for critical thought. To reach that goal we must set our academic standards to challenge rather than accommodate, to instruct rather than entertain, to instill in every American the skills necessary to survive, and the intellectual curiosity necessary not just to survive, but to grow and contribute. In the past four years we have begun an educational renewal in Delaware focused on those goals; it is the responsibility of our new leadership to continue that progress.

In economic policy, Delaware faces an even more difficult task; a challenge equal to the challenge of adversity we faced in 1977 and 1978; and that is the challenge of prosperity.

Prosperity is welcome, of course; we have been striving for it for eight years. I am not one of those who Theodore Sorenson described as he viewed a meeting of President Kennedy's Council of Economic Advisers in 1962: "There they sat, gloomily contemplating the dangers of an upturn." But prosperity does not free us from the need for the same kind of discipline required by adversity; rather, it requires greater discipline.

Sometimes in the life of a government there comes a moment, when the pressure is off, the problems of the past seem resolved, and, with a sigh of relief, the government can look optimistically ahead, free of past concerns and constraints. It is a satisfying moment, but a dangerous one, too, for if at that moment the discipline that solved the earlier problems is lost, the seeds of future problems are quickly sown.

So it was in England, in 1946, when the national, though remarkable self-discipline had survived the Second World War. A euphoric electorate, intent on immediate reward for the deprivations of the past, abandoned the careful conservatism of Winston Churchill and embraced the free spending, protectionist ways of the Labor Party. England paid the price: twenty-five years later the per capita gross national product of England was less than that of Germany -- no, not West Germany, but East Germany.

So it was in the United States, in the 1960's. Bored with eight years of quiet, competent government and steady economic growth, the electorate opted to "get America moving again," to create a "great society," to expand domestic programs at home and military influence abroad -- guns and butter and the devil with the cost of consequences. Like England, America lost its discipline at a critical moment and paid its price; twelve years of high inflation, low productivity, huge deficits, and economic stagnation. The economic and social impact upon our people has been devastating.

It seems to me that Delaware stands at a similar point in time today. Eight years of discipline, prudence and bipartisanship have brought us unusual prosperity: eight consecutive surplus budgets, two tax cuts, two welfare increases, a doubling of the per-pupil funding for public education, the greatest proportional employment growth of any state in America, and an unemployment rate several points beneath that of the nation as a whole. And now, with the economic recession behind us and our local economy growing vigorously, we find ourselves faced with an unexpected dividend of prosperity: continuing and growing revenue surpluses. We already have about \$46 million in the bank in our "rainy day fund" as a cushion against emergencies. But instead of an emergency, we are faced with the prospect of such rapid revenue growth that we may have as much as \$90 million free and clear -- to spend, or refrain from spending, however we wish.

And so, I wonder, will Delaware be able to meet the challenge of this prosperity? During past years we have demonstrated that we could govern our appetites in difficult times; but can we do so in good times? We have proven ourselves in adversity, now we must do so in prosperity.

The temptation to try to win the approval of interest groups of every kind by spending our good fortune will be enormous. Spend on human services and corrections, they will tell us, on health and welfare, on teachers and transportation. If we yield to all those pressures and temptations, if we spend it all, we could quickly return to the problems and crises of earlier times.

To avoid mortgaging our future in this way will require spending less than we have available to us, not much more, in fact than the real growth in our economy, a difficult task which will once again require personal discipline of each of us and political discipline from all of us. It is most important to our future that we successfully apply that discipline if Delaware is to continue its progress.

Governor-elect Castle is no stranger to either of these central policy issues: he was the chairman of the Task Force on Education for Economic Growth which has prepared a blueprint for substantially strengthening our education system over the next four years; and he has participated in the economic decisions of this administration for the past four years. I know he will do well; give him the same support and counsel you have given me, and Delaware will continue to excel. To Governor Castle I say, Godspeed; the challenge is fresh, the opportunities boundless, and a talented people stand ready for your leadership in keeping Delaware the First State of the United States of America.

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But now, my constitutional moment as Delaware's Chief Executive has passed; next Tuesday I join Elbert Carvel and Caleb Boggs as one of only three people in Delaware who can never serve as Governor of our State again. And so I'm afraid I shall not pass this way again; I leave with deep appreciation for your support, valuing your counsel, and having enjoyed -- no, loved -- the opportunity you have given me. For me, it simply has been the best of times. It has been my honor to have served you.

Elise and I stood at the window in Woodburn earlier today, watching the snow fall gently on that magnificent tulip poplar tree, which was perhaps a sprout two hundred years ago when our nation began just a few blocks from where we stood.

We recalled some of the times, some of the places, and the many images of Delaware we will take with us as we leave you:

- Woodland Ferry, hot in the hazy August sun; cold beer, oysters and sawdust in the Georgetown firehall;

- A lighted Christmas tree afloat on Silver Lake reflecting its colors in the still December waters; all of us elected officials tug-of-warring the entire press corps into St. Jones Creek in seven and a half seconds flat;

- Carolling in the halls of the Smyrna Home and Hospital, seeing joy and memories light the faces of the elderly patients there; the crash of drums and brass as the University of Delaware marching band breaks into the fight song under the concrete stadium on an October Saturday;

- The flash of muskets and the smell of powder, the Union Jack moving across the meadow in the re-enactment of the Battle of Cooch's Bridge, where 208 years ago fourteen brave Delaware lads gave their fullest measure to help America become the land of the free.

But most of all we remember people -- thousands and thousands of you -- men and women, old people, young children, complete with pipes and shawls, ice cream cones and baseballs, glasses, hats, costumes, coats, diapers and canes -- people who slapped our backs, pressed our hands and wished us encouragement and cheer as we made our way through eight years of your lives. We will one day forget the speeches, the press conferences, the podiums and meetings, but we will carry with us always in our hearts your generous friendship.

As I said when we set out on our journey on that frosty morning on the Green eight years ago, "I pledge to you to do my best, to strive for the highest quality of leadership and the highest standard of performance that is possible to achieve. I cannot promise to do more; I shall not do less." I have done all I could to meet that standard.

Robert Penn Warren wrote that we must go out, "into the convulsion of the world, out of history into history and the awful responsibility of time." An awesome responsibility did await us in 1977; together we seized it, shaped it, used it to go forward, to achieve a better time, to improve the quality of life for all our people.

This evening we step out of history and into history, proud of our past, optimistic for our future, for together we have achieved our goals. Together, we have made a difference.

God bless -- and farewell.

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Mr. Speaker announced that Senator Marshall, Senator Berndt, Representative Reynolds, and Representative Free would escort the Governor back to his Executive Office.

Representative Oberle moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals. The motion prevailed.

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

Representative Oberle moved that the Joint Session be adjourned and the two Houses separate to reconvene in their respective Chambers. The motion prevailed.

Representative Oberle moved that the House stand in a brief recess at 7:25 p.m. to allow the Chamber to be cleared. The motion prevailed.

The House reconvened at 7:29 p.m.

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

4th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 15, 1985

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

Mr. Speaker announced the following committee assignments:

APPROPRIATIONS: Representative Phillip Corrozi - Chairman; Representative Richard Davis, Representative Robert Quillen, Representative Gwynne Smith, Representative Edward Bennett, Representative Ada Leigh Soles.

SUNSET: Representative Roger Roy - Chairman; Representative Marybeth Boykin, Representative Steven Taylor, Representative William Houghton, Representative Bruce Ennis.

The Majority Leader moved to adjourn at 2:46 p.m., thereby ending the current legislative day. The House reconvened at 2:47 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Staff Member, Richard Millman.

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

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 4.

The following prefiled legislation was introduced:

HB 6 - STEELE, BARNES, CAREY, CAULK, FALLON; SENATORS ADAMS, SLATCHER, CORDREY, MINNER - H/ADM: An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays; and Designating Return Day as a Half-Day Holiday in Sussex County.

HB 7 - BENNETT - H/ADM: An Act to Amend Chapter 44, Title 18 of the Delaware Code Relating to the Delaware Life and Health Insurance Guaranty Association.

HB 8 - BENNETT - H/ADM: An Act to Amend Chapter 42, Title 18 of the Delaware Code Relating to the Delaware Insurance Guaranty Association.

HB 9 - BENNETT, CORROZI - H/ADM: An Act to Amend Chapter 43, Title 30 of the Delaware Code Relating to The Use Tax of Leases on Tangible Personal Property.

HB 10 - STEELE, SMITH - H/ADM: An Act to Amend Chapter 25, Title 24 of the Delaware Code Relating to Pharmacy Substitution of Drugs.

Representative Oberle introduced and brought HR 8, cosponsored by Representatives Barnes, Hebner, George, Gilligan & All Representatives, before the House for consideration

HR 8 - Extending Best Wishes to Nancy Rolli on Her Departure From Legislative Hall and on Her New State Post.

WHEREAS, Nancy Rolli, Administrative Assistant to the House Republicans is departing Legislative Hall after six years of dedicated service; and

WHEREAS, this active Republican has worked as the Kent County Deputy Receiver of Taxes, ran for the Office of Receiver of Taxes in 1972, was secretary to Andy Foltz in his 1976 bid for Lt. Governor, and arrived in Legislative Hall from the Auditor's Office in 1979; and

WHEREAS, our loss is the gain of the Department of Natural Resources and Environmental Control, where Nancy will be handling public relation duties; and

WHEREAS, their gain is best reflected in that this bustling, long legged, lean, lanky, blond could be seen in five different places in Legislative Hall at one time; and

WHEREAS, in spite of a heavy work load, Nancy would invariably look as fresh and sparkling at the end of a day as in the beginning - an attribute sought by all women; and

WHEREAS, her preppy style, particularly the Greenville pink and green look, epitomizes the fact that attractiveness and braininess can occupy the same space; and

WHEREAS, this Sussex Countian has fortunately made her home in Dover (except in summers when she can be found in Rehoboth and on the sands of Dewey Beach); and

WHEREAS, Nancy, Mike and her two sons, Sean and Shannon are certainly welcome back to the Hall anytime, especially on June 30th from midnight on (in case she's suffering from Legislative Hall withdrawal symptoms).

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 133rd General Assembly that sincere best wishes be extended to Nancy Rolli as she departs Legislative Hall for her new State position with the Department of Natural Resources and Environmental Control.

BE IT FURTHER RESOLVED that this University of Delaware tailgater of former days, this first gal to wear a string bikini on Dewey Beach, this new bride, this friend, Nancy Rolli, be accorded a round of applause by the House members and staff for a job well done.

HR 8 was adopted by voice vote.

Representative George introduced and brought HR 9, cosponsored by Representative Gilligan, before the House for consideration.

HR 9 - Expressing Many Thanks to Judy Morgan for Her Untiring Loyalty and Hard Work While Serving as Payroll Clerk for Members of the 132nd General Assembly.

WHEREAS, Judy Morgan served as payroll clerk for members of the 132nd General Assembly of the State of Delaware; and

WHEREAS, Judy not only did payroll, but did sundry other clerical tasks, all of which were done with meticulous care; and

WHEREAS, when Judy Morgan was asked to do something, one could rest assured that it would be carried out forthrightly and diligently; and

WHEREAS, Judy's office skills, personality and thoroughness will be missed by the members of the 133rd General Assembly.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 133rd General Assembly of the State of Delaware that many thanks and best wishes are hereby extended to Judy Morgan for her excellent work as payroll clerk during the 132nd General Assembly.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitably prepared copy be presented to Judy Morgan.

HR 9 was adopted by voice vote.

Representative George introduced and brought HR 10, cosponsored by Representative Gilligan, before the House for consideration.

HR 10 - Expressing Many Thanks to Mary Ellen Quinn for Her Untiring Dedication, Loyalty and Hard Work While Serving as Executive Assistant to the Speaker of the House of Representatives of the 132nd General Assembly.

WHEREAS, Mary Ellen Quinn served as Executive Assistant to the Speaker of the House of Representatives of the 132nd General Assembly and performed her duties in a skillful and exemplary manner, notwithstanding the stress and long hours involved in legislative work; and

WHEREAS, Mary Ellen's effervescent personality in greeting persons visiting the Speaker's office was and continues to be one of her many attributes; and

WHEREAS, Mary Ellen Quinn will be joining the staff of Lt. Governor-Elect S. B. Woo as Administrative Assistant.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 133rd General Assembly of the State of Delaware that many thanks and best wishes are hereby extended to Mary Ellen Quinn for her excellent work performed while serving as Executive Assistant to the Speaker of the House of Representatives of the 132nd General Assembly, Orlando J. George, Jr.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitably prepared copy be presented to Mary Ellen Quinn.

HR 10 was adopted by voice vote.

Representative George introduced and brought HR 11, cosponsored by All Representatives, before the House for consideration.

HR 11 - Expressing Sorrow Upon Learning of the Death of Mrs. Edith Campanelli, Wife of Representative John Campanelli.

WHEREAS, the members of the House of Representatives of the 133rd General Assembly have sorrowfully learned that Mrs. Edith Campanelli died on December 15, 1984; and

WHEREAS, Mrs. Campanelli was politically active in the Democratic party where she served as a district committeewoman for many many years; and

WHEREAS, Mrs. Campanelli was a very quiet and unassuming lady whose life style was enviable especially her jovial and charitable attitude about life and people; and

WHEREAS, Mrs. Campanelli did many good deeds in her community ranging from church functions to helping the poor, the needy, the handicapped and the blind, never seeking publicity or notoriety; and

WHEREAS, Mrs. Edith Campanelli was a loving and dedicated wife, and mother and always held family togetherness as one of her paramount objectives in life.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 133rd General Assembly of the State of Delaware that expressions of sorrow are hereby extended to our colleague Representative John Campanelli upon learning of the death of his lovely wife, Edith Campanelli.

BE IT FURTHER RESOLVED that upon passage of this Resolution a suitably prepared copy be presented to Representative John Campanelli.

HR 11 was adopted by voice vote.

Representative Oberle introduced and brought HR 12, cosponsored by Representatives Hebner, George & Gilligan, before the House for consideration.

HR 12 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

HR 12 was adopted by voice vote.

Representative Oberle moved to recess for Caucus at 3:26 p.m.

The House reconvened at 4:34 p.m.

Representative Oberle moved to recess to the call of the Chair at 4:35 p.m.

5th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 16, 1985

Mr. Speaker Hebner called the House to order at 3:55 p.m.

Representative Smith moved to lift HR 5 from the Speakers table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Smith brought HR 5, cosponsored by Representatives Roy, Free, Soles & Jonkiert, before the House for consideration.

HR 5 - Relating to the Permanent Rules of the House of Representatives of the 133rd General Assembly of the State of Delaware.

Representative Smith brought HA 1 to HR 5 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith requested that HA 2 to HR 5 be stricken.

Representative Outten brought HA 3 to HR 5, cosponsored by Representative Bennett, before the House for consideration.

Representative Oberle moved that HA 3 to HR 5 be placed on the Speakers table. The motion was seconded by Representative Barnes.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 24.

NO: Representatives Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West - 17.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 to HR 5 was placed on the Speaker's table.

Representative Smith introduced and brought HA 4 to HR 5 before the House for consideration.

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

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

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

The roll call on HA 4 to HR 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 26.

NO: Representatives Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Sills, Van Sant, West - 14.

NOT VOTING: Representative Plant - 1.

Therefore, having received a constitutional majority, HA 4 to HR 5 was adopted.



Mr Speaker declared a recess for the purpose of changing the recording tape at 5:27 p.m.

The House reconvened at 5:30 p.m.

Representative George introduced and brought HA 5 to HR 5 before the House for consideration.

The roll call on HA 5 to HR 5 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 19.

NO: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

ABSENT: Representative Corrozi - 1.

Therefore, not having received a constitutional majority, HA 5 to HR 5 was declared defeated.

The roll call on HR 5 w/HA 1 & 4 was taken and revealed:

YES: Representatives Barnes, Boykin, Brady, Buckworth, Carey, Caulk, Davis, D. Ennis, Fallon, Free, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Plant, Sills, Van Sant, West - 15.

ABSENT: Representative Corrozi - 1.

Therefore, having received a constitutional majority, HR 5 w/HA 1 & 4 was adopted.

Mr. Speaker announced the following committee assignments:

AGRICULTURE: Representative Wallace Caulk - Chairman; Representative George Carey, Representative Jeffrey Mack, Representative Donald Clark, Representative Carrol Cordrey.

NATURAL RESOURCES: Representative George Carey - Chairman; Representative Wallace Caulk, Representative Jeffrey Mack, Representative Donald Clark, Representative Carrol Cordrey.

ADMINISTRATIVE SERVICES: Representative Roger Roy - Chairman; Representative Steven Taylor, Representative Robert Quillen, Representative Charles West, Representative Carrol Cordrey.

Transportation: Representative Steven Taylor - Chairman; Representative Robert Quillen, Representative Charles West.

Community Affairs: Representative Robert Quillen - Chairman; Representative Steven Taylor, Representative Bruce Ennis.

EDUCATION: Representative Tina Fallon - Chairman; Representative Kevin Free, Representative Bruce Reynolds, Representative Katharine Jester, Representative Jay Wingate.

JUDICIARY: Representative Terry Spence - Chairman; Representative Bruce Reynolds, Representative Richard Davis, Representative Al Plant, Representative William Houghton.

Public Safety: Representative Richard Davis - Chairman; Representative Terry Spence, Representative Al Plant.

Correction: Representative Bruce Reynolds - Chairman; Representative Terry Spence, Representative William Houghton.

LABOR: Representative Jeffrey Mack - Chairman; Representative Terry Spence, Representative William Oberle, Representative Casimir Jonkiert, Representative John Campanelli.

REVENUE & FINANCE: Representative Joseph Petrilli - Chairman; Representative Kevin Free, Representative Marybeth Boykin, Representative David Ennis, Representative Marian Anderson, Representative John Van Sant, Representative David Brady.

Banking & Insurance: Representative David Ennis - Chairman; Representative Kevin Free, Representative Joseph Petrilli, Representative John Van Sant.

SMALL BUSINESS: Representative Marybeth Boykin - Chairman; Representative Bradford Barnes, Representative Stuart Outten.

ECONOMIC DEVELOPMENT: Representative Kevin Free - Chairman; Representative Joseph Petrilli, Representative David Ennis, Representative David Brady.

APPROPRIATIONS: Representative Phillip Corrozi - Chairman; Representative Gwynne Smith, Representative Richard Davis, Representative Robert Quillen, Representative Ada Leigh Soles, Representative Edward Bennett.

HUMAN RESOURCES: Representative Jane Maroney and Representative Gerald Buckworth - Co-Chairmen; Representative Charles Steele, Representative James Sills.

Aging: Representative Charles Steele - Chairman; Representative Jane Maroney, Representative James Sills.

COMMITTEE ON CHILDREN: Representative Gerald Buckworth and Representative Jane Maroney - Co-Chairmen; Representative Charles Steele, Representative James Sills.

HOUSE ADMINISTRATION: Representative William Oberle - Chairman; Representative Charles Hebner, Representative Bradford Barnes, Representative Orlando George, Representative Robert Gilligan.

ETHICS: Representative William Oberle - Chairman; Representative Charles Hebner, Representative Bradford Barnes, Representative Orlando George, Representative Robert Gilligan.

The Majority Leader moved to adjourn at 5:40 p.m., thereby ending the current legislative day. The House reconvened at 5:41 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

The Speaker led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative 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: HC 2, SCR 5 & SCR 6.  
The following prefiled legislation was introduced:  
HB 11 - CAULK, SMITH - H/ADM: An Act to Amend Chapter 6 Title 1, Delaware Code Relating to Arbor Day.  
HB 12 - DAVIS, OBERLE, CAMPANELLI, MACK, SPENCE, REYNOLDS - H/ADM: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices.  
HB 13 - PETRILLI, VAN SANT, ROY; SENATOR CONNOR - H/ADM: An Act to Amend Chapter 13, Title 14, Delaware Code Relating to Adoption Leave for School Employees.  
HB 14 - DAVIS, MARONEY, MACK, SMITH, SPENCE, QUILLEN, BUCKWORTH, CORROZI, PETRILLI, OBERLE, VAN SANT, REYNOLDS; SENATOR ARNOLD - H/ADM: An Act to Amend Chapter 1, Part I, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health and Providing for the Regulation of Free Standing Surgical Centers, Free Standing Emergency Centers, and Free Standing Birthing Centers.  
HB 15 - MARONEY, SPENCE, FREE, REYNOLDS, BUCKWORTH, CORROZI, PETRILLI, D. ENNIS, OBERLE, SOLES, JESTER, GILLIGAN; SENATORS KNOX, HOLLOWAY, NEAL - H/ADM: An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Rules of the Road and the Use of Child Restraint Systems.  
HB 16 - SMITH, STEELE - H/ADM: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Disabled Persons' Parking Permits.  
HB 17 - DAVIS, SPENCE, REYNOLDS - H/ADM: An Act to Amend Chapter 23, Title 11, Delaware Code Relating to the Limitation of the Search and Seizure Exclusionary Rule of Evidence.  
HB 18 - BENNETT - H/ADM: An Act to Amend Chapter 29, Title 29 of the Delaware Code Relating to Duties of the Auditor of Accounts.  
HB 19 - BENNETT, OUTTEN - H/ADM: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Insurance by Restoring the Rehire Credit.  
HB 20 - PLANT - H/ADM: An Act to Amend Chapter 27, Title 29, Delaware Code Relating to State Investment Policy in Relation to South Africa.  
HB 21 - PLANT - H/ADM: An Act to Amend Chapter 65, Title 11 of the Delaware Code by Creating a Prison Overcrowding Emergency Powers Act.  
HB 22 - PLANT - H/ADM: An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to the Disposition of Lottery Funds.  
HA 1 to HB 2 - JESTER - H/ADM: Placed with the Bill.  
HA 1 to HR 5 - SMITH - Placed with the Resolution (L.O.T.)  
HA 2 to HR 5 - SMITH - Placed with the Resolution (L.O.T.)  
HA 3 to HR 5 - OUTTEN, BENNETT - Placed with the Resolution (L.O.T.)  
Representative Oberle moved to recess to the call of the Chair at 5:47 p.m.

6th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 22, 1985

Mr. Speaker Hebner called the House to order at 2:28 p.m.  
Mr. Speaker reassigned HB 2, HB 10, HB 14 & HB 16 to the Human Resources Committee.  
Mr. Speaker reassigned HB 3, HB 4 & HB 9 to the Revenue & Finance Committee.  
Mr. Speaker reassigned HB 7 & HB 8 to the Banking & Insurance Subcommittee.  
Mr. Speaker reassigned HB 11 to the Natural Resource Committee.  
Mr. Speaker reassigned HB 12 to the Labor Committee.  
Mr. Speaker reassigned HB 13 to the Education Committee.  
Mr. Speaker reassigned HB 15 to the Children Committee.  
Mr. Speaker reassigned HB 17, HB 21 & HB 24 to the Judiciary Committee.  
Mr. Speaker reassigned HB 19 to the Economic Development Committee.  
The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current legislative day. The House reconvened at 2:30 p.m.  
The Chief Clerk called the roll.  
Members Present: 40.  
Member Absent: Representative Boykin - 1.  
A prayer was offered by Representative Jeffrey Mack, Seventeenth Representative District.  
The Speaker led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative day were approved as posted.  
The following prefiled legislation was introduced:  
HB 1 - OBERLE, ANDERSON, BARNES, BRADY, BUCKWORTH, CAMPANELLI, CAULK, C. CORDREY, MACK, CORROZI, DAVIS, B. ENNIS, D. ENNIS, ROY, FALLON, FREE, GEORGE, GILLIGAN, OUTTEN, HOUGHTON, JESTER, REYNOLDS, SILLS, SOLES, SPENCE, STEELE, TAYLOR, WEST, VAN SANT, HEBNER, CAREY, PLANT, CLARK; SENATORS BERNDT, BAIR, KNOX, CITRO, ARNOLD, NEAL, MARTIN, VAUGHN, TORBERT, ADAMS, SLATCHER - H/ADM: An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.  
HB 23 - MARONEY, SPENCE, FREE, REYNOLDS, BUCKWORTH, CORROZI, PETRILLI, D. ENNIS, OBERLE, SOLES, JESTER, GILLIGAN; SENATORS KNOX, HOLLOWAY, NEAL - CHILD: 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)

HB 24 - DAVIS, OBERLE, SPENCE, BUCKWORTH, JONKIERT, REYNOLDS; SENATORS CONNOR, ARNOLD, MARSHALL - HUM. RES: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Prevention of Actions for Wrongful Birth.

HB 25 - ROY - LABOR: 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 26 - PLANT - CHILD: An Act to Amend Chapter 5, Title 13 of the Delaware Code Relating to Orders of Support.

HB 27 - PLANT; SENATOR HOLLOWAY - JUD: An Act to Amend Part II, Chapter 17, Title 11, Delaware Code, Relating to the Establishment of a Statewide Public Review Board to Investigate Citizens' Complaints Against State, County and Municipal Police Personnel of This State.

HB 28 - WEST, WINGATE, CLARK, B. ENNIS, JONKIERT, CAMPANELLI; SENATORS VAUGHN, MINNER - ADM/S: An Act to Amend the Pay Plan for State Employees in the Classified Service

HB 29 - PLANT - ADM/S: An Act to Amend Title 19, and Title 29, Delaware Code, Relating to the Establishment of a Statewide Public Works Program and Providing the Funding Therefore.

HB 30 - GILLIGAN & GEORGE - B&I: An Act to Amend Chapter 32, Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

HB 31 - WEST, VAN SANT, ANDERSON, HOUGHTON, JONKIERT, QUILLEN, CLARK, C. CORDREY, BUCKWORTH, STEELE, CAREY, B. ENNIS, PLANT, JESTER - B&I: An Act to Amend Chapter 41, Title 18 of the Delaware Code Relating to Property Insurance Contracts.

HB 32 - ROY, BENNETT, BOYKIN, BUCKWORTH, STEELE, C. CORDREY, CORROZI, REYNOLDS, B. ENNIS, D. ENNIS, HOUGHTON, JONKIERT, MACK, TAYLOR, PETRILLI, QUILLEN, SMITH, VAN SANT; SENATORS VAUGHN, ADAMS, BAIR, BERNDT, CITRO, SLATCHER, MARTIN, SHARP - JUD: An Act to Amend Chapter 42, Section 4209, Title 11 of the Delaware Code, Relating to the Method of Punishment for First Degree Murder.

HB 33 - PLANT, D. ENNIS, GEORGE, SILLS; SENATOR HOLLOWAY - ECON. DEV: An Act to Amend Chapter 20, Part II, Title 30 of the Delaware Code Relating to Enterprise Zones. (2/3 bill)

HJR 2 - CLARK, WEST - H/ADM: Rejecting in Its Entirety the Report of the Delaware Compensation Commission Which Otherwise Becomes Effective as Law of This State on February 1, 1985.

Mr. Speaker announced the following committee assignments:

INTERSTATE COOPERATION COMMITTEE: Representative Roger Roy - Chairman; Representative Joseph Petrilli, Representative Al Plant.

Representative George announced that he had appointed Representative Gilligan to the Legislative Council Committee.

Representative George announced that he had appointed Representative Jonkiert to the Delaware State Clearing House Committee.

Professor William J. Conner, Delaware Law School was granted the privilege of the floor by Mr. Speaker Hebner.

Representative Jester introduced and brought HCR 12, jointly sponsored by Senator Cook, cosponsored by All Representatives & Senators Zimmerman, Minner, Torbert, Vaughn & Adams, before the House for consideration.

HCR 12 - Mourning the Death of H. Clifford Clark, Former Legislator and Father of Representative Donald Clark.

WHEREAS, the members of the House and Senate of the 133rd General Assembly of the State of Delaware have sorrowfully learned that H. Clifford Clark, father of Representative Donald Clark died on Thursday, January 10, 1985 at the age of 91; and

WHEREAS, Mr. Clark of Kenton, Delaware was a retired farmer who served as a member of the 118th and 119th General Assemblies from 1955 through 1958; and

WHEREAS, H. Clifford Clark served as Kent County Register of Wills from 1960 to 1968; and

WHEREAS, H. Clifford Clark attended Smyrna High School in 1910 and 1911 and subsequently graduated in 1913 from Wilmington Conference Academy, now known as Wesley College; and

WHEREAS, H. Clifford Clark later graduated from Goldey College in Wilmington in 1916; and

WHEREAS, H. Clifford Clark was not only a politician and public servant, but was also active in sports while attending Goldey College, where he was a pitcher in the old Wilmington League and also wrestled on the Wilmington YMCA Team; and

WHEREAS, in later years he took up the sport of trapshooting and at age 68 he went on to win the Delaware State Handicap Trap Shoot breaking 98 out of 100 targets at age 75; and

WHEREAS, H. Clifford Clark was so good in trapshooting, he was mentioned in Sports Illustrated Magazine and later inducted into the Delaware Trapshooters Hall of Fame; and

WHEREAS, H. Clifford Clark was a member of the Kenton United Methodist Church and a former member of the church's Official Board.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 133rd General Assembly of the State of Delaware, the Senate concurring therein, that expressions of sorrow are hereby extended to Representative Donald Clark, our colleague, and his brother Bruce B. Clark on learning of their father's death.

BE IT FURTHER RESOLVED that upon passage of this Resolution, a suitably prepared copy be presented to Representative Donald Clark and a copy forwarded to Bruce B. Clark.

HCR 12 was adopted by voice vote and sent to the Senate for concurrence.

The following prefiled Consent Calendar #2 was introduced:

HR 13 - OBERLE, HEBNER, GEORGE - Congratulating Christopher Neale, Charles Berry, Pamela Start, Christine Neuzil, and Raymond Wooters, Members of the University of Delaware Student Brass Quintet on Their Participation in the Opening Day Session of the 133rd General Assembly.

HR 14 - C. CORDREY - Congratulating Mr. and Mrs. Granville Hastings of Delmar on Their 60th Wedding Anniversary Which They Celebrated December 9, 1984.

HC R 3 - SMITH, QUILLEN, BUCKWORTH, B. ENNIS, BENNETT; SENATOR VAUGHN - Congratulating Jane Willis on Being Nominated for a 1985 President's Volunteer Action Award.

HC R 4 - SMITH; SENATORS BAIR, KNOX, MCDOWELL, MINNER - Requesting All Departments to Continue Their Commitment to Energy Conservation as a State Policy.

HC R 5 - TAYLOR, OBERLE, PETRILLI, SPENCE, DAVIS, SOLES, ANDERSON, GILLIGAN; SENATORS NEAL, SHARP - Extending Congratulations to the Newark High School Volleyball Team and Their Coaches on Winning the 1984 State Volleyball Championship.

HC R 6 - FALLON, BARNES; SENATORS SLATCHER, ADAMS - Mourning the Untimely Death of William Frank Weber of Seaford.

HC R 7 - CAULK, CAREY, QUILLEN, FALLON, BARNES, STEELE, BUCKWORTH, CLARK, JESTER, B. ENNIS - Memorializing the Delaware Congressional Delegation and the Secretary of the Treasury to Suspend and Repeal Regulations Calling for Contemporaneous Recordkeeping for Light Trucks and Vehicles Used by Farmers and Small Business Operators.

HC R 8 - BARNES, QUILLEN, CAULK, BENNETT, BUCKWORTH, CORROZI; SENATORS ADAMS, MINNER - Noting with Sadness the Passing Away of George C. Simpson, "Mr. State Fair".

HC R 9 - TAYLOR, OBERLE, REYNOLDS, SPENCE, MACK, DAVIS, PETRILLI, ANDERSON, SOLES, GILLIGAN; SENATORS NEAL, SHARP - Extending Congratulations to the Newark High School Football Team and Their Coaches on Winning the 1984 State Division 1 Championship.

HC R 10 - SILLS, PLANT; SENATOR HOLLOWAY - Commending Linda West Olds of Weldin Park on Her Business Success Combined with Her Interest in Black-History Education.

HC R 11 - HOUGHTON, REYNOLDS; SENATOR MCBRIDE - Congratulating the Minquadale Volunteer Fire Company on the Celebration of Its 60th Anniversary.

SC R 4 - HOLLOWAY, BERNDT, MARSHALL; REPRESENTATIVES D. ENNIS, PLANT, GILLIGAN - Providing for the Appointment of a Legislative Task Force to Investigate the Causes of Deteriorating Conditions; and the Lack of Adequate Management of the Royal Oaks Apartment Complex Located North of the City of Wilmington; to Determine if the State of Delaware in Cooperation With the Local Government, Should Undertake a Revision of Its Laws and Ordinances to Insure Stable and Wholesome Environments in All Multiple Residential Housing Units, Especially Those Owned by Absentee Landlords.

SC R 5 - ARNOLD, CITRO; REPRESENTATIVES CORROZI, ROY, GILLIGAN - Commending the McKean Highlanders on the 1984 State Soccer Championship.

SC R 6 - BAIR, KNOX, BERNDT; REPRESENTATIVES SMITH, MARONEY, D. ENNIS, BRADY - Commending Science Teachers Robert E. Lewis and Robert D. Groover of Hanby Junior High School for Being Cited for Developing a Program Selected as a Part of a "Search for Excellence" by the National Science Teachers Association.

Consent Calendar #2 was adopted by voice vote and HC R 3, HC R 4, HC R 5, HC R 6, HC R 7, HC R 8, HC R 9, HC R 10 & HC R 11 were sent to the Senate for concurrence and SC R 4, SC R 5 & SC R 6 were returned to the Senate.

Mr. Speaker reassigned HB 7, HB 8, HB 30 & HB 31 to the Revenue & Finance Committee.  
Representative Oberle moved to recess to the call of the Chair at 3:08 p.m.

7th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 23, 1985

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

Mr. Speaker reassigned HB 34 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 2:46 p.m., thereby ending the current legislative day. The House reconvened at 2:47 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Jonkiert - 1.

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

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

The minutes of the previous legislative 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: SJR 3 & SCR 7.

The following prefiled legislation was introduced:

HB 34 - TAYLOR; SENATOR MARTIN - H/ADM: An Act to Amend Chapter 1, Subchapter II, of Title 17 of the Delaware Code Relating to Notaries Public.

HB 35 - OUTTEN, BENNETT, CLARK, QUILLEN; SENATOR TORBERT - ADM/S: An Act to Amend Chapter 83, Title 29 of the Delaware Code Relating to the Authorization of Compensatory Payments to the City of Dover for Certain Exempt Properties Owned by the State of Delaware.

HB 36 - BENNETT, C. CORDREY, OUTTEN, VAN SANT - R&F: An Act to Amend Chapter 10, Title 22 of the Delaware Code Relating to Real Property Tax Exemptions for Persons 65 or Older.

HB 37 - WEST, QUILLEN, D. ENNIS, STEELE, BARNES, HOUGHTON, PLANT, B. ENNIS, VAN SANT, C. CORDREY, JONKIERT, CLARK, SILLS, FALLON, MACK, JESTER, CAREY, BUCKWORTH - NAT. RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to the Fee for Fyke Netting.

HB 38 - WEST, D. ENNIS, STEELE, BARNES, JONKIERT, MACK, QUILLEN, CLARK, VAN SANT, BUCKWORTH, B. ENNIS, SOLES, HOUGHTON, CAREY, PLANT, FALLON, C. CORDREY, SILLS, JESTER - NAT. RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Exemption of Persons 65 Years of Age From Foodfishing Equipment Permit Fees.

HJR 3 - BENNETT, ANDERSON, BRADY, CAMPANELLI, CLARK, C. CORDREY, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, OUTTEN, SILLS, SOLES, VAN SANT, WEST, WINGATE; SENATORS BERNDT, VAUGHN - H/ADM: To Create a Committee on the Establishment of Cooperative Programs Between Public and Higher Education in the Vocational-Technical Areas.

HA 1 to HB 7 - BENNETT - R&F: Placed with the Bill.

HA 1 to HB 8 - BENNETT - R&F: Placed with the Bill.

SJR 3 - MARTIN, COOK - H/ADM: Lamenting the Death of Senator Calvin R. McCullough of Holloway Terrace.

Representative Oberle introduced and brought SCR 7, sponsored by Senators Cordrey & Sharp, before the House for consideration.

SCR 7 - Providing that a Joint Session of the House of Representatives and the Senate be Convened to Hear The State of the State Address by Governor Michael N. Castle, Governor of the State of Delaware.

SCR 7 was adopted by voice vote and returned to the Senate.

Representative D. Ennis introduced and brought HCR 13, cosponsored by Representatives Boykin, Buckworth, Corrozi, Davis, Hebner, Maroney, Petrilli, Smith, Spence, Taylor, Bennett, Brady, George, Gilligan, Van Sant & Wingate & Senators Bair, Berndt, Connor, Holloway, McBride & McDowell, before the House for consideration.

HCR 13 - Commending Kandi Amelon and Alec Binnie on Their Compassion and Sportsmanship Demonstrated at the Recent International Figure Skating Competition in Zagreb, Yugoslavia.

HCR 13 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle moved to recess for Committee meetings at 3:02 p.m.

The House reconvened at 4:27 p.m.

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

H/ADM: HB 1 - 5F.

ADM/S: HB 34 - 4F, 1M.

JUD: HB 32 - 2F, 1M, 1U.

Representative Oberle moved to recess to the call of the Chair at 4:40 p.m.

8th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 24, 1985

JOINT SESSION IN SENATE CHAMBER  
January 24, 1985

Pursuant to SCR 7, the Senate and House of Representatives met in Joint Session at 11:58 a.m., Lt. Governor Woo presiding.

The Lt. Governor invited the Speaker of the House and the President pro Tempore of the Senate to a seat on the rostrum.

The Sergeant-at-Arms announced the arrival of Chief Justice Daniel Herrmann and other members of the Judiciary. They were admitted and welcomed by Lt. Governor Woo.

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

The Sergeant-at-Arms announced the arrival of the Governor's Cabinet. They were admitted and welcomed by Lt. Governor Woo.

Senator Sharp moved that the President of the Senate preside over the Joint Session. No objection.

Senator Sharp moved that the Secretary of the Senate and Chief Clerk of the House act as secretaries to the Joint Session. No objection.

Senator Sharp moved that the Chair appoint a committee to escort the Governor to the Chamber. No objection.

The Chair appointed Senators Holloway and Berndt; Representatives Soles and Quillen as an Escort Committee for the Governor.

The Chair declared a short standing recess while awaiting the arrival of the Governor.

The Sergeant-at-Arms announced the arrival of the Escort Committee and the Governor.

Governor Michael N. Castle was welcomed and invited to the podium by Lt. Governor Woo.

The Governor addressed the Joint Session as follows:

Lieutenant Governor Woo, Mr. President pro Tem, Mr. Speaker, members of the 133rd General Assembly, elected officials, members of the judiciary and the Cabinet, and my fellow Delawareans.

Eight and a half years ago, on July 4th, 1976, we celebrated the 200th anniversary of the Declaration of Independence, with fireworks, parades, and Tall Ships in our nation's harbors. It was a fitting tribute to the document that made this nation free, and to the courageous acts of Americans who fought to preserve that freedom.

I was reminded of that day when I started thinking how Delaware might celebrate its part in America's second Bicentennial, the 200th anniversary of the birth of the United States of America. By 1787, the war of independence had been won, but the fight to unify the nation was still being waged. In that year, soldiers turned statesmen were called on to make the hard decisions that would give shape to an enduring government of the people.

The result was the Constitution of the United States, the document that bound this nation together and made it whole. Today it still binds us together, just as history binds us to the value of those who created it, and our celebration should reflect that. We must rededicate ourselves to those values as we celebrate America's Bicentennial, both as a nation and as individual states.

For Delaware, that means building on the successes bipartisanship and cooperation have brought us; assuring that opportunity knocks for each of our citizens, and all of our communities; continuing to strengthen our education system; reinforcing our commitment to fiscal conservatism and more responsive government; and dedicating ourselves to improving the quality of life we enjoy, in all of its aspects.

It means that a lawyer from Wilmington, a university professor from Newark, an agribusinessman from Millsboro, and a corporate executive from Claymont, each elected to a different office but sharing the same public trust, have a responsibility to work together as important as any of their constitutional duties.

It means recognizing the importance of the education we provide in our public schools, the value of the support we give our businesses, or the effect of decisions we make about state spending, but knowing as well that all three are related, each with the potential to enhance the others.

It means understanding that quality of life is multi-faceted, as fragile as it is diverse, and that there is still much we can do to improve it, to meet that centuries-old prescription of life, liberty and the pursuit of happiness.

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

Last year, the General Assembly significantly increased the funding for the Department of Services to Children, Youth and Their Families, then only six months old. The Department has grown and matured in the past year, and shown the capability to take on even more responsibility for this most important element of our society. Further, it is continuing to identify new areas where its services can be improved.

Over the last six months, it has become apparent that a long-standing need requires our attention. While there are resources available to help young children and adults, severely disturbed adolescents often go without adequate treatment because there is no one with clear responsibility for their well-being. In my proposed budget, I will address the problem so that these services are not only provided, but provided in Delaware, assuring that much-needed family support is present.

\* \* \* \* \*

At the same time we are providing for those young people, we must consider the medical needs of all our citizens. Today Delaware enjoys health care costs lower than much of the rest of the nation, but those costs are still high, and there is considerable evidence that our favorable cost position is in jeopardy. This is a concern for all of us, and particularly for our senior citizens.

Today, we are discovering that the technological advances in medicine that should have only improved our lives had led to financial complications. Health care management has become one of the most important medical issues of the 1980's.

The state is uniquely qualified to take the lead in this effort, to lend its resources to it, and to set an example by instituting new cost management procedures internally. Recognizing that, I intend to use my office to bring together all the diverse elements of the medical community -- doctors, hospital administrators, insurers and consumers -- to find new ways to control these costs while maintaining the high quality care we have come to expect.

\* \* \* \* \*

Health care is the responsibility of each of us as individuals. But government must assume that responsibility in one very important respect -- dealing with the hazardous materials and hazardous wastes that represent one of the greatest dangers society faces today.

While Delaware has its share of these problems, we have been spared the experiences of those who live along Love Canal or in Times Beach. We cannot afford to rely on luck to protect our people from the effects of these dangerous materials, however. We must be prepared to deal with them quickly; we must have the capability to deal with them effectively. For that reason, I will recommend the creation of a separate Division of Hazardous Waste Management within the Department of Natural Resources and Environmental Control.

\* \* \* \* \*

At the same time we are protecting our citizens' health, we must take steps to protect their lives and property. Next week I will ask the General Assembly to increase its support for the Sentencing Accountability Commission's initiatives on corrections, and to continue its support for measures to better coordinate the efforts of the state's various law enforcement agencies.

Each brings the opportunity to enhance our ability to keep violent criminals off the streets while reducing the costly burden of law enforcement and corrections on our taxpayers.

We will, of course, continue our successful fight against drunk driving. But at the same time we have seen alcohol-related fatalities decrease in Delaware, we have seen other factors claim more lives. I believe together we can take new steps to increase the safety on our highways, and to that end I intend to redirect the efforts of the Drunk Driving Task Force to accomplish this. I recognize that the state must be called on to provide resources for this effort, but we must weigh those costs against the ultimate cost of doing nothing.

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Helping teenagers who need help represents a small step to improve the quality of life in Delaware, as does assuring the availability of medical treatment, fighting environmental hazards and affording better protection for the lives and property of citizens. Together they represent our commitment to improve the quality of life for all our citizens.

But there is another aspect to that commitment, one of overriding importance, and it must be addressed.

Today Delaware is able to meet the needs of its citizens because we enjoy unparalleled economic growth. Thousands of new jobs were created in Delaware during 1984, and unemployment reached its lowest point in a decade.

The viability of state government is directly related to the health of our economy, and to our efforts to bring new jobs to Delaware. The commitment of the General Assembly to those efforts in recent years has made Delaware a leader in economic development; I am prepared to match your commitment, and to work with each of you to assure that the prosperity we enjoy today reaches every part of the state.

#### EDUCATION

If we are to expect employers to create new jobs in Delaware, then Delaware must assure that its citizens have the skills to fill those jobs. That responsibility falls to our public school system.

A year ago, the General Assembly decided to reject the status quo in education and begin building a better future for Delaware by providing the best possible education opportunities for our young people today.

The General Assembly appropriated significant new funding for our schools, so that we would have the ability to provide the best possible education for our young people and attract the best teachers to teach them. More important, the men and women of the General Assembly unanimously endorsed the work of the Governor's Task Force on Education for Economic Growth, a series of nearly 80 recommendations for improving our schools.

Each of the recommendations will make a small difference in the quality of our schools. Together, they have the potential to make a great difference. But whether we implement a dozen recommendations, or all of them, they will have little real and lasting impact on how well we prepare our children for the future if our commitment to education falters.

1984 cannot be viewed as the year Delaware did something about its schools, but as the year when Delaware put education -- including higher education -- at the top of its list of priorities and decided to keep it there.

This year we will implement a career ladder for our teachers, recognizing that we cannot afford to lose our best teachers because they are not paid enough or because of the frustration and isolation their jobs entail.

We also will decide on a mastery testing program for our public schools, designed to show whether our students have learned the skills needed to take on a new educational challenge. In combination with a rigorous set of promotion standards and the career ladder, these tests represent our long-term commitment to parents that the schools they support will be held accountable.

In the months to come, the debate on education will no doubt center on "how much" -- how much in pay raises, how much for equalization, how much will the mastery tests cost? Today you and I must reaffirm our commitment to "how well" -- how well our teachers teach, how well our young persons learn, and how well our graduates perform once they leave the public school system.

We have accepted the cost of more testing, better compensation for teachers, smaller class sizes in the lower grades and good textbooks. We must demand the "no-cost" items on our education improvement list, because it is what the parents and taxpayers of this state want.

We must demand better attendance, higher homework standards, and additional time on core curriculum and basic subjects. We must demand greater discipline in the classroom, and make sure schools have the resources to make it stick. We must find ways to assure that businesses and the community play a greater part in our education system, and that parents participate in their schools and set standards at home.

#### DELIVERY OF STATE SERVICES.

The goals we have set for our education system will require greater coordination between the Department of Public Instruction and the individual school districts.

If it can work in education, then it can work in other areas of government as well. Over the next four years, my administration will seek ways to eliminate overlapping services, to assure that multi-dimensional problems are adequately addressed, to increase the accountability of government. It is not enough to protect a child from abuse if we allow that child to go without adequate shelter or food. It is not enough to provide the elderly with food and shelter if they lack proper medical treatment, or help in dealing with crime.

One of my first goals will be to improve coordination of human services, to find more innovative ways to meet human needs without higher costs to the state. We spend hundreds of millions of dollars each year on those services; we must find more effective ways to make sure that money is well spent. It may be, for instance, that the private sector is able to provide these services more economically; we are prepared to take the steps necessary to move in this direction.

Not only must we better coordinate the services we provide, but we must shift our emphasis from treatment to prevention, because it is far more costly to cure someone than to keep them healthy. By assuring that state agencies work together to coordinate the services they provide, we will be able to dramatically increase the quality of service without increasing its cost.

I have divided my cabinet into four cabinet councils to formalize the relationships among the departments that make up the Executive branch of government. Each cabinet council, made up of the secretaries of the departments and supported by their respective staffs, will have the responsibility to work together on issues that cross departmental lines of jurisdiction, resolve potential problems before they become conflicts, develop plans for long-term issues, and combine resources to accomplish together more than each department might separately.

#### STATE SPENDING

Two months ago, when I began to prepare the fiscal 1986 budget, I asked cabinet secretaries and other agency heads to tell me how we could reduce ongoing state spending in Delaware. Each agency and department was asked to examine its base budget and decide whether the programs it contained were really necessary, and how they could be run more economically.

There was a simple reason for this. The original requests submitted to the Budget Office, if approved, would have resulted in a huge increase in state spending. Even after the Budget Office had reduced those requests significantly, we were being asked to permit state spending to grow faster than inflation.

That was unacceptable.

But holding the level of state spending to the rate of inflation poses a dilemma: If we only spend as much as we spent last year, plus whatever is needed to compensate for higher costs, then we are frustrated by the inability to do anything new, to do anything different, to add needed new programs.

But the idea that government truly responsive to the needs of our citizens must constantly demand a greater share of their earnings is equally unacceptable.

I believe that, as we administer the government of the State of Delaware over the next four years, we must be prepared to ask basic questions about what government is, about what government does, and most important, about how we can reduce its demands on our resources while making it more responsive to our needs.

Historically, we have placed new demands on government, adding program on top of program, without considering the merit of what government is doing already, without ever asking whether the old programs are still needed. We treat last year's budget as the minimum, and let revenues determine the maximum.

In the process, we apply to the taxpayers together a standard that would be unacceptable to them as individuals. If an individual overpays his or her taxes by a few hundred dollars, we send them a refund. But if the taxpayers as a whole pay tens of millions more taxes than the state needs, we keep every penny, succumbing to the temptation to spend it.

Instead, we must begin to assign priorities to existing programs, just as we assign priorities to new programs. We must be able to react to society's needs without hampering its ability to grow economically, or its ability to meet its own needs. In the next four years, we must begin to ask government in Delaware to reexamine its priorities, to spend its resources differently, not simply spend more.

Individual decisions we have made preparing the fiscal 1986 budget may not be popular with certain special-interest groups. Taken together, the decisions represent an opportunity to make government more responsive, more flexible, and better able to serve the men and women who support it with their earnings.

#### FIRST STATE IMPROVEMENT FUND AND TAX CUT.

We accept education's demands on our revenues, just as we accept the need for new programs to fulfill the state's responsibilities to its citizens. Our state's growing revenues make it possible for us to meet both. The operating budget I will recommend next week represents approximately a five percent increase over the current budget, and provides adequate funding for all needed state programs.

But, for the second year in a row, Delaware's revenues promise to exceed the state's spending needs. Based on the latest figures from the Delaware Economic and Financial Advisory Council, the state will have available to spend \$44.5 million more than that budget requires.

This money belongs to the taxpayers of this state.

Special interests will try to claim a share of it as they can; we will be asked to entertain countless proposals for spending it ourselves. We can allow neither to happen. You and I have a duty to return it to the taxpayers, and we cannot support any proposal that does not do that, or use it in a way that will reduce future demands for taxes.

I believe we can do both in the coming year.



I am proposing that personal income taxes be cut by at least five percent across-the-board, and that the personal exemption allowed to all taxpayers be increased from \$800 to \$1,000. The total cost in fiscal 1986 will be \$14.5 million. Should our revenues continue to grow in the next few months, then we must be prepared to reach bipartisan agreement on a greater tax reduction.

By enacting the tax cut and increasing the exemption effective January 1, 1986, we continue to restore the balance to our revenue sources, protecting the state from the effects of recession. We further undo the damage caused by bracket creep during recent years of high inflation, and we return the money in the fairest way possible to the people who earned it -- our citizens.

The proposal takes into account the many unknowns on the national scene: whether and when the next recession will occur; what cuts in federal taxes will be enacted; and what programs the state will be forced to pay for as the federal government struggles with the deficit. It will allow us to absorb the impact of recession and adjust to changes in federal tax law and federal programs.

With the balance of our excess revenues, I propose a one-time appropriation of \$30 million to create the First State Improvement Fund, dedicated to the celebration of the Bicentennial of the Constitution, but designed to accomplish permanent improvements in Delaware.

This money will be set aside and, together with accumulated earnings, be spent over three years for the benefit of much-needed and long-deferred improvements throughout the state. I believe we can anticipate more than \$11 million per year between now and Delaware's Bicentennial celebration for these projects. The Fund provides the opportunity to affect each of our communities, and to make lasting changes in the state's economy in a way that will help guarantee our continued prosperity.

A portion of the annual expenditure should go to projects that will help Delaware attract new business and industry -- land purchases, infrastructure improvements in the hospitals, clinics, office buildings and other institutions throughout our state system and the school districts.

Finally, the Bicentennial celebration itself. Earlier I talked about the Bicentennial as a reaffirmation of the values central to this democracy. Delaware is well-prepared for that reaffirmation as we embark on a course of lasting changes in state government.

But Delaware must lead the Bicentennial celebration, because the nation will look to us as the First State on December 7, 1987, and I propose that we invite America to join us, that in each of our three counties we open our doors to the nation in 1987 and 1988.

Today I have written to the President inviting him to join us in that celebration.

But if we are inviting America to join us in our celebration, then we must be prepared to create a lasting memory for all those who visit us -- and for ourselves.

A final portion of the proceeds from the First State Improvement Fund should be set aside to match local government efforts to beautify and enhance the quality of life in our towns and cities. The money will be used for all the diverse projects that will be part of the celebration -- painting a town hall, putting on a pageant devoted to local history, beautifying a park, helping a school bring its students to the Bicentennial festivities, organizing sporting events, or publishing an oral history based on the memories of our senior citizens.

We should celebrate our Bicentennial with a recognition of the pride and value of our state's heritage and a partnership between state and local government that will help to insure that every town, city and county in Delaware can point to a bicentennial accomplishment supported by these funds.

This is an ambitious proposal, but one which has the potential to make permanent changes in Delaware and create a lasting impression for the rest of our nation.

In his Inaugural Address on Monday, President Reagan spoke of history as a "ribbon, always unfurling. History is a journey. And as we continue our journey we think of those who traveled it before us."

In the next three years, Delaware will pay tribute to those who began the journey two hundred years ago. At the same time, we must think of those who will follow us. We have the opportunity to speed them on their journey, and help assure its success.

Thank you very much.

\* \* \* \* \*

Lt. Governor Woo thanked the Governor and asked the previously-named committee to escort the Governor back to his Executive Offices.

Senator Sharp moved that the Secretary of the Senate and the Chief Clerk of the House compare their respective Journals. Motion carried.

The Secretary of the Senate and the Chief Clerk of the House compared their Journals and found them to agree and so informed the Chair.

At 12:30 p.m. on motion of Senator Sharp, the Joint Session adjourned.

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Mr. Speaker Hebner called the House to order at 1:59 p.m.

Representative Jonkiert asked to be marked present.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the current legislative day. The House reconvened at 2:01 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Staff Member, Richard Millman.

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

The minutes of the previous legislative 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: SCR 8, SCR 9, HCR 3, HCR 4, HCR 5, HCR 6, HCR 7, HCR 8, HCR 9, HCR 10, HCR 11 & HCR 12.

January 24, 1985

Speaker Charles L. Hebner

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Mr. Speaker:

Please be advised that the Joint Sunset Committee met on January 23, 1985 in the Senate Majority Caucus Room.

At the meeting it was agreed that the position of Chairman and Vice Chairman would be rotated between the House and the Senate.

Senator McDowell III was elected Chairman of the Joint Committee for the first year and Rep. Roy was elected Vice Chairman of the Joint Committee.

Sincerely yours,

Rep. Roger Roy

Chairman

House Sunset Committee

RR:rc

The following prefiled legislation was introduced:

**HB 39** - BUCKWORTH, SPENCE, TAYLOR, QUILLEN, FALLON, CLARK, B. ENNIS; SENATORS MINNER, TORBERT - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Vote Requirement for Ratification of Amendments to United States Constitution. (2/3 bill)

**HB 40** - FALLON; SENATOR MCBRIDE - ED: An Act to Amend Title 14 of the Delaware Code Relating to Substitute School Custodians and Establishment of a Salary Schedule Therefor.

**HB 41** - QUILLEN - R&F: An Act to Amend Chapter 35, Title 10, Delaware Code, Relating to Attachments.

**HB 42** - CORROZI, PETRILLI, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, DAVIS, D. ENNIS, FALLON, FREE, HEBNER, MARONEY, ROY, QUILLEN, REYNOLDS, SMITH, SPENCE, STEELE, TAYLOR, CLARK, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, WEST; SENATORS ARNOLD, BAIR, BERNDT, CITRO, CONNOR, KNOX, SLATCHER - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Election, Term, Qualifications and Duties of the Lieutenant-Governor. (2/3 bill)

**HB 43** - STEELE, BARNES, CAREY, CAULK, ROY, BUCKWORTH, OBERLE, DAVIS, MARONEY, QUILLEN, REYNOLDS, GILLIGAN; SENATOR CORDREY - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax.

**HB 44** - FALLON; SENATOR MCBRIDE; REPRESENTATIVES BARNES, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, MACK, QUILLEN, REYNOLDS, SPENCE, STEELE, ANDERSON, CAMPANELLI, GEORGE, GILLIGAN, SILLS, VAN SANT; SENATORS COOK, BAIR, CONNOR, NEAL, SLATCHER, HOLLOWAY, MARTIN, MINNER, TORBERT, VAUGHN - ED: An Act to Amend Chapter 13, Title 14, of Delaware Code Relating to Job Titles and Salaries of Certain School Lunch Employees.

**HB 45** - STEELE - ADM/S: An Act to Amend Title 25 of the Delaware Code Relating to Rents in Mobile Home Parks; and to Amend Part VIII, Title 29, Relating to the Establishment of the Mobile Home Park Rent Board.

**HB 46** - ROY, SMITH, TAYLOR, REYNOLDS, BUCKWORTH, BOYKIN, D. ENNIS, DAVIS, PETRILLI, SOLES, JESTER; SENATORS CITRO, MINNER, COOK - ADM/S: An Act to Amend Title 29, Delaware Code, Relating to Sexual Harassment by Employees of the State.

**HB 47** - SILLS, FALLON, ANDERSON, BENNETT, BRADY, CLARK, B. ENNIS, D. ENNIS, FREE, GEORGE, GILLIGAN, HOUGHTON, JESTER, MARONEY, OUTTEN, PLANT, SOLES, VAN SANT, WINGATE; SENATORS BERNDT, HOLLOWAY, KNOX, MARSHALL, MCBRIDE - ED: An Act to Amend Chapter 85, Title 14 and Chapter 1, Title 8 of the Delaware Code Relating to the Disposition of Student Records of Private Postsecondary Schools, Colleges and Universities.

**HB 48** - SILLS, FALLON, ANDERSON, BENNETT, BRADY, CLARK, B. ENNIS, D. ENNIS, FREE, GEORGE, GILLIGAN, JESTER, MARONEY, OUTTEN, PLANT, SOLES, VAN SANT, WINGATE; SENATORS BERNDT, HOLLOWAY, KNOX, MARSHALL, MCBRIDE - ED: An Act to Amend Chapter 85, Title 14 of the Delaware Code Relating to Private Business and Trade Schools.

**HB 49** - VAN SANT, ANDERSON, BOYKIN, BRADY, CLARK, DAVIS, HOUGHTON, JESTER, JONKIERT, PETRILLI, SILLS, SOLES, SPENCE; SENATOR VAUGHN - HUM. RES: An Act to Amend Chapter 25, Subchapter VI of Title 24 of the Delaware Code Relating to Substitution of Drugs.

**HB 50** - BENNETT, FALLON; SENATOR COOK; REPRESENTATIVES ANDERSON, CAMPANELLI, CLARK, C. CORDREY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, OUTTEN, SILLS, SOLES, VAN SANT, WEST, WINGATE; SENATORS BERNDT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Chapter 17, Title 14 of the Delaware Code, Relating to Elementary Guidance Counselors.

**HJR 4** - JONKIERT, ANDERSON, B. ENNIS, CAMPANELLI, CLARK, GEORGE, HOUGHTON, JESTER, MACK, OUTTEN, PLANT, QUILLEN, SILLS, SOLES, SPENCE, VAN SANT, WEST; SENATORS CITRO, COOK, HOLLOWAY, MARSHALL, MCBRIDE, MCDOWELL, MINNER, TORBERT, VAUGHN - H/ADM: Creating a Pay Equity Study Commission; Providing for Membership, Organization, and Purpose of the Commission; and Requiring a Report to the Legislature and the Governor.

Representative Oberle moved to recess for Caucus at 2:10 p.m.

The House reconvened at 3:41 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 10 & SJR 2.

Representative Oberle brought HB 1, cosponsored by Representatives Anderson, Barnes, Brady, Buckworth, Campanelli, Caulk, C. Cordrey, Mack, Corrozi, Davis, B. Ennis, D. Ennis, Roy, Fallon, Free, George, Gilligan, Outten, Houghton, Jester, Reynolds, Sils, Soles, Spence, Steele, Taylor, West, Van Sant, Hebner, Carey, Plant & Clark & Senators Berndt, Bair, Knox, Citro, Arnold, Neal, Martin, Vaughn, Torbert, Adams & Slatcher, before the House for consideration.

HB 1 - An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.

Representative Oberle requested and was granted the privilege of the floor for Don Dryden, Acting Controller General.

The roll call on HB 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sils, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Bennett - 1.

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

Representative Taylor brought HB 34, jointly sponsored by Senator Martin, before the House for consideration.

HB 34 - An Act to Amend Chapter 1, Subchapter II, of Title 17 of the Delaware Code Relating to Notaries Public.

Representative Taylor requested and was granted the privilege of the floor for House Attorney, Ronald Smith.

The roll call on HB 34 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sils, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Bennett - 1.

Therefore, having received a constitutional majority, HB 34 was sent to the Senate for concurrence.

Representative Roy requested that action on HB 32 be deferred to a Day Certain, Tuesday, January 29, 1985.

Representative Fallon introduced and brought HCR 14, cosponsored by Representative Jester & Senators Bair, McBride & Neal, before the House for consideration.

HCR 14 - Establishing a Legislative Task Force on Education to Discuss Issues and Develop Priorities During the 133rd General Assembly.

HCR 14 was adopted by voice vote and sent to the Senate for concurrence.

Representative Mack introduced HJR 5, jointly sponsored by Representatives Carey, Caulk, D. Ennis, Spence, George, Davis, Houghton, Oberle, Smith, Maroney, Reynolds, Taylor & Senators Vaughn & Connor.

HJR 5 - Requesting That the Division of Natural Resources and Environmental Control Conduct an Immediate, Full Scale Investigation Into the Operation of the Formosa Plastics Corporation's Vinyl Chloride Plant at Delaware City and the Effect That Recent Chemical Emissions May Have Had Upon the Health of Neighboring Residents.

Mr. Speaker assigned HJR 5 to the Natural Resources Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HCR 13.

Representative Oberle moved to recess to the call of the Chair at 4:39 p.m.

9th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 29, 1985

Mr. Speaker Hebner called the House to order at 1:56 p.m.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the current legislative day. The House reconvened at 1:58 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Maroney - 1.

A prayer was offered by Representative Bradford Barnes, Thirty-Fifth Representative District.

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

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

The Reading Clerk read the following communication into the record:

TO: Charles Hebner, Speaker of the House

FROM: Representative Jeffrey G. Mack

DATE: January 24, 1985

RE: House Joint Resolution - 4

I am requesting that you please remove my name as a sponsor to House Joint Resolution - 4, which creates a pay equity study.

JGM/ral

The following prefiled legislation was introduced:

**HB 51** - MARONEY & SENATOR SHARP; REPRESENTATIVES SPENCE, REYNOLDS, BUCKWORTH, DAVIS, MACK, TAYLOR, OBERLE, D. ENNIS, FREE, ROY, PETRILLI, BARNES, STEELE, SILLS, SOLES; SENATORS KNOX, HOLLOWAY - CHILD: An Act to Amend the Delaware Code, Titles 11, 14, 16, 21, and 31, to Provide for the Verification of the Existence or Nonexistence of Specified Criminal Offenses or Reports of Child Abuse in the Background of Employees or Applicants for Employment in Child Care Facilities, in Certain Health Facilities, in Public and Private Schools, in Transportation Thereto, and to Prohibit or to Provide for the Review of Certain Crimes or Founded Reports of Child Abuse or Neglect in Their Background.

**HB 52** - ROY, TAYLOR, SPENCE, CORROZI, REYNOLDS, PETRILLI, SOLES, VAN SANT - ADM/S: An Act to Amend Title 14 Delaware Code, Chapter 29, Relating to Transportation of Pupils.

**HB 53** - FALLON & PETRILLI, REYNOLDS, JESTER, BENNETT; SENATORS CONNOR, NEAL, MCBRIDE, BAIR, COOK - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Elementary Counselors.

**HB 54** - JONKIERT - NAT. RES: An Act to Amend Chapter 29, Title 6 of the Delaware Code Relating to Monitoring the Bulk Storage of Petroleum Products.

**HB 55** - WEST, WINGATE, CLARK, B. ENNIS, CAMPANELLI, BARNES, JONKIERT, QUILLEN, C. CORDREY, MACK, HOUGHTON, BENNETT, OUTTEN, VAN SANT, CAREY, SOLES, JESTER, GILLIGAN, REYNOLDS, STEELE, GEORGE, PETRILLI, SPENCE, MARONEY, PLANT; SENATORS VAUGHN, MINNER, R. CORDREY, HOLLOWAY - ADM/S: An Act to Amend the Pay Plan for State Employees in the Classified Service.

**HB 56** - BENNETT; SENATOR ZIMMERMAN; REPRESENTATIVE OUTTEN; SENATORS CORDREY, COOK - ADM/S: An Act to Allow for the Exchange of Lands Located in the City of Dover, Kent County, Delaware, Between the State of Delaware and Doris R. Dorzback and Donna D. Stone.

**HB 57** - GILLIGAN - R&F: An Act to Amend Chapter 55, Title 29, of the Delaware Code, Relating to the State Employees' Pension Plan; and Providing "Credited Service" Status to Individuals Who Have Served in the Armed Forces and Who Have Been Employed by the State of Delaware for Twenty Years.

**HB 58** - GILLIGAN - R&F: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan by Providing for a Service Pension After Twenty-five Years of Credited Service Regardless of Age.

**HB 59** - OUTTEN & SOLES, ANDERSON, CAMPANELLI, GILLIGAN, JESTER, ROY, VAN SANT; SENATOR MCBRIDE - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Program Enhancement Unit Funding.

**HB 60** - FREE, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STEELE, TAYLOR, SILLS, WINGATE; SENATOR KNOX - HUM. RES: An Act to Establish a New Product Capital Fund; Appropriating Monies for Such Fund; and Specifying Procedures, Conditions and Limitations for the Expenditures of Said Fund.

**HB 61** - B. ENNIS & BENNETT, CAMPANELLI, QUILLEN, JONKIERT, BUCKWORTH, HOUGHTON, GEORGE, WINGATE, OUTTEN, SOLES, PLANT, OBERLE, ANDERSON, SILLS, CLARK, C. CORDREY, GILLIGAN, WEST, JESTER, VAN SANT; SENATORS TORBERT, COOK, VAUGHN, MINNER - ADM/S: An Act Authorizing and Directing the Department of Corrections to Name the Kent Correctional Institution Located at 300 Water Street, Dover, Delaware, as the John E. Morris Correctional Institution in Honor of the Late John Edward Morris, Representative From the 34th District From 1972 to 1980.

**HCR 15** - WEST, C. CORDREY, B. ENNIS, JESTER, JONKIERT, OUTTEN, PLANT, SILLS, SOLES, VAN SANT; SENATOR MINNER - H/ADM: Providing for a Study of the State Merit System in Order to Provide Information on Proposed Legislation and on Other Improvements as May be Determined Desirable.

**SJR 2** - SENATORS MCDOWELL, BERNDT; REPRESENTATIVES SOLES, SMITH - NAT. RES: Providing for an Extension for Which the Ad Hoc Leaking Underground Storage Tank Committee can Report Its Findings.

**SCR 10** - VAUGHN; REPRESENTATIVES ANDERSON, HOUGHTON - H/ADM: Re-establishing the Prison Industry Task Force Appointed Under House Joint Resolution No. 18 of the 132nd General Assembly.

Representative Roy brought **HB 32**, jointly sponsored by Senator Vaughn & cosponsored by Representatives Bennett, Boykin, Buckworth, Steele, C. Cordrey, Corrozi, Reynolds, B. Ennis, D. Ennis, Houghton, Jonkiert, Mack, Taylor, Petrilli, Quillen, Smith & Van Sant & Senators Vaughn, Adams, Bair, Berndt, Citro, Slatcher, Martin & Sharp, before the House for consideration.

**HB 32** - An Act to Amend Chapter 42, Section 4209, Title 11 of the Delaware Code, Relating to the Method of Punishment for First Degree Murder.

Representative Sills moved to place **HB 32** on the Speaker's table. The motion was seconded by Representative Plant.

The roll call on the motion was taken and revealed:

YES: Representatives Jester, Outten, Plant, Sills, Soles, - 5.

NO: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebrer - 32.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Brady, D. Ennis, Maroney - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and **HB 32** remained before the House.

Representative Davis requested and was granted the privilege of the floor for Eugene Hall, Chief Prosecutor, Attorney General's Office, Wilmington, Delaware.

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

Representative Roy introduced and brought HA 1 to HB 32 before the House for consideration. HA 1 was adopted by voice vote.

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

The roll call on HB 32 w/HA 1 was taken and revealed:

YES: Representatives Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jonkiert, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Brady, Clark, Davis, Free, Jester, Outten, Plant, Sills, Soles, West - 11.

NOT VOTING: Representative Barnes - 1.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HB 32 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle introduced and brought HCR 16, jointly sponsored by Representative Barnes, before the House for consideration.

HCR 16 - Providing That a Joint Session of the Senate and the House of Representatives be Convened to Hear the Presentation of the Governor's Annual Budget Message.

Representative George announced that Representative Bennett has been appointed to the Capitol Complex Committee.

Mr. Speaker appointed Representative Petrilli to the Clearing House Committee.

HCR 16 was adopted by voice vote and sent to the Senate for concurrence.

Representative Corrozi introduced and brought SCR 8, cosponsored by Senators Arnold & Sharp & Representative Van Sant, before the House for consideration.

SCR 8 - Congratulating the Conrad High School Alumni Band, The Redskins Reprise, on Their Invitation to Represent Delaware and the United States as the Honors Band of All Bands in the 1985 St. Patrick's Day Parade in Dublin, Ireland.

SCR 8 was adopted by voice vote and returned to the Senate.

Representative Oberle moved to recess to the call of the Chair at 3:03 p.m.

10th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 30, 1985

Mr. Speaker Hebner called the House to order at 2:21 p.m.

The Majority Leader moved to adjourn at 2:22 p.m., thereby ending the current legislative day. The House reconvened at 2:23 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes - 1.

A prayer was offered by Representative Bruce Reynolds, Fifteenth Representative District.

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

The minutes of the previous legislative 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: SB 10 w/SA 1, SB 23, SCR 11, SB 19, SCR 14 & SCR 13.

January 30, 1985

The Honorable Charles L. Hebner

Speaker of the House

Legislative Hall

Dover, DE 19901

Dear Speaker Hebner:

Pursuant to House Rule 17(h), please strike my name from and withdraw my sponsorship of HJR #2.

Respectfully,  
Charles P. West  
State Representative

CPW/dd

The following prefiled legislation was introduced:

HB 62 - FREE, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, HEBNER, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STEELE, TAYLOR, SOLES, SILLS; SENATORS MCDOWELL, HOLLOWAY, MARSHALL, BERNDT - HUM. RES: An Act to Establish a Fund for Community Living for Single Parents and Children; Specifying Procedures, Conditions and Limitations: and Appropriating Monies for Such Fund.

HB 63 - BENNETT, BUCKWORTH - CHILD: An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Termination Pay) to the Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitation Services, Office of the Director (37-05-001) (Contractual Services) for the Purpose of Implementing the Delaware Marine Institute Program for Delinquent Youth.

HB 64 - OUTTEN, BARNES, BOYKIN, CLARK, PETRILLI, SILLS, SOLES; SENATORS BAIR, MCDOWELL, NEAL, TORBERT, ZIMMERMAN - ADM/S: An Act to Amend Chapter 103 of Title 29 of the Delaware Code Relating to Business Registration and Licensing System.

**HB 65** – GILLIGAN; SENATOR MINNER – R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Taxes by Allowing a Credit for Members of Delaware Volunteer Fire Company Auxiliaries for Certain Expenses.

**HB 66** – VAN SANT, ANDERSON, BENNETT, BOYKIN, BRADY, CORDREY, CORROZI, DAVIS, B. ENNIS, HOUGHTON, JONKIERT, OUTTEN, PETRILLI, QUILLEN, SPENCE, WEST; SENATORS ARNOLD, MINNER, VAUGHN, ZIMMERMAN – JUD: An Act to Amend Chapter 8, Title 22 and Chapter 3, Title 9 of the Delaware Code Relating to Municipal and County Regulation of Firearms.

**HCN 17** – OUTTEN & D. ENNIS; SENATOR ZIMMERMAN – H/ADM: Re-establishing the Blue Ribbon Task Force Set up Under House Joint Resolution No. 165 of the 132nd General Assembly to Conduct a Study of the Business License and Gross Receipts Tax Statutes of Delaware.

**SB 10 w/SA 1** – CORDREY, NEAL; REPRESENTATIVE JONKIERT – JUD: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Board of Parole; and Providing for a Notice to Victims and Witnesses Prior to Certain Parole Hearings.

**SB 19** – SHARP – JUD: An Act to Amend Chapter 49, Part III, Title 10 of the Delaware Code Relating to Courts and Judicial Procedures; and Providing for Certain Exemptions From Execution.

**SB 23** – MARSHALL, CORDREY, KNOX – R&F: An Act to Amend Chapter 19, Title 30 of the Delaware Code Relating to the Corporation Income Tax.

**SCR 13** – MARSHALL; REPRESENTATIVE PETRILLI – R&F: Providing for the Establishment of a Joint Revenue and Taxation Committee Whose Responsibility Will be to Monitor and Study the Various Tax Reform Proposals and Budget Cuts Being Considered by Congress and Their Effect on the State of Delaware.

**SCR 14** – VAUGHN, CONNOR; REPRESENTATIVES MACK, JESTER – NAT. RES: Requesting the Department of Natural Resources and Environmental Control to Conduct a Series of Tests at All Industrial Complexes in the Delaware City Area to Identify Any Hazardous Substances, (Toxic Emissions and Offensive Materials) That May be Discharged in the Air, Soil or Water by Such Industries During the Course of Their Operations.

Representative Oberle moved to recess for Committee Meetings at 2:30 p.m.

The House reconvened at 4:23 p.m.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on **HB 67**. The motion was properly seconded and adopted by voice vote.

Representative Oberle introduced and brought **HB 67**, cosponsored by Senator Sharp, before the House for consideration.

**HB 67** – An Act to Amend Chapter 13, Title 9 of the Delaware Code Relating to the Assessment of Property in New Castle County in Years of General Reassessment of Property.

Representative Oberle requested and was granted the privilege of the floor for Dennis Rochford, Chief Administrative Officer, New Castle County.

The roll call on **HB 67** was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Barnes – 1.

Therefore, having received a constitutional majority, **HB 67** was sent to the Senate for concurrence.

The following prefilled **Consent Calendar #3** was introduced:

**HR 15** – FALLON – Extending Congratulations to Linda Watson for Being Named a 1984 United States National Award Winner in Band.

**HR 16** – CAULK – Congratulating Edgar Dodenhoff Upon Receiving the 1984 Olin Marine Safety Award.

**HR 17** – JESTER, OBERLE – Congratulating Miss Jennifer Wicks, Miss Kim Luck, Miss Susie Talley, Mr. Charles Lindvig, and Mr. Ray Sayers of Middletown; Miss April Oberle of Scottfield; Mr. Dale E. Fetzer, Jr. of Bear; and Mr. Tim Friswell of New Castle on Being Asked to Participate in the 50th Presidential Inaugural Parade in Washington, D.C.

**HR 18** – GILLIGAN, D. ENNIS, JONKIERT – Expressing Condolences to John J. (Mickey) McMahon, Former Member of the House of Representatives on Learning of His wife's Death on January 18, 1985.

**HR 19** – FALLON – Extending Congratulations to Julie Wheatley for Being Selected Miss Delaware Teen-USA 1985.

**HR 20** – FALLON – Extending Congratulations to Bonnie Ellingsworth for Being Named a 1984 United States National Award Winner in Band.

**HR 21** – FALLON – Mourning the Passing of Jane Phelps Vincent, Devoted Mother and Sussex County Businesswoman.

**HR 22** – GILLIGAN, BENNETT – Extending Condolences to the Family of Daniel J. Queen, Jr., Former State Representative Who Died at Age 59, on Sunday, January 27, 1985.

**HR 23** – ROY, CORROZI, DAVIS, FREE, OBERLE, PETRILLI, REYNOLDS, SPENCE, TAYLOR, CAMPANELLI, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, VAN SANT – Observing the Week of February 3 through February 9 as Catholic Schools Week and Congratulating the Schools for Their Contribution to Education in The First State.

**HCN 18** – JESTER; SENATOR VAUGHN – Congratulating Mrs. Bertha Johnson, Principal of Silver Lake Elementary School, on Her Recent Retirement.

**HCN 19** – D. ENNIS & BRADY; SENATORS BERNDT, MCDOWELL – Establishing a Blue Ribbon Task Force to Evaluate the Feasibility of Establishing an Olympic Training/Public Recreation Facility in Delaware.

**HCN 20** – BOYKIN – Re-establishing a Blue Ribbon Task Force to Conduct a Study of the Business License and Gross Receipts Tax Statutes of Delaware and to Recommend Needed Reforms of These Statutes.

SCR 9 - COOK, VAUGHN, ZIMMERMAN; REPRESENTATIVE CLARK - Mourning the Death of William W. Opdyke, Jr., Former Legislator Who Served in the 120th General Assembly From 1958 to 1960.

SCR 11 - SHARP; REPRESENTATIVE SPENCE - Congratulating Earleen Gillan-Smith, School Nurse at the Margaret S. Sterck School for the Hearing Impaired, Upon Her Selection as Delaware's School Nurse of the Year.

Representative Jester introduced HCR 21, cosponsored by Senator Neal.

HCR 21 - Congratulating David C. Campbell, Jr. of Glasgow High School for Having Been Chosen to Represent Delaware in the U. S. Senate Youth Program.

HCR 21 was added to Consent Calendar #3.

Representative Wingate introduced HCR 22, cosponsored by Senator Minner.

HCR 22 - Congratulating Christine Steele of Cape Henlopen High School on Being Chosen to Represent Delaware in the U.S. Senate Youth Program.

HCR 22 was added to Consent Calendar #3.

Representative Buckworth introduced HCR 23, cosponsored by Senator Torbert.

HCR 23 - Joining the Del-Mar-Va Council in Commemorating the 75th Anniversary of the Founding of the Boy Scouts of America.

HCR 23 was added to Consent Calendar #3.

Representative Outten requested that HCR 20 be removed from Consent Calendar #3.

Consent Calendar #3 was adopted by voice vote and HCR 18, HCR 19, HCR 21, HCR 22 & HCR 23 were sent the Senate for concurrence and SCR 9 & SCR 11 were returned to the Senate.

Representative Boykin moved to suspend the rules which interfere with action on HCR 20. The motion was seconded by Representative Oberle.

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

The roll call on the motion was taken and revealed:

YES: Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 19.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, the motion was adopted and HCR 20 was brought before the House.

Representative Boykin brought HCR 20 before the House for consideration.

HCR 20 - Re-establishing a Blue Ribbon Task Force to Conduct a Study of the Business License and Gross Receipts Tax Statutes of Delaware and to Recommend Needed Reforms of These Statutes.

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

The roll call on HCR 20 was taken and revealed:

YES: Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 19.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, HCR 20 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 5:05 p.m.

11th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

January 31, 1985

Mr. Speaker Hebner called the House to order at 1:41 p.m.

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

H/ADM: HB 39 - 3M; HB 42 - 1F, 3M; SJR 3 - 4F.

ED: HB 13 - 3F, 1M; HB 47 - 4F; HB 48 - 4F.

NAT.RES: HJR 5 - 5F.

Mr. Speaker reassigned HB 7, HB 8, HB 30 & HB 31 to the Banking & Insurance Subcommittee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 22 w/SA 1, SB 5, SCR 12, HCR 14 & HCR 16.

Mr. Speaker declared a recess at 1:47 p.m.

The House reconvened at 1:48 p.m.

The Majority Leader moved to adjourn at 1:49 p.m., thereby ending the current legislative day. The House reconvened at 1:50 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon, Smith - 2.

Mr. Speaker declared a recess for the Joint Session at 1:54 p.m.

JOINT SESSION  
House Chamber  
January 31, 1985

Pursuant to HCR 16, the House and Senate met for a Joint Session in the House Chamber. The Sergeant-at-Arms announced the Members of the Senate. They were admitted and seated. Mr. Speaker Hebner invited the President of the Senate and the President pro Tempore to share the rostrum.

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

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

The Sergeant-at-Arms announced the Cabinet Officials. They were admitted and seated.

Representative Oberle moved that the House and Senate convene in Joint Session. The motion was properly seconded and adopted by voice vote.

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

Representative Oberle moved that the Chief Clerk of the House and Secretary of the Senate act as Secretaries of the Joint Session. The motion prevailed.

Representative Oberle moved that a committee of four be appointed to escort the Governor to the House Chamber. The motion prevailed.

The Speaker appointed Representative Anderson, Representative Free, Representative West, and Representative Reynolds to escort the Governor to the Chamber.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Speaker introduced former Governor Carvel.

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

Lieutenant Governor Woo, Mr. President pro Tem, Mr. Speaker, members of the 133rd General Assembly, members of the judiciary and cabinet, and the people of Delaware.

Five years ago, the members of the General Assembly made a fundamental decision about the fiscal integrity of Delaware's government. By constitutionally mandating a 98% limit on spending, you declared that government would live within its means -- in good times and bad.

The years that followed placed unusual demands on this body. But you accepted the responsibility for controlling the growth of State spending, resisting the pressure to "bend" the rules despite the difficult decisions that resulted. Those decisions were made particularly hard when Delaware suffered the effects of a severe nationwide recession. However, while other states laid off employees and dramatically cut services, we in Delaware were able to meet our obligations without lay-offs and without drastic cutbacks.

When the General Assembly met last year, the recession was over and the State was faced with a huge increase in revenues, one that offered the chance to "catch up," but at the same time raised the prospect of new, uncontrolled spending. The new revenues available to us last year allowed the base budget to grow at a rate faster than inflation, so that we could fund projects delayed in the previous two fiscal years. To your credit, you honored the 98-percent limit on spending, limited the growth of the base budget, and returned much of the anticipated increase in revenues to the taxpayers through a major cut in personal income taxes.

Again this year, Delaware faces the prospect of revenues far in excess of its needs. Again, we must resist the temptation to spend it all. Again we have the opportunity to lessen the burden on the taxpayer by reducing our tax rates. And we are presented with the unique opportunity to meet many long neglected needs for capital improvements without incurring additional long-term debt that would be paid for by our children and grandchildren.

At the same time, however, it is our responsibility to the citizens of this State to assure that the State meets its obligations: that our schools are adequately provided for, that our roads are in good condition, that the people who must turn to the State for help receive it, that we back up our commitment to jobs and economic development. In the next five months, we must reach agreement on a budget that assures all these things.

The Budget I am presenting today indeed fulfills the State's responsibilities to all its citizens, and then does considerably more. It meets the objective of restraining growth in the budget, reduces further the tax burden, and prevents additional long-term debt while meeting our capital needs.

Based on the Delaware Economic and Financial Advisory Council's December forecast, we estimate that in fiscal 1986 revenues available to us will be \$860.5 million. We will carry forward another \$65.4 million from the current fiscal year, bringing total available funds to \$925.9 million.

We are required by law to add \$2.1 million to the "rainy day" fund, and we must reserve \$18.3 million for the two-percent cushion against unexpected demands on the State during the fiscal year.

From the balance, I am proposing an operating budget of \$853.4 million.

Included in this Budget is a total of approximately \$63 million, or about eight percent of the budget, which will be devoted to new programs or new commitments. Those commitments include \$20.6 million for a 4.3 percent salary increase for State employees. This increase is being recommended at a time when union wage settlements nationwide are below three percent. We are proposing \$18 million in additional funding to improve education in Delaware, and \$12.7 million for new programs -- from helping teenagers with special problems to providing for more adequate protection against environmental threats.



In addition, this budget proposes the final step in a long-term process of removing from the capital bond bill salaries of employees in the Department of Transportation and the Department of Natural Resources and transferring them to the operating funds where they belong. It is wrong to borrow money to pay current operating salaries, and I have included \$4.5 million in my proposed budget to end this practice.

But if you were to adopt this spending plan intact, we would still have a surplus of \$44.5 million in Delaware.

For that reason, I am proposing a reduction in personal income tax rates of at least five percent and a \$200 increase in the personal exemption, which together will reduce revenues by \$14.5 million in fiscal 1986 and \$29 million in fiscal 1987.

And I am proposing that the balance of excess revenues -- another \$30 million -- be placed in the First State Improvement Fund. This fund is designed to bring lasting improvements to the State's infrastructure and further strengthen our economic base. By funding projects in this manner, we will be able to address additional long-standing infrastructure needs that otherwise could be met only through the normal capital budget program.

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Having served as a legislator for 10 years and as Lieutenant Governor for four years, I know the frustration of being unable to see a valuable program adopted because funds are not available. Preparing the budget, I have encountered the same frustration.

When we began our agency-by-agency analysis of State government in November, we quickly realized that our ability to redirect the State's efforts is severely limited by the fact that current programs and fixed costs claim as much as 93 percent of the funds appropriated for each department.

Simply building on past budgets year after year without re-examining our priorities has severely limited our ability to make government more responsive and at the same time limit its growth.

But we must limit the growth of State government to as near the rate of inflation as possible. That policy makes sense for two reasons.

First, as I stated earlier, we allowed State spending to grow at more than double the rate of inflation last year in order to catch up on many programs deferred because of the recession. For that to occur a second year would place us in jeopardy of returning to the cycle of tax and spend common for so many years in State government. With the uncertainties about the effect of decisions made in Washington, it is necessary to restrain our spending, particularly in this fiscal year, until we see the actual long-term obligations that the State will be required to assume in the future.

Second, sustained low inflation requires government to adjust its spending patterns. It is no longer necessary to increase a budget by eight or nine or ten percent just to keep even. At a time when inflation is projected at less than five percent, government must restrain its spending to a similar level.

The approach I have taken to the budget this year offers an opportunity for all of us to have a lasting impact on government -- and on our State. At the same time, it will make great demands on our resolve, because the change in approach to State spending I am recommending is no less significant than the constitutional budgetary restraints you enacted several years ago. And change inevitably brings opposition.

Our answer to the special interests and critics must be that government cannot be allowed to fuel inflation, that it cannot be allowed to grow faster than the incomes of the men and women who support it.

We must be committed to finding alternatives. In the course of developing the budget, department by department and division by division, I found that some agencies in fact proposed programmatic budgets which result in providing more services without substantial increases in spending. For example, when Dr. Tom Updike, Director of the Division of Mental Health, proposed his budget last fall, he proposed a "continuum of care" to meet the needs of the people the division serves. More important, the division adopted the concept of reallocating departmental resources to fund new initiatives.

Dr. Updike's approach has been to place his division's clients in less restrictive settings -- to provide a level of care appropriate to each individual's needs -- and thus reduce costs associated with institutionalization. This approach is at once more compassionate and less demanding on the State's resources.

I believe every agency and department in the State can do the same thing.

The operating budget I am presenting is 5.2 percent larger than the fiscal 1985 budget. It sends a message to the taxpayer that we know whose money we are spending, and that we will spend only what is needed. The rest belongs to them, and we will not contrive new uses for it at their expense. That must be our commitment to the people of Delaware.

Having talked about the philosophy behind the budget I am presenting, I would like to turn now to the budget itself and discuss some of the programs we are recommending.

## NEW AND EXPANDED PROGRAM INITIATIVES

### DEPARTMENT OF HEALTH AND SOCIAL SERVICES

First, the Department of Health and Social Services.

24 Hour Comprehensive Emergency Service. The State's Mental Hygiene Clinics have the responsibility of providing comprehensive mental health services statewide. Currently, these clinics are able to send staff members to respond to emergency situations only during regular working hours.

An increase of eight staff members will provide comprehensive emergency service and a mobile crisis unit to respond to acute, individual mental health emergencies in the community 24 hours a day. The agency anticipates that an additional 600 to 700 people will be served as a result.

Shifting a 50-bed Geriatric Unit to Governor Bacon Health Center. I am proposing the creation of an alternate placement facility for geriatric patients at the Governor Bacon Health Center.

By spending \$600,000 for this unit, we expect to realize a net savings to the State of \$383,000. Moreover, this supervised residential service for 50 patients who do not need the total care Delaware State Hospital provides will relieve the pressure for additional beds at the State Hospital.

This is a prime example of how we were able to remove a program from the budget base -- at considerable savings -- without affecting State services. Rather, we were able to increase our flexibility and better use the State's resources.

Drug Residential Program. While Delaware provides a residential treatment program for alcoholics, those with severe drug-related problems are unable to turn to the State for help today.

To address that problem, a drug-abuse residential treatment program for adult drug users has been recommended in the fiscal 1986 budget. This long-term care program will have a ten - to twelve - bed capacity, and it will provide a highly structured environment to those adult drug users who do not have substantial criminal justice system involvement.

#### DEPARTMENT OF SERVICES TO CHILDREN, YOUTH AND THEIR FAMILIES

I am recommending a series of new expenditures in the Department of Services to Children, Youth and Their Families:

First, funding to allow expansion of the foster home program in Kent and Sussex counties to provide needed new foster home beds and shelter foster home beds.

Second, the creation of a new, conservation-oriented program, called the Marine Institute, for 30 to 40 youths currently classified as minimum security inmates at Ferris School for Boys. Similar programs in other states have resulted in a lower recidivism rate than we are achieving at Ferris. It is also less costly.

Third, I am proposing to remedy the State's inability to provide services for severely disturbed adolescents by appropriating \$835,000 for contract mental health services.

Today the State offers acute youth mental health services for children up to the age of 12 at the Terry Psychiatric Center; after the age of 12 youths are treated at the Adult Mental Health Center at Delaware State Hospital.

By providing six psychiatric hospital beds for youth diagnosed to be dangerous to themselves or to others, the State can provide up to 30 days of treatment for approximately fifty of these youths annually. At the same time, this proposal will provide psychiatric hospital care for a smaller number of young people who require longer hospitalization.

#### EDUCATION

In the coming fiscal year, we will continue to implement the recommendations of the Governor's Task Force on Education for Economic Growth, and I am recommending a total of \$18 million for new programs in our public schools. On top of the \$21 million increase approved last year, this demonstrates our continuing commitment to our schools.

As Governor, I am prepared to continue the commitment of new dollars if teachers and the school system demonstrate that they are equally committed to improve the quality of the education our children receive. We cannot continue to be at the forefront of seeking improved funding for our schools if our schools are not at the forefront of improving educational opportunities for children. Indeed, in the next year I personally will demand of our school system the same accountability for their increased funding that the taxpayers demand of us when we spend these funds.

Let me cite a few statistics that raise disturbing questions that demand answers.

According to the U.S. Department of Education, Delaware spends more per student than all but eight other states. But our spending doesn't show up in the classroom. Not only do we pay our teachers less than twenty-one other states, but we have fewer teachers per student. The fact is, we have more non-teaching employees than most other states. In other words, we spend too much on the system and too little in the classroom.

I look to the State Board of Education to address this seeming imbalance. I look to the Department of Public Instruction and the school districts to recommend ways we can assure that a greater proportion of the money we appropriate reaches the classroom.

In the budget, four million dollars has been included for increased compensation under a career ladder program designed to reward the best teachers and set higher standards for all of them. I endorse the work of the Monitoring Committee, and thank its members for their efforts. But I believe that this program should benefit teachers and specialists, the people who make the biggest difference in our children's school day.

The last component of the Critical Curriculum Program, Teacher Scholarships, is funded at a cost of \$250,000, bringing the total cost of that program up to \$450,000. Four additional Curriculum Improvement workshops also are included in this budget.

The proposed budget for education includes an additional \$2.9 million to fulfill the second year of the equalization legislation. Another \$1.2 million is included to further reduce class sizes in grades one through three.

I am recommending increased funding to the Delaware Teacher Center to allow additional workshops, minigrants, and supplies, and twenty additional district computer literacy grants of \$15,000 each.

#### DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

Within the Department of Natural Resources and Environmental Control, I am recommending creation of a new Division of Hazardous Waste Management, at a cost of \$150,000. The new division will be responsible for air pollution control and the control of hazardous solid wastes, for the "Superfund" cleanup of toxic waste sites, and for the prevention of any additional sites. An additional year of funding, \$200,000, has been recommended for continued work to protect Delaware's inland bays.

### DEPARTMENT OF CORRECTION

The escalating growth in the area of our prison population will create a shortage of beds at the end of the fiscal year. To alleviate this situation, I have recommended that \$190,000 be appropriated for staffing and operational costs to open 112 beds on July 1, 1986, within the new 300 bed institution now under construction at the Delaware Correctional Center.

I have also reviewed recommendations on the security needs of the correctional system, both within and outside our major institutions, and propose that approximately \$225,000 be appropriated to meet these needs. I am also proposing \$190,000 to expand our Prison Industries effort.

The budget I have proposed provides additional probation officers to more effectively control and manage Probation and Parole cases, and I am recommending additional support to improve collection of fines, victim compensation costs and restitution payments.

Finally, I have included \$987,400 for correctional officer pay increases. The proposal will increase the starting rate for correctional officers from \$11,837 to \$13,428.

I have not mentioned every department, but the needs of each have been met. For example, in the Department of Community Affairs, an administrative assistant has been provided to assist the Advisory Council for the Coordination of Services to the Handicapped.

For the Department of Agriculture, I have recommended expanded agricultural marketing and development programs with the potential to increase the ability of our farmers to sell their products and help them develop new crops.

### FIRST STATE IMPROVEMENT FUND

New programs have been included in the budget of each department, and each budget reflects our efforts to reduce costs and shift funds from old programs to new initiatives, as well as our commitment to limiting government growth to approximately the inflation rate.

Our revenues have outstripped the rate of inflation, however. Spurred by a healthy business climate and conservative decisions about government spending, Delaware's economy continues to grow, bringing new revenues to the State.

The budget I am proposing reflects my strong commitment to that conservative approach. Further, I am strongly committed to maintaining the 75-percent limitation on new indebtedness. Yet I recognize that there is a long-standing need for repairs and restoration that must be met. Fortunately, the State's growing economy makes it possible to address those needs in a creative way while maintaining the 75-percent limit. I propose to create a new source of funds, separate from the bond bill, using excess revenues available this year. This approach has the advantage of reserving a portion of our excess revenues over a three-year period as insurance against unforeseen changes in the economy.

Last year, faced with a similar excess of revenues, the General Assembly approved a major cut in personal income taxes, a package of "one-shot" appropriations, and a budget twelve percent larger than the previous year's budget.

Now our approach to the revenue surplus anticipated in fiscal 1986 must change. We cannot commit ourselves to a further inflated budget and large-scale spending today when there is uncertainty about the economy and the effect of decisions Congress may make about federal taxes and the federal budget. Even if the national economy continues to grow, even if Delaware's economy continues to outperform the national economy, and even if we are not forced to adjust to federal tax changes or program cuts, we must adopt a more systematic approach to that surplus.

Over the past two months, we have considered a number of possible uses for the surplus: a tax cut, a tax rebate, a reduction of the State's long-term debt, a program to rebuild the State's infrastructure. Each proposal would either reduce the present tax burden on our citizens, or reduce the demands we place on them in the future. That is, by rebuilding a bridge at today's prices, we eliminate the need to do so later, when costs will be higher. By increasing the State's ability to attract business and industry, we enlarge the tax base and thus reduce the demands we make on individual taxpayers.

The proposal I am placing before you today does both, by cutting taxes and by investing our surplus in long-term improvements.

I am recommending that the "First State Improvement Fund," which would be capitalized at \$30 million and invested so that we can use both principle and interest, be used in the following way:

Between 10 and 20 percent of the annual expenditure should be used for economic development projects, building on the efforts of the past five years to encourage business to grow in Delaware. The purchase of land, the improvements in needed infrastructure, the provision of public amenities have all shown us that when government and the private sector continue to work together, abundant economic yields are forthcoming.

A similar amount should be set aside to match funds generated by local communities for physical improvements which will beautify and enhance the quality of living in our towns and cities in time for the Bicentennial. This portion of the fund would allow each of Delaware's counties and towns to embark on projects that would have lasting value, building community pride at the same time they were making permanent improvements.

The balance of the money should be used to finance needed rehabilitation and restoration of the State's existing infrastructure, improvements that in many cases are long overdue but have not been possible in past years.

I believe that the importance of this concept calls for the creation of a new steering committee for the fund which will annually recommend to the General Assembly how best to invest these monies in important development improvements. The recommendations of the board, which will be appointed by the Governor and the General Assembly, will coincide with the legislative review process for our annual capital improvement program.

This proposal is predicated on continued prosperity in Delaware; should changes in the economy or unusual demands on the State require it, we must be prepared to reallocate this fund to meet prior commitments. To that end, in recommending creation of the Fund I am also recommending that the enabling legislation include a "trigger" allowing us to shift its resources to the General Fund in the case of an emergency.

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As you recess today to hold your hearings on this Budget, I ask you to remember what brought Delaware to where the State is today. The sound fiscal policies of the prior Administration and General Assemblies were forged out of necessity and ultimately, a commonality of experience – we know the bad times. They were constructed by wise leaders and dedicated managers who once given the challenge answered the call. They were a result of sound decision-making and good laws.

The budget provides the State with the resources to meet its responsibilities, and at the same time reflects our ultimate responsibility to the people who support State government with their taxes. More important, it reflects my commitment to making government more flexible and responsive, not simply more expensive.

I ask you to join me in that commitment.

Thank you very, very much.

Mr. Speaker Hebner appointed Senator Adams, Senator Vaughn, Senator Slatcher, and Senator Neal to escort the Governor from the Chamber.

Representative Oberle moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals. The motion prevailed.

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

Representative Oberle moved that the Joint Session be adjourned at 2:27 p.m. The motion prevailed. The House reconvened at 4:35 p.m.

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

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

The minutes of the previous legislative 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: SB 2, SCR 15, SCR 16, SCR 17 & HB 67.

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

H/ADM: SCR 10 – 3M.

The following prefiled legislation was introduced:

HB 68 – FALLON, BUCKWORTH, REYNOLDS, SPENCE, DAVIS, CAREY, TAYLOR, PETRILLI, SILLS, JESTER, OUTTEN, SOLES, WINGATE, B. ENNIS, BRADY, CLARK, VAN SANT, GILLIGAN; SENATORS NEAL, CONNOR, BERNDT, KNOX, MCBRIDE, VAUGHN – ED: An Act to Amend Chapters 13, 17 and 31, Title 14 of the Delaware Code by Providing an Intensive Learning Center Funding Unit.

HB 69 – OBERLE, QUILLEN, BOYKIN, D. ENNIS, MACK, SMITH, ROY, PETRILLI, MARONEY, CORROZI, BARNES, DAVIS, FREE, BUCKWORTH, B. ENNIS, BRADY – JUD.: An Act to Amend Title 11, Delaware Code to Provide for a Special Prison Facilities Construction and Improvement Fund.

HB 70 – VAN SANT & BOYKIN, ANDERSON, BENNETT, BRADY, BUCKWORTH, CAMPANELLI, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, FALLON, GEORGE, GILLIGAN, HOUGHTON, JESTER, MACK, OUTTEN, PETRILLI, PLANT, REYNOLDS, SILLS, SOLES, SPENCE, STEELE, TAYLOR, WEST, WINGATE; SENATORS BAIR, BERNDT, CITRO, HOLLOWAY, KNOX, MARSHALL, MCBRIDE, MCDOWELL, MINNER, NEAL, TORBERT, VAUGHN – HUM. RES: An Act to Amend Title 31 of the Delaware Code Relating to Community Care for the Frail or Health Impaired Elderly.

HB 71 – CLARK, CAREY, CAULK, C. CORDREY, JESTER, WEST – AGRI: An Act to Amend Chapter 15, Title 3 of the Delaware Code Relating to Grass Seed Mixtures.

HB 72 – BENNETT – ADM/S: An Act to Amend Chapter 4, Title 29 of the Delaware Code Relating to Powers of the Secretary of Administrative Services and Capital Security.

HB 73 – SILLS, MARONEY, PLANT; SENATORS HOLLOWAY, MCDOWELL – CHILD: An Act to Amend Chapter 5, Title 31 of the Delaware Code to Determine Eligibility of Potential AFDC Recipients for Medicaid Coverage for Pre-natal Care.

HB 74 – WINGATE, ANDERSON, BARNES, BENNETT, BOYKIN, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FALLON, FREE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, MACK, MARONEY, OBERLE, OUTTEN, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SILLS, SMITH, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST – R&F: An Act to Amend Chapter 13, Title 30 of the Delaware Code, Relating to Delaware Inheritance Tax Rates.

HB 75 – SILLS, PLANT; SENATORS HOLLOWAY, MCDOWELL – H/ADM: An Act to Amend Chapter 17, Title 15 of the Delaware Code, Relating to Cancellation of Voter Registration.

HB 76 – ROY – R&F: An Act to Amend Chapter 11, Title 30, Delaware Code Relating to Personal Income Tax.

HJR 6 – MARONEY, BUCKWORTH; SENATORS KNOX, HOLLOWAY – CHILD: Creating a Commission on Work and the Family.

HJR 7 – GILLIGAN & JONKIERT, ANDERSON, B. ENNIS, CAMPANELLI, CLARK, GEORGE, HOUGHTON, JESTER, OUTTEN, PLANT, QUILLEN, SILLS, SOLES, SPENCE, VAN SANT, WEST; SENATORS CITRO, COOK, HOLLOWAY, MARSHALL, MCBRIDE, MCDOWELL, MINNER, TORBERT, VAUGHN – H/ADM: Creating a Pay Equity Study Commission; Providing for Membership, Organization, and Purpose of the Commission; and Requiring a Report to the Legislature and the Governor.

HA 1 to HB 6 – CAULK & CAREY – H/ADM: Placed with the Bill.

HS 1 for HB 52 - ROY & MARONEY, TAYLOR, SPENCE, CORROZI, REYNOLDS, PETRILLI, SOLES, VAN SANT - ADM/S: An Act to Amend Title 14 Delaware Code, Chapter 29, Relating to Transportation of Pupils.

SB 5 - CORDREY, NEAL - JUD: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Board of Pardons; and Providing for Notice to Certain Persons Prior to Pardons Hearings. (F/N)

SB 22 w/SA 1 - SHARP - JUD: An Act to Amend Chapter 95, Part VII, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Providing for the Use of Cash as Security on Appeal.

Representative Mack requested that HJR 5 be stricken.

Representative Caulk requested that action on HB 11 be deferred to a Day Certain, Tuesday, March 19, 1985.

Representative Oberle brought SJR 3, sponsored by Senators Martin & Cook & All Senators, before the House for consideration.

SJR 3 - Lamenting the Death of Senator Calvin H. McCullough of Holloway Terrace.

The roll call on SJR 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Fallon, Free, Smith, West - 4.

Therefore, having received a constitutional majority, SJR 3 was returned to the Senate.

Representative Buckworth requested that action on HB 39 be deferred to a Day Certain, Tuesday, March 19, 1985.

Representative Mack moved to suspend the rules which interfere with introduction of and action on HJR 8. The motion was properly seconded and adopted by voice vote.

Representative Mack introduced and brought HJR 8, cosponsored by Representatives Carey, Caulk, D. Ennis, Spence, George, Davis, Houghton, Oberle, Maroney, Reynolds & Taylor & Senators Vaughn & Connor, before the House for consideration.

HJR 8 - Requesting That the Department of Natural Resources and Environmental Control Conduct an Immediate, Full Scale Investigation Into the Operation of the Formosa Plastics Corporation's Vinyl Chloride Plant at Delaware City and the Effect That Recent Chemical Emissions May Have had Upon the Health of Neighboring Residents.

The roll call on HJR 8 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Fallon, Smith, West - 3.

Therefore, having received a constitutional majority, HJR 8 was sent to the Senate for concurrence.

Representative Anderson moved to suspend the rules which interfere with action on SCR 10. The motion was seconded by Representative George and adopted by voice vote.

Representative Anderson brought SCR 10, cosponsored by Senator Vaughn & Representative Houghton, before the House for consideration.

SCR 10 - Re-establishing the Prison Industry Task Force Appointed Under House Joint Resolution No. 18 of the 132nd General Assembly.

SCR 10 was adopted by voice vote and returned to the Senate.

The following prefilled legislation II was introduced:

HB 77 - FREE; SENATOR ARNOLD - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to the Personal Income Tax. (3/5 bill)

HB 78 - ROY; SENATOR CORDREY - JUD: An Act to Amend Chapter 25, Title 29, Delaware Code Relating to the Powers, Duties and Authority of the State Department of Justice.

HB 79 - OBERLE - JUD: An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to the Violent Crimes Compensation Board and Conflicts of Interest.

HB 80 - BOYKIN & OUTTEN, BARNES, CLARK, C. CORDREY, CORROZI, PETRILLI, SPENCE, VAN SANT; SENATORS BAIR, CORDREY, MCDOWELL, NEAL, ZIMMERMAN - JUD: An Act to Amend Chapter 6 Title 29 of the Delaware Code Providing for Attorneys' Fees for Small Businesses in Actions Involving a State Agency.

HB 81 - BOYKIN, FALLON, MARONEY, ANDERSON, SOLES, JESTER; SENATORS COOK, MINNER, BAIR - ADM/S: An Act to Amend Chapter 23, Title 30, Delaware Code Relating to Occupations Requiring Licenses.

HB 82 - BARNES & OUTTEN, ANDERSON, B. ENNIS, SOLES, DAVIS, BENNETT, GILLIGAN, VAN SANT, FALLON, BRADY, WEST, MACK, CLARK, JESTER, BOYKIN, MARONEY, C. CORDREY, SILLS, BUCKWORTH, QUILLEN, TAYLOR, REYNOLDS, CAREY, CAULK, SPENCE, STEELE; SENATORS ADAMS, BAIR, COOK, BERNDT, MINNER, CITRO, VAUGHN, CONNOR, ARNOLD, KNOX - ADM/S: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Including Certain Products Within the Jurisdiction of the Alcoholic Beverage Control Commission. (3/5 bill)

HB 83 - SILLS, PLANT; SENATOR HOLLOWAY - APPRO: A Supplemental Appropriation Act Providing Matching State Funds to Those Received by This State Under the Federal Housing and Urban Development Community Development Block Grant Program. (3/5 bill).

HA 1 to HB 23 - MARONEY - CHILD: Placed with the Bill.

SB 2 - CORDREY - APPRO: An Act to Amend Chapter 90, Title 16, Delaware Code, Clarifying the Use of the Health Facilities Subsidy Fund and Authorizing an Increase in the Capitalization of the Fund and to Amend Volume 64, Chapter 463, Laws of Delaware, Clarifying the Requirement for the Deposit of Interest on Loans to the General Fund. (3/4 bill)

The following prefiled Consent Calendar #4 was introduced:

HR 25 - MARONEY, GEORGE, PLANT, SILLS, FREE, JONKIERT, D. ENNIS, SMITH, BRADY, HEBNER, BOYKIN, CORROZI, VAN SANT, CAMPANELLI, REYNOLDS, HOUGHTON, MACK, SPENCE, GILLIGAN, ROY, TAYLOR, PETRILLI, SOLES, OBERLE, ANDERSON, DAVIS, JESTER - Expressing Appreciation for 38 years of Services Rendered by John A Lucey, District Engineer, North District, Department of Transportation.

HCR 24 - CAREY - Extending Warmest Wishes to William Cecil Carpenter Upon His Retirement From the Milford Southern States Cooperative.

HCR 25 - ROY, PETRILLI, CORROZI; SENATOR COOK - Requesting the Governor of the State of Delaware to Include the Bond Bill in His Budget Address to the General Assembly and to Have the Controller General Make Available to the General Assembly a Five Year Capital Improvement Plan.

SCR 12 - MCDOWELL, NEAL; REPRESENTATIVES ANDERSON, BRADY, VAN SANT - Providing for an Extension for Which the Public Rail Transportation Task Force Can Report Its Findings.

SCR 13 - MARSHALL; REPRESENTATIVE PETRILLI - Providing for the Establishment of a Joint Revenue and Taxation Committee Whose Responsibility Will be to Monitor and Study the Various Tax Reform Proposals and Budget Cuts Being Considered by Congress and Their Effect on the State of Delaware.

SCR 15 - COOK & REPRESENTATIVE GILLIGAN; SENATORS MARTIN, ADAMS, R. CORDREY, BERNDT, BAIR, KNOX; REPRESENTATIVES GEORGE, BENNETT, PETRILLI, CORROZI, ROY - Extending Congratulations to Nathan Hayward, III and His wife, Marilyn, on Their First Child, "A Boy", Born Tuesday, January 29, 1985.

SCR 16 - ZIMMERMAN, COOK, VAUGHN, ADAMS; REPRESENTATIVES BENNETT, B. ENNIS, O'UTTEN - Urging Delawareans to Attend the Annual "Delaware Day" Festivities in Fort Lauderdale, Fla., on February 14, 1985, Which Will be Held in Memory of the Late Walter Leslie "Reds" Wheatley.

Representative Jester introduced HCR 26, cosponsored by Representatives Mack & Smith & Senator Vaughn.

HCR 26 - Requesting Governor Michael N. Castle to Direct the Department of Health and Social Services to Invite the Delaware River and Bay Shoreline Committee to Any Discussions Involving the Disposal of the Governor Becon Health Center Grounds.

HCR 26 was placed on Consent Calendar #4.

Representative Oberle introduced SCR 14, sponsored by Senator Vaughn and cosponsored by Senator Connor and Representatives Mack and Jester.

SCR 14 - Requesting the Department of Natural Resources and Environmental Control to Conduct a Series of Tests at All Industrial Complexes in the Delaware City Area to Identify Any Hazardous Substances, (Toxic Emissions and Offensive Materials) That May be Discharged in the Air, Soil or Water by Such Industries During the Course of Their Operations.

SCR 14 was placed on Consent Calendar #4.

Representative Oberle introduced SCR 17, sponsored by Senator Martin and cosponsored by all Senators and all Representatives.

SCR 17 - Extending Happy Birthday Wishes to Elbert N. Carvel, Delaware's Governor for Two Terms and Lt. Governor for One Term Who Will Celebrate His 75th Birthday on February 9, 1985.

SCR 17 was placed on Consent Calendar #4.

Consent Calendar #4 was adopted by voice vote and HCR 24, HCR 25 & HCR 26 were sent to the Senate for concurrence and SCR 12, SCR 13, SCR 14, SCR 15, SCR 16 & SCR 17 were returned to the Senate.

Representative Oberle introduced HB 86, cosponsored by Representatives Hebner & Barnes & Senators Bair & Arnold.

HB 86 - An Act Making Appropriations for the Expense of the State Government for the Fiscal year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 86 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: SCR 18, SB 32, HB 1, HCR 18, HCR 19, HCR 21, HCR 22 & HCR 23.

Mr. Speaker reassigned HB 60 to the Economic Development Committee.

Mr. Speaker reassigned HJR 3 to the Education Committee.

Representative Oberle moved to recess to the call of the Chair at 5:10 p.m.

12th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 19, 1985

Mr. Speaker Hebner called the House to order at 2:26 p.m.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Plant, Quillen - 2.

A prayer was offered by Stephen Pratt, Mr. Delaware 1985.

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

Representative Steele introduced and brought HR 27, cosponsored by Representative Carey, before the House for consideration.

HR 27 - Extending Congratulations to Stephen R. Pratt for Being Selected Mister Delaware 1985.

WHEREAS, Stephen R. Pratt, of State Route 5, R.D. 2, Box 216A, Harbeson, Delaware, has been honored with the title of Mr. Delaware 1985; and

WHEREAS, Stephen R. Pratt is totally dedicated to a life of health and strength; and

WHEREAS, he builds the strength and muscle of his body through discipline, hours of rigorous training, proper diet and rest; and

WHEREAS, he refrains from using steroids and other chemicals to achieve the same results; and

WHEREAS, he encourages other bodybuilders to do the same; and

WHEREAS, Stephen R. Pratt is a graduate of Cape Henlopen High School, a veteran of the United States Navy and is presently studying Aeronautical Engineering at the University of Delaware; and

WHEREAS, he intends to continue his body building career and compete for the title of Mister America; and

WHEREAS, his dedication to a life of health and strength should serve as an example to all young people striving for the same in their lives.

NOW, THEREFORE:

BE IT RESOLVED by the Members of the House of Representatives that our heartiest congratulations be extended to Stephen R. Pratt for his outstanding honor as Mister Delaware 1985.

BE IT FURTHER RESOLVED that upon passage of this resolution a suitably prepared copy be presented to Mr. Pratt.

HR 27 was adopted by voice vote.

Representative Bennett requested that HB 72 be stricken.

The following prefiled legislation was introduced:

HB 84 - MARONEY & BUCKWORTH - CHILD: An Act to Amend Title 31, Delaware Code to Authorize the Department of Services for Children, Youth and Their Families to Enter into Interstate Agreements Pertaining to Adoption Assistance; Establishing Procedures for Interstate Services Payments; and Providing for the Adoption of Related Regulations.

HB 85 - MARONEY & BUCKWORTH - CHILD: An Act to Amend Titles 10, 13, 16, 29, and 31 of the Delaware Code Relating to the Present Department of Services for Children, Youth and Their Families; Providing a New Name for Said Department; and Providing a New Name for the Executive Advisory Council for Said Department.

HB 86 - Introduced 1/31/85.

HB 87 - MARONEY - CHILD: An Act to Amend Chapter 90, Title 29 Delaware Code Relating to the Composition of the Divisional Advisory Councils of the Department of Services for Children, Youth and Their Families.

HR 24 - GILLIGAN, GEORGE - H/ADM: Encouraging the New Castle County Executive, Mrs. Rita Justice, to Flatly Reject the Recommendations of the Transition Team.

SB 32 - MINNER, ADAMS, CORDREY, SLATCHER; REPRESENTATIVES BARNES, STEELE, C. CORDREY, FALLON, WEST, WINGATE - R/F: An Act Authorizing the Sussex County Council to Award a Pension Benefit to Former Specific Employees.

SCR 18 - MCBRIDE, CITRO; REPRESENTATIVES VAN SANT, CAMPANELLI - NAT. RES: Urging the Secretary of the Department of Natural Resources and Environmental Control and the Attorney General's Office to Use All Resources at Their Disposal to Require Chessie Railyard to Adhere and Abide by State Laws on Noise, Air and Water Pollution.

Representative Oberle moved to recess for Caucus at 2:42 p.m.

The House reconvened at 4:37 p.m.

The Reading Clerk read the following communications into the record:

February 1, 1985

Honorable Members

House of Representatives

Delaware General Assembly

Dover, Delaware 19901

Ladies and Gentlemen:

Thank you for Resolution No. 6 in honor of my late husband, Lorin B. Sebrell. I was touched by it and will cherish it as long as I live. All members of the family will receive copies of it.

I know that Lorin would be pleased if he could know the kind remarks about him contained in the document. He very much enjoyed his two terms in the House and his association with members of the General Assembly and all those involved with Delaware politics. He was proud to have been elected to the seat from his district.

Sincerely yours,

Bernadine Sebrell

February 7, 1985

LEGISLATIVE ADVISORY #1

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: HB #67 - 2/6/85.

The following Resolutions were signed by the Governor on the dates indicated:

SJR #1 - 1/16/85; SJR #3 - 2/7/85; HJR #1 - 1/16/85; HJR #8 - 2/7/85;

February 14, 1985

LEGISLATIVE ADVISORY #2

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: HB #1 - 2/14/85.

The following Resolution was signed by the Governor on the date indicated:  
HCR #24 - 2/14/85;

The Senate wishes to inform the House that it has passed: HCR 24 & HJR 8  
Representative Caulk brought HB 11, cosponsored by Representative Smith, before the House for consideration.

HB 11 - An Act to Amend Chapter 6, Title 1, Delaware Code Relating to Arbor Day.

The roll call on HB 11 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Bennett, Plant, Quillen - 3.

Therefore, having received a constitutional majority, HB 11 was sent to the Senate for concurrence.

Representative Buckworth brought HB 39, cosponsored by Representatives Spence, Taylor, Quillen, Fallon, Clark & B. Ennis & Senators Minner & Torbert, before the House for consideration.

HB 39 - An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Vote Requirement for Ratification of Amendments to United States Constitution. (2/3 bill)

Representative George introduced and brought HA 1 to HB 39 before the House for consideration.

HA 1 was adopted by voice vote.

The roll call on HB 39 w/HA 1 was taken and revealed

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

NO: Representatives Anderson, Campanelli, Jonkiert - 3.

ABSENT: Representatives Plant, Quillen - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 39 w/HA 1 was sent to the Senate for concurrence.

Representative Sills brought HB 47, jointly sponsored by Representative Fallon & cosponsored by Representatives Anderson, Bennett, Brady, Clark, B. Ennis, D. Ennis, Free, George, Gilligan, Houghton, Jester, Maroney, Outten, Plant, Soles, Van Sant & Wingate & Senators Berndt, Holloway, Knox, Marshall & McBride, before the House for consideration.

HB 47 - An Act to Amend Chapter 85, Title 14 and Chapter 1, Title 8 of the Delaware Code Relating to the Disposition of Student Records of Private Postsecondary Schools, Colleges and Universities.

Representative Sills requested and was granted the privilege of the floor for Ervin C. Marsh, Department of Public Instruction.

The roll call on HB 47 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Jonkiert, Plant, Quillen - 3.

Therefore, having received a constitutional majority, HB 47 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 5:25 p.m.

13th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 20, 1985

Mr. Speaker Hebner called the House to order at 1:55 p.m.

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the current legislative day. The House reconvened at 1:57 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Plant, Quillen - 2.

A prayer was offered by Staff Member, Richard Millman.

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

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

The following prefilled legislation was introduced:

HB 88 - BARNES & JONKIERT - R/F: An Act to Amend Chapter 13, Title 6 of the Delaware Code Relating to Commerce and Trade; and Providing for a Uniform Fraudulent Transfers Act.

HB 89 - HEBNER; SENATOR CORDREY - H/ADM: An Act to Enlarge the Delaware Heritage Commission from 9 to 12 Members.

HB 90 - STEELE - APPRO: An Act to Appropriate Money to Thomas Lawrence Winterbottom, Sr., A Veteran Eligible for the Bonus Paid by the State Pursuant to the Veteran's Military Pay Act No. II, but Who Did Not Receive His Bonus.

HB 91 - ROY - CHILD: An Act to Amend Title 13, Delaware Code Relating to Support and Payment of Private School Tuition.

HB 92 - OBERLE - H/ADM: An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.



HB 93 - OUTTEN & CAULK & HOUGHTON, BENNETT, BRADY, BUCKWORTH, CAREY, CLARK, C. CORDREY, GILLIGAN, JESTER, MACK, PETRILLI, PLANT, QUILLEN, REYNOLDS, SILLS, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST, WINGATE; SENATORS ADAMS, CORDREY, MARTIN, MINNER, TORBERT, ZIMMERMAN - AG: An Act to Amend Part VI, Title 3 of the Delaware Code, to Provide for the Humane Killing of Animals Held in a Shelter.

HB 94 - CAMPANELLI, GILLIGAN, JESTER; SENATOR VAUGHN - ADM/S: An Act to Amend Chapter 55, Part V, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan; and Providing "Credited Service" Status to Certain People.

HB 95 - GILLIGAN - ADM/S: An Act to Amend Title 6, Delaware Code, Relating to the Statute of Limitations in Contracts for Sale.

HB 96 - BENNETT - ED: An Act to Amend Chapter 11, Title 14 of the Delaware Code, Relating to Critical Curricular Areas.

HB 97 - GILLIGAN - ADM/S: An Act to Amend Chapter 81, Title 10, Delaware Code, Relating to Alleged Deficiencies in the Construction of Improvements to Real Property.

HB 98 - B. ENNIS; SENATOR TORBERT - ADM/S: An Act to Amend Chapter 3, Title 21, Delaware Code, Relating to the Registration, Titling and Liening of Motor Vehicles.

HA 1 to HB 12 - DAVIS - LABOR: Placed with the Bill.

Representative Roy requested and was granted the privilege of the floor for General Clarence E. Atkinson, Delaware National Guard.

The Speaker declared a recess at 2:13 p.m.

The House reconvened at 3:00 p.m.

Representative D. Ennis introduced HB 99, cosponsored by Representatives Corrozi, Free, Van Sant & Bennett & Senators Sharp, Cook & Bair.

HB 99 - An Act to Amend Chapter 3, Title 18, Delaware Code, Establishing a Regulatory Revolving Fund for the Revenues and Expenses of the Office of the Insurance Commissioner; and to Transfer Funds From the Budget Office Contingency (10-02-004) (Self Insurance Fund) to the Office of the Insurance Commissioner (12-03-001) (Contractual Services) for the Purpose of Providing Start-Up Funds for the Regulatory Revolving Fund.

Mr. Speaker assigned HB 99 to the Revenue and Finance Committee.

Representative Oberle moved to recess for Caucus at 3:02 p.m.

The House reconvened at 5:15 p.m.

The following prefiled Consent Calendar #5 was introduced:

HR 26 - OBERLE - Commending All of Those Who Participated in the Long Campaign to End the Slaughter of Harp Seal Pups in Canada.

HR 28 - GEORGE - Congratulating Lozelle Deluz of Brandywine Hills for Being Chosen to Receive the Annual Award Given by the Delaware Region of the National Council of Christians and Jews.

HR 29 - VAN SANT & CAMPANELLI - Congratulating Fred Comegys, Staff Photographer for the News-Journal Papers, for Being Named National Newspaper Photographer of the Year.

HR 30 - OBERLE - Requesting Mayor W. Wilson Goode to Employ Delaware Vietnam War Veterans in the Expansion and Renovation of the Philadelphia Naval Hospital.

HCR 27 - STEELE - Supporting Senate Joint Resolution 23 of the 99th Congress of the United States Designating 1985 as the "Year of Social Security."

HCR 28 - BRADY, D. ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - Expressing Appreciation to Russell G. Witman for Performing an Heroic Act in the Rescue of Michael Lee From Red Clay Creek.

HCR 29 - CLARK, B. ENNIS; SENATORS. COOK, VAUGHN - Commending Captain Francesco E. Cristiano, Captain of the 945 Maintenance Company, Delaware National Guard, Milford, Delaware for Having Received the Captain Robert Kirkwood Award for 1984.

SCR 20 - SLATCHER; REPRESENTATIVES WEST, C. CORDREY - Commending the Delmar Wildcats Basketball Team for Their Outstanding Season.

SCR 21 - HOLLOWAY; REPRESENTATIVE SILLS - Extending Best Wishes and a Speedy Recovery to Representative Al O. Plant, Sr. of the Second Representative District of Wilmington.

Representative Caulk introduced HCR 30, cosponsored by Representative Buckworth & Senator Torbert.

HCR 30 - Extending Congratulations and Thanks to Shirley H. Jerrell for Her Years of Outstanding Service as Mayor of Magnolia.

HCR 30 was placed on Consent Calendar #5.

Representative Jonkiert introduced HCR 31, cosponsored by Representatives Campanelli & Brady & Senator Marshall.

HCR 31 - Extending Congratulations to the Girls Basketball Team of St. Elizabeth High School for Winning the Delaware High School Girls Basketball Tournament for 1984-85.

HCR 31 was placed on Consent Calendar #5.

Representative Reynolds introduced HR 31, cosponsored by Representatives Maroney, Spence, Oberle, Roy, Fallon, Taylor & Steele.

HR 31 - Recognizing and Commending the Delaware High School Students and Teachers Participating in the "Close-up Program".

HR 31 was placed on Consent Calendar #5.

Representative Reynolds introduced HR 32.

HR 32 - Memorializing the Dedication of the Old Asbury Church Center as a National United Methodist Historic Site.

HR 32 was placed on Consent Calendar #5.

Representative C. Cordrey introduced HCR 32, cosponsored by Senator Slatcher.

HCR 32 - Congratulating Henry Cuffee, of Delmar, for Being Named to the Delaware All-State Boys Basketball Team and for Being Selected the Player of the Year by the Delaware Sportswriters and Broadcasters Association.

HCR 32 was placed on Consent Calendar #5.

Representative Van Sant introduced HCR 33, cosponsored by Representatives Campanelli, Corrozi & Jester & Senators Arnold, Citro & Sharp.

HCR 33 - Congratulating the Conrad Alumni Band for Their Recent Achievements.

HCR 33 was placed on Consent Calendar #5.

Representative Oberle introduced HR 33, cosponsored by Representatives Barnes, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Hebner, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Jonkiert, George, West, Gilligan, Soles, Wingate, Sills, Outten, Anderson, Brady, Clark, Houghton, Jester, B. Ennis, Van Sant, Campanelli & C. Cordrey.

HR 33 - Requesting the Governor to Appoint a Bipartisan Committee on Blue Collar Job Incentives.

HR 33 was placed on Consent Calendar #5.

Representative Oberle introduced HR 34, cosponsored by Representatives Mack, Spence, Campanelli & Jonkiert.

HR 34 - Requesting and Urging President Reagan to Continue Import Quotas on Japanese Produced Motor Vehicles.

HR 34 was placed on Consent Calendar #5.

Representative Oberle introduced SCR 23, sponsored by Senator Minner and cosponsored by Senator Slatcher & Representatives West, Carey & C. Cordrey.

SCR 23 - Commending the 280th Signal Battalion, Army National Guard, for Their Highly Successful Participation and Performance in Exercise Reforger 84.

SCR 23 was placed on Consent Calendar #5.

Representative Oberle introduced SCR 25, sponsored by Senator Bair and cosponsored by Senators McDowell & Knox & Representatives Ennis & Boykin.

SCR 25 - Congratulating Donald Cielewich and Lozelle Deluz Upon Receiving The Delaware Region of the National Council of Christians and Jews Award for Service to the Community.

SCR 25 was placed on Consent Calendar #5.

Representative Oberle introduced SCR 26, sponsored by Senator Sharp and cosponsored by Representative Campanelli.

SCR 26 - Honoring Peter D. Furness Upon His Retirement from the Council on Apprenticeship and Training.

SCR 26 was placed on Consent Calendar #5.

Representative Oberle introduced SCR 27, sponsored by Senator Sharp and cosponsored by Senator McBride & Representative Van Sant.

SCR 27 - Welcoming Home the Henry C. Conrad Alumni High School Band From Their Eventful and Momentous Journey to the Emerald Isles of Ireland and Congratulating Them for Having Won First Place in the Community Band Division in Dublin and Limerick City, Ireland.

SCR 27 was placed on Consent Calendar #5.

Representative Oberle introduced SCR 28, sponsored by Senator Adams and cosponsored by Senators Cook, Cordrey, Vaughn, Connor, Slatcher & Representatives Caulk, Carey, Mack Clark & C. Cordrey.

SCR 28 - Marking the Week of March 17th - 23rd as National Agriculture Week and March 20 as National Agriculture Day, and Congratulating the Delaware Council of Farm Organizations for Its Contribution to the Development of Delaware's Chief Industry.

SCR 28 was placed on Consent Calendar #5.

Consent Calendar #5 was adopted by voice vote and HCR 27, HCR 28, HCR 29, HCR 30, HCR 31, HCR 32 & HCR 33 were sent to the Senate for concurrence and SCR 20, SCR 21, SCR 23, SCR 25, SCR 26, SCR 27 & SCR 28 were returned to the Senate.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 20, SCR 21, HCR 26, SB 66, SCR 25, SCR 26, SCR 27, SCR 28, SCR 23, HCR 20 w/SA 2 & HCR 25.

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

ADM/S: HB 56 - 2F,2M; HB 61 - 4F; HB 82 - 3F,1M.

H/ADM: HB 5 - 1F,4M; HB 22 - 4M,1U.

LABOR: HB 12 - 2F,3M.

R/F: HB 36 - 5M.

AG: HB 71 - 4F,1M.

CHILD: HB 23 - 4F; HB 84 - 4F; HJR 6 - 4F.

JUD: HB 17 - 3F,1M; HB 78 - 1F,3M; HB 80 - 4M.

Representative Oberle moved to recess to the call of the Chair at 5:48 p.m.

14th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 21, 1985

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

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Plant, Quillen - 2.

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

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

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

The following prefiled legislation was introduced:

**HB 100** - (This Number Has Been Reserved.)

**HB 101** - MACK, BUCKWORTH, CAREY, DAVIS, REYNOLDS, SPENCE; SENATORS MCDOWELL, SHARP, ZIMMERMAN - JUD: An Act to Amend Chapter 59, Title 11, of the Delaware Code to Allow Justices of the Peace to Hear and Determine Criminal Cases on Sundays.

**HB 102** - DAVIS, FREE, OBERLE, REYNOLDS, SPENCE, TAYLOR, MACK, D. ENNIS; SENATORS ARNOLD, SHARP - CHILD: An Act to Amend Chapter 41, Title 14, of the Delaware Code, Relating to Parent and Pupil Rights.

**HB 103** - FALLON, ROY, HOUGHTON, WINGATE, BENNETT, ANDERSON, MACK, SPENCE, TAYLOR, OUTTEN, C. CORDREY, CAULK, DAVIS, CAREY, BARNES, BUCKWORTH, VAN SANT, OBERLE, GILLIGAN, REYNOLDS, WEST; SENATORS SLATCHER, BAIR, MCBRIDE, KNOX - ED: An Act to Amend Section 1318, Chapter 13, Title 14, Delaware Code Relating to Sick Leave for Teachers, and Other School Employees.

**HB 104** - SPENCE; SENATOR SHARP - ADM/S: An Act to Amend Title 29 of the Delaware Code Relating to Budget and Fiscal Regulation.

**HB 105** - DAVIS, D. ENNIS, MACK, REYNOLDS, SPENCE, TAYLOR, BARNES, FREE, OBERLE, BUCKWORTH, B. ENNIS; SENATORS SHARP, MARTIN, ARNOLD - JUD: An Act to Amend Chapters 95 and 96, Title 10 of the Delaware Code Relating to the Jurisdictional Amount of Justice of the Peace Court Civil Actions.

**HB 106** - DAVIS, SPENCE, D. ENNIS, BUCKWORTH, B. ENNIS, MACK, FREE, BARNES, OBERLE, TAYLOR; SENATORS SHARP, MARTIN, ARNOLD - JUD: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Violations of Parole or Conditional Release.

**HB 107** - DAVIS - ADM/S: An Act to Amend Chapter 14, Title 24 Delaware Code Relating to Certification and Registration of Electrical Contractors.

**HB 108** - MACK, DAVIS, OBERLE, SPENCE, BRADY, GEORGE, HOUGHTON, JESTER; SENATORS CONNOR, MCBRIDE, VAUGHN - NAT. RES: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Definition of Water Pollution and the Obligation of Persons Who Pollute Water Supplies.

**HB 109** - VAN SANT; SENATOR HOLLOWAY - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Exemptions From State Income Tax.

**HB 110** - ANDERSON, BOYKIN, CAMPANELLI, CLARK, D. ENNIS, HOUGHTON, SMITH, SPENCE, VAN SANT - JUD: An Act to Amend Chapter 27, Title 21 and Chapter 39, Title 18 of the Delaware Code to Prohibit Drivers Aged 16 or 17 From Driving a Motor Vehicle During Certain Hours and to Prohibit Cancellation of Insurance of Violators.

**HB 111** - ROY - ADM/S: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forestry Use.

**HB 112** - GILLIGAN (by request) - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Tax to Exempt Pay and Allowances of Delaware Residents Who Are on Active Duty in the Armed Forces of the United States.

**HCR 20 w/SA 2** - BOYKIN - H/ADM: Re-establishing a Blue Ribbon Task Force to Conduct a Study of the Business License and Gross Receipts Tax Statutes of Delaware and to Recommend Needed Reforms of These Statutes.

**SB 66** - VAUGHN & REPRESENTATIVE B. ENNIS; SENATORS COOK, MINNER, ADAMS; REPRESENTATIVES CLARK, CAULK, CAREY - R&F: An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to Uniform Tax Rates for School Districts That Traverse Two Counties.

Representative Oberle moved to recess for Caucus at 2:21 p.m.

The House reconvened at 4:08 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 3 & SB 39 w/SA 1 w/SA 1.**

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

ED: **HJR 3** - 4M.

Representative B. Ennis brought **HB 61**, jointly sponsored by Representative Bennett & cosponsored by Representatives Campanelli, Quillen, Jonkiert, Buckworth, Houghton, George, Wingate, Oberle, Outten, Soles, Plant, Anderson, Sills, Clark, C. Cordrey, Gilligan, West, Jester & Van Sant & Senators Torbert, Cook, Vaughn & Minner, before the House for consideration.

**HB 61** - An Act Authorizing and Directing the Department of Corrections to Name the Kent Correctional Institution Located at 300 Water Street, Dover, Delaware, as the John E. Morris Correctional Institution in Honor of the Late John Edward Morris, Representative From the 34th District From 1972 to 1980.

The roll call on **HB 61** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Quillen - 2.

Therefore, having received a constitutional majority, **HB 61** was sent to the Senate for concurrence.

Representative Davis brought **HB 17**, cosponsored by Representatives Spence & Reynolds, before the House for consideration.

**HB 17** - An Act to Amend Chapter 23, Title 11, Delaware Code Relating to the Limitation of the Search and Seizure Exclusionary Rule of Evidence.

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

Representative Brady requested and was granted the privilege of the floor for House Attorney, Robert Aulgur.

Representative Davis moved to place HB 17 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Corrozi brought HB 42, jointly sponsored by Representative Petrilli & cosponsored by Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Davis, D. Ennis, Fallon, Free, Hebner, Maroney, Roy, Quillen, Reynolds, Smith, Spence, Steele, Taylor, Clark, Cordrey, B. Ennis, Houghton, Jester & West & Senators Arnold, Bair, Berndt, Citro, Connor, Knox & Slatcher, before the House for consideration.

HB 42 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Election, Term, Qualifications and Duties of the Lieutenant-Governor. (2/3 bill)

Representative Corrozi moved to place HB 42 on the Speaker's table. The motion was seconded by Representative Bennett and adopted by voice vote.

Representative Barnes brought HB 82, jointly sponsored by Representative Outten & cosponsored by Representatives Anderson, B. Ennis, Soles, Davis, Bennett, Gilligan, Van Sant, Fallon, Brady, West, Mack, Clark, Jester, Boykin, Maroney, C. Cordrey, Sills, Buckworth, Quillen, Taylor, Reynolds, Carey, Caulk, Spence & Steele & Senators Adams, Bair, Cook, Berndt, Minner, Citro, Vaughn, Connor, Arnold & Knox, before the House for consideration.

HB 82 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors; and Including Certain Products Within the Jurisdiction of the Alcoholic Beverage Control Commission. (3/5 bill).

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

The roll call on HB 82 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Quillen - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 82 was sent to the Senate for concurrence.

Representative Maroney brought HB 84, cosponsored by Representative Buckworth, before the House for consideration.

HB 84 - An Act to Amend Title 31, Delaware Code to Authorize the Department of Services for Children, Youth and Their Families to Enter Into Interstate Agreements Pertaining to Adoption Assistance; Establishing Procedures for Interstate Services Payments; and Providing for the Adoption of Related Regulations. (2/3 bill)

Representative Maroney introduced and brought HA 1 to HB 84 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Mary Ball Morton, Department of Services for Children and Youth.

The roll call on HB 84 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Quillen - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 84 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli introduced HB 100, cosponsored by Representatives Boykin, Oberle, Spence, Reynolds, Taylor, Free, Roy, Mack, Taylor, Bennett, Campanelli, C. Cordrey, Houghton, Jonkiert, Van Sant & West & Senators Arnold, Berndt, Citro, Holloway, McBride, Sharp & Torbert.

HB 100 - An Act to Amend Chapter 385, Volume 63, and Chapter III, Volume 64 of the Laws of Delaware Relating to the Definition of Beverage Containers.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 5:47 p.m.

The House reconvened at 5:50 p.m.

Mr. Speaker assigned HB 100 to the Revenue & Finance Committee.

Mr. Speaker reassigned HB 19 to the Labor Committee.

Mr. Speaker reassigned HB 80 to the Appropriations Committee.

Representative Oberle moved to recess to the call of the Chair at 5:51 p.m.

15th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 26, 1985

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

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives George, Plant - 2.

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

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

The minutes of the previous legislative 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: SCR 32, SCR 29, SCR 30, SCR 31, SCR 33, HCR 27, HCR 28, HCR 29, HCR 30, HCR 32 & HCR 33.

The following prefiled legislation was introduced:

HB 113 - DAVIS, FREE, CAREY, CORROZI, PETRILLI, CAULK, SPENCE, BARNES, D. ENNIS, BOYKIN, SMITH, TAYLOR, MACK, REYNOLDS, ROY, STEELE, MARONEY, BRADY, JONKIERT, BENNETT, OUTTEN, ANDERSON, B. ENNIS, VAN SANT, C. CORDREY; SENATORS ARNOLD, COOK - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Employment of Pensioners.

HB 114 - MARONEY & ROY, DAVIS, TAYLOR, REYNOLDS, CORROZI, SPENCE, PETRILLI, SOLES, VAN SANT; SENATOR BAIR - ADM/S: An Act to Amend Chapter 29, Title 14 and Chapter 41, Subchapter XIII, Title 21 Delaware Code to Require the Installation and Use of Seat Belts in New School Buses and Providing Penalties for Failure to Use the Seat Belts. (2/3 bill)

HB 115 - SPENCE & SENATOR MCBRIDE - JUD: An Act to Amend Chapter 27, Title 14, Delaware Code Relating to School Attendance. (2/3 bill)

HB 116 - BARNES, BUCKWORTH, DAVIS, HEBNER, OBERLE, REYNOLDS, SPENCE, B. ENNIS, HOUGHTON; SENATORS CITRO, CONNOR, VAUGHN - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for a Delaware Racketeer-Influenced and Corrupt Organizations Act.

HB 117 - BARNES, CAULK, CAREY, C. CORDREY; SENATORS ADAMS, CORDREY - NAT. RES: An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Penalty for Trespassing Upon Land for the Purpose of Shooting Deer.

HB 118 - SPENCE; SENATOR SHARP - JUD: An Act to Amend Chapter 45, Title 10 Delaware Code Relating to the Composition of Grand Juries and the Requirements for Issuance of an Indictment by Grand Juries.

HB 119 - CAULK, CAREY, MACK, CLARK, C. CORDREY; SENATORS ADAMS, COOK, CONNOR, SLATCHER - AGRI: An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Penalties for Violations of the Pesticide Law. (2/3 bill)

HB 120 - GILLIGAN, VAN SANT - ADM/S: An Act to Amend Chapter 53, Title 30 of the Delaware Code to Provide for Labeling on Packages of Smokeless Tobacco.

HB 121 - GILLIGAN, GEORGE, ROY, JONKIERT; SENATOR MARSHALL - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Transportation of Nonpublic School Students.

HB 122 - BRADY, ANDERSON, CAULK, C. CORDREY, B. ENNIS, D. ENNIS, GILLIGAN, HOUGHTON, JESTER, OUTTEN, REYNOLDS, SILLS, SOLES, VAN SANT; SENATORS BAIR, BERNDT, MARSHALL, MARTIN, MCDOWELL, MINNER - ADM/S: An Act Awarding a Service Connected Disability Pension to Larry C. Johnson and Directing the Board of Pension Trustees to Administer the Pension Provided as if the Award Were Made Pursuant to Section 8324, Chapter 83, Subchapter II, Title 11 of the Delaware Code.

HB 123 - BUCKWORTH, BENNETT - JUD: An Act Proposing an 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)

HB 124 - QUILLEN - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Desecration of a Burial Place.

HB 125 - BENNETT, SOLES, OUTTEN, C. CORDREY, VAN SANT, CORROZI, QUILLEN; SENATORS COOK, ZIMMERMAN - ADM/S: An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Health Care Coverage for a Regular Officer or Employee of the State.

HA 1 to HB 31 - WEST - B&I: Placed with the Bill.

SB 3 - CORDREY - NAT. RES: An Act to Amend Volume 63, Chapter 179, Laws of Delaware, by Amending the Fiscal Year 1982 Capital Improvement Projects Schedule to Use \$49,000 From the Rehoboth - Groin Repairs Project for the Outfall for Lake Gerar. (3/4 bill)

SB 39 w/SA 1 w/SA 1 - CORDREY; REPRESENTATIVE HEBNER - H/ADM: An Act to Amend Chapter 334, Volume 64, 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, 1985, Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds: And Amending Certain Pertinent Statutory Provisions".

SCR 32 - ADAMS, COOK, CORDREY, VAUGHN, CONNOR, SLATCHER; REPRESENTATIVES CAULK, CAREY, MACK, CLARK, C. CORDREY - AGRI: Declaring the Opposition of the Delaware General Assembly to Certain Proposed Federal Program Changes; Memorializing the U. S. Congress to Reject Such Changes; and Directing Distribution.

The Majority Whip moved to recess for Caucus at 1:55 p.m.

The House reconvened at 4:17 p.m.

Representative Maroney brought HJR 6, cosponsored by Representative Buckworth & Senators Knox & Holloway, before the House for consideration.

HJR 6 - Creating a Commission on Work and the Family.

Representative Maroney introduced and brought HA 1 to HJR 6 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 6 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sils, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

NO: Representatives Bennett, Clark, Jester, Jonkiert, Quillen - 5.

ABSENT: Representatives George, Plant - 2.

Therefore, having received a constitutional majority, HJR 6 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 78, cosponsored by Senator Cordrey, before the House for consideration.

HB 78 - An Act to Amend Chapter 25, Title 29, Delaware Code Relating to the Powers, Duties and Authority of the State Department of Justice. (F/N)

Representative Roy introduced and brought HA 1 to HB 78 before the House for consideration. HA 1 was adopted by voice vote.

Representative Jonkiert introduced and brought HA 2 to HB 78 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 78 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Mr. Speaker Hebner - 31.

NO: Representatives Free, Gilligan, Petrilli, Quillen, West, Wingate - 6.

NOT VOTING: Representatives Buckworth, Fallon - 2.

ABSENT: Representatives George, Plant - 2.

Therefore, having received a constitutional majority, HB 78 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Sills requested that action on HB 48 be deferred to a Day Certain, Tuesday, April 2, 1985.

Representative Oberle moved to recess to the call of the Chair at 5:04 p.m.

16th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 27, 1985

Mr. Speaker Hebner called the House to order at 2:17 p.m.

Representative D. Ennis introduced HB 131, cosponsored by Senator Sharp & Representative Petrilli.

HB 131 - An Act to Amend Chapter 42, Title 18 of the Delaware Code to Direct the Delaware Insurance Guaranty Association to Assess Its Member Insurers and to Pay Over Such Assessments to the Insurance Commissioner Regulatory Revolving Fund. (3/5 bill)

Mr. Speaker assigned HB 131 to the Revenue & Finance Committee.

Representative D. Ennis introduced HB 132, cosponsored by Senator Sharp & Representative Petrilli.

HB 132 - An Act to Amend Chapter 44, Title 18 of the Delaware Code to Direct the Delaware Life & Health Guaranty Association to Assess Its Member Insurers and to Pay Over Such Assessments to the Insurance Commissioner Regulatory Revolving Fund. (3/5 bill)

Mr. Speaker assigned HB 132 to the Revenue & Finance Committee.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current legislative day. The House reconvened at 2:21 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Plant, Spence - 2.

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

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

The minutes of the previous legislative 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: SB 49 (F/N), SB 33 (F/N) & SB 45.

The following prefiled legislation was introduced:

HB 126 - TAYLOR, CAULK, BOYKIN, FREE, SMITH, CAREY, ROY, SPENCE, REYNOLDS, B. ENNIS, WEST - ADM/S: An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Objectives of the Division of Boiler Safety and Rules and Regulations to Achieve Those Objectives.

HB 127 - DAVIS, ROY, SPENCE, MACK, REYNOLDS, B. ENNIS, HOUGHTON - JUD: An Act to Amend Subchapter III, Chapter 96, Title 10 of the Delaware Code to Allow Service of a Summons With Accompanying Papers in a Justice of the Peace Court Trespass Action to Include Service by Certified Mail, Return Receipt Requested.

HB 128 - ROY - ED: An Act to Amend Chapter 29, Title 14, Delaware Code, Relating to Transportation of Pupils.

HB 129 - MARONEY, JESTER, SOLES, FREE - HUM. RES: An Act to Amend Chapter 35, Title 24 of the Delaware Code, Relating to Licensing of Psychologists.

HB 130 - MARONEY, JESTER, SOLES - HUM. RES: An Act to Amend Chapter 35, Title 24 of the Delaware Code, Relating to Psychologists.

HJR 9 - SILLS, BARNES, D. ENNIS, GEORGE, GILLIGAN, MARONEY, OUTTEN; SENATORS HOLLOWAY, KNOX, MCBRIDE - H/ADM: Creating a Housing Development Trust Fund Study Commission; Providing for Membership, Organization, and Purpose of the Commission; and Requiring a Report to the Legislature and the Governor.

HA 1 to HB 36 - BENNETT - READY LIST: Placed with the Bill.

SB 33 - HOLLOWAY, BERNDT - HUM. RES: An Act to Amend Chapter 57, Title 16, Delaware Code, Relating to Voluntary and Involuntary Sterilization, and Making a Supplementary Appropriation Therefore. (F/N)

SB 45 - MINNER & REPRESENTATIVE DAVIS - R&F: An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exclusion of Certain Motor Vehicles From the Operation of the Motor Fuel Tax.

SB 49 - ZIMMERMAN, COOK, CORDREY, NEAL, MCDOWELL; REPRESENTATIVES OUTTEN, BENNETT, BARNES, CLARK - SM. BUS: An Act to Amend Subchapter VII, Chapter 11, Title 30, Delaware Code, Relating to Withholding of Tax by Employers. (F/N)

The Majority Leader moved to recess for Committee Meetings at 2:24 p.m.

The House reconvened at 5:07 p.m.

The following prefiled Consent Calendar #6 was introduced:

HR 35 - ROY - Congratulating the Delaware Parents Teachers Association (DPTA) and Its Outgoing President for Their Continuing Dedication to the Educational and Health and Welfare Development of the Children of the First State.

HR 36 - D. ENNIS, BUCKWORTH, QUILLEN, FALLON, MARONEY, BOYKIN - Recognizing the Week of April 14 through April 20 as Medical Laboratory Week.

HR 37 - ROY & GILLIGAN - Extending Congratulations to Joseph O'Hara for Being Named Overall Champion of the 1985 Mr. Delaware Championship.

HCR 34 - SMITH, CAREY; SENATORS BERNDT, MINNER - Mourning the Passing of Reverend John F. Gray, Presbyterian Pastor and Dedicated Community Servant.

HCR 35 - BUCKWORTH, QUILLEN, CAULK, BARNES, BENNETT, OUTTEN, B. ENNIS, CLARK; SENATOR TORBERT - Establishing a Blue Ribbon Task Force to Study Home Rule for Kent County and to Recommend Appropriate Legislation Therefor.

HCR 36 - BUCKWORTH, CAULK, QUILLEN, CLARK; SENATORS ZIMMERMAN, COOK, TORBERT - Commending the Caesar Rodney Riders Wrestling Team and Their Coaches for Winning the Delaware Secondary School Athletic Association State Wrestling Championship for 1984-85.

HCR 37 - SMITH, HEBNER; SENATOR BAIR - Mourning the Passing of Frank C. Starr, Jr., Distinguished DuPont Company Chemist.

HCR 38 - JONKIERT, CAMPANELLI, BRADY; SENATOR MARSHALL - Extending Congratulations to the Girls Basketball Team of St. Elizabeth High School for Winning the Delaware High School Girls Basketball Tournament for 1984-85.

HCR 39 - PETRILLI; SENATOR ARNOLD - Honoring Gloria R. Stuber for Her Significant Strides in Women's Rights and Her Service as Chairperson of the Delaware Commission for Women.

SCR 29 - NEAL & ALL SENATORS; REPRESENTATIVES BARNES, BOYKIN, BUCKWORTH, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, FREE, HEBNER, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SPENCE, STEELE, TAYLOR, ANDERSON, BENNETT, BRADY, CAMPANELLI, CLARK, C. CORDREY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SILLS, SOLES, VAN SANT, WEST, WINGATE - Commending Dr. George V. Kirk as He Plans to Retire After Giving More Than Thirty Years of Leadership to Public Education in Delaware.

SCR 30 - BAIR, MARSHALL; REPRESENTATIVES BOYKIN, SMITH, JONKIERT, MARONEY - Expressing Sympathy Upon the Passing Away of Mary C. Dennison, Founder of the Girls Club of Delaware, Inc.

SCR 31 - BAIR & REPRESENTATIVE FALLON; SENATORS CONNOR, MCBRIDE, TORBERT, ZIMMERMAN, NEAL; REPRESENTATIVES FREE, REYNOLDS, JESTER, WINGATE - Congratulating Howard E. Row Upon His Retirement on March 30, 1985.

SCR 33 - BAIR & REPRESENTATIVE SMITH; SENATORS BERNDT; REPRESENTATIVES BOYKIN, BRADY, HEBNER - Expressing Sympathy Upon the Passing Away of Frank Reynolds.

Representative Oberle introduced SCR 34, sponsored by Senator Connor & Representative Mack.

SCR 34 - Congratulating Rebecca Gerhart for Being Named a Winner of a Japan-United States Senate Scholarship for 1985.

SCR 34 was placed on Consent Calendar #6.

Representative Anderson introduced HR 38.

HR 38 - Congratulating Flora Budd Herrman on Celebrating Her 62nd Birthday Today, March 27, 1985.

HR 38 was placed on Consent Calendar #6.

Consent Calendar #6 was adopted by voice vote and HCR 34, HCR 35, HCR 36, HCR 37, HCR 38 & HCR 39 were sent to the Senate for concurrence and SCR 29, SCR 30, SCR 31, SCR 33 & SCR 34 were returned to the Senate.

Representative Petrilli introduced HB 133, cosponsored by Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Hebner, Mack, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Anderson, Bennett, Brady, C. Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate & Clark.

HB 133 - An Act Entitled "The Tax Reduction Act of 1985", Which Amends Chapter 11, Title 30 of the Delaware Code, Relating to the Reduction of Personal Income Tax Rates, and Which Further Amends Chapter 11, Title 30 of the Delaware Code to Increase the Allowable Deduction for Personal Exemptions.

Mr. Speaker assigned HB 133 to the Revenue & Finance Committee.

Representative Oberle moved to recess to the call of the Chair at 5:24 p.m.

17th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

March 28, 1985

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

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

ADM/S: HB 46 - 3F,1M; HS 1 for HB 52 - 2F,2M; HB 81 - 4M; HB 98 - 1F,3M; HB 104 - 4F; HB 111

- 4F.

ED: HB 53 - 2F,2M.

HUM. RES: HB 16 - 4F; HB 49 - 4F.

R&F: HB 100 - 1F,4M; HB 99 - 1F,6M; HB 132 - 1F,6M; HB 131 - 1F,6M; HB 74 - 3F, 4M; SB 66 - 7M.

Representative Spence requested that he be marked present.

Mr. Speaker reassigned HB 53 to the Appropriations Committee.

Mr. Speaker reassigned HB 80 to the Judiciary Committee.

Mr. Speaker reassigned HB 102 to the Education Committee.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by David McCrystal, a Student at Smyrna High School.

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

The minutes of the previous legislative 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: SCR 34 & SB 13 w/SA 1 (F/N).

The following prefiled legislation was introduced:

HB 134 - PETRILLI - ED: 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.

HB 135 - OBERLE - ADM/S: An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Prohibiting the Wearing of Headphones, Earphones, or Ear Plugs While Operating a Motor Vehicle, or Bicycle.

HB 136 - FALLON - NAT. RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Finfishing in Tidal and Non-Tidal Waters of the State for All Finfish Except Menhaden.

HB 137 - ROY & SENATOR MARSHALL - ADM/S: An Act to Amend Subchapter III, Chapter 60, Title 7, Delaware Code Relating to Beverage Containers.

HB 138 - ROY - ADM/S: An Act to Amend Subchapter VI, Chapter 1, Title 26, Delaware Code Relating to Franchises for Cable Television Systems.

HB 139 - ROY - ADM/S: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Application by Minor for License.

HA 1 to HB 70 - BOYKIN, VAN SANT - HUM. RES: Placed with the Bill.

HA 1 to HB 98 - B. ENNIS - ADM/S: Placed with the Bill.

SB 13 w/SA 1 - VAUGHN, SHARP; REPRESENTATIVES B. ENNIS, VAN SANT - JUD: An Act to Amend Chapter 65, Subchapter VII, Title 11, Delaware Code, Relating to Publication of Names of Inmates Permitted to Leave Correctional Facility. (F/N)

Representative Steele requested that HB 10 be stricken.

Representative Oberle moved to recess for Caucus at 2:10 p.m.

The House reconvened at 4:05 p.m.

Representative Maroney brought HB 23, cosponsored by Representatives Spence, Free, Reynolds, Buckworth, Corrozi, Petrilli, D. Ennis, Oberle, Soles, Jester & Gilligan & Senators Knox, Holloway & Neal, before the House for consideration.

HB 23 - 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 Maroney moved to place HB 23 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis brought HB 99, cosponsored by Representatives Corrozi, Free, Van Sant & Bennett & Senators Sharp, Cook & Bair, before the House for consideration.

HB 99 - An Act to Amend Chapter 3, Title 18, Delaware Code, Establishing a Regulatory Revolving Fund for the Revenues and Expenses of the Office of the Insurance Commissioner; and to Transfer Funds From the Budget Office Contingency (10-02-004) (Self Insurance Fund) to the Office of the Insurance Commissioner (12-02-001) (Contractual Services) for the Purpose of Providing Start-up Funds for the Regulatory Revolving Fund.

Representative D. Ennis introduced and brought HA 1 to HB 99 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 99 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebrer - 39.

ABSENT: Representatives Buckworth, Plant - 2.

Therefore, having received a constitutional majority, HB 99 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to suspend the rules which interfere with action on HB 131. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis brought HB 131, cosponsored by Senator Sharp & Representative Petrilli, before the House for consideration.

HB 131 - An Act to Amend Chapter 42, Title 18 of the Delaware Code to Direct the Delaware Insurance Guaranty Association to Assess Its Member Insurers and to Pay Over Such Assessments to the Insurance Commissioner Regulatory Revolving Fund. (3/5 bill)

Representative Gilligan requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.



The roll call on HB 131 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Carey, Plant, Smith - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 131 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 132, cosponsored by Senator Sharp & Representative Petrilli, before the House for consideration.

HB 132 - An Act to Amend Chapter 44, Title 18 of the Delaware Code to Direct the Delaware Life & Health Guaranty Association to Assess Its Member Insurers and to Pay Over Such Assessments to the Insurance Commissioner Regulatory Revolving Fund. (3/5 bill)

Representative D. Ennis requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.

The roll call on HB 132 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 132 was sent to the Senate for concurrence.

Representative Petrilli brought HB 100, cosponsored by Representatives Boykin, Oberle, Spence, Reynolds, Taylor, Free, Roy, Mack, Bennett, Campanelli, Cordrey, Houghton, Jonkiert, Van Sant & West & Senators Arnold, Berndt, Citro, Holloway, McBride, Sharp & Torbert, before the House for consideration.

HB 100 - An Act to Amend Chapter 385, Volume 63, and Chapter III, Volume 64 of the Laws of Delaware Relating to the Definition of Beverage Containers.

Representative Caulk introduced and brought HA 1 to HB 100, cosponsored by Representative Carey, before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle rose on a point of order.

Representative George moved to place HB 100 w/HA 1 on the Speaker's table. The motion was seconded by Representative Gilligan.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Davis, B. Ennis, George, Gilligan, Houghton, Jonkiert, Outten, Sills, Smith, Soles - 12.

NO: Representatives Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, D. Ennis, Fallon, Free, Jester, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 27.

ABSENT: Representatives Plant, Spence - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 100 w/HA 1 remained before the House.

The roll call on HB 100 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NO: Representative Smith - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 100 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett brought HB 36, cosponsored by Representatives C. Cordrey, Outten & Van Sant, before the House for consideration.

HB 36 - An Act to Amend Chapter 10, Title 22 of the Delaware Code Relating to Real Property Tax Exemptions for Persons 65 or Older.

Representative Bennett brought HA 1 to HB 36 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 36 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jester, Plant - 2.

Therefore, having received a constitutional majority, HB 36 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker announced that Representative George has been appointed to the Interstate Cooperation Commission in Representative Plant's absence and that Representative Hebner will temporarily fill Representative Petrilli's appointment.

Representative Oberle moved to recess to the call of the Chair at 5:30 p.m.

April 2, 1985

Mr. Speaker Hebner called the House to order at 1:53 p.m.  
The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the current legislative day. The House reconvened at 1:55 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Petrilli, Plant - 2.

A prayer was offered by Representative Bruce Reynolds, Fifteenth Representative District.

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

The minutes of the previous legislative 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: SCR 36.

Withdrawal of Sponsorship Request:

I, Representative Steve Taylor, do hereby request that my name be removed as co-sponsor of HB 93  
Date: 3/28/85 Signed: S. Taylor

The following prefiled legislation was introduced:

HB 140 - OBERLE & SENATOR SHARP - R&F: An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to Delaware Inheritance Tax Rates.

HB 141 - DAVIS, REYNOLDS, SPENCE, HOUGHTON, BARNES, VAN SANT, B. ENNIS, OBERLE - JUD: An Act to Amend Chapters 3, 7, 21, 23, 27, 31, 41, 42 and 43, Title 21 of the Delaware Code Relating to the Penalty Provisions of the Motor Vehicle Code. (2/3 bill)

HB 142 - SILLS; SENATOR HOLLOWAY - HUM. RES: An Act to Amend Chapter 5, Title 31 of the Delaware Code to Authorize the Department of Health and Social Services to Increase Aid to Families With Dependent Children.

HB 143 - SILLS; SENATOR HOLLOWAY - HUM. RES: An Act to Authorize and Direct the Department of Health and Social Services to Increase General Assistance Payments.

HB 144 - WEST, C. CORDREY, CAREY, STEELE, WINGATE, BARNES, FALLON; SENATORS R. CORDREY, ADAMS, MINNER, SLATCHER - H/ADM: An Act to Amend Titles 9, 10 and 12 of the Delaware Code Relating to Salaries of Elected Officials of Sussex County.

HB 145 - CAMPANELLI, OBERLE - H/ADM: An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.

HJR 10 - CLARK, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, JONKIERT, MACK, REYNOLDS, STEELE, SILLS, OUTTEN, VAN SANT, WEST, WINGATE; SENATORS BERNDT, COOK, KNOX, MARTIN, MINNER, TORBERT, VAUGHN, ZIMMERMAN - NAT.RES: Requesting the Department of Natural Resources and Environmental Control to Impose an Immediate Moratorium on the Issuance of Hazardous Waste Storage, Disposal and/or Treatment Permits.

HA 1 to HB 107 - DAVIS - ADM/S: Placed with the Bill.

HA 1 to HB 136 - FALLON - NAT. RES: Placed with the Bill.

HA 1 to HJR 3 - BENNETT - READY LIST - Placed with the Bill.

Representative Oberle moved to recess for Caucus at 2:02 p.m.

The House reconvened at 3:51 p.m.

Representative Mack moved to suspend the rules which interfere with introduction of and action on HB 146. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Mack introduced and brought HB 146, cosponsored by Senator Connor, before the House for consideration.

HB 146 - An Act to Amend Chapter 216, Volume 27, Laws of Delaware as Amended by Chapter 454, Volume 60, Chapter 312, Volume 60, Chapter 233, Volume 51 and Chapter 123, Volume 35 Relating to "An Act Amending, Merging and Consolidating the Charter of New Castle". (2/3 bill)

The roll call on HB 146 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Petrilli, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 146 was sent to the Senate for concurrence.

Representative Sills brought HB 48, jointly sponsored by Representative Fallon & cosponsored by Representatives Anderson, Bennett, Brady, Clark, B. Ennis, D. Ennis, Free, George, Gilligan, Jester, Maroney, Outten, Plant, Soles, Van Sant & Wingate & Senators Berndt, Holloway, Knox, Marshall & McBride, before the House for consideration.

HB 48 - An Act to Amend Chapter 85, Title 14 of the Delaware Code Relating to Private Business and Trade Schools.

Representative Sills introduced and brought HA 1 to HB 48 before the House for consideration.

Representative Sills requested and was granted the privilege of the floor for Dr. Ervin Marsh, Department of Public Instruction.

HA 1 to HB 48 was adopted by voice vote.

The roll call on HB 48 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Maroney, Petrilli, Plant - 3.

Therefore, having received a constitutional majority, HB 48 w/HA 1 was sent to the Senate for concurrence.

Representative Smith brought HB 16, jointly sponsored by Representative Steele & cosponsored by Representative Sills, before the House for consideration.

HB 16 - An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Disabled Persons' Parking Permits.

The roll call on HB 16 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Petrilli, Plant - 2.

Therefore, having received a constitutional majority, HB 16 was sent to the Senate for concurrence.

Representative Clark brought HB 71, cosponsored by Representatives Carey, Caulk, C. Cordrey, Jester & West, before the House for consideration.

HB 71 - An Act to Amend Chapter 15, Title 3 of the Delaware Code Relating to Grass Seed Mixtures.

The roll call on HB 71 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Petrilli, Plant - 2.

Therefore, having received a constitutional majority, HB 71 was sent to the Senate for concurrence.

Representative Boykin brought HB 81, cosponsored by Representatives Fallon, Maroney, Anderson, Soles & Jester & Senators Cook, Minner & Bair, before the House for consideration.

HB 81 - An Act to Amend Chapter 23, Title 30, Delaware Code Relating to Occupations Requiring Licenses.

The roll call on HB 81 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representative Barnes - 1.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Petrilli, Plant - 2.

Therefore, having received a constitutional majority, HB 81 was sent to the Senate for concurrence.

Representative Roy requested that action on HB 111 be deferred to a Day Certain, Thursday, April 25, 1985.

Representative Oberle moved to recess to the call of the Chair at 4:52 p.m.

19th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 3, 1985

Mr. Speaker Hebner called the House to order at 2:13 p.m.

The Majority Leader moved to adjourn at 2:14 p.m., thereby ending the current legislative day. The House reconvened at 2:15 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Bennett, Petrilli, Plant - 3.

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

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

The minutes of the previous legislative 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: SB 42 w/SA 3, 4, 5 (F/N); SB 7; SB 96 w/SA 3 & SB 20.

The following prefiled legislation was introduced:

HB 147 - MACK, JESTER; SENATORS VAUGHN, CONNOR - NAT. RES: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to Municipality's Receipt of All Filings Required by the Department of Natural Resources and Environmental Control of All Industries, Firms or Persons Within a Municipality's Boundaries and Within Five Miles of Said Boundaries.

HB 148 - OBERLE, ROY, SPENCE, REYNOLDS, BARNES; SENATORS ARNOLD, SHARP - JUD: An Act to Amend Chapter 27, Title 21, Delaware Code Relating to License Qualifications, Suspension or Revocation.

HB 149 - PETRILLI - R&F: An Act to Amend Title 25, Section 2118 of the Delaware Code Relating to Mortgages Securing Optional Future Advances.

HB 150 - STEELE & MARONEY, BUCKWORTH, BOYKIN, FALLON, TAYLOR, REYNOLDS, SPENCE, PETRILLI, MACK; SENATORS HOLLOWAY, BAIR, ARNOLD, BERNDT, MARSHALL, MINNER, SLATCHER, NEAL, KNOX, CITRO, TORBERT - HUM. RES: An Act to Amend Title 31 of the Delaware Code Relating to Community Care for Frail or Functionally Impaired Adults.

HB 151 - TAYLOR, ROY; SENATOR MARTIN - ADM/S: An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to Governing the Use of and Conduct on State Land. (2/3 bill)

HB 152 - DAVIS, REYNOLDS, SPENCE, BARNES, OBERLE, HOUGHTON, VAN SANT, B. ENNIS - JUD: An Act to Amend Section 9801, Chapter 98, Title 10 of the Delaware Code Relating to Justice of the Peace Court Costs.

HB 153 - QUILLEN - NAT. RES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Falconry Licensing Fees. (3/5 bill)

HB 154 - BUCKWORTH, B. ENNIS - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to State Employees' Pension Plan.

HB 155 - CAMPANELLI & SENATOR BERNDT; REPRESENTATIVES ANDERSON, BENNETT, BOYKIN, BRADY, CAREY, CAULK, C. CORDREY, DAVIS, B. ENNIS, D. ENNIS, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, REYNOLDS, SILLS, SPENCE, TAYLOR, VAN SANT; SENATORS ADAMS, COOK, MARSHALL, MARTIN, MINNER, SHARP, TORBERT, VAUGHN - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code as it Relates to State Appropriations.

HB 156 - SOLES, ANDERSON, D. ENNIS; SENATORS BAIR, MARTIN, MINNER - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code, to Require a Landlord to Disclose the Tenant's Cancellation Rights on the Face of the Application Form.

HA 2 to HB 7 - BENNETT - B&I: Placed with the Bill.

HA 2 to HB 8 - BENNETT - B&I: Placed with the Bill.

HA 1 to HB 135 - OBERLE - ADM/S: Placed with the Bill.

HCR 40 - BENNETT, GEORGE; SENATORS CORDREY, COOK - R&F: Providing for a Study of the Feasibility of Purchasing the State of Delaware Bonds.

SB 7 - CORDREY - ADM/S: An Act to Amend Chapter 111, Title 29, Delaware Code, Relating to the Delmarva Advisory Council.

SB 20 - VAUGHN; REPRESENTATIVES B. ENNIS, VAN SANT - R&F: An Act Amending Chapter 52, Title 30 of the Delaware Code by Increasing the Victims Compensation Tax Assessment for Violations of the Motor Carrier Vehicle Marker Regulations.

SB 42 w/SA 3, 4, 5 - TORBERT & REPRESENTATIVE B. ENNIS; SENATORS ARNOLD, BERNDT, COOK, CONNOR, KNOX, MARTIN, MCBRIDE, MCDOWELL, NEAL, SLATCHER, VAUGHN; REPRESENTATIVES ANDERSON, BENNETT, BUCKWORTH, CLARK, C. CORDREY, DAVIS, HOUGHTON, JESTER, OUTTEN, PLANT, ROY, VAN SANT, WEST - JUD: An Act to Amend Chapters 21 and 27 of Title 21 of the Delaware Code Relating to the Establishment of a Motorcycle Rider Education Program and Providing a Self Funding Program Therefor. (3/5 bill) (F/N)

SB 96 w/ SA 3 - ZIMMERMAN; REPRESENTATIVES OBERLE, OUTTEN; SENATORS HOLLOWAY, MCBRIDE, MARTIN, MINNER, TORBERT, VAUGHN, CITRO; REPRESENTATIVES CLARK, C. CORDREY, B. ENNIS, GILLIGAN, HOUGHTON, VAN SANT, BARNES, BOYKIN, BUCKWORTH, DAVIS, MACK, REYNOLDS, SPENCE - JUD: An Act to Amend Title 11, Delaware Code, Relating to the Rights of Law Enforcement Officers.

Representative Quillen requested and was granted the privilege of the floor for William Dannerhauer, Department of Public Instruction.

Representative Oberle moved to recess for Committee Meetings at 2:35 p.m.

The House reconvened at 5:25 p.m.

The following prefiled Consent Calendar #7 was introduced:

HR 39 - GEORGE - Commending Sue Manelski for Her Unparalleled Performance in Girls Scholastic Basketball at James Madison University.

HR 40 - BARNES - Memorializing Delaware's Congressional Delegation to Take Appropriate Action to Guarantee That the Federal Student Loan Program is Maintained With Emphasis on a Different Criterion Rather Than Family Income.

HR 41 - C. CORDREY - Congratulating Garland Hayward, Basketball Coach at Delmar High, for Being Named Coach of the Year at the Annual Delaware Interscholastic Basketball Coaches Association Banquet.

HCR 41 - HOUGHTON; SENATOR MCBRIDE - Congratulating Emily Ryan for Her Fifty Years of Active Service in the Holloway Terrace Ladies Auxiliary.

HCR 42 - CAREY, CAULK, BARNES; SENATORS MINNER, ADAMS - Extending Best Wishes to Samuel M. D. Marshall, Jr., Upon His Retirement as Vice-President and Branch Manager of the Bank of Delaware.

SCR 36 - COOK, VAUGHN; REPRESENTATIVES CLARK, B. ENNIS - Welcoming Phoenix Program Students From the Smyrna School District as They Visit the Legislative Hall and Observe the General Assembly in Action Today, March 28, 1985.

Representative Oberle introduced SCR 35, sponsored by Senator Slatcher & Representatives Fallon & Quillen.

SCR 35 - Expressing Sympathy Upon the Passing Away of William "Ross" Collins.

SCR 35 was placed on Consent Calendar #7.

Representative Roy introduced HCR 43, cosponsored by Senator Sharp.

HCR 43 - Congratulating Sheila Saints Upon Her Selection as Miss Delaware USA and Extending to Her Our Best Wishes as She Prepares to Represent Delaware in the Miss USA Pageant.

HCR 43 was placed on Consent Calendar #7.

Consent Calendar #7 was adopted by voice vote and HCR 41, HCR 42 & HCR 43 were sent to the Senate for concurrence and SCR 35 & SCR 36 were returned to the Senate.

Mr. Speaker appointed Representative Free as Temporary Chairman of the Revenue and Finance Committee in Representative Petrilli's absence.

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

NAT. RES: HB 136 - 3F,2M; HJR 10 - 5F.

H/ADM: SB 39 w/SA 1 w/SA 1 - 3F,2M.

SM BUS: SB 49 - 2F,1M.

AGRI: HB 119 - 4F,1M; SCR 32 - 4F,1M.

HUM. RES: HB 130 - 4F; HB 14 - 4F; HB 62 - 1F,3M.  
ADM/S: HB 135 - 3M.  
JUD: HB 105 - 3F,1M; HB 106 - 3F,1M; HB 127 - 4F; HB 101 - 3F,1M; HB 123 - 4F; HB 124 - 4M;  
HB 79 - 3F,1M; HB 115 - 1F,3M; HB 66 - 3F,1M; SB 10 w/SA 1 - 1F,3M; SB 5 - 1F,3M; SB 22 w/SA 1 -  
1F,3M.

Representative Oberle moved to recess to the call of the Chair at 5:35 p.m.

20th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 4, 1985

Mr. Speaker Hebner called the House to order at 1:30 p.m.

Representative Roy requested that HB 139 be stricken.

The Majority Leader moved to adjourn at 1:31 p.m., thereby ending the current legislative day. The House reconvened at 1:32 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Bennett, Petrilli, Plant - 3.

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

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

The minutes of the previous legislative 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: SB 82, SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89, SB 90, SB 91, SB 68, SB 77, SB 94, SCR 35, HB 61, HB 146, HCR 36, HCR 34, HCR 37, HCR 38, HCR 39 & HJR 6 w/HA 1.

April 30, 1985

I N V I T A T I O N

TO: One-hundred-thirty-third General Assembly  
State of Delaware  
Legislative Hall  
Dover, Delaware 19901

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 133rd General Assembly to attend the ceremony. The ceremony will take place in front of Legislative Hall on May 9, 1985, at 12 Noon.

Respectfully submitted,  
Jack A. Egolf, Chairman  
Police Memorial Service

The following prefiled legislation was introduced:

HB 157 - OBERLE, BUCKWORTH, ROY, CAMPANELLI; SENATORS ARNOLD, SHARP, VAUGHN -  
JUD: An Act to Amend Chapter 27, Title 21, Delaware Code Relating to Suspension of Licenses of Minors; and to License Qualifications. (2/3 bill)

HB 158 - HOUGHTON - JUD: An Act Concurring in a Proposed Amendment to Article I, Section 4  
of the Constitution of the State of Delaware Relating to the Composition of Grand Juries. (2/3 bill)

HB 159 - JONKIERT & VAN SANT; SENATOR MARSHALL - ADM/S: An Act to Amend Chapter  
65, Title 29 of the Delaware Code Relating to Budget and Fiscal Regulations.

HB 160 - SILLS & FREE; SENATOR HOLLOWAY - R&F: An Act to Amend Chapter 31, Title 5 of  
the Delaware Code Relating to Maximum Permissible Interest Rates on Secondary Mortgage Loans.

HA 1 to HB 22 - GILLIGAN - READY LIST: Placed with the Bill.

HA 1 to HB 106 - DAVIS - READY LIST: Placed with the Bill.

SB 68 - ADAMS, COOK, R. CORDREY, VAUGHN, CONNOR, SLATCHER; REPRESENTATIVES  
CAULK, CAREY, MACK, CLARK, C. CORDREY, BARNES - AGRI: An Act to Amend Chapter 9, Title 3 of the Delaware Code Relating to Agricultural Lands Preservation.

SB 77 - ADAMS; REPRESENTATIVE BARNES - H/ADM: An Act to Amend Chapter 183, Volume  
22, Laws of Delaware, Entitled "An Act to Incorporate the Town of Greenwood," As Amended by Chapter 167, Volume 43, Laws of Delaware, to Authorize the Issuing of Bonds to Finance the Construction and Improvement of Its Disposal System, Including a Sewage Treatment Plant. (2/3 bill)

SB 82 - R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C.  
CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 70, Section 7004 of the Delaware Code, Relating to the Procurement of Services or Supplies.

SB 83 - SLATCHER, ADAMS, R. CORDREY, MINNER; REPRESENTATIVES BARNES, CAREY, C.  
CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 70, Section 7002 of the Delaware Code, Relating to Salary and Expenses of the County Government.

SB 84 - SLATCHER, ADAMS, R. CORDREY, MINNER; REPRESENTATIVES BARNES, CAREY, C.  
CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 68, §6812 of the Delaware Code Relating to Public Hearings and Notice.

SB 85 - R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Section 6109, Title 9, of the Delaware Code Annotated, as It Relates to Government of Sussex County Operation of Courthouse.

SB 86 - MINNER, ADAMS, R. CORDREY, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 68, §6810 of the Delaware Code Relating to Road Plats.

SB 87 - R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Section 7007, Title 9, of the Delaware Code Annotated, as It Relates to Sussex County Advisory Retirement Board.

SB 88 - MINNER, ADAMS, R. CORDREY, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 68, §6804 of the Delaware Code Relating to Organization of Planning and Zoning Commission.

SB 89 - ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 86, §8604 of the Delaware Code Relating to Penalty for Late Payment of Taxes.

SB 90 - ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 68, §6811 of the Delaware Code Relating to Approval of Plats by Planning and Zoning Commission.

SB 91 - ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - ADM/S: An Act to Amend Title 9, Chapter 87, §8705 of the Delaware Code Relating to Lien of Taxes.

SB 94 - MINNER; REPRESENTATIVE QUILLEN - H/ADM: An Act to Amend Chapter 215, Volume 64, Laws of Delaware, Being "An Act to Re-Incorporate the City of Harrington" Relating to Elections, Alderman and Police Powers. (2/3 bill)

Representative Oberle moved to recess for Caucus at 1:43 p.m.

The House reconvened at 3:20 p.m.

Mr. Speaker reassigned HB 24 to the Judiciary Committee.

Mr. Speaker reassigned HB 80 to the Appropriations Committee.

Mr. Speaker reassigned HJR 10 to the Natural Resources Committee.

Representative Fallon brought HB 136 before the House for consideration.

HB 136 - An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Finishing in Tidal and Non-Tidal Waters of the State for All Finfish Except Menhaden.

Representative Fallon requested that HA 1 to HB 136 be stricken.

Representative Fallon moved to place HB 136 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 135 before the House for consideration.

HB 135 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Prohibiting the Wearing of Headphones, Earphones, or Ear Plugs While Operating a Motor Vehicle, or Bicycle.

Representative Oberle moved to place HB 135 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Free brought SB 66, sponsored by Senator Vaughn & Representative B. Ennis & cosponsored by Senators Cook, Minner & Adams & Representatives Clark, Caulk & Carey, before the House for consideration.

SB 66 - An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to Uniform Tax Rates for School Districts That Traverse Two Counties.

The Reading Clerk read the following communication into the record:

Dear Mr. Speaker:

I hope that you, Mr. Speaker, and the rest of the Republican representatives move quickly on this piece of legislation. I realize that the democrats in my district have been keeping this sort of thing to themselves, grabbing all the glory so to speak.

I was aware of this bill on 3-19-85 when it was introduced. The very next day it passed the Senate. On 3-26-85, at a Blackbird Hundred Democrat Club monthly meeting, the floor was open for discussion on SB 66. I was later told that about 250 people showed up for the meeting. After speaking to you in Dover on 3-27-85, I learned that you, like myself, were told that this was a Democrat meeting. This was stressed to both of us. It was obviously done to deter any Republicans from being a part of the meeting.

In short, I hope that the House Republicans act swiftly toward the passage of this bill on its merits. Even though the Democrats are out "glory hunting", painting a picture that they are the only ones who care about this gross injustice, I assure you they are not!

Sincerely yours,

Ed Dugan

28th District Committeeman

The roll call on SB 66 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonktert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Bennett, Petrilli, Plant - 3.

Therefore, having received a constitutional majority, SB 66 was returned to the Senate.

Representative Buckworth requested that action on HB 123 be deferred to a Day Certain, Thursday, April 25, 1985.

Representative Davis brought HB 105, cosponsored by Representatives D. Ennis, Mack, Reynolds, Spence, Taylor, Barnes, Free, Oberle, Buckworth & B. Ennis & Senators Sharp, Martin & Arnold, before the House for consideration.

HB 105 - An Act to Amend Chapters 95 and 96, Title 10 of the Delaware Code Relating to the Jurisdictional Amount of Justice of the Peace Court Civil Actions.

The roll call on HB 105 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Bennett, Petrilli, Plant - 3.

Therefore, having received a constitutional majority, HB 105 was sent to the Senate for concurrence.

Representative Mack brought HB 101, cosponsored by Representatives Buckworth, Carey, Davis, Reynolds & Spence & Senators McDowell, Sharp & Zimmerman, before the House for consideration.

HB 101 - An Act to Amend Chapter 59, Title 11, of the Delaware Code to Allow Justices of the Peace to Hear and Determine Criminal Cases on Sundays.

Representative Mack requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Five members rose for the purpose of cutting off the debate on HB 101.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant, West, Wingate - 17.

ABSENT: Representatives Bennett, Petrilli, Plant - 3.

Representative George rose on a point of order.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on HB 101 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21

NO: Representatives Anderson, Brady, Campanelli, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant, West, Wingate - 13.

NOT VOTING: Representatives Clark, C. Cordrey, B. Ennis, George - 4.

ABSENT: Representatives Bennett, Petrilli, Plant - 3.

Therefore, having received a constitutional majority, HB 101 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 135 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 135 before the House for consideration.

HB 135 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Prohibiting the Wearing of Headphones, Earphones, or Ear Plugs While Operating a Motor Vehicle, or Bicycle.

Representative Oberle introduced and brought HA 1 to HB 135 before the House for consideration. HA 1 was adopted by voice vote.

Representative Jonkiert rose on a point of order.

Representative Oberle moved to place HB 135 w/HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor introduced HB 165, cosponsored by Representatives Reynolds & D. Ennis & Senator Holloway.

HB 165 - An Act to Amend Chapter 53, Title 25 of the Delaware Code Relating to 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.

Mr. Speaker assigned HB 165 to the Administrative Services Committee.

The following prefiled legislation was introduced:

HB 161 - OBERLE, QUILLEN, BOYKIN, D. ENNIS, MACK, SMITH, ROY, PETRILLI, MARONEY, CORROZI, BARNES, DAVIS, FREE, BUCKWORTH, B. ENNIS, BRADY, CAREY, CAULK, STEELE, REYNOLDS, SPENCE - JUD: An Act to Amend Title 11, Delaware Code to Provide Authority to the Department of Corrections to Charge Inmates for the Cost of Their Confinement.

HB 162 - ROY, GILLIGAN - ADM/S: An Act to Amend Chapter 100, Title 29, Delaware Code, Relating to the Freedom of Information Act.

HB 163 - HOUGHTON, BARNES, CORROZI, B. ENNIS, D. ENNIS, PETRILLI, MACK, BUCKWORTH, JONKIERT, DAVIS, REYNOLDS, VAN SANT, BRADY, SOLES, ANDERSON, JESTER, WEST, CAMPANELLI, STEELE - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Qualifications for School Bus Driver's Licenses.

HB 164 - BUCKWORTH & CAULK & HOUGHTON, MARONEY, CAMPANELLI, JONKIERT, DAVIS, STEELE, CAREY, VAN SANT, GEORGE; SENATORS HOLLOWAY, TORBERT - HUM. RES: An Act to Amend Titles 24, 29 and 30 of the Delaware Code Relating to Occupational Therapy; and Providing for a Delaware Occupational Therapy Act. (3/5 bill)

HA 2 to HB 12 - DAVIS - READY LIST: Placed with the Bill.

HA 1 to HB 115 - SPENCE - READY LIST: Placed with the Bill.

Representative Fallon moved to lift HB 136 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Fallon brought HB 136 before the House for consideration.

HB 136 - An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Finfishing in Tidal and Non-Tidal Waters of the State for All Finfish Except Menhaden. (2/3 bill)

Representative Fallon introduced and brought HA 2 to HB 136 before the House for consideration. HA 2 was adopted by voice vote.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 4:32 p.m.

The House reconvened at 4:33 p.m.

The roll call on HB 136 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Carey, Caulk, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 33.

ABSENT: Representatives Bennett, Campanelli, Clark, Cordrey, George, Jonkiert, Petrilli, Plant - 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 136 w/HA 2 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 4:36 p.m.

21st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 23, 1985

Mr. Speaker Hebner called the House to order at 2:46 p.m.

Representative Bennett requested that he be marked present.

Representative Petrilli requested that he be marked present.

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

HUM. RES: HB 150 - 4F; SB 33 - 4F.

Mr. Speaker reassigned HB 74 & HS 1 for HB 52 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:57 p.m., thereby ending the current legislative day. The House reconvened at 2:58 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Anderson - 1.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The Reading Clerk read the following communications into the record:

To thank you for your kindness and sympathy at a time when it was deeply appreciated. Thank you very much for lovely flowers to my son. Kei, Christine.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 133rd General Assembly, I, Joseph R. Petrilli, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 93.

Date: 4/23/85.

Signed: Joseph R. Petrilli.

The Senate wishes to inform the House that it has passed: HB 99 w/HA 1, HB 131, HB 132, HB 36 /HA 1, HCR 41, HCR 42, HCR 43, SB 54 w/SA 1, SCR 37, SCR 38, SCR 39 & SCR 40.

OUT-OF-SESSION PREFILE: 4/17/85

HB 166 - SMITH; SENATOR VAUGHN - ADM/S: An Act to Amend Chapter 65, Part VI, Title 29 of the Delaware Code Relating to the Establishment of a Comprehensive Travel Policy.

HB 167 - HEBNER & SENATOR VAUGHN; REPRESENTATIVES ANDERSON, BARNES, BRADY, BUCKWORTH, CAMPANELLI, CAULK, C. CORDREY, MACK, CORROZI, DAVIS, B. ENNIS, D. ENNIS, ROY, FALLON, FREE, GEORGE, GILLIGAN, OUTTEN, HOUGHTON, JESTER, REYNOLDS, SILLS, SOLES, SPENCE, STEELE, TAYLOR, WEST, VAN SANT, CAREY, PLANT, CLARK; SENATORS BERNDT, BAIR, KNOX, CITRO, ARNOLD, NEAL, MARTIN, TORBERT, ADAMS, SLATCHER. - H/ADM: An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.

HB 168 - REYNOLDS & TAYLOR, SPENCE, MACK; SENATORS HOLLOWAY, CONNOR - ADM/S: An Act to Amend Chapter 57, Title 25, of the Delaware Code to Require Landlords to Change the Locks of Premises Returned to Them as a Result of a Summary Proceeding for Possession for the Protection of Future Tenants.

HB 169 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES VAN SANT, SOLES, WEST, C. CORDREY, CORROZI, JESTER, ROY; SENATORS KNOX, NEAL, BERNDT, TORBERT, CITRO, CONNOR - ADM/S: An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Occupations and Professions; and Providing for the Regulation of Persons Practicing Nutrition.

HB 170 - QUILLEN, STEELE, BARNES, CAREY, B. ENNIS, FREE, SPENCE; SENATORS TORBERT, ZIMMERMAN, BERNDT, MINNER, VAUGHN - NAT. RES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Regulating Falconry.

HB 171 - OUTTEN, BARNES, BENNETT, BUCKWORTH, CAREY, CAULK, CLARK, C. CORDREY, B. ENNIS, JESTER, QUILLEN, SILLS; SENATORS ADAMS, COOK, MINNER, TORBERT, SLATCHER, VAUGHN, ZIMMERMAN - R&F: An Act to Amend Chapters 23, 27, 29 and 43, Title 30 of the Delaware Code Relating to Taxes on Gross Receipts.

HB 172 - ROY; SENATOR MCDOWELL - ADM/S: An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Board of Medical Practice Disciplinary Proceedings.

HB 173 - OBERLE - JUD: An Act to Amend Chapter 44, Title 21, of the Delaware Code Relating to Abandoned Vehicles on Public or Private Property. (2/3 bill)

SB 54 w/SA 1 - TORBERT; REPRESENTATIVES VAN SANT, STEELE, WEST - JUD: An Act to Amend Title 21 of the Delaware Code Relating to Habitual Offenders' Driving Privileges.

Representative Oberle moved to recess for Caucus at 3:06 p.m.

The House reconvened at 4:15 p.m.

Representative Plant brought HB 22 before the House for consideration.

HB 22 - An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to the Disposition of Lottery Funds. (F/N)



Representative Plant moved to place HB 22 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Davis brought HB 127, cosponsored by Representatives Roy, Spence, Mack, Reynolds, B. Ennis & Houghton, before the House for consideration.

HB 127 - An Act to Amend Subchapter III, Chapter 96, Title 10 of the Delaware Code to Allow Service of a Summons with Accompanying Papers in a Justice of the Peace Court Trespass Action to Include Service by Certified Mail, Return Receipt Requested.

The roll call on HB 127 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Anderson, Brady, D. Ennis, Free, West - 5.

Therefore, having received a constitutional majority, HB 127 was sent to the Senate for concurrence.

Representative Davis brought HB 106, cosponsored by Representatives Spence, D. Ennis, Buckworth, B. Ennis, Mack, Free, Barnes, Oberle & Taylor & Senators Sharp, Martin & Arnold, before the House for consideration.

HB 106 - An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Violations of Parole or Conditional Release.

Representative Davis brought HA 1 to HB 106 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 106 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, Brady, Free, West - 4.

Therefore, having received a constitutional majority, HB 106 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought SB 39 w/SA 1 w/SA 1, sponsored by Senator Cordrey & Representative Hebner, before the House for consideration.

SB 39 - An Act to Amend Chapter 334, Volume 64, 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, 1985, Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds: And Amending Certain Pertinent Statutory Provisions".

The roll call on SB 39 w/SA 1 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Anderson, Brady, Free - 3.

Therefore, having received a constitutional majority, SB 39 w/SA 1 w/SA 1 was returned to the Senate.

Representative Quillen brought HB 124 before the House for consideration.

HB 124 - An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Desecration of a Burial Place.

Representative Quillen introduced and brought HA 1 to HB 124 before the House for consideration. HA 1 was adopted by voice vote.

Representative Quillen introduced and brought HA 2 to HB 124 before the House for consideration. HA 2 was adopted by voice vote.

Representative Quillen requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Quillen moved to place HB 124 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Mr. Speaker appointed Representative Roy as Chairman of the Bond Bill Committee and Representatives Spence, Petrilli, Carey, B. Ennis and Gilligan as members of the Committee.

Representative Oberle moved to recess to the call of the Chair at 5:08 p.m.

22nd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 24, 1985

Mr. Speaker Hebner called the House to order at 2:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 63 w/SA 1, SB 40 w/SA 1 & SB 115.

The Majority Whip moved to adjourn at 2:25 p.m., thereby ending the current legislative day. The House reconvened at 2:26 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Staff Member, Richard Millman.

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

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

The following prefiled legislation was introduced:

HB 174 - D. ENNIS & SPENCE; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 57, Title 25 of the Delaware Code Relating to Landlord/Tenant Appeal Procedures.

HB 175 - TAYLOR, REYNOLDS, D. ENNIS; SENATOR HOLLOWAY - ADM/S: An Act to Amend Section 5307, Chapter 53, Title 25 of the Delaware Code, Relating to Landlord-Tenant Relationships: Increasing the Abatement for Rent for Periods in Which Heat or Water or Hot Water is Not Provided by a Landlord.

HB 176 - SMITH; SENATOR ARNOLD - ADM/S: An Act to Amend Chapters 22, 45, and 67, Title 9, Delaware Code Relating to Late Penalties for Failure to Pay Sewer Service Charges.

HB 177 - SPENCE, HEBNER, OBERLE, DAVIS, D. ENNIS, BOYKIN, MARONEY, SMITH, BARNES, REYNOLDS, BUCKWORTH, CORROZI, CAULK, CAREY, TAYLOR, STEELE, VAN SANT, HOUGHTON, BRADY, B. ENNIS, CAMPANELLI, JONKIERT - JUD: An Act to Amend Chapter 95, Title 10 of the Delaware Code Relating to Justice of the Peace Court Judgment and Execution Dockets.

HB 178 - VAN SANT & SENATOR SHARP - H/ADM: An Act to Re-Incorporate the Town of Newport. (2/3 bill)

HA 2 to HB 22 - PLANT - L.O.T. - Placed With the Bill.

SB 40 w/SA 1 - CORDREY, BERNDT; REPRESENTATIVES JONKIERT, VAN SANT - ADM/S: An Act to Amend Title 29 of the Delaware Code Relating to Uniform Leave Rules for Certain Exempt State Positions.

SB 63 w/SA 1 - VAUGHN; REPRESENTATIVE BRADY - ADM/S: An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to Judicial Review of Decisions of the Board of Pension Trustees.

SB 115 - MINNER; REPRESENTATIVE WINGATE - H/ADM: An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes", as Amended by Chapter 110, Volume 63, Laws of Delaware, to Increase the Amount Which May be Raised by Taxation From Real Estate. (2/3 bill)

Representative Barnes moved to recess for Committee Meetings at 2:30 p.m.

The House reconvened at 5:16 p.m.

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

H/ADM: HB 89 - 1F,4M; HB 6 - 1F,4M; HB 145 - 1F,4M.

ADM/S: HB 107 - 5M; HB 113 - 5M; HB 120 - 5M; HB 126 - 4M; HB 137 - 2F,3M; HB 151 - 1F,4M; SB 7 - 5M.

NAT. RES: HJR 10 - 4F,1M.

AGRI: SB 68 - 4F,1M; HB 93 - 3F,1M.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 135. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative B. Ennis introduced and brought SB 135, jointly sponsored by Senator Vaughn & cosponsored by Senators Cook, Minner & Adams & Representatives Clark, Caulk & Carey, before the House for consideration.

SB 135 - An Act to Amend Chapter 19, Title 14, Delaware Code, Relating to Uniform Tax Rates for School Districts That Traverse Two Counties.

The roll call on SB 135 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Clark, D. Ennis, Plant, Quillen - 4.

Therefore, having received a constitutional majority, SB 135 was returned to the Senate.

The following prefiled Consent Calendar #8 was introduced:

HR 42 - HOUGHTON, MACK - Congratulating Anita Jablonski, Jennifer Poist, Michelle Dolan and Dawn Millar of Delcastle Technical High School and Karen Ward, Brenda Starkey, Desiree Davies and Patty Gallagher of Hodgson Vo-Tech School on Their Recent Election as State Officers of HOSA.

HR 43 - HEBNER - Praising Ger and Gerard Van Raan for Their Heroism in Protecting Three Jews During the Nazi Occupation of Holland.

HR 44 - BARNES, BOYKIN, CAREY, STEELE, OUTTEN, WEST - Requesting Continued Review of School Transportation Costs and Establishing a Public School Transportation Review Committee.

HR 45 - BUCKWORTH, CAULK, CLARK, QUILLEN, BENNETT - Congratulating the Caesar Rodney High School Band Upon Becoming Grand Champions of the 32nd International Azalea Festival in Norfolk, Virginia.

HR 46 - GILLIGAN, BARNES, HEBNER, GEORGE - Requesting the Secretary of the Department of Administrative Services Study the Feasibility of Establishing a Toll Free Phone System for State Agencies, and Present an Implementation Plan for Such a Program to the General Assembly.

HR 47 - BOYKIN - Congratulating Stephanie L. Kwolek Upon Receiving the Society of Plastics Engineers 1985 Award for Engineering and Technology.

HCR 44 - BARNES; SENATOR ADAMS - Commending William M. Ray of Bridgeville, Delaware for Over 50 Years as a Cooperative, Volunteer Weather Observer for the National Weather Service.

HCR 45 - FALLON; SENATOR MCBRIDE; REPRESENTATIVE CAMPANELLI - Commending Susan A. Thomas of the New Castle County Vocational-Technical School District for Being Selected as Delaware Teacher of the Year for 1985.

HCR 46 - BUCKWORTH, QUILLEN, CAULK, BENNETT, CLARK; SENATORS COOK, TORBERT - Commending David L. Williams, Principal of W. Reilly Brown Elementary School, Caesar Rodney District, on His Upcoming Retirement After Thirty-Six Years of Service.

HCR 47 - SMITH, BARNES, BOYKIN, BUCKWORTH, CAMPANELLI, CAREY, CLARK, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HOUGHTON, JESTER, MACK, MARONEY, OBERLE, QUILLEN, REYNOLDS, SOLES, TAYLOR, WINGATE, HEBNER; SENATORS BAIR, MCDOWELL, SHARP, VAUGHN - Requesting Dover Postmaster Jack Bailey to Place a United States Postal Box at the West Side of Legislative Hall.

SCR 37 - ZIMMERMAN; REPRESENTATIVE OUTTEN - Mourning the Death of Mr. Abram N. Spanel, Founder of International Latex in Dover.

SCR 38 - ZIMMERMAN; REPRESENTATIVE OUTTEN - Mourning the Death of L. Lee Layton of Dover, Delaware.

SCR 39 - MINNER; REPRESENTATIVES JESTER, FALLON, SOLES, ANDERSON, BOYKIN - Thanking the Delaware National Guard for Their Recognition and Promotion of Women's History Month and for Their Special Efforts to Encourage Women to Break the Social Barriers of Non-traditional Roles and Occupations.

SCR 40 - CORDREY, SHARP; REPRESENTATIVE BARNES; ALL SENATORS - Commending Brent Adams of Bridgeville, Son of Senator Adams for Receiving "National Man of the Year" From Carnation Milk Company.

Representative Smith introduced HR 48.

HR 48 - Recognizing the Month of April as John James Audubon Month.

HR 48 was placed on Consent Calendar #8.

Representative D. Ennis introduced HR 49, jointly sponsored by Representative Smith & cosponsored by Representatives Sills, Hebner, Oberle, Brady, Free, Boykin, Maroney, Petrilli, Houghton, Spence, Buckworth, Wingate & Steele.

HR 49 - Congratulating Skating Club of Wilmington Coach Ron Ludington as He Celebrates His Twenty-Fifth Year as a Successful Ice Skating Coach.

HR 49 was placed on Consent Calendar #8.

Representative Buckworth introduced HCR 48, cosponsored by Representatives Bennett, Clark, Quillen, Mack, Reynolds, Caulk & Fallon & Senators Torbert, Cook & Zimmerman.

HCR 48 - Extending Congratulations to Tom Leonard for Being Named 1985 Wrestling Coach of the Year.

HCR 48 was placed on Consent Calendar #8.

Representative Oberle introduced HR 50, cosponsored by Representatives Roy, Spence, Taylor, Buckworth, Reynolds & Davis.

HR 50 - Urging Robert J. Voshell, Division Director of the State Division of Motor Vehicles to Reconsider His Decision to Cease Taking Automobile Odometer Readings at State Inspection Lanes.

HR 50 was placed on Consent Calendar #8.

Representative Oberle introduced SCR 42, sponsored by Senator Bair & Representative Hebner & cosponsored by Senator Berndt & Representatives Smith, Boykin, Brady, Maroney & D. Ennis.

SCR 42 - Congratulating Zenobia La Dage for Being Selected "Mother of the Year".

SCR 42 was placed on Consent Calendar #8.

Representative Oberle introduced SCR 44, sponsored by Senator McBride & Representative Fallon.

SCR 44 - Urging the Citizens of Delaware to Voice Their Views, Opinions and Concerns Regarding Public Education During the Current Eight Week School Vote Campaign.

SCR 44 was placed on Consent Calendar #8.

Representative Oberle introduced SCR 45, sponsored by Senators Marshall, Zimmerman, Citro & Connor & Representatives Jonkiert, Gilligan, George, Maroney, Free & Campanelli.

SCR 45 - Congratulating the Most Reverend Robert E. Mulvee Upon His Installation as the Seventh Bishop of the Diocese of Wilmington.

SCR 45 was placed on Consent Calendar #8.

Consent Calendar #8 was adopted by voice vote and HCR 44, HCR 45, HCR 46, HCR 47 & HCR 48 were sent to the Senate for concurrence and SCR 37, SCR 38, SCR 39, SCR 40, SCR 42, SCR 44 & SCR 45 were returned to the Senate.

Representative Oberle moved to recess to the call of the Chair at 5:48 p.m.

23rd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 25, 1985

Mr. Speaker Hebner called the House to order at 1:44 p.m.

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

AGRI: HB 93 - 3F,1M,1U.

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

JUD: SB 96 w/SA 3 - 4M,1U.

ED: HB 96 - 1F,3M; HB 155 - 4M.

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

The minutes of the previous legislative 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: SB 135, SCR 42, SCR 43, SCR 44 & SCR

BE IT RESOLVED that the House of Representatives of the 133rd General Assembly of the State of Delaware commemorates the Nazi Holocaust in the hope that if we remember what has happened in the past we can prevent such a tragedy occurring in the future.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Jewish Federation of Delaware and George Preston.

HR 51 was adopted by unanimous consent.

Mr. Speaker Hebner granted the privilege of the floor to Mr. George Preston.

Representative Oberle moved to recess for Caucus at 2:54 p.m.

The House reconvened at 4:57 p.m.

Representative Roy brought HB 111 before the House for consideration.

HB 111 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forestry Use.

Representative Roy introduced and brought HA 1 to HB 111 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Roy moved to place HB 111 - HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought HB 123, cosponsored by Representative Bennett, before the House for consideration.

HB 123 - An Act Proposing an 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 Barnes rose on a point of order. Mr. Speaker concurred.

Representative Buckworth moved to place HB 123 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Spence brought HB 104, cosponsored by Senator Sharp, before the House for consideration.

HB 104 - An Act to Amend Title 29 of the Delaware Code Relating to Budget and Fiscal Regulations.

The roll call on HB 104 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NO: Representative Sills - 1.

NOT VOTING: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 104 was sent to the Senate for concurrence.

Representative Buckworth moved to lift HB 123 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought HB 123, cosponsored by Representative Bennett, before the House for consideration.

HB 123 - An Act Proposing an 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)

The roll call on HB 123 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Bennett, Brady, Cordrey, Houghton, Jonkiert, Oberle, Van Sant, West - 8.

NOT VOTING: Representatives Anderson, Campanelli, Clark, B. Ennis, George, Gilligan, Jester, Outten, Plant, Sills, Soles, Wingate - 12.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 123 was declared defeated.

Representative Spence brought HB 115, cosponsored by Senator McBride, before the House for consideration.

HB 115 - An Act to Amend Chapter 27, Title 14, Delaware Code Relating to School Attendance. (2/3 bill)

Representative Spence brought HA 1 to HB 115 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 115 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 20.

NO: Representatives Brady, Clark, Cordrey, Jester, Jonkiert, Oberle - 6.

NOT VOTING: Representatives Anderson, Bennett, Campanelli, Caulk, B. Ennis, George, Gilligan, Houghton, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 15.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 115 w/HA 1 was declared defeated.

Representative Taylor brought HB 151, cosponsored by Representative Roy & Senator Martin, before the House for consideration.

HB 151 - An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to Governing the Use of and Conduct on State Land. (2/3 bill)

Representative Taylor brought HA 1 to HB 151 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 151 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Boykin, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 20.

NO: Representatives Brady, Campanelli, Clark, Cordrey, B. Ennis, Jester, Jonkiert, Oberle, Soles, Van Sant, West - 11.

NOT VOTING: Representatives Anderson, Bennett, George, Gilligan, Houghton, Outten, Plant, Sills, Wingate - 9.

ABSENT: Representative Buckworth - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 151 w/HA 1 was declared defeated.

Representative Oberle introduced and brought SCR 46, sponsored by Senator Minner & Representative B. Ennis & cosponsored by All Senators & All Representatives, before the House for consideration.

SCR 46 - Saluting the Many Professional Secretaries Throughout our State and Joining in the Celebration of Professional Secretaries Week April 22 - 26, 1985, and Marking April 24 as Secretaries Day.

SCR 46 was adopted by voice vote and returned to the Senate.

Representative George introduced and brought HR 52, jointly sponsored by Representative Gilligan, before the House for consideration.

HR 52 - Commending Robert Aulgur, House Attorney, for His Excellent Service to the House of Representatives and the People of Delaware.

HR 52 was adopted by voice vote.

Representative Campanelli requested that HB 145 be placed in the Appropriations Committee.

Mr. Speaker assigned HB 145 to the Appropriations Committee.

Representative Roy assigned HB 122, HB 156, HB 168, HB 169, HB 174, HB 175, HB 176 & HB 185 to the Community Affairs Subcommittee.

Representative Oberle moved to recess to the call of the Chair at 6:20 p.m.

24th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

April 30, 1985

Mr. Speaker Hebner called the House to order at 1:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 41, SCR 46, SB 79, SB 29 w/SA 1 (F/N), SB 30 w/SA 1, SB 50 w/SA 1, HCR 44, HCR 45 & HCR 46.

April 19, 1985

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/12/85 - HB 61, HB 99 aab HA 1, HB 131 & HB 132.

April 29, 1985

LEGISLATIVE ADVISORY #4

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4/25/85 - SB 135.

The Governor vetoed the following legislation on April 24, 1985: SB 66.

Mr. Speaker reassigned HB 62 & HB 155 to the Appropriations Committee.

The Majority Leader moved to adjourn at 1:27 p.m., thereby ending the current legislative day. The House reconvened at 1:28 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 189 - REYNOLDS & TAYLOR, SPENCE, MACK, B. ENNIS; SENATORS HOLLOWAY, CONNOR - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Notice of Rent Increases.

HB 190 - REYNOLDS & TAYLOR, SPENCE, MACK, B. ENNIS; SENATORS HOLLOWAY, CONNOR - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code to Prohibit Landlords From Requiring Security Deposits in Excess of One Month's Rent on All Rental Contracts Extending for Four Months or More.

HB 191 - SPENCE; SENATORS SHARP, VAUGHN, CITRO; REPRESENTATIVE PLANT - R&F: An Act to Amend Title 6 of the Delaware Code by Adopting a Revised Uniform Limited Partnership Act Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

HA 1 to HB 137 - BENNETT - AGENDA: Placed with the Bill.

HA 1 to HB 167 - HOUGHTON - H/ADM: Placed with the Bill.

SB 29 w/SA 1 - ZIMMERMAN, COOK, MINNER, TORBERT, MCBRIDE, CONNOR, CITRO, KNOX, MARSHALL, MARTIN; REPRESENTATIVES OUTTEN, BARNES, BUCKWORTH, CAMPANELLI, GILLIGAN, ANDERSON, C. CORDREY - R&F: An Act to Amend Subchapter II, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax. (F/N)

SB 30 w/SA 1 - CORDREY - H/ADM: An Act Amending Section 2111, Chapter 21, Part II, Title 25 of the Delaware Code Relating to Enforcement of Prompt Satisfaction of Mortgages.

SB 50 w/SA 1 - ZIMMERMAN, COOK, HOLLOWAY, MARSHALL, MCBRIDE, MARTIN, MINNER, CITRO, KNOX, CONNOR; REPRESENTATIVES OUTTEN, WEST, CAMPANELLI, JONKIERT - ED: An Act to Amend Title 14, Delaware Code, to Provide Tuition-Free Higher Education for Persons Age 60 or Older.

SB 79 - CORDREY - H/ADM: An Act to Amend Chapter 10, Title 14, of the Delaware Code Relating to Qualifications of the Members of the Board of Education of Indian River School District.

Representative Oberle moved to recess for Caucus at 1:48 p.m.

The House reconvened at 3:20 p.m.

The Reading Clerk read the following communications into the record:

An addendum to Legislative Advisory #3, April 19, 1985:

The Governor signed the following legislation on the dates indicated: 4/12/85 - HB 146, 4/18/85 -

HJR 6 a/b HA 1.

Representative Oberle moved to restore HB 115 w/HA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 115 w/HA 1, sponsored by Representative Spence & Senator McBride, before the House for consideration.

HB 115 - An Act to Amend Chapter 27, Title 14, Delaware Code Relating to School Attendance. (2/3 bill)

Representative Spence moved to place HB 115 w/HA 1 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Oberle moved to restore HB 123. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 123, sponsored by Representatives Buckworth & Bennett, before the House for consideration.

HB 123 - An Act Proposing an 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 Buckworth moved to place HB 123 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice.

Representative Oberle moved to restore HB 151 w/HA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 151 w/HA 1, sponsored by Representatives Taylor & Roy & Senator Martin, before the House for consideration.

HB 151 - An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to Governing the Use of and Conduct on State Land. (2/3 bill)

Representative Taylor moved to place HB 151 w/HA 1 on the Speaker's table. The motion was seconded by Representative Spence and adopted by voice vote.

Representative Spence brought SB 96 w/SA 3, cosponsored by Senators Zimmerman, McBride, Martin, Minner, Torbert, Vaughn & Citro & Representatives Oberle, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Van Sant, Barnes, Boykin, Buckworth, Davis, Mack & Reynolds, before the House for consideration.

SB 96 - An Act to Amend Title 11, Delaware Code, Relating to the Rights of Law Enforcement Officers.

Representative Sills requested and was granted the privilege of the floor for Francis Murphy, House Attorney.

Representative Oberle requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative George requested and was granted the privilege of the floor for Francis Murphy, House Attorney.

Representative Oberle requested and was granted the privilege of the floor for Attorney Sheldon Sandler, Newark Fraternal Order of Police.

Representative George requested and was granted the privilege of the floor for Thomas Hughes, City Solicitor, Newark, Delaware.

Representative Oberle requested and was granted the privilege of the floor for Attorney Sheldon Sandler, Newark Fraternal Order of Police.

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

Representative Oberle requested and was granted the privilege of the floor for Attorney Myron T. Steele, State Fraternal Order of Police.

Mr. Speaker ruled that SB 96 w/SA 3 does not require a two-thirds vote.

Representative Barnes introduced and brought HA 1 to SB 96 before the House for consideration.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 4:28 p.m.

The House reconvened at 4:30 p.m.

Representative Barnes requested and was granted the privilege of the floor for Richard Heffron, Special Assistant to the Mayor of Wilmington.

Representative Barnes requested and was granted the privilege of the floor for Richard Carmean, representing the City of Milford and The Police Chiefs Council.

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

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

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

Representative Barnes requested and was granted the privilege of the floor for Guy Longo, Mayor of Seaford.

Representative Barnes requested and was granted the privilege of the floor for Attorney Peter Stone, representing the League of Local Governments and Seaford and Newark.

Representative Sills rose on a point of order.

Representative Oberle rose on a point of order.

Representative Oberle requested and was granted the privilege of the floor for Attorney Myron Steele, State Fraternal Order of Police.

The roll call on HA 1 to SB 96 was taken and revealed:

YES: Representatives Barnes, Buckworth, Carey, Caulk, Cordrey, Fallon, Free, George, Jester, Jonkiert, Mack, Maroney, Quillen, Sills, Smith, Soles, Steele, Wingate - 18.

NO: Representatives Anderson, Bennett, Boykin, Brady, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Gilligan, Houghton, Oberle, Outten, Petrilli, Reynolds, Roy, Spence, Taylor, Van Sant, West, Mr. Speaker Hebner - 21.

NOT VOTING: Representative Plant - 1.

ABSENT: Representative Campanelli - 1.

Therefore, not having received a constitutional majority, HA 1 to SB 96 was declared defeated.

Representative Oberle moved to place SB 96 w/SA 3 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Gilligan introduced HB 192, cosponsored by Representatives Roy, Petrilli, Spence, Van Sant, Corrozi, George, Taylor & Campanelli & Senators Sharp & Holloway.

HB 192 - An Act to Amend Title 28, Delaware Code, Relating to Sports and Amusements.

Mr. Speaker assigned HB 192 to the House Administration Committee.

Representative Oberle moved to recess to the call of the Chair at 6:00 p.m.

25th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 1, 1985

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 101, SB 109 (F/N), SB 104, SB 149, SB 21, SB 59, SB 127, SB 128 & HB 71 w/SA 2.

Mr. Speaker announced that the temporary assignment of Representatives Hebner and George to the Interstate Cooperation Commission had ended and Representatives Petrilli and Plant have resumed their positions on the Commission.

Representative Roy introduced HS 1 for HB 162, cosponsored by Representatives Gilligan, Taylor & Oberle.

HB 1 for HB 162 - An Act to Amend Chapter 100, Title 29, Delaware Code, Relating to the Freedom of Information Act.

Mr. Speaker Hebner assigned HS 1 for HB 162 to the Administrative Services Committee.

Representative Oberle moved to lift SB 96 w/SA 3 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 96 w/SA 3, cosponsored by Senators Zimmerman, McBride, Martin, Minner, Torbert, Vaughn & Citro & Representatives Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Van Sant, Barnes, Boykin, Buckworth, Davis, Mack, Reynolds & Spence, before the House for consideration.

SB 96 - An Act to Amend Title 11, Delaware Code, Relating to the Rights of Law Enforcement Officers.

The roll call on SB 96 w/SA 3 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Campanelli, Clark, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jonkiert, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Spence, Steele, Taylor, Van Sant, Mr. Speaker Hebner - 25.

NO: Representatives Cordrey, Fallon, Jester, Mack, Sills, Soles, Wingate - 7.

NOT VOTING: Representatives Barnes, Carey, Free, Quillen, Smith, West - 6.

ABSENT: Representatives Brady, Buckworth, Caulk - 3.

Therefore, having received a constitutional majority, SB 96 w/SA 3 was returned to the Senate.

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the current legislative day. The House reconvened at 2:31 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 193 - FALLON, BOYKIN, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, GILLIGAN, JESTER, MACK, OBERLE, OUTTEN, PETRILLI, PLANT, QUILLEN, REYNOLDS, SILLS, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST, WINGATE; SENATORS MCBRIDE, ADAMS, ARNOLD, BERNDT, CITRO, CONNOR, COOK, HOLLOWAY, KNOX, MCDOWELL, MARSHALL, MARTIN, MINNER, NEAL, SHARP, VAUGHN, ZIMMERMAN - ED: An Act to Amend Chapters 13, 17 and 31, Title 14 of the Delaware Code by Providing an Intensive Learning Center Funding Unit.

HB 194 - FALLON; SENATOR SLATCHER - R&F: An Act Awarding Special Pension Benefits to William G. Dunning, Appropriating Monies into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

HB 195 - CAREY & CAULK, MACK, SMITH, PETRILLI, BUCKWORTH, QUILLEN, BARNES, STEELE, CORROZI, D. ENNIS, VAN SANT, CAMPANELLI, WINGATE; SENATORS SLATCHER, MINNER - JUD: An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to the Delaware Police Training Program.

HB 196 - GEORGE & GILLIGAN - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code, Relating to the Reduction of Personal Income Tax Rates by Approximately 10%.

HB 197 - BENNETT - ADM/S: An Act Requiring That Construction Management Contracts Be Placed Within the Competitive Bidding Procedures of Chapter 69, Title 29 of the Delaware Code.

HJR 11 - CLARK & CAULK, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, CAMPANELLI, CAREY, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, JONKIERT, MACK, REYNOLDS, STEELE, SILLS, OUTTEN, VAN SANT, WEST, WINGATE; SENATORS BERNDT, COOK, KNOX, MARTIN, MINNER, TORBERT, VAUGHN, ZIMMERMAN - NAT. RES: Requesting That Representatives of the Department of Natural Resources and Environmental Control Meet With the Natural Resources Committees of the 133rd General Assembly to Review the Existing State Regulations Concerning Hazardous Waste Storage, Treatment and Disposal.

HA 2 to HB 151 - TAYLOR, ROY; SENATOR MARTIN - L.O.T. - Placed with the Bill.

HA 1 to HB 186 - REYNOLDS, MACK, SPENCE, PLANT, VAN SANT - JUD: Placed with the Bill.

HA 1 to HB 187 - REYNOLDS - JUD: Placed with the Bill.

SB 21 - MCBRIDE; REPRESENTATIVE JONKIERT - JUD: An Act to Amend Chapter 47, Part III, Title 10 of the Delaware Code Relating to Judgments; and Providing for a Uniform Enforcement of Foreign Judgments Act.

SB 59 - VAUGHN; REPRESENTATIVE HOUGHTON - JUD: An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Establishment of Realistic Dates for Completing the Duties of the Sentencing Accountability Commission.

SB 101 - NEAL - H/ADM: An Act to Allow Andrew John Kelleher, a Non-Resident, to Marry Rhonda Yvonne McCoy, a Non-Resident.

SB 104 - SHARP; REPRESENTATIVE SPENCE - HUM. RES: An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to the Commitment to the State Hospital; Confinement; Periodic Review of Commitment; Participation of Patient in Treatment Program.

SB 109 - SHARP; REPRESENTATIVE SPENCE - JUD: An Act to Amend Subchapter IV, Title 16 of the Delaware Code Relating to Trafficking in Marijuana. (F/N)

SB 127 - CORDREY - HUM. RES: An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to Corneal Transplants.

SB 128 - CORDREY; REPRESENTATIVES JESTER, SOLES, HOUGHTON - ADM/S: An Act to Amend Chapter 83, Title 29 of the Delaware Code Relating to the Division of Accounting.

SB 149 - CORDREY - JUD: An Act to Amend Chapter 9 and Chapter 39, Title 10, Delaware Code, Relating to the Family Court of the State of Delaware; and Providing for Parental Liability for Restitution Ordered by the Family Court for Monetary Damages Caused by Their Child's Delinquent Conduct.

HB 71 w/SA 2 - CLARK, CAREY, CAULK, C. CORDREY, JESTER, WEST - AGRI: An Act to Amend Chapter 15, Title 3 of the Delaware Code Relating to Grass Seed Mixtures.

Representative Oberle moved to recess for Committee Meetings at 2:34 p.m.

The House reconvened at 5:17 p.m.

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

ADM/S: HS 1 for HB 162 - 2F,3M; HB 172 - 5F; SB 83 - 5M; SB 84 - 5M; SB 89 - 5M.

R&F: HB 41 - 7M; HB 149 - 6M; HB 182 - 7M; SB 45 - 7M.

JUD: HB 24 - 3F,1M; HB 141 - 3F,2M; HB 152 - 3F,2M; HB 158 - 3F,2M; HB 173 - 2F,3M; SB 19 - 2F,3M; SB 42 w/SA 3, 4 & 5 - 4F,1M; SB 54 w/SA 1 - 5M.

H/ADM: HB 75 - 1F,4M; HB 192 - 1F,4M.

The following prefiled Consent Calendar #9 was introduced:

HR 53 - BRADY, ANDERSON, BUCKWORTH, CAULK, CLARK, C. CORDREY, B. ENNIS, D. ENNIS, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JESTER, OUTTEN, PLANT, QUILLEN, SILLS, SOLES, VAN SANT, WEST - Requesting That the Secretary of the Department of Administrative Services Provide Certain Information Concerning the Renovation of the Public Building in Wilmington.

HR 54 - BUCKWORTH, CLARK, BENNETT, QUILLEN, CAULK - Congratulating Papen Farms for Being Selected the 1984 Outstanding Operator of the Kent Conservation District.

HCR 49 - B. ENNIS, VAN SANT; SENATORS CITRO, VAUGHN; ALL REPRESENTATIVES; ALL SENATORS - Saluting the Eighteen Officers of the Delaware State Police, Members of the Class of 1966, Who Are Retiring.

HCR 50 - D. ENNIS; SENATOR MCDOWELL - Permitting That the Blue Ribbon Task Force Established to Evaluate the Feasibility of Establishing a Training/Public Recreation Facility Be Granted Until the End of May, 1985 to Complete Its Feasibility Study.

HCR 51 - JONKIERT; SENATOR MARSHALL - Commending the Girls Clubs of Delaware for Their Contributions to the Community and Designating the Week of May 12-18, 1985 as Girls Clubs Week.

HCR 52 - JESTER, B. ENNIS; SENATOR VAUGHN - Congratulating Dr. Louis Levinson of Middletown on the Celebration of His 89th Birthday.

HCR 53 - REYNOLDS; ALL REPRESENTATIVES & SENATORS - Joining in Honoring the Classroom Teachers in the State of Delaware During Teacher Appreciation Week, May 5-11, 1985.

HCR 54 - REYNOLDS, TAYLOR, BARNES, SPENCE, BUCKWORTH, JONKIERT, BENNETT, WEST; SENATORS CORDREY, MARTIN, HOLLOWAY, CONNOR, VAUGHN, ADAMS, MARSHALL, SHARP - Extending Congratulations to the Ten Newest Inductees of the Delaware Sports Hall of Fame.

SCR 41 - MINNER, ADAMS, VAUGHN, COOK, TORBERT, ZIMMERMAN; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH - Recognizing the 30 Year Anniversary of the Kent County Fire Police and Thanking the Many Dedicated Citizens Who Have Faithfully Served This Organization During the Past 3 Decades.

Representative Bennett introduced HR 55.

HR 55 - Commending John J. Long, Age 74, of Magnolia, Delaware, for Being the Top Senior Volunteer of the Year for the State and the Recipient of the Presidential Action Award.



HR 55 was placed on Consent Calendar #9.

Representative B. Ennis requested that HCR 49 be removed from Consent Calendar #9.  
Consent Calendar #9 was adopted by voice vote and HCR 50, HCR 51, HCR 52, HCR 53 & HCR 54 were sent to the Senate for concurrence and SCR 41 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SB 101. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 101, sponsored by Senator Neal, before the House for consideration.

SB 101 - An Act to Allow Andrew John Kelleher, a Non-Resident, to Marry Rhonda Yvonne McCoy, a Non-Resident.

The roll call on SB 101 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate - 36.

NO: Mr. Speaker Hebner - 1.

ABSENT: Representatives Clark, Jonkiert, Plant, West - 4.

Therefore, having received a constitutional majority, SB 101 was returned to the Senate.

Representative Oberle moved to recess to the call of the Chair at 5:38 p.m.

26th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 2, 1985

Mr. Speaker Hebner called the House to order at 1:51 p.m.

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

HUM. RES: HB 129 - 3F,1M; HB 142 - 1F,3M; HB 143 - 1F,3M; HB 164 - 3F,1M; SB 127 - 3F,1M;  
HB 2 - 4M.

CHILD: HB 63 - 4F; HB 73 - 1F,3M; HB 26 - 1F,3M; HB 179 - 4F; HB 180 - 2F,2M; HB 181 - 3F,1M.

NAT. RES: HB 170 - 1F,2M,2U.

Representative B. Ennis requested that HCR 49 be stricken.

Mr. Speaker reassigned HB 2 to the Appropriations Committee

The Majority Leader moved to adjourn at 1:53 p.m., thereby ending the current legislative day. The House reconvened at 1:54 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Clyde Knotts, Associate Pastor, Coleman United Methodist Church.

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

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

The following prefiled legislation was introduced:

HB 198 - HEBNER & SENATOR CORDEY - H/ADM: An Act to Enlarge the Delaware Heritage Commission.

HB 199 - DAVIS, ROY, HOUGHTON; SENATORS MCDOWELL, MARTIN - ADM/S: An Act to Amend Chapter 33, Title 24 of the Delaware Code, Relating to the Board of Veterinary Medicine.

HB 200 - DAVIS, SPENCE, SOLES, BENNETT; SENATORS HOLLOWAY, SLATCHER - JUD: An Act to Amend Chapter 59, Title 29 and Chapter 92, Title 10 of the Delaware Code Relating to the Justice of the Peace Court Administrator and Setting the Salary Therefor.

HA 1 to HB 43 - CLARK - R&F: Placed with the Bill.

HA 1 to HB 160 - WEST - R&F: Placed with the Bill.

HA 2 to HB 167 - SPENCE - H/ADM: Placed with the Bill.

HA 1 to SB 29 - CLARK - R&F: Placed with the Bill.

SB 102 - SLATCHER; REPRESENTATIVE 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." Relating to the Amount of Taxes to be Raised in Any One Year. (2/3 bill)

SB 139 w/SA 1 - CORDREY & REPRESENTATIVE PETRILLI - R&F: An Act to Amend Chapter 17 of Title 5 of the Delaware Code Relating to Building and Loan Associations.

SB 141 - ADAMS; REPRESENTATIVE BARNES - H/ADM: An Act to Amend Chapter 237, Volume 51, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Bridgeville," by Increasing the Power to Raise Revenue. (2/3 bill)

SB 142 - ADAMS; REPRESENTATIVE BARNES - H/ADM: An Act to Amend Chapter 237, Volume 51, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Qualification of Voters in a Bond Referendum and Authorizing Borrowing in Anticipation of Issuance of Bonds. (2/3 bill)

Representative Fallon requested that HB 68 be stricken.

Representative Oberle moved to recess for Caucus at 2:11 p.m.

The House reconvened at 3:52 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 48, SCR 50, SB 70, SB 102, SCR 47, HCR 48, SB 139 w/SA 1, SB 141 & SB 142.

May 2, 1985

LEGISLATIVE ADVISORY #5

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: May 2, 1985 - SB 39 aab SA 1 w/SA 1.

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

NAT. RES: HJR 11 - 5F.

Representative Caulk introduced HB 201, jointly sponsored by Representatives Clark & Mack & cosponsored by Representatives Maroney, Davis, Free, Roy, Boykin, Barnes, Taylor, Carey, D. Ennis, Buckworth, Fallon, Spence, Petrilli, Steele, Reynolds, Quillen, Brady, Jonkiert, Houghton, Campanelli, B. Ennis, C. Cordrey, West, Outten, Bennett, Anderson, Wingate, Jester, Gilligan, Van Sant, Plant, Sills, Soles & George & Senators Slatcher, Cook, Adams, Holloway, Vaughn, McDowell, Torbert, Minner, Zimmerman & McBride.

HB 201 - An Act to Amend Chapter 63, Title 7, Delaware Code, Relating to the Department of Natural Resources and Environmental Control Notifying Certain Members of the General Assembly Prior to the Issuance of a Permit for Hazardous Waste Treatment, Disposal, and Storage in Certain Areas.

Mr. Speaker assigned HB 201 to the Natural Resources Committee.

Representative Davis introduced HB 202, cosponsored by Senator Zimmerman & Representatives George & Oberle.

HB 202 - An Act to Amend Chapter 92, Title 11, Delaware Code, Relating to the Rights of Law Enforcement Officers.

Mr. Speaker assigned HB 202 to the Judiciary Committee.

Representative Davis brought HB 113, cosponsored by Representatives Free, Carey, Corrozi, Petrilli, Caulk, Spence, Barnes, D. Ennis, Boykin, Smith, Taylor, Mack, Reynolds, Roy, Steele, Maroney, Brady, Jonkiert, Bennett, Outten, Anderson, B. Ennis, Van Sant & C. Cordrey & Senators Arnold & Cook, before the House for consideration.

HB 113 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Employment of Pensioners.

The roll call on HB 113 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Clark, D. Ennis, Free, Oberle - 4.

Therefore, having received a constitutional majority, HB 113 was sent to the Senate for concurrence.

Representative Steele brought HB 6, cosponsored by Representatives Barnes, Carey, Caulk & Fallon & Senators Adams, Slatcher, Cordrey & Minner, before the House for consideration.

HB 6 - An Act to Amend Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays; and Designating Return Day as a Half-Day Holiday in Sussex County.

Representative Caulk brought HA 1 to HB 6, cosponsored by Representative Carey, before the House for consideration.

Representative Caulk requested that HA 1 to HB 6 be stricken.

Representative Gilligan requested and was granted the privilege of the floor for Don Dryden, Acting Controller General.

The roll call on HB 6 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Spence, Steele, Taylor, West, Wingate, Mr. Speaker Hebner - 33.

NO: Representatives Brady, Gilligan, Houghton, Outten, Soles, Van Sant - 6

NOT VOTING: Representatives Bennett, Smith - 2.

Therefore, having received a constitutional majority, HB 6 was sent to the Senate for concurrence.

Representative Roy brought HB 137, cosponsored by Senator Marshall, before the House for consideration.

HB 137 - An Act to Amend Subchapter III, Chapter 60, Title 7, Delaware Code Relating to Beverage Containers.

Representative Bennett brought HA 1 to HB 137 before the House for consideration.

Representative Bennett requested that HA 1 to HB 137 be stricken.

Representative Roy introduced and brought HA 2 to HB 137 before the House for consideration.

The roll call on HA 2 to HB 137 was taken and revealed:

YES: Representatives Boykin, Corrozi, Mack, Oberle, Roy, Spence - 6.

NO: Representatives Anderson, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Jester, Jonkiert, Quillen, Smith, Soles, Steele, West, Wingate - 15.

NOT VOTING: Representatives Bennett, Campanelli, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Maroney, Outten, Petrilli, Plant, Reynolds, Sills, Taylor, Van Sant, Mr. Speaker Hebner - 19.

ABSENT: Representative Barnes - 1.

Therefore, not having received a constitutional majority, HA 2 to HB 137 was declared defeated.

Representative Roy requested that HB 137 be stricken.

Representative Davis moved to lift HB 17 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Davis brought HB 17, cosponsored by Representatives Spence & Reynolds, before the House for consideration.

HB 17 - An Act to Amend Chapter 23, Title 11, Delaware Code Relating to the Limitation of the Search and Seizure Exclusionary Rule of Evidence.

Representative Davis introduced and brought HA 1 to HB 17, cosponsored by Representatives Spence & Reynolds, before the House for consideration.

Representative Van Sant requested and was granted the privilege of the floor for Francis Murphy, House Attorney.

The roll call on HA 1 to HB 17 was taken and revealed:

YES: Representatives Davis, Free, Mack, Oberle, Quillen, Reynolds, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 11.

NO: Representatives Bennett, Brady, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant, West, Wingate - 15

NOT VOTING: Representatives Anderson, Boykin, Campanelli, Carey, Caulk, Cordrey, Corrozi, D. Ennis, Fallon, Maroney, Petrilli, Roy - 12.

ABSENT: Representatives Barnes, Buckworth, Plant - 3.

Therefore, not having received a constitutional majority, HA 1 to HB 17 was declared defeated.

Representative Davis moved to place HB 17 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Boykin, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, West, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Sills, Soles, Van Sant, Wingate - 16

ABSENT: Representatives Barnes, Buckworth, Plant - 3.

Therefore, having received a constitutional majority, the motion was adopted and HB 17 was placed on the Speaker's table.

Representative West introduced HB 203, cosponsored by Representatives Mack, Corrozi, Sills, Jonkiert, Fallon, Spence, Reynolds, Wingate, Gilligan, Bennett, Oberle, Anderson, Boykin, Brady, Carey, B. Ennis, Plant, Steele, Houghton, C. Cordrey, Jester, Clark, Buckworth, Caulk, Van Sant, Barnes, Outten & Roy & Senators Martin, Holloway, Torbert, Cordrey, Minner, Cook, McBride, Adams, Sharp & Marshall.

HB 203 - An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Health and Life Insurance Carriers Reporting Their Gross Premiums and the Making of Payments to Voluntary Fire Companies Who Provide Ambulance and Rescue Services. (3/4 bill)

Mr. Speaker assigned HB 203 to the Revenue and Finance Committee.

Representative Oberle introduced and brought SCR 50, jointly sponsored by Senator Marshall & Representative Jonkiert, before the House for consideration.

SCR 50 - Thanking Walter "Bus Zebley" Zabloutny for His Lifelong Commitment and Service to the Youth of the City of Wilmington and Honoring Him on "Bus Zebley Day", Saturday, May 4, 1985.

SCR 50 was adopted by voice vote and returned to the Senate.

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

27th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 7, 1985

Mr. Speaker Hebner 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 100 w/SA 1, SB 67 (F/N) & SB 134 w/SA 1 (F/N).

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Brady, Maroney - 2.

A prayer was offered by Staff Member, Karen Stanard.

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

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

The following prefiled legislation was introduced:

HB 204 - STEELE, BARNES, PETRILLI, CAULK, CAREY, MACK - JUD: An Act to Amend §3002, Chapter 30, Delaware Code Relating to Motor Vehicle Document Fees, and Sections 4303 and 4305, Chapter 43, Title 30, Delaware Code, Relating to Apportionment of the Taxable Receipts from Leasing Tangible Personal Property and Requirements for a Lessor's License.

HB 205 - SOLES & BENNETT, FALLON, JESTER, WINGATE; SENATORS ADAMS, MINNER, NEAL - ED: An Act to Amend Chapter 17, Title 14, Delaware Code to Provide an Ongoing Principals' Management Training Program for Principals and Instructional Administrators.

HA 1 to HB 93 - OUTTEN - READY LIST - Placed with the Bill.

HA 2 to HB 135 - OBERLE - L.O.T. - Placed with the Bill.

HA 1 to HB 164 - BUCKWORTH - READY LIST - Placed with the Bill.

HA 1 to HB 173 - OBERLE - READY LIST - Placed with the Bill.

HA 1 to HB 192 - QUILLEN & WINGATE & BUCKWORTH, BARNES, CAULK, CAREY, STEELE, FALLON, OUTTEN, BENNETT, WEST, CLARK, B. ENNIS, C. CORDREY - READY LIST - Placed with the Bill.

SB 67 – ADAMS, COOK, R. CORDREY, VAUGHN, CONNOR, SLATCHER; REPRESENTATIVES BARNES, WEST, CAULK, CAREY, MACK, CLARK, C. CORDREY – R&F: An Act to Amend Section 1109, Title 30, Delaware Code, Relating to a Tax Deduction for Health Insurance Premiums Paid by Self-Employed Taxpayer. (F/N)

SB 70 – MINNER – JUD: An Act to Amend Section 3909, Title 25, and Section 5102, Title 10, Delaware Code, Relating to the Jurisdiction of Justice of the Peace Court No. 5 in Milford.

SB 100 w/SA 1 – VAUGHN; REPRESENTATIVE B. ENNIS – ADM/S: An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to the Establishment of a Wine and Beer Only Alcoholic Beverage License. (3/5 bill)

SB 134 w/SA 1 – CORDREY – R&F: An Act to Amend Chapters 13 and 15, Title 30, Delaware Code, Relating to Inheritance and Estate Tax. (F/N)

Representative Oberle moved to recess for Caucus at 1:53 p.m.

The House reconvened at 4:10 p.m.

Mr. Speaker reassigned HB 49, HB 126, HB 129, HB 130, HB 164 & HB 172 to the Sunset Committee.

Mr. Speaker reassigned SB 104 to the Judiciary Committee.

Representative Roy announced that HB 189, HB 190 & HB 197 had been reassigned to the Community Affairs Subcommittee.

Representative Roy moved to lift HB 111 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Roy brought HB 111 before the House for consideration.

HB 111 – An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forestry Use.

Representative Roy requested that HA 1 to HB 111 be stricken.

Representative Roy introduced and brought HA 2 to HB 111 before the House for consideration. HA 2 was adopted by voice vote.

Representative Outten moved to place HB 111 w/HA 2 in the Agriculture Committee. The motion was seconded by Representative George.

Representative Roy rose on a point of order.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate – 18.

NO: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner – 21.

ABSENT: Representatives Brady, Maroney – 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 111 w/HA 2 remained before the House.

The roll call on HB 111 w/HA 2 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 31.

NO: Representatives Anderson, Clark, B. Ennis, Gilligan, Houghton, Jonkiert – 6.

NOT VOTING: Representatives George, Jester – 2.

ABSENT: Representatives Brady, Maroney – 2.

Therefore, having received a constitutional majority, HB 111 w/HA 2 was sent to the Senate for concurrence.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 4:53 p.m.

The House reconvened at 4:54 p.m.

Representative Davis brought HB 12, cosponsored by Representatives Oberle, Campanelli, Mack, Spence & Reynolds, before the House for consideration.

HB 12 – An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices.

Representative Davis requested that HA 1 to HB 12 be stricken.

Representative Davis moved to place HB 12 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Hebner requested that HB 89 be stricken.

Representative Petrilli brought HB 149 before the House for consideration.

HB 149 – An Act to Amend Title 25, Section 2118 of the Delaware Code Relating to Mortgages Securing Optional Future Advances.

Representative Petrilli brought HA 1 to HB 149 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 149 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 38.

NOT VOTING: Representative Jonkiert – 1.

ABSENT: Representatives Brady, Maroney – 2.

Therefore, having received a constitutional majority, HB 149 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to suspend the rules which interfere with action on HB 26. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Plant requested that action on HB 26 be deferred to a Day Certain, Tuesday, May 14, 1985.

Representative Clark brought HJR 11, jointly sponsored by Representative Caulk & cosponsored by Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, C. Cordrey, B. Ennis, Houghton, Jester, Jonkiert, Mack, Reynolds, Steele, Sills, Outten, Van Sant, West & Wingate & Senators Berndt, Cook, Knox, Martin, Minner, Torbert, Vaughn & Zimmerman, before the House for consideration.

HJR 11 - Requesting That Representatives of the Department of Natural Resources and Environmental Control Meet With the Natural Resources Committees of the 133rd General Assembly to Review the Existing State Regulations Concerning Hazardous Waste Storage, Treatment and Disposal.

The roll call on HJR 11 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 39.

ABSENT: Representatives Brady, Maroney - 2.

Therefore, having received a constitutional majority, HJR 11 was sent to the Senate for concurrence.

Representative Quillen brought HB 41 before the House for consideration.

HB 41 - An Act to Amend Chapter 35, Title 10, Delaware Code, Relating to Attachments.

The roll call on HB 41 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 39.

ABSENT: Representatives Brady, Maroney - 2.

Therefore, having received a constitutional majority, HB 41 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 5:11 p.m.

28th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 8, 1985

Mr. Speaker Hebner resumed the Chair.

Mr. Speaker Hebner called the House to order at 1:35 p.m.

Representative Brady requested that he be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 18 (F/N).

The Majority Leader moved to adjourn at 1:36 p.m., thereby ending the current legislative day. The House reconvened at 1:37 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Staff Member, Richard Millman.

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

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

The following prefiled legislation was introduced:

HB 206 - MARONEY & SENATOR SHARP; REPRESENTATIVES SPENCE, REYNOLDS, BUCKWORTH, DAVIS, MACK, TAYLOR, OBERLE, FREE, D. ENNIS, ROY, PETRILLI, BARNES, STEELE, SOLES; SENATORS KNOX, BAIR, CONNOR, HOLLOWAY - CHILD: An Act to Amend the Delaware Code, Titles 11, 14, 16, 21 and 31, to Provide for the Verification of the Existence or Nonexistence of Specified Criminal Offenses or Reports of Child Abuse or Neglect in the Background of Employees or Applicants for Employment in Child Care Facilities, in Certain Health Facilities, in Public and Private Schools, and in Transportation Thereto, and to Prohibit or to Provide for the Review of Certain Crimes or Founded Reports of Child Abuse or Neglect in the Background of Certain Employees.

HB 207 - MARONEY & BUCKWORTH & JESTER & SENATOR VAUGHN; REPRESENTATIVES SMITH, REYNOLDS, FALLON, STEELE, ANDERSON, SILLS; SENATORS COOK, BAIR, MINNER - HUM. RES: An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to Domestic Relations.

HB 208 - DAVIS & SENATOR HOLLOWAY; REPRESENTATIVE JESTER; SENATOR NEAL - HUM. RES: An Act to Amend Chapter 13 and Chapter 31, Title 14 of the Delaware Code Relating to Standards for Residential Services for Autistic Persons and Job Placement and Training Services for Autistic Persons.

HB 209 - CLARK; SENATOR MARSHALL - ADM/S: An Act to Amend Chapter 63, Title 29 of the Delaware Code Relating to the Composition of the Budget Commission.

HS 1 for HB 129 - MARONEY, JESTER, SOLES, FREE; SENATORS KNOX, HOLLOWAY, NEAL, BAIR - HUM. RES: An Act to Amend Chapter 35, Title 24 of the Delaware Code, Relating to Licensing of Psychologists.

HA 2 to HB 43 - CLARK - R&F: Placed with the Bill.

HA 2 to HB 164 - BUCKWORTH - READY LIST - Placed with the Bill.

SB 18 - MINNER, HOLLOWAY; REPRESENTATIVE WEST - R&F: An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Child Care Deduction for Personal Income Tax Purposes of Resident Individuals. (F/N)

Representative Reynolds requested and was granted the privilege of the floor for Susan Thomas, Delaware's Teacher of the Year.

Representative George read the following statement:

STATEMENT

DELIVERED ON FLOOR OF HOUSE CHAMBER, MAY 8, 1985  
BY REPRESENTATIVE ORLANDO J. GEORGE, JR.

I would like to address today a topic which is of the utmost concern to many Delawareans and indeed to people all over the country. As you are no doubt aware, it was recently announced by the Reagan Administration that they propose cutting the appropriation to Amtrak from 684 million dollars to 480 million dollars. This drastic reduction in federal subsidy to the Amtrak system would, in my opinion and in the opinion of many experts and other elected officials, both here and across the country, wreak havoc on one of the major transportation systems in the United States. The chairman of Amtrak told a House Energy and Commerce subcommittee in April that cutting the Amtrak subsidy would "kill the rail system". Another witness indicated that if Amtrak receives inadequate federal support in Fiscal 1986, all intercity rail passenger services will immediately cease, including service on the dense corridor in which Delaware stands. Why is this move even being contemplated? The United States government has spent billions recently to rehabilitate a passenger railroad system that had been allowed to deteriorate and now, the suggestion is made that we negate that rehabilitation and disrupt urgently needed commuter service. We would also be adding to the cost of accommodating 20 million passengers on other modes of transportation, as well as adding to administrative costs by bringing into play labor protection laws enacted by Congress years ago. In short, it would cost us more money to shut down Amtrak than to keep it running!

I will not take the time of this body to list the many statistics and other data which I have to back up these statements. Anyone who is interested in this information may certainly request more specifics from me. But my purpose in rising today is to bring to the attention of this Assembly and to the people of Delaware the very real, permanent and irrevocable danger which termination of Amtrak service would bring to our state. Even though the original Reagan proposal has been tempered, the very thought of meddling with the continued growth and restoration of our important railway system is frightening. Amtrak has come a long way since the United States Congress authorized governmental control of the railway system. It is up to a point where 60 percent of the costs of the railroad are borne by passengers and only 40 percent are subsidized. This compares favorably with the subsidy costs given to air transportation in our country (\$34 per rail passenger vs. 42 per air passenger). 17,500 people each day ride the train between New York and Washington. Delaware ridership alone in Fiscal Year 1984 was 526,000 people. Amtrak expended nearly 2.2 million dollars for goods and services in Delaware in fiscal year '84 and Amtrak employs 985 of Delaware's residents who earn 25 million dollars and pay taxes. Indeed, if Amtrak shuts down, we will be faced with yet another burden on our unemployment insurance system. Our workers will suffer, our passengers will suffer, our tax revenues will suffer--this is not something which we should take lightly. We must protest and we must request that our Senators and Congressman protest. Anyone who has seen the beautifully renovated station in downtown Wilmington cannot help but wonder about those who suggest taking steps that might force us to close that station and gut the Amtrak system. The United States would then be the only industrial nation in the world without rail passenger service. We cannot stand idly by and let this happen. I urge each of my colleagues in this body and the Senate to contact our representatives in Congress and to alert our constituents to do the same. To quote Senator Biden from the Congressional Record of February 27, 1985, "There is no doubt that improvements must still be made in Amtrak operations and I fully expect they will be made. Amtrak management has shown that the railroad can meet the goals set by Congress. I prefer a course of action that continues to push Amtrak toward a better financial performance, rather than the Administration's meat-ax approach. I urge my distinguished colleagues to keep America's passenger railroad rolling." I urge my distinguished colleagues to do the same. Thank you.

Representative Oberle moved to recess for Committee Meetings at 2:24 p.m.

The House reconvened at 4:23 p.m.

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

NAT. RES: SJR 2 - 4F.

ED: HB 193 - 4F; SB 50 w/SA 1 - 4F.

H/ADM: HB 144 - 3M; HB 198 - 1F, 2M; HJR 9 - 3M.

R&F: HB 30 - 6M.

Mr. Speaker assigned HB 193 to the Appropriations Committee.

The following prefiled Consent Calendar #10 was introduced:

HR 56 - CAREY - Extending Congratulations to Steven W. Reed Upon His Achieving the Rank of Eagle Scout, First in Milton's History Since 1940.

HR 57 - ANDERSON, BENNETT, BRADY, CAMPANELLI, CLARK, CORDREY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SILLS, SOLES, VAN SANT, WEST, GINGATE - Congratulating Flo Herrman, House Staff Member, on the Birth of a New Grandson on May 1, 1985.

HR 58 - CAULK, CAREY, BARNES - Extending Congratulations to Joseph B. Ahlschier Upon His Retirement as President of Milford Memorial Hospital.

HCR 55 - VAN SANT; SENATOR SHARP - Congratulating David A. Willard on Being Named "Fireman of the Year" by the Minquas Fire Company in Newport.

HCR 56 - B. ENNIS, VAN SANT, OBERLE, SPENCE; SENATORS CITRO, VAUGHN, ADAMS, MINNER, SHARP - Saluting the Fourteen Officers of the Delaware State Police, Members of the Class of 1966, Who Are Retiring.

SCR 47 - MARSHALL, MCBRIDE, CONNOR; REPRESENTATIVES JONKIERT, GILLIGAN, REYNOLDS, TAYLOR - Honoring the 10 Newest Members of the Delaware Sports Hall of Fame.

SCR 48 - CORDREY, ADAMS; REPRESENTATIVE WEST - Congratulating Mr. George Allen Adkins Upon His Recent Honor of Receiving the Delmarva Poultry Industry's Distinguished Citizen Award.

Consent Calendar #10 was adopted by voice vote and HCR 55 & HCR 56 were sent to the Senate for concurrence and SCR 47 & SCR 48 were returned to the Senate.

Representative Smith introduced and brought HR 59, jointly sponsored by Representatives D. Ennis & Outten, before the House for consideration.

HR 59 - Extending Warmest Congratulations to the House of Representatives' Own Kathleen Accetta for Being Selected "The Soldier of the Year" of the 275th Supply and Service Battalion for 1985.

HR 59 was adopted by voice vote.

Representative Petrilli announced that SB 139 had been assigned to the Banking and Insurance Subcommittee.

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

ADM/S: HB 35 - 4M; HB 122 - 3M,1U; HB 156 - 5M; HB 176 - 5M; SB 63 w/SA 1 - 5M; SB 82 - 5M; SB 85 - 5M; SB 87 - 5M; SB 88 - 5M; SB 91 - 5M.

JUD: HB 110 - 3M; HB 177 - 3F; HB 202 - 4F; HB 184 - 4M; HB 186 - 2F,2M; HB 187 - 2F,2M; HB 195 - 4F; SB 13 w/SA 1 - 4M; SB 59 - 3F,1M; SB 104 - 4F; SB 109 - 4F; SB 149 - 3F,1M.

Representative Oberle moved to recess to the call of the Chair at 4:41 p.m.

29th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 9, 1985

Mr. Speaker Hebner called the House to order at 1:35 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 137, SB 133, SJR 5 & SCR 49.

May 9, 1985

LEGISLATIVE ADVISORY #6

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/2/85 - SB 101; 5/3/85 - HB 36 aab HA 1.

The Majority Leader moved to adjourn at 1:37 p.m., thereby ending the current legislative day. The House reconvened at 1:38 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefilled legislation was introduced:

HB 210 - SPENCE & PETRILLI & SENATOR HOLLOWAY; REPRESENTATIVES MARONEY, FREE; SENATORS NEAL, ZIMMERMAN - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mandatory Safety Belt Usage in Certain Motor Vehicles and the Effect of Safety Belt Use Upon Insurance Rates.

HB 211 - CLARK, ANDERSON, BENNETT, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, C. CORDREY, DAVIS, B. ENNIS, GILLIGAN, JESTER, JONKIERT, MACK, OUTTEN, REYNOLDS, SILLS, STEELE, VAN SANT, WEST, WINGATE; SENATORS COOK, HOLLOWAY, MARSHALL, MCDOWELL, TORBERT, VAUGHN - JUD: An Act to Amend Chapter 68, Title 21 of the Delaware Code Relating to Off-Highway Vehicles.

HB 212 - ROY, BENNETT; SENATOR MARSHALL - NAT. RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Returnable Beverage Containers.

HB 213 - WINGATE; SENATORS CORDREY, MINNER - JUD: An Act to Amend Chapter 9, Title 4 of the Delaware Code Relating to Mandatory Counseling as a Condition of Probation for Minors Charged With Certain Offenses Related to Alcoholic Liquors.

HB 214 - WINGATE; SENATORS CORDREY, MINNER - JUD: An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Mandatory Counseling as a Condition of Conditional Discharge for Possession of Certain Prohibited Substances.

HA 1 to HB 178 - VAN SANT - H/ADM: Placed with the Bill.

SB 133 - MARSHALL; REPRESENTATIVES MACK, CAMPANELLI - LABOR: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

SB 137 - MARSHALL & REPRESENTATIVE SILLS - R&F: An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to the Neighborhood Assistance Act. (F/N)

Representative Buckworth requested and was granted the privilege of the floor for Mr. James McKinstry, Chairman of the Delaware Heritage Commission.

Representative Buckworth introduced and brought HR 60, cosponsored by Representatives Hebner, Taylor & Smith, before the House for consideration.

HR 60 - Extending Congratulations to the 1985 Constitutional Scholars of the Delaware Heritage Commission.

WHEREAS, the Delaware Heritage Commission has awarded seven high school students with Constitutional Scholarships for their projects relating to the Constitutional period in Delaware; and

WHEREAS, Lydia Zell, Sarah Keating, Tracy Campbell, Roger Doughty, Alan Cox, Kimberly McDonald and Donald Hatfield have all served as outstanding young Delawareans whose patriotism and appreciation of history is a credit to their individual schools and communities; and

WHEREAS, their individual projects in fashion, architecture, music, literature, crafts, and song illustrate their profound appreciation of the 18th Century and the role Delaware played in that exciting and progressive period; and

WHEREAS, the Delaware Heritage Commission is an organization which reminds us of Delaware's contributions to a young nation and furthers the goals of freedom by respectfully reflecting on our past; and

WHEREAS, it is both fitting and proper that Delaware's youth be saluted for their fine contributions in the spirit of "Liberty and Independence"; and

WHEREAS, the House of Representatives of the 133rd General Assembly is proud of these seven young men and women and wish them all the success in the world as they pursue their individual career objectives in college.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware that congratulations be extended to these fine high school students for each one of their outstanding honors.

BE IT FURTHER RESOLVED that upon passage of this resolution, a suitably prepared copy be presented to each of the winners of the 1985 Constitutional Scholarships of the Delaware Heritage Commission.

HR 60 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Ronald Queen, UAW Local #1183.

Representative Oberle introduced and brought HR 61, cosponsored by Representatives Petrilli, Spence, Anderson, Davis, Roy, Taylor, Reynolds & Mack & Senators Martin, Knox & Arnold, before the House for consideration.

HR 61 - Praising the UAW-CAP Conservation Committee of Region Eight for Their Continuing Commitment to the Conservation and Preservation of Delaware's Natural Resources.

HR 61 was adopted by voice vote.

Representative Roy moved to suspend the rules which interfere with introduction of and action on SJR 5. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Roy introduced and brought SJR 5, sponsored by Senator Bair, before the House for consideration.

SJR 5 - Designating Monday, May 27, 1985 as Memorial Day and Declaring It a Legal Holiday in the State of Delaware for the Year 1985.

Representative Quillen requested and was granted the privilege of the floor for Mr. Thomas Dickey, Delaware State Veteran's Affairs Committee, who read the following letter:

Section 501, Title I of the Delaware Code establishes May 30th. as the official date for observance of Memorial Day in the State of Delaware. The wording of the law leaves no doubt as to its meaning, yet every year a resolution is rushed through the General Assembly allowing observance of Memorial Day on the last Monday of May so as to coincide with the Federal observance.

Each year the Delaware military veterans have belatedly and in a disorganized manner opposed this casual waiver of the law regarding one of our most significant veterans' recognition days.

From its original day of inception in 1868 and for almost 100 years thereafter, Memorial (or Decoration) Day was observed in the various states on May 30th as a solemn occasion for honoring their war dead and a rededication to the principles for which these fallen had given their lives. Unfortunately, in recent years, the purpose of the event has been subverted and the date commercialized [sic] as a "play" holiday. Moving the observance date to a Monday, thus creating a long weekend, has been a primary factor in this degradation of an otherwise important religious and patriotic event.

The various veterans organizations are working on a national level for Congressional restoration of the May 30th observance. A number of states no longer use the "last Monday in May" date.

The nine statewide veterans organizations represented on the Delaware State Veterans Affairs Committee, established under Executive Order No. 67 dated 15 Dec. 1978, strongly oppose any further shifting of the observance of Memorial Day from May 30th to the last Monday in May. On their behalf, as chairman of the committee, I most seriously request that you, as one of the leadership in the 1st Session, 133rd General Assembly, exert your influence and position to oppose any further effort to tamper with the observance of Memorial Day on May 30th as established in the existing statute.

Sincerely,  
William L. Slacum  
Chairman  
State Veterans Affairs Committee

The roll call on SJR 5 was taken and revealed:

YES: Representatives Boykin, Campanelli, Corrozi, Davis, George, Gilligan, Houghton, Jonkiert, Mack, Outten, Petrilli, Plant, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Mr. Speaker - 22.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Carey, Caulk, Clark, Fallon, Jester, Maroney, Quillen, Steele, Wingate - 14.

NOT VOTING: Representatives Cordrey, B. Ennis, D. Ennis, Free, Oberle - 5.



Therefore, having received a constitutional majority, SJR 5 was returned to the Senate.

Representative Oberle moved to recess for Caucus at 2:41 p.m.

The House reconvened at 4:32 p.m.

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

AGRI: HB 71 w/SA 2 - 4F,1M.

Representative Oberle introduced and brought HCR 57, cosponsored by Representatives Hebner, Barnes, George & Gilligan & Senators Cordrey, Sharp, McDowell, Bair & Arnold & All Representatives & All Senators, before the House for consideration.

HCR 57 - Commending Lt. Col. John Lingo, Cpl. John Brockell, TFC Elizabeth Shamany and Ambulance Driver Steve Moore for Their Rescue Treatment After a Serious Vehicle Accident on May 2, 1985.

WHEREAS, on Thursday May 2, 1985 a three vehicle accident on Delaware Route 896, south of Glasgow resulted in serious injury to a nineteen year old Middletown man who was rendered unconscious and trapped in his vehicle; and

WHEREAS, three Delaware State Police Officers on their way to work in Dover and one off duty New Castle County Ambulance Driver responded to the accident scene; and

WHEREAS, once on the scene, State Police Lt. Col. John Lingo reached into the victim's severely damaged automobile, noticed he was not breathing and cleared the victim's air passage which started him breathing again; and

WHEREAS, once freed from the car by Trooper First Class Elizabeth E. Shamany, Lt. Col. John Lingo and New Castle County Ambulance Driver Steve Moore the victim stopped breathing again; and

WHEREAS, Cpl. John Brockell, TFC Elizabeth Shamany and Ambulance Driver Steve Moore performed cardiopulmonary resuscitation and started the victim breathing again; and

WHEREAS, the combined efforts of Lt. Col. John Lingo, Cpl. John Brockell, TFC Elizabeth Shamany and Ambulance Driver Steve Moore worked to reduce the severity of the victim's injuries and save the victim from probable death at the scene.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware, the Senate concurring therein, that we commend the alertness and valiant life saving efforts of the New Castle County Ambulance Driver and the members of Delaware State Police who responded to this accident.

BE IT FURTHER RESOLVED that we praise their dedication to their professions and their knowledge of emergency techniques that when combined enabled them to provide care to a person in distress until that person could be given over to the attention of medical specialists.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be forwarded to Lt. Col. John Lingo, Cpl. John Brockell, TFC Elizabeth Shamany and New Castle County Ambulance Driver Steve Moore.

HCR 57 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle requested and was granted the privilege of the floor for Col. Daniel L. Simpson, Lt. Col. John Lingo, Cpl. John Brockell, TFC Elizabeth Shamany & Mr. Ed Steiner, Secretary, Department of Public Safety.

Representative Davis brought HB 202, cosponsored by Senator Zimmerman & Representatives George & Oberle, before the House for consideration.

HB 202 - An Act to Amend Chapter 92, Title 11, Delaware Code, Relating to the Rights of Law Enforcement Officers.

Representative Davis introduced and brought HA 1 to HB 202 before the House for consideration.

Representative Van Sant requested and was granted the privilege of the floor for Thomas Gordon, President, Fraternal Order of Police.

Representative Oberle requested and was granted the privilege of the floor for Anthony Flynn, Counsel to the Governor.

The roll call on HA 1 to HB 202 was taken and revealed:

YES: Representatives Boykin, Buckworth, Corrozi, Davis, Free, George, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, West, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Brady, Campanelli, Clark, Cordrey, B. Ennis, Soles, Van Sant, Wingate - 9.

NOT VOTING: Representatives Barnes, Bennett, Carey, Caulk, Fallon, Gilligan, Jester - 7.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HA 1 to HB 202 was adopted.

The roll call on HB 202 w/HA 1 was taken and revealed:

YES: Representatives Boykin, Buckworth, Caulk, Corrozi, Davis, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, West, Mr. Speaker - 25.

NO: Representatives Anderson, Brady, Campanelli, Clark, B. Ennis, Jester, Soles, Van Sant, Wingate - 9.

NOT VOTING: Representatives Barnes, Bennett, Carey, Cordrey, Fallon - 5.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 202 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan brought HB 192, cosponsored by Representatives Roy, Petrilli, Spence, Van Sant, Corrozi, George, Taylor & Campanelli & Senators Sharp & Holloway, before the House for consideration.

HB 192 - An Act to Amend Title 28, Delaware Code, Relating to Sports and Amusements. Representative Quillen requested that HA 1 to HB 192 be stricken. Representative Gilligan introduced and brought HA 2 to HB 192 before the House for consideration. Mr. Speaker granted the privilege of the floor to Ronald Smith, House Attorney. HA 2 to HB 192 was adopted by voice vote. Representative Buckworth introduced and brought HA 3 to HB 192, jointly sponsored by Representative Wingate & cosponsored by Representatives Barnes, Caulk, Carey, Steele, Fallon, Outten, Bennett, West, Clark, B. Ennis & C. Cordrey, before the House for consideration. HA 3 was adopted by voice vote. The roll call on HB 192 w/HA 2, 3 was taken and revealed: YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker - 37. NOT VOTING: Representative Bennett - 1. ABSENT: Representatives Campanelli, D. Ennis, Plant - 3. Therefore, having received a constitutional majority, HB 192 w/HA 2 & 3 was sent to the Senate for concurrence. Representative West introduced and brought HCR 58, cosponsored by Senator Cordrey, before the House for consideration. HCR 58 - Wishing Former United States Senator John J. Williams of Millsboro, the Best of Birthdays as He Observes His 81st on May 17, 1985. HCR 58 was adopted by voice vote and sent to the Senate for concurrence. Representative Reynolds requested that HB 168, HB 189 & HB 190 be stricken. Representative Oberle introduced and brought SCR 49, jointly sponsored by Senators Bair & Sharp & cosponsored by Senators Cordrey & Arnold & Representatives Oberle, Barnes, George & Gilligan, before the House for consideration. SCR 49 - Congratulating George Jarvis for Being Selected as the Recipient of the 1985 "Good Government Award". SCR 49 was adopted by voice vote and returned to the Senate. Representative Oberle moved to recess to the call of the Chair at 6:15 p.m.

30th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 14, 1985

Mr. Speaker Hebner called the House to order at 1:51 p.m.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 178, SCR 51, SCR 52, SCR 53, SCR 54, SCR 55, SCR 56, SCR 57, HCR 55, HCR 56 & SB 163 w/SA 1.  
May 13, 1985

LEGISLATIVE ADVISORY #7

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/13/85 - SB 96 aab SA 3; 5/9/85 - SJR 5.

The Majority Leader moved to adjourn at 1:53 p.m., thereby ending the current legislative day. The House reconvened at 1:54 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Buckworth - 1.

A prayer was offered by Representative Bradford Barnes, Thirty-Fifth Representative District.

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

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

The following prefiled legislation was introduced:

HB 215 - QUILLEN - ADM/S: An Act to Amend Chapter 21, Title 21 Delaware Code, Relating to Elimination of Penalty for Failure to Sign Registration Card.

HB 216 - VAN SANT, ANDERSON, BENNETT, BOYKIN, BRADY, CLARK, C. CORDREY, CORROZI, B. ENNIS, D. ENNIS, HOUGHTON, JESTER, MACK, OUTTEN, PETRILLI, PLANT, QUILEN, REYNOLDS, ROY, SILLS, SOLES, SPENCE, STEELE, TAYLOR, WEST; SENATORS CITRO, COOK, HOLLOWAY, MARSHALL, MCBRIDE, MINNER, SHARP, TORBERT, VAUGHN, ZIMMERMAN - R&F: An Act to Amend Subchapter II, Title 30, Delaware Code, Relating to Personal Exemptions on State Income Tax.

HB 217 - JESTER; SENATOR VAUGHN - APPRO: An Act to Appropriate Money to Marcia Soryanen, A Public School Teacher Who was Undercompensated.

HA 1 to HB 27 - PLANT - JUD: Placed with the Bill.

SB 163 w/SA 1 - VAUGHN & REPRESENTATIVE MACK; SENATORS ADAMS, CONNOR, COOK, MARTIN, MCBRIDE, MCDOWELL, SHARP; REPRESENTATIVES CAULK, DAVIS, B. ENNIS, JESTER, REYNOLDS, SPENCE - HUM. RES: An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002) (Contractual Services) for the Purpose of Medical Screening to Assess Any Effects of Vinyl Chloride to Citizens of the Delaware City Area Environment.

SB 178 - CORDREY, COOK, SLATCHER; REPRESENTATIVES BENNETT, CAREY, STEELE, FALLON, D. ENNIS, PETRILLI, FREE - R&F: An Act Allocating Authority to Issue Mortgage Revenue Bonds to the Delaware State Housing Authority and Various Political Subdivisions in the State of Delaware.

SCR 52 - BAIR & REPRESENTATIVE GILLIGAN; SENATORS MCBRIDE, NEAL; REPRESENTATIVES JESTER, OUTTEN - ED: Establishing a Study of the Ramifications of Legislation to Provide Early Retirement For Teachers in the State of Delaware.

SCR 54 - MARSHALL, MCDOWELL; REPRESENTATIVE JONKIERT - HUM. RES: Creating a Special Committee to Study the Problems of the Victims and Families of Alzheimer's Dementia.

Representative Oberle moved to recess for Caucus at 1:56 p.m.

The House reconvened at 3:45 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 138 (F/N).

Mr. Speaker reassigned SB 163 w/SA 1 to the Natural Resources Committee.

Representative Plant brought HB 26 before the House for consideration.

HB 26 - An Act to Amend Chapter 5, Title 13 of the Delaware Code Relating to Orders of Support.

The Reading Clerk read the following communication into the record:

May 8, 1985

Representative Al O. Plant  
House of Representatives  
Legislative Hall  
Dover, Delaware 19901

RE: House Bill 26

Dear Al:

I looked for you on Wednesday in Legislative Hall at 1:00 pm and you were not in, therefore, I will drop you a note on H.B. 26 with my comments.

I believe Family Court presently has a statutory means of obtaining jurisdiction over a custodial parent receiving child support when there is an allegation of mismanagement of the funds being provided for the child. It is Title 10, Del. C., §950 - Imperiling the Family Relationship.

I believe that Family Court presently has the ability to impose sanctions against a custodial parent for mismanagement of child support funds. It is Title 10, Del. C., §925.

I note that H.B. 2 which relates to domestic relations on page 10 also has an accounting procedure set out similar to H.B. 26.

I am told that the Child Support Commission has voted to not endorse H. B. 26.

I am aware of the concern of bona fide child support payors over the mismanagement of their child support payments.

I have requested federal funds from the State Budget office to contract with an outside agency to investigate allegations of misappropriations of fiduciary funds belonging to the child and paid by the obligor.

If you wish to pursue H.B. 26, I suggest an amendment thereto, to read as follows:

"(14) Order a person receiving funds for the support of a child to account for the expenditure and management of such funds, pursuant to a Court rule."

I personally would have no problem with enactment of the amendment. The Court rule would set out the procedure so that the details would be available.

Sincerely,  
Robert D. Thompson  
Chief Judge

RDT:gcd

Representative Plant moved to place HB 26 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Hebner brought HB 198, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 198 - An Act to Enlarge the Delaware Heritage Commission.

The roll call on HB 198 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 39.

ABSENT: Representatives Buckworth, Jester - 2.

Therefore, having received a constitutional majority, HB 198 was sent to the Senate for concurrence.

Representative Outten requested that action on HB 35 be deferred to a Day Certain, Tuesday, May 28, 1985.

Representative Quillen requested that action on HB 170 be deferred to a Day Certain, Thursday, May 30, 1985.

Representative Spence brought SB 104, jointly sponsored by Senator Sharp, before the House for consideration.

SB 104 - An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to the Commitment to the State Hospital; Confinement; Periodic Review of Commitment; Participation of Patient in Treatment Program.

Representative Spence requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Spence moved to place SB 104 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Spence brought SB 109, cosponsored by Senator Sharp, before the House for consideration.

SB 109 - An Act to Amend Subchapter IV, Title 16 of the Delaware Code Relating to Trafficking in Marijuana. (F/N)

Representative Gilligan rose on a point of order.  
Representative Oberle requested and was granted the privilege of the floor for Don Dryden, Controller General.  
Mr. Speaker Hebner resumed the Chair.  
Representative Corrozi requested and was granted the privilege of the floor for Russ Larson, Controller General's Office.  
Mr. Speaker Hebner ruled no fiscal note is necessary for SB 109.  
Representative Petrilli moved to waive the fiscal note for SB 109. The motion was seconded by Representative Roy and adopted by voice vote.  
Representative Oberle moved to place SB 109 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.  
Representative Caulk introduced HB 218, jointly sponsored by Representative Carey & cosponsored by Representatives Mack, Clark, C. Cordrey & Barnes.  
HB 218 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Re-Established to Continue the Project on the Concepts of Dynamic Seeding (Weather Modification); and Further Providing a Supplementary Appropriation Therefor.  
Mr. Speaker assigned HB 218 to the Agriculture Committee.  
Representative Oberle moved to recess to the call of the Chair at 5:10 p.m.

31st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 15, 1985

Mr. Speaker Hebner called the House to order at 1:50 p.m.  
Mr. Speaker reassigned HB 107 to the Sunset Committee.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 80 w/SA 1 & SB 158.  
The Majority Leader moved to adjourn at 1:52 p.m., thereby ending the current legislative day. The House reconvened at 1:53 p.m.  
The Chief Clerk called the roll.  
Members Present: 40.  
Member Absent: Representative Plant - 1.  
A prayer was offered by Representative Kevin Free, Fourth Representative District.  
The Speaker led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative day were approved as posted.  
The following prefiled legislation was introduced:  
HB 219 - ANDERSON, CLARK, D. ENNIS, SOLES; SENATOR BAIR - ADM/S: An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Notice of Rent Increases.  
HB 220 - WEST - JUD: An Act to Amend Subchapter I, Chapter 21, Delaware Code, Relating to the Penalty for Failure to Sign Registration Card.  
HB 221 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVE VAN SANT - JUD: An Act to Amend Titles 10 and 11, Delaware Code, Relating to Violation of Probation Cases.  
HA 1 TO HB 80 - BOYKIN - APPRO: Placed with the Bill.  
SB 80 w/SA 1 - ADAMS, VAUGHN, ARNOLD, TORBERT, CITRO, CORDREY, MINNER, SHARP; REPRESENTATIVES BARNES, SPENCE, OBERLE, B. ENNIS, VAN SANT - 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 138 - COOK, ADAMS, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, TORBERT, VAUGHN, ZIMMERMAN, BERNDT; REPRESENTATIVES BENNETT, OUTTEN, CORROZI, PETRILLI - R&F: An Act to Amend Chapter 55 of Title 30 of the Delaware Code, Relating to Public Utilities Taxes. (F/N)  
SB 158 - VAUGHN - ADM/S: An Act to Amend Title 10, Chapter 49, Subchapter XI, §5061, Scire Facias on Mortgage, of the Delaware Code Relating to Occasion for Suing Out Writs of Scire Facias; Parties; and Notice.  
HA 1 TO SB 139 - D. ENNIS - B&I: Placed with the Bill.  
Representative Roy requested and was granted the privilege of the floor for Representative George Pott, Pennsylvania House of Representatives, and Alan V. Sokolow, Director, Eastern Regional Office, Council of State Governments.  
Representative Fallon introduced HB 222, jointly sponsored by Representative Petrilli & cosponsored by Representatives Boykin, Caulk, Carey, Reynolds, Spence, Taylor, Buckworth, Soles, Outten, Wingate, Jester & West & Senators Minner, Martin, Torbert, Adams, Bair, Arnold, Knox, Citro, Slatcher & Neal.  
HB 222 - An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to the Establishment of a Specialized Services Unit and Providing a Formula for Funding the Specialized Services Unit in the Public Schools.  
Mr. Speaker assigned HB 222 to the Education Committee.  
Representative Oberle moved to recess for Committee Meetings at 2:02 p.m.  
The House reconvened at 4:49 p.m.  
The Reading Clerk read the following Committee Reports into the record:  
H/ADM: HB 167 - 2F,3M; SB 77 - 1F,4M; SB 94 - 1F,4M.  
SUNSET: HB 49 - 5M; HB 126 - 5M; HB 164 - 3F,2M; HB 172 - 5M.  
NAT. RES: HB 201 - 4F; SB 3 - 4F,1M; SB 163 w/SA 1 - 4F,1M.  
ADM/S: SB 86 - 5M; SB 90 - 5M.  
ED: HB 103 - 4M.  
JUD: HB 200 - 4F, SB 70 - 4M.

Representative Oberle requested and was granted the privilege of the floor for George E. Hale, Secretary, Department of Administrative Services.

Mr. Speaker granted the privilege of the floor to Judge Vincent Bifferato.

Representative D. Ennis introduced HB 223, jointly sponsored by Representative Oberle.

HB 223 - An Act to Amend Chapter 57, Title 25 of the Delaware Code to Prohibit Landlords From Requiring Security Deposits in Excess of One Month's Rent on All Rental Contracts Extending for Four Months or More.

Mr. Speaker assigned HB 223 to the Administrative Services Committee.

Representative D. Ennis introduced HB 224, jointly sponsored by Representative Oberle.

HB 224 - An Act to Amend Chapter 57, Title 25, of the Delaware Code to Require Landlords to Change the Locks of Premises Returned to Them as a Result of a Summary Proceeding for Possession for the Protection of Future Tenants.

Mr. Speaker assigned HB 224 to the Administrative Services Committee.

Representative D. Ennis moved to suspend all rules which interfere with action on SB 139 w/SA 1.

The motion was seconded by Representative Roy.

Representative Oberle rose on a point of order.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker - 21.

NO: Representatives Brady, Caulk, Clark, Cordrey, D. Ennis, Jester, Jonkiert, Soles - 8.

NOT VOTING: Representatives Anderson, Bennett, Campanelli, George, Gilligan, Houghton, Outten, Sills, Van Sant, West, Wingate - 11.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative D. Ennis brought SB 139 w/SA 1, sponsored by Senator Cordrey & Representative Petrilli, before the House for consideration.

SB 139 - An Act to Amend Chapter 17 of Title 5 of the Delaware Code Relating to Building and Loan Associations.

Representative D. Ennis requested that HA 1 to SB 139 be stricken.

Representative D. Ennis introduced and brought HA 2 to SB 139 before the House for consideration.

Representative Gilligan requested and was granted the privilege of the floor for John Malarkey, State Bank Commissioner.

HA 2 to SB 139 was adopted by voice vote.

The roll call on SB 139 w/SA 1 & HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 139 w/SA 1 & HA 2 was returned to the Senate for concurrence on HA 2.

Mr. Speaker reassigned HB 222 to the Education Committee.

Representative Roy assigned HB 188, HB 215, HB 219, HB 223, HB 224 & SB 158 to the Community Affairs Subcommittee.

The following prefilled Consent Calendar #11 was introduced:

HR 62 - FALLON - Petitioning the President of the United States, the Senate of the United States, the United States House of Representatives, and the Secretary of Labor to Affirm the Right to Perform Commercial Homework.

HR 63 - STEELE, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, FREE, HEBNER, MACK, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, TAYLOR - Saluting Older Americans and Their Achievements.

HR 64 - BOYKIN, ANDERSON, BARNES, BENNETT, BRADY, CAMPANELLI, CAREY, CAULK, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, MACK, MARONEY, OBERLE, OUTTEN, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SILLS, SMITH, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST, WINGATE, HEBNER - Honoring John F. Mullins, Jr., Walter L. Cleaver, Sr., Theodore Lambert, Jr., and Lozelle J. Deluz for Their Contributions to Delaware's Small Business Community.

HCR 59 - FALLON & SENATOR MCBRIDE; ALL REPRESENTATIVES; ALL SENATORS - Commending the Students Selected as State Superintendent's Scholars of 1985.

SCR 51 - BAIR; REPRESENTATIVES MARONEY, SMITH - Congratulating Carol Robinson for Taking First Place in the 1985 Ability Counts Journalism Contest.

SCR 53 - MCBRIDE & ALL SENATORS; REPRESENTATIVE SOLES & ALL REPRESENTATIVES - Honoring the Nursing Profession in Delaware on the Occasion of Nurse's Week, May 6 Through 12, 1985.

SCR 55 - ZIMMERMAN, COOK, TORBERT, MINNER; REPRESENTATIVES CLARK, OUTTEN, BENNETT, B. ENNIS - Commending Harold E. Remley of Leipsic for More Than 30 Years of State Service and Extending Best Wishes on His Retirement on May 30, 1985.

SCR 57 - ARNOLD; REPRESENTATIVE PETRILLI - Commending Cynthia Griffin on Earning the Title Delaware Junior Miss for 1985 and Wishing Her Well in the National Finals.

Representative Van Sant introduced HCR 60, cosponsored by Senator McBride.

HCR 60 - Congratulating William A. Lewis, Jr. on Being Named Member of the Year of the Five Points Fire Company in Richardson Park.

HCR 60 was placed on Consent Calendar #11.

Representative Outten requested that HR 62 be removed from Consent Calendar #11.  
Mr. Speaker assigned HR 62 to the House Administration Committee.  
Consent Calendar #11 was adopted by voice vote and HCR 59 & HCR 60 were sent to the Senate for concurrence and SCR 51, SCR 53, SCR 55 & SCR 57 were returned to the Senate.  
Representative Oberle moved to recess to the call of the Chair at 6:34 p.m.

32nd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 16, 1985

Mr. Speaker Hebner called the House to order at 2:16 p.m.  
The Reading Clerk read the following Committee Reports into the record:  
R&F: SB 32 - 1F,4M; SB 178 - 4F,2M.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 156 w/SA 1, SB 150 & SB 183 w/SA 4 (F/N).

Mr. Speaker reassigned HB 103 to the Appropriations Committee.  
Mr. Speaker reassigned HB 187 & HB 199 to the Sunset Committee.  
Representative Oberle moved to suspend the rules which interfere with action on HR 62. The motion was properly seconded.

The roll call on the motion was taken and revealed:  
YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Brady, Campanelli, B. Ennis, Jonkiert, Outten, West - 7.  
NOT VOTING: Representatives Bennett, Clark, Cordrey, George, Gilligan, Houghton, Plant, Sills, Soles, Van Sant, Wingate - 11.

ABSENT: Representative Jester - 1.  
Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Fallon brought HR 62 before the House for consideration.  
HR 62 - Petitioning the President of the United States, the Senate of the United States, the United States House of Representatives, and the Secretary of Labor to Affirm the Right to Perform Commercial Homework.

The roll call on HR 62 was taken and revealed:  
YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Brady, Campanelli, Cordrey, Gilligan, Houghton, Jonkiert, Mack, Outten, Plant, Soles, West, Wingate - 13.

NOT VOTING: Representatives Bennett, Clark, B. Ennis, George, Jester, Sills, Van Sant - 7.

Therefore, having received a constitutional majority, HR 62 was adopted.  
The Majority Leader moved to adjourn at 2:51 p.m., thereby ending the current legislative day. The House reconvened at 2:52 p.m.

The Chief Clerk called the roll.  
Members Present: 41.  
A prayer was offered by Representative Marybeth Boykin, Eleventh Representative District.  
Katie Hamm led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative day were approved as posted.  
The following prefilled legislation was introduced:

HB 225 - TAYLOR, ROY, B. ENNIS, GILLIGAN; SENATORS BERNDT, ARNOLD, MARSHALL - ADM/S: An Act to Amend Chapter 60A, Title 29, Delaware Code Relating to Deferred Compensation for Public Officers or Employees of the State.

HB 226 - ROY & SENATOR MCDOWELL; REPRESENTATIVE OUTTEN; SENATOR NEAL - ADM/S: An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to the Professional Services Negotiation Act.

HB 227 - CAULK, CAREY, CLARK, C. CORDREY, MACK - AG: An Act to Amend Chapters 51 and 53, Title 3 and Chapter 81, Title 29 of the Delaware Code Relating to the Council on Apple Promotion, the Promotion of Apples and Tax Upon Apples.

HB 228 - SOLES, JESTER, SMITH, WINGATE; SENATORS BERNDT, VAUGHN - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Handicapped Persons' Parking.

HB 229 - BENNETT - ADM/S: An Act to Amend Section 6905, Chapter 69, Title 29 of the Delaware Code Relating to Bidder Qualifications in the Procurement of Material and Award of Contracts for Public Works by State Agencies, County Agencies and School Districts.

HB 230 - JESTER, GEORGE - JUD: An Act to Amend Chapter 20, Title 13 of the Delaware Code Relating to the Commission on Family Law.

HS 1 for HB 114 - MARONEY & ROY, DAVIS, TAYLOR, REYNOLDS, CORROZI, SPENCE, SOLES, VAN SANT, PETRILLI; SENATOR BAIR - ADM/S: An Act to Amend Chapter 29, Title 14 and Chapter 41, Subchapter XIII, Title 21, Delaware Code to Require the Installation and Use of Seat Belts in New School Buses and Providing Penalties for Failure to Use the Seat Belts. (2/3 bill)

HCR 61 - CAULK, FALLON, BUCKWORTH; SENATORS BAIR, NEAL - H/ADM: Establishing a Blue Ribbon Task Force to Conduct a Study of Alternate Sources of Tax Revenue in Supporting School Districts.

HA 3 to HB 22 – B. ENNIS – L.O.T. – Placed with the Bill.

HA 3 to HB 164 – BUCKWORTH – READY LIST: Placed with the Bill.

HA 1 to HB 199 – DAVIS – ADM/S: Placed with the Bill.

HA 1 to HB 207 – JESTER – HUM. RES: Placed with the Bill.

SB 150 – MCDOWELL – H/ADM: An Act to Permit Richard Marion Robb, Sr. To Continue Employment With the Department of Services for Children, Youth and Their Families After Attaining the Age of 70.

SB 156 w/SA 1 – ADAMS; REPRESENTATIVE BARNES – ADM/S: An Act to Amend Chapter 69, Title 16 Delaware Code Relating to Issuance of Firework Permits.

SB 183 w/SA 4 – MARSHALL; REPRESENTATIVES HEBNER, PETRILLI; SENATORS MCBRIDE, MARTIN, HOLLOWAY, BERNDT, BAIR; REPRESENTATIVES CAMPANELLI, BRADY, D. ENNIS, SPENCE, OBERLE, FREE, BOYKIN, MARONEY, GILLIGAN, ANDERSON, VAN SANT, B. ENNIS, WEST, PLANT, HOUGHTON – R&F: An Act to Amend Chapter 1, Title 26 of the Delaware Code, and to Amend Chapter 55, Title 30 of the Delaware Code, Relating to Corporations in Reorganization Under Chapter II of the United States Bankruptcy Code and Their Eligibility for Exemption From the Public Utility Tax and for Economic Development Grants Provided by Public Utilities. (F/N)

Representative Oberle moved to recess for Caucus at 2:54 p.m.

The House reconvened at 5:15 p.m.

Representative Spence brought SB 54 w/SA 1, sponsored by Senator Torbert & Representatives Van Sant, Steele & West, before the House for consideration.

SB 54 w/SA 1 – An Act to Amend Title 21 of the Delaware Code Relating to Habitual Offenders' Driving Privileges.

Representative Van Sant moved to place SB 54 w/SA 1 on the Speaker's table. The motion was seconded by Representative Spence and adopted by voice vote.

Representative Petrilli brought SB 178, cosponsored by Senators Cordrey, Cook & Slatcher & Representatives Bennett, Carey, Steele, Fallon, D. Ennis & Free, before the House for consideration.

SB 178 – An Act Allocating Authority to Issue Mortgage Revenue Bonds to the Delaware State Housing Authority and Various Political Subdivisions in the State of Delaware.

The roll call on SB 178 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 178 was returned to the Senate.

Representative Oberle brought HB 79 before the House for consideration.

HB 79 – An Act to Amend Chapter 90, Title 11 of the Delaware Code Relating to the Violent Crimes Compensation Board and Conflicts of Interest.

Representative Brady requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

The roll call on HB 79 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

NO: Representative Clark – 1.

ABSENT: Representatives Plant, Roy – 2.

Therefore, having received a constitutional majority, HB 79 was sent to the Senate for concurrence.

Representative Oberle introduced and brought HR 65, cosponsored by Representatives Spence, Mack, Reynolds, Davis, Taylor, Roy & Campanelli, before the House for consideration.

HR 65 – Welcoming AFL-CIO National President Lane Kirkland to Delaware.

HR 65 was adopted by voice vote.

Representative Smith introduced and brought HR 66, cosponsored by Representatives Free & Steele, before the House for consideration.

HR 66 – Congratulating the Five First Prize Winners of the Delaware Press Women's Communications Contest.

HR 66 was adopted by voice vote.

Representative Maroney introduced HB 231, jointly sponsored by Senator Holloway & cosponsored by Representatives Buckworth, Sills & Steele & Senator Connor.

HB 231 – An Act to Amend Titles 10, 13, 29 and 30 of the Delaware Code Relating to Child Support Enforcement.

Mr. Speaker assigned HB 231 to the Human Resources Committee.

Representative Petrilli introduced HS 1 for HB 133, jointly sponsored by Representatives Oberle, Barnes & Hebner & cosponsored by Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Mack, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Bennett, Soles, Free & Maroney & Senators Bair, Arnold, Knox & Slatcher.

HB 133 – An Act Entitled "The Tax Reduction Act of 1985", Which Amends Chapter 11, Title 30 of the Delaware Code, Relating to the Reduction of Personal Income Tax Rates, and Which Further Amends Chapter 11, Title 30 of the Delaware Code to Increase the Allowable Deduction for Personal Exemptions.

Mr. Speaker assigned HS 1 for HB 133 to the Revenue and Finance Committee.

Representative Oberle moved to recess to the call of the Chair at 5:54 p.m.

33rd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 29, 1985

Mr. Speaker Hebner called the House to order at 1:17 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 145 w/SA 1; SA 2 (F/N); HJR 11; SB 162; SB 166 (F/N); SCR 58; SCR 59; SCR 60; HCR 57; HCR 58; HCR 59; HCR 60 & HB 192 w/HA 2, HA 3.

May 24, 1985

LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/23/85 - SB 139 aab SA 1 & HA 2; 5/24/85 - SB 178, HB 192 aab HA 2 & HA 3, HJR 11.

The Majority Leader moved to adjourn at 1:20 p.m., thereby ending the current legislative day. The House reconvened at 1:21 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Staff Member, Ayesha Sammander.

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

The following prefiled legislation was introduced:

HB 232 - (Reserved for Representative Maroney).

HB 233 - CAULK, DAVIS, QUILLEN, FALLON, BARNES, CAREY, STEELE, TAYLOR, SPENCE, BUCKWORTH, ROY, JESTER, CLARK, C. CORDREY, B. ENNIS, WINGATE; SENATORS KNOX, SLATCHER, TORBERT, MINNER, COOK - NAT. RES: An Act to Amend Chapter 7, Title 7, of the Delaware Code Relating to Trespassing on Real Property for the Purpose of Fishing, Hunting, or Trapping. (2/3 bill)

HB 234 - ROY, TAYLOR, PETRILLI - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code as It Relates to the Staffing Formula for Assistant Principals.

HB 235 - BENNETT - R&F: An Act to Amend Chapter 34, Title 19 of the Delaware Code, Relating to the Determination of Special Assessments and Their Disbursement.

HB 236 - WINGATE - H/ADM: An Act to Amend Chapter 197, Volume 54, Laws of Delaware, As Amended, Relating to the City of Rehoboth Beach; and Permitting Contributions From the Commissioners to Volunteer Companies and Associations. (2/3 bill)

HB 237 - WINGATE - H/ADM: An Act to Amend Chapter 197, Volume 54, Laws of Delaware, As Amended, Relating to the City of Rehoboth Beach; and Providing the Commissioners With the Discretionary Power to Subject Ordinances to a Referendum. (2/3 bill)

HS 1 for HB 184 - OBERLE - JUD: An Act to Amend Title 21, Delaware Code Relating to Overweight or Oversize Vehicles.

HS 1 for HB 185 - FREE - ADM/S: An Act to Amend Chapter 31, Title 21 of the Delaware Code Relating to Nondriver Identification Cards. (3/5 bill)

HS 1 for HB 222 - FALLON & PETRILLI & SOLES & OUTTEN, REYNOLDS, JESTER, WINGATE, BUCKWORTH, SPENCE, CAREY, TAYLOR, BOYKIN, CAULK, WEST; SENATORS BAIR, ARNOLD, KNOX, SLATCHER, CITRO, NEAL, ADAMS, MINNER, MARTIN, TORBERT - ED: An Act to Amend Chapter 17, Title 14, of the Delaware Code Relating to the Establishment of a Specialized Services Unit and Providing a Formula for Funding the Specialized Services Unit in the Public Schools.

HA 1 to HB 30 - GILLIGAN, PETRILLI - READY LIST - Placed with the Bill.

SB 145 w/SA 1, SA 2 - MARSHALL; REPRESENTATIVE MACK; SENATORS SHARP, MCBRIDE, HOLLOWAY, COOK; REPRESENTATIVES CAMPANELLI, SPENCE, JONKIERT, OBERLE, BOYKIN, OUTTEN - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation. (3/5 bill) (F/N)

SB 162 - MARSHALL, CORDREY, KNOX; REPRESENTATIVES HEBNER, GEORGE - R&F: An Act to Amend Title 30 of the Delaware Code by Providing for the Exemption of Foreign Sales Corporations and Foreign Sales Service Corporations From the Provisions of the Corporation Income Tax and by Providing for the Application of Occupational and Business Licenses and Fees for Such Corporations, and by Providing for the Exemption for Small Foreign Sales Corporations From Such Licenses and Fees.

SB 166 - HOLLOWAY, MARSHALL, MCDOWELL, MINNER, VAUGHN; REPRESENTATIVES VAN SANT, DAVIS, STEELE, FREE - HUM. RES: An Act to Amend Title 31 of the Delaware Code Relating to Community Care for Frail or Functionally Impaired Adults. (F/N)

Representative Outten requested and was granted the privilege of the floor for John R. Radell, Vietnam Veterans Leadership Program.

Representative Oberle moved to recess for Committee Meetings at 1:30 p.m.

The House reconvened at 4:45 p.m.

The following prefiled Consent Calendar #12 was introduced:

HR 67 - SMITH - Congratulating Lorraine M. Peterson and Harriet Goldstein for Receiving the Top Honors of the Delaware Chapter of the National Association of Social Workers.

HR 68 - CAULK, BARNES, BUCKWORTH, BENNETT, CAREY, CLARK, B. ENNIS, FALLON, JESTER, OUTTEN, QUILLEN, STEELE, WINGATE - Extending Congratulations to the Eleven University of Delaware Agriculture Students Who Received Awards and Scholarships During the Honors Day Ceremonies.

HCR 62 - OBERLE & SENATOR MARTIN - Congratulating the Thirteen Young Men and Women Who Will be Graduated June Tenth, Nineteen Hundred and Eighty-Five From the Margaret S. Sterk School.



HCR 63 - FALLON - Commending Stacey Goldfeder of Concord High School as a State Superintendent's Scholar of 1985.

SCR 56 - MCBRIDE & REPRESENTATIVE REYNOLDS - Congratulating the 1985 St. Mark's High School Olympiad Team for Winning First Place in the Annual Delaware Science Olympiad and Wishing Them Our Best as They Depart for the National Science Olympiad in Michigan.

SCR 58 - TORBERT, ADAMS, VAUGHN, COOK, ZIMMERMAN, MINNER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH - Extending Best Wishes to Judge William G. Bush, III.

SCR 59 - BAIR, HOLLOWAY; REPRESENTATIVE MARONEY - Honoring Delaware's Senior Citizens During Older Americans Month.

SCR 60 - BAIR, ZIMMERMAN, KNOX, TORBERT, MARTIN; REPRESENTATIVES CORROZI, BUCKWORTH, OUTTEN, BENNETT - Congratulating Robert H. Parker and Emily T. Du Pont on Receiving the First Honorary Degrees of Doctor of Humane Letters Ever Given by Wesley College in Its 113-Year History.

Representative Wingate introduced HCR 64, cosponsored by Representative Jester & Senators Vaughn, Minner & Cordrey.

HCR 64 - Mourning the Death of Bettye James of Rehoboth Beach.

HCR 64 was placed on Consent Calendar #12.

Consent Calendar #12 was adopted by voice vote and HCR 62, HCR 63 & HCR 64 were sent to the Senate for concurrence and SCR 56, SCR 58, SCR 59 & SCR 60 were returned to the Senate.

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

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

ADM/S: SB 100 w/SA 1 - 3F,1M.

ED: HB 205 - 1F,3M.

H/ADM: HB 178 -HA 1 - 5M; SB 30 w/SA 1 - 5M; SB 79 - 1F,4M; SB 115 - 4M.

HUM. RES: HB 231 - 1F,3M; SB 166 - 1F,3M.

JUD: HB 27 - 1M,3U; HB 118 - 4F; HB 213 - 4F; HB 214 - 4F; HB 221 - 4F; SB 80 w/SA 1 - 4F.

R&F: HB 191 - 5M,2U; SB 183 w/SA 4 - 1F,6M.

Representative Oberle moved to recess to the call of the Chair at 4:51 p.m.

34th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

May 30, 1985

Mr. Speaker Hebner called the House to order at 1:45 p.m.

Mr. Speaker reassigned HB 27, HB 205, HB 143 & SB 166 to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 78 w/SA 1 & SA 2 (F/N).

The Majority Leader moved to adjourn at 1:47 p.m., thereby ending the current legislative day. The House reconvened at 1:48 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 232 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES BUCKWORTH, SILLS, STEELE; SENATOR CONNOR - HUM. RES: An Act to Amend Title 13, Delaware Code Relating to Interstate Withholding for the Payment of Support.

HB 238 - STEELE & SENATOR 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 Assessment and Collection of Taxes, and Elections. (2/3 bill)

HB 239 - REYNOLDS - ADM/S: An Act to Permit Ms. Verdi H. Necastro to Continue Employment with the Department of Health and Social Services as an Admission Office Clerk at the Delaware State Hospital After Attaining the Age of Seventy.

HB 240 - MACK - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Rules of the Road.

HB 241 - OUTTEN - ADM/S: An Act to Permit Abner X. Miller to Continue Employment With the Delaware State Hospital as Laundry Manager After Attaining the Age of 70.

HB 242 - JONKIERT & ROY & VAN SANT & WEST - ADM/S: An Act to Amend Section 501, Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays.

HB 243 - WINGATE - ADM/S: An Act to Amend Article 6, Title 6 of the Delaware Code Relating to Bulk Transfers.

HB 244 - JONKIERT, CAREY, SOLES, SMITH; SENATOR BERNDT - NAT. RES: An Act to Amend Title 7 of the Delaware Code Relating to Underground Storage Tanks.

HB 245 - SPENCE & OBERLE - JUD: An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for the Chief Magistrate.

HA 1 to SB 145 - BENNETT - LABOR: Placed with the Bill.

SB 78 w/SA 1, SA 2 - HOLLOWAY - CHILD: An Act to Amend Chapter 79, Title 29, Delaware Code, to Establish the Division of Child Support Enforcement. (F/N)

Representative Oberle moved to recess for Caucus at 1:52 p.m.

The House reconvened at 3:25 p.m.

Representative Petrilli moved to suspend the rules which interfere with action on SB 183 w/SA 4.

Representative Gilligan rose on a point of order.

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

Representative Petrilli brought SB 183 w/SA 4, jointly sponsored by Senator Marshall & Representative Hebner & cosponsored by Senators McBride, Martin, Holloway, Berndt & Bair & Representatives Campanelli, Brady, D. Ennis, Spence, Oberle, Free, Boykin, Maroney, Gilligan, Anderson, Van Sant, B. Ennis, West, Plant & Houghton, before the House for consideration.

SB 183 - An Act to Amend Chapter 1, Title 26 of the Delaware Code, and to Amend Chapter 55, Title 30 of the Delaware Code, Relating to Corporations in Reorganization Under Chapter 11 of the United States Bankruptcy Code and Their Eligibility for Exemption From the Public Utility Tax and for Economic Development Grants Provided by Public Utilities.

Representative Petrilli requested and was granted the privilege of the floor for Anthony Flynn, Counsel to the Governor.

Representative Petrilli requested and was granted the privilege of the floor for Robert E. Shields, Attorney for Phoenix Steel.

The roll call on SB 183 w/SA 4 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Mr. Speaker Hebner - 35.

NO: Representative Outten - 1.

NOT VOTING: Representatives Bennett, Clark, Jester, Wingate - 4.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 183 w/SA 4 was returned to the Senate.

Representative Quillen requested that action on HB 170 be deferred to a Day Certain, Tuesday, June 20, 1985.

Representative Outten brought HB 35, cosponsored by Representatives Bennett, Clark & Quillen & Senator Torbert, before the House for consideration.

HB 35 - An Act to Amend Chapter 83, Title 29 of the Delaware Code Relating to the Authorization of Compensatory Payments to the City of Dover for Certain Exempt Properties Owned by the State of Delaware.

Representative Outten moved to place HB 35 on the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Taylor introduced HB 246, cosponsored by Representatives Roy & Gilligan & Senators Bair, McDowell & Minner.

HB 246 - An Act to Amend Chapter 100, Title 29 of the Delaware Code Relating to Freedom of Information.

Mr. Speaker assigned HB 246 to the Administrative Services Committee.

Representative Oberle moved to recess to the call of the Chair at 5:03 p.m.

35th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 4, 1985

Mr. Speaker Hebner called the House to order at 1:46 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 152, SB 106, SB 184, SB 132 w/SA 1, SB 185, SB 147 (F/N), SB 121 (F/N), HB 100 w/HA 1, SB 107, SB 25, SS1 for SB 27 w/SA 1, HCR 62, HCR 63 & HCR 64.

Representative Outten moved to lift HB 35 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Outten brought HB 35, cosponsored by Representatives Bennett, Clark & Quillen & Senator Torbert, before the House for consideration.

HB 35 - An Act to Amend Chapter 83, Title 29 of the Delaware Code Relating to the Authorization of Compensatory Payments to the City of Dover for Certain Exempt Properties Owned by the State of Delaware. (3/4 bill)

Representative Outten introduced and brought HA 1 to HB 35 before the House for consideration. HA 1 was adopted by voice vote.

Representative Outten requested and was granted the privilege of the floor for Crawford J. Carroll, Mayor of Dover.

The roll call on HB 35 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Campanelli, Caulk, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Quillen, Sills, Soles, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 22.

NO: Representatives Boykin, Carey, Corrozi, Davis, Free, Maroney, Oberle, Roy, Smith, Taylor - 10.

NOT VOTING: Representatives D. Ennis, Fallon, Petrilli, Reynolds, Spence - 5.

ABSENT: Representatives Barnes, Brady, Mack, Plant - 4.

Therefore, not having received a constitutional majority of at least three-fourths Members of the House, HB 35 w/HA 1 was declared defeated.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the current legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Barnes, Plant - 2.

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

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

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

The following prefiled legislation was introduced:

HB 247 - ROY & GILLIGAN; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code to Revise the Amount of Employee Contributions to the State Employees' Pension Plan.

HB 248 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES BUCKWORTH, SILLS, STEELE; SENATOR CONNOR - HUM. RES: An Act to Amend Title 24 of the Delaware Code Relating to Professional Counselor Licensing. (3/5 bill)

HB 249 - QUILLEN - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Deadly Weapons and Dangerous Instruments. (2/3 bill)

HB 250 - SPENCE; SENATOR SHARP - JUD: An Act to Amend Chapter 89, Title 10, Delaware Code Relating to Jurors and Witnesses.

HB 251 - SPENCE & SENATOR SHARP - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Sentences for Robbery.

HB 252 - C. CORDREY, CAREY, CAULK, CLARK, MACK; SENATORS ADAMS, CONNOR, COOK, SLATCHER, VAUGHN - AGRI: An Act to Amend Chapter 25, Title 3 of the Delaware Code Relating to Dealers in Agricultural Products. (2/3 bill)

HB 253 - C. CORDREY; SENATOR SLATCHER - H/ADM: An Act to Amend Chapter 288, Volume 64, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Laurel" by Requiring That Voters in Municipal Elections be United States Citizens and by Eliminating the Cap on Funding a Pension or Health and Welfare Plan for Town Employees. (2/3 bill)

HB 254 - JONKIERT, BRADY, C. CORDREY, HOUGHTON, VAN SANT, WEST; SENATOR MARSHALL - JUD: An Act to Amend Part VI, Title 11 of the Delaware Code Relating to Victims and Witnesses; and Providing a "Bill of Rights" for Victims and Witnesses.

HR 69 - SPENCE, REYNOLDS - JUD: Creating a Committee to Study the Need for Revising the Truancy Laws of Delaware.

HA 1 to HB 102 - DAVIS - ED: Placed with the Bill.

HA 1 to HB 179 - B. ENNIS & BENNETT - READY LIST - Placed with the Bill.

HA 1 to HB 180 - B. ENNIS & BENNETT - READY LIST - Placed with the Bill.

HA 1 to HB 205 - SOLES - APPRO: Placed with the Bill.

SB 25 - MCBRIDE; REPRESENTATIVE FALLON - ED: An Act to Correct an Error in §6519, Title 29, Delaware Code, Relating to Expenditures by School Districts.

SS 1 to SB 27 w/SA 1 - BAIR & HOLLOWAY, MCDOWELL, MCBRIDE, CONNOR, MARTIN; REPRESENTATIVES MARONEY, VAN SANT, BOYKIN, SPENCE, JESTER, SILLS, HEBNER, SOLES - HUM. RES: An Act to Amend Title 31 of the Delaware Code, Relating to the Establishment of a Home Counseling Center for Senior Citizens Within the Division of Aging, Department of Health and Social Services. (F/N)

SB 106 - ZIMMERMAN, TORBERT; REPRESENTATIVES BENNETT, OUTTEN - ADM/S: An Act to Amend Title 11, Chapter 88, Delaware Code, Relating to the Delaware County and Municipal Police Pension Plan.

SB 107 - MINNER, CORDREY; REPRESENTATIVES WEST, CAREY - NAT. RES: An Act to Amend §915, Title 7, Delaware Code, Relating to the Issuance of Foodfishing Equipment Permits for Gill Nets to Commercial Fishermen Who Served in the Armed Forces When These Permits Were Available. (2/3 bill)

SB 121 - MCBRIDE & TORBERT; REPRESENTATIVES BUCKWORTH, CAULK, D. ENNIS, QUILLEN, ROY; SENATORS MARTIN, MCDOWELL, MINNER - R&F: An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to Retail and Wholesale Merchants' License Requirement and Taxes. (F/N)

SB 132 w/SA 1 - HOLLOWAY - ADM/S: An Act to Amend Chapter 40, Title 31, Delaware Code, Relating to the Annual Registration of Apartment Management. (2/3 bill)

SB 147 - ADAMS, CORDREY, MINNER, SHARP, SLATCHER, BERNDT, COOK, MCBRIDE, TORBERT; REPRESENTATIVES C. CORDREY, FALLON, BARNES, CAREY, WINGATE, WEST, STEELE - ED: An Act to Amend Section 1703(G), Title 14, Delaware Code, Relating to Unit of Pupils for Kent and Sussex County Vocational Technical School Districts. (F/N)

SB 152 - ZIMMERMAN, TORBERT; REPRESENTATIVES OUTTEN, BENNETT - H/ADM: An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36, Laws of Delaware, As Amended, Relating to Changing Compensation for the Mayor and Members of Council From Salary to Reimbursement. (2/3 bill)

SB 184 - COOK, VAUGHN, ZIMMERMAN; REPRESENTATIVES CLARK, MACK, CORROZI, CAULK, CAREY - NAT. RES: An Act to Amend Chapter 63, Title 7, Delaware Code, Establishing a Revolving Fund for the Revenues and the Initial Funding of the Department of Natural Resources and Environmental Control; and to Transfer Funds From the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department Management Budget Unit (40-01-001), for the Purpose of Providing Start-up Funds for the Hazardous Waste/Ground Water Clean-Up Revolving Fund.

SB 185 - COOK, VAUGHN, ZIMMERMAN; REPRESENTATIVES CLARK, MACK, CORROZI, CAULK, CAREY - JUD: An Act to Amend Chapter 82, Title 29, Delaware Code, Establishing a Revolving Fund for the Revenues and the Initial Funding of the Department of Public Safety; and to Transfer Funds From the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Administration Budget Unit (45-01-001) (Hazardous Substance Spill Clean-Up) for the Purpose of Providing Start-Up Funds for the Hazardous Substance Spill Clean-Up Revolving Fund.

HA 1 to SB 80 - OBERLE - READY LIST - Placed with the Bill.

Representative Fallon requested and was granted the privilege of the floor for John Hollis, Delaware Association for Retarded Children.

Representative Oberle moved to recess for Caucus at 2:14 p.m.

The House reconvened at 3:21 p.m.

Representative Taylor brought HB 126, cosponsored by Representative Caulk, Boykin, Free, Smith, Carey, Roy, Spence, Reynolds, B. Ennis & West, before the House for consideration.

HB 126 - An Act to Amend Chapter 82, Title 29, Delaware Code, Relating to the Objectives of the Division of Boiler Safety and Rules and Regulations to Achieve Those Objectives.

The roll call on HB 126 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Davis, B. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 35.

ABSENT: Representatives Barnes, Clark, Corrozi, D. Ennis, George, Plant - 6.

Therefore, having received a constitutional majority, HB 126 was sent to the Senate for concurrence.

Representative Carey brought HB 195, jointly sponsored by Representative Caulk & cosponsored by Representatives Mack, Smith, Petrilli, Buckworth, Quillen, Barnes, Steele, Corrozi, D. Ennis, Van Sant, Campanelli & Wingate & Senators Slatcher & Minner, before the House for consideration.

HB 195 - An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to the Delaware Police Training Program.

Representative Carey introduced and brought HA 1 to HB 195 before the House for consideration. HA 1 was adopted by voice vote.

Representative Carey requested and was granted the privilege of the floor for Jack A. Egolf, Environmental Protection Officer, Department of Natural Resources and Environmental Control.

The roll call on HB 195 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Barnes, Plant - 2.

Therefore, having received a constitutional majority, HB 195 w/HA 1 was sent to the Senate for concurrence.

Representative Clark requested and was granted the privilege of the floor for Carol Adams representing Smyrna Elementary School Olympics of the Mind.

Representative Roy brought HB 182, jointly sponsored by Senator Cook, before the House for consideration.

HB 182 - An Act to Amend Chapter 74, Title 29, Delaware Code, Relating to the Restrictions on Loan of Public Money or Bonds and Credit of State.

Representative Roy moved to place HB 182 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

The following prefiled legislation was introduced:

HB 255 - PETRILLI - R&F: An Act to Amend Chapter 11, Title 12 of the Delaware Code Relating to Unclaimed or Abandoned Property.

HB 256 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Repeal Chapter 35, Title 30 of the Delaware Code Relating to Express Companies, and to Repeal Chapter 37, Title 30 of the Delaware Code Relating to the Imposition of a Tax on the Business of Transporting Passengers by Steam Power, and to Amend Chapter 54, Title 30 of the Delaware Code Relating to the Realty Transfer Tax and Chapter 53, Title 30, of the Delaware Code, Relating to Commissions Paid to Cigarette Tax Affixing Agents.

HB 257 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax of Members of the Armed Forces on Death and the Definition of Resident for Personal Income Tax Purposes.

HB 258 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code, Relating to Partnership Tax Returns and Penalties for Failure to File Partnership Tax Returns and Related Information.

HB 259 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Amend Chapter 3, Title 30, Delaware Code, Relating to the Tax Appeal Board; and to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax With Respect to the Filing of Frivolous Returns the Filing of False Information With Respect to Withholding; and the Late Filing of a Personal Income Tax Return and to Amend Chapter 53, Title 30, Delaware Code, Relating to the Tobacco Products Tax to Increase the Amount of the Late Filing Penalty; and to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax to Impose Negligence and Fraud Penalties; and to Amend Chapter 55, Title 30, Delaware Code, Relating to the Public Utility Tax to Impose Certain Civil Penalties and to Administrative Procedures Relating to the Assessment and Appeal of Public Utility Taxes; and to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax With Respect to Disposition of a Partnership Interest by a Non-Resident and Withholding Tax Proposed Assessments.

HB 260 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Amend Chapter 11, Title 12, Delaware Code, Relating to Unclaimed or Abandoned Property Subject to Escheat.

HB 261 - PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL - R&F: An Act to Amend Chapter 11, Title 12 of the Delaware Code to Provide for the Escheat to the State of Intangible Ownership Interests in Corporation When Dividends or Other Distributions Thereon Have Been Abandoned.

HB 262 – PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL – R&F: An Act to Amend Chapter 74, Title 29 of the Delaware Code Relating to the Issuing Officers for the Issuance of Bonds, Notes and Revenue Notes; and Approval of Contracts Entered Into by Issuers Created by the State.

HB 263 – PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL – R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax With Respect to Criminal Offenses.

HB 264 – PETRILLI, BOYKIN, ANDERSON, BRADY, VAN SANT; SENATOR MARSHALL – R&F: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax With Respect to Changes in Federal Tax Liability and Administrative Procedures Relating to the Assessment and Appeal of Corporate Income Taxes and Interest on Overpayments; and to Amend Chapter 21, Title 30 Delaware Code, Relating to Occupational and Business Licenses and Taxes With Respect to the License Tax Period of Limitations on the Assessment of Tax and to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax With Respect to the Period of Limitations on the Determination of Tax; and to Amend Chapter 61, Title 30, Delaware Code, Relating to the Public Accommodation Tax With Respect to the Period of Limitations on the Assessment of Tax; and to Amend Chapter 63, Title 30, Delaware Code, Relating to the Affiliated Finance Company Tax With Respect to the Period of Limitations on the Assessment of Tax.

HB 265 – HEBNER, PETRILLI, CAMPANELLI, BRADY, D. ENNIS, SPENCE, OBERLE, FREE, BOYKIN, MARONEY, GILLIGAN, ANDERSON, VAN SANT, B. ENNIS, WEST, PLANT, HOUGHTON; SENATORS MARSHALL, MCBRIDE, MARTIN, HOLLOWAY, BERNDT, BAIR – R&F: An Act to Reconfirm the Constituted Authority Status of Northern Delaware Industrial Development Corporation to Issue Revenue Bonds on Behalf of the State of Delaware for the Limited Purpose of Refunding, Reissuing or Modifying Bonds Issued in 1966 and 1967 for Phoenix Steel Corporation.

Representative Davis brought HB 14, cosponsored by Representatives Maroney, Mack, Smith, Spence, Quillen, Buckworth, Corrozi, Petrilli, Oberle, Van Sant & Reynolds & Senator Arnold, before the House for consideration.

HB 14 – An Act to Amend Chapter 1, Part I, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health and Providing for the Regulation of Free Standing Surgical Centers, Free Standing Emergency Centers, and Free Standing Birthing Centers.

Representative Smith introduced and brought HA 1 to HB 14 before the House for consideration.

Representative Smith requested and was granted the privilege of the floor for Lynn Kanaga, House Attorney.

HA 1 to HB 14 was adopted by voice vote.

Representative George requested and was granted the privilege of the floor for Francis Murphy, House Attorney.

Representative Jonkiert introduced former Speaker of the House, George Hering.

Mr. Speaker ruled that HB 14 has a 2/3 vote requirement.

Representative Davis moved to place HB 14 w/HA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Maroney brought SB 127, sponsored by Senator Cordrey, before the House for consideration.

SB 127 – An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to Corneal Transplants.

Representative Maroney moved to place SB 127 on the Speaker's table. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative Spence requested that action on HB 191 be deferred to a Day Certain, Thursday, June 6, 1985.

Representative Taylor introduced HB 266.

HB 266 – An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Boundary Lines of Certain District.

Mr. Speaker assigned HB 266 to the House Administration Committee.

Representative Oberle moved to recess to the call of the Chair at 4:41 p.m.

36th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 5, 1985

Mr. Speaker Hebner called the House to order at 2:16 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 159, SB 200, SB 111, SB 174 (F/N), SB 160 (F/N), SB 120, SB 172 & SB 197.

Representative Davis moved to lift HB 14 w/HA 1 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Davis brought HB 14, cosponsored by Representatives Maroney, Mack, Smith, Spence, Quillen, Buckworth, Corrozi, Petrilli, Oberle, Van Sant & Reynolds & Senator Arnold, before the House for consideration.

HB 14 – An Act to Amend Chapter 1, Part 1, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health and Providing for the Regulation of Free Standing Surgical Centers, Free Standing Emergency Centers, and Free Standing Birthing Centers. (2/3 bill)

Representative Davis introduced and brought HA 2 to HB 14 before the House for consideration.

HA 2 was adopted by voice vote.

Representative Barnes requested that he be marked present.

The roll call on HB 14 w/HA 1 & 2 was taken and revealed:

YES: Representatives Barnes, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Oberle, Petrilli, Quillen, Reynolds, Spence, Steele, Taylor, Mr. Speaker Hebner - 15.

NO: Representatives Bennett, Clark, Cordrey, Gilligan, Houghton, Jester, Jonkiert - 7.

NOT VOTING: Representatives Anderson, Boykin, Campanelli, Carey, B. Ennis, George, Maroney, Outten, Sills, Smith, Soles, Van Sant, Wingate - 13.

ABSENT: Representatives Brady, Buckworth, Mack, Plant, Roy, West - 6

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 14 w/HA 1 & 2 was declared defeated.

Representative Quillen introduced HB 269, cosponsored by Representatives Fallon, Buckworth, Barnes, Carey, Caulk, Clark, Jester, Roy, Wingate, Maroney, George, Plant, Van Sant, Spence, Outten, B. Ennis, West & C. Cordrey & Senators Slatcher, Berndt, Bair, Vaughn, Holloway, Citro & Minner.

HB 269 - An Act to Amend Chapter 5 of Title 28, and Chapter 23, Title 30, Delaware Code, Relating to the State Tax and Licensee's Commissions on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks, and State License Fees for Harness Racing Meet Operators, and Harness Race Horse Owners.

Mr. Speaker assigned HB 269 to the Revenue and Finance Committee.

Mr. Speaker reassigned SB 197 to the Agriculture Committee.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current legislative day. The House reconvened at 2:21 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

HB 267 - CAULK; SENATOR SLATCHER - JUD: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to School Buses.

HB 268 - B. ENNIS, JONKIERT, SPENCE, CLARK, OUTTEN, WEST, TAYLOR; SENATORS VAUGHN, MINNER - ADM/S: An Act to Amend Chapter 25, Title 30, Delaware Code, Relating to Contractor's License Requirements and Taxes.

HA 1 to HB 182 - GEORGE - L.O.T. - Placed with the Bill.

SB 111 - HOLLOWAY - JUD: An Act Amending Title 11 of the Delaware Code Relating to Paramilitary Activities.

SB 120 - MARSHALL; REPRESENTATIVES JONKIERT, SPENCE - ADM/S: An Act to Amend Chapter 31, Title 21, Delaware Code Relating to Nondriver Identification Cards.

SB 159 - ADAMS, COOK, CONNOR, BERNDT; REPRESENTATIVES BARNES, FALLON, GILLIGAN - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to the State Employees Pension Plan.

SB 160 - ADAMS, COOK, CONNOR, BERNDT; REPRESENTATIVES BARNES, FALLON, CAMPANELLI, GILLIGAN - ADM/S: An Act to Amend Chapter 55, Title 29, Delaware Code Relating to Former State Employees With Vested Pension Benefits. (F/N)

SB 172 - MARSHALL, REPRESENTATIVE SPENCE - JUD: An Act to Amend Chapter 47, Title 16, Delaware Code, to Close a Loophole Which Precludes Proper Prosecution of Some Narcotics Violations.

SB 174 - COOK; REPRESENTATIVE QUILLEN - ADM/S: An Act Awarding Special Pension Benefits to Helen Wright Melvin and Directing the Board of Pension Trustees to Administer the Pension Provided as if the Award Were Pursuant to Chapter 55, Title 29 of the Delaware Code. (F/N)

SB 197 - ADAMS, COOK, CORDREY, VAUGHN, CONNOR, SLATCHER; REPRESENTATIVES BARNES, CAULK, CAREY, MACK, CLARK, C. CORDREY - NAT. RES: An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Created to Proceed With the Concepts of Dynamic Seeding or Weather Modification; and Further Providing Funds Therefor.

SB 200 - MARTIN; REPRESENTATIVE TAYLOR - ADM/S: An Act to Amend Chapters 1 and 5, Title 17 of the Delaware Code, to Permit the Department of Transportation to Enter Upon Private Property to Protect the Public and Public Property While Being Liable for Any Actual Damages Caused Thereby.

HA 1 to SB 104 - SPENCE - L.O.T. - Placed with the Bill.

Representative Oberle moved to recess for Committee Meetings at 2:28 p.m.

The House reconvened at 5:10 p.m.

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

ED: HS 1 for HB 222 - 3F.

H/ADM: HB 236 - 4M; HB 237 - 4M; SB 102 - 5M; SB 141 - 1F,4M; SB 142 - 1F,4M; SB 150 - 2F,3M.

JUD: HB 163 - 1F,3M; HS 1 for HB 184 - 2F,2M; HB 211 - 2F,2M; HB 228 - 4F; HB 230 - 3F; SB 21 - 4M.

HUM. RES: HB 208 - 4M; SCR 54 - 4M.

ADM/S: HB 174 - 4M; HS 1 for HB 185 - 4M; HB 215 - 3F,1M; HB 224 - 4M; HB 225 - 4M; HB 226 - 4M.

LABOR: SB 133 - 5; SB 145 w/SA 1 & 2 - 4F,1M.

AGRI: HB 227 - 4F, 1M; SB 197 - 4F,1M.

Representative Steele requested that HB 238 be stricken.

The following prefiled Consent Calendar #13 was introduced:

HR 70 - SPENCE & ALL REPRESENTATIVES - Offering Best Wishes to the Team of Athletes Representing the State of Delaware in the Upcoming 1985 United States Association for Blind Athletes National Championships.

HR 71 - OBERLE, CAMPANELLI - Welcoming to Dover the Participants in the 27th Annual Legislative Conference of AFL-CIO.

HR 72 - HEBNER - Welcoming the Athletes and Sponsors of the 15th Annual Delaware Special Olympic Games.

HR 73 - ROY, CORROZI, PETRILLI - Congratulating the H. B. DuPont Science Club for Winning the Delaware Science Olympics and for its Fourth Place Finish in the National Science Olympics.

HR 74 - BUCKWORTH - Congratulating Kimberly L. McDonald for Winning the America's Homecoming Queen Pageant and Extending Our Best Wishes as She Prepares to Represent the State of Delaware in the National Competition.

HR 75 - OBERLE & ALL REPRESENTATIVES - Urging President Ronald Reagan to Preside Over Fire Prevention Week Ceremonies at the Delaware Fire School, in Dover, Delaware.

HR 76 - B. ENNIS - Commending Charles V. Williams, Superintendent of the Smyrna School District for Thirty Eight Years of Dedicated Service to the Smyrna School District.

HR 77 - GILLIGAN - Offering the Kirkwood Arsenal Soccer Team Best Wishes for a Successful Trip as They Prepare to Embark on a Two Week Tour of West Germany.

HR 78 - BRADY - Congratulating Peg McCreary and Anna Chandler on the Celebration of Their 75th Birthday.

HCR 65 - HEBNER, BRADY; SENATOR BAIR - Congratulating Claymont High School's Girls' Softball Team Upon Winning the State Softball Championship in Flight "B".

HCR 66 - SILLS, FREE, GEORGE, JONKIERT, PLANT; SENATORS HOLLOWAY, MARSHALL, MCDOWELL - Proclaiming July 16, 1985 as Christina Cultural Arts Center Day.

HCR 67 - CLARK, B. ENNIS; SENATORS VAUGHN, COOK - Congratulating the Team from Smyrna Elementary Upon Receiving the First Perfect Score in the Delaware Olympics of the Mind Competition and Extending Best Wishes for a Strong Showing in the World Olympics of the Mind Competition.

HCR 68 - SOLES; SENATOR NEAL - Congratulating Robert Kaucic, Jr. of Pickett Lane in Collingswood, Newark, on Graduating With Top Academic Honors From the U. S. Air Force Academy in Colorado.

Representative Sills requested that HB 73 be stricken.

Representative Sills introduced HR 79, jointly sponsored by Representative Clark.

HR 79 - Requesting Delaware's Congressional Delegation to Investigate Allegations That the Ethiopian Government is Failing to Release Railroad Cars, Hindering the Distribution of Much Needed Food Relief.

HR 79 was placed on Consent Calendar #13.

Representative Spence introduced HR 80, jointly sponsored by Representative Maroney & cosponsored by Representatives Reynolds, Fallon, Soles, Mack & Free.

HR 80 - Creating a Committee to Study the Need for Revising the Truancy Laws of Delaware.

HR 80 was placed on Consent Calendar #13.

Consent Calendar #13 was adopted by voice vote and HCR 65, HCR 66, HCR 67 & HCR 68 were sent to the Senate for concurrence.

Mr. Speaker granted the privilege of the floor to Mr. Pete Emmons, Executive Director of Special Olympics of Delaware.

Representative Oberle moved to recess to the call of the Chair at 5:25 p.m.

37th LEGISLATIVE DAY  
33rd GENERAL ASSEMBLY  
First Session

June 6, 1985

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 55, SB 206, SB 194, SB 179 w/SA 1 (F/N), SB 28 (F/N) & SB 171.

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

SUNSET: HB 187 - 4M.

R&F: HB 65 - 2F, 5M; HB 31 - 1F, 6M; HB 255 - 7M; HB 256 - 7M; HB 257 - 7M; HB 258 - 7M; HB 259 - 7M; HB 261 - 7M; HB 262 - 7M; HB 264 - 7M; HB 265 - 7M.

Representative Petrilli requested that HB 260 be stricken.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Staff Member, Richard Millman.

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

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

The following prefilled legislation was introduced:

HB 270 - REYNOLDS, DAVIS, HOUGHTON, MACK, SPENCE, PLANT, BRADY, OBERLE, VAN SANT - JUD: An Act to Amend Title 10, Chapter 89, Delaware Code, by Prohibiting Employers Penalizing Victims and Witnesses and by Providing Compensation From Employers. (2/3 bill)

HB 271 - JONKIERT - ADM/S: An Act to Amend Title 30 of the Delaware Code Relating to Aid to Municipalities Under the State Aid for Municipal Streets Fund. (3/4 bill)

HB 272 - TAYLOR, PETRILLI; SENATOR MARTIN - ADM/S: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Department of Transportation's Authority to Enter Into Contracts for Road Maintenance.

HB 273 - B. ENNIS, JONKIERT, VAN SANT, SPENCE, WEST, CLARK, CAMPANELLI, OUTTEN, REYNOLDS, BRADY, DAVIS, C. CORDREY, HOUGHTON; SENATORS VAUGHN, TORBERT - JUD: An Act to Amend Subchapter I, Chapter 21, Title 21, Delaware Code, Relating to Registration of Vehicles.

HJR 12 - MARONEY, BUCKWORTH, STEELE, SILLS; SENATORS CONNOR, HOLLOWAY - CHILD: Memorializing the President of the United States of America and the 99th Congress to Designate the Week of October 6, 1985 Through October 12, 1985 as National Children's Week.

HA 1 to HB 169 - SOLES & MARONEY - COMM. AFF. - Placed with the Bill.

HA 1 to HB 203 - WEST - R&F: Placed with the Bill.

HA 1 to HB 215 - QUILLEN - READY LIST - Placed with the Bill.

SB 28 - MCBRIDE; REPRESENTATIVE FALLON - ED: An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to the Level of Pupils Per Unit for Grades One Through Six. (F/N)

SB 55 - MINNER, CONNOR, VAUGHN, ZIMMERMAN, COOK, TORBERT, NEAL; REPRESENTATIVES BARNES, B. ENNIS, VAN SANT, BUCKWORTH, SPENCE, QUILLEN - R&F: An Act to Amend Chapter 69, Title 18, Delaware Code Relating to Imposition of Tax on Insurance Premiums. (3/5 bill)

SB 171 - BERNDT & MCBRIDE, SHARP, TORBERT, KNOX, ARNOLD, REPRESENTATIVES MARONEY, SMITH - HUM. RES: An Act to Amend Chapter 17, Title 24 of the Delaware Code Adopting the Uniform Determination of Death Act.

SB 179 w/SA 1 - VAUGHN & REPRESENTATIVE HEBNER; SENATORS MCBRIDE, ARNOLD, BERNDT, TORBERT, CITRO, MARTIN, NEAL, CONNOR, HOLLOWAY; REPRESENTATIVES OBERLE, GEORGE, B. ENNIS, ROY, TAYLOR, JESTER, BUCKWORTH, WINGATE, QUILLEN, CAMPANELLI, JONKIERT, BRADY, WEST - ADM/S: An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs. (F/N)

SB 194 - MCDOWELL, COOK - CHILD: An Act to Amend Chapter 94, Title 16, Delaware Code, Relating to the Inclusion of the Department of Services to Children, Youth and Their Families on the State Advisory Council for the Coordination of Services to the Handicapped.

SB 206 - ADAMS - CHILD: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to Grandparent Visitation.

HA 1 to SB 54 - DAVIS - L.O.T. - Placed with the Bill.

Mr. Speaker reassigned HS 1 for HB 222, HB 163, HB 208, HB 65 to the Appropriations Committee.

Representative Oberle moved to recess for Caucus at 1:59 p.m.

The House reconvened at 4:02 p.m.

The Reading Clerk read the following communication into the record:

June 6, 1985

#### LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/6/85 - HB 100 aab HA 1.

Representative Spence requested that action on HB 191 be deferred to a Day Certain, Tuesday, June 11, 1985.

Representative Roy brought HB 172, cosponsored by Senator McDowell, before the House for consideration.

HB 172 - An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Board of Medical Practice Disciplinary Proceedings.

Representative Roy requested and was granted the privilege of the floor for Lorraine Cusick, Administrative Assistant.

The roll call on HB 172 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 36.

NO: Representative Sills - 1.

ABSENT: Representatives Caulk, Plant, Smith, West - 4.

Therefore, having received a constitutional majority, HB 172 was sent to the Senate for concurrence.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Hebner brought HB 167, jointly sponsored by Senator Vaughn & cosponsored by Representatives Anderson, Barnes, Brady, Buckworth, Campanelli, Caulk, C. Cordrey, Mack, Corrozi, Davis, B. Ennis, D. Ennis, Roy, Fallon, Free, George, Gilligan, Outten, Houghton, Jester, Reynolds, Sills, Soles, Spence, Steele, Taylor, West, Van Sant, Carey, Plant & Clark & Senators Berndt, Bair, Knox, Citro, Arnold, Neal, Martin, Torbert, Adams & Slatcher, before the House for consideration.

HB 167 - An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits.

Representative Houghton requested that HA 1 to HB 167 be stricken.

Representative Spence introduced and brought HA 2 to HB 167 before the House for consideration.

HA 2 was adopted by voice vote.

Representative Hebner introduced and brought HA 3 to HB 167 before the House for consideration.

HA 3 was adopted by voice vote.

Representative Van Sant introduced and brought HA 4 to HB 167 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 167 w/HA 2, 3 & 4 was taken and revealed:



YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 38.

NO: Representative Jonkiert – 1.

ABSENT: Representatives Houghton, Plant – 2.

Therefore, having received a constitutional majority HB 167 w/HA 2, 3 & 4 was sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the Chair.

Representative Jonkiert moved to restore HB 14 w HA 1 & 2. The motion was seconded by Representative Spence.

HB 14 – An Act to Amend Chapter 1, Part 1, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health and Providing for the Regulation of Free Standing Surgical Centers, Free Standing Emergency Centers, and Free Standing Birthing Centers. (2/3 bill)

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner – 20.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, B. Ennis, Gilligan, Jonkiert, Soles, West, Wingate – 11.

NOT VOTING: Representatives Cordrey, George, Houghton, Jester, Outten, Sills, Van Sant – 7.

ABSENT: Representative Plant – 1.

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

Representative Spence brought HB 177, cosponsored by Representatives Hebner, Oberle, Davis, D. Ennis, Boykin, Maroney, Smith, Barnes, Reynolds, Buckworth, Corrozi, Caulk, Carey, Taylor, Steele, Van Sant, Houghton, Brady, B. Ennis, Campanelli, Jonkiert & Carey, before the House for consideration.

HB 177 – An Act to Amend Chapter 95, Title 10 of the Delaware Code Relating to Justice of the Peace Court Judgment and Execution Dockets.

Representative Spence introduced and brought HA 1 to HB 177 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 177 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, HB 177 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker declared a recess at 4:44 p.m.

The House reconvened at 4:46 p.m.

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

The Chief Clerk announced the correct roll call on the motion to restore HB 14 w/HA 1 & 2:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner – 22.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, B. Ennis, Gilligan, Jonkiert, Soles, West, Wingate – 11.

NOT VOTING: Representatives Cordrey, George, Houghton, Jester, Outten, Sills, Van Sant – 7.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, the motion was adopted and HB 14 w/HA 1 & 2 was restored.

Representative George rose on a point of order.

Representative Davis brought HB 14 w/HA 1 & 2 before the House for consideration.

HB 14 – An Act to Amend Chapter 1, Part 1, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health and Providing for the Regulation of Free Standing Surgical Centers, Free Standing Emergency Centers, and Free Standing Birthing Centers. (2/3 bill)

Representative Davis moved to place HB 14 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Davis brought HB 200, cosponsored by Representatives Spence, Soles & Bennett & Senators Holloway & Slatcher, before the House for consideration.

HB 200 – An Act to Amend Chapter 59, Title 29 and Chapter 92, Title 10 of the Delaware Code Relating to the Justice of the Peace Court Administrator and Setting the Salary Therefor.

Representative Davis moved to place HB 200 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Reynolds requested that action on HB 187 be deferred to a Day Certain, Tuesday, June 11, 1985.

Representative Spence brought SB 5, sponsored by Senator Cordrey, before the House for consideration.

SB 5 - An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Board of Pardons; and Providing for Notice to Certain Persons Prior to Pardons Hearings.

Representative Spence moved to place SB 5 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Barnes brought SB 84, cosponsored by Senators Slatcher, Adams, R. Cordrey & Minner & Representatives Carey, C. Cordrey, Fallon, Steele, West & Wingate, before the House for consideration.

SB 84 - An Act to Amend Title 9, Chapter 68, §6812 of the Delaware Code Relating to Public Hearings and Notice.

The roll call on SB 84 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Maroney, Plant - 2.

Therefore, having received a constitutional majority, SB 84 was returned to the Senate.

Representative B. Ennis brought HB 98, cosponsored by Senator Torbert, before the House for consideration.

HB 98 - An Act to Amend Chapter 3, Title 21, Delaware Code, Relating to the Registration, Titling and Liening of Motor Vehicles.

Representative B. Ennis brought HA 1 to HB 98 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 98 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 98 w/HA 1 was sent to the Senate for concurrence.

Representative West brought HB 144, cosponsored by Representatives C. Cordrey, Carey, Steele, Wingate, Barnes & Fallon & Senators R. Cordrey, Adams, Minner & Slatcher, before the House for consideration.

HB 144 - An Act to Amend Titles 9, 10 and 12 of the Delaware Code Relating to Salaries of Elected Officials of Sussex County.

Representative West introduced and brought HA 1 to HB 144 before the House for consideration. HA 1 was adopted by voice vote.

Representative West introduced and brought HA 2 to HB 144 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 144 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representative Petrilli - 1.

ABSENT: Representatives D. Ennis, George, Plant - 3.

Therefore, having received a constitutional majority, HB 144 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Roy introduced HB 274, jointly sponsored by Representative Petrilli & cosponsored by Representatives Oberle, Taylor, Spence & Reynolds & Senators Bair, Berndt, Citro & Arnold.

HB 274 - An Act to Amend Chapter 54, Title 30 of the Delaware Code Regarding Compensation for the Sale of Tax Stamps in Realty Transfers.

Mr. Speaker assigned HB 274 to the Revenue and Finance Committee.

Representative Oberle moved to recess to the call of the Chair at 5:36 p.m.

38th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 11, 1985

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 153, SB 136, SB 129 & SB 130 w/SA 1 (F/N).

Representative Free introduced HB 280, cosponsored by Representatives D. Ennis, Free, Boykin, Brady & Van Sant & Senators Berndt, McDowell & Sharp.

HB 280 - An Act to Amend Chapters 7, 17 and 61 of Title 18 Delaware Code by Providing for One-Time Licensing and Appointments of Insurance Agents, Brokers, Surplus Lines Brokers, Consultants and Fraternal Representatives, Changing the Fees Therefor and Deleting References to Limited Representatives. (3/5 bill)

Mr. Speaker assigned HB 280 to the Revenue and Finance Committee.

Representative Caulk introduced HB 281.

HB 281 - An Act to Amend Subchapter III of Chapter 31, Title 16, Delaware Code Relating to Cremation. (2/3 bill)

Mr. Speaker assigned HB 281 to the Administrative Services Committee.

Representative Carey introduced HB 282, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt.

HB 282 - An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters; Correction of Pertinent Data by the Department of Natural Resources and Environmental Control; the Finfisheries Development Fund; and Enforcement of Reporting Requirements.

Mr. Speaker assigned HB 282 to the Natural Resources Committee.

Representative Carey introduced HB 283, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt.

HB 283 - An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters; Sale, Trade or Barter of Food Fish; Food Fishing Equipment Permits, Requirements and Restrictions, Areas Restricted for Using Certain Fishing Equipment; Interfering With Fishing Equipment; Gill Nets, Use of Electric Lights; and Jurisdiction Over Violations and Forfeiture Proceedings. (2/3 bill)

Mr. Speaker assigned HB 283 to the Natural Resources Committee.

Representative Carey introduced HB 284, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt.

HB 284 - An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters and Marking Requirements for Fishing Equipment.

Mr. Speaker assigned HB 284 to the Natural Resources Committee.

Representative Carey introduced HB 285, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt.

HB 285 - An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters and Gill Nets.

Mr. Speaker assigned HB 285 to the Natural Resources Committee.

Representative Spence introduced HB 286, cosponsored by Representative Davis & Senators Torbert, Adams, Sharp, Vaughn, Citro & Neal.

HB 286 - An Act to Amend Chapters 3, 21, 23, 25 and 31, Title 21 of the Delaware Code Relating to Certain Fees Collected by the Division of Motor Vehicles. (3/5 bill)

Mr. Speaker assigned HB 286 to the Revenue and Finance Committee.

Representative Spence introduced HB 287, cosponsored by Representative Davis & Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro & Neal.

HB 287 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Appeals From Unfavorable Decisions Regarding Suspension and Revocation of License for Refusal to Submit to Chemical Tests or Probable Cause. (3/5 bill)

Mr. Speaker assigned HB 287 to the Judiciary Committee.

Mr. Speaker reassigned HB 286 to the Judiciary Committee.

Representative Spence introduced HB 288, cosponsored by Representative Davis & Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro & Neal.

HB 288 - An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to Retaining Surrendered Certificates of Title.

Mr. Speaker assigned HB 288 to the Administrative Services Committee.

Representative Spence introduced HB 289, cosponsored by Representative Davis & Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro & Neal.

HB 289 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Pedestrians.

Mr. Speaker assigned HB 289 to the Judiciary Committee.

Representative Mack introduced HB 290, cosponsored by Senator Marshall.

HB 290 - An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Mr. Speaker assigned HB 290 to the Labor Committee.

Representative Mack introduced HB 291, cosponsored by Senator Marshall.

HB 291 - An Act to Amend Part III, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Mr. Speaker assigned HB 291 to the Labor Committee.

Representative Free introduced HB 292, cosponsored by Representatives D. Ennis, Boykin, Brady, Bennett & Van Sant & Senators Berndt, McDowell & Sharp.

HB 292 - An Act to Amend Chapter 7, Title 18, of the Delaware Code by Changing the Annual Statement Filing Fee for Insurers, and by Adding a Filing Fee Charge for Form Filings and Rate Changes Submitted to the Department of Insurance for Review. (3/5 bill)

Mr. Speaker assigned HB 292 to the Revenue and Finance Committee.

Representative Oberle moved to recess for Caucus at 3:46 p.m.

The House reconvened at 5:15 p.m.

Representative Mack introduced HB 293, cosponsored by Representative Carey.

HB 293 - An Act to Amend Chapter 60, Part VII, Title 7, Delaware Code, Relating to the Definition of Person.

Mr. Speaker assigned HB 293 to the Natural Resources Committee.

Representative Reynolds requested that HB 187 be stricken.

Representative Reynolds introduced HB 294, cosponsored by Representatives Spence, Mack, Boykin, Smith, Buckworth, Taylor, Davis, Steele, Houghton, Van Sant, Brady, Anderson, Clark, Cordrey, Wingate, Gilligan & B. Ennis.

HB 294 - An Act to Amend Chapter 17, Title 24 of the Delaware Code, Relating to the Medical Practices Act and the Reporting of Wounds or Injuries Caused by Firearms, Stabbings, or Poisonings. (2/3 bill)

Mr. Speaker assigned HB 294 to the Sunset Committee.

Representative Taylor introduced HB 295, cosponsored by Senator Martin.

HB 295 – An Act to Amend Title 17, Chapter 8, Section 804, Delaware Code Relating to Contractor and Subcontractor Disputes on State Contracts.

Mr. Speaker assigned HB 295 to the Administrative Services Committee.

Representative Taylor introduced HB 296, cosponsored by Representative Roy & Senators Martin, Sharp & Arnold.

HB 296 – An Act to Amend Chapter 51, Title 30, Delaware Code Relating to Clarifying the Definition of Streets Receiving Municipal Street Aid.

Mr. Speaker assigned HB 296 to the Administrative Services Committee.

Representative Taylor introduced HB 297, jointly sponsored by Senator Martin.

HB 297 – An Act to Amend Chapter 69, Title 29, Delaware Code Relating to Public Works Contracts. (2/3 bill)

Mr. Speaker assigned HB 297 to the Administrative Services Committee.

Representative Spence introduced HB 298, cosponsored by Representative Davis & Senators Torbert, Adams, Sharp, Vaughn, Citro & Neal.

HB 298 – An Act to Amend Chapters 3, 21, 23, 25 and 31, Title 21 of the Delaware Code Relating to Certain Fees Collected by the Division of Motor Vehicles. (3/5 bill)

Mr. Speaker assigned HB 298 to the Judiciary Committee.

Representative Jonkiert introduced HB 299, jointly sponsored by Representative Carey & cosponsored by Representatives Soles & Smith & Senator Berndt.

HB 299 – An Act to Add a New Chapter 72, Title 7 of the Delaware Code, Relating to the Prevention, Detection, Investigation, and Correction of Underground Storage Tanks Leaks. (3/5 bill)

Mr. Speaker assigned HB 299 to the Natural Resources Committee.

The Majority Leader moved to adjourn at 5:24 p.m., thereby ending the current legislative day. The House reconvened at 5:25 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 275 – MACK – JUD: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to School Buses.

HB 276 – OBERLE, DAVIS, SMITH, PETRILLI, SPENCE, ROY, D. ENNIS; SENATORS MARTIN, ARNOLD – H/ADM: An Act to Amend Section 706, Chapter 7, Title 21 of the Delaware Code Regarding Disposition of Fines and Costs. (3/4 bill)

HB 277 – STEELE & SENATOR 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", As Amended, Relating to Assessment and Collection of Taxes, and Elections. (2/3 bill)

HB 278 – WINGATE; SENATORS MINNER, CORDREY – H/ADM: An Act to Amend An Act Entitled "An Act to Authorize the Commissioners of Lewes to Appoint a Board of Public Works for the Town of Lewes Which Shall Establish, Control and Regulate an Electric Light Plant, Water Works and a Sewer System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors" Being Chapter 196, Volume 22, Laws of Delaware, to Authorize Special Assessments or Area Connection Charges Upon Lots and Land Benefiting From Improvements to the Water System, the Sanitary Sewer System, and the Electric System. (2/3 bill)

HB 279 – C. CORDREY; SENATOR SLATCHER – ADM/S: An Act to Amend Chapter 64, Title 7, Delaware Code, Relating to the Disposal of Garbage in Municipalities That Traverse State Boundaries.

HJR 13 – BRADY, HEBNER & ALL REPRESENTATIVES; SENATORS VAUGHN & ARNOLD & ALL SENATORS – H/ADM: Declaring July 14-19, 1985 as POW/MIA Recognition Week in the State of Delaware and Acknowledging With Appreciation the Sacrifices Made by Our Prisoners of War.

HA 1 to HB 211 – CLARK, BARNES, B. ENNIS – READY LIST – Placed with the Bill.

HA 1 to HB 233 – CAULK – NAT. RES: Placed with the Bill.

SB 129 – VAUGHN – ADM/S: An Act to Amend Part III of Title 25 of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

SB 130 w/SA 1 – ZIMMERMAN & REPRESENTATIVE SPENCE; SENATORS CITRO, CONNOR, HOLLOWAY, VAUGHN, BERNDT, BAIR, MCDOWELL; REPRESENTATIVES HEBNER, GEORGE, DAVIS, REYNOLDS, HOUGHTON, PLANT, OUTTEN, B. ENNIS – JUD: An Act to Amend Subchapter 1, Chapter 5, Title 10, Delaware Code, Relating to the Superior Court. (F/N)

SB 136 – SHARP – ADM/S: An Act to Amend Title 4 of the Delaware Code Relating to Licensing Provisions for Business Establishments Selling Alcoholic Beverages for Off Premises Consumption.

SB 153 – MARSHALL, HOLLOWAY, MCDOWELL; REPRESENTATIVES GEORGE, PLANT, SILLS, FREE, JONKIERT – H/ADM: An Act to Amend Chapter 3, Title 22, of the Delaware Code Relating to the Granting of Variances by Municipal Boards of Adjustment.

HA 1 to SB 33 – MARONEY & BOYKIN – READY LIST – Placed with the Bill.

HA 1 to SCR 54 – MARONEY – READY LIST – Placed with the Bill.

Mr. Speaker reassigned HB 164, HB 179, SB 10 w/SA 1 & SB 49 to the Appropriations Committee.

Representative Oberle brought CONSENT AGENDA 1 before the House for consideration.

Representative Van Sant requested that HA 1 to HB 178 be stricken.

HB 178 – REPRESENTATIVE VAN SANT & SENATOR SHARP – An Act to Re-Incorporate the Town of Newport. (2/3 bill)

HB 236 - REPRESENTATIVE WINGATE - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, as Amended, Relating to the City of Rehoboth Beach; and Permitting Contributions From the Commissioners to Volunteer Companies and Associations. (2/3 bill)

HB 237 - REPRESENTATIVE WINGATE - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, As Amended, Relating to the City of Rehoboth Beach; and Providing the Commissioners With the Discretionary Power to Subject Ordinances to Referendum. (2/3 bill)

SB 77 - SENATOR ADAMS; REPRESENTATIVE BARNES - An Act to Amend Chapter 183, Volume 22, Laws of Delaware, Entitled "An Act to Incorporate the Town of Greenwood," As Amended by Chapter 167, Volume 43, Laws of Delaware, to Authorize the Issuing of Bonds to Finance the Construction and Improvement of Its Disposal System, Including a Sewage Treatment Plant. (2/3 bill)

SB 94 - SENATOR MINNER; REPRESENTATIVE QUILLEN - An Act to Amend Chapter 215 Volume 64, Laws of Delaware, Being "An Act to Re-Incorporate the City of Harrington" Relating to Elections, Alderman and Police Powers. (2/3 bill)

SB 102 - SENATOR SLATCHER; REPRESENTATIVE FALLON - 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." Relating to the Amount of Taxes to be Raised in Any One Year. (2/3 bill)

SB 115 - SENATOR MINNER; REPRESENTATIVE WINGATE - An Act to Amend An Act Being Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reincorporate the City of Lewes", As Amended by Chapter 110, Volume 63, Laws of Delaware, to Increase the Amount Which May be Raised by Taxation From Real Estate. (2/3 bill)

SB 141 - SENATOR ADAMS; REPRESENTATIVE BARNES - An Act to Amend Chapter 237, Volume 51, Laws of Delaware, As Amended, Entitled "An Act to Reincorporate the Town of Bridgeville," by Increasing the Power to Raise Revenue. (2/3 bill)

SB 142 - SENATOR ADAMS; REPRESENTATIVE BARNES - An Act to Amend Chapter 237, Volume 51, Laws of Delaware, As Amended, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Qualification of Voters in a Bond Referendum and Authorizing Borrowing in Anticipation of Issuance of Bonds. (2/3 bill)

The roll call on CONSENT AGENDA 1 - HB 178, HB 236, HB 237, SB 77, SB 94, SB 102, SB 115, SB 141 & SB 142 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 178, HB 236 & HB 237 were sent to the Senate for concurrence and SB 77, SB 94, SB 102, SB 115, SB 141 & SB 142 were returned to the Senate.

Representative Spence brought HB 191, cosponsored by Senators Sharp, Vaughn & Citro & Representative Plant, before the House for consideration.

HB 191 - An Act to Amend Title 6 of the Delaware Code by Adopting a Revised Uniform Limited Partnership Act Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

Representative Free introduced and brought HA 1 to HB 191 before the House for consideration.

Representative Spence requested and was granted the privilege of the floor for Martin I. Lubaroff, Delaware Bar Association.

HA 1 to HB 191 was adopted by voice vote.

Representative Spence requested and was granted the privilege of the floor for Martin I. Lubaroff, Delaware Bar Association.

Representative Free requested and was granted the privilege of the floor for Michael Harkins, Secretary of State.

The roll call on HB 191 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 191 w/HA 1 was sent to the Senate for concurrence.

Representative Houghton brought HB 158 before the House for consideration.

HB 158 - An Act Concurring in a Proposed Amendment to Article 1, Section 4 of the Constitution of the State of Delaware Relating to the Composition of Grand Juries. (2/3 bill)

The roll call on HB 158 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 158 was sent to the Senate for concurrence.

Representative Buckworth moved to lift HB 123 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Buckworth brought HB 123, cosponsored by Representative Bennett, before the House for consideration.

HB 123 - An Act Proposing an 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)

The roll call on HB 123 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 31.

NO: Representatives Anderson, Brady, Clark, Gilligan, Jester, West - 6.

NOT VOTING: Representative Jonkiert - 1.

ABSENT: Representatives D. Ennis, Plant, Smith - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 123 was sent to the Senate for concurrence.

Representative Jonkiert requested that HB 244 be stricken.

Representative Oberle moved to recess to the call of the Chair at 6:53 p.m.

39th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 12, 1985

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 191 (F/N), SB 114, SCR 61, SCR 62, SCR 63, HCR 65, HCR 66, HCR 67, HCR 68, SB 168 w/SA 1, SB 201 (F/N), SB 169, SB 116, SB 216, SB 151, SB 205 (F/N), SJR 6, HB 198 & SB 37.

The Majority Leader moved to adjourn at 1:50 p.m., thereby ending the current legislative day. The House reconvened at 1:51 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Staff Member, Donna Snell.

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

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

The following prefiled legislation was introduced:

HB 300 - C. CORDREY - ADM/S: An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to the Definition of Bingo.

HB 301 - WEST, VAN SANT, CAMPANELLI, CLARK, HOUGHTON, B. ENNIS, SILLS, OUTTEN, C. CORDREY, JESTER, PLANT, GEORGE, BENNETT - H/ADM: An Act Proposing an Amendment to Article VIII Section 6 of the Constitution of the State of Delaware Relating to the Budget Reserve Account. (2/3 bill)

HB 302 - BARNES, BENNETT; SENATORS TORBERT, KNOX, BAIR - NAT. RES: An Act to Amend Chapter 5, Title 7, Part I of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

HA 4 to HB 164 - BUCKWORTH - APPRO: Placed with the Bill.

HA 1 to HB 165 - TAYLOR - ADM/S: Placed with the Bill.

HA 1 to HB 253 - C. CORDREY - H/ADM: Placed with the Bill.

SB 37 - MARTIN - ADM/S: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Increase Penalties for Particular Dogs Running at Large Violations.

SB 114 - ZIMMERMAN - ADM/S: An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Leave for Volunteer Emergency Service.

SB 116 - SHARP, BERNDT; REPRESENTATIVE SPENCE - R&F: An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law of the State of Delaware. (2/3 bill)

SB 151 - MCDOWELL, SHARP, MARTIN, VAUGHN, BERNDT; REPRESENTATIVES CORROZI, D. ENNIS, SILLS, CAMPANELLI - ADM/S: An Act to Amend Subchapter I, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

SB 168 w/SA 1 - CORDREY & REPRESENTATIVE STEELE - H/ADM: An Act to Amend Chapter 212, Volume 25, Laws of Delaware, As Amended, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds", Relating to the Power of the Town to Borrow Money and Issue Bonds. (2/3 bill)

SB 169 - MARTIN; REPRESENTATIVES ANDERSON, OBERLE - JUD: An Act to Amend Title 21, §4401(b) Delaware Code, Relating to Abandoned Vehicles.

SB 191 - VAUGHN - R&F: An Act to Amend Chapter 55, Title 30 of the Delaware Code, Relating to Public Utility Taxes of Delaware Manufacturers Who Use Electricity in an Electrolytic or Electroacothermal Manufacturing Process. (F/N)

SB 201 - MCBRIDE, CONNOR; REPRESENTATIVE MARONEY - CHILD: An Act to Amend Chapter 51, Part III, Title 11 of the Delaware Code Relating to Criminal Procedure in the Superior Court; and Providing for a Bill of Rights for Children Who Are Required to Testify Before the Court, or Who Are Otherwise Required to Participate in a Criminal Trial. (F/N)

SB 205 - MINNER & BERNDT - HUM. RES: An Act to Amend Title 19, Delaware Code to Provide for Extended Workshop Employment Programs for the Severely Handicapped. (F/N)

SB 216 – SHARP; REPRESENTATIVE D. ENNIS – R&F: An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Reinsurance.

SJR 6 – ZIMMERMAN, CORDREY; REPRESENTATIVES WINGATE, CAREY – NAT. RES: Directing the Director of the Division of Historical and Cultural Affairs and the Secretary of the Department of Natural Resources and Environmental Control to Commemorate the Catastrophic Shipwreck of the Faithful Steward, Off of Delaware Seashore State Park by the Erection of a State Historical Marker On the Dunes Overlooking the Site, on September 2, 1985, the Two Hundredth Anniversary of the Wreck.

Representative Oberle introduced and brought HR 81, jointly sponsored by Representatives Hebner & Barnes, before the House for consideration.

HR 81 – Bidding a Fond Farewell to Legislative Hall Reporters Cindy Howell, Joe Warrick and Larry Hart.

HR 81 was adopted by voice vote.

Representative Oberle moved to recess for Committee Meetings at 2:01 p.m.

The House reconvened at 5:12 p.m.

Representative Reynolds introduced HB 303, jointly sponsored by Senator McBride & cosponsored by Representative Spence.

HB 303 – An Act to Amend Section 960(d), Part D. Subchapter III, Chapter 9, Title 10, Delaware Code, Relating to Appeals From the Family Court of the State of Delaware.

Mr. Speaker assigned HB 303 to the Judiciary Committee.

Representative Barnes introduced HB 304.

HB 304 – An Act to Amend Title 27 of the Delaware Code Relating to Religious Societies and Congregations; and Providing for the Ownership, Division or Disposition of the Real Estate and Buildings of a Local Church.

Mr. Speaker assigned HB 304 to the Administrative Services Committee.

The following prefiled Consent Calendar #14 was introduced:

HR 82 – OBERLE, TAYLOR, REYNOLDS, MACK, DAVIS, SPENCE, CAMPANELLI – Urging the State Department of Public Instruction to Consider Including the History of the American Labor Movement as Part of the Curriculum in Public Schools.

HCR 69 – JESTER, CLARK, C. CORDREY; SENATORS BERNDT, MINNER, VAUGHN – Requesting the United States Army Corps of Engineers to Expedite Completion of the South Dike Project.

SCR 61 – BAIR & MARTIN; REPRESENTATIVES ROY, HEBNER, WINGATE, JESTER – Requesting the Delaware Development Office to Design a Delaware Bicentennial License Plate.

SCR 62 – BAIR, HOLLOWAY; REPRESENTATIVES MARONEY, VAN SANT – Congratulating Harriet Goldstein for Being Named 1984-1985 Social Worker of the Year.

SCR 63 – MCDOWELL, BAIR; REPRESENTATIVES HEBNER, SILLS – Proclaiming the Week of June 9-15, 1985 as "Big Brothers-Big Sisters Appreciation Week in Delaware".

Representative Fallon introduced HR 83, cosponsored by All Representatives.

HR 83 – Honoring Jane Walker Maroney, M. D. for Her Achievements in the Study of Medicine.

HR 83 was placed on Consent Calendar #14.

Representative Caulk introduced HR 84, cosponsored by Representatives Carey, Steele, Barnes, Quillen, Clark, B. Ennis, West & C. Cordrey.

HR 84 – Congratulating Lister V. Hall, Jr. Upon His Retirement as Kent County Executive Director of the Agricultural Stabilization and Conservation Service.

HR 84 was placed on Consent Calendar #14.

Consent Calendar #14 was adopted by voice vote and HCR 69 was sent to the Senate for concurrence and SCR 61, SCR 62 & SCR 63 were returned to the Senate.

Representative Oberle introduced HB 305, cosponsored by Representatives Buckworth, Reynolds, Maroney, Corrozi, Spence, Roy, Carey, Steele, D. Ennis, Fallon & Boykin.

HB 305 – An Act to Amend Chapter 21, Title 23, and to Create Chapter 22 Relating to the Prohibition of Operating Vessels or Boats Upon the Waters of the State of Delaware While Under the Influence of Alcohol and/or Drugs. (2/3 bill)

Mr. Speaker assigned HB 305 to the House Administration Committee.

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

JUD: HB 204 – 4F; HB 210 – 1F,2M,1U; HB 240 – 3F,1M; HB 245 – 3F,1M; HB 249 – 3F,1M; HB 250 – 4F; HB 251 – 4F; HB 254 – 4M; HB 267 – 4F; HB 273 – 3F,1M; HB 286 – 4F; HB 287 – 4F; HB 289 – 4F; SB 130 w/SA 1 – 4F; SB 172 – 4F.

H/ADM: HB 253 – 5M; HB 276 – 1F,4M; HB 277 – 5M; HB 278 – 5M; HJR 13 – 4F,1M; SB 152 – 5M; SB 153 – 5M; SB 168 w/SA 1 – 5M.

R&F: HB 216 – 4F,2M; HB 269 – 1F,5M; HB 280 – 1F,5M; HB 292 – 6M; SB 20 – 6M; SB 121 – 1F,5M; SB 162 – 6M; SB 216 – 6M.

NAT. RES: HB 282 – 3F,2M; HB 283 – 3F,2M; HB 284 – 3F,2M; HB 285 – 2F,3M; HB 293 – 3F,1M; HB 299 – 3F,2M; SB 107 – 2F,3M; SB 184 – 5F.

SUNSET: HB 107 – 1F,2M; HB 199 – 3M; HB 294 – 2F,1M.

ADM/S: HB 209 – 3M,1U; HB 243 – 5M; HB 246 – 2F,3M; HB 247 – 1F,4M; HB 272 – 1F,4M; HB 281 – 5M; HB 288 – 5M; HB 295 – 5M; HB 296 – 1F,3M,1U; HB 297 – 1F,3M; SB 179 w/SA 1 – 3M,1U.

LABOR: HB 290 – 5F; HB 291 – 5F.

ED: HB 44 – 4F; HB 121 – 4M; SB 25 – 3F,2M; SB 147 – 3F,1M; SCR 52 – 4F.

Mr. Speaker assigned SB 147 to the Appropriations Committee.

Representative Oberle moved to recess to the call of the Chair at 5:36 p.m.

40th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 13, 1985

Mr. Speaker Hebner called the House to order at 1:41 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 210 w/SA 1, SS 1 for SB 41 w/SA 1, SCR 64, SB 213, SB 126, SB 193, SB 182 & SJR 8.

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

HUM. RES: HB 207 - 4M; HB 232 - 4M; HB 248 - 4M; SS 1 to SB 27 w/SA 1 - 4M.

CHILD: HJR 12 - 2F,2M; SB 78 w/SA 1 & 2 - 4M.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the current legislative day. The House reconvened at 1:44 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The following profiled legislation was introduced:

HB 306 - BARNES, BUCKWORTH, QUILLEN, ROY, CAULK, B. ENNIS, OUTTEN, CLARK, BENNETT; SENATORS MCDOWELL, SLATCHER, ADAMS - ADM/S: An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to Requiring Approval of the Delaware Public Service Commission Prior to Transfer of Control of a Delaware Public Utility.

HB 307 - JONKIERT & BUCKWORTH & QUILLEN & WEST - R&F: An Act to Amend Chapter 23, Title 18 of the Delaware Code Relating to Political Contributions by Insurers.

HB 308 - WEST, BENNETT, C. CORDREY, GILLIGAN, JESTER, PETRILLI, VAN SANT; SENATORS TORBERT, MINNER, VAUGHN, SHARP, HOLLOWAY - R&F: 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 309 - JESTER & FREE; SENATORS BAIR, MINNER - ED: An Act to Amend Chapter 1, Title 14 of the Delaware Code Relating to the Qualifications of Members of the State Board of Education.

HB 310 - WEST, MACK, CORROZI, SILLS, JONKIERT, FALLON, SPENCE, REYNOLDS, WINGATE, GILLIGAN, BENNETT, OBERLE, ANDERSON, BOYKIN, BRADY, CAREY, B. ENNIS, PLANT, STEELE, HOUGHTON, C. CORDREY, JESTER, CLARK, BUCKWORTH, CAULK, VAN SANT, BARNES, OUTTEN, ROY; SENATORS MARTIN, HOLLOWAY, TORBERT, CORDREY, MINNER, COOK, MCBRIDE, ADAMS, SHARP, MARSHALL - H/ADM: An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Health and Life Insurance Carriers Reporting Their Gross Premiums and Making Payments to All Nonprofit Organizations Within This State That Provide Ambulance or Rescue Services Including Organizations Such as Volunteer Fire Companies, the Veterans of Foreign Wars and the American Legion.

HA 1 to HB 5 - BENNETT - AGENDA - Placed with the Bill.

HA 1 to HB 66 - VAN SANT - AGENDA - Placed with the Bill.

HA 1 to HB 299 - CAREY - READY LIST - Placed with the Bill.

SS 1 for SB 41 w/SA 1 - MARTIN, COOK, HOLLOWAY; REPRESENTATIVE GEORGE - R&F: An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Group Health Care Benefits for State Retirees Covered by Medicare. (F/N)

SB 126 - HOLLOWAY - APPRO: An Act to Amend "An Act Making a Supplementary Appropriation for Certain Grants-in-Aid," Being Chapter 340, 64 Laws of Delaware, Relating to Food Conservers.

SB 182 - MARSHALL, MCDOWELL, HOLLOWAY, SHARP, MCBRIDE, CONNOR, CITRO; REPRESENTATIVES MACK, CAMPANELLI, JONKIERT, SPENCE - LABOR: An Act to Amend Chapter 2, Title 19, Delaware Code, Relating to Employment Training.

SB 193 - CORDREY - ADM/S: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to the Real Estate Guaranty Fund.

SB 210 w/SA 1 - MCBRIDE & CONNOR; REPRESENTATIVES MARONEY & SOLES - JUD: An Act to Amend Title 11 and Title 24 of the Delaware Code Relating to Missing Persons.

SB 213 - HOLLOWAY; REPRESENTATIVE MARONEY; SENATOR BAIR; REPRESENTATIVES BUCKWORTH, SILLS - CHILD: An Act to Amend Title 31 and Title 10, Delaware Code, to Create a Court Appointed Special Advocate Program.

SJR 8 - KNOX, ZIMMERMAN; REPRESENTATIVES CAREY, CLARK - NAT.RES: Affirming the General Assembly's Support of Delaware's Coastal Zone Act and Coastal Zone Management Plan and the State's Right to Control Activity Affecting Delaware's Coastal Resources.

Representative Oberle moved to recess for Caucus at 1:52 p.m.

The House reconvened at 3:13 p.m.

Representative Oberle introduced HB 311, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor & Knox.

HB 311 - An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

Mr. Speaker assigned HB 311 to the House Administration Committee.

Representative Carey brought SB 107, cosponsored by Senators Minner & Cordrey & Representative West, before the House for consideration.

SB 107 - An Act to Amend §915, Title 7, Delaware Code, Relating to the Issuance of Foodfishing Equipment Permits for Gill Nets to Commercial Fishermen Who Served in the Armed Forces When These Permits Were Available. (2/3 bill)



Representative Carey moved to place SB 107 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Carey brought SB 3, sponsored by Senator Cordrey, before the House for consideration.

SB 3 - An Act to Amend Volume 63, Chapter 179, Laws of Delaware, by Amending the Fiscal Year 1982 Capital Improvement Projects Schedule to Use \$49,000 From the Rehoboth-Groin Repairs Project for the Outfall for Lake Gerar. (3/4 bill)

The roll call on SB 3 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 35.

ABSENT: Representatives Barnes, B. Ennis, Jester, Plant, Roy, Taylor - 6.

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

Representative Oberle brought SB 150, sponsored by Senator McDowell, before the House for consideration.

SB 150 - An Act to Permit Richard Marion Robb, Sr. to Continue Employment With the Department of Services for Children, Youth and Their Families After Attaining the Age of 70.

Representative Oberle requested that the following letter be made a part of the record.

June 10, 1985

The Honorable Michael N. Castle

Governor

Legislative Hall

Dover, Delaware 19901

Dear Governor Castle:

I am writing this letter to urge you to sign the legislation extending the mandatory retirement age for Dr. Marion Robb. Dr. Robb has served as liaison between the Court and the Division of Youth Rehabilitation for many years and through several agency renamings. He is highly respected by judges and staff alike and discharges his duties conscientiously and expeditiously. Indeed, his concern for the juveniles and their families with whom he works is legendary.

Dr. Robb is in excellent health and has expressed a keen desire to continue with his work. My considered opinion is that it would be a mistake, in this instance, to deprive the citizens of Delaware of the services of this experienced and exemplary employee because of an arbitrary mandatory retirement age.

I urge you to make an exception in the case of Dr. Robb.

Sincerely,  
Robert D. Thompson,  
Chief Judge

RDT:psb

cc: The Honorable Charles E. Hayward

Secretary, Department of Services to  
Children, Youth, and Their Families

Dr. Marion Robb, Family Court/DYH Liaison

The roll call on SB 150 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 33.

NOT VOTING: Representatives Bennett, Buckworth, Quillen, Soles - 4.

ABSENT: Representatives D. Ennis, Jester, Jonkiert, Plant - 4.

Therefore, having received a constitutional majority, SB 150 was returned to the Senate.

Representative Roy brought SB 7, sponsored by Senator Cordrey, before the House for consideration.

SB 7 - An Act to Amend Chapter 111, Title 29, Delaware Code, Relating to the Delmarva Advisory Council.

The roll call on SB 7 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives D. Ennis, Jester, Jonkiert, Plant - 4.

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

Representative Fallon brought SB 50 w/SA 1, sponsored by Senators Zimmerman, Cook, Holloway, Marshall, McBride, Martin, Minner, Citro, Knox & Connor & Representatives Outten, West, Campanelli & Jonkiert, before the House for consideration.

SB 50 - An Act to Amend Title 14, Delaware Code, to Provide Tuition-Free Higher Education for Persons Age 60 or Older.

The roll call on SB 50 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, SB 50 w/SA 1 was returned to the Senate.

Representative Oberle brought SB 152, sponsored by Senators Zimmerman & Torbert & Representatives Outten & Bennett, before the House for consideration.

SB 152 - An Act to Amend the Charter of the City of Dover, Being Chapter 158, Volume 36, Laws of Delaware, As Amended, Relating to Changing Compensation for the Mayor and Members of Council From Salary to Reimbursement. (2/3 bill)

The roll call on SB 152 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Jester, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 152 was returned to the Senate.

Representative Maroney moved to lift SB 127 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought SB 127, sponsored by Senator Cordrey, before the House for consideration.

SB 127 - An Act to Amend Chapter 47, Title 29, Delaware Code, Relating to Corneal Transplants.

Representative Maroney requested and was granted the privilege of the floor for Mr. John G. Rouse, III, Senior Vice President, Eye Banks International.

The roll call on SB 127 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 32.

NO: Representatives Anderson, Brady, B. Ennis, Jester, Jonkiert, Roy, Taylor - 7.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 127 was returned to the Senate.

Representative Oberle brought SB 153, sponsored by Senators Marshall, Holloway & McDowell & Representatives George, Plant, Sills, Free & Jonkiert, before the House for consideration.

SB 153 - An Act to Amend Chapter 3, Title 22, of the Delaware Code Relating to the Granting of Variances by Municipal Boards of Adjustment.

Representative Free introduced and brought HA 1 to SB 153 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 153 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Buckworth, Plant - 3.

Therefore, having received a constitutional majority, SB 153 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Spence brought SB 19, sponsored by Senator Sharp, before the House for consideration.

SB 19 - An Act to Amend Chapter 49, Part III, Title 10 of the Delaware Code Relating to Courts and Judicial Procedures; and Providing for Certain Exemptions From Execution.

Representative Spence requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

The roll call on SB 19 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives D. Ennis, Jonkiert, Plant, West - 4.

Therefore, having received a constitutional majority, SB 19 was returned to the Senate.

Representative Spence brought SB 22 w/SA 1, sponsored by Senator Sharp, before the House for consideration.

SB 22 - An Act to Amend Chapter 95, Part VII, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Providing for the Use of Cash as Security in Appeal.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, SB 22 w/SA 1 was returned to the Senate.

Representative Carey brought SB 184, cosponsored by Senators Cook, Vaughn & Zimmerman & Representatives Clark, Mack, Corrozi & Caulk, before the House for consideration.

SB 184 - An Act to Amend Chapter 63, Title 7, Delaware Code, Establishing a Revolving Fund for the Revenues and the Initial Funding of the Department of Natural Resources and Environmental Control; and to Transfer Funds From the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department Management Budget Unit (40-01-001), for the Purpose of Providing Start-Up Funds for the Hazardous Waste/Ground Water Clean-Up Revolving Fund.

The roll call on SB 184 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 184 was returned to the Senate.

Representative Spence brought SB 42 w/SA 3, 4 & 5, jointly sponsored by Senator Torbert & Representative B. Ennis & cosponsored by Senators Arnold, Berndt, Cook, Connor, Knox, Martin, McBride, McDowell, Neal, Slatcher & Vaughn & Representatives Anderson, Bennett, Buckworth, Clark, C. Cordrey, Davis, Houghton, Jester, Outten, Plant, Roy, Van Sant & West, before the House for consideration.

SB 42 - An Act to Amend Chapters 21 and 27 of Title 21 of the Delaware Code Relating to the Establishment of a Motorcycle Rider Education Program and Providing a Self Funding Program Thereof.

The roll call on SB 42 w/SA 3, 4 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, SB 42 w/SA 3, 4 & 5 was returned to the Senate.

Representative Carey moved to lift SB 107 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Carey brought SB 107, cosponsored by Senator R. Cordrey & Representative West, before the House for consideration.

SB 107 - An Act to Amend §915, Title 7, Delaware Code, Relating to the Issuance of Foodfishing Equipment Permits for Gill Nets to Commercial Fishermen Who Served in the Armed Forces When These Permits Were Available. (2/3 bill)

Representative B. Ennis introduced and brought HA 1 to SB 107, jointly sponsored by Representative Oberle, before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to SB 107 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 107 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 107 w/HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Hebner brought HB 265, cosponsored by Representatives Petrilli, Campanelli, Brady, D. Ennis, Spence, Oberle, Free, Boykin, Maroney, Gilligan, Anderson, Van Sant, B. Ennis, West, Plant & Houghton & Senators Marshall, McBride, Martin, Holloway, Berndt & Bair, before the House for consideration.

HB 265 - An Act to Reconfirm the Constituted Authority Status of Northern Delaware Industrial Development Corporation to Issue Revenue Bonds on Behalf of the State of Delaware for the Limited Purpose of Refunding, Reissuing or Modifying Bonds Issued in 1966 and 1967 for Phoenix Steel Corporation.

Representative Hebner moved to place HB 265 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Quillen brought HB 215 before the House for consideration.

HB 215 - An Act to Amend Chapter 21, Delaware Code, Relating to Elimination of Penalty for Failure to Sign Registration Card.

Representative Quillen brought HA 1 to HB 215 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 215 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 37.

NOT VOTING: Representatives Davis, B. Ennis - 2.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 215 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett moved to suspend the rules which interfere with action on HJR 3. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Bennett brought HJR 3, cosponsored by Representatives Anderson, Brady, Campanelli, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Jester, Outten, Sills, Soles, Van Sant, West & Wingate & Senators Berndt & Vaughn, before the House for consideration.

HJR 3 - To Create a Committee on the Establishment of Cooperative Programs Between Public and Higher Education in the Vocational-Technical Areas.

Representative Bennett brought HA 1 to HJR 3 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 3 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 38.

NOT VOTING: Representative Free – 1.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, HJR 3 w/HA 1 was sent to the Senate for concurrence.

Representative Corrozi moved to lift HB 42 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Corrozi brought HB 42, jointly sponsored by Representative Petrilli & cosponsored by Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Davis, D. Ennis, Fallon, Free, Hebner, Maroney, Roy, Quillen, Reynolds, Smith, Spence, Steele, Taylor, Clark, C. Cordrey, B. Ennis, Houghton, Jester & West & Senators Arnold, Bair, Berndt, Citro, Connor, Knox & Slatcher, before the House for consideration.

HB 42 – An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Election, Term, Qualifications and Duties of the Lieutenant-Governor. (2/3 bill)

Mr. Speaker Hebner resumed the Chair.

Representative Corrozi introduced and brought HA 1 to HB 42 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 42 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 36.

NO: Representative Anderson – 1.

NOT VOTING: Representatives Clark, Cordrey – 2.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 42 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk requested that action on HB 119 be deferred to a Day Certain, Tuesday, June 18, 1985.

Representative Van Sant brought HB 66, cosponsored by Representatives Anderson, Bennett, Boykin, Brady, C. Cordrey, Corrozi, Davis, B. Ennis, Houghton, Jonkiert, Outten, Petrilli, Quillen, Spence & West & Senators Arnold, Minner, Vaughn & Zimmerman, before the House for consideration.

HB 66 – An Act to Amend Chapter 8, Title 22 and Chapter 3, Title 9 of the Delaware Code Relating to Municipal and County Regulation of Firearms.

Representative Van Sant introduced and brought HA 1 to HB 66 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 66 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 66 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 34.

NO: Representatives Free, Mack, Sills, Smith, Soles – 5.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, HB 66 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli brought HB 262, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

HB 262 – An Act to Amend Chapter 74, Title 29 of the Delaware Code Relating to the Issuing Officers for the Issuance of Bonds, Notes and Revenue Notes; and Approval of Contracts Entered Into by Issuers Created by the State.

The roll call on HB 262 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, HB 262 was sent to the Senate for concurrence.

Representative Soles brought HB 228, cosponsored by Representatives Jester, Smith & Wingate & Senators Berndt & Vaughn, before the House for consideration.

HB 228 – An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Handicapped Persons' Parking.

Representative Soles moved to place HB 228 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Petrilli brought **HB 259**, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

**HB 259** – An Act to Amend Chapter 3, Title 30, Delaware Code, Relating to the Tax Appeal Board; and to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax With Respect to the Filing of Frivolous Returns the Filing of False Information With Respect to Withholding; and the Late Filing of a Personal Income Tax Return and to Amend Chapter 53, Title 30, Delaware Code, Relating to the Tobacco Products Tax to Increase the Amount of the Late Filing Penalty; and to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax to Impose Negligence and Fraud Penalties; and to Amend Chapter 55, Title 30, Delaware Code, Relating to the Public Utility Tax to Impose Certain Civil Penalties and to Administrative Procedures Relating to the Assessment and Appeal of Public Utility Taxes; and to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax With Respect to Disposition of a Partnership Interest by a Non-Resident and Withholding Tax Proposed Assessments.

Representative Petrilli introduced and brought **HA 1** to **HB 259** before the House for consideration. **HA 1** was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on **HB 259 w/HA 1** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, **HB 259 w/HA 1** was sent to the Senate for concurrence.

Representative Petrilli brought **HB 264**, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

**HB 264** – An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Corporation Income Tax With Respect to Changes in Federal Tax Liability and Administrative Procedures Relating to the Assessment and Appeal of Corporate Income Taxes and Interest on Overpayments; and to Amend Chapter 21, Title 30 Delaware Code, Relating to Occupational and Business Licenses and Taxes With Respect to the License Tax Period of Limitations on the Assessment of Tax and to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax With Respect to the Period of Limitations on the Determination of Tax; and to Amend Chapter 61, Title 30, Delaware Code, Relating to the Public Accommodation Tax With Respect to the Period of Limitations on the Assessment of Tax; and to Amend Chapter 63, Title 30, Delaware Code, Relating to the Affiliated Finance Company Tax With Respect to the Period of Limitations on the Assessment of Tax.

Representative Petrilli introduced and brought **HA 1** to **HB 264** before the House for consideration. **HA 1** was adopted by voice vote.

The roll call on **HB 264 w/HA 1** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, **HB 264 w/HA 1** was sent to the Senate for concurrence.

Representative B. Ennis brought **HB 221**, cosponsored by Senator Vaughn & Representative Van Sant, before the House for consideration.

**HB 221** – An Act to Amend Titles 10 and 11, Delaware Code, Relating to Violation of Probation Cases.

The roll call on **HB 221** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, **HB 221** was sent to the Senate for concurrence.

Representative Jester brought **HB 230**, cosponsored by Representative George, before the House for consideration.

**HB 230** – An Act to Amend Chapter 20, Title 13 of the Delaware Code Relating to the Commission on Family Law. (F/N)

The roll call on **HB 230** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority, **HB 230** was sent to the Senate for concurrence.

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

AGRI: HB 252 - 4F,1M.

ADM/S: HB 239 - 1F,3M; HB 241 - 4M; HB 242 - 3M,1U; HB 300 - 1F,3M; HB 304 - 4M; SB 37 - 1F,4M; SB 136 - 1F,4M.

Representative Oberle moved to recess to the call of the Chair at 6:40 p.m.

41st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY

First Session

June 18, 1985

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

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

APPRO: HB 179 - 6M.

H/ADM: HB 305 - 3F.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 161, SB 176, HB 10 w/SA 1, HB 81, HB 105, HB 41, HB 16 w/SA 1, HB 149 w/HA 1, HB 82, HB 106 w/HA 1, HB 127 & HB 34.

Mr. Speaker reassigned HB 248 to the Sunset Committee.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

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

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

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

The following prefilled legislation was introduced:

HB 312 - SPENCE; SENATOR TORBERT; REPRESENTATIVE DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - R&F: An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to the Assessment and Collection of Motor Fuel Taxes. (3/5 bill)

HB 313 - SPENCE & SENATOR TORBERT; REPRESENTATIVES REYNOLDS, HOUGHTON, DAVIS; SENATORS ADAMS, SHARP, VAUGHN, CITRO, NEAL - JUD: An Act to Amend Title 21 of the Delaware Code to Add a New Chapter Relating to Motor Carrier Safety; Providing for the Imposition of Duties Upon the Department of Public Safety, the State Police and Other Police Officers; Prescribing Penalties and Further Providing for Enforcement of This Act. (2/3 bill)

HB 314 - SPENCE; SENATOR TORBERT; REPRESENTATIVE DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - JUD: An Act to Amend Chapter 52, Title 30, of the Delaware Code Relating to the Motor Carrier Fuel Purchase Law. (3/5 bill)

HB 315 - PETRILLI, HEBNER, SMITH, OBERLE, QUILLEN, ROY, FALLON, FREE, MARONEY, BARNES, BUCKWORTH, CORROZI, D. ENNIS, SPENCE, BOYKIN, DAVIS, CAREY, CAULK, REYNOLDS, STEELE, TAYLOR; SENATORS MARSHALL, BAIR, SLATCHER, KNOX, TORBERT, MARTIN - R&F: An Act to Amend Chapter 53, Title 30 of the Delaware Code, Relating to the Tobacco Products Tax. (3/5 bill)

HB 316 - REYNOLDS, DAVIS, SPENCE, VAN SANT; SENATOR CONNOR - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Transfer of Cases to the Court of Common Pleas.

HB 317 - REYNOLDS, BARNES, SPENCE, DAVIS, MACK, HOUGHTON, PLANT, BRADY; SENATOR CONNOR - JUD: An Act to Amend Chapter 35, Title 11, Delaware Code, Relating to the Rendition of Prisoners as Witnesses in Criminal Proceedings.

HB 318 - SPENCE & HOUGHTON, HEBNER, OBERLE, CAULK, DAVIS, TAYLOR, STEELE, MARONEY, B. ENNIS, VAN SANT - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Minimum Mandatory Sentences for Certain Criminal Acts Which Cause Death.

HB 319 - MARONEY; SENATOR HOLLOWAY - HUM. RES: An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to Public Assistance.

HB 320 - WEST - JUD: An Act to Amend Chapter 30, Title 30, Delaware Code, Relating to Motor Vehicle Document Fees.

HA 1 to HB 75 - SILLS - READY LIST: Placed with the Bill.

HA 1 to HB 284 - CAREY - READY LIST: Placed with the Bill.

SB 161 - SHARP - ADM/S: An Act to Amend Title 29, Chapter 69, Delaware Code, Relating to Competitive Bidding.

SB 176 - MARSHALL, CITRO; REPRESENTATIVE QUILLEN - ADM/S: An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale and Delivery of Alcoholic Beverages During the Time of Particular Elections. (2/3 bill)

HA 1 to SB 166 - VAN SANT - APPRO: Placed with the Bill.

HA 1 to SB 216 - D. ENNIS - READY LIST: Placed with the Bill.

Representative Oberle moved to recess for Caucus at 1:55 p.m.

The House reconvened at 3:20 p.m.

Representative Outten brought HB 93, jointly sponsored by Representatives Caulk & Houghton & cosponsored by Representatives Bennett, Brady, Buckworth, Carey, Clark, Cordrey, Gilligan, Jester, Mack, Plant, Quillen, Reynolds, Sils, Soles, Spence, Steele, Van Sant, West & Wingate & Senators Adams, Cordrey, Martin, Minner, Torbert & Zimmerman, before the House for consideration.

HE 93 - An Act to Amend Part VI, Title 3 of the Delaware Code to Provide for the Humane Killing of Animals Held in a Shelter.

Representative Outten brought HA 1 to HB 93 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney read the following communication into the record:

June 14, 1985

The Honorable Jane Marony (sic)

Legislative Hall

Dover, DE 19901

Dear Rep. Marony [sic]:

As a Delaware resident of 12 years and as a veterinarian for 17 years, I find the controversy over the use of the high altitude chamber disturbing. Euthanasia of surplus dogs and cats is unpleasant and any method of euthanasia can be abused. However, the use of the chamber at the Delaware Humane Association is not inhumane. Mrs. Prescott has records of service to the chamber, numerous people have seen the chamber in action and have reported humane euthanasia.

The problem is the misinformation and distortion of information spread by a group of people (probably well meaning and sincere) about a method of euthanasia they do not understand. Of course I'd be distressed if locked in a chamber but I'm also distressed when held down and I see someone coming at me with a needle. Reports that animals explode are ludicrous. Claims that animals with middle ear infections have excruciating pain in the chamber are exaggerated. Having been subject to middle ear infections as a child, I can attest that just having a middle ear infection is painful. Causing the animal to pass out in 15 to 30 seconds, as the high altitude chamber does, is a blessing. The animals lungs do not collapse, they don't "blow up like a balloon", they don't "suffer for 20 minutes", these claims are absurd.

What the claims do, however, is play on human emotion. If I read these letters to the editor with no knowledge of the chamber I'd probably be outraged also. My concern is that the legislature also may make its decision on the basis of emotion rather than in the light of logic and fact. If the legislature believes that the chamber needs to be regulated, that's fine. However, to ban the chamber is legislative overkill.

I further believe you need to take a look at the group spearheading this drive to ban the chamber. People for the Ethical Treatment of Animals (PETA) is a group which is intense, well financed and "against" much more than they are "for". Many of the original group are vegetarians. They are against animal research, against confinement rearing of swine, against intensive veal production, against caged laying poultry operations, against large scale production of broilers. In Massachusetts recently a bill was introduced into the state legislature to ban all animal research in the state!

In closing I would like to applaud the humane organizations of the State of Delaware. Their job of collecting, finding homes for and in many cases euthanasia of animals is difficult but has served the people of Delaware. This legislation seems to be a solution for which there is no problem.

If I can be of any further assistance, please do not hesitate to call on me.

Sincerely,

Paul E. Meckley, V.M.D., Ph. D.

PEM/jah

cc: Rep. Ada Leigh Soles

Mrs. Pat Prescott

Representative Maroney requested that the following be made a part of the record:

March 14, 1985

Mrs. Pat Prescott

Delaware Humane Association

701 A Street

Wilmington, DE 19801

Dear Pat:

I am sorry to see that you are under your annual attack on the use of the high altitude chamber for euthanasia. I abhor the misinformation that has appeared in the media and is being disseminated to the public. I especially reject the personal attacks on you by people who obviously have not taken the time to get to know you. I think you should know that many of us in the veterinary profession have a great deal of respect and admiration for the work that you and the Delaware Humane Association have done over the years.

I would like to go on record as stating that the high altitude chamber used properly is not an inhumane method of anesthesia. This is a view supported by the American Veterinary Medical Association in their guidelines on euthanasia. The Delaware Veterinary Medical Association has also voted to support the AVMA guidelines on euthanasia.

Euthanasia with the chamber involves removing oxygen so that none is transferred to the animals lungs and tissues. The animal passes out from lack of oxygen and dies. I have observed the chamber in operation and do not find it objectionable or inhumane.

Sodium pentobarbital is also a humane agent for euthanasia. It is however, a class II narcotic and is subject to both state and federal regulations. It must be securely stored and used by a licensed veterinarian or someone under veterinary supervision. Sodium pentobarbital also has the potential for abuse if it is injected outside of a vein or if an improper dose is used an animal may go through an excitement stage. The animal will appear dazed but frenzied, and may vocalize, urinate, and defecate. There is the further temptation when a vein is not readily available to simply dump the drug into the thorax hoping to hit the heart.

I hope that the carbon monoxide chamber and chloroform will not be included in any bills which may be introduced. As you know I believe that the carbon monoxide chamber is a risk to shelter personnel. Chloroform has been shown to be a potential human carcinogen.

Non-narcotic injectable euthanasia solutions are available. These are quite expensive and require more training of shelter personnel. There are two groups of animals which create problems in giving injectable euthanasia agents. Those which are quite ill frequently have no subcutaneous veins for injection. Also vicious animals require restraint and may be subjected to pain and injury prior to injection. These animals may be more humanely euthanized in the high altitude chamber. There is, therefore, no one best method of euthanasia.

As a veterinarian, I dislike the thought of the thousands of animals which are euthanized in Delaware each year. Any method of euthanasia has the potential for misuse and abuse by unskilled personnel. Part of the solution is to be sure that animal shelter workers have training and experience in the euthanasia method adopted by that shelter. Nobody hates the killing of dogs and cats worse than the people who have to do it daily in the shelters. They get no joy out of accidents which may occur whether they are using a chamber or injecting sodium pentobarbital. Accidents happen even in veterinary practices.

I wish only the best for you and the Delaware Humane Association.

Sincerely,

Paul E. Meckley, V.M.D., Ph.D.

PEM/jah

April 7, 1983

Senator Richard S. Cordrey  
River Drive  
Box 486  
Millsboro, DE 19960  
Dear Senator Cordrey:

In January of this year I had the opportunity to visit the Delaware Humane Association in Wilmington.

While there I witnessed two dogs being euthanized. The equipment, Euthanair Model SU serial # 255 manufactured by the Euthanair Engineering Company of Los Angeles, California, appeared to be in excellent condition and well maintained. The operator, an employee of the Delaware Humane Association, described the use of the equipment and appeared quite knowledgeable. He proceeded in a gentle and swift manner.

It is my opinion that this is a very humane method of euthanizing cats and dogs and other small animals. Also, there is considerable safety to the operator who in this case does not have to handle lethal drugs and syringes or be exposed to toxic gasses.

Sincerely,

William F. Butler, Jr., V.M.D.

April 13, 1983

Senator James P. Neal  
111 Radcliffe Drive  
Newark, DE 19711  
Dear Jim:

I continue to be very concerned about Senate Bill 138 which I feel unfairly addresses animal euthanasia methods. My concern is for the animals and for the future of animal humane involvement in our state.

Last week I visited an organization that I am very proud to be involved with, the Delaware Humane Association. Two of their dedicated and capable technicians euthanized a homeless, aged, and unhealthy dog. It is very sad but yet good to know that they are there and willing to do this, unfortunately, necessary job.

The high altitude, low pressure method was utilized. I observed that it did the job humanely and in a very acceptable time and manner. Their equipment is well maintained and in good working order. The technicians know what they are doing, and above all are very concerned about the humaneness of the procedure.

The Delaware Humane Association is run by a director, employees, and volunteers that are dedicated to the humane treatment of animals. I have been closely associated with them during the 17 years I have been a veterinarian in Delaware. I definitely trust them and I feel that the State Senate should as well.

I don't think that shelter technicians should be expected to inject barbiturates intravenously or that veterinarians should be hired for this procedure. As Dr. Paul Meckley and I have mentioned to you, this method is not always smooth and easy, regardless of who is doing it. It is not always easy to hit the vein or to keep the needle in the vein for the entire administration. Many animals object to having their front leg squeezed with the tourniquet or by hand and many object to having their front leg extended forward. The barbiturate effect, like that of other drugs, is not always what we want it to be.

I am concerned by the disappointment and depression that I feel the employees and volunteers at DHA are experiencing. They are doing a good job for all of us and use no tax money--they need appreciation. Instead, they are being faced with distrust and negative publicity. Because their existence is threatened, they have to direct their concerns to Senate Bill 138.

Please do anything you can to give them a hand.

Sincerely,

Thomas C. Maddux, DVM  
TCM/ckm

cc: Senator Cordrey

Dr. Paul Meckley, Animal Science Dept., U of DE

Mrs. Prescott, Delaware Humane Assoc.

Pat

I wanted to let you know that the Delaware Veterinary Medical Association passed a resolution at the state meeting to the affect "that we accept the guidelines [sic.] laid down by the AVMA which state that the high altitude chamber is a humane method of euthanasia as long as the equipment is in good working condition and the personnel are properly trained."



You may already be aware of this. I don't know what the situation with the state legislature is but this may be of benefit in the future.

Sincerely,  
R. M. Stover D.V.M.

mwk/RMS

April 11, 1983

Senator Harris B. McDowell  
2311 Baynard Boulevard  
Wilmington, Delaware 19802  
Dear Senator McDowell

I have recently had the experience of seeing a dog euthanized using the High Altitude-Low Pressure Chamber. In my opinion, no discomfort was experienced by the animal using this method, contrary to much of the publicity that it has received. In some instances where using lethal injections would create a threat to human safety the High Altitude-Low Pressure Chamber would even appear to be the preferred method of euthanasia. Putting animals to sleep is never easy but, of the methods available I strongly feel that the High Altitude-Low Pressure Chamber has a definite place and use in animal management. For these reasons I urge you to vote against S.B. 404. Its passage would serve no useful purpose.

Sincerely yours,  
David A. Beste

DAB/nb

cc: Senator Robert J. Berndt  
Senator Myrna L. Bair  
The Delaware Humane Association

May 24, 1985

Ms. Pat Prescott  
Delaware Humane Association  
701 A Street  
Wilmington, DE 19801  
Dear Pat:

I have never experienced lethal injection, but I have experienced loss of consciousness from decompression, not once but many times.

When I was a pilot in the U. S. Air Force in World War II, one of my lungs collapsed ostensibly from high altitude flying. When I was fully recovered, I wished to return to flying status and, as part of that, volunteered as a guinea pig for our base flight surgeon to do experiments in pressure breathing. And so twice a week for a month or so, I was placed in a decompression chamber, air was pumped out until I lost consciousness, and then I was immediately given oxygen. The idea was that by constricting the muscles used in expiration and holding one's breath at the same time, more oxygen could be forced into the blood stream thereby enabling one to retain consciousness for a longer period at high altitude in an emergency.

The point of all of this is to say that in my experience, decompression is totally painless and one is not even aware that it is happening. There is no feeling of being out of breath or of suffocation or any other unpleasantness in the experience. It is my personal opinion that the decompression chamber is the most humane way of terminating consciousness, i.e., life.

Sincerely,  
Charles Parks

CP/jkk

Representative Maroney requested and was granted the privilege of the floor for Barbara H. Blair, Delaware Humane Association.

Representative Jonkiert requested and was granted the privilege of the floor for Mrs. Patricia W. Prescott, Executive Director, Delaware Humane Association.

Representative Outten read the following communications into the record:

...We met with Mrs. Pat Prescott at the Delaware Humane Association and she assured us that the dog to be euthanized would lose consciousness and he/she would not feel any pain. We watched as a healthy dog was placed in the chamber. The machine was turned on and the dog became unsteady on his feet. He fell and began thrashing so violently that the newspapers that had lined the floor of the chamber were now completely covering all but the head and one paw of the dog.

We were confused as to why the dog was not yelping but found out later that with the decompression effect on the lungs animals are unable to vocally display any distress. The dog was clearly gasping for breath and seemed extremely distressed. This lasted approximately 1-2 minutes. His eyes were bulging and remained open even after being removed from the chamber.

After speaking with Mrs. Prescott we had expected a quick, painless death. What we saw was to the contrary. We feel our efforts must now be directed towards preventing the continued use of the decompression chamber. We have also witnessed euthanasia by sodium pentobarbital injection and feel it is definitely more humane.

In our meeting with Mrs. Prescott she kept referring to animal welfare organizations in a disrespectful manner. She failed to mention the good work they do, only discussing their budget...

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...Finally, we would point out that we have repeatedly and emphatically stressed to Mrs. Patricia Prescott, Executive Director of the Delaware Humane Association that they should phase out and completely eliminate use of the high altitude/low pressure chamber. Since only a few euthanair chambers remain in operation across the United States, we no longer own or maintain the altimeter testing equipment for the chambers. In fact, the majority of the operating chambers in the United States are in the process of being phased out since repair parts and trained mechanics are no longer available...

The Reading Clerk read the following communication into the record:  
June 11, 1985  
Hon. Charles Hebner  
913 Darley Road  
Wilmington, Delaware 19810  
Dear Hon. Hebner:

Please be advised that the following is the official policy of The American Humane Association relevant to Euthanasia (if utilized).

A euthanasia program that is acceptable and which is AVNA/AHA approved includes the high altitude decompression chamber method on condition and provided that such equipment is properly maintained and regularly inspected to insure proper service by said chamber.

A sympathetic, well-trained professional and lay staff who have developed and follow written euthanasia procedures.

Facilities for the handling of dead animals with respect and proper decorum.

Very truly yours,  
Hortense R. Landua, Vice President  
Acting President of Board of Directors  
American Humane Association  
pen

Representative Maroney introduced and brought HA 2 to HB 93 before the House for consideration.

Representative Oberle moved to recess for Caucus at 4:02 p.m.

The House reconvened at 4:13 p.m.

HA 2 to HB 93 was defeated by voice vote.

The roll call on HB 93 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Soles, Spence, Wingate - 23.

NO: Representatives Anderson, Boykin, Clark, Corrozi, Davis, Free, Jonkiert, Mack, Maroney, Petrilli, Smith, Steele, Taylor, Mr. Speaker Hebner - 14.

NOT VOTING: Representatives B. Ennis, West - 2.

ABSENT: Representatives Plant, Van Sant - 2.

Therefore, having received a constitutional majority, HB 93 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk brought HB 119, cosponsored by Representatives Carey, Mack, Clark & C. Cordrey & Senators Adams, Cook, Connor & Slatcher, before the House for consideration.

HB 119 - An Act to Amend Chapter 12, Title 3, Delaware Code Relating to Penalties for Violations of the Pesticide Law. (2/3 bill)

Representative Caulk introduced and brought HA 1 to HB 119 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 119 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Plant, Sills - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 119 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules which interfere with action on HB 299. The motion was properly seconded and adopted by voice vote.

Representative Jonkiert brought HB 299, jointly sponsored by Representative Carey & cosponsored by Representatives Soles & Smith & Senator Berndt, before the House for consideration.

HB 299 - An Act to Add a New Chapter 72, Title 7 of the Delaware Code, Relating to the Prevention, Detection, Investigation, and Correction of Underground Storage Tanks Leaks. (3/5 bill)

Representative Carey brought HA 1 to HB 299 before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Robert J. Touhey, Director, Division of Environmental Control.

Representative Carey moved to place HA 1 to HB 299 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Carey introduced and brought HA 2 to HB 299 before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Robert J. Touhey, Director, Division of Environmental Control.

HA 2 to HB 299 was adopted by voice vote.

Representative Carey introduced and brought HA 3 to HB 299 before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Robert J. Touhey, Director, Division of Environmental Control.

Representative Soles requested and was granted the privilege of the floor for Mr. Robert H. MacPherson, Division of Environmental Control.

Representative Carey moved to place HA 3 to HB 299 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Jonkiert introduced and brought HA 4 to HB 299, jointly sponsored by Representative Soles, before the House for consideration.

Representative Jonkiert moved to place HA 4 to HB 299 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Jonkiert moved to place HB 299 w/HA 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Quillen moved to suspend the rules which interfere with action on HB 269. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Quillen brought HB 269, cosponsored by Representatives Fallon, Buckworth, Barnes, Carey, Caulk, Clark, Jester, Roy, Wingate, Maroney, George, Plant, Van Sant, Spence, Outten, B. Ennis, West & C. Cordrey & Senators Slatcher, Berndt, Bair, Vaughn, Holloway, Citro & Minner, before the House for consideration.

HB 269 - An Act to Amend Chapter 5 of Title 28, and Chapter 23, Title 30, Delaware Code, Relating to the State Tax and Licensee's Commissions on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Harness Racing Tracks, and State License Fees for Harness Racing Meet Operators, and Harness Race Horse Owners. (F/N)

The roll call on HB 269 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Bennett, Oberle - 2.

ABSENT: Representatives Davis, Plant - 2.

Therefore, having received a constitutional majority, HB 269 was sent to the Senate for concurrence.

Representative Oberle announced that he did not vote on HB 269 because of a possible conflict of interest.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Hebner moved to lift HB 265 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Hebner brought HB 265, cosponsored by Representatives Petrilli, Campanelli, Brady, D. Ennis, Spence, Oberle, Free, Boykin, Maroney, Gilligan, Anderson, Van Sant, B. Ennis, West, Plant & Houghton & Senators Marshall, McBride, Martin, Holloway, Berndt & Bair, before the House for consideration.

HB 265 - An Act to Reconfirm the Constituted Authority Status of Northern Delaware Industrial Development Corporation to Issue Revenue Bonds on Behalf of the State of Delaware for the Limited Purpose of Refunding, Reissuing or Modifying Bonds Issued in 1966 and 1967 for Phoenix Steel Corporation.

The roll call on HB 265 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 39.

ABSENT: Representatives Plant, Steele - 2.

Therefore, having received a constitutional majority, HB 265 was sent to the Senate for concurrence.

Representative Buckworth brought HB 179, jointly sponsored by Senator Sharp & cosponsored by Representatives Spence, Oberle, Mack, Corrozi, Steele, Davis, D. Ennis, Fallon, Maroney, Bennett & B. Ennis & Senators Adams, Thorbert & Arnold, before the House for consideration.

HB 179 - An Act to Amend Title 11, Chapter 35 of the Delaware Code Relating to Witnesses. (F/N)

Representative B. Ennis brought HA 1 to HB 179, cosponsored by Representative Bennett, before the House for consideration. HA 1 was adopted by voice vote.

Representative Buckworth introduced and brought HA 2 to HB 179 before the House for consideration. HA 2 was adopted by voice vote.

Mr. Speaker Hebner resumed the Chair.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 5:20 p.m.

The House reconvened at 5:21 p.m.

The roll call on HB 179 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Oberle, Plant, Sills - 3.

Therefore, having received a constitutional majority, HB 179 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Jonkiert moved to lift HB 299 w/HA 2 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Jonkiert brought HB 299 w/HA 2, jointly sponsored by Representative Carey & cosponsored by Representatives Soles, Smith & Davis & Senator Berndt, before the House for consideration.

HB 299 - An Act to Add a New Chapter 72, Title 7 of the Delaware Code, Relating to the Prevention, Detection, Investigation, and Correction of Underground Storage Tanks Leaks. (3/5 bill)

Representative Jonkiert introduced and brought HA 5 to HB 299, cosponsored by Representative Soles, before the House for consideration.

Representative Jonkiert requested that HA 4 to HB 299 be stricken.

HA 5 to HB 299 was adopted by voice vote.

Representative Carey introduced and brought HA 6 to HB 299 before the House for consideration. HA 6 was adopted by voice vote.

The roll call on HB 299 w/HA 2, 5 & 6 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Corrozi, George, Maroney, Plant – 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 299 w/HA 2, 5 & 6 was sent to the Senate for concurrence.

Representative Buckworth brought HB 180, jointly sponsored by Senator Sharp & cosponsored by Representatives Spence, Mack, Oberle, Bennett, B. Ennis, Davis, Corrozi, Fallon, D. Ennis, Steele & Quillen & Senators Adams, Arnold & Torbert, before the House for consideration.

HB 180 – An Act to Amend Subpart F, Subchapter VI, Chapter 5, Title 11, Delaware Code Relating to Interfering With Child Witnesses.

Representative B. Ennis brought HA 1 to HB 180, jointly sponsored by Representative Bennett, before the House for consideration.

Representative B. Ennis requested that HA 1 to HB 180 be stricken.

Representative Buckworth introduced and brought HA 2 to HB 180, jointly sponsored by Representatives B. Ennis & Bennett, before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 180 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37

ABSENT: Representatives Caulk, George, Plant, Reynolds – 4.

Therefore, having received a constitutional majority, HB 180 w/HA 2 was sent to the Senate for concurrence.

Representative Buckworth brought HB 181, jointly sponsored by Senator Sharp & cosponsored by Representatives Spence, Mack, Oberle, Bennett, Davis, Corrozi, Fallon, D. Ennis, Steele & Quillen & Senators Adams, Arnold & Torbert, before the House for consideration.

HB 181 – An Act to Amend Chapter 43, Title 10, Delaware Code Relating to Testimony of Children.

The roll call on HB 181 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives George, Plant – 2.

Therefore, having received a constitutional majority, HB 181 was sent to the Senate for concurrence.

Representative Bennett brought HB 96 before the House for consideration.

HB 96 – An Act to Amend Chapter 11, Title 14 of the Delaware Code, Relating to Critical Curricular Areas.

The roll call on HB 96 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives George, Plant – 2.

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

Representative Roy requested that action on HB 247 be deferred to a Day Certain, Wednesday, June 19, 1985.

Representative C. Cordrey brought HB 253, cosponsored by Senator Slatcher, before the House for consideration.

HB 253 – An Act to Amend Chapter 288, Volume 64, Laws of Delaware, Entitled "An Act to Reinstate the Town of Laurel" by Requiring That Voters in Municipal Elections be United States Citizens and by Eliminating the Cap on Funding a Pension or Health and Welfare Plan for Town Employees. (2/3 bill)

Representative C. Cordrey brought HA 1 to HB 253 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 253 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives George, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 253 w/HA 1 was sent to the Senate for concurrence.

Representative Free brought HS 1 for HB 185 before the House for consideration.

HB 185 - An Act to Amend Chapter 31, Title 21 of the Delaware Code Relating to Nondriver Identification Cards. (3/5 bill)

The roll call on HS 1 for HB 185 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Campanelli, West - 2.

ABSENT: Representatives George, Plant - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 185 was sent to the Senate for concurrence.

Representative Corrozi introduced HB 321, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn.

HB 321 - An Act to Amend Title 29, Title 14, Title 31 and Title 10, of the Delaware Code, Relating to the Rental of Parking Spaces, Hazardous Duty Pay, Annual Reports, Revenue Estimates, Performance Bonds, Fleet Management, Use and Licensing of State Owned Vehicles, Revenue Anticipation Notes, Salaries for Consumer Affairs Board Members, Teacher of the Year Personal Expense Reimbursements, and Witness Fees for Government Employees.

Mr. Speaker assigned HB 321 to the Appropriations Committee.

Representative Bennett introduced HB 322, jointly sponsored by Representative D. Ennis & cosponsored by Representatives Anderson, Boykin, Brady, Petrilli, Spence, Taylor & Van Sant.

HB 322 - An Act to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax. (3/5 bill)

Mr. Speaker assigned HB 322 to the Revenue and Finance Committee

Representative Oberle introduced HR 85, cosponsored by Representatives Hebner, Barnes & Gilligan. HR 85 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

Mr. Speaker assigned HR 85 to the House Administration Committee.

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

JUD: SB 185 - 1F,3M.

R&F: SB 137 - 7M; SB 191 - 6M,1U.

ADM/S: HB 219 - 4M; HB 306 - 2F,3M.

Representative Oberle moved to recess to the call of the Chair at 6:33 p.m.

42nd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 19, 1985

Mr. Speaker Hebner called the House to order at 1:55 p.m.

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

H/ADM: HB 266 - 3M.

ADM/S: SB 174 - 1F,3M.

NAT. RES: HB 302 - 4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 224; SB 196 w/SA 1; SB 113 w/SA 2; SB 204 w/SA 1; SB 157; SB 117; SB 220; SB 218 w/SA 1; SB 153 w/HA 1, SA 1 & SB 123 w/SA 1, 2, 3, 4, 5

June 18, 1985

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/15/85 - SB 183 aab SA 4.

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

H/ADM: HB 310 - 1F,2M.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HJR 14. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought HJR 14, cosponsored by Representative Barnes, before the House for consideration.

HJR 14 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives and the Senate of the 133rd General Assembly of the State of Delaware, with the approval of the Governor, that Kevin A. George is elected to serve as Bill Clerk, and Doreen M. Francisco is to serve as Assistant Bill Clerk to the House of Representatives during the pleasure of the House.

Representative Plant requested that he be marked present.

The roll call on HJR 14 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 34.

ABSENT: Representatives Anderson, Campanelli, Carey, Jester, Petrilli, Roy, Spence – 7.

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

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the current legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 323 – ROY & SENATOR MCDOWELL – SUNSET: An Act to Amend Titles 23, 24, 28 and 29 of the Delaware Code Relating to the Division of Business and Occupational Regulation.

HB 324 – ROY, VAN SANT; SENATOR MCBRIDE – ADM/S: An Act to Amend Chapter 57, Title 25, Delaware Code, Relating to Jurisdiction and Venue in Actions to Recover the Possession of Premises.

HB 325 – BARNES – JUD: An Act to Amend Chapter 47, Part IV, Title 16 of the Delaware Code Relating to the Uniform Controlled Substances Act; and Providing for the Designation of a Drug as a Controlled Substance. (2/3 bill)

HS 1 for HB 182 – ROY & SENATOR COOK – R&F: An Act to amend Chapter 74, Title 29, Delaware Code, Relating to the Restrictions on Loan of Public Money or Bonds and Credit of State.

HA 1 to HS 1 for HB 114 – MARONEY – ADM/S: Placed with the Bill.

HA 1 to HB 219 – ANDERSON – AGENDA: Placed with the Bill.

HA 1 to HB 248 – MARONEY – SUNSET: Placed with the Bill.

HA 1 to HB 266 – TAYLOR – AGENDA: Placed with the Bill.

HA 1 to HB 283 – CAREY – AGENDA: Placed with the Bill.

HA 1 to HB 285 – CAREY – AGENDA: Placed with the Bill.

SB 113 w/SA 2 – HOLLOWAY, MCDOWELL, SHARP, VAUGHN, COOK, ZIMMERMAN, CITRO, TORBERT, KNOX, ADAMS, MARSHALL – JUD: An Act to Amend Subpart D, Subchapter II, Chapter 5, Title 11, Delaware Code, to Provide a Penalty for Conspiracy to Permit Sexual Misconduct.

SB 117 – NEAL, KNOX, BERNDT, COOK, HOLLOWAY, BAIR, ARNOLD, MINNER, MARTIN, MCDOWELL; REPRESENTATIVES FREE, MARONEY, PETRILLI, SMITH, SOLES, WINGATE, JESTER, GEORGE – H/ADM: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Veteran's Preference.

SB 123 w/SA 1, 2, 3, 4 & 5 – MCDOWELL & REPRESENTATIVE PLANT; SENATORS HOLLOWAY, MARTIN, BAIR, TORBERT, MARSHALL; REPRESENTATIVES OUTTEN, SILLS, B. ENNIS, GEORGE – ADM/S: An Act to Amend Title 31 of the Delaware Code by Adopting a Housing Code for the State of Delaware, Including the Establishment of Minimum Property Maintenance Standards for Dwelling Structures That Pose a Threat to the Health and Safety of the People of Each Community in the State, Provisions for Adoption of Such Standards by Each Community in the State, With Certain Exemptions and Provisions for Special Conditions and for Hardships, and Enforcement of Such Standards by Each Community in the State or by the State in the Absence of Local Enforcement.

SB 157 – CONNOR – ADM/S: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to Supplemental Compensation.

SB 196 w/SA 1 – VAUGHN, COOK, BERNDT; REPRESENTATIVES B. ENNIS, WEST, BARNES – ADM/S: An Act to Amend Chapter 55A, Title 29, Delaware Code, Relating to the Inclusion of State of Delaware Governmental Subdivisions.

SB 204 w/SA 1 – ADAMS; REPRESENTATIVE BARNES – ADM/S: An Act to Amend Subchapter 1, Chapter 17, Title 7, Delaware Code, Relating to Confinement of Biting Dogs. (2/3 bill)

SB 218 w/ SA 1 – CORDREY; REPRESENTATIVES WINGATE, QUILLEN, ROY – ADM/S: An Act to Amend Title 23 of the Delaware Code Relating to Apprenticeship Programs, Grounds for Discipline and Disciplinary Sanctions for Pilots.

SB 220 – MARSHALL, MCBRIDE; REPRESENTATIVES SPENCE, JONKIERT – JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Sentences for Robbery in the Second Degree.

SB 224 – SLATCHER; REPRESENTATIVE 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", Relating to the Time for Holding Assessment Appeals. (2/3 bill)

Representative Corrozi requested that HB 321 be stricken.

Representative Oberle moved to recess for Caucus at 2:10 p.m.

The House reconvened at 3:56 p.m.

Representative Roy brought HB 247, jointly sponsored by Representative Gilligan & cosponsored by Senator Holloway, before the House for consideration.

HB 247 – An Act to Amend Chapter 55, Title 29, Delaware Code to Revise the Amount of Employee Contributions to the State Employees' Pension Plan.

Mr. Speaker assigned HB 247 to the Appropriations Committee.

Representative Oberle moved to lift HB 135 w/HA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 135 before the House for consideration.

HB 135 - An Act to Amend Chapter 41, Title 21, Delaware Code, Relating to Prohibiting the Wearing of Headphones, Earphones, or Ear Plugs While Operating a Motor Vehicle, or Bicycle. (2/3 bill)

Representative Oberle brought HA 2 to HB 135 before the House for consideration. HA 2 was adopted by voice vote.

Representative Oberle introduced and brought HA 3 to HB 135 before the House for consideration. HA 3 was adopted by voice vote.

Representative Oberle requested that the following letter be made a part of the record:  
May 28, 1985

The Honorable William A. Oberle, Jr.  
State House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Dear Representative Oberle:

The Medical Society of Delaware would like to convey enthusiastic support for enactment of H.B. 135, legislation you have introduced to prohibit the wearing of headphones, earphones, or ear plugs by a person operating a motor vehicle or riding a bicycle on any public road (sic.). We note that an exception is provided for any device required or prescribed by a licensed physician.

We appreciate the opportunity to comment on this legislation.

Sincerely,  
Daniel A. Alvarez, M.D.  
President  
Medical Society of Delaware

DAA:ecr

cc: The Honorable Charles L. Hebner.

The roll call on HB 135 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Boykin, Buckworth, Campanelli, Corrozi, Davis, D. Ennis, George, Houghton, Jonkiert, Mack, Maroney, Oberle, Plant, Reynolds, Roy, Sills, Smith, Spence, Taylor, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Bennett, Brady, Free, Jester, Outten, Petrilli, Soles, Steele, Van Sant, West, Wingate - 12.

NOT VOTING: Representatives Carey, Caulk, Clark, Cordrey, B. Ennis, Plant - 6.

ABSENT: Representatives Barnes, Fallon, Gilligan - 3.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 135 w/HA 1, 2 & 3 was declared defeated.

Representative Gilligan brought HB 30, jointly sponsored by Representative George, before the House for consideration.

HB 30 - An Act to Amend Chapter 32, Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

Representative Gilligan brought HA 1 to HB 30, cosponsored by Representative Petrilli, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 30 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, HB 30 w/HA 1 was sent to the Senate for concurrence.

Representative Clark brought HB 211, cosponsored by Representatives Anderson, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, C. Cordrey, Davis, B. Ennis, Gilligan, Jester, Jonkiert, Mack, Outten, Reynolds, Sills, Steele, Van Sant, West & Wingate & Senators Cook, Holloway, Marshall, McDowell, Torbert & Vaughn, before the House for consideration.

HB 211 - An Act to Amend Chapter 68, Title 21 of the Delaware Code Relating to Off-Highway Vehicles. (2/3 bill)

Representative Clark brought HA 1 to HB 211, cosponsored by Representatives Barnes & B. Ennis, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 211 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Barnes, Corrozi - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 211 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 280, cosponsored by Representatives Free, Boykin, Brady & Van Sant & Senators Berndt, McDowell & Sharp, before the House for consideration.

HB 280 - An Act to Amend Chapters 7, 17 and 61 of Title 18 Delaware Code by Providing for One-Time Licensing and Appointments of Insurance Agents, Brokers, Surplus Lines Brokers, Consultants and Fraternal Representatives, Changing the Fees Therefor and Deleting References to Limited Representatives. (3/5 bill)

The roll call on HB 280 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Oberle – 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 280 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 292, cosponsored by Representatives Free, Boykin, Brady, Bennett & Van Sant & Senators Berndt, McDowell & Sharp, before the House for consideration.

HB 292 – An Act to Amend Chapter 7, Title 18, of the Delaware Code by Changing the Annual Statement Filing Fee for Insurers, and by Adding a Filing Fee Charge for Form Filings and Rate Changes Submitted to the Department of Insurance for Review. (3/5 bill)

Representative D. Ennis requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.

The roll call on HB 292 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Jonkiert, Oberle – 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 292 was sent to the Senate for concurrence.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Smith was appointed Acting Majority Whip.

Representative Roy brought HB 46, cosponsored by Representatives Smith, Taylor, Reynolds, Buckworth, Boykin, D. Ennis, Davis, Petrilli, Soles & Jester & Senators Citro, Minner & Cook, before the House for consideration.

HB 46 – An Act to Amend Title 29, Delaware Code, Relating to Sexual Harassment by Employees of the State.

The roll call on HB 46 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, Houghton, Jester, Mack, Maroney, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 34.

ABSENT: Representatives D. Ennis, George, Gilligan, Hebner, Jonkiert, Oberle, Petrilli – 7.

Therefore, having received a constitutional majority, HB 46 was sent to the Senate for concurrence.

Representative Spence moved to suspend the rules which interfere with action on SB 130 w/SA 1. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Spence brought SB 130, jointly sponsored by Senator Zimmerman & cosponsored by Senators Citro, Connor, Holloway, Vaughn, Berndt, Bair & McDowell & Representatives Hebner, George, Davis, Reynolds, Houghton, Plant, Outten & B. Ennis, before the House for consideration.

SB 130 – An Act to Amend Subchapter 1, Chapter 5, Title 10, Delaware Code, Relating to the Superior Court.

Representative Spence requested and was granted the privilege of the floor for O. Francis Biondi, Delaware Bar Association.

Mr. Speaker Hebner resumed the Chair.

Representative Barnes resumed his seat as Majority Whip.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 41.

Therefore, having received a constitutional majority, SB 130 w/SA 1 was returned to the Senate.

Representative D. Ennis moved to reconsider HB 280. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative D. Ennis brought HB 280, cosponsored by Representatives Free, Boykin, Brady & Van Sant & Senators Berndt, McDowell & Sharp, before the House for consideration.

HB 280 – An Act to Amend Chapters 7, 17 and 61 of Title 18 Delaware Code by Providing for One-Time Licensing and Appointments of Insurance Agents, Brokers, Surplus Lines Brokers, Consultants and Fraternal Representatives, Changing the Fees Therefor and Deleting References to Limited Representatives. (3/5 bill)

Representative D. Ennis moved to rescind the roll call on HB 280. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis introduced and brought HA 1 to HB 280 before the House for consideration. HA 1 was adopted by voice vote.

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



YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 280 w/HA 1 was sent to the Senate for concurrence.

Representative Mack moved to suspend the rules which interfere with action on SB 145 w/SA 1 & 2. The motion was seconded by Representative Barnes and adopted by voice vote.

SB 145 - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation. (3/5 bill)

Representative Bennett requested that HA 1 to SB 145 be stricken.

Representative Bennett introduced and brought HA 2 to SB 145, cosponsored by Representatives Campanelli, Mack, Outten & Spence, before the House for consideration.

Representative Quillen requested and was granted the privilege of the floor for Heather Elizabeth Rennie, Miss Delaware National Teenager.

Representative Sills requested and was granted the privilege of the floor for Frank Murphy, House Attorney.

The roll call on HA 2 to SB 145 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Campanelli, Caulk, Clark, Cordrey, B. Ennis, Gilligan, Houghton, Jester, Outten, Sills, Soles, Steele, Van Sant, Wingate - 17.

NO: Representatives Barnes, Boykin, Buckworth, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Maroney, Oberle, Quillen, Smith - 13.

NOT VOTING: Representatives Mack, Petrilli, Reynolds, Spence, Taylor, Mr. Speaker Hebner - 6.

ABSENT: Representatives George, Jonkiert, Plant, Roy, West - 5.

Therefore, not having received a constitutional majority, HA 2 to SB 145 was declared defeated.

The roll call on SB 145 w/SA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 34.

NO: Representatives Bennett, Clark, B. Ennis, Jester - 4.

ABSENT: Representatives George, Plant, West - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 145 w/SA 1 & 2 was returned to the Senate.

Mr. Speaker appointed Representative Smith as Acting Speaker.

The following Consent Calendar #15 was introduced:

HR 86 - QUILLEN - Extending Congratulations to Heather Elizabeth Rennie for Being Named Miss Delaware National Teenager.

HR 87 - BUCKWORTH, B. ENNIS, CLARK, QUILLEN - Expressing Deepest Appreciation to Barbara Reynolds Pak for Her Dedicated Service as a Missionary Over the Last Twenty-Five Years.

HR 88 - MARONEY, BUCKWORTH, STEELE, SILLS - Requesting the Family Law Commission to Address the Visitation and Custody Provisions in the Delaware Code.

HR 89 - CAREY, SMITH - Noting Our Appreciation to the Du Pont Company for Its Continuing Contributions in Support of the Federal Bald Eagle Research and Propagation Program.

HR 90 - SMITH - Commending Ms. Suzi Rummel for Her Valiant Courage on the Night She Lent Emergency Assistance to the Driver of an Overturned Truck.

HR 91 - OBERLE - Requesting the Director of the Division of Parks and Recreation to Increase the Fee for a Nonresident Surf Fishing Tag.

HR 92 - OUTTEN - Commending Mark Lawrence of Dover, on His Election to Phi Beta Kappa as He Graduates Cum Laude From the University of Delaware.

HR 93 - QUILLEN - Recognizing and Praising the Historical Research Being Conducted by Dover Resident Raymond W. Dill.

HCR 70 - SPENCE; SENATOR MCBRIDE - Congratulating Nicole Ivy Williamson Upon Winning the Miss Delaware Pre-Teen Pageant.

HCR 71 - CLARK, CAMPANELLI, VAN SANT, JESTER, B. ENNIS, BUCKWORTH, WEST, CAULK, CAREY, HOUGHTON, BARNES, C. CORDREY; SENATORS SLATCHER, COOK, ADAMS, MINNER - Requesting the Superintendent of the Delaware State Police Direct the Delaware State Police to Adopt a More Aggressive Approach Toward Protecting Property Owners From Damages to Crops and Other Property Caused by Operators of Off-Highway Vehicles.

HCR 72 - VAN SANT, BRADY, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, MACK, OUTTEN, REYNOLDS, SILLS, TAYLOR - Urging the Congress of the United States to Pass House Bill No. 1875, Which Provides for a Greater Balance in the Proportion of Military Chaplains of Different Faiths Represented Among the Total Membership of the Armed Forces.

SCR 64 - BAIR & REPRESENTATIVE HEBNER; SENATORS BERNDT, KNOX; REPRESENTATIVES D. ENNIS, SMITH, BRADY, MARONEY, BOYKIN - Recognizing Joan Spiegelman and Sally Sonnichsen for Their Years of Service as Members of the Brandywine School District Board of Education.

Representative Maroney introduced HR 94.

HR 94 - Creating a Legislative Task Force on Infant Mortality.

HR 94 was placed on Consent Calendar #15.

Representative Buckworth introduced HCR 73, cosponsored by Senator Torbert.

HCR 73 - Recognizing October 26, 1985 as Mule Appreciation Day in the State of Delaware.

HCR 73 was placed on Consent Calendar #15.  
Representative Hebner introduced HR 95.  
HR 95 - Congratulating Ayesha Sadaf Sammander for Graduating With Honors From the Terry Campus of Delaware Technical and Community College.  
HR 95 was placed on Consent Calendar #15.  
Consent Calendar #15 was adopted by voice vote and HCR 70, HCR 71, HCR 72 & HCR 73 were sent to the Senate for concurrence and SCR 64 was returned to the Senate.  
The Reading Clerk read the following Committee Reports into the record:  
R&F: SB 134 w/SA 1 - 2F,5M; HB 307 - 7M; SB 116 - 6M.  
JUD: HB 303 - 4F,1M; HB 316 - 4F,1M; HB 317 - 4F,1M.  
Mr. Speaker Hebner resumed the Chair.  
Representative Oberle moved to recess to the call of the Chair at 7:10 p.m.

43rd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 20, 1985

Mr. Speaker Hebner called the House to order at 2:03 p.m.  
Mr. Speaker announced the following Committee assignments:  
Representative Steven C. Taylor, Chairman, Administrative Services.  
Representative Roger Roy, Chairman, Transportation Sub-Committee.  
The Reading Clerk read the following Committee Reports into the record:  
ADM/S: SB 151 - 3M.  
NAT. RES: SJR 6 - 5M.  
CHILD: SB 213 - 4M.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SJR 4; HJR 14; SB 237; SB 233; HB 236; HB 237; SB 44 w/SA 1, 2; SB 236 & SB 241 w/SA 1, 2.  
June 19, 1985

LEGISLATIVE ADVISORY #11

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/19/85 - SB 77, SB 84, SB 94, SB 102, SB 115, SB 141, SB 142, HB 198.

June 20, 1985

LEGISLATIVE ADVISORY #12

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/20/85 - HJR 14.  
The Reading Clerk read the following Committee Reports into the record:  
JUD: SB 169 - 3F; SB 210 - 3F.  
The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.  
The Chief Clerk called the roll.  
Members Present: 40.  
Member Absent: Representative Plant - 1.  
A prayer was offered by Reverend Jerry O. Reynolds, Cedars Church of Christ.  
The Speaker led those present in a pledge of allegiance to the Flag.  
The minutes of the previous legislative day were approved as posted.  
The following prefiled legislation was introduced:  
HB 326 - MARONEY & SENATOR CONNOR; REPRESENTATIVES BARNES, STEELE; SENATOR TORBERT - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Certain Sexual Offenses.  
HB 327 - MARONEY & SENATOR CONNOR; REPRESENTATIVES BARNES, STEELE; SENATOR TORBERT - CHILD: An Act to Amend Title 11 of the Delaware Code Relating to Children; and Providing for Certain Protections Against Abuse and Molestation.  
HB 328 - SPENCE, REYNOLDS, CAULK - JUD: An Act to Amend Chapter 25, Title 29, Delaware Code, Relating to Termination of Tenured Department of Justice Personnel.  
HB 329 - SPENCE & SENATOR SHARP; REPRESENTATIVES REYNOLDS, VAN SANT, TAYLOR, CAULK, HOUGHTON, B. ENNIS, FREE; SENATOR CONNOR - JUD: An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Jury Selection and Service.  
HB 330 - OBERLE & TAYLOR - ADM/S: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to a Salary Rate for School Bus Drivers.  
HB 331 - SPENCE & SENATOR TORBERT; REPRESENTATIVES DAVIS, REYNOLDS, HOUGHTON; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles and Drivers. (3/5 bill)  
HB 332 - SPENCE & SENATOR SHARP; REPRESENTATIVES CAULK, HEBNER, REYNOLDS, BOYKIN, TAYLOR, DAVIS, VAN SANT, OBERLE, HOUGHTON, FREE; SENATORS CONNOR, MINNER - JUD: An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Offenses Concerning Alcoholic Liquors and Fines for Certain Criminal Offenses.  
HB 333 - SPENCE & VAN SANT, TAYLOR, OBERLE, FREE, REYNOLDS, CAULK, HOUGHTON, B. ENNIS; SENATOR CONNOR - JUD: An Act to Amend Chapter 42, Title 21, Delaware Code, Relating to the Reporting of Motor Vehicle Accidents by Changing the Minimum Damage Reportable From \$250.00 to \$500.00.  
HB 334 - ROY & PETRILLI, OBERLE, TAYLOR, SPENCE, REYNOLDS; SENATORS BAIR, BERNDT, CITRO, ARNOLD - ADM/S: An Act to Amend Chapter 54, Title 30 and Chapter 80, Title 9, Delaware Code Relating to Realty Transfer Taxes.

HB 335 - WEST & CAREY, D. ENNIS, STEELE, BARNES, JONKIERT, MACK, QUILLEN, CLARK, VAN SANT, BUCKWORTH, B. ENNIS, SOLES, HOUGHTON, PLANT, FALLON, C. CORDREY, SILLS, JESTER - NAT. RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Exemption of Persons 65 Years of Age From Foodfishing Equipment Permit Fees.

HB 336 - WEST & CAREY, QUILLEN, D. ENNIS, STEELE, BARNES, HOUGHTON, PLANT, B. ENNIS, VAN SANT, C. CORDREY, JONKIERT, CLARK, SILLS, FALLON, MACK, JESTER, BUCKWORTH - NAT. RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to the Fee for Fyke Netting.

HA 1 to HB 150 - VAN SANT - AGENDA: Placed with the Bill.

HA 1 to HB 246 - TAYLOR - AGENDA: Placed with the Bill.

HA 1 to HB 272 - TAYLOR - READY LIST: Placed with the Bill.

HA 2 to HB 285 - CAREY - READY LIST: Placed with the Bill.

HA 1 to HB 296 - TAYLOR - READY LIST: Placed with the Bill.

HA 1 to HB 305 - OBERLE - AGENDA: Placed with the Bill.

SB 44 w/SA 1 & 2 - HOLLOWAY; REPRESENTATIVE OBERLE - ADM/S: An Act to Amend Section 5307, Chapter 53, Title 25 of the Delaware Code, With Reference to Landlord-Tenant Relationships; Increasing the Abatement for Rent for Periods in Which Heat or Water or Hot Water is Not Provided by a Landlord.

SB 233 - MARTIN; REPRESENTATIVE TAYLOR - ADM/S: An Act to Amend Chapter 1, Subchapter III, Title 17, of the Delaware Code Relating to the Acquisition and Sale of Real Property by the Department of Transportation.

SB 236 - MARSHALL - HUM. RES: An Act to Amend Title 31 of the Delaware Code by Adding a New Chapter Relating to Organ Transplantation.

SB 237 - MARTIN, BAIR; REPRESENTATIVE TAYLOR - ADM/S: An Act to Amend Title 17, Chapter 13, Delaware Code, Relating to the Vacation, Abandonment and Closure of Public Roads, Bridges and Other Rights of Way.

SB 241 w/SA 1 & 2 - BAIR; REPRESENTATIVE HEBNER - JUD: An Act to Amend Chapter 68, Title 21, Delaware Code, Relating to Penalties for Certain Off-Highway Vehicles.

SJR 4 - MCDOWELL, BERNDT, MARTIN; REPRESENTATIVES STEELE, SOLES, CLARK, SILLS - NAT. RES: Requiring That the State Geologist Evaluate and Report on Activities Related to Energy Exploration.

Representative Oberle moved to recess for Caucus at 2:14 p.m.

The House reconvened at 3:30 p.m.

The Reading Clerk read the following communication into the record:

June 17, 1985

Members

Delaware State House of Representatives

Dover, DE 19901

Dear Representatives:

The 39th Annual Pushmobile Derby, sponsored by the Delaware Association of Police, is scheduled to be run on Saturday, August 17, 1985.

The Committee cordially requests your appearance at this most worthwhile event, to be held at Milford Crossroads in Newark.

We expect this year's Derby to be another successful one. The age group for these drivers is 9 through 15 years.

The first race should get underway around 9:30 a.m. after the parade, and the last race will probably be over by 4:00 p.m.

We are looking forward to seeing you on August 17.

Sincerely,

Richard E. Brown

Secretary

1985 Pushmobile Derby Committee

PS: If necessary you may write or contact me at my office - 366-2284.

Representative Taylor moved to suspend the rules which interfere with action on SB 179 w/SA 1. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 179 w/SA 1, jointly sponsored by Senator Vaughn & Representative Hebner & cosponsored by Senators McBride, Arnold, Berndt, Torbert, Citro, Martin, Neal, Connor & Holloway & Representatives Oberle, George, B. Ennis, Roy, Taylor, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady & West, before the House for consideration.

SB 179 - An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs. (F/N)

Representative Taylor moved to place SB 179 w/SA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence brought SB 185, sponsored by Senators Cook, Vaughn & Zimmerman & Representatives Clark, Mack, Corrozi, Caulk & Carey, before the House for consideration.

SB 185 - An Act to Amend Chapter 82, Title 29, Delaware Code, Establishing a Revolving Fund for the Revenues and the Initial Funding of the Department of Public Safety, and to Transfer Funds From the Budget Office Contingency (10-02-004) (Salaries & OEC) to the Administration Budget Unit (45-01-001) (Hazardous Substance Spill Clean Up) for the Purpose of Providing Start-Up Funds for the Hazardous Substance Spill Clean Up Revolving Fund.

The roll call on SB 185 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 30.

ABSENT: Representatives Anderson, Barnes, Corrozi, Davis, D. Ennis, Maroney, Plant, Quillen, Smith, Soles, West - 11.

Therefore, having received a constitutional majority, SB 185 was returned to the Senate.

Representative Caulk brought SB 197, cosponsored by Senators Adams, Cook, Cordrey, Vaughn, Connor & Slatcher & Representatives Barnes, Carey, Mack, Clark & C. Cordrey, before the House for consideration.

SB 197 - An Act Authorizing the Department of Agriculture and an Ad Hoc Committee Herein Created to Proceed With the Concepts of Dynamic Seeding or Weather Modification; and Further Providing Funds Therefor.

Representative Caulk requested and was granted the privilege of the floor for David Hill, Executive Assistant, Department of Agriculture.

The roll call on SB 197 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Mack, Reynolds, Sills, Soles, Steele, Van Sant, Wingate - 22.

NO: Representatives Bennett, Boykin, Davis, Free, Jonkiert, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Spence, Taylor, West, Mr. Speaker Hebner - 15.

ABSENT: Representatives Corrozi, D. Ennis, Plant, Smith - 4.

Therefore, having received a constitutional majority, SB 197 was returned to the Senate.

Representative Maroney brought SB 78 w/SA 1 & 2, sponsored by Senator Holloway, before the House for consideration.

SB 78 - An Act to Amend Chapter 79, Title 29, Delaware Code, to Establish the Division of Child Support Enforcement. (F/N)

The roll call on SB 78 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NO: Representative Bennett - 1.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, SB 78 was returned to the Senate.

Representative Spence brought SB 172, cosponsored by Senator Marshall, before the House for consideration.

SB 172 - An Act to Amend Chapter 47, Title 16, Delaware Code, to Close a Loophole Which Precludes Proper Prosecution of Some Narcotics Violations.

The roll call on SB 172 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Corrozi, D. Ennis, Plant - 3.

Therefore, having received a constitutional majority, SB 172 was returned to the Senate.

Representative West requested that HB 37, HB 38 & HCR 15 be stricken.

Representative Spence brought SB 169, sponsored by Senator Martin & Representatives Anderson & Oberle, before the House for consideration.

SB 169 - An Act to Amend Title 21, §4401(b) Delaware Code, Relating to Abandoned Vehicles.

The roll call on SB 169 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, D. Ennis, Plant - 3.

Therefore, having received a constitutional majority, SB 169 was returned to the Senate.

Representative Oberle introduced and brought SCR 68, sponsored by Senators Holloway & Arnold & Representatives Sills & Roy, before the House for consideration.

SCR 68 - Commending Jerry Reynolds, Minister of the Cedars Church of Christ and His Congregation for Their Humanitarian Efforts in Raising in Excess of Seven Million Dollars for Ethiopian Relief.

SCR 68 was adopted by voice vote and returned to the Senate.

Representative Roy requested and was granted the privilege of the floor for Reverend Jerry Reynolds.

Mr Speaker declared a recess for the purpose of changing the recording tape at 4:31 p.m.

The House reconvened at 4:38 p.m.

Representative Spence brought SB 210 w/SA 1, jointly sponsored by Senators McBride & Connor & Representatives Maroney & Soles, before the House for consideration.

SB 210 - An Act to Amend Title 11 and Title 24 of the Delaware Code Relating to Missing Persons.

The roll call on SB 210 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 35.

ABSENT: Representatives Buckworth, Campanelli, D. Ennis, Fallon, Maroney, Plant - 6.

Therefore, having received a constitutional majority, SB 210 w/SA 1 was returned to the Senate.

Representative Roy brought SB 151, sponsored by Senators McDowell, Sharp, Martin, Vaughn & Berndt & Representatives Corrozi, D. Ennis, Sills & Campanelli, before the House for consideration.

SB 151 – An Act to Amend Subchapter I, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

Representative Roy moved to place SB 151 on the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Spence brought SB 70, sponsored by Senator Minner, before the House for consideration.

SB 70 – An Act to Amend Section 3909, Title 25, and Section 5102, Title 10, Delaware Code, Relating to the Jurisdiction of Justice of the Peace Court No. 5 in Milford.

The roll call on SB 70 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Cordrey, D. Ennis, Fallon, Plant – 4.

Therefore, having received a constitutional majority, SB 70 was returned to the Senate.

Representative Spence moved to lift SB 54 w/SA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Spence brought SB 54 w/SA 1, sponsored by Senator Torbert & Representatives Van Sant, Steele & West, before the House for consideration.

SB 54 – An Act to Amend Title 21 of the Delaware Code Relating to Habitual Offenders' Driving Privileges.

Representative Davis brought HA 1 to SB 54 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 54 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Maroney, Outten, Petrilli, Quillen, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 32.

NO: Representatives Mack, Oberle – 2.

NOT VOTING: Representatives Barnes, Free, Reynolds – 3.

ABSENT: Representatives Corrozi, Fallon, Plant, Smith – 4.

Therefore, having received a constitutional majority, SB 54 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Roy moved to lift SB 151 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Roy brought SB 151, sponsored by Senators McDowell, Sharp, Martin, Vaughn & Berndt & Representatives Corrozi, D. Ennis, Sills & Campanelli, before the House for consideration.

SB 151 – An Act to Amend Subchapter I, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

Representative Roy introduced and brought HA 1 to SB 151 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Mark A. McNulty, Department of Transportation.

Representative Oberle moved to place SB 151 – HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli brought SB 20, sponsored by Senator Vaughn & Representatives B. Ennis & Van Sant, before the House for consideration.

SB 20 – An Act Amending Chapter 52, Title 30 of the Delaware Code by Increasing the Victims Compensation Tax Assessment for Violations of the Motor Carrier Vehicle Marker Regulations.

The roll call on SB 20 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Clark, Plant, Smith – 3.

Therefore, having received a constitutional majority, SB 20 was returned to the Senate.

Representative Carey brought SJR 6, cosponsored by Senators Zimmerman & Cordrey & Representative Wingate, before the House for consideration.

SJR 6 – Directing the Director of the Division of Historical and Cultural Affairs and the Secretary of the Department of Natural Resources and Environmental Control to Commemorate the Catastrophic Shipwreck of the Faithful Steward, off of Delaware Seashore State Park by the Erection of a State Historical Marker on the Dunes Overlooking the Site, on September 2, 1985, the Two Hundredth Anniversary of the Wreck.

The roll call on SJR 6 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Clark, Plant, Smith – 3.

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

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Taylor moved to lift SB 179 w/SA 1 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 179 w/SA 1, jointly sponsored by Senator Vaughn & Representative Hebner & cosponsored by Senators McBride, Arnold, Berndt, Torbert, Citro, Martin, Neal, Connor & Holloway & Representatives Oberle, George, B. Ennis, Roy, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady & West, before the House for consideration.

SB 179 – An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs. (F/N)

Representative Oberle introduced and brought HA 1 to SB 179 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker Hebner resumed the Chair.

The roll call on SB 179 w/SA 1 & HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, HB 179 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Mr. Speaker appointed Representative Barnes as Acting Speaker.

Representative Petrilli brought SB 216, sponsored by Senator Sharp & Representative D. Ennis, before the House for consideration.

SB 216 – An Act to Amend Chapter 9, Title 18, Delaware Code, Relating to Reinsurance.

Representative D. Ennis brought HA 1 to SB 216 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 216 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 39

ABSENT: Representatives Hebner, Plant – 2.

Therefore, having received a constitutional majority, SB 216 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Mack brought SB 133, cosponsored by Senator Marshall & Representative Campanelli, before the House for consideration.

SB 133 – An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

The roll call on SB 133 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 37.

ABSENT: Representatives George, Hebner, Plant, Smith – 4.

Therefore, having received a constitutional majority, SB 133 was returned to the Senate.

Representative Carey brought SB 163 w/SA 1, jointly sponsored by Senator Vaughn & Representative Mack & cosponsored by Senators Adams, Connor, Cook, Martin, McBride, McDowell & Sharp & Representatives Caulk, Davis, B. Ennis, Jester, Reynolds & Spence, before the House for consideration.

SB 163 – An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Health and Social Services, Division of Public Health, Community Health Section (35-05-002) (Contractual Services) for the Purpose of Medical Screening to Assess Any Effects of Vinyl Chloride to Citizens of the Delaware City Area Environment.

The roll call on SB 163 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 39

ABSENT: Representatives George, Plant – 2.

Therefore, having received a constitutional majority, SB 163 w/SA 1 was returned to the Senate.

Representative Buckworth brought SB 213, jointly sponsored by Senator Holloway & Representative Maroney & cosponsored by Senator Bair & Representative Sills, before the House for consideration.

SB 213 – An Act to Amend Title 31 and Title 10, Delaware Code, to Create a Court Appointed Special Advocate Program.

Mr. Acting Speaker Barnes ruled that SB 213 does not require a Fiscal Note.

Representative Buckworth requested and was granted the privilege of the floor for Mrs. Frances Maguire, Staff Member, Family Court.

The roll call on SB 213 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes – 38.

ABSENT: Representatives George, Plant, Smith - 3.

Therefore, having received a constitutional majority, SB 213 was returned to the Senate.

Representative Petrilli brought SB 32, sponsored by Senators Minner, Adams, Cordrey & Slatcher & Representatives Barnes, Steele, C. Cordrey, Fallon, West & Wingate, before the House for consideration.

SB 32 - An Act Authorizing the Sussex County Council to Award a Pension Benefit to Former Specific Employees.

The roll call on SB 32 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Acting Speaker Barnes - 37.

ABSENT: Representatives Anderson, Hebner, Plant, Smith - 4.

Therefore, having received a constitutional majority, SB 32 was returned to the Senate.

Representative Quillen requested that action on HB 170 be deferred to a Day Certain, Tuesday, June 25, 1985.

Mr. Speaker Hebner resumed the Chair.

Representative Taylor brought HB 246, cosponsored by Representatives Roy & Gilligan & Senators Bair, McDowell & Minner, before the House for consideration.

HB 246 - An Act to Amend Chapter 100, Title 29 of the Delaware Code Relating to Freedom of Information.

Representative Taylor brought HA 1 to HB 246 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 246 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, D. Ennis, Free, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 33.

NO: Representatives Campanelli, B. Ennis, Jester, Jonkiert, Quillen - 5.

ABSENT: Representatives Davis, Fallon, Plant - 3.

Therefore, having received a constitutional majority, HB 246 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to recess for Caucus at 6:10 p.m.

The House reconvened at 6:17 p.m.

Representative Steele brought HB 150, jointly sponsored by Representative Maroney & cosponsored by Representatives Buckworth, Boykin, Fallon, Taylor, Reynolds, Spence, Petrilli & Mack & Senators Holloway, Bair, Arnold, Berndt, Marshall, Minner, Slatcher, Neal, Knox, Citro & Torbert, before the House for consideration.

HB 150 - An Act to Amend Title 31 of the Delaware Code Relating to Community Care for Frail or Functionally Impaired Adults.

Representative Van Sant brought HA 1 to HB 150 before the House for consideration.

The roll call on HA 1 to HB 150 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant, West, Wingate - 18.

NO: Representatives Barnes, Boykin, D. Ennis, Oberle, Smith, Steele, Mr. Speaker Hebner - 7.

NOT VOTING: Representatives Buckworth, Carey, Caulk, Corrozi, Davis, Mack, Maroney, Petrilli, Quillen, Roy, Spence - 11.

ABSENT: Representatives Fallon, Free, Plant, Reynolds, Taylor - 5.

Therefore, not having received a constitutional majority, HA 1 to HB 150 was declared defeated.

Representative Maroney requested and was granted the privilege of the floor for Muriel Rusten, Department of Health and Social Services.

Five members rose for the purpose of cutting off the debate on HB 150.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Brady, Cordrey, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant - 13.

ABSENT: Representatives Clark, B. Ennis, Free, George, Plant - 5.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on HB 150 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Clark, B. Ennis, Plant - 3.

Therefore, having received a constitutional majority, HB 150 was sent to the Senate for concurrence.

Representative Mack brought HB 290, cosponsored by Senator Marshall, before the House for consideration.

HB 290 - An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

The roll call on HB 290 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Clark, B. Ennis, Plant, Roy – 4.

Therefore, having received a constitutional majority, HB 290 was sent to the Senate for concurrence.

Representative Mack brought HB 291, cosponsored by Senator Marshall, before the House for consideration.

HB 291 – An Act to Amend Part III, Title 19, of the Delaware Code Relating to Unemployment Compensation.

The roll call on HB 291 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Clark, B. Ennis, Plant – 3.

Therefore, having received a constitutional majority, HB 291 was sent to the Senate for concurrence.

Representative Outten brought HB 241 before the House for consideration.

HB 241 – An Act to Permit Abner X. Miller to Continue Employment with the Delaware State Hospital as Laundry Manager After Attaining the Age of 70.

The roll call on HB 241 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 33.

NO: Representatives Anderson, Soles – 2.

NOT VOTING: Representatives D. Ennis, Smith – 2.

ABSENT: Representatives Buckworth, Clark, B. Ennis, Plant – 4.

Therefore, having received a constitutional majority, HB 241 was sent to the Senate for concurrence.

Representative Wingate brought HB 243 before the House for consideration.

HB 243 – An Act to Amend Article 6, Title 6 of the Delaware Code Relating to Bulk Transfers.

The roll call on HB 243 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 35.

ABSENT: Representatives Campanelli, Carey, Clark, B. Ennis, Plant, Smith – 6.

Therefore, having received a constitutional majority, HB 243 was sent to the Senate for concurrence.

Representative Taylor brought HB 266 before the House for consideration.

HB 266 – An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Boundary Lines of Certain District.

Representative Taylor brought HA 1 to HB 266 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 266 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 34.

NOT VOTING: Representative Soles – 1.

ABSENT: Representatives Clark, Corrozi, B. Ennis, Jonkiert, Plant, Smith – 6.

Therefore, having received a constitutional, HB 266 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the Agenda rules which interfere with action on HB 232. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Maroney brought HB 232, jointly sponsored by Senator Holloway & cosponsored by Representatives Buckworth, Sills & Steele & Senator Connor, before the House for consideration.

HB 232 – An Act to Amend Title 13, Delaware Code Relating to Interstate Withholding for the Payment of Support.

Representative Maroney requested and was granted the privilege of the floor for Susan Paikin, Director, Family Court.

The roll call on HB 232 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Clark, B. Ennis, Plant, Smith – 4.

Therefore, having received a constitutional majority, HB 232 was sent to the Senate for concurrence.

Representative West requested that HB 28 & HB 55 be stricken.



Representative Maroney brought HB 231, jointly sponsored by Senator Holloway & cosponsored by Representatives Buckworth, Sills & Steele & Senator Connor, before the House for consideration.

HB 231 - An Act to Amend Titles 10, 13, 29 and 30 of the Delaware Code Relating to Child Support Enforcement. (2/3 bill)

Representative Maroney introduced and brought HA 1 to HB 231 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Joseph P. Miller, Bureau of Child Support Enforcement.

The roll call on HB 231 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Barnes, Clark, B. Ennis, Free, Plant, - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 231 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HB 337. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Petrilli introduced and brought HB 337, jointly sponsored by Representatives George & Oberle & cosponsored by Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Hebner, Mack, Maroney, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Anderson, Bennett, Brady, Campanelli, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Jester, Sills, Jonkiert, Outten, Plant, Soles, Van Sant, West & Wingate & Senators Arnold, Bair, Citro, Connor, Knox & Neal, before the House for consideration.

HB 337 - An Act Entitled "The Tax Reduction Act of 1985", Which Amends Chapter 11, Title 30 of the Delaware Code, Relating to the Reduction of Personal Income Tax Rates.

The roll call on HB 337 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Clark, B. Ennis, D. Ennis, Plant - 4.

Therefore, having received a constitutional majority, HB 337 was sent to the Senate for concurrence.

Representative Oberle introduced HS 1 for HB 311, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor, Knox, Cook & Cordrey.

HB 311 - An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

Mr. Speaker assigned HS 1 for HB 311 to the House Administration Committee.

Representative Outten introduced and brought HCN 74, jointly sponsored by Representative Bennett & cosponsored by Representative Quillen & Senators Citro & Cook, before the House for consideration.

HCN 74 - Honoring Nancy Olsen by Declaring the Next 50 Years the "Nancy Olsen Era".

HCN 74 was adopted by voice vote and sent to the Senate for concurrence.

Representative Fallon introduced and brought HB 338, jointly sponsored by Senator McBride & Representative Free & Senators Knox & Neal, before the House for consideration.

HB 338 - An Act to Amend Delaware Code Title 14 to Provide for a Professional Development and Accountability Program for Certain Personnel Employed in the Public Elementary and Secondary Schools of the State and to Create Salary Schedules in Support of Said Program.

Mr. Speaker assigned HB 338 to the Education Committee.

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

HUM. RES: SB 171 - 4M; SB 205 - 4M.

R&F: HB 57 - 4M, 2U; HB 43 - 6M.

APPRO: HB 164 - 6M; HB 205 - 1F, 5M; HB 208 - 1F, 4M, 1U.

Mr. Speaker reassigned HB 57 to the Appropriations Committee.

Representative Oberle moved to recess to the call of the Chair at 9:47 p.m.

44th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 24, 1985

Mr. Speaker Hebner called the House to order at 3:23 p.m.

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

H/ADM: HS 1 for HB 311 - 3M; HR 85 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 104; HB 79; HB 84 w/HA 1; HB 195 w/HA 1; HS 1 for HB 185; HB 202 w/HA 1; HB 265; HB 66 w/HA 1, 2; HB 181 w/SA 1; HB 78 w/HA 1, 2; HB 111 w/HA 2; HB 172; HB 6; HB 180 w/HA 2; HB 179 w/HA 1, 2 & SCR 68.

Mr. Speaker announced that Representative Steven Taylor is appointed to the Governor's Highway Safety Task Force.

Representative Oberle introduced HB 341.

HB 341 - An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to the Profession of Optometry.

Mr. Speaker assigned HB 341 to the House Administration Committee.

The Majority Leader moved to adjourn at 3:26 p.m., thereby ending the current legislative day. The House reconvened at 3:27 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Staff Member, Richard Millman.

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

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

The following prefiled legislation was introduced:

HB 339 - ANDERSON, BOYKIN, BRADY, D. ENNIS, PETRILLI, VAN SANT - R&F: An Act to Amend Title 30 of the Delaware Code To Establish a Tax Amnesty Program

HB 340 - MARONEY & SPENCE; SENATORS SHARP, HOLLOWAY; REPRESENTATIVES DAVIS, HOUGHTON, REYNOLDS, PLANT, ROY - R&F: An Act to Amend Chapter 25, Title 18 of the Delaware Code Relating to Insurance Rates and Rating Organizations.

HA 1 to HB 15 - MARONEY - CHILD: Placed with the Bill.

HA 1 to HB 208 - DAVIS - AGENDA: Placed with the Bill.

HA 1 to HB 210 - SPENCE - READY LIST: Placed with the Bill.

HA 2 to HB 219 - ANDERSON - AGENDA: Placed with the Bill.

HA 3 to HB 285 - CAREY - READY LIST: Placed with the Bill.

Representative Oberle moved to recess for Caucus at 3:32 p.m.

The House reconvened at 5:13 p.m.

Representative Smith brought HB 16 w/SA 1, jointly sponsored by Representative Steele & cosponsored by Representative Sills, before the House for consideration.

HB 16 - An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Disabled Persons' Parking Permits.

The roll call on HB 16 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Campanelli, Cordrey, Fallon, Plant, West - 5.

Therefore, having received a constitutional majority, HB 16 w/SA 1 was sent to the Governor.

Representative Mack brought HB 101 w/SA 1, cosponsored by Representatives Buckworth, Carey, Davis, Reynolds & Spence & Senators McDowell, Sharp & Zimmerman, before the House for consideration.

HB 101 - An Act to Amend Chapter 59, Title 11, of the Delaware Code to Allow Justices of the Peace to Hear and Determine Criminal Cases on Sundays.

Representative Mack requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

The roll call on HB 101 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Anderson, Campanelli - 2.

ABSENT: Representatives Free, Plant - 2.

Therefore, having received a constitutional majority, HB 101 w/SA 1 was sent to the Governor.

Representative Buckworth brought HB 181 w/SA 1, jointly sponsored by Senator Sharp & cosponsored by Representatives Spence, Mack, Oberle, Maroney, Reynolds, Taylor, Bennett, Davis, Corrozi, Fallon, D. Ennis, Steele & Quillen & Senators Adams, Arnold & Torbert, before the House for consideration.

HB 181 w/SA 1 - An Act to Amend Chapter 43, Title 10, Delaware Code Relating to Testimony of Children.

The roll call on HB 181 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 181 w/SA 1 was sent to the Governor.

Representative Oberle brought SB 153 w/HA 1 & SA 1, sponsored by Senator Marshall & cosponsored by Senators Holloway & McDowell & Representatives George, Plant, Sills, Free & Jonkiert, before the House for consideration.

SB 153 – An Act to Amend Chapter 3, Title 22, of the Delaware Code Relating to the Granting of Variances by Municipal Boards of Adjustment.

The roll call on SB 153 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 153 w/HA 1 & SA 1 was returned to the Senate.

Representative Reynolds brought HB 294, cosponsored by Representatives Spence, Mack, Boykin, Smith, Buckworth, Taylor, Davis, Steele, Houghton, Van Sant, Brady, Anderson, Clark, C. Cordrey, Wingate, Gilligan & B. Ennis, before the House for consideration.

HB 294 – An Act to Amend Chapter 17, Title 24 of the Delaware Code, Relating to the Medical Practices Act and the Reporting of Wounds or Injuries Caused by Firearms, Stabbings, or Poisonings. (2/3 bill)

The roll call on HB 294 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 294 was sent to the Senate for concurrence.

Representative Anderson brought HB 219, cosponsored by Representatives Clark, D. Ennis & Soles & Senator Bair, before the House for consideration.

HB 219 – An Act to Amend Chapter 55, Title 25 of the Delaware Code Relating to Notice of Rent Increases.

Representative Anderson requested that HA 1 to HB 219 be stricken.

Representative Anderson introduced and brought HA 2 to HB 219 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 219 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives B. Ennis, D. Ennis, Plant – 3.

Therefore, having received a constitutional majority, HB 219 w/HA 2 was sent to the Senate for concurrence.

Representative Oberle requested that action on HB 276 be deferred to a Day Certain, Wednesday, June 26, 1985.

Representative Carey brought HB 282, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt, before the House for consideration.

HB 282 – An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters; Correction of Pertinent Data by the Department of Natural Resources and Environmental Control; the Finfisheries Development Fund; and Enforcement of Reporting Requirements.

Representative Carey introduced and brought HA 1 to HB 282 before the House for consideration. HA 1 was adopted by voice vote.

Representative Carey requested and was granted the privilege of the floor for Charles A. Lesser, Division of Fish and Wildlife.

The roll call on HB 282 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 37.

NOT VOTING: Representative West – 1.

ABSENT: Representatives Jonkiert, Plant, Spence – 3.

Therefore, having received a constitutional majority, HB 282 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought HB 283, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt, before the House for consideration.

HB 283 – An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters; Sale, Trade or Barter of Food Fish; Food Fishing Equipment Permits, Requirements and Restrictions. Areas Restricted for Using Certain Fishing Equipment; Interfering With Fishing Equipment; Gill Nets, Use of Electric Lights; and Jurisdiction Over Violations and Forfeiture Proceedings. (2/3 bill)

Representative Carey requested that HA 1 to HB 283 be stricken.

Representative Carey introduced and brought HA 2 to HB 283 before the House for consideration. HA 2 was adopted by voice vote.

Representative Carey requested and was granted the privilege of the floor for Charles A. Lesser, Division of Fish and Wildlife.

The roll call on HB 283 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 283 w/HA 2 was sent to the Senate for concurrence.

Representative Carey brought HB 284, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt, before the House for consideration.

HB 284 - An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters and Marking Requirements for Fishing Equipment.

Representative Carey brought HA 1 to HB 284 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 284 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Corrozi, Plant, Reynolds - 3.

Therefore, having received a constitutional majority, HB 284 w/HA 1 was sent to the Senate for concurrence.

Representative Mack brought HB 240 before the House for consideration.

HB 240 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Rules of the Road.

Representative Mack moved to place HB 240 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Oberle brought HS 1 for HB 311, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor, Knox, Cook & Cordrey, before the House for consideration.

HB 311 - An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

Representative Oberle moved to place HS 1 for HB 311 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HB 208, jointly sponsored by Senator Holloway & cosponsored by Representative Jester & Senator Neal, before the House for consideration.

HB 208 - An Act to Amend Chapter 13 and Chapter 31, Title 14 of the Delaware Code Relating to Standards for Residential Services for Autistic Persons and Job Placement and Training Services for Autistic Persons.

Representative Davis introduced and brought HA 1 to HB 208 before the House for consideration.

Representative Davis moved to place HA 1 to HB 208 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Bennett introduced and brought HA 2 to HB 208 before the House for consideration.

Representative Davis requested and was granted the privilege of the floor for Marie Anne Aghazadian, President, Delaware Society for Children and Adults with Autism.

The roll call on HA 2 to HB 208 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Caulk, Clark, Cordrey, B. Ennis, Free, George, Gilligan, Houghton, Jonkiert, Outten, Quillen, Sills, Soles - 19.

NO: Representatives Campanelli, Carey, Davis, D. Ennis, Mack, Maroney, Oberle, Reynolds, Smith, Spence, Steele, West, Wingate, Mr. Speaker Hebner - 14.

NOT VOTING: Representatives Corrozi, Fallon, Jester, Petrilli, Roy, Taylor - 6.

ABSENT: Representatives Plant, Van Sant - 2.

Therefore, not having received a constitutional majority, HA 2 to HB 208 was declared defeated.

Representative Davis moved to lift HA 1 to HB 208 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Davis brought HA 1 to HB 208 before the House for consideration.

Mr. Speaker granted the privilege of the floor to Ronald Smith, House Attorney.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 6:50 p.m.

The House reconvened at 6:55 p.m.

HA 1 to HB 208 was adopted by voice vote.

Representative Bennett requested and was granted the privilege of the floor for Marie Anne Aghazadian, President, Delaware Society for Children and Adults with Autism.

Representative Outten moved to place HB 208 w/HA 1 on the Speaker's table. The motion was seconded by Representative Bennett and was defeated by voice vote.

The roll call on HB 208 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Campanelli, Caulk, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Jester, Mack, Maroney, Oberle, Reynolds, Roy, Spence, Steele, Taylor, Mr. Speaker Hebner - 18.

NO: Representatives Bennett, Brady, Jonkiert, Sills, Soles, West - 6.

NOT VOTING: Representatives Anderson, Boykin, Buckworth, Carey, Clark, Cordrey, Free, George, Gilligan, Houghton, Outten, Quillen, Smith, Wingate - 14.

ABSENT: Representatives Petrilli, Plant, Van Sant - 3.

Therefore, not having received a constitutional majority, HB 208 w/HA 1 was declared defeated.

Representative Oberle moved to lift HS 1 for HB 311 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HS 1 for HB 311, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor, Knox, Cook & Cordrey, before the House for consideration.

HB 311 - An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

Representative Petrilli introduced and brought HA 1 to HS 1 for HB 311 before the House for consideration. HA 1 was adopted by voice vote.

Representative D. Ennis introduced and brought HA 2 to HS 1 for HB 311 before the House for consideration.

The roll call on HA 2 to HS 1 for HB 311 was taken and revealed:

YES: Representatives Anderson, Brady, Buckworth, Carey, Caulk, Clark, D. Ennis, Fallon, Free, Jester, Maroney, Petrilli, Steele, Mr. Speaker Hebner - 14.

NO: Representatives Barnes, Bennett, Cordrey, Corrozi, Davis, B. Ennis, George, Gilligan, Houghton, Jonkiert, Mack, Oberle, Outten, Quillen, Reynolds, Sills, Soles, Spence, West, Wingate - 20.

NOT VOTING: Representatives Boykin, Roy, Smith, Taylor - 4.

ABSENT: Representatives Campanelli, Plant, Van Sant - 3.

Therefore, not having received a constitutional majority, HA 2 to HS 1 for HB 311 was declared defeated.

Representative Oberle requested and was granted the privilege of the floor for George Hale, Secretary, Department of Administrative Services.

Representative Oberle moved to place HS 1 for HB 311 w/HA 1 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

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

APPRO: HB 90 - 5M,1U.

JUD: SB 241 w/SA 1 & 2 - 1F,3M.

ADM/S: HB 271 - 1F,2M,1U; HB 279 - 5M; HB 324 - 1F,4M; SB 44 w/SA 1 & 2 - 1F,4M; SB 157 - 1F,3M; SB 200 - 1F,4M; SB 218 w/SA 1 - 1F,4M; SB 233 - 2F,3M; SB 237 - 5M.

Representative Corrozi introduced HB 350, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn.

HB 350 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 350 to the Appropriations Committee.

Representative Fallon introduced HS 1 for HB 338, jointly sponsored by Senator McBride & cosponsored by Representative Free & Senator Knox.

HB 338 - An Act to Amend Delaware Code Title 14 to Provide for a Professional Development and Accountability Program for Certain Personnel Employed in the Public Elementary and Secondary Schools of the State and to Create Salary Schedules in Support of Said Program and Setting Forth Conditions Relating to the Expenditure of Funds Appropriated in the Fiscal Year 1986 Budget Act.

Mr. Speaker assigned HS 1 for HB 338 to the Education Committee.

Representative Oberle introduced HS 1 for HB 305, cosponsored by Representatives Buckworth, Reynolds, Maroney, Corrozi, Spence, Roy, Carey, Steele, D. Ennis, Fallon & Boykin.

HB 305 - An Act to Amend Title 23 by Creating a New Chapter 22: Relating to the Operating, and/or Control of a Vessel or Boat Upon the Waters of the State of Delaware While Under the Influence of Alcohol and/or Drugs. (2/3 bill)

Mr. Speaker assigned HS 1 for HB 305 to the House Administration Committee.

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

SUNSET: HB 323 - 5M.

Representative Oberle moved to recess to the call of the Chair at 8:10 p.m.

45TH LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 25, 1985

Mr. Speaker Hebner called the House to order at 2:35 p.m.

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

JUD: HB 313 - 1F,3M; HB 314 - 1F,3M; HB 318 - 3F,1M; HB 320 - 4M; HB 325 - 4M; HB 326 - 3M,1U; HB 328 - 1F,2M,1U; HB 329 - 2F,2M; HB 331 - 1F,3M; HB 332 - 1F,3M; HB 333 - 4M; SB 220 - 2F,2M.

HUM. RES: HB 15 - 1F,3M; HB 319 - 4F.

CHILD: HB 327 – 1F,3M.

Mr. Speaker appointed Representative Bruce Ennis to the Governor's Highway Safety Task Force.

The Majority Leader moved to adjourn at 2:38 p.m., thereby ending the current legislative day. The House reconvened at 2:39 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 342 – MACK – JUD: An Act to Amend Chapter 5, Title 21 of the Delaware Code Relating to the Erection of Traffic Signs.

HB 343 – ROY – ADM/S: An Act to Amend Chapter 65, Title 25, of the Delaware Code Relating to Floatation Bedding Systems in Rental Dwelling Units.

HB 344 – QUILLEN – H/ADM: An Act to Provide That a Referendum be Held in the November 1986 General Election on the Question of Mandatory Motor Vehicle Seat Belt Use in the State of Delaware.

HB 345 – BENNETT, ANDERSON, BRADY, CAMPANELLI, CAULK, CLARK, C. CORDREY, DAVIS, B. ENNIS, GILLIGAN, HOUGHTON, JESTER, MACK, OUTTEN, SILLS, SOLES, SPENCE, STEELE, VAN SANT, WINGATE – LABOR: An Act to Amend Chapter 34, Title 19 of the Delaware Code Relating to Counseling, Training and Placement Activities.

HA 1 to HB 276 – OBERLE – AGENDA: Placed with the Bill.

Representative Oberle moved to suspend the rules which interfere with action on HB 170. The motion was properly seconded and adopted by voice vote.

Representative Quillen brought HB 170, cosponsored by Representatives Steele, Barnes, Carey, B. Ennis, Free & Spence & Senators Torbert, Zimmerman, Berndt, Minner & Vaughn, before the House for consideration.

HB 170 – An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Regulating Falconry.

Representative Free introduced and brought HA 1 to HB 170 before the House for consideration. HA 1 was adopted by voice vote.

Representative Quillen rose on a point of order.

The roll call on HB 170 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Davis, B. Ennis, Fallon, Free, Houghton, Jester, Oberle, Petrilli, Plant, Quillen, Spence, Steele, Taylor, Mr. Speaker Hebner – 19.

NO: Representatives Anderson, Bennett, Brady, Clark, D. Ennis, George, Gilligan, Jonkiert, Mack, Maroney, Outten, Roy, Sills, Smith, Soles, Van Sant, West, Wingate – 18.

ABSENT: Representatives Campanelli, Cordrey, Corrozi, Reynolds – 4.

Therefore, not having received a constitutional majority, HB 170 w/HA 1 was declared defeated.

Representative Sills brought HJR 9, cosponsored by Representatives Barnes, D. Ennis, George, Gilligan, Maroney & Outten & Senators Holloway & Knox, before the House for consideration.

HJR 9 – Creating a Housing Development Trust Fund Study Commission; Providing for Membership, Organization, and Purpose of the Commission; and Requiring a Report to the Legislature and the Governor.

Representative Sills introduced and brought HA 1 to HJR 9 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 9 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Cordrey, Jonkiert – 2.

Therefore, having received a constitutional majority, HJR 9 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought HB 255 before the House for consideration.

HB 255 – An Act to Amend Chapter 11, Title 12 of the Delaware Code Relating to Unclaimed or Abandoned Property.

The roll call on HB 255 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Cordrey, Jonkiert – 2.

Therefore, having received a constitutional majority, HB 255 was sent to the Senate for concurrence.

Representative Petrilli brought HB 256, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

HB 256 – An Act to Repeal Chapter 35, Title 30 of the Delaware Code Relating to Express Companies, and to Repeal Chapter 37, Title 30 of the Delaware Code Relating to the Imposition of a Tax on the Business of Transporting Passengers by Steam Power, and to Amend Chapter 54, Title 30 of the Delaware Code Relating to the Realty Transfer Tax and Chapter 53, Title 30, of the Delaware Code, Relating to Commissions Paid to Cigarette Tax Affixing Agents.

Representative B. Ennis introduced and brought HA 1 to HB 256 before the House for consideration.

Representative Petrilli requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

Representative Petrilli requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

The roll call on HA 1 to HB 256 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Steele, Van Sant, West, Wingate – 17.

NO: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner – 21.

NOT VOTING: Representative Plant – 1.

ABSENT: Representatives D. Ennis, George – 2.

Therefore, not having received a constitutional majority, HA 1 to HB 256 was declared defeated.

The roll call on HB 256 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative George – 1.

Therefore, having received a constitutional majority, HB 256 was sent to the Senate for concurrence.

Representative Petrilli brought HB 257, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

HB 257 – An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Personal Income Tax of Members of the Armed Forces on Death and the Definition of Resident for Personal Income Tax Purposes. (F/N)

The roll call on HB 257 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Carey, George – 2.

Therefore, having received a constitutional majority, HB 257 was sent to the Senate for concurrence.

Representative Petrilli brought HB 258, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

HB 258 – An Act to Amend Chapter 11, Title 30 of the Delaware Code, Relating to Partnership Tax Returns and Penalties for Failure to File Partnership Tax Returns and Related Information. (2/3 bill)

Mr. Speaker ruled that HB 258 requires a 2/3 vote.

The roll call on HB 258 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Steele – 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 258 was sent to the Senate for concurrence.

Representative Petrilli brought HB 261, cosponsored by Representatives Boykin, Anderson, Brady & Van Sant & Senator Marshall, before the House for consideration.

HB 261 – An Act to Amend Chapter 11, Title 12 of the Delaware Code to Provide for the Escheat to the State of Intangible Ownership Interests in Corporation When Dividends or Other Distributions Thereon Have Been Abandoned.

The roll call on HB 261 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 41.

Therefore, having received a constitutional majority, HB 261 was sent to the Senate for concurrence.

Representative Oberle moved to recess for Caucus at 3:55 p.m.

The House reconvened at 5:25 p.m.

Representative Oberle brought the following Consent Agenda II before the House for consideration:

**HB 277** - REPRESENTATIVE STEELE; SENATOR R. CORDREY - An Act to Amend Chapter 302, Volume 49, Laws of Delaware, Being "An Act to Incorporate the Town of Fenwick Island, Delaware", as Amended, Relating to Assessment and Collection of Taxes, and Elections. (2/3 bill)

**HB 278** - REPRESENTATIVE WINGATE; SENATORS MINNER, R. CORDREY - An Act to Amend An Act Entitled "An Act to Authorize the Commissioners of Lewes to Appoint a Board of Public Works for the Town of Lewes which Shall Establish, Control and Regulate an Electric Light Plant, Water Works and a Sewer System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors" Being Chapter 196, Volume 22, Laws of Delaware, to Authorize Special Assessments or Area Connection Charges Upon Lots and Land Benefiting From Improvements to the Water System, the Sanitary Sewer System, and the Electric System. (2/3 bill)

**SB 82** - SENATORS R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 70, Section 7004 of the Delaware Code, Relating to the Procurement of Services of Supplies.

**SB 83** - SENATORS SLATCHER, ADAMS, R. CORDREY, MINNER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 70, Section 7002 of the Delaware Code, Relating to Salary and Expenses of the County Government.

**SB 85** - SENATORS R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Section 6109, Title 9, of the Delaware Code Annotated, as It Relates to Government of Sussex County Operation of Courthouse.

**SB 86** - SENATORS MINNER, ADAMS, R. CORDREY, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 68, §6810 of the Delaware Code Relating to Road Plats.

**SB 87** - SENATORS R. CORDREY, ADAMS, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Section 7007, Title 9, of the Delaware Code Annotated, as It Relates to Sussex County Advisory Retirement Board.

**SB 88** - SENATORS MINNER, ADAMS, R. CORDREY, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 68, §6804 of the Delaware Code Relating to Organization of Planning and Zoning Commission.

**SB 89** - SENATORS ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 86, §8604 of the Delaware Code Relating to Penalty for Late Payment of Taxes.

**SB 90** - SENATORS ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WINGATE - An Act to Amend Title 9, Chapter 68, §6811 of the Delaware Code Relating to Approval of Plats by Planning and Zoning Commission.

**SB 91** - SENATORS ADAMS, R. CORDREY, MINNER, SLATCHER; REPRESENTATIVES BARNES, CAREY, C. CORDREY, FALLON, STEELE, WEST, WINGATE - An Act to Amend Title 9, Chapter 87, §8705 of the Delaware Code Relating to Lien of Taxes.

Representative Barnes requested that **SB 86** & **SB 90** be removed from Consent Agenda II.

Representative Free requested that **SB 89** be removed from Consent Agenda II.

The roll call on Consent Agenda II was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, Consent Agenda II was adopted and **HB 277** & **HB 278** were sent to the Senate for concurrence and **SB 82**, **SB 83**, **SB 85**, **SB 87**, **SB 88** & **SB 91** were returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on **SB 224**.

Representative Oberle withdrew the motion.

Representative Oberle moved to suspend the rules which interfere with action on **SB 89**. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought **SB 89**, sponsored by Senators Adams, R. Cordrey, Minner & Slatcher & Representatives Barnes, Carey, C. Cordrey, Fallon, Steele, West & Wingate, before the House for consideration.

**SB 89** - An Act to Amend Title 9, Chapter 86, §8604 of the Delaware Code Relating to Penalty for Late Payment of Taxes.

The roll call on **SB 89** was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NO: Representatives Free, Petrilli - 2.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, **SB 89** was returned to the Senate.

Representative Spence brought **HB 210**, jointly sponsored by Representative Petrilli & Senator Holloway & cosponsored by Representatives Maroney & Free & Senators Neal & Zimmerman, before the House for consideration.

**HB 210** - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mandatory Safety Belt Usage in Certain Motor Vehicles and the Effect of Safety Belt Use Upon Insurance Rates.

Representative Spence brought **HA 1** to **HB 210** before the House for consideration. **HA 1** was adopted by voice vote.



Representative Spence introduced and brought HA 2 to HB 210 before the House for consideration. The roll call on HA 2 to HB 210 was taken and revealed:  
YES: Representatives Boykin, Corrozi, D. Ennis, Free, George, Maroney, Oberle, Roy, Smith, Spence, Taylor - 11.  
NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, Gilligan, Houghton, Jester, Mack, Outten, Petrilli, Quillen, Reynolds, Sills, Soles, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 27.  
ABSENT: Representatives Fallon, Jonkiert, Plant - 3.  
Therefore, not having received a constitutional majority, HA 2 to HB 210 was declared defeated.  
Representative Spence introduced and brought HA 3 to HB 210 before the House for consideration. HA 3 was adopted by voice vote.  
Representative Outten introduced and brought HA 4 to HB 210 before the House for consideration. The roll call on HA 4 to HB 210 was taken and revealed:  
YES: Representatives Anderson, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Houghton, Jester, Outten, Quillen, Steele, Van Sant, West - 14.  
NO: Representatives Boykin, Corrozi, Davis, D. Ennis, Free, George, Gilligan, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner - 19.  
NOT VOTING: Representatives Barnes, Bennett, Clark, B. Ennis, Fallon, Wingate - 6.  
ABSENT: Representatives Jonkiert, Plant - 2.  
Therefore, not having received a constitutional majority, HA 4 to HB 210 was declared defeated.  
Representative Outten requested and was granted the privilege of the floor for Francis Murphy, House Attorney.  
The roll call on HB 210 w/HA 1 & 3 was taken and revealed:  
YES: Representatives Boykin, Corrozi, D. Ennis, Free, George, Maroney, Oberle, Petrilli, Roy, Sills, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner - 15.  
NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, Fallon, Gilligan, Houghton, Jester, Jonkiert, Mack, Outten, Quillen, Reynolds, Steele, Van Sant, West, Wingate - 25.  
ABSENT: Representative Plant - 1.  
Therefore, not having received a constitutional majority, HB 210 w/HA 1 & 3 was declared defeated.  
Representative Buckworth brought HB 164, jointly sponsored by Representatives Caulk & Houghton & cosponsored by Representatives Maroney, Campanelli, Jonkiert, Davis, Steele, Carey, Van Sant & George & Senators Holloway & Torbert, before the House for consideration.  
HB 164 - An Act to Amend Titles 24, 29 and 30 of the Delaware Code Relating to Occupational Therapy; and Providing for a Delaware Occupational Therapy Act. (3/5 bill)  
Representative Buckworth requested that HA 1 to HB 164 be stricken.  
Representative Buckworth brought HA 2 to HB 164 before the House for consideration. HA 2 was adopted by voice vote.  
Representative Buckworth requested that HA 3 to HB 164 be stricken.  
Representative Buckworth brought HA 4 to HB 164 before the House for consideration. HA 4 was adopted by voice vote.  
Representative Buckworth introduced and brought HA 5 to HB 164 before the House for consideration. HA 5 was adopted by voice vote.  
Representative Buckworth introduced and brought HA 6 to HB 164 before the House for consideration. HA 6 was adopted by voice vote.  
Representative Buckworth requested and was granted the privilege of the floor for Mary Ellen Jorlin and Clifford B. Hearn, Delaware Occupational Therapy Association.  
The roll call on HB 164 w/HA 2, 4, 5 & 6 was taken and revealed:  
YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.  
ABSENT: Representative Plant - 1.  
Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 164 w/HA 2, 4, 5 & 6 was sent to the Senate for concurrence.  
Representative Fallon introduced HB 347, jointly sponsored by Senator McBride.  
HB 347 - An Act to Amend Chapter 13 and 31, Title 14 of the Delaware Code by Providing an Intensive Learning Center Funding Unit.  
Mr. Speaker assigned HB 347 to the Education Committee.  
Representative Fallon introduced HB 346, jointly sponsored by Senators McBride & Knox & Representative Free.  
HB 346 - An Act to Amend Delaware Code Title 14 to Provide for a Professional Development and Accountability Program for Certain Personnel Employed in the Public Elementary and Secondary Schools of the State and to Create Salary Schedules in Support of Said Program and Setting Forth Conditions Relating to the Expenditure of Funds Appropriated in the Fiscal Year 1986 Budget Act to Implement Said Program.  
Mr. Speaker assigned HB 346 to the Education Committee.  
Representative Steele introduced HB 348.

HB 348 - An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize 'The Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" To Provide Specifically That the Principal and Interest Shall Not be Taxable, and to Provide That the Election May be by Paper Ballot. (2/3 bill)

Mr. Speaker assigned HB 348 to the House Administration Committee.

Representative Oberle moved to recess to the call of the Chair at 8:50 p.m.

46th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 26, 1985

Mr. Speaker Hebner called the House to order at 2:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 38 w/SA 1 (F/N); SB 243; SB 253; SB 227 w/SA 1; SB 136 w/HA 2 & SA 5; SB 231; SB 203; SB 229; SB 235; SB 258; SB 225; SB 256; SB 259; SB 261 (F/N); SB 262; SCR 65; SCR 67; SCR 69; SCR 70; SCR 71; SJR 9; HB 47; HB 48 w/HA 1; HCR 69; HCR 70; HCR 71; HCR 72; HCR 73; SCR 66 & HB 167 w/HA 2, 3, 4.

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

APPRO: HB 80 - 5M,1U; SB 126 - 1F,5M.

JUD: HB 342 - 5M.

ADM/S: HB 268 - 3F,1M; SB 196 w/SA 1 - 2F,3M.

H/ADM: HB 348 - 1F,2M; SB 117 - 1F,2M.

Amended Committee Report: CHILD: HB 15 - 1F,3M.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current legislative day. The House reconvened at 2:30 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 349 - SMITH & SENATOR MCDOWELL - ADM/S: An Act to Amend Section 8642, Chapter 86, Title 29 of the Delaware Code Relating to the Powers and Duties of the Public Advocate and Whom He May Represent.

HB 351 - SPENCE & SENATOR CITRO; REPRESENTATIVES D. ENNIS, B. ENNIS, CORROZI; SENATORS SLATCHER, CONNOR - JUD: An Act to Amend Chapter 41, Part III, Title 21 of the Delaware Code Relating to Rules of the Road and Prohibiting Open or Unsealed Containers of Alcoholic Beverages Within a Motor Vehicle Under Certain Circumstances. (2/3 bill)

HB 352 - BARNES, BUCKWORTH, CAREY, CAULK, B. ENNIS, FALLON, STEELE, WEST; SENATOR MCBRIDE - ADM/S: An Act to Amend the School Bus Transportation Formula.

HB 353 - OUTTEN & B. ENNIS & MARONEY - R&F: An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Health and Life Insurance Carriers Reporting Their Gross Premiums and Making Payments to All Non-Profit and Governmental Agencies Within This State That Provide Basic Life Support, Advanced Life Support, Ambulance or Rescue Service. (3/4 bill)

HB 354 - JONKIERT, GEORGE, C. CORDREY, PLANT, BRADY, VAN SANT, ANDERSON, JESTER, CAMPANELLI, HOUGHTON, WEST, SPENCE, CLARK, SILLS, B. ENNIS, OUTTEN, GILLIGAN; SENATORS HOLLOWAY, MARSHALL, MCDOWELL, MCBRIDE, MARTIN - H/ADM: An Act to Amend Chapter 11, Title 9, Delaware Code, Relating to the Powers and Duties of the President of the New Castle County Government.

HJR 15 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES CLARK, BENNETT, JESTER, ANDERSON, BRADY, C. CORDREY, GILLIGAN, HOUGHTON, OUTTEN, REYNOLDS, SILLS, SMITH, VAN SANT, WEST, WINGATE; SENATORS COOK, TORBERT, MCBRIDE, MINNER - ADM/S: In Recognition of Mr. and Mrs. D. "Buck" Vernon Ford in Conceiving, Developing and Expanding the Chauncey O. Simpson Memorial Rest Area, North of Smyrna, and Further Directing the Department of Transportation to Provide an Appropriate Plaque in Their Honor.

HA 2 to HB 2 - MARONEY - APPRO: Placed with the Bill.

HA 1 to HB 274 - GEORGE - R&F: Placed with the Bill.

HA 2 to HB 276 - OBERLE - AGENDA: Placed with the Bill.

HA 1 to HB 346 - FALLON - ED: Placed with the Bill.

HA 2 to HB 346 - CAULK - ED: Placed with the Bill.

SS 1 for SB 38 w/SA 1 - HOLLOWAY; REPRESENTATIVE VAN SANT - HUM. RES: An Act to Amend Part 1, Subchapter II, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health; and Providing for the Regulation of Home Health Care; and Chapter 93, Title 16 of the Delaware Code Relating to the Definition of a Home Health Agency. (F/N)

SB 203 - SLATCHER & REPRESENTATIVE 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 Relating to Supplemental Tax Assessments". (2/3 bill)

SB 225 – CORDREY & REPRESENTATIVE D. ENNIS; SENATOR ZIMMERMAN – R&F: An Act to Amend An Act, Being Chapter 63, Vol. 12, Laws of Delaware Entitled "An Act to Incorporate the Artisans' Savings Bank," As Amended, by Amending Section 4 Thereof to Allow Members of the Board of Directors to Borrow Funds Deposited With Artisans' Savings Bank. (2/3 bill)

SB 227 w/SA 1 – VAUGHN; REPRESENTATIVE DAVIS – JUD: An Act to Amend Chapter 39, Title 10 of the Delaware Code Relating to Pleading and Practice in the Courts of the State of Delaware.

SB 229 – VAUGHN; REPRESENTATIVE B. ENNIS – H/ADM: An Act to Amend Delaware Code, Title 14, Chapter 19, Relating to Tax Rates in School Districts Which Traverse County Boundary Lines.

SB 231 – ARNOLD; REPRESENTATIVE TAYLOR – JUD: An Act to Amend Title 11, Section 4214, Delaware Code, Relating to Habitual Criminals.

SB 235 – SHARP, CONNOR, BERNDT; REPRESENTATIVE SPENCE – ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to a Moment of Silent Reflection in Public Schools.

SB 243 – VAUGHN, BERNDT; REPRESENTATIVES FALLON, GILLIGAN – ADM/S: An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to the Board of Pension Trustees.

SB 253 – CONNOR; REPRESENTATIVE MACK – H/ADM: An Act to Amend Chapter 121, Volume 32, Laws of Delaware, As Amended, Entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle". (2/3 bill)

SB 256 – CORDREY – ADM/S: An Act to Amend Volume 64, Chapter 137, Laws of Delaware to Correct a Drafting Error.

SB 258 – TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL – JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Use of Number Plates for Manufacturers and Dealers While Teaching a Person to Operate a Motor Vehicle.

SB 259 – TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL – JUD: An Act to Amend Chapters 3, 27, 42 and 83, Title 21 of the Delaware Code Relating to the Issuance, Renewal, Suspension or Revocation of Driver's Licenses.

SB 261 – TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL – JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles and Drivers. (3/5 bill)

SB 262 – TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL – JUD: An Act to Amend Chapter 63, Title 21, Delaware Code, Relating to Licensing of Used-Vehicle Dealers. (F/N)

SJR 9 – BERNDT, KNOX, NEAL, MARSHALL, SHARP, HOLLOWAY; REPRESENTATIVES JONKIERT, BOYKIN, FREE, ROY – ADM/S: Providing for the Creation of a Blue Ribbon Task Force to Study the Creation of a Delaware Port Authority and Appropriation Therefore.

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

APPRO: HB 65 – 6M.

Representative Oberle moved to recess for Caucus at 2:34 p.m.

The House reconvened at 4:20 p.m.

Representative Oberle moved to reconsider SB 179 w/SA 1 & HA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle brought SB 179 w/SA 1 & HA 1, jointly sponsored by Senator Vaughn & Representative Hebner & cosponsored by Senators McBride, Arnold, Berndt, Torbert, Citro, Martin, Neal, Connor & Holloway & Representatives George, B. Ennis, Roy, Taylor, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady & West, before the House for consideration.

SB 179 – An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs.

Representative Oberle introduced and brought HA 2 to SB 179 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 179 w/SA 1 & HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 35.

ABSENT: Representatives Clark, Cordrey, D. Ennis, Jester, Smith, West – 6.

Therefore, having received a constitutional majority, SB 179 w/SA 1 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Oberle brought HB 276, cosponsored by Representatives Davis, Smith, Petrilli, Spence, Roy & D. Ennis & Senators Martin & Arnold, before the House for consideration.

HB 276 – An Act to Amend Section 706, Chapter 7, Title 21 of the Delaware Code Regarding Disposition of Fines and Costs. (3/4 bill)

Representative Oberle brought HA 1 to HB 276 before the House for consideration.

Representative Oberle moved to recess at 4:32 p.m.

The House reconvened at 4:33 p.m.

Representative Oberle requested that HA 1 to HB 276 be stricken.

Representative Oberle brought HA 2 to HB 276 before the House for consideration. HA 2 was adopted by voice vote.

Representative Bennett introduced and brought HA 3 to HB 276 before the House for consideration. HA 3 was defeated by voice vote.

The roll call on HB 276 w/HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Mr. Speaker Hebner - 37.

NO: Representatives Bennett, Clark, Outten, Wingate - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 276 w/HA 2 was sent to the Senate for concurrence.

Representative Oberle introduced Former Speaker of the House, John P. Ferguson.

Representative Taylor moved to lift SB 151 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 151, sponsored by Senator McDowell & cosponsored by Senators Sharp, Martin, Vaughn & Berndt & Representatives Corrozi, D. Ennis, Sills & Campanelli, before the House for consideration.

SB 151 - An Act to Amend Subchapter I, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

Representative Roy requested that HA 1 to SB 151 be stricken.

The roll call on SB 151 was taken and revealed:

YES: Representatives Brady, Campanelli, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 30.

NOT VOTING: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Corrozi, Free, Quillen - 11.

Therefore, having received a constitutional majority, SB 151 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on HB 310. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative West brought HB 310, cosponsored by Representatives Mack, Corrozi, Sills, Jonkiert, Fallon, Spence, Reynolds, Wingate, Gilligan, Bennett, Oberle, Anderson, Boykin, Brady, Carey, B. Ennis, Plant, Steele, Houghton, C. Cordrey, Jester, Clark, Buckworth, Caulk, Van Sant, Barnes, Outten & Roy & Senators Martin, Holloway, Torbert, Cordrey, Minner, Cook, McBride, Adams, Sharp & Marshall, before the House for consideration.

HB 310 - An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to Health and Life Insurance Carriers Reporting Their Gross Premiums and Making Payments to All Nonprofit Organizations Within This State That Provide Ambulance or Rescue Services Including Organizations Such as Volunteer Fire Companies, the Veterans of Foreign Wars and the American Legion. (3/4 bill) (F/N)

Representative West introduced and brought HA 1 to HB 310 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 310 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NO: Representative Smith - 1.

ABSENT: Representatives Bennett, Free - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 310 w/HA 1 was sent to the Senate for concurrence.

Representative C. Cordrey brought HB 300 before the House for consideration.

HB 300 - An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to the Definition of Bingo.

Representative C. Cordrey introduced and brought HA 1 to HB 300 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 300 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Buckworth, Davis, Quillen - 3.

Therefore, having received a constitutional majority, HB 300 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 174, jointly sponsored by Representative Spence & Senator Holloway, before the House for consideration.

HB 174 - An Act to Amend Chapter 57, Title 25 of the Delaware Code Relating to Landlord/Tenant Appeal Procedures.

The roll call on HB 174 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 174 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 224, jointly sponsored by Representative Oberle, before the House for consideration.

HB 224 - An Act to Amend Chapter 57, Title 25, of the Delaware Code to Require Landlords to Change the Locks of Premises Returned to Them as a Result of a Summary Proceeding for Possession for the Protection of Future Tenants.

The roll call on HB 224 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 224 was sent to the Senate for concurrence.

Representative B. Ennis brought HB 273, cosponsored by Representatives Jonkiert, Van Sant, Spence, West, Clark, Campanelli, Outten, Reynolds, Brady, Davis, C. Cordrey & Houghton & Senators Vaughn & Torbert, before the House for consideration.

HB 273 - An Act to Amend Subchapter I, Chapter 21, Delaware Code, Relating to Registration of Vehicles.

The roll call on HB 273 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 273 was sent to the Senate for concurrence.

Representative Davis brought HB 141, cosponsored by Representatives Reynolds, Spence, Houghton, Barnes, Van Sant, B. Ennis & Oberle, before the House for consideration.

HB 141 - An Act to Amend Chapters 3, 7, 21, 23, 27, 31, 41, 42 and 43, Title 21 of the Delaware Code Relating to the Penalty Provisions of the Motor Vehicle Code. (2/3 bill)

Representative Davis moved to place HB 141 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with action on HB 156. The motion was properly seconded and adopted by voice vote.

Representative Soles brought HB 156, cosponsored by Representatives Anderson & D. Ennis & Senators Bair, Martin & Minner, before the House for consideration.

HB 156 - An Act to Amend Chapter 55, Title 25 of the Delaware Code, to Require a Landlord to Disclose the Tenant's Cancellation Rights on the Face of the Application Form.

The roll call on HB 156 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 156 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 307, jointly sponsored by Representatives Buckworth, Quillen & West, before the House for consideration.

HB 307 - An Act to Amend Chapter 23, Title 18 of the Delaware Code Relating to Political Contributions by Insurers.

Representative Jonkiert introduced and brought HA 1 to HB 307 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 307 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 307 w/HA 1 was sent to the Senate for concurrence.

Representative Barnes brought HB 306, cosponsored by Representatives Buckworth, Quillen, Roy, Caulk, B. Ennis, Outten, Clark & Bennett & Senators McDowell, Slatcher & Adams, before the House for consideration.

HB 306 - An Act to Amend Chapter 1, Title 26, Delaware Code, Relating to Requiring Approval of the Delaware Public Service Commission Prior to Transfer of Control of a Delaware Public Utility.

The roll call on HB 306 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Bennett - 1

ABSENT: Representatives D. Ennis, Smith - 2.

Therefore, having received a constitutional majority, HB 306 was sent to the Senate for concurrence.

Representative Spence brought HB 318, jointly sponsored by Representative Houghton & cosponsored by Representatives Hebner, Oberle, Caulk, Davis, Taylor, Steele, Maroney, B. Ennis & Van Sant, before the House for consideration.

HB 318 – An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Minimum Mandatory Sentences for Certain Criminal Acts Which Cause Death.

Representative Spence introduced and brought HA 1 to HB 318 before the House for consideration. HA 1 was adopted by voice vote.

Representative Spence introduced and brought HA 2 to HB 318 before the House for consideration.

Representative Spence requested and was granted the privilege of the floor for Dale N. Swain, President, Mothers Against Drunk Drivers.

The roll call on HA 2 to HB 318 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Outten, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 31.

NO: Representatives Anderson, B. Ennis, Sills, Soles – 4.

NOT VOTING: Representative Boykin – 1.

ABSENT: Representatives D. Ennis, Free, Maroney, Petrilli, Plant – 5.

Therefore, having received a constitutional majority, HA 2 to HB 318 was adopted.

Representative Spence requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Spence requested and was granted the privilege of the floor for Dale N. Swain, President, Mothers Against Drunk Drivers.

Representative Spence moved to place HB 318 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle moved to recess at 6:35 p.m.

The House reconvened at 7:50 p.m.

Representative Steele brought HB 90 before the House for consideration.

HB 90 – An Act to Appropriate Money to Thomas Lawrence Winterbottom, Sr., A Veteran Eligible for the Bonus Paid by the State Pursuant to the Veteran's Military Pay Act No. II, But Who Did Not Receive His Bonus.

The roll call on HB 90 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 32.

ABSENT: Representatives Boykin, Buckworth, Campanelli, D. Ennis, Fallon, Free, Plant, Quillen, Smith – 9.

Therefore, having received a constitutional majority, HB 90 was sent to the Senate for concurrence.

Representative Brady brought HB 122, cosponsored by Representatives Anderson, Caulk, C. Cordrey, B. Ennis, D. Ennis, Gilligan, Houghton, Jester, Outten, Reynolds, Sills, Soles & Van Sant & Senators Bair, Berndt, Marshall, Martin, McDowell & Minner, before the House for consideration.

HB 122 – An Act Awarding a Service Connected Disability Pension to Larry C. Johnson and Directing the Board of Pension Trustees to Administer the Pension Provided as if the Award Were Made Pursuant to Section 8324, Chapter 83, Subchapter II, Title 11 of the Delaware Code. (F/N)

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

The Reading Clerk read the following communication into the record:

#### A F F I D A V I T

STATE OF DELAWARE:

SS:

NEW CASTLE COUNTY:

I, COLONEL JAMES L. FORD, JR., (Rtd.) being duly sworn, depose and say that the below information is true and correct to the best of my information, knowledge and belief:

(1) At the time of the injuries sustained by Delaware State Police Officer Larry C. Johnson, I was superintendent of the Delaware State Police....

The roll call on HB 122 was taken and revealed:

YES: Representatives Anderson, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Spence, Steele, Van Sant, West – 22.

NO: Representatives Free, Mack, Maroney, Quillen – 4.

NOT VOTING: Representatives Barnes, Bennett, Boykin, Buckworth, Corrozi, Davis, Oberle, Petrilli, Reynolds, Roy, Taylor, Wingate, Mr. Speaker Hebner – 13.

ABSENT: Representatives Plant, Smith – 2.

Therefore, having received a constitutional majority, HB 122 was sent to the Senate for concurrence.

Representative Clark brought HB 71 w/SA 2, cosponsored by Representatives Carey, Caulk, C. Cordrey, Jester & West, before the House for consideration.

HB 71 – An Act to Amend Chapter 15, Title 3 of the Delaware Code Relating to Grass Seed Mixtures.

The roll call on HB 71 w/SA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Oberle, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 71 w/SA 2 was sent to the Governor.

Representative Sills brought HB 142, cosponsored by Senator Holloway, before the House for consideration.

HB 142 - An Act to Amend Chapter 5, Title 31 of the Delaware Code to Authorize the Department of Health and Social Services to Increase Aid to Families With Dependent Children. (F/N)

Representative Sills introduced and brought HA 1 to HB 142 before the House for consideration. HA 1 was adopted by voice vote.

Representative Sills introduced and brought HA 2 to HB 142 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 142 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, Smith - 2.

Therefore, having received a constitutional majority, HB 142 w/HA 1 & 2 was sent to the Senate for concurrence.

The following prefiled Consent Calendar #16 was introduced:

HR 85 - OBERLE, HEBNER, BARNES, GILLIGAN - Relating to Classification, Titles and Compensation Rates for Officers of the House.

HR 96 - CAMPANELLI - Petitioning the President of The United States, The United States Senate and The United States House of Representatives to Expel The United Nations From the Sovereign Territory of The United States for the Purpose of Relocating This Political Organization in Another Country.

HR 97 - CAREY, BARNES, STEELE, FALLON, WEST, C. CORDREY, WINGATE - Mourning the Passing of Sara S. Stevenson, Devoted Wife, Mother, and Community Activist.

HR 98 - OBERLE - Commending the Delaware Better Business Bureau on Its Twentieth Anniversary of Helping Delaware Consumers and Encouraging Future Efforts for Retail Stores to Post Refund and Exchange Policies.

HR 99 - JESTER - Congratulating Susan C. Jamison, Director of the Corbit-Calloway Memorial Library of Odessa, Upon Receiving the Facts-on-File Librarian's Award for Outstanding Publishing Ideas.

HR 100 - JESTER - Congratulating Shawn Goodier and Mark Del Percio Upon Their Election to Office in Boys State 1985.

HR 101 - VAN SANT - Honoring Mrs. Ann Cocco, Former President of the Brack-Ex-Roselle Civic Association, for Her Tireless and Unselfish Work in the Community.

HR 102 - QUILLEN, ANDERSON - Congratulating Daniel Clifton Palmer as Delaware's Outstanding Young Farmer.

HR 103 - WEST - Supporting House Joint Resolution 300 of the 99th Congress Designating the Week of August 11, 1985, as Social Security Week, as The Nation Observes The 50th Anniversary of the Signing of the Law on August 14, 1985.

HR 104 - DAVIS - Welcoming the F. C. Sutton Dynamo Youth Soccer Club From Dartford, Kent County, England on Their Visit to Delaware.

HR 105 - DAVIS - Welcoming the S. V. Westfalia Youth Soccer Club to Delaware.

HR 75 - BARNES & SENATOR ADAMS - Congratulating Steven Ray Mast Upon Being Named the Graduating Senior With The Highest Academic Average Earned in Full Time Study Toward a Baccalaureate Degree at the University of Delaware's 1985 Graduation Ceremonies.

HR 76 - JESTER & SENATOR MINNER - Welcoming to The House Chamber the Delegates of the 1985 Girls State, and Commending the American Legion, Department of Delaware, for Their Continued Sponsorship of This Program.

HR 77 - C. CORDREY & FALLON, JONKIERT, SILLS, QUILLEN, GEORGE, MARONEY, BENNETT, BUCKWORTH, CAULK, STEELE, HOUGHTON, D. ENNIS, CAREY, BRADY, SMITH, OUTTEN, WEST, SPENCE, GILLIGAN, MACK, JESTER, BOYKIN, VAN SANT, REYNOLDS; SENATORS MARTIN, MARSHALL, COOK, ZIMMERMAN, MINNER, MCDOWELL, ADAMS, KNOX, CORDREY, TORBERT - Requesting the Honorable Michael N. Castle, Governor of the State of Delaware Pursue Planning, Funding and Construction of an Information Center and Rest Area on U. S. Rt. #13 Near the Delaware-Maryland Border.

HR 78 - CLARK & HOUGHTON & CAULK, ROY, CORROZI, BARNES, FALLON, QUILLEN, DAVIS, REYNOLDS, SPENCE, TAYLOR, BENNETT, BOYKIN, JONKIERT, BRADY, MACK, JESTER, VAN SANT, OUTTEN, SILLS, ANDERSON, WINGATE, B. ENNIS, CAREY, CAMPANELLI, STEELE, PLANT, BUCKWORTH; SENATORS MARSHALL, CITRO, VAUGHN, TORBERT, MARTIN, KNOX, CONNOR, MINNER, HOLLOWAY, SHARP, CORDREY - Requesting the Department of Natural Resources and Environmental Control Investigate the Feasibility of Establishing Permanent Sites on Public Lands Where Off-Highway Vehicles Can be Legally Operated.

HR 79 - VAN SANT, CAMPANELLI; SENATORS SHARP, CITRO - Saluting the Valiant Efforts of Ms. Suzanne Rummell.

HR 80 - B. ENNIS; SENATOR VAUGHN - Commending Tanya Lynne Robinson, Age Nine, of Smyrna, Delaware, for Having Won Several Titles in the Twenty-Second Annual Miss Hemisphere Beauty Pageant.

HCR 81 - OBERLE, MACK, CAMPANELLI, JONKIERT, SPENCE, DAVIS, REYNOLDS, ROY, GEORGE, GILLIGAN, ANDERSON; SENATORS CORDREY, SHARP, MARSHALL, VAUGHN, MARTIN - Congratulating Delaware's United Auto Workers Upon the Occasion of the Fiftieth Anniversary of the United Auto Workers' Union.

SCR 54 - MARSHALL, MCDOWELL; REPRESENTATIVES JONKIERT, STEELE - Creating a Special Committee to Study the Problems of the Victims and Families of Alzheimer's Dementia.

SCR 65 - ARNOLD & BAIR, SHARP, KNOX; REPRESENTATIVES ROY, GILLIGAN, TAYLOR, DAVIS - Congratulating the Kirkwood Warriors for Finishing First and the Concord Cougars for Finishing Second in the Under 12 Division of the Delaware Youth Soccer Association Bicentennial Cup.

SCR 66 - MARSHALL; REPRESENTATIVE JONKIERT - Recognizing Saturday, June 29, 1985, as Tony Lewandowski Day in Delaware and Recognizing the Courage and Tenacity of This Special Young Man.

SCR 67 - MCBRIDE & REPRESENTATIVE SPENCE - Honoring Nicole Ivy Williamson Upon Her Selection as Miss Delaware National Preteen at the State Contest Held on May 26, 1985.

SCR 69 - MCDOWELL, CITRO, MCBRIDE, ARNOLD, SHARP, MARSHALL - Commending the Red Clay Consolidated School District for Initiating a Pilot Program for Latchkey Children and Also Commending the Gannett Foundation for Providing the Grant.

SCR 70 - MARTIN; REPRESENTATIVE ANDERSON - Congratulating Nada Ann Jones of Newark for Meritorious Performance in Education on the Occasion of Obtaining a Master's Degree in Education in Under Five Years.

SCR 71 - ADAMS, CORDREY, SLATCHER, MINNER; REPRESENTATIVES BARNES, CAREY, FALLON WEST, C. CORDREY, STEELE, WINGATE - Extending Sympathy to Sussex County Councilman William D. Stevenson and His Family Upon Learning of His Wife's Death on June 18, 1985.

SCR 72 - MCDOWELL, CORDREY, SHARP, BAIR, ARNOLD; REPRESENTATIVES GEORGE, GILLIGAN, HEBNER, SOLES, OBERLE - Extending an Official Welcome to the Chinese Journalists Who Are Visiting the Great State of Delaware and Wishing Them a Very Enlightening and Enjoyable Stay.

SCR 73 - ZIMMERMAN, VAUGHN, COOK, MINNER, TORBERT; REPRESENTATIVES OUTTEN, BENNETT, CLARK, B. ENNIS, BUCKWORTH, QUILLEN, BARNES, CAULK - Providing for the Designation of October 10th as James E. Miller Day in Delaware.

Representative Brady introduced HCR 82, cosponsored by Representative Hebner & Senators Bair & Berndt.

HCR 82 - Honoring Boy Scout Troop #62 Claymont on the Celebration of Its 50th Anniversary and Recognizing August 16 and 17, 1985 as Boy Scout Troop #62 Claymont Days in Delaware.

HCR 82 was placed on Consent Calendar #16.

Representative Maroney requested that SCR 54 be removed from Consent Calendar #16.

Consent Calendar #16 was adopted by voice vote and HCR 75, HCR 76, HCR 77, HCR 78, HCR 79, HCR 80, HCR 81 & HCR 82 were sent to the Senate for concurrence and SCR 65, SCR 66, SCR 67, SCR 69, SCR 70, SCR 71, SCR 72 & SCR 73 were returned to the Senate.

Representative Maroney brought SCR 54, sponsored by Senators Marshall & McDowell & Representatives Jonkiert & Steele, before the House for consideration.

SCR 54 - Creating a Special Committee to Study the Problems of the Victims and Families of Alzheimer's Dementia.

Representative Maroney brought HA 1 to SCR 54 before the House for consideration. HA 1 was adopted by voice vote.

SCR 54 w/HA 1 was adopted by voice vote and returned to the Senate for concurrence on HA 1.

Representative Oberle moved to suspend the rules which interfere with action on HB 136 w/HA 2 & SA 5. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Fallon brought HB 136 w/HA 2 & SA 5 before the House for consideration.

HB 136 - An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Finishing in Tidal and Non-Tidal Waters of the State for All Finfish Except Menhaden.

The roll call on HB 136 w/HA 2 & SA 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NO: Representative Steele - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 136 w/HA 2 & SA 5 was sent to the Governor.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on HJR 16. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Corrozi introduced and brought HJR 16, jointly sponsored by Senator Cordrey & cosponsored by Representatives George & Petrilli & Senators Berndt & Cook, before the House for consideration.

HJR 16 - The Official Estimate of General Fund Revenues for Fiscal Year 1985.

The roll call on HJR 16 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.



ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HJR 16 was sent to the Senate for concurrence.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on HJR 17. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Corrozi introduced and brought HJR 17, jointly sponsored by Senator Cordrey & cosponsored by Representatives George & Petrilli & Senators Berndt & Cook, before the House for consideration.

HJR 17 - The Official Estimate of General Fund Revenues for Fiscal Year 1986.

The roll call on HJR 17 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HJR 17 was sent to the Senate for concurrence.

Representative Maroney brought HB 319, cosponsored by Senator Holloway, before the House for consideration.

HB 319 - An Act to Amend Chapter 5, Title 31, Delaware Code, Relating to Public Assistance.

The roll call on HB 319 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 319 was sent to the Senate for concurrence.

Representative Mack brought HB 293, cosponsored by Representative Carey, before the House for consideration.

HB 293 - An Act to Amend Chapter 60, Part VII, Title 7, Delaware Code, Relating to the Definition of Person.

The roll call on HB 293 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority, HB 293 was sent to the Senate for concurrence.

Representative Caulk brought HB 227, cosponsored by Representatives Carey, Clark, C. Cordrey & Mack, before the House for consideration.

HB 227 - An Act to Amend Chapters 51 and 53, Title 3 and Chapter 81, Title 29 of the Delaware Code Relating to the Council on Apple Promotion, The Promotion of Apples and Tax Upon Apples.

The roll call on HB 227 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 33.

NO: Representative George - 1.

NOT VOTING: Representatives Free, Sills - 2.

ABSENT: Representatives D. Ennis, Jonkiert, Oberle, Plant, Smith - 5.

Therefore, having received a constitutional majority, HB 227 was sent to the Senate for concurrence.

Representative Reynolds brought HB 303, jointly sponsored by Senator McBride & cosponsored by Representative Spence, before the House for consideration.

HB 303 - An Act to Amend Section 960(d), Part D, Subchapter III, Chapter 9, Title 10, Delaware Code, Relating to Appeals From the Family Court of the State of Delaware.

The roll call on HB 303 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives D. Ennis, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 303 was sent to the Senate for concurrence.

Representative Reynolds brought HB 316, cosponsored by Representatives Davis, Spence & Van Sant & Senator Connor, before the House for consideration.

HB 316 - An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Transfer of Cases to the Court of Common Pleas.

Representative Reynolds requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Reynolds moved to place HB 316 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative C. Cordrey brought HB 252, cosponsored by Representatives Carey, Caulk, Clark & Mack & Senators Adams, Connor, Cook, Slatcher & Vaughn, before the House for consideration.

HB 252 – An Act to Amend Chapter 25, Title 3 of the Delaware Code Relating to Dealers in Agricultural Products. (2/3 bill)

The roll call on HB 252 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Buckworth, D. Ennis, Plant, Smith – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 252 was sent to the Senate for concurrence.

Representative Corrozi introduced HB 355, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn.

HB 355 – An Act to Amend Chapter 61, Title 29 of the Delaware Code Relating to the Establishment and Maintenance of an Indirect Costs Special Fund Account.

Mr. Speaker assigned HB 355 to the Appropriations Committee.

Representative Oberle introduced HB 356, cosponsored by Representatives Buckworth, Reynolds, Maroney, Corrozi, Spence, Roy, Carey, Steele, D. Ennis, Fallon, Boykin, Campanelli, Bennett, George, Soles, Brady, Jester, Anderson, West, Plant, Gilligan & B. Ennis.

HB 356 – An Act to Amend Chapter 21, Title 23 Delaware Code, and by Creating a New Chapter 22, Title 23, Delaware Code Relating to the Operating, and/or Control of a Vessel or Boat Upon the Waters of the State of Delaware While Under the Influence of Alcohol and/or Drugs. (2/3 bill)

Mr. Speaker assigned HB 356 to the House Administration Committee.

Representative Wingate moved to suspend the rules which interfere with introduction of and action on HJR 18. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Wingate introduced and brought HJR 18, jointly sponsored by Representative Steele & cosponsored by Representatives Van Sant, Outten, Gilligan, Jester, Caulk, Carey & Maroney & Senators Minner, Slatcher & Cordrey, before the House for consideration.

HJR 18 – Providing for the Establishment of a Mobile Home Study Commission to Study the Problems and Issues Relating to Mobile Home Residents, Business Endeavors, the Ramifications and Implications of Mobile Home Problems and Issues for the Public in General; Further Providing Staff Assistance and the Issuance of a Final Report of Their Findings and Recommendations.

The roll call on HJR 18 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Caulk, Clark, Cordrey, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 33.

ABSENT: Representatives Buckworth, Carey, Corrozi, D. Ennis, Free, Plant, Smith, West – 8.

Therefore, having received a constitutional majority, HJR 18 was sent to the Senate for concurrence.

Representative Spence moved to lift HB 318 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Spence brought HB 318 w/HA 1 & 2, jointly sponsored by Representative Houghton & cosponsored by Representatives Hebner, Oberle, Caulk, Davis, Taylor, Steele, Maroney, B. Ennis & Van Sant, before the House for consideration.

HB 318 – An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Minimum Mandatory Sentences for Certain Criminal Acts Which Cause Death.

The roll call on HB 318 w/HA 1 & 2 was taken and revealed:

YES: Representatives Barnes, Buckworth, Carey, Davis, D. Ennis, Fallon, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Reynolds, Roy, Spence, Steele, Taylor, West, Mr. Speaker Hebner – 19.

NO: Representatives Brady, Campanelli, Clark, Sills, Soles – 5.

NOT VOTING: Representatives Anderson, Bennett, Boykin, Caulk, Cordrey, B. Ennis, George, Outten, Quillen, Smith, Van Sant, Wingate – 12.

ABSENT: Representatives Corrozi, Free, Jonkiert, Petrilli, Plant – 5.

Therefore, not having received a constitutional majority, HB 318 w/HA 1 & 2 was declared defeated.

Representative Davis moved to lift HB 141 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Davis brought HB 141, cosponsored by Representatives Reynolds, Spence, Houghton, Barnes, Van Sant, B. Ennis & Oberle, before the House for consideration.

HB 141 – An Act to Amend Chapters 3, 7, 21, 23, 27, 31, 41, 42 and 43, Title 21 of the Delaware Code Relating to the Penalty Provisions of the Motor Vehicle Code. (2/3 bill)

Representative Davis introduced and brought HA 1 to HB 141 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 141 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 33.

NO: Representatives Clark, Jonkiert, Sills, Steele, West – 5.

ABSENT: Representatives Corrozi, Petrilli, Plant – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 141 w/HA 1 was sent to the Senate for concurrence.

Representative Steele introduced HB 357, cosponsored by Senator Cordrey.

HB 357 – An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize 'The Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" to Provide Specifically That the Principal and Interest Shall Not be Taxable, to Provide a Maximum Bonded Indebtedness for Purposes of This Act Not to Exceed \$2,000,000.00, and to Provide That the Election May be by Paper Ballot. (2/3 bill)

Mr. Speaker assigned HB 357 to the House Administration Committee.

Representative Oberle moved to recess to the call of the Chair at 9:50 p. m.

47th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 27, 1985

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

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

JUD HB 351 – 2F,2M; SB 227 w/SA 1 – 3F,1M; SB 231 – 3F,1M; SB 258 – 3F,1M; SB 259 – 3F,1M; SB 261 – 3F,1M; SB 262 – 3F,1M.

R&F: HB 109 – 7M; HB 315 – 1F,6M; HB 339 – 7M; HB 340 – 7M.

ADM/S: HS 1 for HB 114 – 4M.

ED: HB 309 – 1F,4M.

H/ADM: HB 356 – 1F,2M; HB 357 – 3M; SB 238 – 3M.

HUM. RES: SS 1 for SB 38 w/SA 1 – 3F.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 252 w/SA 3 (F/N); SB 245 w/SA 1; SCR 73, SB 228; SB 246, SB 232 (F/N); SB 240; SB 249; SCR 72; HB 232; HB 231 w/HA 1; SB 1 (F/N); SB 254 w/SA 1 & 2; SB 270 w/ SA 1 & 2 (F/N); SB 272; SB 273; SB 274; SB 238; HB 178 & HB 253 w/HA 1.

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

H/ADM: SB 224 – 3M.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current legislative day. The House reconvened at 2:02 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant – 1.

A prayer was offered by Speaker Charles Hebner, Ninth Representative District.

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

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

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

APPRO: HB 350 – 6F; HB 355 – 6F.

The following prefiled legislation was introduced:

HB 358 – D. ENNIS, PETRILLI – R&F: An Act to Amend Section 1001, Title 5 of the Delaware Code to Amend the Definition of a "Qualifying Association" and a "Qualifying Corporation" Under the Consumer Credit Bank Act. (2/3 bill)

HB 359 – CAULK – APPRO: An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Salaries & OEC) to the University of Delaware, Operations (90-01-001) for the Purpose of Continuing the Cooperative Extension Farm Safety Program.

HB 360 – JONKIERT – JUD: An Act to Amend Chapter 51, Part III, Title 11 of the Delaware Code Relating to Procedure in the Superior Court.

HB 361 – HOUGHTON, BRADY, MACK, SPENCE, VAN SANT; SENATORS CITRO, COOK, MCBRIDE – ADM/S: An Act Awarding Special Pension Benefits to Leroy O'Neal, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

HS 1 for HB 341 – OBERLE – H/ADM: An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to the Profession of Optometry.

HA 3 to HB 2 – JESTER – APPRO: Placed with the Bill.

HA 1 to HB 204 – STEELE – READY LIST: Placed with the Bill.

HA 1 to HB 326 – MARONEY – READY LIST: Placed with the Bill.

HA 1 to HB 334 – ROY – ADM/S: Placed with the Bill.

HA 3 to HB 346 – FALLON – ED: Placed with the Bill.

HA 1 to HB 353 – OUTTEN – R&F: Placed with the Bill.

SB 1 - SHARP, ADAMS, COOK, CORDREY, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, TORBERT, VAUGHN, ZIMMERMAN, CITRO - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code, to Increase the Allowable Deduction for Personal Exemption from \$800 to \$1,000, and Relating to Requirement to File on Delaware State Income Tax. (F/N)

SB 228 - VAUGHN & SHARP, COOK, TORBERT, ADAMS, MARTIN, MCBRIDE, CITRO; REPRESENTATIVES HOUGHTON, ANDERSON, BENNETT, B. ENNIS, GEORGE, C. CORDREY, CLARK, VAN SANT, BRADY, JESTER, JONKIERT, GILLIGAN, REYNOLDS, DAVIS, SPENCE - JUD: An Act to Amend Title 11, Chapter 65 of Delaware Code, to Clarify the Circumstances Under Which Class A Felons and Felony Sex Offenders May be Outside the Confines of the Correctional Institution to Which They are Classified.

SB 232 - CORDREY - LABOR: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation Coverage for Volunteer Ambulance Companies. (F/N)

SB 238 - MARSHALL, CORDREY, KNOX, MCBRIDE, CONNOR; REPRESENTATIVES HEBNER, GEORGE - H/ADM: An Act to Amend Titles 5, 6 and 30 of the Delaware Code by Revising the Provisions of the Delaware Banking Laws Restricting Participation by Banks in Export Trading Companies; and by Providing State Antitrust Exemption for Activities of Export Trading Companies Permitted by Federal Law; by Providing an Exemption From the Taxation of Net Income for Export Trading Companies; and by Providing for the Exemption of Export Trading Companies From the Provisions of the Mercantile Tax.

SB 240 - MINNER & BAIR - ADM/S: An Act to Amend Title 29, Chapter 69 of the Delaware Code Relating to Public Works Contracts.

SB 245 w/SA 1 - VAUGHN, COOK, MINNER, TORBERT, ZIMMERMAN, ADAMS; REPRESENTATIVES HOUGHTON, BRADY, B. ENNIS, GILLIGAN, VAN SANT, C. CORDREY, OUTTEN, JESTER, ANDERSON, WINGATE, SOLES, SILLS, REYNOLDS, BUCKWORTH, BARNES, DAVIS - ADM/S: An Act to Amend Chapter 66, Title 16, Delaware Code, by Establishing a Fire Marshal's Advisory Board and a Fire School Advisory Board.

SB 246 - ZIMMERMAN - ED: An Act to Amend Chapter 34, Title 14, Delaware Code, Relating to State-Financed Scholarships on the Basis of Need.

SB 249 - CORDREY - H/ADM: An Act to Amend Chapter 143, Volume 57, Laws of Delaware, Entitled: "An Act to Incorporate the Town of South Bethany." (2/3 bill)

SB 252 w/SA 3 - ZIMMERMAN, MCBRIDE, CONNOR, NEAL, HOLLOWAY, MARTIN; REPRESENTATIVES WINGATE, JESTER, OUTTEN, VAN SANT, CORDREY, FALLON - ED: An Act to Amend Chapter 34, Title 14, Delaware Code, by Establishing a Delaware Scholars Program. (F/N)

SB 254 w/SA 1, 2 - MINNER, COOK, VAUGHN, ADAMS, TORBERT; REPRESENTATIVES OUTTEN, B. ENNIS, CLARK, BUCKWORTH, CAULK, QUILLEN, BARNES - H/ADM: An Act to Amend Title 9, 10 and 12 of the Delaware Code Relating to Increase of Salary for Particular Kent County Officials.

SB 270 w/SA 1, 2 - CORDREY & REPRESENTATIVES OBERLE, STEELE, WINGATE, HEBNER, BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, FREE, MACK, MARONEY, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, TAYLOR, ANDERSON, BENNETT, BRADY, CAMPANELLI, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, OUTTEN, PLANT, SILLS, SOLES, VAN SANT, WEST; SENATORS SHARP, COOK, ADAMS, MCBRIDE, MINNER, TORBERT, VAUGHN, ZIMMERMAN, MARSHALL, HOLLOWAY, MARTIN, ARNOLD, BAIR, CITRO, CONNOR, KNOX, NEAL, SLATCHER - R&F: An Act Amending Chapters 13 and 15, Title 30 of the Delaware Code Relating to Inheritance and Estate Taxes. (F/N)

SB 272 - COOK, MINNER, TORBERT, VAUGHN, ADAMS; REPRESENTATIVES CLARK, B. ENNIS, BUCKWORTH, CAULK, QUILLEN, BARNES - H/ADM: An Act to Amend Chapter 41, Part III, Title 9 of the Delaware Code Relating to Kent County; and Conferring Certain Powers Upon the Kent County Government.

SB 273 - COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN, ADAMS; REPRESENTATIVES BENNETT, CLARK, B. ENNIS, OUTTEN, BUCKWORTH, CAULK, QUILLEN, BARNES - ED: An Act to Amend Subchapter IV, Chapter 10, Title 14 of the Delaware Code, Relating to Nominations of School Board Members.

SB 274 - COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN, ADAMS; REPRESENTATIVES BENNETT, CLARK, B. ENNIS, OUTTEN, BUCKWORTH, CAULK, QUILLEN, BARNES - H/ADM: An Act to Amend Chapter 43, Title 9, Delaware Code, Relating to the Elimination of Pension Bridging for Kent County Employees.

Representative Taylor brought HB 296, cosponsored by Representative Roy & Senators Martin, Sharp & Arnold, before the House for consideration.

HB 296 - An Act to Amend Chapter 51, Title 30, Delaware Code Relating to Clarifying the Definition of Streets Receiving Municipal Street Aid.

Representative Oberle moved to recess at 2:10 p.m.

The House reconvened at 2:40 p.m.

Representative Taylor brought HA 1 to HB 296 before the House for consideration. HA 1 was adopted by voice vote.

Representative Taylor requested and was granted the privilege of the floor for Mark A. McNulty, Executive Assistant, Department of Transportation.

Representative Taylor moved to place HB 296 w/HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Davis brought HB 152, cosponsored by Representatives Reynolds, Spence, Barnes, Oberle, Houghton, Van Sant & B. Ennis, before the House for consideration.

HB 152 - An Act to Amend Section 9801, Chapter 98, Title 10 of the Delaware Code Relating to Justice of the Peace Court Costs.

The roll call on HB 152 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Silles, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Campanelli, West - 2.

ABSENT: Representatives D. Ennis, Outten, Plant - 3.

Therefore, having received a constitutional majority, HB 152 was sent to the Senate for concurrence.

Representative Davis brought HB 107 before the House for consideration.

HB 107 - An Act to Amend Chapter 14, Title 24 Delaware Code Relating to Certification and Registration of Electrical Contractors.

Representative Davis brought HA 1 to HB 107 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 107 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Barnes, Cordrey, Outten, Plant, Roy - 5.

Therefore, having received a constitutional majority, HB 107 w/HA 1 was sent to the Senate for concurrence.

The correct roll call on HB 152 was announced as follows:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 36.

NO: Representative West - 1.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives D. Ennis, Outten, Plant - 3.

Representative Gilligan brought HB 65, cosponsored by Senator Minner, before the House for consideration.

HB 65 - An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Taxes by Allowing a Credit for Members of Delaware Volunteer Fire Company Auxiliaries for Certain Expenses. (F/N)

Representative Gilligan introduced and brought HA 1 to HB 65 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 65 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, Campanelli, Outten, Plant - 4.

Therefore, having received a constitutional majority, HB 65 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 254, cosponsored by Representatives Brady, C. Cordrey, Houghton, Van Sant & West & Senator Marshall, before the House for consideration.

HB 254 - An Act to Amend Part VI, Title 11 of the Delaware Code Relating to Victims and Witnesses; and Providing a "Bill of Rights" for Victims and Witnesses.

Representative Reynolds introduced and brought HA 1 to HB 254 before the House for consideration. Representative Reynolds moved to place HA 1 to HB 254 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Jonkiert moved to place HB 254 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Mack brought HB 342 before the House for consideration.

HB 342 - An Act to Amend Chapter 5, Title 21 of the Delaware Code Relating to the Erection of Traffic Signs.

The roll call on HB 342 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Mr. Speaker Hebner - 33.

NO: Representatives Roy, Wingate - 2.

ABSENT: Representatives Barnes, B. Ennis, Jonkiert, Outten, Plant, Sills - 6.

Therefore, having received a constitutional majority, HB 342 was sent to the Senate for concurrence.

Representative Taylor brought HB 225, cosponsored by Representatives Roy, B. Ennis & Gilligan & Senators Berndt, Arnold & Marshall, before the House for consideration.

HB 225 - An Act to Amend Chapter 60A, Title 29, Delaware Code Relating to Deferred Compensation for Public Officers or Employees of the State.

The roll call on HB 225 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Houghton, Jester, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Gilligan, Jonkiert, Outten, Plant - 4.

Therefore, having received a constitutional majority, HB 225 was sent to the Senate for concurrence.

Representative West brought HB 31, cosponsored by Representatives Van Sant, Anderson, Houghton, Jonkiert, Quillen, Clark, C. Cordrey, Buckworth, Steele, Carey, B. Ennis, Plant & Jester, before the House for consideration.

HB 31 – An Act to Amend Chapter 41, Title 18 of the Delaware Code Relating to Property Insurance Contracts.

Representative West brought HA 1 to HB 31 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 31 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Maroney, Outten, Plant, Roy – 4.

Therefore, having received a constitutional majority, HB 31 w/HA 1 was sent to the Senate for concurrence.

Representative Davis brought HB 199, cosponsored by Representatives Roy & Houghton & Senators McDowell & Martin, before the House for consideration.

HB 199 – An Act to Amend Chapter 33, Title 24 of the Delaware Code Relating to the Board of Veterinary Medicine.

Representative Davis brought HA 1 to HB 199 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 199 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Oberle, Outten, Plant – 3.

Therefore, having received a constitutional majority, HB 199 w/HA 1 was sent to the Senate for concurrence.

Representative Cordrey brought HB 279, cosponsored by Senator Slatcher, before the House for consideration.

HB 279 – An Act to Amend Chapter 64, Title 7, Delaware Code, Relating to the Disposal of Garbage in Municipalities That Traverse State Boundaries.

The roll call on HB 279 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Corrozi, Oberle, Outten, Plant – 4.

Therefore, having received a constitutional majority, HB 279 was sent to the Senate for concurrence.

Representative B. Ennis brought HB 268, cosponsored by Representatives Jonkiert, Spence, Clark, Outten, West & Taylor & Senators Vaughn & Minner, before the House for consideration.

HB 268 – An Act to Amend Chapter 25, Title 30, Delaware Code, Relating to Contractor's License Requirements and Taxes.

Representative B. Ennis introduced and brought HA 1 to HB 268 before the House for consideration.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 4:10 p.m.

The House reconvened at 4:15 p.m.

HA 1 to HB 268 was adopted by voice vote.

The roll call on HB 268 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 32.

NO: Representatives Barnes, Sills – 2.

ABSENT: Representatives D. Ennis, Jester, Mack, Maroney, Plant, Steele, West – 7.

Therefore, having received a constitutional majority, HB 268 w/HA 1 was sent to the Senate for concurrence.

Representative Taylor moved to lift HB 296 w/HA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought HB 296 w/HA 1, cosponsored by Representative Roy & Senators Martin, Sharp & Arnold, before the House for consideration.

HB 296 – An Act to Amend Chapter 51, Title 30, Delaware Code Relating to Clarifying the Definition of Streets Receiving Municipal Street Aid.

The roll call on HB 296 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 36.

ABSENT: Representatives Corrozi, Free, Jester, Plant, West – 5.

Therefore, having received a constitutional majority, HB 296 w/HA 1 was sent to the Senate for concurrence.

Representative B. Ennis moved to suspend the rules which interfere with action on HJR 15. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative B. Ennis brought HJR 15, jointly sponsored by Senator Vaughn & cosponsored by Representatives Clark, Bennett, Jester, Anderson, Brady, C. Cordrey, Gilligan, Houghton, Outten, Reynolds, Sills, Smith, Van Sant, West & Wingate & Senators Cook, Torbert, McBride & Minner, before the House for consideration.

HJR 15 - In Recognition of Mr. and Mrs. D. "Buck" Vernon Ford in Conceiving, Developing and Expanding the Chauncey O. Simpson Memorial Rest Area, North of Smyrna, and Further Directing the Department of Transportation to Provide an Appropriate Plaque in Their Honor.

The roll call on HJR 15 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Plant, West - 2.

Therefore, having received a constitutional majority, HJR 15 was sent to the Senate for concurrence.

Representative Taylor brought HB 272, cosponsored by Representative Petrilli & Senator Martin, before the House for consideration.

HB 272 - An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Department of Transportation's Authority to Enter Into Contracts for Road Maintenance.

Representative Taylor brought HA 1 to HB 272 before the House for consideration. HA 1 was adopted by voice vote.

Representative Taylor moved to place HB 272 w/HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought HB 295, cosponsored by Senator Martin, before the House for consideration.

HB 295 - An Act to Amend Title 17, Chapter 8, Section 804, Delaware Code Relating to Contractor and Subcontractor Disputes on State Contracts.

Representative Taylor requested and was granted the privilege of the floor for Mark McNulty, Executive Assistant, Department of Transportation.

The roll call on HB 295 was taken and revealed:

YES: Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Brady, Clark, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Van Sant - 10.

NOT VOTING: Representatives Barnes, Bennett, Campanelli, Cordrey, B. Ennis, George, Soles - 7.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 295 was sent to the Senate for concurrence.

Representative Taylor brought HB 297, cosponsored by Senator Martin, before the House for consideration.

HB 297 - An Act to Amend Chapter 69, Title 29, Delaware Code Relating to Public Works Contracts. (2/3 bill)

The roll call on HB 297 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Clark, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 297 was sent to the Senate for concurrence.

Representative Taylor moved to suspend the rules which interfere with lifting HB 272 w/HA 1 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought HB 272 w/HA 1, cosponsored by Representative Petrilli & Senator Martin, before the House for consideration.

HB 272 - An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Department of Transportation's Authority to Enter Into Contracts for Road Maintenance.

Representative Taylor requested and was granted the privilege of the floor for Mark McNulty, Executive Assistant, Department of Transportation.

Representative Taylor moved to place HB 272 w/HA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Brady brought HJR 13, cosponsored by Representative Hebner & All Representatives & Senators Vaughn & Arnold & All Senators, before the House for consideration.

HJR 13 - Declaring July 14-19, 1985 as POW/MIA Recognition Week in the State of Delaware and Acknowledging With Appreciation the Sacrifices Made by Our Prisoners of War.

The roll call on HJR 13 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Barnes, Carey, Plant, Quillen, Smith - 5.

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

Representative Petrilli brought HB 315, cosponsored by Representatives Hebner, Smith, Oberle, Quillen, Roy, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele & Taylor & Senators Marshall, Bair, Slatcher, Knox, Torbert & Martin, before the House for consideration.

HB 315 - An Act to Amend Chapter 53, Title 30 of the Delaware Code, Relating to the Tobacco Products Tax. (3/5 bill)

The roll call on HB 315 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

ABSENT: Representatives Barnes, Buckworth, Carey, D. Ennis, Fallon, Plant, Quillen - 7.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 315 was sent to the Senate for concurrence.

Representative Corrozi brought HB 350, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn, before the House for consideration.

HB 350 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

The roll call on HB 350 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority, HB 350 was sent to the Senate for concurrence.

Representative Steele brought HB 357, cosponsored by Senator Cordrey, before the House for consideration.

HB 357 - An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize 'The Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" to Provide Specifically That the Principal and Interest Shall Not be Taxable, to Provide a Maximum Bonded Indebtedness for Purposes of This Act Not to Exceed \$2,000,000.00, and to Provide That the Election May be by Paper Ballot. (2/3 bill)

The roll call on HB 357 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Carey, Caulk, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 357 was sent to the Senate for concurrence.

Representative Bennett brought HB 345, cosponsored by Representatives Anderson, Brady, Campanelli, Caulk, Clark, Cordrey, Davis, B. Ennis, Gilligan, Houghton, Jester, Mack, Outten, Sills, Soles, Spence, Steele, Van Sant & Wingate, before the House for consideration.

HB 345 - An Act to Amend Chapter 34, Title 19 of the Delaware Code Relating to Counseling, Training and Placement Activities.

The roll call on HB 345 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NO: Representative Gilligan - 1.

ABSENT: Representatives B. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HB 345 was sent to the Senate for concurrence.

Representative Corrozi brought HB 355, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn, before the House for consideration.

HB 355 - An Act Amending Chapter 61, Title 29 of the Delaware Code Relating to the Establishment and Maintenance of an Indirect Costs Special Fund Account.

The roll call on HB 355 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.



ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 355 was sent to the Senate for concurrence.

Representative Roy brought HB 323, jointly sponsored by Senator McDowell, before the House for consideration.

HB 323 - An Act to Amend Titles 23, 24, 28, and 29 of the Delaware Code Relating to the Division of Business and Occupational Regulation.

The roll call on HB 323 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 323 was sent to the Senate for concurrence.

Representative Barnes brought HB 302, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 7, Part 1 of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

Representative Oberle introduced and brought HA 1 to HB 302 before the House for consideration. HA 1 was adopted by voice vote.

Representative Barnes introduced and brought HA 2 to HB 302 before the House for consideration. HA 2 was adopted by voice vote.

Representative Barnes requested and was granted the privilege of the floor for William C. Wagner, Director, Division of Fish and Wildlife.

Representative Barnes moved to place HB 302 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Oberle moved to recess at 6:44 p.m.

The House reconvened at 8:10 p.m.

The Reading Clerk read the following communications into the record:

June 27, 1985

#### LEGISLATIVE ADVISORY #13

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6-26-85 - SB 3; SB 152; HB 81; HB 105; HB 127; HB 149 aab HA 1; HB 236; HB 237. 6-27-85 - SB 42 aab SA 3, 4, and 5.

The Senate wishes to inform the House that it has passed: SB 269; HB 93 w/HA 1 & SA 1 & 3; HB 221 w/SA 1; SB 291; SB 265; HB 278; HB 269; HB 98 w/HA 1; HB 243 & HB 277.

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

LABOR: HB 345 - 5F; SB 182 - 5F.

R&F: SB 225 - 5M; HB 322 - 1F,5M.

CHILD: HB 206 - 3M,1U.

APPRO: HB 145 - 6M.

Amended Committee Report: HUM.RES: SS 1 for SB 38 w/SA 1 - 4F.

The correct roll call on HB 295 was announced as follows:

YES: Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Brady, Clark, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Van Sant - 10.

NOT VOTING: Representatives Barnes, Bennett, Campanelli, Cordrey, B. Ennis, George, Soles - 7.

ABSENT: Representatives Plant, West - 2.

Representative Oberle brought HB 356, cosponsored by Representatives Buckworth, Reynolds, Maroney, Corrozi, Spence, Roy, Carey, Steele, D. Ennis, Fallon, Boykin, Campanelli, Bennett, George, Soles, Brady, Jester, Anderson, West, Plant, Gilligan & B. Ennis, before the House for consideration.

HB 356 - An Act to Amend Chapter 21, Title 23 Delaware Code, and by Creating a New Chapter 22, Title 23, Delaware Code Relating to the Operating, and/or Control of a Vessel or Boat Upon the Waters of the State of Delaware While Under the Influence of Alcohol and/or Drugs. (2/3 bill)

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

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

The roll call on HB 356 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives B. Ennis, D. Ennis, Free, Plant - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 356 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Anderson brought HB 110, cosponsored by Representatives Boykin, Campanelli, Clark, D. Ennis, Houghton, Smith, Spence & Van Sant, before the House for consideration.

HB 110 – An Act to Amend Chapter 27, Title 21 and Chapter 39, Title 18 of the Delaware Code to Prohibit Drivers Aged 16 or 17 From Driving a Motor Vehicle During Certain Hours and to Prohibit Cancellation of Insurance of Violators.

Representative Anderson moved to place HB 110 on the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Oberle moved to lift HS 1 for HB 311 w/HA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HS 1 for HB 311 w/HA 1, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor & Knox, before the House for consideration.

HB 311 – An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

Representative D. Ennis introduced and brought HA 3 to HS 1 for HB 311 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HS 1 for HB 311 w/HA 1 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representative B. Ennis, Free, Jonkiert, Plant – 4.

Therefore, having received a constitutional majority, HS 1 for HB 311 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative Taylor moved to lift HB 151 w/HA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought HB 151 w/HA 1, cosponsored by Representative Roy & Senator Martin, before the House for consideration.

HB 151 – An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to Governing the Use of and Conduct on State Land. (2/3 bill)

Representative Taylor brought HA 2 to HB 151 before the House for consideration. HA 2 was adopted by voice vote.

Representative Taylor introduced and brought HA 3 to HB 151 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 151 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Free, Plant – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 151 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with action on SB 116. The motion was seconded by Representative Barnes and adopted by voice vote.

✓ Representative Petrilli brought SB 116, sponsored by Senators Sharp & Berndt & Representative Spence, before the House for consideration.

SB 116 – An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law of the State of Delaware. (2/3 bill)

Representative Gilligan requested and was granted the privilege of the floor for A. G. Sparks, Delaware State Bar Association.

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

Representative Taylor moved to lift HB 272 w/HA 1 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought HB 272, cosponsored by Representative Petrilli & Senator Martin, before the House for consideration.

HB 272 – An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Department of Transportation's Authority to Enter Into Contracts for Road Maintenance.

Representative Taylor requested and was granted the privilege of the floor for John T. Davis, Director of Highways, Department of Transportation.

Representative Taylor moved to place HB 272 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Taylor brought SB 237, cosponsored by Senators Martin & Bair, before the House for consideration.

SB 237 – An Act to Amend Title 17, Chapter 13, Delaware Code, Relating to the Vacation, Abandonment and Closure of Public Roads, Bridges and Other Rights of Way.

Representative Roy introduced and brought HA 1 to SB 237 before the House for consideration. HA 1 was adopted by voice vote.

Representative Taylor moved to place SB 237 w/HA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 233, cosponsored by Senator Martin, before the House for consideration.

SB 233 - An Act to Amend Chapter 1, Subchapter III, Title 17, of the Delaware Code Relating to the Acquisition and Sale of Real Property by the Department of Transportation.

Representative Taylor requested and was granted the privilege of the floor for Mark McNulty, Executive Assistant, Department of Transportation.

The roll call on SB 233 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Free, Plant - 3.

Therefore, having received a constitutional majority, SB 233 was returned to the Senate.

Representative Corrozi brought SB 126, sponsored by Senator Holloway, before the House for consideration.

SB 126 - An Act to Amend "An Act Making a Supplementary Appropriation for Certain Grants-in-Aid," Being Chapter 340, 64 Laws of Delaware, Relating to Food Conservers. (3/4 bill)

The roll call on SB 126 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Brady, Free, Plant - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 126 was returned to the Senate.

Representative Fallon brought SCR 52, sponsored by Senator Bair & Representative Gilligan & cosponsored by Senators McBride & Neal & Representatives Jester & Outten, before the House for consideration.

SCR 52 - Establishing a Study of the Ramifications of Legislation to Provide Early Retirement for Teachers in the State of Delaware.

SCR 52 was adopted by voice vote and returned to the Senate.

Representative Petrilli brought SB 191, sponsored by Senator Vaughn, before the House for consideration.

SB 191 - An Act to Amend Chapter 55, Title 30, of the Delaware Code, Relating to Public Utility Taxes of Delaware Manufacturers Who Use Electricity in an Electrolytic or Electroarcthermal Manufacturing Process. (F/N)

The roll call on SB 191 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Jonkiert, Sills - 2.

ABSENT: Representatives Free, Plant - 2.

Therefore, having received a constitutional majority, SB 191 was returned to the Senate.

Representative Oberle brought SB 238, sponsored by Senators Marshall, Cordrey, Knox, McBride & Connor & Representatives Hebner & George, before the House for consideration.

SB 238 - An Act to Amend Titles 5, 6 and 30 of the Delaware Code By Revising the Provisions of the Delaware Banking Laws Restricting Participation by Banks in Export Trading Companies; and by Providing State Antitrust Exemption for Activities of Export Trading Companies Permitted by Federal Law; by Providing an Exemption From the Taxation of Net Income for Export Trading Companies; and by Providing for the Exemption of Export Trading Companies From the Provisions of the Mercantile Tax.

Representative Oberle moved to place SB 238 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli brought SB 162, sponsored by Senators Marshall, Cordrey & Knox & Representatives Hebner & George, before the House for consideration.

SB 162 - An Act to Amend Title 30 of the Delaware Code by Providing for the Exemption of Foreign Sales Corporations and Foreign Sales Service Corporations From the Provisions of the Corporation Income Tax and by Providing for the Application of Occupational and Business Licenses and Fees for Such Corporations, and by Providing for the Exemption for Small Foreign Sales Corporations From Such Licenses and Fees.

Representative Petrilli moved to place SB 162 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence moved to lift SB 104 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Spence brought SB 104, sponsored by Senator Holloway & Representative Van Sant, before the House for consideration.

SB 104 - An Act to Amend Chapter 4, Title 11, of the Delaware Code Relating to the Commitment to the State Hospital; Confinement; Periodic Review of Commitment; Participation of Patient in Treatment Program.

Representative Spence brought HA 1 to SB 104 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 104 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representative Campanelli, Free, Plant, Steele – 4.

Therefore, having received a constitutional majority, SB 104 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Corrozi introduced HB 365, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn.

HB 365 – An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

Mr. Speaker assigned HB 365 to the Appropriations Committee.

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

Representative Petrilli brought SB 116, sponsored by Senators Sharp & Berndt & Representative Spence, before the House for consideration.

SB 116 – An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law of the State of Delaware. (2/3 bill)

Representative Gilligan requested and was granted the privilege of the floor for Francis Murphy, House Attorney.

The roll call on SB 116 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representative D. Ennis, Free, Plant – 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 116 was returned to the Senate.

Representative Maroney brought SS 1 for SB 38 w/SA 1, sponsored by Senator Holloway & Representative Van Sant, before the House for consideration.

SB 38 – An Act to Amend Part 1, Subchapter II, Title 16 of the Delaware Code Relating to the Powers and Duties of the State Board of Health; and Providing for the Regulation of Home Health Care; and Chapter 93, Title 16 of the Delaware Code Relating to the Definition of a Home Health Agency. (F/N)

The roll call on SS 1 for SB 38 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Free, Plant, Smith – 3.

Therefore, having received a constitutional majority, SS 1 for SB 38 w/SA 1 was returned to the Senate.

Representative Maroney brought SB 33, sponsored by Senators Holloway & Berndt, before the House for consideration.

SB 33 – An Act to Amend Chapter 57, Title 16, Delaware Code, Relating to Voluntary and Involuntary Sterilization, and Making a Supplementary Appropriation Therefore. (F/N)

Representative Maroney moved to place SB 33 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought SB 205, sponsored by Senators Minner & Berndt, before the House for consideration.

SB 205 – An Act to Amend Title 19, Delaware Code to Provide for Extended Workshop Employment Programs for the Severely Handicapped. (F/N)

The roll call on SB 205 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Fallon, Free, Petrilli, Plant – 4.

Therefore, having received a constitutional majority, SB 205 was returned to the Senate.

Representative Mack brought SB 182, cosponsored by Senators Marshall, McDowell, Holloway, Sharp, McBride, Connor & Citro & Representatives Campanelli, Jonkiert & Spence, before the House for consideration.

SB 182 – An Act to Amend Chapter 2, Title 19, Delaware Code, Relating to Employment Training.

The roll call on SB 182 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Fallon, Free, Plant – 3.

Therefore, having received a constitutional majority, SB 182 was returned to the Senate.

Representative Taylor brought SB 44 w/SA 1 & 2, sponsored by Senator Holloway & Representative Oberle, before the House for consideration.

SB 44 – An Act to Amend Section 5307, Chapter 53, Title 25 of the Delaware Code, With Reference to Landlord-Tenant Relationships; Increasing the Abatement for Rent for Periods in Which Heat or Water or Hot Water is Not Provided by a Landlord.

Representative Taylor moved to place SB 44 w/SA 1 & 2 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 117, sponsored by Senators Neal, Knox, Berndt, Cook, Holloway, Bair, Arnold, Minner, Martin & McDowell & Representatives Free, Maroney, Petrilli, Smith, Soles, Wingate, Jester & George, before the House for consideration.

SB 117 - An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Veteran's Preference.

The roll call on SB 117 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Free, Plant - 2.

Therefore, having received a constitutional majority, SB 117 was returned to the Senate.

Representative Taylor brought SB 157, sponsored by Senator Connor, before the House for consideration.

SB 157 - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to Supplemental Compensation.

Representative Oberle moved to place SB 157 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought SS 1 for SB 27 w/SA 1, jointly sponsored by Senators Bair & Holloway & cosponsored by Senators McDowell, McBride, Connor & Martin & Representatives Van Sant, Boykin, Spence, Jester, Sills, Hebner & Soles, before the House for consideration.

SB 27 - An Act to Amend Title 31, Delaware Code, Relating to the Establishment of a Home Counseling Center for Senior Citizens Within the Division of Aging, Department of Health and Social Services. (F/N)

Representative Maroney moved to place SS 1 for SB 27 w/SA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence brought SB 241 w/SA 1 & 2, sponsored by Senator Bair & Representative Hebner, before the House for consideration.

SB 241 - An Act to Amend Chapter 68, Title 21, Delaware Code, Relating to Penalties for Certain Off-Highway Vehicles.

Representative Spence moved to place SB 241 w/SA 1 & 2 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli moved to suspend the rules which interfere with action on SB 67. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli brought SB 67, sponsored by Senators Adams, Cook, R. Cordrey, Vaughn, Connor & Slatcher & Representatives Barnes, West, Caulk, Carey, Mack, Clark & C. Cordrey, before the House for consideration.

SB 67 - An Act to Amend Section 1109, Title 30, Delaware Code, Relating to a Tax Deduction for Health Insurance Premiums Paid by Self-Employed Taxpayer.

Representative Petrilli moved to place SB 67 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli brought SB 225, sponsored by Senator Cordrey & Representative D. Ennis, before the House for consideration.

SB 225 - An Act to Amend An Act, Being Chapter 63, Vol. 12, Laws of Delaware Entitled "An Act to Incorporate the Artisans' Savings Bank," As Amended, by Amending Section 4 Thereof to Allow Members of the Board of Directors to Borrow Funds Deposited With Artisans' Savings Bank. (2/3 bill)

The roll call on SB 225 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Free, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 225 was returned to the Senate.

Representative Maroney moved to lift SS 1 to SB 27 w/SA 1 from the Speaker's table. The motion was seconded by Representative Soles and adopted by voice vote.

Representative Maroney brought SS 1 to SB 27 w/SA 1, jointly sponsored by Senators Bair & Holloway & cosponsored by Senators McDowell, McBride, Connor & Martin & Representatives Van Sant, Boykin, Spence, Jester, Sills, Hebner & Soles, before the House for consideration.

SB 27 - An Act to Amend Title 31, Delaware Code, Relating to the Establishment of a Home Counseling Center for Senior Citizens Within the Division of Aging, Department of Health and Social Services. (F/N)

The roll call on SS 1 to SB 27 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Free, Plant - 2.

Therefore, having received a constitutional majority, SS 1 to SB 27 w/SA 1 was returned to the Senate.

Representative Outten brought HB 93 w/HA 1 & SA 1 & 3, cosponsored by Representatives Caulk, Houghton, Bennett, Brady, Buckworth, Carey, Clark, C. Cordrey, Gilligan, Jester, Mack, Plant, Quillen, Reynolds, Sills, Soles, Spence, Steele, Van Sant, West & Wingate & Senators R. Cordrey, Martin, Minner, Torbert, Zimmerman & Adams, before the House for consideration.

HB 93 – An Act to Amend Part VI, Title 3 of the Delaware Code, To Provide for the Humane Killing of Animals Held in a Shelter.

Representative Davis introduced and brought HA 3 to HB 93 before the House for consideration.

The roll call on HA 3 to HB 93 was taken and revealed:

YES: Representatives Anderson, Boykin, Clark, Corrozi, Davis, B. Ennis, Fallon, Jonkiert, Mack, Maroney, Oberle, Petrilli, Roy, Smith, Taylor, Mr. Speaker Hebner – 16.

NO: Representatives Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, George, Gilligan, Houghton, Jester, Outten, Quillen, Reynolds, Sills, Soles, Spence, Steele, Van Sant, West, Wingate – 21.

NOT VOTING: Representatives Barnes, D. Ennis – 2.

ABSENT: Representatives Free, Plant – 2.

Therefore, not having received a constitutional majority, HA 3 to HB 93 was declared defeated.

The roll call on HB 93 w/HA 1 & SA 1 & 3 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Cordrey, D. Ennis, George, Gilligan, Houghton, Jester, Outten, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Van Sant, West, Wingate – 24.

NO: Representatives Anderson, Boykin, Clark, Corrozi, Davis, Jonkiert, Mack, Maroney, Petrilli, Smith, Mr. Speaker Hebner – 11.

NOT VOTING: Representatives B. Ennis, Fallon, Taylor – 3.

ABSENT: Representatives Free, Oberle, Plant – 3.

Therefore, having received a constitutional majority, HB 93 w/HA 1 & SA 1 & 3 was sent to the Governor.

Representative Campanelli moved to restore HB 318 w/HA 1 & 2. The motion was properly seconded and adopted by voice vote.

Representative Spence brought HB 318 w/HA 1 & 2, cosponsored by Representatives Houghton, Hebner, Oberle, Caulk, Davis, Taylor, Steele, Maroney, B. Ennis & Van Sant, before the House for consideration.

HB 318 – An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Minimum Mandatory Sentences for Certain Criminal Acts Which Cause Death.

The roll call on HB 318 w/HA 1 & 2 was taken and revealed:

YES: Representatives Barnes, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Gilligan, Houghton, Jester, Maroney, Oberle, Reynolds, Roy, Smith, Spence, Taylor, Mr. Speaker Hebner – 18.

NO: Representatives Anderson, Jonkiert, Sills, Soles, Steele – 5.

NOT VOTING: Representatives Bennett, Boykin, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Outten, Quillen, Van Sant, West, Wingate – 13.

ABSENT: Representatives D. Ennis, Free, Mack, Petrilli, Plant – 5.

Therefore, not having received a constitutional majority, HB 318 w/HA 1 & 2 was declared defeated.

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

APPRO: HB 2 – 4M,1U; SB 2 – 1F,4M.

NAT. RES: HB 335 – 5M; HB 336 – 5M.

H/ADM: HB 301 – 2M,1U.

Mr. Speaker reassigned HB 137 and HB 271 to the Appropriations Committee.

Representative George requested and was granted the privilege of the floor for Francis Murphy, House Attorney, who stated that A. Gilchrist Sparks, who testified on SB 116, is a partner in his law firm.

Representative Oberle moved to recess to the call of the Chair at 9:50 p.m.

48th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 28, 1985

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

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

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

Representative Oberle moved to recess for Caucus at 2:03 p.m.

The House reconvened at 4:15 p.m.

The following prefiled legislation was introduced:

HB 362 – FREE & SENATOR COOK; REPRESENTATIVES HEBNER, OBERLE; SENATORS MCDOWELL, MARSHALL; REPRESENTATIVES BARNES, BOYKIN, BUCKWORTH, CAREY, CAULK, CORROZI, DAVIS, D. ENNIS, FALLON, FREE, MACK, MARONEY, PETRILLI, QUILLEN, REYNOLDS, ROY, SPENCE, STEELE, TAYLOR, GILLIGAN, GEORGE, ANDERSON, BENNETT, JESTER, VAN SANT, CAMPANELLI, JONKIERT, SOLES, WEST, C. CORDREY, OUTTEN, HOUGHTON, WINGATE, SILLS, PLANT, CLARK; SENATORS MARTIN, HOLLOWAY, VAUGHN, MINNER, MCBRIDE, ADAMS, BAIR, ARNOLD, BERNDT, CITRO, CONNOR, KNOX, NEAL, SLATCHER – H/ADM: An Act to Amend Section 1701, Title 17 of the Delaware Code the "Delaware-New Jersey Compact" Creating the Delaware River and Bay Authority.

HB 363 - JESTER & OUTTEN & SOLES & WINGATE & CAULK - ED: An Act to Amend Title 14, of the Delaware Code to Provide for a Career Development and Accountability Program for Certain Personnel Employed in the Public Elementary and Secondary Schools of the State and in School Programs Operated by Other State Agencies.

HB 364 - CAULK, REYNOLDS, STEELE, WINGATE, ANDERSON, CAREY, MACK, D. ENNIS, BUCKWORTH, BOYKIN, CLARK, ROY; SENATOR TORBERT -JUD: An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to the Sale of Motor Vehicles. (2/3 bill)

HB 366 - QUILLEN & OUTTEN - H/ADM: An Act to Amend Chapter 83, Title 29 of the Delaware Code Relating to the Authorization of Compensatory Payments to Counties and/or Municipalities of the State for Certain Exempt Properties Owned by the State of Delaware. (3/4 bill)

HB 367 - BUCKWORTH, QUILLEN - H/ADM: An Act to Amend Chapter 20, Title 15, Delaware Code Relating to Voter Registration.

HB 368 - MARONEY, BOYKIN, OBERLE, HOUGHTON, B. ENNIS; SENATORS MCDOWELL, NEAL, MARSHALL, ARNOLD - ADM/S: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to the Licensing of Nurses.

HB 369 - B. ENNIS & VAN SANT, JONKIERT, ANDERSON, WEST, SPENCE, BARNES, FALLON, C. CORDREY; SENATOR TORBERT - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Operation of Motorcycles by Minors.

HB 370 - BENNETT - JUD: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Comparative Negligence and the Recovery to be Allowed Against Each Defendant in a Negligence Action.

HB 371 - BENNETT - JUD: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Counsel Fees in Negligence Actions.

HB 372 - HOUGHTON - ADM/S: An Act to Amend Title 24 of the Delaware Code as it Relates to Barbers and Cosmetologists. (2/3 bill)

HB 373 - D. ENNIS & SENATOR MARSHALL; REPRESENTATIVES FREE, TAYLOR, REYNOLDS, HEBNER, OBERLE, BARNES, OUTTEN, BENNETT, GEORGE, GILLIGAN, PETRILLI, CORROZI, BOYKIN, ROY, DAVIS, FALLON, CAULK, MARONEY, VAN SANT, QUILLEN, BUCKWORTH, BRADY; SENATORS COOK, KNOX, BAIR, ARNOLD, BERNDT, CITRO, CONNOR, NEAL, SLATCHER - R&F: An Act Entitled "The Occupational and Business Licenses and Taxes Amendments of 1985", Amending Chapter 29, Title 30, Delaware Code, Relating to the Exemption of Manufacturers From the Wholesale Tax; and Amending Chapter 27, Title 30, Delaware Code, Relating to the Manufacturer License Tax Rate, A Monthly Deduction From Gross Receipts and Filing Requirements; and Amending Chapter 29, Title 30, Delaware Code, Relating to the Wholesaler License Tax With Respect to a Monthly Deduction From Gross Receipts; and Amending Chapter 21, Title 30, Delaware Code, Relating to General Provisions Concerning Occupational and Business Licenses and Taxes. (3/5 bill)

SB 265 - VAUGHN, ADAMS, ZIMMERMAN, TORBERT, MARTIN, MINNER; REPRESENTATIVES B. ENNIS, C. CORDREY, CLARK, PLANT, REYNOLDS, SPENCE - JUD: An Act to Amend Chapter 66, Title 16, Delaware Code, by Giving the Fire Prevention Commission the Authority to Appoint and/or Employ All Personnel in the Fire Marshal's Office.

SB 269 - MARSHALL, ARNOLD; REPRESENTATIVE GEORGE - R&F: An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to Exemption From Taxation of Off-Street Parking Facilities.

SB 291 - CORDREY - ADM/S: An Act to Amend Title 23, Chapter 21, Delaware Code, Relating to Licensing and Registration of Motor Boats.

HA 1 to SA 5 to SB 123 - AGENDA: Placed with the Bill.

HA 1 to SB 201 - BUCKWORTH - AGENDA: Placed with the Bill.

Representative Wingate requested that his name be removed as cosponsor of HB 362.

The following SPECIAL HOUSE CONSENT AGENDA - MOTOR VEHICLE LEGISLATION was introduced:

HB 286 - SPENCE, DAVIS; SENATORS TORBERT, ADAMS, SHARP, VAUGHN, CITRO, NEAL - An Act to Amend Chapters 3, 21, 23, 25, and 31, Title 21 of the Delaware Code Relating to Certain Fees Collected by The Division of Motor Vehicles. (3/5 bill)

HB 287 - SPENCE, DAVIS; SENATORS TORBERT, ADAMS, MINNER, SHARP, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Appeals From Unfavorable Decisions Regarding Suspension and Revocation of License for Refusal to Submit to Chemical Tests or Probable Cause. (3/5 bill)

HB 288 - SPENCE, DAVIS; SENATORS TORBERT, ADAMS, MINNER, SHARP, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 23, Title 21 of The Delaware Code Relating to Retaining Surrendered Certificates of Title.

HB 289 - SPENCE, DAVIS; SENATORS TORBERT, ADAMS, MINNER, SHARP, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 41, Title 21 of The Delaware Code Relating to Pedestrians.

HB 313 - SPENCE & SENATOR TORBERT; REPRESENTATIVES REYNOLDS, HOUGHTON, DAVIS; SENATORS ADAMS, SHARP, VAUGHN, CITRO, NEAL - An Act to Amend Title 21 of the Delaware Code to Add a New Chapter Relating to Motor Carrier Safety; Providing for the Imposition of Duties Upon the Department of Public Safety, the State Police and Other Police Officers; Prescribing Penalties and Further Providing for Enforcement of This Act. (2/3 bill)

HB 314 - SPENCE; SENATOR TORBERT; REPRESENTATIVE DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 52, Title 30, of the Delaware Code Relating to the Motor Carrier Fuel Purchase Law. (3/5 bill)

SB 258 - TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Use of Number Plates for Manufacturers and Dealers While Teaching a Person to Operate a Motor Vehicle.

SB 259 - TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 3, 27, 42 and 83, Title 21 of The Delaware Code Relating to The Issuance, Renewal, Suspension or Revocation of Driver's Licenses.

SB 261 - TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration and Licensing of Motor Vehicles and Drivers. (3/5 bill)

SB 262 - TORBERT; REPRESENTATIVES SPENCE, DAVIS; SENATORS MINNER, ADAMS, VAUGHN, CITRO, NEAL - An Act to Amend Chapter 63, Title 21, Delaware Code, Relating to Licensing of Used-Vehicle Dealers.

Representative Spence requested that HB 313 be removed from the CONSENT AGENDA.

The roll call on HB 286, HB 287, HB 288, HB 289, HB 314, SB 258, SB 259, SB 261 & SB 262 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Free, Plant, Smith - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 286, HB 287, HB 288, HB 289 & HB 314 were sent to the Senate for concurrence and SB 258, SB 259, SB 261 & SB 262 were returned to the Senate.

Representative Spence brought HB 313, jointly sponsored by Senator Torbert & cosponsored by Representatives Reynolds, Houghton & Davis & Senators Adams, Sharp, Vaughn, Citro & Neal, before the House for consideration.

HB 313 - An Act to Amend Title 21 of the Delaware Code to Add a New Chapter Relating to Motor Carrier Safety; Providing for the Imposition of Duties Upon the Department of Public Safety, The State Police and Other Police Officers; Prescribing Penalties and Further Providing for Enforcement of This Act. (2/3 bill)

Representative Spence introduced and brought HA 1 to HB 313 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 313 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Free, Plant, Smith - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 313 w/HA 1 was sent to the Senate for concurrence.

Representative Anderson requested that her name be removed as cosponsor of HB 362.

Representative Clark requested that his name be removed as cosponsor of HB 362.

Representative Jester requested that her name be removed as cosponsor of HB 362.

Representative Outten requested that his name be removed as cosponsor of HB 362.

Representative Van Sant requested that his name be removed as cosponsor of HB 362.

Representative Sills requested that his name be removed as cosponsor of HB 362.

Representative Barnes introduced and brought HR 106, cosponsored by Representatives Oberle & Hebner, before the House for consideration.

HR 106 - Charging the House Education Committee With the Responsibility of Continuing the Study of the Merits of a Professional Development and Accountability Program for Delaware's Public School Teachers.

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

The roll call on HR 106 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Sills, Soles, Van Sant, West, Wingate - 17.

NOT VOTING: Representatives Caulk, Jonkiert - 2.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HR 106 was adopted.

Representative Corrozi brought SB 2, sponsored by Senator Cordrey and Representative Bennett, before the House for consideration.

SB 2 - An Act to Amend Chapter 90, Title 16, Delaware Code, Clarifying the Use of the Health Facilities Subsidy Fund and Authorizing an Increase in the Capitalization of the Fund and to Amend Volume 64, Chapter 463, Laws of Delaware, Clarifying the Requirement for the Deposit of Interest on Loans to the General Fund. (3/4 bill)

The roll call on SB 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 2 was returned to the Senate.



Representative Spence moved to lift SB 5 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence brought SB 5, sponsored by Senators Cordrey & Neal, before the House for consideration.

SB 5 - An Act to Amend Chapter 43, Part 11, Title 11 of the Delaware Code Relating to the Board of Pardons; and Providing for Notice to Certain Persons Prior to Pardons Hearings. (F/N)

The roll call on SB 5 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, D. Ennis, Plant - 3.

Therefore, having received a constitutional majority, SB 5 was returned to the Senate.

Representative Roy moved to suspend the rules which interfere with action on SB 161. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Roy brought SB 161, sponsored by Senator Sharp, before the House for consideration.

SB 161 - An Act to Amend Title 29, Chapter 69, Delaware Code, Relating to Competitive Bidding.

The roll call on SB 161 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives D. Ennis, Jester, Plant, Reynolds - 4.

Therefore, having received a constitutional majority, SB 161 was returned to the Senate.

Representative Fallon moved to suspend the rules which interfere with action on SB 235. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Fallon brought SB 235, sponsored by Senators Sharp & Berndt & Representative Spence, before the House for consideration.

SB 235 - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to a Moment of Silent Reflection in Public Schools

The roll call on SB 235 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Cordrey, Plant - 2.

Therefore, having received a constitutional majority, SB 235 was returned to the Senate.

Representative Buckworth moved to suspend the rules which interfere with action on SB 194. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought SB 194, sponsored by Senator McDowell, before the House for consideration.

SB 194 - An Act to Amend Chapter 94, Title 16, Delaware Code, Relating to the Inclusion of the Department of Services to Children, Youth and Their Families on the State Advisory Council for the Coordination of Services to the Handicapped.

The roll call on SB 194 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 194 was returned to the Senate.

Representative Taylor moved to suspend the rules which interfere with action on SB 123 w/SA 1,2,3,4 & 5. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 123 w/SA 1,2,3,4 & 5, jointly sponsored by Senator McDowell & Representative Plant & cosponsored by Senators Holloway, Martin, Bair, Torbert & Marshall & Representatives Outten, Sills, B. Ennis & George, before the House for consideration.

SB 123 - An Act to Amend Title 31 of the Delaware Code by Adopting a Housing Code for the State of Delaware, Including the Establishment of Minimum Property Maintenance Standards for Dwelling Structures That Pose a Threat to the Health and Safety of the People of Each Community in the State, Provisions for Adoption of Such Standards by Each Community in the State, With Certain Exemptions and Provisions for Special Conditions and for Hardships, and Enforcement of Such Standards by Each Community in the State or by the State in the Absence of Local Enforcement.

Representative Taylor moved to place SB 123 w/SA 1, 2, 3, 4 & 5 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought SB 100 w/SA 1, sponsored by Senator Vaughn & Representative B. Ennis, before the House for consideration.

SB 100 - An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to the Establishment of a Wine and Beer Only Alcoholic Beverage License. (3/5 bill)

The roll call on SB 100 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jonkiert, Plant - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 100 w/SA 1 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SB 254 w/SA 1 & 2. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 254 w/SA 1 & 2, sponsored by Senators Minner, Cook, Vaughn, Adams & Torbert & Representatives Outten, B. Ennis, Clark, Buckworth, Caulk, Quillen & Barnes, before the House for consideration.

SB 254 - An Act to Amend Title 9, 10 and 12 of the Delaware Code Relating to Increase of Salary for Particular Kent County Officials.

Representative Quillen introduced and brought HA 1 to SB 254, jointly sponsored by Representative Buckworth, before the House for consideration.

The roll call on HA 1 to SB 254 was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant, West, Wingate - 18.

ABSENT: Representatives D. Ennis, Plant - 2.

Therefore, having received a constitutional majority, HA 1 to SB 254 was adopted.

The roll call on SB 254 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 254 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Taylor brought SB 37, sponsored by Senator Martin, before the House for consideration.

SB 37 - An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Increase Penalties for Particular Dogs Running at Large Violations.

Representative Taylor moved to place SB 37 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis moved to suspend the rules which interfere with action on HB 373. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis brought HB 373, jointly sponsored by Senator Marshall & cosponsored by Representatives Free, Taylor, Reynolds, Hebner, Oberle, Barnes, Outten, Bennett, George, Gilligan, Petrilli, Corrozi, Boykin, Roy, Davis, Fallon, Caulk, Maroney, Van Sant, Quillen, Buckworth & Brady & Senators Cook, Knox, Bair, Arnold, Berndt, Citro, Connor, Neal & Slatcher, before the House for consideration.

HB 373 - An Act Entitled "The Occupational and Business Licenses and Taxes Amendments of 1985", Amending Chapter 29, Title 30, Delaware Code, Relating to the Exemption of Manufacturers From the Wholesale Tax; and Amending Chapter 27, Title 30, Delaware Code, Relating to the Manufacturer License Tax Rate, A Monthly Deduction From Gross Receipts and Filing Requirements; Relating to the Wholesaler License Tax With Respect to Chapter 21, Title 30, Delaware Code, Relating to General Provisions Concerning Occupational and Business Licenses and Taxes. (3/5 bill)

The roll call on HB 373 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Buckworth, Plant - 3.

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

Representative Taylor moved to suspend the rules which interfere with action on SB 129. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 129, sponsored by Senator Vaughn, before the House for consideration.

SB 129 - An Act to Amend Part III of Title 25 of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

The roll call on SB 129 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Plant, Spence – 2.

Therefore, having received a constitutional majority, SB 129 was returned to the Senate.

Representative Buckworth moved to suspend the rules which interfere with action on SB 272. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought SB 272, cosponsored by Senators Cook, Minner, Torbert, Vaughn & Adams & Representatives Clark, B. Ennis, Caulk, Quillen & Barnes, before the House for consideration.

SB 272 – An Act to Amend Chapter 41, Part III, Title 9 of the Delaware Code Relating to Kent County; and Conferring Certain Powers Upon the Kent County Government.

Representative Outten introduced and brought HA 1 to SB 272, cosponsored by Representatives Bennett & B. Ennis, before the House for consideration.

Representative Buckworth requested and was granted the privilege of the floor for N. Maxson Terry, Jr., Kent County Levy Court Attorney.

The roll call on HA 1 to SB 272 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Sills, Soles, Van Sant, Wingate – 14.

NO: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Clark, Corrozi, Davis, D. Ennis, Fallon, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Spence, Steele, Taylor, West, Mr. Speaker Hebner – 22.

NOT VOTING: Representative Free – 1.

ABSENT: Representatives Campanelli, Jonkiert, Plant, Smith – 4.

Therefore, not having received a constitutional majority, HA 1 to SB 272 was declared defeated.

Representative Outten introduced and brought HA 2 to SB 272, jointly sponsored by Representative Bennett, before the House for consideration.

The roll call on HA 2 to SB 272 was taken and revealed:

YES: Representatives Anderson, Bennett, George, Gilligan, Outten, Sills, Van Sant, Wingate – 8.

NO: Representatives Barnes, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Houghton, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Spence, Steele, West, Mr. Speaker Hebner – 25.

NOT VOTING: Representatives Campanelli, Free, Jester, Soles, Taylor – 5.

ABSENT: Representatives Jonkiert, Plant, Smith – 3.

Therefore, not having received a constitutional majority, HA 2 to SB 272 was declared defeated.

The roll call on SB 272 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

NO: Representatives Bennett, Outten – 2.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 272 was returned to the Senate.

Representative Oberle moved to recess at 6:55 p.m.

The House reconvened at 10:14 p.m.

Representative Campanelli requested that his name be removed as cosponsor of HB 362.

Representative Fallon brought SB 25, cosponsored by Senator McBride, before the House for consideration.

SB 25 – An Act to Correct an Error in §6519, Title 29, Delaware Code, Relating to Expenditures by School Districts.

The roll call on SB 25 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Barnes, B. Ennis, Jonkiert, Plant – 4.

Therefore, having received a constitutional majority, SB 25 was returned to the Senate.

Representative Bennett moved to suspend the rules which interfere with action on SB 106. The motion was properly seconded and adopted by voice vote.

Representative Bennett brought SB 106, cosponsored by Senators Zimmerman & Torbert & Representatives Outten & Bennett, before the House for consideration.

SB 106 – An Act to Amend Title 11, Chapter 88, Delaware Code, Relating to the Delaware County and Municipal Police Pension Plan.

The roll call on SB 106 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Barnes, Jonkiert, Plant – 3.

Therefore, having received a constitutional majority, SB 106 was returned to the Senate.

Representative Buckworth moved to suspend the rules which interfere with action on SB 201. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Buckworth brought SB 201, sponsored by Senators McBride & Connor & Representative Maroney, before the House for consideration.

SB 201 - An Act to Amend Chapter 51, Part III, Title 11 of the Delaware Code Relating to Criminal Procedure in the Superior Court and Providing for a Bill of Rights for Children Who Are Required to Testify Before the Court, or Who Are Otherwise Required to Participate in a Criminal Trial. (F/N)

Representative Buckworth brought HA 1 to SB 201 before the House for consideration. HA 1 was adopted by voice vote.

Representative Buckworth introduced and brought HA 2 to SB 201 before the House for consideration. HA 2 was adopted by voice vote.

Representative Buckworth introduced and brought HA 3 to SB 201 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Steven Wood, House Attorney.

Mr. Speaker ruled that HA 3 to SB 201 is invalid.

Representative Buckworth moved to place SB 201 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 63 w/SA 1, sponsored by Senator Vaughn & Representative Brady, before the House for consideration.

SB 63 - An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to Judicial Review of Decisions of the Board of Pension Trustees.

The roll call on SB 63 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representative Barnes, Buckworth, Petrilli, Plant - 4.

Therefore, having received a constitutional majority, SB 63 w/SA 1 was returned to the Senate.

Representative B. Ennis brought SB 196 w/SA 1, cosponsored by Senators Vaughn, Cook & Berndt & Representatives West & Barnes, before the House for consideration.

SB 196 - An Act to Amend Chapter 55A, Title 29, Delaware Code, Relating to the Inclusion of the State of Delaware Governmental Subdivisions.

The roll call on SB 196 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Barnes, Buckworth, D. Ennis, Plant - 4.

Therefore, having received a constitutional majority, SB 196 w/SA 1 was returned to the Senate.

Representative Taylor moved to suspend the rules which interfere with action on SB 243. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 243, sponsored by Senators Vaughn & Berndt & Representatives Fallon & Gilligan, before the House for consideration.

SB 243 - An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to the Board of Pension Trustees.

The roll call on SB 243 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Plant, Smith - 3.

Therefore, having received a constitutional majority, SB 243 was returned to the Senate.

Representative Taylor moved to suspend the rules which interfere with action on SB 159. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 159, sponsored by Senators Adams, Cook, Connor & Berndt & Representatives Barnes, Fallon & Gilligan, before the House for consideration.

SB 159 - An Act To Amend Chapter 55, Title 29, Delaware Code, Relating to the State Employees Pension Plan.

The roll call on SB 159 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38

ABSENT: Representatives Bennett, Plant, Smith - 3.

Therefore, having received a constitutional majority, SB 159 was returned to the Senate.

Representative Taylor moved to suspend the rules which interfere with action on SB 160. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 160, sponsored by Senators Adams, Cook, Connor & Berndt & Representatives Barnes, Fallon, Campanelli & Gilligan, before the House for consideration.

SB 160 - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to Former State Employees With Vested Pension Benefits. (F/N)

Representative Oberle requested and was granted the privilege of the floor for Steven Wood, House Attorney.

The roll call on SB 160 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 160 was returned to the Senate.

Representative Petrilli brought SB 121, sponsored by Senators McBride & Torbert & cosponsored by Representatives Buckworth, Caulk, D. Ennis, Quillen & Roy & Senators Martin, McDowell & Minner, before the House for consideration.

SB 121 – An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to Retail and Wholesale Merchants' License Requirement and Taxes. (F/N)

The roll call on SB 121 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 121 was returned to the Senate.

Representative Taylor moved to lift SB 37 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Taylor brought SB 37, sponsored by Senator Martin, before the House for consideration.

SB 37 – An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Increase Penalties for Particular Dogs Running at Large Violations.

Representative Free introduced and brought HA 1 to SB 37 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 37 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Petrilli, Plant – 2.

Therefore, having received a constitutional majority, SB 37 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Buckworth moved to lift SB 201 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Buckworth brought SB 201 w/HA 1 & 2, sponsored by Senators McBride & Connor & Representative Maroney, before the House for consideration.

SB 201 – An Act to Amend Chapter 51, Part III, Title 11 of the Delaware Code Relating to Criminal Procedure in the Superior Court and Providing for a Bill of Rights for Children Who Are Required to Testify Before the Court, or Who Are Otherwise Required to Participate in a Criminal Trial.

Representative Buckworth introduced and brought HA 3 to SB 201 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on SB 201 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Petrilli, Plant – 2.

Therefore, having received a constitutional majority, SB 201 w/HA 1, 2 & 3 was returned to the Senate for concurrence on HA 1, 2 & 3.

Representative Oberle moved to suspend the rules which interfere with action on SB 249. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 249, sponsored by Senator R. Cordrey, before the House for consideration.

SB 249 – An Act to Amend Chapter 143, Volume 57, Laws of Delaware, Entitled: "An Act to Incorporate the Town of South Bethany." (2/3 bill)

The roll call on SB 249 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives D. Ennis, Plant – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 249 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SB 203. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 203, sponsored by Senator Slatcher & Representative Fallon, before the House for consideration.

SB 203 - 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 Relating to Supplemental Tax Assessments". (2/3 bill)

The roll call on SB 203 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 203 was returned to the Senate.

Representative D. Ennis moved to suspend the rules which interfere with action on HB 358. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis brought HB 358, cosponsored by Representative Petrilli, before the House for consideration.

HB 358 - An Act to Amend Section 1001, Title 5 of the Delaware Code to Amend the Definition of a "Qualifying Corporation" Under the Consumer Credit Bank Act. (2/3 bill)

The roll call on HB 358 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 358 was sent to the Senate for concurrence.

Representative Taylor brought SB 136, sponsored by Senator Sharp, before the House for consideration.

SB 136 - An Act to Amend Title 4 of the Delaware Code Relating to Licensing Provisions for Business Establishments Selling Alcoholic Beverages for Off Premises Consumption.

The roll call on SB 136 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

NO: Representative Quillen - 1.

NOT VOTING: Representatives Brady, Clark, Davis, Free, Soles - 5.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 136 was returned to the Senate.

Representative Bennett brought HB 56, cosponsored by Senator Zimmerman & Representative Outten & Senators R. Cordrey & Cook, before the House for consideration.

HB 56 - An Act to Allow for the Exchange of Lands Located in the City of Dover, Kent County, Delaware, Between the State of Delaware and Doris R. Dorzback and Donna D. Stone.

The roll call on HB 56 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Campanelli, Plant - 3.

Therefore, having received a constitutional majority, HB 56 was sent to the Senate for concurrence.

Representative Boykin brought HB 80, jointly sponsored by Representative Outten & cosponsored by Representatives Barnes, Clark, C. Cordrey, Corrozi, Petrilli, Spence & Van Sant & Senators Bair, R. Cordrey, McDowell, Neal & Zimmerman, before the House for consideration.

HB 80 - An Act to Amend Chapter 6, Title 29 of the Delaware Code Providing for Attorneys' Fees for Small Businesses in Actions Involving a State Agency.

Representative Boykin brought HA 1 to HB 80 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 80 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate - 36.

NO: Mr. Speaker Hebner - 1.

ABSENT: Representatives Campanelli, D. Ennis, Oberle, Plant - 4.

Therefore, having received a constitutional majority, HB 80 w/HA 1 was sent to the Senate for concurrence.

Representative Reynolds moved to lift HB 316 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Reynolds brought HB 316, cosponsored by Representatives Davis, Spence & Van Sant & Senator Connor, before the House for consideration.

HB 316 - An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Transfer of Cases to the Court of Common Pleas.

Representative Reynolds introduced and brought HA 1 to HB 316, cosponsored by Representative Houghton, before the House for consideration. HA 1 was adopted by voice vote.

Representative West introduced and brought HA 2 to HB 316 before the House for consideration. HA 2 was defeated by voice vote.

The roll call on HB 316 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representative Sills - 1.

ABSENT: Representatives Campanelli, Plant, Smith - 3.

Therefore, having received a constitutional majority, HB 316 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with action on SB 269. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Petrilli brought SB 269, sponsored by Senators Marshall & Arnold & Representative George, before the House for consideration.

SB 269 - An Act to Amend Chapter 81, Title 9 of the Delaware Code Relating to Exemption From Taxation of Off-Street Parking Facilities.

The roll call on SB 269 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 34.

NO: Representative West - 1.

NOT VOTING: Representatives Barnes, Carey, Free, Petrilli - 4.

ABSENT: Representatives Campanelli, Plant - 2.

Therefore, having received a constitutional majority, SB 269 was returned to the Senate.

Representative Carey moved to suspend the rules which interfere with introduction of and action on SS 1 to SB 244 w/SA 1 & SA 2 w/SA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Carey introduced and brought SS 1 to SB 244 w/SA 1 & SA 2 w/SA 1, sponsored by Senator McDowell & Representatives Jonkiert, Mack, Soles & Smith & Senators Berndt & Zimmerman, before the House for consideration.

SB 244 - An Act to Add a New Chapter 74, Title 7 of The Delaware Code, Relating to the Prevention, Detection, Investigation, and Correction of Underground Storage Tank Leaks. (3/5 bill)

Representative Jonkiert introduced and brought HA 1 to SS 1 to SB 244 before the House for consideration.

Representative Carey requested and was granted the privilege of the floor for Robert Touhey, Director, Division of Environmental Control.

The roll call on HA 1 to SS 1 to SB 244 was taken and revealed:

YES: Representatives Anderson, Brady, B. Ennis, George, Gilligan, Jester, Jonkiert, Van Sant, West - 9.

NO: Representatives Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Wingate, Mr. Speaker Hebner - 24.

NOT VOTING: Representatives Clark, Cordrey, Free, Taylor - 4.

ABSENT: Representatives Campanelli, D. Ennis, Plant, Smith - 4.

Therefore, not having received a constitutional majority, HA 1 to SS 1 to SB 244 was declared defeated.

The roll call on SS 1 to SB 244 w/SA 1 & SA 2 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Campanelli, D. Ennis, Plant, Smith - 4.

Therefore, having received a constitutional majority, SS 1 to SB 244 w/SA 1 & SA 2 w/SA 1 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on HB 302 w/HA 1 & 2. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Barnes moved to lift HB 302 w/HA 1 & 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Barnes brought HB 302 w/HA 1 & 2, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 7, Part 1 of the Delaware Code, Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

Representative West introduced and brought HA 3 to HB 302 before the House for consideration.

Representative Barnes rose on a point of order.

Representative Barnes requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative West requested that HA 3 to HB 302 be stricken.  
Representative Barnes moved to place HB 302 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

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

APPRO: SB 137 - SM.

JUD: SB 228 - 3F, 1M.

Representative Oberle moved to recess to the call of the Chair at 12:15 a.m.

49th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Session

June 30, 1985

Mr. Speaker Hebner called the House to order at 3:40 p.m.

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

JUD: SB 176 - 3M, 1U.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 280 w/HA 1; HB 3 w/HA 1; HB 211 w/HA 1; HB 142 w/HA 1 & 2; HB 252; HB 90; HJR 3 w/HA 1; SS 1 for SB 244 w/SA 1 & SA 2 w/SA 1; HB 224; HB 293; HB 291 w/SA 1; HB 319; HB 262; HB 255; HB 258; HB 276 w/HA 2; HB 256; HB 215 w/HA 1; HB 294; HB 303; HB 177 w/HA 1; HB 300 w/HA 1; HB 292; HB 290; HB 174 & HB 113.

WITHDRAWAL OF SPONSORSHIP REQUEST

I Charles P. West, do hereby request that my name be removed as co-sponsor of HB 362.

DATE: 6/28/85

SIGNED: Charles P. West.

June 28, 1985

LEGISLATIVE ADVISORY #14

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6-28-85 - SB 7; SB 19; SB 20; SB 22 aab SA 1; SB 50 aab SA 1; SB 70; SB 127; SB 133; SB 145 aab SA 1, 2; SB 169; SB 184; SB 210 aab SA 1; HB 34; HB 41; HB 82.

June 28, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On June 18, 1985, I received House Bill No. 106, as amended by House Amendment No. 1, which is entitled:

"AN ACT TO AMEND CHAPTER 43, TITLE 11,  
DELAWARE CODE RELATING TO VIOLATIONS OF  
PAROLE OR CONDITIONAL RELEASE."

This bill would require that any person "who commits a crime while at large on parole or conditional release and is convicted and sentenced therefor shall serve the unexpired portion of the sentence under which he was released consecutively before any new sentence" begins. Furthermore, under this bill any new sentence imposed for a crime committed while at large on parole on conditional release "shall be served consecutively after the completion of the sentence imposed for the original offense and shall not be suspended."

The terms used in House Bill No. 106 are undefined, however, with the result that the legislation is unintentionally overbroad in its application. For this reason, and to enable the redrafting of the legislation to better accomplish its purpose, I am returning House Bill No. 106 without my signature.

The purpose of House Bill No. 106 is to mandate and aggravate the punishment of parolees, work releasees, furlougees and supervised custody inmates who commit crimes while on conditional release. The term "crime" is undefined by the legislation, however, and the general definition of that term in the Delaware Criminal Code includes "an Act or omission forbidden by a statute of this State and punishable upon conviction by ... fine [among other punishments]". The effect is that a parolee, who, for example, is fined for a traffic violation, must be returned to prison to serve the balance of his original sentence. Any violation or any misdemeanor will result in the conditional releasee's reimprisonment. I do not believe that this was the intent behind House Bill No. 106.

It is also unclear what the phrase "at large on parole or conditional release" means in the context of this legislation. Is the provision aimed only at crimes committed by conditional releasees who evade their custodial arrangements, and so are "at large"? Again, I do not believe that is the intent of the legislation.

I agree with the concept underlying this bill. Offenders on parole or other conditional release have been granted a privilege [sic.] which carries with it a special responsibility on their part. When a parolee, work releasee or supervised custody inmate commits a crime while enjoying the privilege [sic.] of conditional release, he violates a special trust. It is entirely appropriate, therefore, that such an offender suffer not only the consequences of his actions, but be subject to stiffer punishment than in the ordinary case.

But the effect of House Bill No. 106, in its present form, will be to mandate the reimprisonment of every offender who violates any provision of the law. In order that this legislation can be redrafted to better accomplish its true purpose, I am returning House Bill No. 106, as amended by House Amendment No. 1, without my signature.



I stand ready to cooperate, however, in the redrafting and reenactment of this legislation. I will ask the Sentencing Accountability Commission to assist in this effort, so that this legislation will fit into the comprehensive sentencing scheme SENTAC is charged with developing.

Respectfully submitted,  
Michael N. Castle  
Governor

The Majority Leader moved to adjourn at 3:48 p.m., thereby ending the current legislative day. The House reconvened at 3:49 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Charles West, Forty-First Representative District.

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

The following prefiled legislation was introduced:

HB 374 - OBERLE, JONKIERT - H/ADM: An Act to Amend Chapter 31, Title 15 of the Delaware Code to Provide for Nominating Conventions for Statewide Elective Offices.

HB 375 - OBERLE - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Minimum Duration of Incapacity for Payments for Injuries or Death and Incidental Benefits.

HB 376 - BOYKIN, TAYLOR, CLARK, FALLON, REYNOLDS, HOUGHTON, BRADY, D. ENNIS, CAULK, DAVIS, SPENCE, SMITH, BARNES, MACK, VAN SANT, STEELE, C. CORDREY; SENATORS BAIR, SLATCHER, KNOX, VAUGHN, CITRO - ADM/S: An Act to Amend Titles 29 and 31 of the Delaware Code Relating to Public Housing; and Providing for Notification to Members of the General Assembly of New Public Housing Projects.

HB 377 - QUILLEN, BOYKIN, TAYLOR, REYNOLDS, STEELE, CORROZI, MACK, MARONEY, FREE, D. ENNIS, CAREY - ADM/S: An Act to Amend Chapter 86, Title 29 and Chapter 40, Title 31 of the Delaware Code Relating to the Elevation of Certain Existing Programs Within the Department of Community Affairs to Divisional Status and Providing for a Change of Name for the Division of Housing.

HA 2 to HB 207 - MARONEY - AGENDA: Placed with the Bill.

HA 3 to HB 207 - MARONEY - AGENDA: Placed with the Bill.

HA 1 to HB 362 - SMITH - AGENDA: Placed with the Bill.

SB 277 w/SA 1 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 19, Title 24, Delaware Code, Relating to the Board of Nursing.

SB 279 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Title 24, Chapter 27, Delaware Code, Relating to the Board of Registration for Professional Land Surveyors.

SB 280 w/SA 1 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 3, Title 18, of the Delaware Code by Providing for a General Administrative Penalty for Violations of Any Provisions of the Delaware Insurance Code.

SB 281 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 35, Title 24, Delaware Code, Relating to the Board of Examiners of Psychologists.

SB 282 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Title 24, Chapter 37, Delaware Code Relating to the Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers.

SB 287 w/SA 1 and SA 2 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 1, Title 24 of the Delaware Code, Relating to the State Board of Accountancy. (3/5 bill)

SB 288 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 11, Title 24 of the Delaware Code, Relating to the Board of Dental Examiners.

SB 293 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Section 201, Subchapter II, Title 26 of the Delaware Code, Relating to General Jurisdiction and Powers of the Public Service Commission.

SB 295 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - SUNSET: An Act to Amend Chapter 50, Title 29 of the Delaware Code Relating to the Delaware Development Office.

SB 299 - MCDOWELL & REPRESENTATIVE ROY - SUNSET: An Act to Amend Chapter 15, Title 28 of the Delaware Code, Relating to the Delaware Gaming Control Board. (F/N)

SB 301 - COOK; REPRESENTATIVE CAULK; SENATORS ADAMS, MINNER; REPRESENTATIVE CLARK - APPRO: An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Salaries & OEC) to the University of Delaware, Operations (90-01-001) for the Purpose of Continuing the Cooperative Extension Farm Safety Program.

Representative Steele requested that HB 348 be stricken.

Representative Spence brought HB 329, jointly sponsored by Senator Sharp & cosponsored by Representatives Reynolds, Van Sant, Taylor, Caulk, Houghton, B. Ennis & Free & Senator Connor, before the House for consideration.

HB 329 - An Act to Amend Chapter 45, Title 10, Delaware Code, Relating to Jury Selection and Service. (2/3 bill)

Representative Spence introduced and brought HA 1 to HB 329 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 329 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

NOT VOTING: Representatives Bennett, Soles – 2.

ABSENT: Representatives Brady, Jonkiert – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 329 w/HA 1 was sent to the Senate for concurrence.

Representative Spence requested that HB 118 be stricken.

Representative Spence brought HB 245, jointly sponsored by Representative Oberle, before the House for consideration.

HB 245 – An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for the Chief Magistrate.

Representative Davis introduced and brought HA 1 to HB 245 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 245 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, D. Ennis, Fallon, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner – 31.

NO: Representatives Bennett, Clark, B. Ennis, Free, Jester, Van Sant, West – 7.

NOT VOTING: Representative Petrilli – 1.

ABSENT: Representatives Brady, Jonkiert – 2.

Therefore, having received a constitutional majority, HB 245 w/HA 1 was sent to the Senate for concurrence.

Representative Taylor brought SB 174, sponsored by Senator Cook & Representative Quillen, before the House for consideration.

SB 174 – An Act Awarding Special Pension Benefits to Helen Wright Melvin and Directing the Board of Pension Trustees to Administer the Pension Provided as if the Award Were Pursuant to Chapter 55, Title 29 of the Delaware Code.

The roll call on SB 174 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, B. Ennis, Fallon, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Sills, Soles, Spence, Taylor, Van Sant, West – 26.

NOT VOTING: Representatives Bennett, Boykin, Clark, Davis, Free, Jester, Petrilli, Roy, Smith, Steele, Wingate, Mr. Speaker Hebner – 12.

ABSENT: Representatives Brady, D. Ennis, Jonkiert – 3.

Therefore, having received a constitutional majority, SB 174 was returned to the Senate.

Representative Maroney brought HB 207, jointly sponsored by Representatives Buckworth & Jester & Senator Vaughn & cosponsored by Representatives Smith, Reynolds, Fallon, Steele, Anderson & Sills & Senators Cook, Bair & Minner, before the House for consideration.

HB 207 – An Act to Amend Chapter 15, Title 13, of the Delaware Code Relating to Domestic Relations.

Representative Maroney moved to place HB 207 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Quillen moved to lift HB 124 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Quillen brought HB 124 w/HA 1 & 2 before the House for consideration.

HB 124 – An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Desecration of a Burial Place. (2/3 bill)

Representative Quillen brought HA 3 to HB 124 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 124 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 38.

NO: Representative West – 1.

ABSENT: Representatives D. Ennis, Jonkiert – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 124 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Representative Oberle moved to suspend the rules which interfere with action on SB 67. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli moved to lift SB 67 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli brought SB 67, sponsored by Senators Adams, Cook, R. Cordrey, Vaughn, Connor & Slatcher & Representatives Barnes, West, Caulk, Carey, Mack, Clark & C. Cordrey, before the House for consideration.

SB 67 – An Act to Amend Section 1109, Title 30, Delaware Code, Relating to a Tax Deduction for Health Insurance Premiums Paid by Self-Employed Taxpayer. (F/N)

Representative Barnes introduced and brought HA 1 to SB 67 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 67 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Plant, Quillen, Reynolds, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

NO: Representative Petrilli - 1.

NOT VOTING: Representatives Boykin, Oberle, Roy, Smith, Spence - 5.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, SB 67 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Taylor moved to lift SB 157 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought SB 157, sponsored by Senator Connor, before the House for consideration.

SB 157 - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to Supplemental Compensation.

The roll call on SB 157 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, West, Wingate, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives B. Ennis, Van Sant - 2.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, SB 157 was returned to the Senate.

Representative Spence brought SB 241 w/SA 1 & 2, sponsored by Senator Bair & Representative Hebner, before the House for consideration.

SB 241 - An Act to Amend Chapter 68, Title 21, Delaware Code, Relating to Penalties for Certain Off-Highway Vehicles.

Representative Spence requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Spence moved to place SB 241 w/SA 1 & 2 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Free brought HB 362, jointly sponsored by Senator Cook & cosponsored by Representatives Hebner & Oberle & Senators McDowell & Marshall & Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Spence, Steele, Taylor, Gilligan, George, Bennett, Jonkiert, Soles, C. Cordrey, Houghton & Plant & Senators Martin, Holloway, Vaughn, Minner, McBride, Adams, Bair, Arnold, Berndt, Citro, Connor, Knox, Neal & Slatcher, before the House for consideration.

HB 362 - An Act to Amend Section 1701, Title 17 of the Delaware Code the "Delaware-New Jersey Compact" Creating the Delaware River and Bay Authority.

Representative Free moved to place HB 362 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Mack requested that HB 240 be stricken.

Representative Roy moved to suspend the rules which interfere with action on SB 280 w/SA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Roy brought SB 280 w/SA 1, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 280 - An Act to Amend Chapter 3, Title 18, of the Delaware Code by Providing for a General Administrative Penalty for Violations of Any Provisions of the Delaware Insurance Code.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Cordrey - 1.

Therefore, having received a constitutional majority, SB 280 w/SA 1 was returned to the Senate.

Representative George introduced and brought HR 107, cosponsored by Representatives Gilligan & Soles, before the House for consideration.

HR 107 - Congratulating Celia Cohen, News Journal Reporter, on Her Receiving a Congressional Fellowship for Journalists From the American Political Science Association of Washington, D. C.

WHEREAS, Celia Cohen has been a reporter with the News Journal papers of Wilmington since 1978, and has reported for most of that time on the General Assembly; and

WHEREAS, even though she was transferred to coverage of the Senate and left our House Chamber a while ago, we still consider her part of our family; and

WHEREAS, Celia Cohen, although she grew up in nearby Pennsylvania, had the good judgment to attend the University of Delaware, from which she graduated with honors and was elected to Phi Beta Kappa; and

WHEREAS, the Congressional Fellowship of the American Political Science Association is recognized among journalists as an award of high prestige, and is underwritten by the Federal Government and a number of corporate sponsors; and

WHEREAS, as a recipient of the Congressional Fellowship for Journalists, Celia will be spending the time from November 12, 1985 until August 15, 1986 in Washington, working for varying periods of time for Congressional committees, or on the staff of a member of one of the Houses of Congress; and

WHEREAS, we feel it will do Celia a world of good to be on the opposite side of the fence acting as a staff member or alter ego of an elected official and having to undergo the slings and arrows of the media; and

WHEREAS, Celia has always impressed us with her acute perception, accuracy, and objectivity; and WHEREAS, we can always depend on Celia to stimulate us with her incisive questions and off the record phone calls; and

WHEREAS, Celia is a most respected reporter who "tells it like it is", yet seldom raises any ire.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives of the 133rd General Assembly of the State of Delaware congratulates Celia Cohen on her receiving the Congressional Fellowship for Journalists, and wishes her well in her sabbatical.

BE IT FURTHER RESOLVED that the House of Representatives joins with the News Journal papers in urging her to return to the First State upon the completion of her sabbatical, just in time for the election, and to once again observe and report to the public on the activities and proceedings in Legislative Hall.

BE IT FURTHER RESOLVED that upon passage of this resolution a suitably prepared copy be sent to Celia Cohen and the News Journal Company.

HR 107 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Celia Cohen.

Representative Taylor brought SB 176, sponsored by Senators Marshall & Citro & Representative Quillen, before the House for consideration.

SB 176 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale and Delivery of Alcoholic Beverages During the Time of Particular Elections. (2/3 bill)

The roll call on SB 176 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Cordrey, Corrozi, B. Ennis, George, Gilligan, Houghton, Jonkiert, Maroney, Outten, Plant, Quillen, Roy, Sills, Smith, Soles, Spence, Steele, Van Sant, Mr Speaker Hebner - 26.

NO: Representatives Barnes, Carey, Clark, Free, Jester, Mack, Oberle, Petrilli, Reynolds, West - 10.

NOT VOTING: Representatives Davis, D. Ennis, Fallon, Taylor, Wingate - 5.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 176 was declared defeated.

Representative Bennett brought HB 5 before the House for consideration.

HB 5 - An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to the Term of Office of Sheriff for Kent and Sussex Counties. (2/3 bill)

Representative Bennett brought HA 1 to HB 5 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 5 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Smith - 1.

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

Representative Spence brought SB 231, sponsored by Senator Arnold & Representative Taylor, before the House for consideration.

SB 231 - An Act to Amend Title 11, Section 4214, Delaware Code, Relating to Habitual Criminals.

Representative Spence requested and was granted the privilege of the floor for Steven Wood, House Attorney.

The roll call on SB 231 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Brady, Campanelli, Free, Soles - 4.

Therefore, having received a constitutional majority, SB 231 was returned to the Senate.

Representative Petrilli brought HB 312, sponsored by Representative Spence & Senator Torbert & cosponsored by Representative Davis & Senators Minner, Adams, Vaughn, Citro & Neal, before the House for consideration.

HB 312 - An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to the Assessment and Collection of Motor Fuel Taxes. (2/3 bill)

Representative Petrilli introduced and brought HA 1 to HB 312 before the House for consideration. HA 1 was adopted by voice vote.

Representative Spence introduced and brought HA 2 to HB 312 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 312 w/HA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Jester - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 312 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Steele brought HB 204, cosponsored by Representatives Barnes, Petrilli, Caulk, Carey & Mack, before the House for consideration.

HB 204 - An Act to Amend §3002, Chapter 30, Delaware Code Relating to Motor Vehicle Document Fees, and Sections 4303 and 4305, Chapter 43, Title 30, Delaware Code, Relating to Apportionment of the Taxable Receipts From Leasing Tangible Personal Property and Requirements for a Lessor's License.

Representative Steele brought HA 1 to HB 204 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 204 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 204 w/HA 1 was sent to the Senate for concurrence.

Representative Barnes moved to lift HB 302 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Barnes brought HB 302, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 7, Part I of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

Representative Barnes introduced and brought HA 3 to HB 302 before the House for consideration. HA 3 was adopted by voice vote.

Representative West introduced and brought HA 1 to HA 1 to HB 302 before the House for consideration.

Representative West requested and was granted the privilege of the floor for William C. Wagner, Director, Delaware Division of Fish and Wild Life.

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

Representative Oberle requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Mr. Speaker ruled that HA 1 to HA 1 to HB 302 is invalid.

Representative Clark requested and was granted the privilege of the floor for William C. Wagner, Director, Delaware Division of Fish and Wild Life.

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

Representative West introduced and brought HA 4 to HB 302 before the House for consideration.

Representative Barnes moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Maroney.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Mr. Speaker Hebner - 20.

NO: Representatives Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Steele, Van Sant, West, Wingate - 18.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representatives Bennett, Corrozi - 2.

Therefore, having received a majority of those present and voting, the motion was adopted and HA 4 was placed on the Speakers table.

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

Representative West introduced and brought HA 5 to HB 302 before the House for consideration. Representative Barnes moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Maroney.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, West, Mr. Speaker Hebner - 23.

NO: Representatives Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 16.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representative Bennett - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 5 was placed on the Speakers table.

Representative West introduced and brought HA 6 to HB 302 before the House for consideration. Representative Barnes moved to place HA 6 on the Speaker's table. The motion was seconded by Representative Oberle.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 22.

NO: Representatives Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant, West, Wingate - 17.

NOT VOTING: Representative Anderson - 1.

ABSENT: Representative Bennett - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 6 was placed on the Speakers table.

Representative West introduced and brought HA 1 to HA 2 to HB 302 before the House for consideration. Representative Barnes moved to place HA 1 to HA 2 on the Speakers table.

Mr. Speaker ruled that HA 1 to HA 2 to HB 302 is invalid.

The roll call on HB 302 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Sills, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner - 30.

NO: Representatives B. Ennis, Steele, West - 3.

NOT VOTING: Representatives Campanelli, Clark, Cordrey, Fallon, Jester, Quillen, Van Sant, Wingate - 8.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

Representative Oberle moved to lift SB 238 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 238, sponsored by Senators Marshall, Cordrey, Knox, McBride & Connor & Representatives Hebner & George, before the House for consideration.

SB 238 - An Act to Amend Titles 5, 6 and 30 of the Delaware Code By Revising the Provisions of the Delaware Banking Laws Restricting Participation by Banks in Export Trading Companies; and by Providing State Antitrust Exemption for Activities of Export Trading Companies Permitted by Federal Law; by Providing an Exemption From the Taxation of Net Income for Export Trading Companies; and by Providing for the Exemption of Export Trading Companies From the Provisions of the Mercantile Tax.

Representative Petrilli requested and was granted the privilege of the floor for Senator Andrew Knox, Chairman, Governor's International Trade Council.

The roll call on SB 238 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 35.

NO: Representative West - 1.

ABSENT: Representatives Barnes, Campanelli, Jonkiert, Smith, Spence - 5.

Therefore, having received a constitutional majority, SB 238 was returned to the Senate.

Representative Petrilli moved to lift SB 162 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Petrilli brought SB 162, sponsored by Senators Marshall, Cordrey & Knox & Representatives Hebner & George, before the House for consideration.

SB 162 - An Act to Amend Title 30 of the Delaware Code by Providing for the Exemption of Foreign Sales Corporations and Foreign Sales Service Corporations From the Provisions of the Corporation Income Tax and by Providing for the Application of Occupational and Business Licenses and Fees for Such Corporations, and by Providing for the Exemption for Small Foreign Sales Corporations From Such Licenses and Fees.

Representative Petrilli requested and was granted the privilege of the floor for Senator Andrew Knox, Chairman, Governor's International Trade Council.

The roll call on SB 162 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

NO: Representative West - 1.

ABSENT: Representatives Buckworth, Campanelli, Smith - 3.

Therefore, having received a constitutional majority, SB 162 was returned to the Senate.

Representative Taylor moved to lift SB 44 w/SA 1 & 2 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought SB 44 w/SA 1 & 2, sponsored by Senator Holloway & Representative Oberle, before the House for consideration.

SB 44 - An Act to Amend Section 5307, Chapter 53, Title 25 of the Delaware Code, With Reference to Landlord-Tenant Relationships; Increasing the Abatement for Rent for Periods in Which Heat or Water or Hot Water is Not Provided by a Landlord.

The roll call on SB 44 w/SA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Petrilli - 2.

Therefore, having received a constitutional majority, SB 44 w/SA 1 & 2 was returned to the Senate.

Representative Oberle moved to recess at 6:50 p.m.

The House reconvened at 8:48 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SS 1 for SB 56; HB 282 w/HA 1 & SA 1; HB 219 w/HA 2; HB 307 w/HA 1; SB 251; SB 283; SJR 7; HB 246 w/HA 1; HB 156; HB 241; HB 31 w/HA 1; HB 230; HB 266 w/HA 1; HB 158; HJR 18; HJR 9 w/HA 1; SB 279; SB 281; SB 282; SB 277 w/SA 1; SB 287 w/SA 1 & 2; SB 280 w/SA 1; SB 288; SB 293; SB 300 w/SA 1; SB 295; SB 299 (F/N); SB 301; SCR 77; HB 65 w/HA 1 & HJR 15.

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

SUNSET: SB 277 w/SA 1 – 5M; SB 279 – 5M; SB 281 – 5M; SB 282 – 5M; SB 287 w/SA 1 & 2 – 5M; SB 288 – 5M; SB 293 – 5M; SB 295 – 5M; SB 299 – 5M.

Representative Oberle moved to lift SB 123 w/SA 1, 2, 3, 4 & 5 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 123 w/SA 1, 2, 3, 4 & 5, jointly sponsored by Senator McDowell & Representative Plant & cosponsored by Senators Holloway, Martin, Bair, Torbert & Marshall & Representatives Outten, Sills, B. Ennis & George, before the House for consideration.

SB 123 – An Act to Amend Title 31 of the Delaware Code By Adopting a Housing Code for the State of Delaware, Including the Establishment of Minimum Property Maintenance Standards for Dwelling Structures That Pose a Threat to the Health and Safety of the People of Each Community in the State, Provisions for Adoption of Such Standards by Each Community in the State, With Certain Exemptions and Provisions for Special Conditions and for Hardships, and Enforcement of Such Standards by Each Community in the State or by the State in the Absence of Local Enforcement.

Representative Taylor brought HA 1 to SA 5 to SB 123 before the House for consideration.

Mr. Speaker ruled that HA 1 to SA 5 to SB 123 is invalid.

Representative Barnes moved to place SB 123 w/SA 1, 2, 3, 4 & 5 on the Speaker's table. The motion was seconded by Representative Taylor and adopted by voice vote.

Representative Oberle brought HB 221 w/SA 1, sponsored by Representative B. Ennis & Senator Vaughn & Representative Van Sant, before the House for consideration.

HB 221 – An Act to Amend Titles 10 and 11, Delaware Code, Relating to Violation of Probation Cases.

The roll call on HB 221 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Cordrey, D. Ennis, Smith – 3.

Therefore, having received a constitutional majority, HB 221 w/SA 1 was sent to the Governor.

Representative Carey brought HB 282 w/HA 1 & SA 1, cosponsored by Representatives Caulk, Barnes, Buckworth, West & Wingate & Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold & Berndt, before the House for consideration.

HB 282 – An Act to Amend Chapter 9, Title 7 of the Delaware Code Relating to Finfishing in Tidal Waters; Correction of Pertinent Data by the Department of Natural Resources and Environmental Control; the Finfisheries Development Fund; and Enforcement of Reporting Requirements.

The roll call on HB 282 w/HA 1 & SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Cordrey – 1.

Therefore, having received a constitutional majority, HB 282 w/HA 1 & SA 1 was sent to the Governor.

Representative Mack brought HB 291 w/SA 1, cosponsored by Senator Marshall, before the House for consideration.

HB 291 – An Act to Amend Part III, Title 19, of the Delaware Code Relating to Unemployment Compensation.

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

The roll call on HB 291 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 41.

Therefore, having received a constitutional majority, HB 291 w/SA 1 was sent to the Governor.

Representative Maroney moved to lift SB 33 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought SB 33, sponsored by Senators Holloway & Berndt, before the House for consideration.

SB 33 – An Act to Amend Chapter 57, Title 16, Delaware Code, Relating to Voluntary and Involuntary Sterilization, and Making a Supplementary Appropriation Therefore. (F/N)

Representative Maroney brought HA 1 to SB 33, jointly sponsored by Representative Boykin, before the House for consideration.

Representative Maroney requested and was granted the privilege of the floor for John Frazer, Controller General's Office.

HA 1 to SB 33 was adopted by voice vote.

The roll call on SB 33 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Jonkiert, West - 2.

ABSENT: Representatives Barnes, Corrozi - 2.

Therefore, having received a constitutional majority, SB 33 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Taylor moved to lift SB 123 w/SA 1, 2, 3, 4 & 5 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought SB 123 w/SA 1, 2, 3, 4 & 5, sponsored by Senator McDowell & Representative Plant & Senators Holloway, Martin, Bair, Torbert & Marshall & Representatives Outten, Sills, B. Ennis & George, before the House for consideration.

SB 123 - An Act to Amend Title 31 of The Delaware Code by Adopting a Housing Code for the State of Delaware, Including the Establishment of Minimum Property Maintenance Standards for Dwelling Structures That Pose a Threat to the Health and Safety of the People of Each Community in the State, Provisions for Adoption of Such Standards by Each Community in the State, With Certain Exemptions and Provisions for Special Conditions and for Hardships, and Enforcement of Such Standards by Each Community in the State or by the State in the Absence of Local Enforcement.

Representative Taylor introduced and brought HA 1 to SB 123 before the House for consideration.

Representative Taylor requested and was granted the privilege of the floor for Mr. M. E. Prettyman, President, Delaware Association of Realtors.

The roll call on HA 1 to SB 123 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Carey, Caulk, Cordrey, Corrozi, D. Ennis, Fallon, Free, George, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, - 27.

NO: Representatives Anderson, Brady, Campanelli, Clark, B. Ennis, Gilligan, Houghton, Jester, Plant, Sills, Soles, Mr. Speaker Hebner - 12.

NOT VOTING: Representatives Buckworth, Davis - 2.

Therefore, having received a constitutional majority, HA 1 to SB 123 was adopted.

The roll call on SB 123 w/SA 1,2,3,4,5 & HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Reynolds, Roy, Sills, Soles, Spence, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 33.

NO: Representatives Carey, Steele West - 3.

NOT VOTING: Representatives Barnes, Cordrey, Quillen, Smith - 4.

ABSENT: Representative Corrozi - 1.

Therefore, having received a constitutional majority, SB 123 w/SA 1,2,3,4,5 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 307. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis introduced and brought SB 307, jointly sponsored by Senator Marshall & cosponsored by Senators Cook, Knox, Bair, Arnold, Berndt, Citro, Connor, Neal & Slatcher & Representatives Free, Taylor, Reynolds, Hebner, Oberle, Barnes, Outten, Bennett, George, Gilligan, Petrilli, Corrozi, Boykin, Roy, Davis, Fallon, Caulk, Maroney, Van Sant, Quillen, Buckworth & Brady, before the House for consideration.

SB 307 - An Act to Amend Chapter 27, Title 30 of the Delaware Code, Relating to Manufacturers' License Requirements and Taxes.

The roll call on SB 307 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Campanelli, Jonkiert, West - 3.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 307 was returned to the Senate.

Representative Corrozi moved to suspend the rules which interfere with action on HB 365. The motion was seconded by Representative Oberle and adopted by voice vote.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 10:10 p.m.

The House reconvened at 10:13 p.m.

Representative Corrozi brought HB 365, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Soles & Senators Cook, Berndt, Holloway, McBride, Slatcher & Vaughn, before the House for consideration.

HB 365 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)



Representative Corrozi introduced and brought HA 1 to HB 365 before the House for consideration. HA 1 was adopted by voice vote.

Representative Corrozi moved to place HB 365 w/HA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

The following prefiled Consent Calendar #17 was introduced:

HR 108 - D. ENNIS & BENNETT, BOYKIN, PETRILLI, FREE, OUTTEN, WINGATE, VAN SANT - Establishing a Special Committee to Engage in Discussions and Meetings With the Committee of 100 and to Explore the Impact of Future Legislation Relating to Business and the Economy of the State of Delaware.

HR 109 - MARONEY, BUCKWORTH, STEELE, SILLS - Memorializing the President of the United States of America and the 99th Congress to Designate the Week of October 6, 1985 Through October 12, 1985 as National Children's Week.

HR 110 - FALLON & ALL REPRESENTATIVES - Commending the Delegates of the 1985 Boys' State Program and Commending the American Legion, Department of Delaware, for Continuing This Valuable Education Experience.

HR 111 - FALLON - Congratulating Samuel Raymond Morris of Seaford on the Upcoming Celebration of His 91st Birthday.

HR 112 - HEBNER - Congratulating Morris and Sadie Cohen Upon Their 55th Wedding Anniversary.

SCR 77 - CONNOR; REPRESENTATIVES REYNOLDS, MACK, SPENCE - Commending Florence V. Stackler on Her Election as President and Her Years of Service on the Ladies Auxiliary of the Delaware Volunteer Firemen's Association.

Representative Brady introduced HR 113, cosponsored by Representatives Hebner & D. Ennis.

HR 113 - Congratulating Duane Seward and James Hull of Claymont for Their Victory in the Delaware All-Star Football Game.

HR 113 was placed on Consent Calendar #17.

Consent Calendar #17 was adopted by voice vote and SCR 77 was returned to the Senate.

Representative Taylor moved to lift SB 237 w/HA 1 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 237 w/HA 1, cosponsored by Senators Martin & Bair, before the House for consideration.

SB 237 - An Act to Amend Title 17, Chapter 13, Delaware Code, Relating to the Vacation, Abandonment and Closure of Public Roads, Bridges and Other Rights of Way.

Representative Taylor introduced and brought HA 2 to SB 237 before the House for consideration. HA 2 was adopted by voice vote.

Representative Taylor introduced and brought HA 3 to SB 237 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on SB 237 w/HA 1, 2 & 3 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, D. Ennis, Jonkiert, West - 4.

Therefore, having received a constitutional majority, SB 237 w/HA 1, 2 & 3 was returned to the Senate for concurrence on HA 1, 2 & 3.

Representative Free moved to reconsider SB 176. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Taylor brought SB 176, sponsored by Senators Marshall & Citro & Representative Quillen, before the House for consideration.

SB 176 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale and Delivery of Alcoholic Beverages During the Time of Particular Elections. (2/3 bill)

The roll call on SB 176 was taken and revealed:

YES: Representatives Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Maroney, Outten, Petrilli, Plant, Quillen, Sills, Smith, Soles, Spence, Steele, Van Sant, Wingate - 30.

NO: Representatives Barnes, Free, Oberle, West, Mr. Speaker Hebner - 5.

NOT VOTING: Representatives Davis, Mack, Reynolds, Taylor - 4.

ABSENT: Representatives Anderson, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 176 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SB 253. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Mack brought SB 253, cosponsored by Senator Connor, before the House for consideration.

SB 253 - An Act to Amend Chapter 121, Volume 32, Laws of Delaware, As Amended, Entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle". (2/3 bill)

The roll call on SB 253 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Anderson, Plant - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 253 was returned to the Senate.

Representative Campanelli introduced HB 378, cosponsored by Representative Bennett.

HB 378 - An Act to Provide a Supplementary Appropriation to the Delaware Technical and Community College.

Mr Speaker assigned HB 378 to the Education Committee.

Representative Oberle moved to recess for Caucus at 10:43 p.m.

The House reconvened at 11:53 p.m.

Representative Oberle moved to adjourn the First Session of the 133rd General Assembly at 11:54 p.m.

1st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Special Session

July 1, 1985

Mr. Speaker Hebner called the House to order at 12:01 a.m.

The Reading Clerk read the following communication into the record:

TO: Members of the House of Representatives and Senate  
of the 133rd General Assembly

FROM: Speaker of the House, Charles L. Hebner  
President of the Senate, S. B. Woo, Lt. Governor

DATE: Sunday, June 30, 1985, 12 Midnight

Pursuant to the authority vested in the presiding officers of both Houses under Article II, Section 4, of the Delaware Constitution of 1897, as amended, we hereby declare that the 133rd General Assembly is now in Special Session.

Charles L. Hebner,  
Speaker of the House  
S. B. Woo,  
President of the Senate

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

A prayer was offered by Representative Bradford Barnes, Thirty-Fifth Representative District.

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

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

Representative Maroney moved to suspend the rules which interfere with introduction of and action on HB 379. The motion was properly seconded and adopted by voice vote.

Mr. Speaker appointed Representatives Barnes and Gilligan to inform the Senate that the House is in Special Session.

Representative Maroney introduced and brought HB 379, jointly sponsored by Senator Holloway & cosponsored by Representatives Buckworth, Sills & Steele & Senator Connor, before the House for consideration

HB 379 - An Act to Amend Titles 10, 13, 29 and 30 of the Delaware Code Relating to Child Support Enforcement. (2/3 bill)

The roll call on HB 379 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NO: Representative Jonkiert - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 379 was sent to the Senate for concurrence.

Senators Holloway and Citro informed the House that the Senate is in Special Session.

Representative Van Sant moved to suspend the rules which interfere with introduction of and action on HB 380. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Van Sant introduced and brought HB 380, cosponsored by Representative B. Ennis & Senators Citro & Vaughn, before the House for consideration.

HB 380 - An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the State Police and the Uniform of the State Police. (2/3 bill)

The roll call on HB 380 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 380 was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on HB 349. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Smith brought HB 349, jointly sponsored by Senator McDowell, before the House for consideration.

HB 349 – An Act to Amend Section 8642, Chapter 86, Title 29 of the Delaware Code Relating to the Powers and Duties of the Public Advocate and Whom He May Represent.

Representative Smith moved to place HB 349 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Clark brought HB 209, cosponsored by Senator Marshall, before the House for consideration.

HB 209 – An Act to Amend Chapter 63, Title 29 of the Delaware Code Relating to the Composition of the Budget Commission.

The roll call on HB 209 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, HB 209 was sent to the Senate for concurrence.

Representative Reynolds brought HB 239 before the House for consideration.

HB 239 – An Act to Permit Ms. Verdi H. Necastro to Continue Employment With the Department of Health and Social Services as an Admission Office Clerk at the Delaware State Hospital After Attaining the Age Seventy.

The roll call on HB 239 was taken and revealed:

YES: Representatives Barnes, Boykin, Brady, Campanelli, Carey, Caulk, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 34.

NOT VOTING: Representatives Bennett, Buckworth, Clark, Davis, Soles – 5.

ABSENT: Representatives Anderson, Plant – 2.

Therefore, having received a constitutional majority, HB 239 was sent to the Senate for concurrence.

Representative Reynolds brought HB 317, cosponsored by Representatives Barnes, Spence, Davis, Mack, Houghton, Plant & Brady & Senator Connor, before the House for consideration.

HB 317 – An Act to Amend Chapter 35, Title 11, Delaware Code, Relating to the Rendition of Prisoners as Witnesses in Criminal Proceedings.

The roll call on HB 317 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Anderson, D. Ennis, Plant, Reynolds – 4.

Therefore, having received a constitutional majority, HB 317 was sent to the Senate for concurrence.

Representative Jester requested that HB 309 be stricken.

Representative Maroney moved to lift HB 207 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought HB 207, jointly sponsored by Representatives Buckworth & Jester & Senator Vaughn & cosponsored by Representatives Smith, Reynolds, Fallon, Steele, Anderson & Sills & Senators Cook, Bair & Minner, before the House for consideration.

HB 207 – An Act to Amend Chapter 15, Title 13, of the Delaware Code Relating to Domestic Relations.

Representative Jester brought HA 1 to HB 207 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney brought HA 2 to HB 207 before the House for consideration.

The roll call on HA 2 to HB 207 was taken and revealed:

YES: Representatives Barnes, Jonkiert, Maroney, Quillen – 4.

NO: Representatives Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Houghton, Jester, Mack, Outten, Petrilli, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 30.

NOT VOTING: Representatives Buckworth, Corrozi, Fallon, Oberle, Spence – 5.

ABSENT: Representatives Anderson, Plant – 2.

Therefore, not having received a constitutional majority, HA 2 to HB 207 was declared defeated.

Representative Maroney brought HA 3 to HB 207 before the House for consideration. HA 3 was adopted by voice vote.

Representative Maroney introduced and brought HA 4 to HB 207 for consideration.

Representative Maroney requested and was granted the privilege of the floor for Steven Wood, House Attorney.

Representative Maroney moved to place HB 207 w/HA 1 & 3 – HA 4 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with action on SJR 4. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Carey brought SJR 4, sponsored by Senators McDowell, Berndt & Martin & Representatives Steele, Soles, Clark & Sills, before the House for consideration.

SJR 4 - Requiring That the State Geologist Evaluate and Report on Activities Related to Energy Exploration.

The roll call on SJR 4 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Anderson, Plant - 2.

Therefore, having received a constitutional majority, SJR 4 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 247. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative D. Ennis introduced and brought SB 247, cosponsored by Senator Sharp, before the House for consideration.

SB 247 - An Act to Amend Chapter 44, Title 18, Delaware Code Relating to the Delaware Life and Health Insurance Guaranty Association.

The roll call on SB 247 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Anderson, Corrozi, Plant - 3.

Therefore, having received a constitutional majority, SB 247 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 305 w/SA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought SB 305 w/SA 1, cosponsored by Senators McDowell, Bair & Holloway & Representatives Maroney & Van Sant, before the House for consideration.

SB 305 - An Act to Amend Chapter 90, Title 29 Delaware Code Relating to the Composition of the Divisional Advisory Councils of the Department of Services for Children, Youth and Their Families.

Representative Buckworth moved to place SB 305 w/SA 1 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence moved to lift SB 109 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence brought SB 109, cosponsored by Senator Sharp, before the House for consideration.

SB 109 - An Act to Amend Subchapter IV, Title 16 of the Delaware Code Relating to Trafficking in Marijuana.

Representative Van Sant requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Spence moved to place SB 109 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 1:05 a.m.

The House reconvened at 1:10 a.m.

Representative Spence moved to lift SB 241 w/SA 1 & 2 from the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Spence brought SB 241 w/SA 1 & 2, sponsored by Senator Bair & Representative Hebner, before the House for consideration.

SB 241 - An Act to Amend Chapter 68, Title 21, Delaware Code, Relating to Penalties for Certain Off-Highway Vehicles.

The roll call on SB 241 w/SA 1 & 2 was taken and revealed:

YES: Representatives Barnes, Buckworth, Carey, Caulk, Clark, Jester, Mack, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 17.

NO: Representatives Anderson, Bennett, Boykin, Brady, Cordrey, Corrozi, Davis, B. Ennis, Fallon, George, Gilligan, Houghton, Jonkiert, Outten, Petrilli, Soles, Steele - 17.

NOT VOTING: Representatives D. Ennis, Free, Maroney, Sills - 4.

ABSENT: Representatives Campanelli, Plant, West - 3.

Therefore, not having received a constitutional majority, SB 241 w/SA 1 & 2 was declared defeated.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 283. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Barnes introduced and brought SB 283, sponsored by Senator Adams, before the House for consideration.

SB 283 - An Act to Amend Chapter 3, Title 3 of the Delaware Code by Creating a Delaware Agricultural Marketing Fund.

The roll call on SB 283 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Carey, Caulk, Clark, Cordrey, D. Ennis, Fallon, Free, George, Jester, Mack, Maroney, Oberle, Outten, Reynolds, Roy, Steele, Taylor, Van Sant, West - 23.

NO: Representatives Bennett, Davis, Gilligan, Houghton, Jonkiert, Petrilli, Quillen, Sills, Soles, Wingate, Mr. Speaker Hebner - 11.

NOT VOTING: Representatives Brady, Campanelli, Corrozi, B. Ennis, Smith, Spence - 6.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 283 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SS 1 for SB 56. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney introduced and brought SS 1 for SB 56, sponsored by Senator Holloway, before the House for consideration.

SB 56 - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Social Work Examiners.

Representative Maroney requested and was granted the privilege of the floor for E. Melvin Jewett, Coalition of Families and Children.

Representative Maroney moved to place SS 1 for SB 56 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with action on SB 287 w/SA 1 & 2. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Roy brought SB 287 w/SA 1 & 2, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 287 - An Act to Amend Chapter 1, Title 24 of the Delaware Code, Relating to the State Board of Accountancy. (3/5 bill)

The roll call on SB 287 w/SA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Oberle, Plant, West - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 287 w/SA 1 & 2 was returned to the Senate.

Representative Barnes brought SCR 76, cosponsored by Senator Marshall & Representative Oberle, before the House for consideration.

SCR 76 - Congratulating Samuel E. Houes Upon His Retirement After 30 Years of State Service in the Department of Labor.

SCR 76 was adopted by voice vote and returned to the Senate.

Representative Buckworth moved to lift SB 305 w/SA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought SB 305 w/SA 1, cosponsored by Senators McDowell, Bair & Holloway & Representatives Maroney & Van Sant, before the House for consideration.

SB 305 - An Act to Amend Chapter 90, Title 29 Delaware Code Relating to the Composition of the Divisional Advisory Councils of the Department of Services for Children, Youth and Their Families.

Representative Buckworth requested and was granted the privilege of the floor for Charles Haywood, Secretary, Department of Children, Youth and Their Families.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Corrozi, Free, Plant - 3.

Therefore, having received a constitutional majority, SB 305 w/SA 1 was returned to the Senate.

Representative Corrozi moved to lift HB 365 w/HA 1 from the Speaker's table. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Corrozi brought HB 365 w/HA 1, cosponsored by Representatives Bennett, Davis, Quillen, Smith & Senators Berndt, Holloway, McBride, Slatcher, Vaughn & Cook, before the House for consideration.

HB 365 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid. (3/4 bill)

The roll call on HB 365 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 365 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to recess for Caucus at 1:50 a.m.

The House reconvened at 2:34 a.m.

Representative Oberle brought HS 1 for HB 311 w/HA 1 & 3 & SA 1, cosponsored by Representatives Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, Van Sant, West & Outten & Senators Bair, Arnold, Slatcher, Berndt, Connor & Knox, before the House for consideration.

HB 311 - An Act Amending Chapter 50, Title 29 of the Delaware Code Relating to the Establishment of the First State Improvement Fund.

The roll call on HS 1 for HB 311 w/HA 1 & 3 & SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Corrozi, Plant - 3.

Therefore, having received a constitutional majority, HS 1 for HB 311 w/HA 1 & 3 & SA 1 was sent to the Governor.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 309. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought SB 309, sponsored by Senators Cook, Martin, Berndt & Neal & Representatives Roy, Carey, B. Ennis, Gilligan, Petrilli & Spence, before the House for consideration.

SB 309 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority; Deauthorizing Certain General Obligation Bonds of the State and Certain Authority for Guaranteed Industrial Revenue Bonds; Reverting and Reprogramming Certain Surplus Funds; Appropriating Certain General and Special Funds of the State and the Delaware Transportation Authority; Amending House Bill No. 350 of the 133rd General Assembly (FY 1986 Budget Bill), House Substitute No. 1 for House Bill No. 311 of the 133rd General Assembly, and Senate Bill No. 2 of the 133rd General Assembly; Authorizing the Purchase, Transfer, and Sale of Certain Real Properties by the State, Certain of Its Authorities, and New Castle County; Clarifying Provisions Pertaining to the Delaware Economic Development Authority and the Delaware Transportation Authority With Respect to the Issuance and Administration of Bonds; Establishing Procedures for the Investment of Certain Funds; Placing Certain Conditions on the Appropriations Contained in This Act and Previous Acts of the State; and Making Certain Other Changes to the Delaware Code and Laws of Delaware. (3/4 bill)

The roll call on SB 309 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, West, Wingate, Mr. Speaker Hebner - 38.

NO: Representatives Bennett, Van Sant - 2.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 309 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SB 1. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought SB 1, sponsored by Senators Sharp, Torbert, Minner, R. Cordrey, Zimmerman & Vaughn & Representative Petrilli, before the House for consideration.

SB 1 - An Act to Amend Chapter 11, Title 30, of the Delaware Code, to Increase the Allowable Deduction for Personal Exemption From \$800 to \$1000, and Relating to Requirement to File on Delaware State Income Tax.

The roll call on SB 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

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

Representative Oberle moved to suspend the rules which interfere with action on SB 270 w/SA 1 & 2. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 270 w/SA 1 & 2, cosponsored by Senator Cordrey & Representatives Steele, Wingate, Hebner, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Anderson, Bennett, Brady, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, Van Sant & West & Senators Sharp, Cook, Adams, McBride, Minner, Torbert, Vaughn, Zimmerman, Marshall, Holloway, Martin, Arnold, Bair, Citro, Connor, Knox, Neal & Slatcher, before the House for consideration.

SB 270 - An Act Amending Chapters 13 and 15, Title 30 of the Delaware Code Relating to Inheritance and Estate Taxes.

The roll call on SB 270 w/SA 1 & 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 270 w/SA 1 & 2 was returned to the Senate. Representative Quillen introduced and brought HR 114 before the House for consideration.

HR 114 - Bidding a Fond Farewell to Stanley Petraschuk and Wishing Him Well as He Begins a Legal Internship With the State Attorney General's Office.

Mr. Speaker reassigned HB 362 to the Economic Development Committee.

HR 114 was adopted by voice vote.

Representative Quillen requested and was granted the privilege of the floor for Stanley Petraschuk.

Representative Roy requested that HS 1 for HB 162 be stricken.

Representative Barnes moved to suspend the rules which interfere with action on HB 352. The motion was properly seconded and adopted by voice vote.

Representative Barnes brought HB 352, cosponsored by Representatives Buckworth, Carey, Caulk, B. Ennis, Fallon, Steele & West & Senator McBride, before the House for consideration.

HB 352 - An Act to Amend The School Bus Transportation Formula.

Representative Oberle requested and was granted the privilege of the floor for Steven Wood, House Attorney.

Mr. Speaker ruled that HB 352 is invalid.

Representative Oberle moved to recess to the call of the Chair at 3:25 a.m.

1st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
First Extraordinary Session

August 28, 1985

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

The Reading Clerk read the following communication into the record:

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of 1897, do hereby call the 133rd General Assembly to convene in Extraordinary Session on Wednesday, August 28, 1985, at 1:00 p.m.; for the purpose of considering and acting upon a bond and capital improvements bill for Fiscal Year 1986, House Bill No. 337 and such other business as may lawfully come before it.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be hereunto affixed at Dover, this 9th day of August, in the year of our Lord the one thousand nine hundred and eighty-fifth, and of the Independence of the United States of America the two hundred and tenth.

Michael N. Castle  
Governor  
Michael E. Harkins  
Secretary of State

ATTEST:

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

The Chief Clerk called the roll.

Members Present: 41.

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

The minutes of the previous legislative 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: SB 278, SCR 74, SCR 75, SCR 76, SCR 78, SCR 79, SCR 80, HB 80 w/HA 1, HCR 75, HCR 76, HCR 77, HCR 79, HCR 80, HCR 81, HCR 82, SB 307, SB 305 w/SA 1, HB 56, HB 357, HB 355, HB 313 w/HA 1, HJR 13, SB 247, HB 284 w/HA 1, HB 283 w/HA 2, HB 119 w/HA 1, HB 227, HB 350, HJR 16, HJR 17, SB 306 w/SA 1 (F/N), HB 310 w/HA 1, HB 273, HB 358, HB 191 w/HA 1, SB 309, HB 239, HB 365 w/HA 1, HB 373, HS 1 for HB 311 w/HA 1, 3 & SA 1 & SB 310.

The following prefiled legislation. was introduced:

HB 381 - SMITH; SENATOR COOK; REPRESENTATIVES DAVIS, CAULK, CAREY, TAYLOR, MACK; SENATORS BAIR, KNOX, BERNDT - NAT. RES: An Act to Amend Subchapter II, Chapter 17, Title 17 of the Delaware Code Relating to the Delaware River and Bay Authority by Adding a New Section Providing for Public Notice and Public Hearings.

HB 382 - OBERLE - LABOR: An Act to Amend Chapter 27, Title 25 of the Delaware Code Relating to Mechanics' Liens.

HB 383 - MARONEY - JUD: An Act to Amend Chapters 6, 7, 12, 35, 42, 43, 83 and 90, Title 11 of the Delaware Code and Chapter 9, Title 10 of the Delaware Code and Chapter 17, Title 24 of The Delaware Code Relating to the Deletion of the Term "Rape" and The Substitution of the Term "Unlawful Sexual Intercourse".

HB 384 - ANDERSON - ADM/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Pedestrians.

HS 1 for HB 116 - BARNES, BUCKWORTH, DAVIS, HEBNER, JONKIERT, OBERLE, REYNOLDS, SPENCE, B. ENNIS, HOUGHTON; SENATORS CITRO, CONNOR, MCBRIDE, VAUGHN - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for a Delaware Racketeer Influenced and Corrupt Organizations Act.

HS 1 to HB 206 - MARONEY & SENATOR SHARP; REPRESENTATIVES SPENCE, REYNOLDS, BUCKWORTH, DAVIS, MACK, TAYLOR, OBERLE, FREE, D. ENNIS, ROY, PETRILLI, BARNES, STEELE, SOLES; SENATORS KNOX, BAIR, CONNOR, HOLLOWAY - CHILD: An Act to Amend the Delaware Code, Titles 11, 14, 16, 21 and 31, to Provide for the Verification of the Existence or Nonexistence of Specified Criminal Offenses or Reports of Child Abuse or Neglect in the Background of Employees or Applicants for Employment in Child Care Facilities, in Certain Health Facilities, in Public and Private Schools, and in Transportation Thereto, and to Prohibit or to Provide for the Review of Certain Crimes or Founded Reports of Child Abuse or Neglect in the Background of Certain Employees.

HA 2 to HS 1 for HB 114 - MARONEY - READY LIST: Placed with the Bill.

HA 5 to HB 207 - MARONEY - L.O.T. - Placed with the Bill.

HA 2 to HB 326 - MARONEY - READY LIST - Placed with the Bill.

SB 251 - MARSHALL, CITRO, HOLLOWAY; REPRESENTATIVES FREE, QUILLEN, BOYKIN, MARONEY - ADM/S: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Beverages. (2/3 bill)

SB 278 - COOK & REPRESENTATIVE BENNETT; SENATORS HOLLOWAY, MCBRIDE, VAUGHN, SLATCHER, ADAMS, CORDREY, MARSHALL, MARTIN, MCDOWELL, MINNER, SHARP, TORBERT, ZIMMERMAN; REPRESENTATIVES SOLES, DAVIS, CLARK, CAULK, B. ENNIS, OUTTEN, WINGATE - ED: An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 350 of the 133rd General Assembly of the State of Delaware.

SB 300 w/SA 1 - MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR - ADM/S: An Act to Amend Chapter 21, Title 24 of the Delaware Code, Relating to the Board of Examiners in Optometry.

SB 306 w/SA 1 - MCDOWELL, BAIR, HOLLOWAY; REPRESENTATIVES MARONEY, BUCKWORTH, VAN SANT - CHILD: An Act to Amend Chapter 90, Title 29 of the Delaware Code Relating to Residential Mental Health Treatment Services Provided by the Department of Services for Children, Youth and Their Families. (F/N)

SB 310 - VAUGHN & HADM: An Act to Amend Chapter 82, Title 9, Delaware Code, Relating to Salaries for Kent County Officials.

SJR 7 - HOLLOWAY, BERNDT - JUD: Directing the Commissioner of Correction to Promulgate Inmate Rules of Conduct for Each Adult Institution Under His Jurisdiction.

SCR 79 - HOLLOWAY, SLATCHER, BAIR, MCDOWELL - CHILD: Creating a Child Services Task Force to Evaluate the Performance of the Department of Services to Children, Youth, and Their Families, Identify Remaining Unmet Needs of Children, and Recommend Legislative Programs to Deal With Unmet Needs, if Any.

HA 1 to SJR 9 - SMITH - ADM/S: Placed with the Bill.

Representative Oberle moved to recess for Caucus at 2:40 p.m.

The House reconvened at 5:40 p.m.

The following prefiled legislation was introduced:

HB 387 - JONKIERT - JUD: An Act to Amend Chapter 49, Part III, Title 10 of the Delaware Code Relating to Liens of Execution; and Providing for Priorities Between Certain Creditors.

HB 388 - JONKIERT - JUD: An Act to Amend Chapter 43, Part III, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Requiring, Under Certain Circumstances, That an Insurer Notify the Insured When the Statute of Limitations has Begun.

HB 389 - CAMPANELLI - ADM/S: An Act Amending Title 28 and Title 30 of the Delaware Code, Regulating the Sale and Resale for Profit of Tickets or Other Devices for Admission to Places of Amusement. (3/5 Bill)

HA 3 to HB 14 - SMITH - L.O.T. - Placed with the Bill.

HA 2 to HB 248 - MARONEY - SUNSET: Placed with the Bill.

SB 316 - VAUGHN & REPRESENTATIVE HEBNER; SENATORS MCBRIDE, ARNOLD, BERNDT, TORBERT, BAIR, CITRO, MARTIN, NEAL, CONNOR, HOLLOWAY; REPRESENTATIVES OBERLE, GEORGE, B. ENNIS, ROY, TAYLOR, JESTER, BUCKWORTH, WINGATE, QUILLEN, CAMPANELLI, JONKIERT, BRADY, WEST - ADM/S: An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs.

Representative Oberle introduced and brought HCR 83, sponsored by Representative Hebner & All Representatives & Senator Cordrey & All Senators, before the House for consideration.

HCR 83 - Expressing Condolences to Former Governor Pierre S. du Pont, IV, Regarding the Death of His Mother, Mrs. Jane Holcomb du Pont.

HCR 83 was adopted by acclamation and sent to the Senate for concurrence.

Representative Bennett moved to suspend the rules which interfere with the introduction of and action on HB 385. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Bennett introduced and brought HB 385, cosponsored by Representatives Barnes & West & Senators Cordrey, Sharp & Adams & Representatives Anderson, Buckworth, Campanelli, Carey, Caulk, Clark, C. Cordrey, B. Ennis, Fallon, Houghton, Jester, Oberle, Outten, Petrilli, Quillen, Reynolds, Soles, Steele, Van Sant & Wingate & Senators Cook, Minner, Slatcher, Torbert, Vaughn & Zimmerman, before the House for consideration.

HB 385 - An Act to Amend Sections 5915 and 5917, Chapter 59, Title 11 of the Delaware Code Regarding Disposition of Fines and Costs. (3/4 bill)

The roll call on HB 385 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.



ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 385 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with action on HB 207. The motion was properly seconded and adopted by voice vote.

Representative Maroney moved to lift HB 207 w/HA 1 & 3 - HA 4 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Maroney brought HB 207 w/HA 1 & 3 - HA 4, jointly sponsored by Representatives Buckworth & Jester & Senator Vaughn & cosponsored by Representatives Smith, Reynolds, Fallon, Steele, Anderson & Sills & Senators Cook, Bair & Minner, before the House for consideration.

HB 207 - An Act to Amend Chapter 15, Title 13 of the Delaware Code Relating to Domestic Relations.

Representative Maroney brought HA 5 to HB 207 before the House for consideration.

Representative Maroney moved to place HA 5 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Jester introduced and brought HA 6 to HB 207 before the House for consideration. HA 6 was adopted by voice vote.

The roll call on HB 207 w/HA 1, 3 & 6 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cordrey, Corrozi, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Maroney, Oberle, Outten, Petrilli, Sills, Smith, Soles, Spence, Steele, West, Wingate - 23.

NO: Representatives Barnes, Boykin, Carey, Caulk, Clark, Davis, Fallon, Free, Jonkiert, Mack, Quillen, Reynolds, Roy, Mr. Speaker Hebner - 14.

NOT VOTING: Representatives Campanelli, Taylor, Van Sant - 3.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 207 w/HA 1, 3 & 6 was sent to the Senate for concurrence.

Representative Davis brought SB 45, cosponsored by Senator Minner, before the House for consideration.

SB 45 - An Act to Amend Chapter 52, Title 30, Delaware Code, Relating to Exclusion of Certain Motor Vehicles From the Operation of the Motor Fuel Tax.

The roll call on SB 45 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives George, Plant - 2.

Therefore, having received a constitutional majority, SB 45 was returned to the Senate.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HB 386. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Roy introduced and brought HB 386, jointly sponsored by Senator McDowell, before the House for consideration.

HB 386 - An Act to Amend Chapter 73, Title 6 of the Delaware Code Relating to the Registration Procedure for Broker Dealers, Investment Advisors and Agents, and Making Appropriation Therefor. (3/5 bill)

The roll call on HB 386 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Free - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 386 was sent to the Senate for concurrence.

Representative Steele brought SB 168 w/SA 1, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 168 - An Act to Amend Chapter 212, Volume 25, Laws of Delaware, As Amended, Entitled "An Act to Incorporate the Town of Bethany Beach and Giving It Authority to Issue Bonds", Relating to the Power of the Town to Borrow Money and Issue Bonds. (2/3 bill)

The roll call on SB 168 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Petrilli - 1.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 168 w/SA 1 was returned to the Senate.

Representative Roy brought SB 288, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 288 - An Act to Amend Chapter 11, Title 24 of the Delaware Code, Relating to the Board of Dental Examiners.

The roll call on SB 288 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Caulk, Oberle, Plant - 3.

Therefore, having received a constitutional majority, SB 288 was returned to the Senate.

Representative Buckworth moved to suspend the rules which interfere with action on SB 306 w/SA 1.  
1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Buckworth brought SB 306 w/SA 1, cosponsored by Senators McDowell, Bair & Holloway & Representatives Maroney & Van Sant, before the House for consideration.

SB 306 - An Act to Amend Chapter 90, Title 29 of the Delaware Code Relating to Residential Mental Health Treatment Services Provided by the Department of Services for Children, Youth and Their Families. (F/N)

The roll call on SB 306 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Caulk, Jonkiert, Oberle, Plant - 4.

Therefore, having received a constitutional majority, SB 306 w/SA 1 was returned to the Senate.

Representative Spence brought SB 59, sponsored by Senator Vaughn & Representative Houghton, before the House for consideration.

SB 59 - An Act to Amend Chapter 65, Title 11, Delaware Code, Relating to Establishment of Realistic Dates for Completing the Duties of the Sentencing Accountability Commission.

The roll call on SB 59 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Caulk, Jonkiert, Plant, West - 4.

Therefore, having received a constitutional majority, SB 59 was returned to the Senate.

The following prefiled Consent Calendar #18 was introduced:

HR 115 - SMITH & FALLON & BUCKWORTH & QUILLEN; SENATOR HOLLOWAY - Congratulating State Representative Jane P. Maroney Upon Her Selection as the Outstanding Legislator of the Year, Outstanding Citizen of the Year and on Her Election to the Prestigious Executive Committee of the National Conference of State Legislatures.

HR 116 - BARNES & BUCKWORTH & CAREY - Honoring Dominick Pulieri of Grotto Pizza as Employer of the Year for the Summer of 1985.

HR 117 - HEBNER - Thanking New Castle County Constable-at-Large Stephen A. Durkett for Six Years of Keeping the Peace in His Neighborhood.

HR 118 - TAYLOR, ROY, PETRILLI, GILLIGAN; SENATORS SHARP, ARNOLD - A House Resolution Congratulating John Tentromono, Principal of the Skyline Middle School Upon the School Being Awarded the National Model School Award by The U. S. Department of Education.

HR 119 - HEBNER & QUILLEN - Remembering the Late William T. Best, Three Term State Representative From Rehoboth Beach, Delaware.

HR 120 - BRADY - Recognizing Jay Lamar Hinnerscheetz for His Contributions to the Field of Education and the Nurturing of Our Youth.

HR 121 - ROY, CORROZI, BUCKWORTH - Congratulating State Representative Steve Taylor and His Wife Carol on the Arrival of Their Son, Brett Robert Taylor, Born This Morning.

HCR 84 - BARNES & ADAMS - Congratulating Bridgeville's Pamela E. Tull on Being Selected as First Runner Up to the Queen of Unit Sales for Mary Kay Cosmetics.

HCR 85 - GEORGE, GILLIGAN, HEBNER, OBERLE, BUCKWORTH; SENATORS ARNOLD, BAIR, MCDOWELL, SHARP - Congratulating Richard S. Cordrey, President Pro Tempore of the Delaware State Senate Upon Receiving a Leadership Award From The National Conference of State Legislatures.

HCR 86 - ANDERSON, OBERLE, PETRILLI, SOLES; SENATORS MARTIN, NEAL - Mourning the Death of Ethel Tomhave, Who Epitomized the Finest Possible Delawarean.

HCR 87 - BENNETT & SENATOR TORBERT; REPRESENTATIVES OUTTEN & BUCKWORTH; SENATOR ZIMMERMAN - Expressing Deep Sympathy Upon Learning of the Death of John J. "Jack" Butler, Jr.

HCR 88 - OUTTEN, BENNETT, CLARK, B. ENNIS, QUILLEN; SENATORS COOK, ZIMMERMAN, TORBERT, VAUGHN, MINNER - Mourning the Untimely Death of Dana C. Reed of Dover, Former Kent County Deputy Attorney General and Prosecutor in the State Department of Justice.

SCR 74 - SENATORS NEAL, ARNOLD; REPRESENTATIVES SOLES, TAYLOR - Commending the University of Delaware Blue Hens Baseball Team and Coach Bob Hannah on Their Outstanding 1985 Season.

SCR 75 - SENATOR MCBRIDE; REPRESENTATIVES BARNES, BUCKWORTH - Requesting the State Treasurer and the Director of The Division of Motor Vehicles to Examine the Feasibility of Implementing Certain Programs and Procedures in an Effort to Locate and Identify Missing Children.

SCR 78 - SENATOR MINNER; REPRESENTATIVE JESTER - Welcoming to the Senate Chamber the Delegates of the 1985 Girls State, and Commending the American Legion Ladies Auxiliary, Department of Delaware, for Their Continued Sponsorship of This Program.

SCR 80 - SENATORS CORDREY, BAIR & ALL SENATORS & REPRESENTATIVES HEBNER, GEORGE & ALL REPRESENTATIVES - Pledging our Support and Urging All Citizens of the State of Delaware to Pledge Their Support for the United Way Campaign for 1985.

Representative Corrozi introduced and brought HR 122, cosponsored by Representative Roy, before the House for consideration.

HR 122 - Congratulating Dick Kane on Winning the Overall Title in the Delaware State Skeetshooting Championships.

HR 122 was added to Consent Calendar #18.

Consent Calendar #18 was adopted by voice vote and HCR 84, HCR 85, HCR 86, HCR 87 & HCR 88 were sent to the Senate for concurrence and SCR 74, SCR 75, SCR 78 & SCR 80 were returned to the Senate.

Representative Oberle brought SB 80 w/SA 1, cosponsored by Senators Adams, McBride, Vaughn, Arnold, Torbert, Citro, R. Cordrey, Minner & Sharp & Representatives Barnes, Spence, B. Ennis & Van Sant, before the House for consideration.

SB 80 - 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)

Representative Oberle requested that HA 1 to SB 80 be stricken.

The roll call on SB 80 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 80 w/SA 1 was returned to the Senate.

Representative Van Sant moved to suspend the rules which interfere with introduction of and action on SB 315. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Van Sant introduced and brought SB 315, jointly sponsored by Senator Sharp, before the House for consideration.

SB 315 - An Act to Re-Incorporate the Town of Newport. (2/3 bill)

Representative Barnes introduced and brought HA 1 to SB 315 before the House for consideration.

The roll call on HA 1 to SB 315 was taken and revealed:

YES: Representatives Barnes, Boykin, Clark, Free - 4.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Cordrey, Corrozi, Davis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Outten, Quillen, Reynolds, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 24.

NOT VOTING: Representatives Buckworth, Carey, Caulk, B. Ennis, D. Ennis, Fallon, Maroney, Oberle, Petrilli, Roy, Smith, Spence - 12.

ABSENT: Representative Plant - 1.

Therefore, not having received a constitutional majority, HA 1 to SB 315 was declared defeated.

The roll call on SB 315 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Free, Petrilli - 2.

ABSENT: Representatives Plant, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 315 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 312. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought SB 312, cosponsored by Senator Vaughn, before the House for consideration.

SB 312 - An Act to Amend Part III of Title 25 of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

The roll call on SB 312 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Jester, Plant, Van Sant - 3.

Therefore, having received a constitutional majority, SB 312 was returned to the Senate.

The Reading Clerk read the following communication into the record:

August 28, 1985

TO: Representative Charles Hebner  
Speaker of the House of Representatives  
FROM: Senator Richard S. Cordrey,  
President Pro Tempore--Senate

By this memo, I hereby give you the authority to allow any House member to be a co-sponsor on the following legislation: Senate Bill No. 29, Senate Bill No. 18.

SB 18 – An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Child Care Deduction for Personal Income Tax Purposes of Resident Individuals.

SB 29 – An Act to Amend Subchapter II, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 318. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought SB 318, jointly sponsored by Senator Marshall & Representative Mack & cosponsored by Representative Campanelli, before the House for consideration.

SB 318 – An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Application of the Federal Fair Labor Standards Act to Certain Provisions of State Law Regarding State Personnel Practices and to the State Merit System Rules.

The roll call on SB 318 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Jester, Plant – 2.

Therefore, having received a constitutional majority, SB 318 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 317. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought SB 317, sponsored by Senator Citro & Representative Campanelli, before the House for consideration.

SB 317 – An Act to Allow William John Husbands, a Resident, to Marry Christina M. Ellifritz, a Resident.

The roll call on SB 317 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

ABSENT: Representatives Jester, Plant – 2.

Therefore, having received a constitutional majority, SB 317 was returned to the Senate.

Representative Barnes brought HB 302 w/HA 1, 2 & 3 & SA 2 & 5, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 – An Act to Amend Chapter 5, Title 7, Part I of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

Mr. Speaker declared a recess at 7:33 p.m.

The House reconvened at 7:40 p.m.

Representative Barnes requested and was granted the privilege of the floor for William C. Wagner, Director, Division of Fish and Wildlife.

Five members rose for the purpose of cutting off the debate on HB 302.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Mr. Speaker Hebner – 21.

NO: Representatives Anderson, Brady, Clark, B. Ennis, Gilligan, Jonkiert, Outten, Sills, Steele, Van Sant, West, Wingate – 12.

NOT VOTING: Representatives Campanelli, Cordrey, George, Houghton, Soles – 5.

ABSENT: Representatives Jester, Petrilli, Plant – 3.

Therefore, having received a constitutional majority, the motion was adopted and the debate was ended.

The roll call on HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Free, George, Houghton, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner – 26.

NO: Representatives Jonkiert, Sills, Steele, West – 4.

NOT VOTING: Representatives Campanelli, Cordrey, B. Ennis, D. Ennis, Van Sant, Wingate – 6.

ABSENT: Representatives Clark, Gilligan, Jester, Petrilli, Plant – 5.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was declared defeated.

Mr. Speaker declared a recess at 8:10 p.m.

The House reconvened at 8:12 p.m.

Representative Oberle moved to suspend the rules which interfere with action on SB 18. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 18, sponsored by Senators Minner & Holloway & Representatives West, Maroney, Wingate, Fallon, Carey, Houghton, Anderson, Brady, Steele, C. Cordrey, Buckworth, Free, George, Mack, Reynolds, Soles, Taylor, Corrozi, Quillen, Outten, Gilligan, Smith, Clark, Barnes, Sills, Boykin, Caulk, Hebner, Petrilli, Roy & B. Ennis, before the House for consideration.

SB 18 - An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Child Care Deduction for Personal Income Tax Purposes of Resident Individuals. (F/N)

Representative George introduced and brought HA 1 to SB 18, cosponsored by Representatives Oberle, Anderson, Brady, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant & Wingate, before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Jester, Plant, Roy - 3.

Therefore, having received a constitutional majority, SB 18 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Oberle moved to suspend the rules which interfere with action on SB 29 w/SA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 29 w/SA 1, cosponsored by Senators Zimmerman, Cook, Minner, Torbert, McBride, Connor, Citro, Knox, Marshall, Martin & Berndt & Representatives Outten, Barnes, Buckworth, Campanelli, Gilligan, Anderson, C. Cordrey, Bennett, Maroney, George, Fallon, Mack, Wingate, Free, Carey, Smith, Corrozi, Quillen, Clark, Spence, Hebner, Van Sant, Davis, Jonkiert & West, before the House for consideration.

SB 29 - An Act to Amend Subchapter 11, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax. (F/N)

Representative Clark requested that HA 1 to SB 29 be stricken.

Representative George introduced and brought HA 2 to SB 29, cosponsored by Representatives Oberle, Anderson, Bennett, Brady, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Soles, Van Sant & Wingate, before the House for consideration. HA 2 was adopted by voice vote.

The roll call on SB 29 w/SA 1 & HA 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jester, Plant - 2.

Therefore, having received a constitutional majority, SB 29 w/SA 1 & HA 2 was returned to the Senate, for concurrence on HA 2.

Representative Oberle moved to reconsider SB 18 w/HA 1. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle moved to recess at 8:32 p.m.

The House reconvened at 8:33 p.m.

Representative Oberle brought SB 18 w/HA 1, sponsored by Senators Minner & Holloway & Representatives West, Maroney, Wingate, Fallon, Carey, Houghton, Anderson, Brady, Steele, C. Cordrey, Buckworth, Free, George, Mack, Reynolds, Soles, Taylor, Corrozi, Quillen, Outten, Gilligan, Smith, Clark, Barnes, Sills, Boykin, Caulk, Hebner, Petrilli, Roy & B. Ennis, before the House for consideration.

SB 18 - An Act to Amend Subchapter II, Title 30 of the Delaware Code Relating to Child Care Deduction for Personal Income Tax Purposes of Resident Individuals. (F/N)

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Jester, Plant - 2.

Therefore, having received a constitutional majority, SB 18 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Jonkiert moved to restore HB 302 w/HA 1, 2 & 3 & SA 2 & 5. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Barnes brought HB 302 w/HA 1, 2 & 3 & SA 2 & 5, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 7, Part I of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

The roll call on HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, Fallon, Free, George, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Van Sant, Mr. Speaker Hebner - 27.

NO: Representatives Clark, Gilligan, Petrilli, Sills, Steele, West - 6.

NOT VOTING: Representatives Brady, Campanelli, Cordrey, B. Ennis, D. Ennis, Wingate - 6.

ABSENT: Representatives Jester, Plant - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was declared defeated.

Mr. Speaker declared a recess at 8:41 p.m.

The House reconvened at 9:44 p.m.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 311. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle introduced and brought SB 311, sponsored by Senators Cook, Martin, Minner, Berndt & Neal & Representatives Carey, B. Ennis, Gilligan, Petrilli & Spence, before the House for consideration.

SB 311 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority; Deauthorizing Certain General Obligation Bonds of the State and Certain Authority for Guaranteed Industrial Revenue Bonds; Reverting and Reprogramming Certain Surplus Funds; Appropriating Certain General and Special Funds of the State and the Delaware Transportation Authority Amending House Bill No. 350 of the 133rd General Assembly (FY 1986 Budget Bill), and Senate Bill No. 2 of the 133rd General Assembly; Authorizing the Purchase, Transfer, and Sale of Certain Real Properties by the State, Certain of Its Authorities, and New Castle County; Clarifying Provisions Pertaining to the Delaware Economic Development Authority and the Delaware Transportation Authority With Respect to the Issuance and Administration of Bonds; Establishing Procedures for the Investment of Certain Funds; Placing Certain Conditions on the Appropriations Contained in This Act and Previous Acts of the State and Making Certain Other Changes to the Delaware Code and Laws of Delaware. (3/4 bill)

The roll call on SB 311 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Mr. Speaker Hebner - 35.

NO: Representatives Bennett, Fallon, Houghton, Wingate - 4.

ABSENT: Representatives Jester, Plant - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 311 was returned to the Senate.

Representative Petrilli moved to reconsider HB 302 w/HA 1, 2 & 3 & SA 2 & 5. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Barnes brought HB 302 w/HA 1, 2 & 3 & SA 2 & 5, cosponsored by Representative Bennett & Senators Torbert, Knox & Bair, before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 7, Part I of the Delaware Code Relating to the Requirements and Fees for Delaware Resident and Non-Resident Hunting, Trapping and Fishing Licenses. (2/3 bill)

The roll call on HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Houghton, Mack, Maroney, Oberle, Outten, Quillen, Reynolds, Roy, Smith, Soles, Spence, Taylor, Van Sant, Mr. Speaker Hebner - 28.

NO: Representatives Gilligan, Sills, Steele, West - 4.

NOT VOTING: Representatives Brady, Clark, Cordrey, George, Petrilli, Wingate - 6.

ABSENT: Representatives Jester, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/HA 1, 2 & 3 & SA 2 & 5 was sent to the Governor.

Representative Oberle moved to recess to the call of the Chair at 10:12 p.m.

1st LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 14, 1986

Mr. Speaker Hebner called the House to order at 1:38 p.m.

Mr. Speaker reassigned SB 300 to the House Administration Committee.

The Majority Leader moved to adjourn at 1:39 p.m., thereby ending the current legislative day. The House reconvened at 1:40 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Soles - 1.

A prayer was offered by Reverend Mrs. Jeanne Linderman, Priest in charge of the Christ Episcopal Church of Delaware City, DE.

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

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

OUT-OF-SESSION PREFILE

December 18, 1985

HB 390 - HEBNER & SENATOR CORDREY - ADM/S: An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to State Government by Deleting the Requirement That Copies of Rules and Regulations Promulgated by State Agencies be Delivered to the Director of Research of Legislative Council.

HB 391 - QUILLEN - R&F: An Act to Amend Chapter 54, Title 30, Delaware Code Relating to the Realty Transfer Tax.

HB 392 - CAULK & CLARK - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware, Restricting Senators or Representatives From Obtaining State Jobs After Their Election to Office. (2/3 bill)

HB 393 - CAULK & CLARK, B. ENNIS - NAT. RES: An Act to Amend Chapter 60, Title 7, Delaware Code Relating to Limiting the Time to Process, Grant or Deny Applications for Septic Tank Permits.

HB 394 - SOLES; SENATOR NEAL - ADM/S: An Act to Amend Chapter 86, Part VIII, Title 29 of the Delaware Code Relating to the Department of Community Affairs; and Providing for a Division of Libraries.

Representative Oberle introduced & brought HCR 89 before the House for consideration.

HCR 89 - Providing That a Joint Session of the House of Representatives and the Senate be Convened for the Purpose of Hearing the State of the State Address, by Michael N. Castle, Governor of the State of Delaware.

HCR 89 was adopted by voice vote and sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

I, Ada Leigh Soles, do hereby request that my name be removed as Co-Sponsor of HB 362

Date: November 20, 1985.

Signed: Ada Leigh Soles.

The Senate wishes to inform the House that it has defeated: HB 141 w/HA 1 & SA 1.

The Senate wishes to inform the House that it has passed: HB 209; HB 386; HCR 74; HB 302 w/HA 1,2,3 & SA 2,5; HB 385; SB 315; HB 144 w/HA 1,2; SB 318; SB 317; SB 312; SB 316; SB 311; HB 337.

July 1, 1985

#### LEGISLATIVE ADVISORY #15

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6-30-85 - SB 130 aab SA 1; SB 172; SB 185. 7-1-85 - SB 82; SB 83; SB 85; SB 87; SB 88; SB 89; SB 91; SB 153 aab SA 1, HA 1; HB 6; HB 48 aab HA 1; HB 79; HB 111 aab HA 2; HB 172; SB 107 aab HA 1,2; SB 197; SS 1 for SB 38 aab SA 1; HS 1 for HB 185.

The Governor vetoed the following legislation on the dates indicated:

6-28-85 - SB 150; HB 106 aab HA 1. 6-30-85 - SB 54 aab SA 1 & HA 1. 7-1-85 - HB 195 aab HA 1.

July 1, 1985

To The House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On June 26, 1985, I received House Bill No. 195 as amended by House Amendment No. 1 which is entitled:

#### "AN ACT TO AMEND CHAPTER 84, TITLE 11, OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM"

Environmental Protection Officers, including Game Wardens, and Marine Police Officers of the Department of Natural Resources and Environmental Control, hired after January 1, 1985 will be required by House Bill No. 195, as amended by House Amendment No. 1, to attend the Delaware Police Training Program and to receive certification from the Counsel on Police Training.

I am advised that the curriculum currently adopted by the Delaware Police Training Program includes 12 weeks of in depth study of subjects such as the Law of Arrest, the Motor Vehicle Code, Criminal Code, Traffic Accident Investigation, Investigating Crimes Against the Person and Property, Patrol Procedures, Pursuit Driving, Riot Control and General Police Tactics. Considering the fact that Delaware's Marine Police are very limited in their jurisdiction, namely, insuring compliance with State law and the Department of Natural Resources and Environmental Control's regulation of all vessels using, moored or anchored on State waters (see 23 Del. C. §2118 (b)), it should be clear that only a small percentage of mandated courses made a part of their curriculum would be applicable at all to the duties of the Marine Police. I further understand that most, if not all, of the Marine Police and Environmental Protection officers currently in the employ of the State have already matriculated through the Police Training Program on a voluntary basis and without any statutorily imposed mandate.

It is incumbent upon the Department of Natural Resources and Environmental Control, together with a representative of the State Police Training Program, to develop a new curriculum and explore other available educational resources that would more adequately serve the purpose of educating Delaware's Marine Police.

I wholeheartedly endorse the concept of education and training in police enforcement skills for these enforcement personnel. However, in the specific case of the Marine Police, the Delaware Police Training Program offers very little for them in light of the skills that are necessary for them to discharge the duties set forth at 23 Del. C. §2118. It is not intended that the Environmental Enforcement Officers (including Game Wardens) and the Marine Police are at all prohibited from attending the Police Training Program. That option is certainly available to them on a voluntary basis, and should be followed until a more appropriate curriculum is developed, either wholly within the Department of Natural Resources and Environmental Control, or in conjunction with some other program existing now within or outside of the State. With those facts in mind, I return House Bill No. 195 as amended by House Amendment No. 1 unsigned.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC:WJD:mmm

July 3, 1985

LEGISLATIVE ADVISORY #16

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7-2-85 - SB 32; SB 117; SB 126; SB 160; SB 205; SB 233; SB 258; SB 259; SB 261; SB 262; HB 113; HB 98 aab HA 1; HB 101 aab SA 1; HB 243; HB 266 aab HA 1; HB 277; HB 278; HB 350; HJR 17.

July 8, 1985

LEGISLATIVE ADVISORY #17

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7-3-85 - SB 25; SB 78 aab SA 1,2; SB 104 aab HA 1; SB 106; SB 182; SB 194; SB 203; SB 213; SB 216 aab HA 1; SB 224; SB 225; SB 229; SB 249; SB 272; HB 16 aab SA 1; HB 47; HB 71 aab SA 2; HB 84 aab HA 1; HB 136 aab HA 2 & SA 5; HB 142 aab HA 1,2; HB 174; HB 179 aab HA 1,2; HB 180 aab HA 2; HB 181 aab SA 1; HB 211 aab HA 1; HB 215 aab HA 1; HB 224; HB 232; HB 252; HB 253 aab HA 1; HB 256; HB 262; HB 265; HB 269; HB 290; HB 293; HB 294; HB 319; HJR 15. 7-4-85 - SB 2; SS1 for SB 27 aab SA 1; SB 116; SB 161; SB 163 aab SA 1; SB 235; SB 243; SB 269; SJR 6; HB 66 aab HA 1,2; HB 78 aab HA 1,2; HB 90; HB 93 aab HA 1 & SA 1,3; HB 104; HB 167 aab HA 2,3,4; HB 202 aab HA 1; HB 255; HB 276 aab HA 2; HB 280 aab HA 1; HB 292. 7-4-85 - HB 303; HB 306.

The Governor vetoed the following legislation on the date indicated: 7-8-85 - SB 5; SB 129; SB 151; SB 179 aab SA 1 & HA 1,2; SB 121; SB 136; SB 159; SB 191 HB 65 aab HA 1; HB 178; HB 231 aab HA 1.

July 4, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

I am returning without my signature House Bill No. 65 as amended by House Amendment No. 1, received on June 30, 1985, which is entitled:

"AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER FIRE COMPANY AUXILIARIES FOR CERTAIN EXPENSES."

This bill would permit voting members of Delaware Volunteer Fire Company Auxiliaries to claim a Delaware State tax credit in an amount not to exceed \$75.00 against their tax that would otherwise be due for expenses actually incurred for the purchase of clothing, equipment, motor fuel, and other essential items necessary to perform their duties provided that those duties performed include a minimum of 50 hours of volunteer service.

All Delawareans owe a debt of gratitude to their community volunteer firemen and their support groups such as fire company auxiliaries who volunteer countless hours and risk their lives in an attempt to protect our lives and property. While these countless hours of service are performed without any pay or other remuneration, they do not go unrecognized nor unappreciated.

This year, Delaware is enjoying a record budget surplus, and, as a government, we should be looking for ways to return some of this money to Delaware's taxpayers. In deciding how to return some of this money to Delaware's taxpayers, it is important that we look for a comprehensive approach to cutting taxes. Arriving at a comprehensive approach to cutting taxes has been a very important goal of my administration so far this year. Next week, I will sign legislation passed by the General Assembly which eliminates the inheritance Tax as it applies to surviving spouses and which increases the personal income tax exemption from \$800 to \$1,000. Very soon, I expect to be signing legislation that provides for a nine percent (9%) across-the-board cut in Delaware's personal income tax rates.

It is my opinion that these tax cuts will benefit every taxpayer of the State of Delaware by returning part of Delaware's surplus in a way that will do the most good. Clearly, House Bill No. 65 as amended by House Amendment No. 1 does not lead to such a result. It would be terribly inconsistent to enact legislation that would fractionalize or in any way set apart persons, groups, or business entities for special tax relief.

For the reasons cited above, I am returning without my signature House Bill No. 65 as amended by House Amendment No. 1.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC:WJD:mmm

Delivered to the Clerk of the House  
on July 8, 1985

July 4, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On June 28, 1985, I received House Bill No. 178, which is entitled:

"AN ACT TO RE-INCORPORATE THE TOWN OF NEWPORT."

This bill would make a number of changes in the charter of the Town of Newport; for example, the revised charter would provide for a Town Manager, which the Town currently has but which is not specifically provided for in its existing charter. Because the document enacted by the General Assembly does not contain the entire text of the proposed new charter, I must return House Bill No. 178 without my signature.



House Bill No. 178 comprises 38 pages, which are numbered "1" through "31" and "34" through "39". (In fact two identical pages numbered "31" are contained in House Bill No. 178.) It is clear that the legislation was supposed to include additional pages numbered "32" and "33", because there is no continuity of text or subject between pages "31" and "34" and because the footers on each page of the bill indicate that each numbered page is one of "39".

Nor are the missing pages mere surplusage in the intended enactment. Page "32" contains the substance of the Town's "Comprehensive Development Plan" authority, the heading for which is seen on Page "31" of the bill, and, continuing over to page 33, the missing pages also contained provisions relating to the Town's official map and limitations on planning.

Since the actual document delivered to me labeled House Bill No. 178, which is missing these pages, will go into the Session Laws if signed, and form the text of a chapter in the Laws of Delaware, I must veto the bill so that a correct charter change can be enacted. This is not simply an engrossing error; the actual document introduced, debated and passed by the General Assembly does not contain the provisions found on supposed pages "32" and "33". Therefore, I must return House Bill No. 178 without my signature.

Respectfully Submitted,  
Michael N. Castle  
Governor

MNC/AGF/mm  
Delivered to the Clerk of the House  
on July 8, 1985.

July 4, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On June 28, 1985, I received House Bill No. 231, as amended by House Amendments Nos. 1 and 2, which is entitled:

**"AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE  
DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT."**

This legislation embodies a comprehensive revision to Delaware's child support enforcement laws initiated by the State Commission on Child support in response to a federal mandate. Unfortunately, due to a fatal defect in the title of the bill, I must return it without my signature.

Each substantive provision of this bill is directly linked to some aspect of child support enforcement, except Section 5, which deals with the rule-making authority of the Family Court. Section 5 prescribes general rule-making powers for the Court in line with similar powers granted to the Superior Court and the Court of Chancery. But though Section 4 of the bill calls for Family Court to make rules providing for expedited procedures regarding the determination and enforcement of support obligations, Section 5 goes well beyond what is necessary to implement that responsibility, particularly in view of the Court's existing statutory authority to "make and publish Court rules governing policies, processes, practices, and procedures".

Article II, Section 16 of the Constitution of 1897 provides that "no bill . . . shall embrace more than one subject which shall be expressed in its title". House Bill No. 231 violates this constitutional provision on two counts: The general rule-making authority of the Family Court is a subject distinct from child support enforcement, and the title of the bill in no way constitutes fair notice that the legislation deals with such rule-making. Thus House Bill No. 231 is unconstitutional.

I reach this conclusion reluctantly, since House Bill No. 231 is the result of the hard work of the State Commission on Child Support and its legislative sponsors, and since Delaware should enact this legislation prior to October 1 of this year. The fatal flaw in the title of this bill was brought to the attention of the sponsors after its passage, however, and a new bill, without the general rule-making authority provision, was passed by the House of Representatives prior to its adjournment on July 1. I am certain that the State Senate will pass the corrected bill promptly when it returns in special session in the near future, and so I veto House Bill No. 231 with the expectation of signing replacement legislation well before October 1.

At this time, however, because House Bill No. 231 runs afoul of Article II, Section 16 of the Delaware Constitution, I am returning it without my signature.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC/AGF/vs  
Delivered to the Clerk of the House  
on July 8, 1985

July 12, 1985

LEGISLATIVE ADVISORY #18  
FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7-12-85 - SB 1; SB 33 aab HA 1; SB 37 aab HA 1; SB 44 aab SA 1,2; SB 63 aab SA 1; SB 100 aab SA 1; SB 123 aab SA 1,2,3,4,5 & HA 1; SB 157; SB 162; SB 176; SB 196 aab SA 1; SB 201 aab HA 1,2,3; SB 231; SB 238; SS 1 for SB 244 w/SA 1,2 & SA 1 to SA 2; SB 247; SB 254 aab SA 1,2 & HA 1; SB 270 aab SA 1,2; SB 280 aab SA 1; SB 283; SB 287 aab SA 1,2; SB 305 aab SA 1; SB 307; SJR 4; HB 56; HB 156; HB 164 aab HA 2,4,5,6; HB 177 aab HA 1; HB 227; HB 230; HB 258; HB 273; HB 286; HB 291 aab SA 1; HB 300 aab HA 1; HB 355; HB 357; HB 358; HB 373; HJR 3 aab HA 1; HJR 13; HJR 16.

The Governor vetoed the following legislation on the date indicated: 7-12-85 - SB 67 aab HA 1; SB 174; HB 239; HB 241; SB 309.

The following bill was passed by the House and Senate of the 133rd General Assembly as part of a Constitutional Amendment and as such, did not require any action on the part of the Governor - HB 158.  
July 12, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On July 2, 1985, I received House Bill No. 239, which is entitled:

"AN ACT TO PERMIT MS. VERDI H. NECASTRO TO CONTINUE  
EMPLOYMENT WITH THE DEPARTMENT OF HEALTH AND SOCIAL  
SERVICES AS AN ADMISSION OFFICE CLERK AT THE DELAWARE  
STATE HOSPITAL AFTER ATTAINING THE AGE OF SEVENTY."

This bill would exempt Ms. Necastro from the mandate of 29 Del. C. Section 5521, which requires that all State employees retire at age 70.

Many State employees, including Ms. Necastro, indeed are physically and mentally able to perform capably in their jobs after age 70, and the State could well benefit from the experience and acquired expertise of such employees. I am not convinced, however, that special legislation such as this is the appropriate way for the State to handle such employees, and, therefore, I am returning House Bill No. 239 without my signature.

The existence of a uniform mandatory retirement age is designed to promote orderly planning in State government and to allow for mobility and flexibility within the State's personnel system. Seventy is widely accepted as a desirable retirement age for these purposes. Indeed, in 1978 the General Assembly acknowledged this by enacting legislation which extended the State's mandatory retirement age from 65 to 70.

Mandatory retirement at any age, of course, will result in the State losing valuable employees such as Ms. Necastro, who have the motivation and ability to continue working. For this reason perhaps we should look at ways to make our mandatory retirement system less inflexible.

I do not believe, however, that the best way to approach this problem is by enacting special exemption legislation in each individual case. I believe that an analysis of the issue should be undertaken, and that a comprehensive policy be adopted for the handling of employees like Ms. Necastro. I will instruct the Office of State Personnel to perform such an analysis and recommend an across-the-board policy for adoption.

For these reasons, I am returning House Bill No. 239 without my signature.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC/AGF/pvs

July 12, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On July 2, 1985, I received House Bill No. 241, which is entitled:

"AN ACT TO PERMIT ABNER X MILLER TO CONTINUE  
EMPLOYMENT WITH THE DELAWARE STATE HOSPITAL  
AFTER ATTAINING THE AGE OF 70."

This bill would exempt Mr. Miller from the mandate of 29 Del. C. Section 5521, which requires that all State employees retire at age 70.

Many State employees, including Mr. Miller, indeed are physically and mentally able to perform capably in their jobs after age 70, and the State could well benefit from the experience and acquired expertise of such employees. I am not convinced, however, that special legislation such as this is the appropriate way for the State to handle such employees, and, therefore, I am returning House Bill No. 241 without my signature.

The existence of a uniform mandatory retirement age is designed to promote orderly planning in State government and to allow for mobility and flexibility within the State's personnel system. Seventy is widely accepted as a desirable retirement age for these purposes. Indeed, in 1978 the General Assembly acknowledged this by enacting legislation which extended the State's mandatory retirement age from 65 to 70.

Mandatory retirement at any age, of course, will result in the State losing valuable employees such as Mr. Miller, who have the motivation and ability to continue working. For this reason perhaps we should look at ways to make our mandatory retirement system less inflexible.

I do not believe, however, that the best way to approach this problem is by enacting special exemption legislation in each individual case. I believe that an analysis of the issue should be undertaken, and that a comprehensive policy be adopted for the handling of employees like Mr. Miller. I will instruct the Office of State Personnel to perform such an analysis and recommend an across-the-board policy for adoption.

For these reasons, I am returning House Bill No. 241 without my signature.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC/AGF/pvs

July 16, 1985

LEGISLATIVE ADVISORY #19

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7-12-85 - HB 365 aab HA 1.

July 19, 1985

LEGISLATIVE ADVISORY #20

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7-19-85 - HB 31 aab HA 1; HB 119 aab HA 1; HB 191 aab HA 1; HB 219 aab HA 2; HB 221 aab SA 1; HB 246 aab HA 1; HB 282 aab HA 1 & SA 1; HB 283 aab HA 2; HB 284 aab HA 1; HB 307 aab HA 1; HB 310 aab HA 1; HS 1 for HB 311 aab SA 1 & HA 1,3; HB 313 aab HA 1; HJR 9 aab HA 1; HJR 18.

The Governor vetoed the following legislation on the date indicated:

7-19-85 - HB 80 aab HA 1

July 12, 1985

To the House of Representatives  
of the 133rd General Assembly  
of the State of Delaware

On July 8, 1985, I received House Bill No. 80, as amended by House Amendment No. 1, which is entitled:

"AN ACT TO AMEND CHAPTER 6, TITLE 29 OF THE DELAWARE CODE  
PROVIDING FOR ATTORNEYS' FEES FOR SMALL BUSINESSES IN ACTIONS  
INVOLVING A STATE AGENCY."

This bill will give Delaware Courts the discretion to award attorney's fees to small businesses when the small business prevails against the State in a civil action or an appeal of an administrative proceeding when the initial action was brought on behalf of the State based on circumstances arising out of the conduct or operation of the small business. The bill also provides that the award of such attorneys' fees shall not exceed \$5,000.

House Bill No. 80 as amended by House Amendment No. 1 leaves in doubt the issue of whether attorneys' fees can be awarded for cases that are currently under litigation either at the administrative level, or currently in court (trial level or on appeal). I have been advised that there are literally hundreds of cases currently going on in the State involving State Agencies and small businesses that would fall within the definition contained in §604(2) of this bill. The Division of Revenue, Department of Natural Resources and Environmental Control, the Department of Labor, the Department of Health and Social Services and the Department of Community Affairs are only a few of the State Agencies that are involved in these disputes.

Secondly, House Bill No. 80 as amended by House Amendment No. 1 is internally inconsistent when one addresses the funding or appropriation issue. Section 604(d) directs agencies that are held liable for attorneys' fees to make such payments from unencumbered funds in their budget line titled "Contractual Services". Any unencumbered funds in a contractual services budget line are considered general appropriated funds. The Bill is inconsistent to the extent that subparagraph (e) indicates that the implementation of this Act or the payment of any attorneys' fees is subject to specific annual appropriations in the annual operating budget. I have been advised by the Budget Office and the Controller General's office that there are no specific annual appropriations in this year's annual operating budget. Furthermore, House Bill No. 80 as amended by House Amendment No. 1 is not considered to be an appropriations bill in a way that would allow this bill to be self-implementing for purposes of funding various agencies' liability for payment of attorneys' fees.

For the reasons above stated above, I am returning House Bill No. 80 as amended by House Amendment No. 1 without my signature.

Respectfully submitted,  
Michael N. Castle  
Governor

MNC:WJD:jag

Delivered to the Clerk of the House on  
July 19, 1985

July 30, 1985

LEGISLATIVE ADVISORY #21

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7-29-85 - SB 253.

September 9, 1985

LEGISLATIVE ADVISORY #22

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 8-29-85 - SB 317; 9-5-85 - SB 18 aab HA 1; SB 29 aab SA 1 & HA 2; HB 337; 9-6-85 - SB 45; SB 59; SB 80 aab SA 1; SB 168 aab SA 1; SB 237 aab HA 1,2,3; SB 288; SB 306 aab SA 1; SB 311; SB 312; SB 315; SB 318; HB 144 aab HA 1,2; HB 302 aab HA 1,2,3 & SA 2,5; HB 385.

October 10, 1985

LEGISLATIVE ADVISORY #23

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 10-10-85 - HB 209; HB 386.

The following prefiled legislation was introduced:  
HB 395 - OUTTEN & BENNETT, BUCKWORTH; SENATOR TORBERT - JUD: An Act to Amend Chapter 65, Title 11 of the Delaware Code Relating to Diagnostic Services of the Department of Correction.

HB 396 - BENNETT - ED: Amend Chapter 17, Title 14 of the Delaware Code Relating to Division II Units.

Representative Oberle moved that all bills currently on the Ready List be recommitted to their original committees. The motion was seconded by Representative Barnes and adopted by voice vote.

Mr. Speaker introduced the Ragtime Duo, Harvey Price on the Xylophone and Linda Henderson on the Piano from the University of Delaware, who provided musical entertainment.

Representative Oberle moved to recess at 2:25 p.m.

The House reconvened at 2:57 p.m.

JOINT SESSION  
House Chamber  
January 14, 1986

Pursuant to HCR 89, the House and Senate met for a Joint Session in the House Chamber.

The Sergeant-at-Arms announced the Senate. They were admitted and seated.

Mr. Speaker Hebner invited the President Pro Tempore to share the rostrum.

The Speaker appointed Representative Gwynne Smith, Representative Katharine Jester, Senator Nancy Cook and Senator William Slatcher to escort the Governor to the Chamber.

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

The Sergeant-at-Arms announced the Cabinet Officials. They were admitted and seated.

Representative Oberle moved that the House and Senate convene in Joint Session. The motion prevailed.

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

Representative Oberle moved that the Chief Clerk of the House and Secretary of the Senate act as Secretaries of the Joint Session. The motion prevailed.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the Joint Session as follows:

Mr. Speaker, Mr. President Pro Tem, members of the House and Senate, elected officials, members of the judiciary and cabinet, fellow Delawareans.

It is with considerable pleasure that I come before you today for the second time in the capacity of Governor of the State of Delaware, to fulfill the constitutional duty imposed on this office.

Our Constitution requires that the chief executive of the State "shall, from time to time, give to the General Assembly information of affairs concerning the State, and recommend for consideration such measures as he shall judge expedient."

The men who have occupied this office have been faithful to that duty. Taken together, the governors' messages collected in the State Archives present a series of "snapshots" of Delaware over nearly two centuries, a tapestry of life in which government evolves and takes shape and issues fundamental to democracy are debated.

They reflect the accomplishments and aspirations of the people of the State since the birth of the nation.

Today, as we begin the second and concluding session of the 133rd General Assembly, it is worth considering what we have added to those accomplishments, as well as what we hope to do in the months to come.

As we do so, we should consider an observation made by the statesman, Henry Clay, more than a century and a half ago.

"Government," Clay said, "is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people."

That the people of Delaware have benefited from the bipartisan administration of that trust in recent years cannot be questioned.

Today our State enjoys unprecedented prosperity and job growth. Our unemployment rate, which reached a record-breaking low of four and one half percent in the past year, is testimony to that.

Three personal income tax cuts in seven years, which have resulted in a reduction of more than forty percent in the personal income tax rate for the average Delaware family, provide proof that government has exercised the fiscal restraint our taxpayers demand.

That fiscal restraint is all the more commendable in light of the unprecedented growth in resources available to the State in recent years.

Much credit must be given to the co-chairs of the Joint Finance Committee, Senator Cook and Representative Corrozi, and the other members of the committee, for limiting the growth of the base budget to what is reasonable and necessary, protecting our taxpayers from unconscionable demands in the future.

We have used surplus funds to reduce debt, and we have used them as well to make needed repairs to our rural roads, schools and State buildings--which will mean future savings for our taxpayers.

We have demonstrated a strong commitment to education in Delaware with a substantial infusion of new State dollars to the public education system, and by requiring higher standards of both teachers and students.

And we have continued Delaware's tradition of protecting our environment and our citizens from threats to their well-being.

There is much to be proud of in the accomplishments I have just described. Yet the list of what State government has accomplished is much longer.

We enjoy the services of thousands of dedicated and hard-working State employees, and our progress must be measured as well in the efforts of those individuals: a caseworker helping a troubled teenager, an administrator eliminating red tape in providing services to our citizens, or a State trooper saving lives.

Together, they assure that the quality of life in Delaware is preserved and protected.

That concept--quality of life--taken in its broadest sense, embraces all that government does, and whether or not we succeed in governing is largely determined by the quality of life in our State.

By that measure, it is fair to say that we have succeeded, that we have made a difference.

At the same time, of course, there is more we can do, and I would like to turn now to the positive steps we can take in the coming year.

In doing so, however, this caution.

It was neither wishing nor good intentions that allowed us to cut taxes three times, bring thousands of new jobs to Delaware or provide programs that truly benefit our citizens.

Thoughtful management, fiscal restraint, bipartisan cooperation, and a respect for our taxpayers made those things possible.

The ability of government to meet the demands of its citizens and to assure the continued growth of our economy requires that we remember the crushing cost of government that is poorly managed, careless with its resources or heedless of those who support it.

I am committed to the tradition of government that has been established in Delaware in recent time, and I am confident that you--as partners in that tradition--share my commitment.

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Two and a half decades ago, a national effort to protect the environment was given impetus with these words:

"It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

President Kennedy spoke those words in 1961.

Since then, we have seen vast improvements in the quality of our water; we have afforded protection to land that otherwise might have been irreparably harmed; and we have eliminated dangerous pollutants from the air.

Delaware has been a leader in cleaning up and protecting the environment, but there are still challenges before us.

Most important, perhaps, is to assure the continued protection of our coastal zone. Last year our authority over that sensitive area was challenged and thrust into the hands of a federal court.

We are fighting to retain that control, but whatever the outcome of the case, all of us must be prepared to work together to take immediate steps to assure the continued protection of our natural resources.

There are fewer obstacles to our efforts to combat the effects of hazardous materials.

Last year, with your support, the Department of Natural Resources and Environmental Control renewed its commitment to protect our environment. That commitment was backed up with a substantial increase in funding and positions within the department.

Just last week, we took a step forward when new quarters for many of the scientists, engineers and technicians in the Division of Air and Waste Management were dedicated near Delaware City.

Locating those offices in the midst of some of the most troublesome hazardous sites in our State, as well as near the majority of the State's petrochemical facilities, was a practical step--and demonstrates the State's commitment to a clean Delaware.

When you receive my budget in two weeks, you will see that that commitment is continuing--and increasing. Together, we can assure that the department is properly staffed to fight illegal dumping that adds to environmental hazards in our State and to clean up existing hazards.

I will recommend that another million dollars be set aside for Superfund clean-ups, and that the department be equipped with the best available technology to measure pollutants in the ground, in the air and in the water.

And I will make one further recommendation:

To assure that Delaware never be considered as a future storage site for low-level radioactive wastes, I will recommend that we join the states of Pennsylvania and West Virginia in the Appalachian Compact for disposal of those wastes.

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As I said earlier, the success of government depends on the thousands of men and women responsible for its operation. So it is vitally important that we have the ability to attract and keep good employees.

It was that concern that prompted me last year to create the Compensation and Productivity Commission which recently reported to you on the state of our merit system.

Drawing on both the public and private sectors, the commission brought together a talented group of people whose charge was to examine the merit system and recommend changes which would make the State a better and more competitive employer.

Today I would like to publicly offer my thanks to Mike Cassell--the other Mike Cassell--chairman of the commission, and all the other members for their work. Their report describes a system in need of repair, and then proposes concrete, practical steps to accomplish those repairs.

It also came to an important conclusion: that for the most part our total compensation package is indeed competitive with other governments. To be sure, adjustments are necessary to assure equity within the system, and I will recommend appropriations to restore equity where it has been lost.

The commission having done its work, it is for us to turn those recommendations into actions, and in the next few months we will consider measures, both administrative and legislative, needed to assure that we have skilled employees in all State agencies, and at the same time offer employment opportunities that are both challenging and rewarding for each State employee.

As we do so, I would like to make two observations.

The first concerns "pay for performance," an approach based on the idea that the best employees should be paid more. I believe that with responsibility should come the opportunity to reap greater rewards, and I urge the General Assembly to approve changes in our merit system which will allow us to reward excellence in management, because it is a means to better government.

If the first issue requires a "hands-on" approach by the Legislature, the second requires "hands-off."

Too often in the past, pay raises for particular groups of State employees have been based on political clout rather than merit, and the result has been a pay system that is unfair to employees who are equally or more deserving, but who have less political influence.

At the same time, it has resulted in a system of enormous complexity when we need a merit pay system that is simple to apply and easy to understand.

If we are to remedy this, then you and I must agree that our role in the State compensation system is to set standards and provide the resources to meet those standards, not to set individual salaries.

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Soon after I took office, I ordered the creation of a series of cabinet councils to improve communication and coordination among departments with overlapping responsibilities.

Today I can report that the members of my cabinet, men and women of ability, have made the cabinet councils work beyond even my expectations.

One of the most exciting initiatives to come out of those meetings addresses an important issue confronting Delaware and the nation--early childhood development.

The first five years of life are of special importance in a child's development. It is during those years that we have the opportunity to treat many problems--poor health, the effects of broken families, poverty and inadequate education--that quickly rob a child of any chance for success and happiness.

Failing that, society must treat the enduring symptoms--unemployment, illiteracy and dependence on assistance from public and private sources--all of which place substantial long-term demands on our resources, none of which ever really restore what has been lost to the individual.

As Chairman of the National Governors Association Committee on Human Resources, I have given high priority to developing programs on the national level that indeed treat the problem, and it is my hope that in the coming year Delaware will take the lead in this matter.

I am proposing several steps.

First, I will recommend a comprehensive infant mortality prevention program and expanded services to high-risk infants, as well as pilot pre-school programs for four-year olds in each county.

We will also begin an education program in publicly supported day-care facilities, and continue our support for the Delaware Read-Aloud program, which has inspired similar programs in other states.

To make sure this effort--which we will call Focus on the First Sixty Months--is as effective as possible, we will conduct a state-wide public information program to make parents aware of potential problems and ways they can solve or help them.

In a State as caring as ours, there can be no excuse for allowing a child to be robbed of all hope even before he or she learns to write his or her own name.

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Now I will turn to the most pressing matter before us today, and the reason I asked to address you as the session begins.

Benjamin Disraeli, the great British prime minister, said that government was the keystone of human progress.

I believe government has no responsibility more important to that progress than the responsibility for educating its citizens.

Two years ago, Bob Barnett and I served as co-chairmen of the Governor's Task Force on Education for Economic Growth. In the two years since the task force issued its report on Delaware's public schools, we have made substantial progress toward many of its recommendations.

We took steps to reduce class size, we made kindergarten compulsory, we increased academic requirements on a state-wide basis, and we implemented a new funding mechanism to give school districts an incentive to increase local funding to schools.

However, one major area of the report has yet to be addressed as fully as I would like it to be. It was Goal No. 3 of our report: to improve the performance and compensation of teachers and school personnel.

During the past legislative session, my Administration followed the guidance provided by the Task Force and put forward the concept of a teacher career ladder.

I should say in passing that the career ladder was modeled on one already working in Tennessee, the state where General Motors decided to build its new Saturn plant and create many thousands of new jobs. GM made that decision, in part, because of Tennessee's commitment and approach to public education—including the career ladder.

The effort to start a career ladder in Delaware's public schools failed, for several reasons.

We spent too much time trying to refine the legislation before introducing it, leaving too little time for discussion among the many groups concerned with education, or for debate in the General Assembly. And there were many in the education community who had serious reservations about imposing a new system statewide without first testing it.

The result was a stalemate in which neither taxpayers nor teachers were truly served. The legislation was tabled, and action deferred until January, 1986.

Well, January is here, and the time to continue our discussion of a career incentive program is here as well. But that discussion should reflect a major change that has been occurring on the education landscape across the nation and in Delaware.

Very simply, the number of college students preparing to become teachers has been declining, and long-term demand threatens to outstrip supply.

Before schools open next year, school districts may have to hire as many as five hundred new teachers. But our State's colleges expect to graduate only 245 education majors—less than half of the anticipated demand.

Certainly one reason fewer college students are looking to teaching as a career is based on salary expectations. And in Delaware, starting teacher salaries are below those in surrounding states. Take New Jersey, for example.

A side-by-side comparison by the Delaware State Education Association—you probably saw it in the newspaper this weekend—shows that experienced teachers with master's degrees are paid virtually the same in Delaware and New Jersey. The difference is less than two percent.

Not so at the starting level.

In New Jersey a starting teacher earns \$18,500, while in Delaware the average salary for a starting teacher is only \$14,910. That's a difference of almost 20 percent. And that is one reason why Delaware is losing the battle when it comes to recruiting good teachers.

Now, I'm sure some would conclude that the recruitment problem shows the State has not made an ample commitment to education—that we must pay, and pay dearly, for solving the teacher shortage problem. But let's look at the facts.

Today, Delaware ranks eighth in the nation in per pupil spending.

Including my budget proposals for fiscal 1987, the State will have increased funding for public education by over fifty-seven million dollars in just three years—an increase of nearly 23 percent.

As part of that, we will have increased Division III funds—which are spent mostly on teacher salaries—by 70 percent and will have done so on a matching basis to encourage local districts to hold referenda and thereby increase the amount of local funds flowing into our schools.

And it's working. Of the ten school districts which have held referenda, nine have voted to increase local school taxes to qualify for the additional State funds.

In short, if we have a problem recruiting teachers in Delaware, it is not from a lack of commitment of resources from our taxpayers.

Rather, it is because we as elected officials are not making the tough decisions about how to spend education dollars that will allow us to attract the best teachers for our children and improve the quality of their education.

And let me widen the circle. It also raises questions about how committed those in leadership positions in the education community are to finding the best ways to enhance education with the resources that are already provided.

Time and again we are told by those who take America's pulse that the public is more than willing to support the dedication of new funds to education, but only if they see an improvement in the quality of the end product.

The challenge is clear: we must target our resources and demand that they be spent in areas which will produce results, and we must challenge the leaders of our educational community to find better and more efficient ways to handle the resources presently in the system.

So I am asking you today, as the session begins, to give immediate consideration to a series of steps intended to address the problem before it can erode the quality of education in Delaware.

It is my hope that when you and I leave here at the end of January, we will have taken the first steps in preventing a crisis in our schools.

If we fail to act, it will be a crisis that confronts us.

The first part of this program I am recommending to you concerns recruitment, providing the school districts with the means to attract new teachers.

I am recommending that the General Assembly approve in January the 285 dollar pay increase for teachers which was left on the table last June.

I am further recommending a minimum additional increase of one thousand dollars per teacher in Fiscal 1987 and changes in the pay scale to give up to two thousand dollars for starting teachers.

And I will recommend appropriation of the third year year of Division III funds—more than five million dollars, most of which historically has gone for salaries.

Together, these measures--combined with the local share of teacher salaries--will allow each of our school districts to compete in attracting skilled young professionals.

To attract more young people to teaching, I will propose creation of teacher scholarship loans for the top fifty graduating high school seniors who major in education at Delaware colleges. The loans--up to \$1,000 a year for four years--would be forgiven at the rate of \$1,000 for each year of teaching in a Delaware school.

To bring more teachers to Delaware, I have directed the Delaware Development Office to work with the school districts to help them develop a comprehensive marketing plan so that we can compete with states as far away as California, Florida and Texas, states which already have successful national teacher recruiting programs.

In recent weeks, my education advisor, Helen Foss, has been in almost constant contact with the many groups concerned about education in Delaware. And out of those conversations has come a theme, the second part of this education program. The theme is revitalization, using the vast resources within our education system to improve the system.

For instance, the Department of Public Instruction has developed a training and evaluation program to improve student achievement by increasing the effectiveness of teaching, and this revitalization effort deserves our support.

By the fall of 1987, the program will allow administrators in our schools to draw on new evaluation techniques and teachers will have been exposed to methods that research has shown make for effective schools.

By revitalization, too, I mean development of a strong and comprehensive staff in-service program, to be developed after studying existing programs and making whatever changes are necessary to help our teachers improve their skills.

Finally, the rewards aspect of this program.

I recognize that valid opposition to any incentive program will continue as long as there are concerns about funding and the evaluation process.

But I am committed to finding ways to offer incentives for good teaching, and to assuring that Delaware's school districts are able to attract good teachers.

So I will propose a pilot program to be developed in the next fiscal year and implemented during Fiscal 1988.

It involves a single district developing an incentive program to reward teachers who have shown special talent in teaching children. Using DPI evaluation instruments, this program will include teachers in its development, and will offer an incentive pay plan to reward outstanding teacher skills.

I am happy to announce today that Mike Walls, Superintendent of the Christina School District, with the approval of his board and support of the leadership of the district's teachers association, has already agreed to participate in this pilot program.

If it is proof that is required to make a teacher incentive program a reality in Delaware, then this pilot program in our largest school district is designed to provide a fair test of the system. If it is a new approach that is required, then this program is the means to that new approach.

Mike reflects the concern of parents in that district for higher standards in the classroom. He shares my willingness to take a fresh look at how we can provide incentives for our teachers, and he enjoys my unqualified support in this effort.

There is one other important education issue before us--vocational education. I will sign an executive order creating a Task Force to Study Vocational Education under the aegis of the State Board of Education.

Drawn from both public and private sectors, the task force will take a comprehensive look at vocational education in Delaware and report to us by the end of the year, recommending an approach that will allow us to ensure a balanced and appropriate education system.

In the past year, as we have reached out to the community for support and fresh ideas about education, I have discovered that there is taking place a lively and imaginative debate about how we can improve our schools.

Let me tell you what I mean.

A year ago, when I met with the State PTA, I challenged its members to find ways to make our schools even better--not with programs that cost more money, but with programs that make more effective use of the money we are already spending.

A few weeks ago, Janet Crouse came back to me with a long list of ideas.

Ideas like increasing the flexibility in funding formulas.

Like reducing the rate of teacher absenteeism.

Like changing the system so that school buses aren't running empty when students remain after school for extracurricular activities.

In the weeks to come, I hope we can begin a similar dialogue here.

Only good can come of it, for our State and our young people.

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Today I have discussed education, the environment, a program to help our youngest children and our commitment to making lasting improvements in the State merit system.

There is much left to discuss, however: economic development--including support for the agricultural community--bond bill reform, the many social services the State provides, and the need for safer streets and better roads.

And, having reviewed the impact of a conservative approach to State spending, I am mindful of the need to strengthen the control we have over State spending, particularly in light of what is happening in Washington.



When I present my recommended budget for your consideration, I will address those matters, because each deserves our attention and there are important steps we can take in each area. For now, I would like to leave you with a final observation on the state of the State.

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We have spent a great deal of time talking about education in recent years, and backed up our demands for higher standards with a substantial increase in State support for public education.

In both can be found ample evidence of our commitment to good schools.

But I would suggest that commitment should be viewed in a broader context--a commitment to Delaware, to all that is good in our State, and to make our State better.

Consider:

Not far from here is the Delaware Fire School, the training ground for the thousands of men and women who volunteer to fight an ancient enemy and save lives. It is, if not the best, then among the very best in the nation.

I don't find that surprising.

As you drive through Sussex County, or Kent County, or southern New Castle County, you see some of the most beautiful farmland in the country. You also see the results of independence and innovation--successful and well-run farms in the country, and a farming community that knows the State is willing to respond to its needs.

Construction cranes tower over the Wilmington skyline, as that city continues to confound those who would suggest that the revitalization of our cities is flagging. It is a city on the move.

Not far from Wilmington, in Delaware City, tremendous strides have been taken to assure the health and safety of that Town's residents. A threat has been removed, and State government has reinforced its commitment to protecting its citizens.

All over the State, there are productive and growing businesses, a tribute to both the enterprise of the people who run them and the energy and skill of their employees. We make space suits, we manufacture chemicals, we build cars, we produce food for the table and do countless other things-- all well.

In my Inaugural Address, I quoted the words of Theodore Roosevelt, who said, "This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in." I said the same sentiment could be applied to Delaware.

It is a belief shared by the citizens of this State.

All of us are committed to a better Delaware, and I am confident that in the months to come you and I will honor the trust bestowed upon us, and continue to honor that commitment.

Thank you very much.

The previously appointed committee escorted the Governor from the Chamber.

Representative Oberle moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals. The motion prevailed.

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

Representative Oberle moved that the Joint Session be adjourned at 3:39 p.m. The motion prevailed.

The House reconvened at 3:55 p.m.

Representative Bennett introduced and brought HR 123, cosponsored by Representatives Buckworth & Quillen, before the House for consideration.

HR 123 - Extending Condolences to Marlynn Hedgecock, Administrative Assistant to Legislative Council, on the Celebration of Her 50th Birthday, Today, January 14, 1986.

HR 123 was adopted by voice vote.

Representative Oberle moved to recess to the call of the Chair at 4:00 p.m.

2nd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 16, 1986

Mr. Speaker Hebner called the House to order at 1:40 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 83, SCR 84, SCR 85, HCR 78 & HCR 89.

The Majority Leader moved to adjourn at 1:41 p.m., thereby ending the current legislative day. The House reconvened at 1:42 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Soles - 1.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

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

The following prefiled legislation was introduced:

HB 397 - SMITH; SENATOR BERNDT - R&F: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to the Fee for Manufacturers', Transporters' and Dealers' Plates. (3/5 bill)

HB 398 - SMITH; SENATOR BERNDT - JUD: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Motor Vehicle Manufacturer or Dealer Plates. (2/3 bill)

HB 399 - BENNETT; SENATOR BERNDT - H/ADM: An Act Proposing an Amendment to Article VIII of the Constitution of the State of Delaware Relating to Capitation Tax. (2/3 bill)

HB 400 - JONKIERT - JUD: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for the House Arrest of Non-Violent Offenders.

HB 401 - JONKIERT - JUD: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to Parole; and Providing for a Supervision Assessment Which Shall be Paid Over to the Crime Victim Compensation Fund.

HB 402 - BRADY - JUD: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Flashing Lights on Vehicles.

HJR 19 - BENNETT, FREE; SENATORS BERNDT, MARSHALL - ED: To Adjust the Date Which the Committee on the Establishment of Cooperative Programs Between Public and Higher Education in the Vocational-Technical Areas is Required to Present Its Final Report.

HJR 20 - WINGATE, SENATORS CORDREY, MINNER - NAT. RES: Directing the Director of the Division of Historical and Cultural Affairs and the Secretary of the Department of Natural Resources and Environmental Control to Commemorate the Delaware Breakwater Quarantine Station 1884-1926 by the Erection of a State Historical Marker in the Cape Henlopen State Park On or Near October 20, 1986, the One Hundred and Second Anniversary of the Opening of the Station.

Representative Oberle moved to recess for Caucus at 1:48 p.m.

The House reconvened at 3:15 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 81.

Representative Roy brought SB 277 w/SA 1, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 277 - An Act to Amend Chapter 19, Title 24, Delaware Code, Relating to the Board of Nursing.

The roll call on SB 277 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Taylor, Van Sant, Wingate, Mr. Speaker Hebner - 30.

ABSENT: Representatives Buckworth, Carey, Caulk, Clark, Cordrey, Jonkiert, Mack, Soles, Spence, Steele, West - 11.

Therefore, having received a constitutional majority, SB 277 w/SA 1 was returned to the Senate.

Representative Roy brought SB 279, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 279 - An Act to Amend Title 24, Chapter 27, Delaware Code, Relating to the Board of Registration for Professional Land Surveyors.

The roll call on SB 279 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 35.

ABSENT: Representatives Buckworth, Carey, Caulk, Clark, Cordrey, Soles - 6.

Therefore, having received a constitutional majority, SB 279 was returned to the Senate.

Representative Roy brought SB 281, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 281 - An Act to Amend Chapter 35, Title 24, Delaware Code, Relating to the Board of Examiners of Psychologists. (3/5 bill) (F/N)

The roll call on SB 281 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

ABSENT: Representatives Buckworth, Carey, Caulk, Clark, Soles - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 281 was returned to the Senate.

Representative Roy brought SB 282, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 282 - An Act to Amend Title 24, Chapter 37, Delaware Code Relating to the Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers. (3/5 bill) (F/N)

The roll call on SB 282 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Buckworth, Caulk, Clark, Soles - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 282 was returned to the Senate.

Representative Roy brought SB 293, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 293 - An Act to Amend Section 201, Subchapter II, Title 26 of the Delaware Code, Relating to General Jurisdiction and Powers of the Public Service Commission.

The roll call on SB 293 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Buckworth, Soles - 2.

Therefore, having received a constitutional majority, SB 293 was returned to the Senate.

Representative Roy brought SB 295, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 295 - An Act to Amend Chapter 50, Title 29 of the Delaware Code Relating to the Delaware Development Office.

Representative Roy requested and was granted the privilege of the floor for Grover Biddle, Personnel Officer, Delaware Development Office.

The roll call on SB 295 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Brady, Sills - 2.

ABSENT: Representatives Buckworth, Soles - 2.

Therefore, having received a constitutional majority, SB 295 was returned to the Senate.

Representative Roy brought SB 299, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall & Neal & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 299 - An Act to Amend Chapter 15, Title 28 of the Delaware Code, Relating to the Delaware Gaming Control Board. (F/N)

The roll call on SB 299 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 36.

NO: Representative Petrilli - 1.

NOT VOTING: Representatives Bennett, Davis - 2.

ABSENT: Representatives Buckworth, Soles - 2.

Therefore, having received a constitutional majority, SB 299 was returned to the Senate.

Representative Caulk requested and was granted the privilege of the floor for Coby Shorter, III, National Secretary, Future Farmers of America.

Representative Reynolds introduced HB 403, jointly sponsored by Senator McBride & cosponsored by Senator Marshall.

HB 403 - An Act to Amend Title 30, Chapter 20, Subchapter III, Relating to Targeted Areas.

Mr. Speaker assigned HB 403 to the House Administration Committee.

Representative Maroney introduced HB 404, jointly sponsored by Senator Holloway.

HB 404 - An Act to Amend Titles 10, 13, 29 and 30 of the Delaware Code Relating to Child Support Enforcement.

Mr. Speaker assigned HB 404 to the Human Resources Committee.

The following prefiled Consent Calendar #19 was introduced:

HR 124 - SMITH - Congratulating Frederick Hill, A Model Big Brother.

HR 125 - OBERLE, HEBNER & GEORGE - Congratulating Harvey J. Price and Linda Henderson, Husband and Wife, on Their Participation in the Opening Day Session of the 133rd General Assembly.

HR 126 - SMITH & FREE; SENATOR BAIR - A Resolution Mourning the Passing of Mrs. Ruth Cann.

HR 127 - SMITH, FREE; SENATOR BAIR - A Resolution Mourning the Passing of Mrs. Lily Herzog.

SCR 83 - MCDOWELL; REPRESENTATIVE VAN SANT - Recognizing January 12-18 as National Fetal Alcohol Syndrome Awareness Week and Urging the Education, Medical, and Social Services Communities to Participate in a Sustained Effort to Increase Public Awareness of the Danger of Alcohol to Unborn Children.

SCR 84 - CORDREY, MINNER, COOK; REPRESENTATIVE WEST - Commending Mrs. Phoebe E. West of Broadkill Beach, Milton, Delaware, on Her One Hundredth Birthday, January 13, 1986.

SCR 85 - ZIMMERMAN, COOK, MINNER, TORBERT, VAUGHN; REPRESENTATIVES OUTTEN, B. ENNIS, CLARK, BENNETT, BUCKWORTH, CAULK, QUILLEN - Mourning the Death of Edward "Pat" Knight and Extending Condolences to His Widow, Ann.

Consent Calendar #19 was adopted by voice vote and SCR 83, SCR 84 & SCR 85 were returned to the Senate.

Representative Oberle moved to recess to the call of the Chair at 4:28 p.m.

3rd LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 21, 1986

Mr. Speaker Hebner called the House to order at 1:52 p.m.

Representative Corrozi moved to restore SB 241 w/SA 1,2. The motion was seconded by Representative Barnes and adopted by voice vote.

SB 241 - An Act to Amend Chapter 68, Title 21, Delaware Code, Relating to Penalties for Certain Off-Highway Vehicles.

Representative Corrozi moved to place SB 241 w/SA 1,2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the current legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 405 - PETRILLI - JUD: An Act to Amend Chapter 27, Title 25, Delaware Code, Relating to Mechanics' Liens.

HB 406 - JONKIERT - JUD: An Act to Amend Chapter 43, Part III, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Requiring, Under Certain Circumstances, That an Insurer Notify the Insured When the Statute of Limitations Has Begun.

HB 407 - JONKIERT - JUD: An Act to Amend Chapter 49, Part III, Title 10 of the Delaware Code Relating to Liens of Execution; and Providing for a Priorities Between Certain Creditors.

HB 408 - PETRILLI & SENATOR COOK; REPRESENTATIVE SPENCE; SENATOR SHARP - ADM/S: An Act to Amend Chapter 23, Title 29 of the Delaware Code, and Chapter 1, Title 8 of the Delaware Code, Establishing a Division of Corporations Corporate Revolving Fund and a Fee Schedule for Special Request Services. (2/3 bill)

HJR 21 - BENNETT & DAVIS; SENATORS CONNOR & COOK; REPRESENTATIVES FALLON, FREE, JESTER, WINGATE; SENATORS BERNDT, VAUGHN - ADM/S: Instructing the Delaware Development Office in Cooperation With the Department of Public Instruction to Plan and Execute a Marketing Program to Attract New Teachers to Delaware.

SB 332 - VAUGHN & REPRESENTATIVE HEBNER; SENATORS COOK, MCBRIDE, ARNOLD, BERNDT, SHARP, TORBERT, BAIR, CITRO, MARTIN, NEAL, CONNOR, HOLLOWAY; REPRESENTATIVES OBERLE, GEORGE, DAVIS, B. ENNIS, ROY, TAYLOR, JESTER, BUCKWORTH, WINGATE, QUILLEN, CAMPANELLI, JONKIERT, BRADY, WEST - H/ADM: An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs.

HA 1 to SB 206 - OBERLE - CHILD: Placed with the Bill.

Representative Oberle moved to recess for Committee Meetings at 2:00 p.m.

The House reconvened at 4:42 p.m.

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

H/ADM: HB 403 - 2F,3M; SB 206 - 2F,3M.

HUM. RES: HB 404 - 4F; SB 171 - 2F,2M.

NAT. RES: HB 393 - 3F,2M.

JUD: SB 228 - 3F,1M.

Representative George introduced and brought HR 128, cosponsored by Representatives Oberle, Spence, Free, Smith, Boykin, Soles & Petrilli, before the House for consideration.

HR 128 - CONGRATULATING BOB PERKINS AND HIS WIFE PAM ON THE BIRTH OF THEIR SON TODD FRANKLIN.

WHEREAS, Bob Perkins is Governor Michael N. Castle's very able Executive Assistant; and WHEREAS, on Sunday, January 19, 1986 Bob and his wife Pam became the proud parents of a beautiful baby boy; and

WHEREAS, this is Bob and Pam's third child.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives of the 133rd General Assembly of the State of Delaware congratulates Bob Perkins and his wife Pam on the birth of their son Todd Franklin.

BE IT FURTHER RESOLVED that upon successful passage of this resolution a suitably prepared copy be sent to Bob and Pam.

Mr. Speaker granted the privilege of the floor to Bob Perkins, Executive Assistant to the Governor.

HR 128 was adopted by voice vote.

Representative Maroney requested that HS 1 for HB 129 be stricken.

Representative Maroney moved to suspend the rules which interfere with lifting SS 1 for SB 56 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

SB 56 - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Social Work Examiners. (F/N)

Mr. Speaker assigned SS 1 for SB 56 to the Sunset Committee.

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

ADM/S: HB 377 - 2F,2M; HB 390 - 3F,1M; HB 408 - 2F,2M; SB 273 - 3F,1M.

Representative Quillen 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: SB 325, SB 319 w/SA 1 (F/N), SB 322; SB

326.

Representative Oberle moved to recess to the call of the Chair at 4:48 p.m.

4th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 22, 1986

Mr. Speaker Hebner called the House to order at 1:41 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 314 w/SA 1 & SCR 86.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the current legislative day. The House reconvened at 1:44 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Plant - 1.

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

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

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

The following prefiled legislation was introduced:

HB 409 - BENNETT - H/ADM: An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware Relating to the Term of Office of Sheriff for Kent and Sussex Counties. (2/3 bill)

HB 410 - SILLS, MARONEY, PLANT; SENATORS HOLLOWAY, MCDOWELL - HUM. RES: An Act to Amend Chapter 5, Title 31 of the Delaware Code to Authorize the Department of Health and Social Services to Increase Aid to Families With Dependent Children.

HB 411 - BENNETT & BUCKWORTH, ANDERSON, BRADY, CAMPANELLI, C. CORDREY, CORROZI, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JESTER, MACK, OUTTEN, REYNOLDS, SILLS, SOLES, SPENCE, VAN SANT, WEST, WINGATE; SENATORS CORDREY, MINNER, VAUGHN - R&F: An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to Exemptions From Civil Liability of Certain Persons Associated With Non-Profit Sports Programs.

HB 412 - B. ENNIS, BENNETT, BRADY, BUCKWORTH, CLARK, JESTER, SMITH, STEELE, WEST, WINGATE; SENATORS CITRO, MINNER, SLATCHER, VAUGHN - ADM/S: An Act to Amend Chapter 51, Title 29 of the Delaware Code by Adding a New Section Relating to the Use of State Paid for Postage by State Employees and Others. (2/3 bill)

HB 413 - VAN SANT, BENNETT, DAVIS, JESTER, OUTTEN, REYNOLDS, SILLS, TAYLOR; SENATORS BERNDT, MCDOWELL - ADM/S: An Act to Amend Chapter 90, Title 4 of the Delaware Code Requiring Alcoholic Liquor License Holders to Post Signs Warning That Consumption of Alcohol During Pregnancy is Dangerous. (2/3 bill)

HB 414 - FREE & GILLIGAN, SMITH, ROY, ANDERSON, SOLES - HUM. RES: An Act to Amend Part II, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for the Use of Public Places by Smokers and Non-Smokers. (2/3 bill)

SB 314 w/SA 1 - MCDOWELL & REPRESENTATIVES PETRILLI, OUTTEN, REYNOLDS - ADM/S: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the Mandatory Retirement Age for State Employees.

SB 319 w/SA 1 - CORDREY, ADAMS, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, TORBERT, VAUGHN, ZIMMERMAN, ARNOLD, BERNDT, CITRO, CONNOR, NEAL, SLATCHER; REPRESENTATIVES CLARK, C. CORDREY, B. ENNIS, GILLIGAN, WEST, WINGATE, CAREY, CAULK, D. ENNIS, MACK, STEELE - NAT. RES: An Act to Amend Title 23, Chapter 21 of the Delaware Code Relating to Licenses and Registration Fees of Motorboats. (F/N)

SB 322 - CORDREY - HUM. RES: An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Uniform Anatomical Gift Act; and Requiring That a Blood Sample be Taken From the Donor.

SB 325 - CORDREY - NAT. RES: An Act to Amend Chapter 60, Title 7, Delaware Code, Relating to the Powers and Duties of the Division of Environmental Control.

SB 326 - MCDOWELL; REPRESENTATIVE ROY - SUNSET: An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code Relating to Public Utility Rates.

Representative Oberle moved to recess for Committee Meetings at 1:48 p.m.

The House reconvened at 3:59 p.m.

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

SUNSET: SB 326 - 5M.

ADM/S: HB 176 - 3F,2M; HB 226 - 1F,4M; SB 218 w/SA 1 - 2F,3M; SB 245 w/SA 1 - 3F,2M; SB 314 w/SA 1 - 2F,3M.

The following prefiled Consent Calendar #20 was introduced:

HR 129 - QUILLEN, BUCKWORTH, CAULK - Offering "Happy Birthday" Wishes to Sadie M. Houk, Who was Born January 23rd, 1909, Seventy-Seven Years Ago.

HR 130 - C. CORDREY - Congratulating the Delmar High School Wildcats Football Team Upon Winning the 1985 Delaware Division II Football Championship.

HR 131 - C. CORDREY - Congratulating Delmar High School's Greg Wood Upon Being Named Delaware's 1985 Football Coach of the Year.

HR 132 – C. CORDREY – Congratulating Andy Harris of Delmar High School Upon Being Named Delaware's High School Football Defensive Player of the Year.

HR 133 – OBERLE, HEBNER, BARNES – Commending Mr. and Mrs. Richard Millman of Broadkill Road, Milton, Delaware on Their Fiftieth Wedding Anniversary.

HR 134 – C. CORDREY – Congratulating Michael Jackson of Delmar High School Upon Leading the State in Scoring During the 1985 High School Football Season.

HR 135 – FALLON – Congratulating Patrick and Carol Breslin on Their 24th Wedding Anniversary.

HCR 90 – BRADY, HEBNER; SENATORS BAIR, BERNDT – Congratulating the Claymont High School Indians on Becoming the 1985 Flight B Football Champions and Further Congratulating Chris Story on Being Named the Indians' 1985 Most Valuable Player.

HCR 91 – GEORGE; SENATOR MCDOWELL – Congratulating Dorothy Glanzel for Her Accomplishment in Being Selected as the First Female President of the Wilmington Optimists Jaycees Little League, Inc.

HCR 92 – WINGATE; SENATORS MINNER & CORDREY – Commending Chad Epifanio and His Teacher, Harriett Donofrio, for Their Recent Marine Science Project Which has Brought National Acclaim to the Cape Henlopen School District.

HCR 93 – JESTER – Encouraging the Department of Public Instruction to Establish an Intrastate, Interscholastic Student Exchange Program for High School Students in Delaware.

HCR 94 – JONKIERT & SENATOR MARSHALL; REPRESENTATIVE VAN SANT – Commending Karen Kosakowski of Delaware Technical and Community College, Stanton Campus for Her Outstanding Performance in Girls Basketball.

HCR 95 – JONKIERT & SENATOR MARSHALL; REPRESENTATIVE VAN SANT – Commending Sherry Szczuka of Delaware Technical and Community College, Stanton Campus, for Her Phenomenal Basketball Career.

SCR 81 – MCDOWELL; REPRESENTATIVE D. ENNIS – Providing for an Extension for Which the Public Transportation Task Force Can Report Its Findings.

SCR 86 – MINNER, VAUGHN, COOK, TORBERT, ZIMMERMAN, ADAMS, CORDREY, SLATCHER; REPRESENTATIVES B. ENNIS, CLARK, QUILLEN, OUTTEN, BENNETT, CAULK, BUCKWORTH, BARNES, CAREY, WINGATE, STEELE, FALLON, C. CORDREY, WEST – Urging Blue Cross/Blue Shield of Delaware to Maintain an Office in Southern Delaware to Provide the Necessary Health Care Services to Citizens in Kent and Sussex Counties.

Representative Smith introduced and brought HR 136 before the House for consideration.

HR 136 – In Recognition of National Hug Day With Emphasis on "The Importance of Touching".

HR 136 was placed on Consent Calendar #20.

Representative Jonkiert introduced and brought HR 137, jointly sponsored by Representative Free & cosponsored by Representatives George, Plant, Sills & Anderson, before the House for consideration.

HR 137 – Mourning the Death of Former State Representative Marcello "Marc" Rispoli.

HR 137 was placed on Consent Calendar #20.

Consent Calendar #20 was adopted by voice vote and HCR 90, HCR 91, HCR 92, HCR 93, HCR 94 & HCR 95 were sent to the Senate for concurrence and SCR 81 & SCR 86 were returned to the Senate.

The House observed a moment of silence in memory of former Representative Marcello Rispoli.

Representative Jonkiert introduced and brought HR 138, cosponsored by Representatives Anderson, Bennett, Brady, Campanelli, Clark, C. Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Outten, Plant, Sills, Soles, Van Sant, West, Wingate, Maroney & Free, before the House for consideration.

HR 138 – Mourning the Death of Alexis I. du Pont Bayard.

HR 138 was adopted by voice vote.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 323 w/SA 1 (F/N), SB 285 & SB 298.

Representative Oberle moved to recess to the call of the Chair at 4:40 p.m.

5th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 23, 1986

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 336 w/SA 1 (F/N) & SB 332.

The Majority Leader moved to adjourn at 1:49 p.m., thereby ending the current legislative day. The House reconvened at 1:50 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Members Absent: Representative Free – 1.

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

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

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

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

SUNSET: SB 285 – 4M; SB 298 – 4M.

The following prefiled legislation was introduced:

HB 415 – CAULK; SENATOR TORBERT – H/ADM: An Act to Amend Chapter 32, Volume 47, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frederica", Relating to the Mayor and Town Council. (2/3 bill)

HB 416 – CORROZI, GILLIGAN; SENATOR CITRO – ADM/S: Authorizing and Directing the Secretary of the Department of Administrative Services to Execute on Behalf of the State of Delaware a Property Line Agreement and Deed for the Purpose of Resolving a Property Line Encroachment Thus Enabling New Castle County Government to Have a Clear Title to a Parcel of Land.

HB 417 – SMITH – H/ADM: An Act to Permit Mr. Harold F. Melvin to Continue Employment With the Division of Purchasing as a State Contract/Procurement Officer After Attaining the Age of 70.

HB 418 – WINGATE; SENATOR CORDREY – H/ADM: An Act to Amend Chapter 59, Volume 63, Laws of Delaware Entitled "An Act to Incorporate the Town of Dewey Beach", Relating to the Territory and Limits of the Town. (2/3 bill)

HA 1 to HB 389 – CAMPANELLI, VAN SANT – ADM/S: Placed with the Bill.

HA 1 to HB 404 – MARONEY – AGENDA: Placed with the Bill.

HA 1 to HB 408 – PETRILLI – AGENDA: Placed with the Bill.

HA 1 to HJR 21 – BENNETT & DAVIS – ADM/S: Placed with the Bill.

SB 285 – MCDOWELL & REPRESENTATIVE ROY; SENATORS ARNOLD, MARSHALL, NEAL, TORBERT; REPRESENTATIVES BOYKIN, B. ENNIS, HOUGHTON, TAYLOR – SUNSET: An Act to Amend Chapter 101, Subchapter VII, Title 29 of the Delaware Code Relating to Agencies Affected by the Administrative Procedures Act.

SB 298 – MCDOWELL & REPRESENTATIVE ROY – SUNSET: An Act to Amend Chapter 14, Title 24 of the Delaware Code, Relating to the Board of Electrical Examiners.

SB 323 w/SA 1 – CORDREY – NAT. RES: An Act Amending Title 7 Delaware Code Creating the Delaware Municipalities Natural Disasters Revolving Fund and Providing for a Supplemental Appropriation for Its Funding. (3/4 bill) (F/N)

SB 336 w/ SA 1 – TORBERT, COOK, MCBRIDE, MINNER, CORDREY, VAUGHN, HOLLOWAY, ZIMMERMAN, SLATCHER, KNOX, ARNOLD, NEAL; REPRESENTATIVES BUCKWORTH, OBERLE, B. ENNIS, CLARK, FREE, WINGATE, CAULK, SPENCE – JUD: An Act to Amend Subchapter IV, Chapter 21, Title 21, Delaware Code, and Chapter 30, Title 30, Delaware Code, Relating to the Exemption of Vehicles Owned and Used by the Delaware Civil Air Patrol From Registration Fees and the Motor Vehicles Document Fee. (F/N)

Mr. Speaker granted the privilege of the floor to Professor William J. Connor, Widener University School of Law, who introduced fifteen students from the Legislative Drafting Seminar: Norman Brooks, Frank Broujos, Donald Caruthers, Stephanie Coleman, John Dibernardino, Lisabeth Fischer, Thomas Fuger, Stephen Gladden, Vladimir Goykhman, Anthony Gryk, Steven Johnson, John Larason, Laurie Schenker, Gary Thompson and Paul Young.

Representative Oberle moved to recess for Caucus at 2:07 p.m.

The House reconvened at 4:42 p.m.

Representative Maroney brought HB 404, jointly sponsored by Senator Holloway, before the House for consideration.

HB 404 – An Act to Amend Titles 10, 13, 29 and 30 of the Delaware Code Relating to Child Support Enforcement. (2/3 bill)

Representative Maroney brought HA 1 to HB 404 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 404 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebnr – 36.

ABSENT: Representatives Bennett, Cordrey, Free, Oberle, Roy – 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 404 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk brought HB 393, jointly sponsored by Representative Clark & cosponsored by Representatives B. Ennis, C. Cordrey & Quillen, before the House for consideration.

HB 393 – An Act to Amend Chapter 60, Title 7, Delaware Code Relating to Limiting the Time to Process, Grant or Deny Applications for Septic Tank Permits.

Representative Caulk introduced and brought HA 1 to HB 393 before the House for consideration.

Representative Caulk requested and was granted the privilege of the floor for Gerard L. Esposito, Deputy Director, Division of Water Resources.

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

Representative Caulk requested that HA 1 to HB 393 be stricken.

Representative Caulk moved to place HB 393 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli brought HB 408, jointly sponsored by Senator Cook & cosponsored by Representative Spence & Senator Sharp, before the House for consideration.

HB 408 – An Act to Amend Chapter 23, Title 29 of the Delaware Code, and Chapter 1, Title 8 of the Delaware Code, Establishing a Division of Corporations Corporate Revolving Fund and a Fee Schedule for Special Request Services. (2/3 bill)

Representative Petrilli brought HA 1 to HB 408 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 408 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Bennett, Free, Jonkiert - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 408 w/HA 1 was sent to the Senate for concurrence.

Representative Reynolds brought HB 403, jointly sponsored by Senator McBride and cosponsored by Senator Marshall, before the House for consideration.

HB 403 - An Act to Amend Title 30, Chapter 20, Subchapter III, Relating to Targeted Areas.

Representative Reynolds requested and was granted the privilege of the floor for David Swayze, representing New Castle County Economic Development Corporation.

The roll call on HB 403 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative Free - 1.

Therefore, having received a constitutional majority, HB 403 was sent to the Senate for concurrence.

Representative Oberle brought SB 206, sponsored by Senators Adams & Cook, before the House for consideration.

SB 206 - An Act to Amend Chapter 9, Title 10, Delaware Code Relating to Grandparent Visitation.

Representative Oberle brought HA 1 to SB 206 before the House for consideration. HA 1 was adopted by voice vote.

Representative Jester requested and was granted the privilege of the floor for Etta Detwiler, representing Grandparents, Relatives Advocating for Neglected, Dependent, Molested and Abused Siblings. (GRANDMAS)

Representative Oberle requested and was granted the privilege of the floor for Edward Voshell.

Mr. Speaker declared a recess for the purpose of changing the recording tape at 5:35 p.m.

The House reconvened at 5:39 p.m.

The roll call on SB 206 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Buckworth, Caulk, Clark, Cordrey, Corrozi, George, Gilligan, Houghton, Oberle, Outten, Petrilli, Quillen, Soles, Spence, Steele, Taylor, Wingate, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Brady, Campanelli, Carey, Davis, B. Ennis, Fallon, Jester, Jonkiert, Maroney, Plant, Sills, Van Sant, West - 14.

NOT VOTING: Representatives D. Ennis, Mack, Reynolds, Smith - 4.

ABSENT: Representatives Free, Roy - 2.

Therefore, having received a constitutional majority, SB 206 w/HA 1 was returned to the Senate for concurrence on HA 1.

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

APPRO: HB 145 - 6M.

Representative Oberle moved to recess to the call of the Chair at 5:57 p.m.

6th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 28, 1986

Mr. Speaker Hebner called the House to order at 1:42 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 330, SB 343, SB 344, SB 345 & SCR 89.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the current legislative day. The House reconvened at 1:44 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Spence - 1.

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

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

The following prefiled legislation was introduced:

HB 419 - ANDERSON, BRADY, CAMPANELLI, JONKIERT, VAN SANT, WEST; SENATOR CITRO - JUD: An Act to Amend Chapter 43, Title 21 of the Delaware Code Directing That Certain Offenses Not Result in the Award of Points on Driver's Licenses.



HB 420 – BENNETT – R&F: An Act to Amend Chapter 54, Title 30 of the Delaware Code, Relating to the Term "Document" as Applied in the Realty Transfer Tax. (3/5 bill)

HB 421 – WEST & CAREY, QUILLEN, D. ENNIS, STEELE, BARNES, HOUGHTON, PLANT, B. ENNIS, VAN SANT, C. CORDREY, JONKIERT, CLARK, SILLS, FALLON, MACK, JESTER, SOLES, BUCKWORTH – NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to the Fee for Fyke Netting.

HB 422 – WEST & CAREY, D. ENNIS, STEELE, BARNES, JONKIERT, MACK, QUILLEN, CLARK, VAN SANT, BUCKWORTH, B. ENNIS, SOLES, HOUGHTON, PLANT, FALLON, C. CORDREY, SILLS, JESTER – NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Exemption of Persons 65 Years of Age From Foodfishing Equipment Permit Fees.

HB 423 – BARNES, OBERLE, HEBNER, GEORGE, GILLIGAN; SENATORS CORDREY, SHARP, BAIR, ARNOLD, MCDOWELL – H/ADM: An Act to Amend Chapter 9, Title 29, Delaware Code Relating to the Punishment for Altering, Defacing or Concealing Bills or Acts.

HB 424 – FALLON & SENATOR MCBRIDE; REPRESENTATIVES ANDERSON, BARNES, BOYKIN, BUCKWORTH, CAMPANELLI, CAREY, CAULK, CLARK, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FREE, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JESTER, MACK, MARONEY, OBERLE, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SILLS, SMITH, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST; SENATORS BAIR, BERNDT, CONNOR, COOK, CORDREY, HOLLOWAY, KNOX, MARSHALL, MARTIN, MCDOWELL, NEAL, SHARP, SLATCHER, TORBERT, VAUGHN – ED: An Act Specifying Certain Conditions and Limitations for the Expenditure of Funds Previously Appropriated for the Expense of State Government for the Fiscal Year Ending June 30, 1986.

SB 330 – HOLLOWAY – HUM RES: An Act to Amend Chapter 5, Title 13, Delaware Code, Relating to Voluntary Wage Assignments and Wage Attachments Ordered by Family Court of the State of Delaware.

SB 343 – ADAMS, CITRO, MCDOWELL, MINNER, SLATCHER, VAUGHN; REPRESENTATIVES BENNETT, BRADY, BUCKWORTH, CLARK, DAVIS, B. ENNIS, JESTER, OUTTEN, STEELE, TAYLOR, WEST, WINGATE – H/ADM: An Act to Amend Chapter 29, Title 29 of the Delaware Code Relating to the Duties of the Auditor of Accounts.

SB 344 – ADAMS, CITRO, MCDOWELL, MINNER, SLATCHER, VAUGHN; REPRESENTATIVES BENNETT, BRADY, BUCKWORTH, CLARK, DAVIS, B. ENNIS, JESTER, OUTTEN, WEST, WINGATE – H/ADM: An Act to Amend Chapter 29, Title 29, of the Delaware Code Relating to the Duties of the Office of Auditor of Accounts.

SB 345 – MARSHALL, CITRO, MCDOWELL, MINNER, SLATCHER, VAUGHN; REPRESENTATIVES BENNETT, BRADY, BUCKWORTH, CLARK, DAVIS, B. ENNIS, JESTER, OUTTEN, WEST, WINGATE – H/ADM: An Act to Amend Chapter 23, Title 19, of the Delaware Code Relating to the Duties of the Office of Auditor of Accounts.

Representative Oberle moved to recess for Caucus at 1:56 p.m.

The House reconvened at 3:15 p.m.

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

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, John Van Sant, do hereby request that my name be removed as co-sponsor of HB 424.

Date: 1/28/86

Signed: John Van Sant

The Senate wishes to inform the House that it has passed: SB 335, SB 337 & SB 347.

Mr. Speaker assigned SB 347 to the Natural Resources Committee.

SB 347 – An Act to Amend Chapter 80 Part VIII, Title 7, Delaware Code, Authorizing the Governor to Withdraw the State of Delaware From the Northeast Interstate Low-Level Radioactive Waste Management Compact and for the Purpose of Enacting on the Part of This State a Compact Pursuant to State and Federal Law for the Interstate "Appalachian States Low-Level Radioactive Waste Compact"; Defining Certain Terms; Providing for Certain Rights, Responsibilities, and Obligations of the Party States, Creating an Appalachian States Low-Level Radioactive Waste Commission; Providing for the Membership of the Commission; Establishing Procedures, a Budgetary System, and Initial Funding of the Commission; Establishing the Powers and Duties of the Commission; Providing for a Host State Selection Process for the Development and Operation of Regional Facilities: Providing for Certain Fees and Surcharges; Providing for the Closure of a Regional Facility Under Certain Circumstances: Providing for a Prohibition of Conflicts-of-Interest of or by the Commissioners, Providing for Criminal Sanctions for the Misconduct of Commissioners While Serving in Their Official Capacities; Providing a List of Initially Eligible States; Providing for Congressional Review and Ratification; Providing for Withdrawal From the Compact; Providing for Termination of the Compact; Providing Certain Prohibitive Acts; Providing for Compensation and Cleanup During a Regional Facility's Operation and Post-Closure Period; Providing for the Compensation of Those Injured by or Through the Operation of, or After the Closure of, the Regional Disposal Facility, With Liability to be Apportioned in Accordance With the Percentage of Low-Level Radioactive Waste Stored at the Regional Facility; Providing for the Severability of This Act; and Generally Relating to the Appalachian States Low-Level Radioactive Waste Compact.

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

H/ADM: HB 418 – 1F,4M; HB 415 – 5M.

Representative Maroney brought SB 171, sponsored by Senator Berndt & cosponsored by Senators McBride, Sharp, Torbert, Knox, Arnold & Representative Smith, before the House for consideration.

SB 171 – An Act to Amend Chapter 17, Title 24 of the Delaware Code Adopting the Uniform Determination of Death Act.

Representative Gilligan rose on a point of order. Mr. Speaker concurred.  
 Representative Davis introduced and brought HA 1 to SB 171 before the House for consideration.  
 Representative Gilligan rose on a point of order. Mr. Speaker concurred.  
HA 1 to SB 171 was adopted by voice vote.  
 Representative Smith rose on a point of order. Mr. Speaker concurred.  
 Representative Maroney requested and was granted the privilege of the floor for Dr. Alan Jay Fink, State Medical Society.  
 Representative Davis introduced and brought HA 2 to SB 171 before the House for consideration.  
 Representative Maroney requested and was granted the privilege of the floor for G. Thomas Sandbach, Commissioner on Uniform State Laws.  
 The roll call on HA 2 to SB 171 was taken and revealed:  
 YES: Representatives Anderson, Davis, George, Gilligan, Houghton, Jonkiert, Roy, Taylor, West – 9.  
 NO: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Steele, Van Sant, Wingate, Mr. Speaker Hebner – 31.  
 ABSENT: Representative Spence – 1.  
 Therefore, not having received a constitutional majority, HA 2 to SB 171 was declared defeated.  
 The roll call on SB 171 w/HA 1 was taken and revealed:  
 YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, B. Ennis, D. Ennis, Fallon, Free, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 34.  
 NO: Representatives Anderson, Davis, George, Gilligan, Jonkiert, West – 6.  
 ABSENT: Representative Spence – 1.  
 Therefore, having received a constitutional majority, SB 171 w/HA 1 was returned to the Senate for concurrence on HA 1.  
 Representative Taylor brought HB 390, sponsored by Representative Hebner & Senator Cordrey, before the House for consideration.  
HB 390 – An Act to Amend Chapter 6, Title 29, Delaware Code, Relating to State Government by Deleting the Requirement That Copies of Rules and Regulations Promulgated by State Agencies be Delivered to the Director of Research of Legislative Council.  
 The roll call on HB 390 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 39.  
 ABSENT: Representatives Spence, West – 2.  
 Therefore, having received a constitutional majority, HB 390 was sent to the Senate for concurrence.  
 Representative Roy brought SB 326, cosponsored by Senator McDowell, before the House for consideration.  
SB 326 – An Act to Amend Subchapter III, Chapter 1, Title 26 of the Delaware Code Relating to Public Utility Rates.  
 The roll call on SB 326 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 38.  
 ABSENT: Representatives Cordrey, Spence, West – 3.  
 Therefore, having received a constitutional majority, SB 326 was returned to the Senate.  
 Representative Taylor brought SB 314 w/SA 1 jointly sponsored by Senator McDowell & Representative Petrilli & cosponsored by Representatives Outten & Reynolds, before the House for consideration.  
SB 314 – An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the Mandatory Retirement Age for State Employees.  
 The roll call on SB 314 w/SA 1 was taken and revealed:  
 YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.  
 NOT VOTING: Representative Jester – 1.  
 ABSENT: Representatives Jonkiert, Spence – 2.  
 Therefore, having received a constitutional majority, SB 314 w/SA 1 was returned to the Senate.  
 Representative Taylor brought SB 218 w/SA 1, sponsored by Senator Cordrey & cosponsored by Representatives Wingate, Quillen & Roy, before the House for consideration.  
SB 218 – An Act to Amend Title 23 of the Delaware Code Relating to Apprenticeship Programs, Grounds for Discipline and Disciplinary Sanctions for Pilots.

The roll call on SB 218 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Spence – 1.

Therefore, having received a constitutional majority, SB 218 w/SA 1 was returned to the Senate.

Representative Roy brought HB 226, jointly sponsored by Senator McDowell & cosponsored by Representative Outten & Senator Neal, before the House for consideration.

HB 226 – An Act to Amend Chapter 69, Title 29, Delaware Code, Relating to the Professional Services Negotiation Act.

The roll call on HB 226 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Spence – 1.

Therefore, having received a constitutional majority, HB 226 was sent to the Senate for concurrence.

Representative Taylor brought SB 273, sponsored by Senator Cook & cosponsored by Senators Minner, Torbert, Vaughn, Zimmerman & Adams & Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk, Quillen & Barnes, before the House for consideration.

SB 273 – An Act to Amend Subchapter IV, Chapter 10, Title 14 of the Delaware Code, Relating to Nominations of School Board Members.

Representative Taylor moved to place SB 273 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Campanelli brought HB 145, cosponsored by Representative Oberle, before the House for consideration.

HB 145 – An Act to Amend Chapter 66, Title 18, Delaware Code Relating to Line-of Duty Death Benefits. (F/N)

The roll call on HB 145 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

NOT VOTING: Representative Smith – 1.

ABSENT: Representative Spence – 1.

Therefore, having received a constitutional majority, HB 145 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 341 (F/N), SB 349, SCR 91, SCR 92, SCR 90, HCR 91, HCR 92 & HCR 93.

Mr. Speaker assigned SB 349 to the House Administration Committee.

SB 349 – An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize the 'Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" to Provide for the Issuing of Bond Anticipatory Notes. (2/3 bill)

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

7th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 29, 1986

Mr. Speaker Hebner called the House to order at 1:46 p.m.

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

NAT. RES: SB 347 – 3F,2M.

ADM/S: HB 416 – 5M.

The Majority Leader moved to adjourn at 1:49 p.m., thereby ending the current legislative day. The House reconvened at 1:50 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Spence – 1.

A prayer was offered by Kevin George, Bill Clerk.

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

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

The following prefiled legislation was introduced:

HB 425 – BARNES, WINGATE; SENATORS MCBRIDE, NEAL – H/ADM: An Act to Amend Title 24, Section 2827, Relating to the Filing of an Annual Report by the Delaware Association of Professional Engineers.

HB 426 – FALLON, BARNES, BOYKIN, CAREY, DAVIS, FREE, MACK, REYNOLDS, ROY, TAYLOR, WEST; SENATORS CONNOR, MCBRIDE – ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to School Lunch Managers.

HB 427 – OUTTEN, ANDERSON, BARNES, BENNETT, BOYKIN, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, MACK, MARONEY, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SILLS, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST, WINGATE; SENATORS ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, CORDREY, HOLLOWAY, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, NEAL, SHARP, SLATCHER, TORBERT, VAUGHN, ZIMMERMAN – H/ADM: An Act to Amend Title 6 of the Delaware Code Relating to Registration and Regulation of Transient Retailers. (2/3 bill)

HB 428 – JESTER; SENATOR VAUGHN – ADM/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Veterans Formerly Missing-in-Action. (3/5 bill)

HB 429 – GEORGE – JUD: An Act to Provide a Supplemental Appropriation to the Department of Public Safety, Division of State Police, for the Acquisition and Implementation of an Automated Fingerprint Identification System.

HB 430 – DAVIS & VAN SANT, BARNES, BUCKWORTH, HOUGHTON, MARONEY, QUILLEN, REYNOLDS, ROY, SPENCE, STEELE, TAYLOR; SENATORS MINNER, ARNOLD, MCBRIDE – JUD: An Act to Amend Chapter 8, Title 22 of the Delaware Code Relating to Municipal Regulation of Firearms.

HA 1 to HB 382 – OBERLE – LABOR: Placed with the Bill.

SB 335 – SLATCHER; REPRESENTATIVE 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" Relating to Authority of City to Sell Property. (2/3 bill)

SB 337 – SLATCHER; REPRESENTATIVE 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" Relating to Qualifications for Mayor and City Councilpersons. (2/3 bill)

SB 341 – MCDOWELL, HOLLOWAY, MINNER – CHILD: An Act Creating the Delaware Child Support Guarantee Revolving Fund and Providing for a Supplemental Appropriation for Its Funding. (F/N) PLEASE NOTE: Copies of SB 347 and SB 349 have been included in today's Prefile. They were read in and assigned to Committee on January 28, 1986.

SB 347 – BERNDT; REPRESENTATIVE CAREY; SENATOR SHARP; REPRESENTATIVES C. CORDREY, MACK – NAT. RES: An Act to Amend Chapter 80 Part VIII, Title 7, Delaware Code, Authorizing the Governor to Withdraw the State of Delaware From the Northeast Interstate Low-Level Radioactive Waste Management Compact and for the Purpose of Enacting on the Part of This State a Compact Pursuant to State and Federal Law for the Interstate "Appalachian States Low-Level Radioactive Waste Compact"; Defining Certain Terms; Providing for Certain Rights, Responsibilities, and Obligations of the Party States, Creating an Appalachian States Low-Level Radioactive Waste Commission; Providing for the Membership of the Commission; Establishing Procedures, a Budgetary System, and Initial Funding of the Commission; Establishing the Powers and Duties of the Commission; Providing for a Host State Selection Process for the Development and Operation of Regional Facilities; Providing for Certain Fees and Surcharges; Providing for the Closure of a Regional Facility Under Certain Circumstances; Providing for a Prohibition of Conflicts-of-Interest of or by the Commissioners; Providing for Criminal Sanctions for the Misconduct of Commissioners While Serving in Their Official Capacities; Providing a List of Initially Eligible States; Providing for Congressional Review and Ratification; Providing for Withdrawal From the Compact; Providing for Termination of the Compact; Providing Certain Prohibitive Acts; Providing for Compensation and Cleanup During a Regional Facility's Operation and Post-Closure Period; Providing for the Compensation of Those Injured by or Through the Operation of, or After the Closure of, the Regional Disposal Facility, With Liability to be Apportioned in Accordance With the Percentage of Low-Level Radioactive Waste Stored at the Regional Facility; Providing for the Severability of This Act; and Generally Relating to the Appalachian States Low-Level Radioactive Waste Compact.

SB 349 – R. CORDREY; REPRESENTATIVE STEELE – H/ADM: An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize the 'Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" to Provide for the Issuing of Bond Anticipatory Notes. (2/3 bill)

Representative Oberle moved to recess for Committee Meetings at 1:53 p.m.

The House reconvened at 3:01 p.m.

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

ED: HB 424 – 3F, 1M.

H/ADM: HB 409 – 4M; SB 332 – 4M; SB 349 – 4M.

SUNSET: SS 1 for SB 56 – 5M.

Representative Roy brought SB 285, jointly sponsored by Senator McDowell & cosponsored by Senators Arnold, Marshall, Neal & Torbert & Representatives Boykin, B. Ennis, Houghton & Taylor, before the House for consideration.

SB 285 – An Act to Amend Chapter 101, Subchapter VII, Title 29 of the Delaware Code Relating to Agencies Affected by the Administrative Procedures Act.

The roll call on SB 285 was taken and revealed:

YES: Representatives Boykin, Brady, Campanelli, Corrozi, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Smith, Soles, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 25.

ABSENT: Representatives Anderson, Barnes, Bennett, Buckworth, Carey, Caulk, Clark, Cordrey, Davis, D. Ennis, Mack, Maroney, Plant, Sills, Spence, Steele – 16.

Therefore, having received a constitutional majority, SB 285 was returned to the Senate.

Representative Roy brought SB 298, jointly sponsored by Senator McDowell, before the House for consideration.

SB 298 – An Act to Amend Chapter 14, Title 24 of the Delaware Code, Relating to the Board of Electrical Examiners.

The roll call on SB 298 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 33.

ABSENT: Representatives Anderson, Carey, Caulk, Clark, Cordrey, Mack, Plant, Spence – 8.

Therefore, having received a constitutional majority, SB 298 was returned to the Senate.

Representative Oberle moved to suspend the Agenda rules which interfere with action on HB 418. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Wingate brought HB 418, cosponsored by Senator Cordrey, before the House for consideration.

HB 418 – An Act to Amend Chapter 59, Volume 63, Laws of Delaware Entitled "An Act to Incorporate the Town of Dewey Beach", Relating to the Territory and Limits of the Town. (2/3 bill)

The roll call on HB 418 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

NOT VOTING: Representative Smith – 1.

ABSENT: Representatives Oberle, Plant, Spence – 3.

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

HB 418 was sent to the Senate for concurrence.

Representative Caulk brought HB 415, cosponsored by Senator Torbert, before the House for consideration.

HB 415 – An Act to Amend Chapter 32, Volume 47, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Frederica", Relating to the Mayor and Town Council. (2/3 bill)

The roll call on HB 415 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Oberle, Plant, Smith, Spence – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 415 was sent to the Senate for concurrence.

Representative Taylor moved to lift SB 273 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Taylor brought SB 273, sponsored by Senator Cook & cosponsored by Senators Minner, Torbert, Vaughn, Zimmerman & Adams & Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk, Quillen & Barnes, before the House for consideration.

SB 273 – An Act to Amend Subchapter IV, Chapter 10, Title 14 of the Delaware Code, Relating to Nominations of School Board Members.

Representative Bennett introduced and brought HA 1 to SB 273, cosponsored by Representative Davis, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 273 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 36.

ABSENT: Representatives D. Ennis, Petrilli, Plant, Smith, Spence – 5.

Therefore, having received a constitutional majority, SB 273 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Corrozi brought HB 416, cosponsored by Representative Gilligan & Senator Citro, before the House for consideration.

HB 416 – Authorizing and Directing the Secretary of the Department of Administrative Services to Execute on Behalf of the State of Delaware a Property Line Agreement and Deed for the Purpose of Resolving a Property Line Encroachment Thus Enabling New Castle County Government to Have a Clear Title to a Parcel of Land.

The roll call on HB 416 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Boykin, D. Ennis, Plant, Spence – 4.

Therefore, having received a constitutional majority, HB 416 was sent to the Senate for concurrence.

The following prefiled Consent Calendar #21 was introduced:

HR 139 - OBERLE & ALL REPRESENTATIVES - Honoring Susan B. Anthony and Declaring Her Birthday, February 15th, as a Date of Special Observance.

HR 140 - CAREY - Extending 95 Happy Birthday Wishes to Elsie King Wagamon on Her Birthday February 7, 1986.

HR 141 - BRADY - Congratulating Willie and Adeline Critzer of Claymont on the Occasion of Their 55th Wedding Anniversary.

HR 142 - JESTER - Expressing Sincere Appreciation to David Clayton Carrad for Chairing the Blue Ribbon Task Force on Divorce Law Reform and the Family Law Commission.

HR 143 - GILLIGAN - Commending Mrs. Mary Evelyn Johnson for Thirty Years of Dedicated Service as a Civilian Personnel Management Technician for the Delaware Army National Guard.

HR 144 - QUILLEN, FALLON, STEELE, BARNES - Mourning the Demise of George Edward Gray.

HR 145 - GILLIGAN, TAYLOR - Commending Harry Davies, Cross-Country Coach at Newark High School for the Distinct Honor of Being Named State of Delaware's Girl's Cross Country Coach of the Year.

HR 146 - JESTER - Congratulating Anthony DeChellis of Odessa, Delaware on His Outstanding Success in the VICA International Skill Olympics Milling Contest in Osaka, Japan.

HR 147 - C. CORDREY, BARNES, BENNETT - Commending Julie Dayton for Having Been Recently Named to the U. S. World Cup Team in Women's Lacrosse.

HR 148 - WEST - Mourning the Death of Fred L. Ward.

HCR 96 - TAYLOR, ROY, GILLIGAN, PETRILLI, CORROZI; SENATORS SHARP, ARNOLD - Congratulating the Dickinson High School Cross Country Team Upon Winning the Division II State Cross Country Championship.

HCR 97 - JONKIERT; SENATOR MARSHALL - Commending Terence Stansbury for Winning the Distinguished Honor of "Delaware Athlete of the Year Award", Voted by Members of the Delaware Sportswriters and Broadcasters Association.

HCR 98 - SPENCE, OBERLE; SENATOR MARTIN - Congratulating Tony Maczynski Upon Being Named the 1985 Employee of the Year by the Governor's Committee on Employment of the Handicapped.

HCR 99 - TAYLOR; SENATORS ARNOLD, SHARP - Commending Robert Zachmann on Achieving the Rank of Eagle Scout.

SCR 89 - BERNDT, ADAMS, CORDREY; REPRESENTATIVE BENNETT - In Recognition of Delaware Day in Pompano Beach, Florida, on Thursday, February 13, 1986 and Encouraging Delawareans to Attend This Festive Occasion.

SCR 90 - SHARP - Providing That a Joint Session of the Senate and the House of Representatives be Convened for the Purpose of Hearing the Budget Message by Michael N. Castle, Governor of the State of Delaware.

SCR 91 - BAIR & MINNER, MCBRIDE, KNOX, COOK, NEAL, MCDOWELL; REPRESENTATIVES HEBNER, SMITH, MARONEY, OUTTEN, BOYKIN, ANDERSON, SOLES, JESTER, FALLON - Designating February 15, 1986, as Susan B. Anthony Day.

SCR 92 - ZIMMERMAN, HOLLOWAY; REPRESENTATIVES SILLS, PLANT, OUTTEN, BENNETT - Congratulating the Delaware State College Hornets on an Outstanding 1985 Football Season and Commending the College Administration, Coaches, and Players for Their Commitment to the Pursuit of Excellence in Athletics.

Representative Gilligan introduced and brought HR 149, cosponsored by Representative Hebner, before the House for consideration.

HR 149 - Commending Mr. Harry L. Gardner for His Tireless Effort as a Youth Training Specialist and a Community Organizer.

HR 149 was placed on Consent Calendar #21.

Representative Roy introduced and brought HR 150, cosponsored by Representatives Boykin, Corrozi, Davis, D. Ennis, Free, Hebner, Mack, Oberle, Petrilli, Reynolds, Spence, Taylor, Anderson, Bennett, Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, Jonkiert, Outten, Plant, Sills, Soles & Van Sant, before the House for consideration.

HR 150 - Observing the Week of March 16 Through March 22 as Catholic Schools Week, and Congratulating Delaware's Catholic Schools for Their Accomplishments and Their Contributions to Education.

HR 150 was placed on Consent Calendar #21.

Consent Calendar #21 was adopted by voice vote and HCR 96, HCR 97, HCR 98 & HCR 99 were sent to the Senate for concurrence and SCR 89, SCR 90, SCR 91 & SCR 92 were returned to the Senate.

Representative Davis brought SB 228, cosponsored by Senators Vaughn & Sharp & cosponsored by Senators Cook, Torbert, Adams, Martin, McBride & Citro & Representatives Houghton, Anderson, Bennett, B. Ennis, George, C. Cordrey, Clark, Van Sant, Brady, Jester, Jonkiert, Gilligan, Reynolds & Spence, before the House for consideration.

SB 228 - An Act to Amend Title 11, Chapter 65 of Delaware Code, to Clarify the Circumstances Under Which Class A Felons and Felony Sex Offenders May be Outside the Confines of the Correctional Institution to Which They are Classified.

Representative Davis introduced and brought HA 1 to SB 228 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 228 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Smith, Soles, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

NO: Representatives Carey, Roy - 2.

NOT VOTING: Representatives Mack, Taylor - 2.

ABSENT: Representatives D. Ennis, Plant, Spence - 3.

Therefore, having received a constitutional majority, SB 228 w/HA 1 was returned to the Senate for concurrence on HA 1.

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

JUD: HB 369 - 4F.

ADM/S: HB 120 - 4M; HB 413 - 1F,3M; HJR 21 - 2F,2M; HB 183 - 3M,1U; SB 132 w/SA 1 - 4M; SB 291 - 4M.

LABOR: HB 382 - 4F.

NAT. RES: HB 335 - 3F,2M; HB 336 - 2F,3M; SB 319 w/SA 1 - 2F,3M.

Representative Oberle moved to recess to the call of the Chair at 3:58 p.m.

8th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

January 30, 1986

Mr. Speaker Hebner called the House to order at 1:37 p.m.

The Reading Clerk read the following communications into the record:

January 29, 1986

The Honorable Charles L. Hebner  
Speaker of the House  
House of Representatives  
State of Delaware  
Legislative Hall  
Dover, Delaware 19901  
Dear Mr. Speaker:

I have been requested pursuant to a motion on the Senate floor on January 29, 1986, by Senator Cook to have the House of Representatives return Senate Bill 278.

Your honoring this request is most appreciated.

Sincerely,  
Betty Jean Caniford  
Secretary of the Senate  
BJC:ks

The Senate wishes to inform the House that it has passed: SCR 87, SCR 93, SCR 94, SCR 95, SCR 96, SCR 88, HB 404 w/HA 1, HB 408 w/HA 1 & HB 403.

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

HUM. RES: HB 410 - 1F,3M.

The Majority Leader moved to adjourn at 1:38 p.m., thereby ending the current legislative day. The House reconvened at 1:39 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Cordrey - 1.

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

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

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

The following prefiled legislation was introduced:

HB 431 - OBERLE, TAYLOR, ROY, REYNOLDS, MACK, PETRILLI, DAVIS, ANDERSON, SOLES, SILLS; SENATORS NEAL, ARNOLD - ED: An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile Classrooms.

HB 432 - CAULK, STEELE, B. ENNIS, QUILLLEN, PETRILLI, CLARK, WEST - ED: An Act to Amend Chapter 10, Title 14, Delaware Code Relating to Recalling and Replacing School Board Members.

HB 433 - CLARK, BUCKWORTH, CAREY, CAULK, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, MACK, OUTTEN, PLANT, REYNOLDS, SILLS, STEELE, VAN SANT, WEST, WINGATE; SENATORS ADAMS, BERNDT, SLATCHER, TORBERT, VAUGHN, ZIMMERMAN - JUD: An Act to Amend Section 2118, Chapter 21, Title 21 of the Delaware Code Relating to the Requirement of Insurance for Motor Vehicles Required to be Registered in This State.

HB 434 - BARNES, SPENCE; SENATORS ARNOLD, NEAL - HUM. RES: An Act to Amend Chapter 1, Title 13 of the Delaware Code Relating to Domestic Relations; and Providing for Pre-Marital Serological Tests.

HB 435 - BARNES, SPENCE, TAYLOR, DAVIS; SENATORS ARNOLD, NEAL - HUM. RES: An Act to Amend Chapter 32, Part III, Title 16 of the Delaware Code Relating to a Mandatory Reporting Requirement for Certain Diseases and Infections.

HB 436 - PETRILLI & BENNETT - R&F: An Act to Amend Title 10 to Include a New Chapter Relating to Limiting Contingent Fee and Hourly Fees for Certain Types of Legal Claims or Actions.

HB 437 – PETRILLI & BENNETT – R&F: An Act to Amend Chapter 27, Title 18 of the Delaware Code Relating to Punitive Damages.

HB 438 – PETRILLI & BENNETT – R&F: An Act to Amend Title 10, Chapter 43 Relating to Payments From a Collateral Source.

HB 439 – PETRILLI & BENNETT – R&F: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Eligibility to Maintain an Action in Tort Arising Out of a Motor Vehicle Accident.

HB 440 – PETRILLI & BENNETT – R&F: An Act to Amend Chapter 82, Title 10 of the Delaware Code to Provide for Limitations on Causes of Action for Wrongful Death, Personal Injury or Property Damage Against Those Licensed to Sell Alcoholic Beverages.

HB 441 – PETRILLI & BENNETT – R&F: An Act to Amend Title 10, Delaware Code, by Adding Thereto a New Chapter 82 Relating to Products Liability Actions.

HB 442 – OUTTEN, BENNETT, BUCKWORTH, CAULK, C. CORDREY, B. ENNIS, JESTER, QUILLEN, STEELE, WEST, WINGATE; SENATORS ADAMS, COOK, CORDREY, MINNER, SLATCHER, TORBERT, VAUGHN, ZIMMERMAN – ED: An Act to Amend Title 14 of the Delaware Code as It Relates to Division III, Equalization Funding.

HB 443 – WEST, ANDERSON, CAMPANELLI, CAULK, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, JONKIERT, PLANT, SPENCE, STEELE, VAN SANT – AGRI: An Act to Amend Chapter 77, Title 3, Delaware Code Relating to the Penalty for Permitting Livestock to Run at Large.

HB 444 – D. ENNIS & PETRILLI, VAN SANT, WEST, ANDERSON – R&F: An Act to Amend Chapter 5, Title 18, Delaware Code Relating to Emergency Powers of the Insurance Commissioner to Regulate Cancellation and Nonrenewals of Commercial, Municipal and Professional Liability Insurance Policies.

HB 445 – D. ENNIS & PETRILLI, VAN SANT, WEST, ANDERSON – R&F: An Act to Appropriate \$75,000 to Fund an Actuarial Analysis for "Pooling" of Insureds in Delaware to Analyze Whether Municipalities, Counties, and Various Commercial Insureds Can Reduce Their Costs and Assure Continued Availability of Liability Insurance.

HB 446 – FALLON & FREE, MARONEY, WINGATE, JESTER, REYNOLDS, SOLES, BENNETT, CORROZI, PETRILLI, CAULK, CAREY, BUCKWORTH – ED: An Act to Amend Chapter 12, Title 14 of the Delaware Code Relating to Teacher Certification and an Appropriation Therefor.

HB 447 – SPENCE & PETRILLI & SENATOR HOLLOWAY; MARONEY, FREE, ROY; SENATORS NEAL, ZIMMERMAN – JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mandatory Safety Belt Usage in Certain Motor Vehicles and the Effect of Safety Belt Use Upon Insurance Rates.

HB 448 – WEST, ANDERSON, CAMPANELLI, CAULK, C. CORDREY, B. ENNIS, HOUGHTON, JESTER, JONKIERT, PLANT, SPENCE, STEELE, VAN SANT – NAT. RES: An Act Amending Chapter 45, Title 7 of the Delaware Code Relating to Public Lands.

HB 449 – PETRILLI & SENATOR SHARP; BENNETT, BRADY, CAREY, CAULK, CORROZI, DAVIS, FALLON, GEORGE, GILLIGAN, HOUGHTON, MACK, OBERLE, REYNOLDS, ROY, SOLES, SPENCE, TAYLOR, VAN SANT, WINGATE; SENATORS ARNOLD, BAIR, BERNDT, CONNOR, COOK, HOLLOWAY, KNOX, MARTIN, MCBRIDE, NEAL, SLATCHER – ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to the Method of Calculation of Units in a School District.

HA 1 to HB 183 – ROY – READY LIST: Placed with the Bill.

HA 1 to HB 270 – OBERLE – JUD: Placed with the Bill.

SCR 88 – CORDREY, SHARP – H/ADM: Directing Legislative Council to Study, Evaluate and Recommend to the General Assembly Concerning the State Compensation and Productivity Commission Report.

HA 1 to SB 323 – CAREY – NAT. RES: Placed with the Bill.

Representative Oberle moved to recess for Joint Session at 1:45 p.m.

JOINT SESSION  
SENATE CHAMBER  
January 30, 1986

At 1:54 p.m. Senator Cordrey appointed Senators Vaughn and Berndt as a committee to inform the House that the Senate was prepared for a Joint Session.

The Sergeant-at-Arms announced and admitted the Members of the House of Representatives.

Senator Cordrey invited the Speaker of the House, Mr. Hebner, to be his guest on the rostrum.

The Sergeant-at-Arms announced and admitted to the Chamber the State elected officials and members of the Governor's Cabinet.

At 1:57 p.m. on motion of Senator Sharp, and without objection, the House and Senate convened in Joint Session pursuant to SCR 90.

Senator Sharp moved that Senator Cordrey preside over the Joint Session. There was no objection.

On motion of Senator Sharp and without objection, the Secretary of the Senate and Chief Clerk of the House were appointed as secretaries to the Joint Session.

On motion of Senator Sharp, the Chair appointed the following as an Escort Committee for the Governor: Senators Holloway and Neal, Representatives Corrozi and Bennett.

A brief recess was called by the Chair awaiting the Governor's arrival.

At 2:00 p.m. the Sergeant-at-Arms announced and admitted to the Chamber Governor Michael N. Castle escorted by the previously appointed Committee.

Senator Holloway introduced the Governor and Senator Cordrey invited him to the podium.

The Governor addressed the Joint Session as follows:

Mr. President Pro Tem, Mr. Speaker, members of the 133rd General Assembly, the Cabinet, honored guests and fellow Delawareans.



I will take about 25 minutes of the rest of your day. But, I can tell you to get to this point a lot of people put in a lot of hard work. There are a lot of big books you will be looking at later today. And, a lot of members of my Cabinet do that; but, of course, there is always one who has to do most of the work and stands out. And that is Steve Golding, my Budget Director. And I would like to thank him for all the work he's done for the last six months.

Delaware has enjoyed some very good years recently. It has been a time of prosperity and opportunities for our citizens.

This must be attributed, in part, to the fact that state government has learned to meet its responsibilities while limiting the demands it makes on its taxpayers.

The result has been eight years of balanced budgets and a ninth in the one I am presenting today, a healthy reserve of \$47.6 million in the constitutionally mandated rainy-day fund, and another \$19.2 million in the two-percent set-aside.

At the same time, we have continued to provide the programs and services our citizens expect. In fact, the State's ability to serve its citizens has increased in recent years, while the cost to individual taxpayers has decreased.

The tax cuts enacted in 1984 and 1985 alone have resulted in \$130 million the State might have collected remaining in our taxpayers' hands, and since 1979 the average family has seen its personal income taxes cut by over 40 percent.

We have done very well.

But now there is concern about the effect of the Gramm-Rudman Amendment, which is supposed to reduce the federal deficit by cutting federal spending. Tomorrow President Reagan will sign an order cutting funds that would have gone to state and local governments.

Delaware will not be exempt from the Gramm-Rudman cuts, and in the months ahead we must decide which programs deserve our continued support and whether State funds should replace federal funds.

But while we will have to shoulder our fair share of the burden, we will not find ourselves among the hand-wringers, for one very good reason -- we have learned from experience the importance of imposing limits on State spending. We know how to make the hard choices.

I will have more to say about Gramm-Rudman shortly. Now, however, I would like to turn to the budget I am presenting to you today.

First of all, it reflects the importance of controlling the growth of State spending. This budget provides for a total increase of 5.3 percent in expenditures when compared, dollar-for-dollar, to the current fiscal year, including both base operating budget and one-time expenditures.

I believe that is enough.

It is a budget which allows government to both match the rate of inflation and provide for additional growth in key areas -- notably education and environmental protection -- that will have long-term and lasting benefits for the citizens of Delaware and their children and grandchildren.

It is a budget that will allow the State to live within its means, and turn back to those who support it -- the taxpayers -- whatever revenues are not essential for its operation.

The Delaware Economic and Financial Advisory Council's latest estimate of new revenues in fiscal 1987 is \$911.3 million. After we add the expected fiscal '86 surplus of \$58.1 million and meet our reserve requirements, \$939.3 million will be available for State programs, plus \$10.8 million for grants-in-aid. Of that amount, I am recommending \$923.6 million for the fiscal 1987 budget.

The balance, \$15.7 million, I will discuss later.

Having described the budget in general terms, I now turn to the specifics, and there is no more appropriate starting point than the departments which claim a substantial part of the State's resources and provide services to many of our citizens.

#### HUMAN SERVICES

Under the broad umbrella of human services are a number of important agencies -- Health and Social Services, youth services, as well as elements of our education system.

Diverse as their concerns may be, they share a philosophy -- that the State's role is to assist each individual to live his or her life to the fullest, independent and unencumbered by institutional restraints or regulations.

They work to prevent cause rather than effect, to get at the roots of poverty and failure rather than simply provide long-term support for those who suffer the consequences of early neglect.

They are committed to making institutionalization the solution of last resort, keeping as many citizens as possible in the community.

And they share a goal -- that the quality of care the State provides for each citizen is the best possible.

I told you two weeks ago that I am proposing a comprehensive program to treat many of the problems that affect our youngest citizens -- poor health, the effects of broken families, poverty and inadequate education.

Just as our aggressive economic development program aims at bringing new opportunities to our citizens, so our social programs must be designed to assure that every citizen is able to seize those opportunities, that they have not been robbed of initiative and hope as children.

In the coming year, we will begin a comprehensive effort to assure that all children in Delaware are born healthy and that they receive postnatal care that keeps them healthy. This will be a statewide effort, and one that centers in the home, where it can do the most good.

At the same time, recognizing that foster care is sometimes a necessary alternative, I am recommending that we take steps to assure that enough foster care homes are available by increasing foster care rates by 15.5 percent in the coming fiscal year, and provide the staff necessary to improve service coordination.

Finally, to assure that young children are able to derive full benefit from our education system when they begin school, I am recommending that pilot programs be established in each county to identify learning disabilities among four-year-olds.

Many other citizens require our help, of course, and the budget I am presenting to you today will allow us to meet federal guidelines to care for the mentally handicapped at Stockley, and in the process increase our ability to provide adequate services.

I am also recommending increased funding to continue toward our goal of deinstitutionalization whenever possible, and to continue to reduce the Stockley population from over 400 to 240 -- giving our mentally handicapped citizens a new measure of independence.

If society's progress is measured in part by how we treat the mentally retarded, then we have made a great deal of progress. We have recognized that few people need or want their lives regulated by those who would help, or their independence taken away in the name of compassion.

The assistance the State provides must be appropriate to the level of an individual's needs.

If providing meals at home for the aged will allow our senior citizens to live out their years in greater dignity, then we should provide resources to do it.

If there is a need for temporary shelter for someone in need, then we should provide that as well.

And if there is a youngster in need of guidance which is not provided at home but who does not require incarceration at Ferris, then we should provide an alternative.

The budget I am presenting to you today does those things.

It also recognizes that at times the State's responsibility to provide assistance is accompanied by the need to provide incentives to greater independence and productivity.

We are meeting our responsibility by recommending a four percent increase in Aid to Families with Dependent Children, the second such increase in as many years.

But a study of our AFDC clients shows that over 29 percent remained on public assistance for over nine years, reflecting the failure of the system to provide alternative programs to assist people to regain their self-respect.

We must provide the means to break the chain of dependency that prevents people from achieving independence and success. We will take our first steps in that direction this year.

I am recommending creation of an employability program that will permit the department to begin to target clients who, because they are going to school or caring for children at home, cannot get a job.

## ENVIRONMENT

In my State of the State Address, I told you that I have given high priority to protecting our environment.

Recently the State's ability to respond to threatening situations, and our willingness to take tough action where necessary, have been tested and proven.

A major oil spill in the Delaware River was contained; laws to protect both our environment and our citizens have been vigorously enforced; and dangerous storage sites have been cleaned up. Each underlines the importance of the State's role in protecting our citizens from harm.

In the budget before you, I am allocating over \$1 million to insure that Delaware has the resources to monitor the air quality, the expertise to keep our water clean and enough enforcement personnel to insure that the regulations we establish are obeyed.

We are also living up to our promise to clean up already contaminated sites which threaten our natural resources. An additional million dollars has been set aside to continue the programs of toxic waste cleanup and insure that there are no needless delays once appropriate remedial plans have been approved and these Superfund projects can begin.

The message of this administration is clear: we will not tolerate the violation of our laws or the pollution of our environment. The citizens of this State, and the vast majority of businesses and industries in Delaware, expect nothing less.

## CRIMINAL JUSTICE

You cannot read a newspaper or listen to a news report today without realizing that crime continues to demand society's -- and the State's -- attention.

Our citizens expect to be safe in their homes and on the streets of their communities. That requires an efficient and fair criminal justice system, and a corrections system that can protect society from dangerous criminals while helping other offenders learn to be productive members of society.

The citizens of this State don't want to hear excuses. They don't want to be told about overcrowding which has resulted in dangerous offenders being set free, or that those convicted of drunk-driving offenses are not serving their sentences.

Commissioner Sullivan has already begun to address those twin concerns and, to assure that the State is able to live up to its responsibility for public safety, this budget includes \$1.4 million for the start-up of the new, 300-bed minimum-security facility at Smyrna.

In conjunction with existing facilities, this will help us meet the demands placed on us by a growing prison population while guaranteeing that those sentenced for drunk-driving offenses indeed serve out their sentences.

I am recommending that you continue funding for an alcohol and drug program as well as the broader elements of our sentencing accountability initiative, and a new alternative program for juveniles, which will provide the means for rehabilitation for forty young offenders.

My budget also includes new funding for Family Court in Kent and Sussex counties, and resources to continue to eliminate delays in both Family Court and the criminal justice system as a whole.

## PUBLIC EDUCATION

One third of the budget I am presenting to you today will be spent on the education of our children in kindergarten through 12th grade -- over \$306 million. Not only does education again receive the largest allocation of new State funds, but almost a quarter of total spending on public schools has been added in just three years.

As set forth in my state of the State Address, several steps are being taken to enhance teachers' salaries and assure that we have the ability to continue to attract and keep good teachers:

- o I have recommended a \$285 increase for every teacher to be adopted immediately.
- o I have recommended a \$9.5 million pay increase for education employees -- adding up to over \$1,000 per teacher -- with a proposed change in the teacher pay structure to increase starting salaries by approximately \$2,000.
- o And I am recommending an additional \$5.4 million for Division III, 98 percent of which has been used for educational salaries in the past.

Combined with increased local supplements, particularly in those districts which have passed referenda, teachers this year will receive perhaps the largest single pay increase in any year in Delaware's history.

Other funds are being recommended for a scholarship loan program for high school seniors going to Delaware colleges and majoring in education; to support the training and education components of the DPI Instructional Improvement Model; and to support the development of Mastery Testing.

Now, we should examine what we expect to obtain for this great commitment of our dollars and human resources.

- o As I have already said, we want the ability to recruit new teachers in a highly competitive market.
- o At the same time, we must retain more experienced teachers, whose financial needs draw them away from the classroom.
- o We must follow through on an evaluation process in which administrators and teachers know exactly what to expect and are focused on the teaching elements which have direct correlation with student achievement.
- o We need a comprehensive teacher in-service program to help make good teachers better and to provide improvement programs for those evaluated as unsatisfactory.
- o Our efforts to enhance education must focus on improving the way we use existing dollars. We spend more per pupil on education than almost any other state, and this year I want educators and interested citizens to work together to ensure that that money is being spent properly.
- o And we need to begin a pilot program that will make schools more efficient in providing support where it belongs -- in the classroom.

This is in addition to the pilot incentive program I described in my State of the State Address and which Mike Walls, the Christina School District and the local teachers association have already begun working on.

## HIGHER EDUCATION

While much of our time and resources have been devoted to public education in Delaware, higher education must not be ignored.

Each of our institutions plays an important role in the State, but I think it is appropriate to single out one development at the University of Delaware for mention.

In the past year, the University has taken great strides toward becoming a national center for research in the area of composite materials, an esoteric subject with results as practical as a new, safer bumper for automobiles.

I am particularly proud that the University of Delaware has begun to receive national recognition, and my budget includes an increase in funding for the important research that is going on under Byron Pipes' enthusiastic leadership.

We are also increasing our support for the colleges of engineering, science and business, funding a pilot program in computer software development -- another area where the University excels -- and more funding for the Research Partnership Fund.

The budget also reflects the priorities of both Delaware State College, where a Faculty Development Program is addressed, and Delaware Technical & Community College by earmarking substantial funds to make salaries competitive.

## MERIT SYSTEM EMPLOYEES

In my State of the State Address, I indicated my support for the report prepared by the Compensation and Productivity Commission. My budget includes funding which will accomplish the major recommendations made by the Commission.

First, I propose that we restore internal equity to our system. The Commission ranked each of our 1,200 job classes in relation to all other classes. Some 900 employees were found to be compensated at less than the minimum pay level for the type of job they are performing. My budget provides \$650,000 to bring these employees within the higher recommended pay range and to assure that our entire pay structure is competitive with other state and local governments.

Second, funds are included in my budget to help improve productivity. I propose we focus on management ineffectiveness, since that has been identified as the single greatest cause of declining productivity in the United States. A Management Development Institute to provide a comprehensive, structured training program for managers and supervisors will help them improve their skills and become more effective. I have also included funds to develop employee incentive programs -- like flextime, service awards, and employee participation programs.

Finally, my budget includes a 4.5 percent pay increase for all State employees. When combined with the teachers' pay plan, additional compensable elements -- such as hazardous duty pay -- and a uniform shift differential, I am proposing over \$26 million be dedicated to salaries. That's 49 percent of our new revenues available this year.

## TRANSPORTATION

Since the beginning of this decade, Delaware has received over \$300 million in federal funds for highway projects; in 1985 alone, we received almost \$56 million.

Few other states have qualified to receive their full share of federal funding for highways, and this speaks well of what we have accomplished in building a good road system statewide.

As we address our highway needs in the coming session through the budget and bond bills, it might be useful to consider what has been accomplished recently.

Of great concern to the residents of the Dover area, as well as travelers up and down our State, is the U. S. 13 relief route. I'm happy to report that the initial public hearing stage of planning on this important project has been completed, and the Department of Transportation's recommendation for a route will be presented to the public and the General Assembly in the near future.

Construction on several other major projects begun during 1985, after years of planning, and Delaware motorists will soon see the benefits of improvements to Concord Pike, Route 4 in the Newark area and Route 8 in the Dover area.

And this year other major projects will begin -- the I-495 Edgemoor Interchange, Route 7 from Route 13 to the Pennsylvania line, U.S. 13 through Smyrna, Denney's Road in Dover, U.S. 13 from Seaford to Kent County, Route 1 through Bethany Beach, the second phase of work on Concord Pike and Naamans Road.

For Sussex County in particular, we will begin a comprehensive planning study of east-west routes to address the problem of heavy summer traffic and inconvenience experienced by many Sussex County towns.

## AGRICULTURE

A good transportation system is essential to all segments of our economy. The success of our agricultural community, for instance, depends on good roads.

But the State's support for farming does not stop there. My recommended budget includes funding both to assist the State's farmers in protecting their crops from harmful pests, and in marketing their products effectively once they have been harvested.

And it addresses a problem that has caused havoc in other states in recent years -- Avian Influenza. We in Delaware have been spared from the substantial losses other states have experienced, in part because the State has moved quickly when there is a threat. Today I am recommending that we provide the Department of Agriculture with the means to sustain and enhance its efforts to control Avian Flu.

## CAPITAL SPENDING

Now I would like to turn to the annual bond bill, which authorizes long-term borrowing and sets priorities for improvements to the State's infrastructure.

While we consider budget and bond projects separately, in fact they are closely linked and discussion of both is appropriate today.

It has become apparent to all of us that the time has come to increase both public scrutiny and public discussion of the State's capital spending program.

Each agency and department already has been asked to set its own priorities for the coming fiscal year, to document them and measure their cost effectiveness. After the Director of the Delaware Development Office holds public hearings on these proposals in February, I will present them to the General Assembly in early April.

In addition, I will instruct all cabinet secretaries to make their capital spending proposals available during their presentations to the Joint Finance Committee.

\* \* \* \* \*

As I said when I began, the last few years have been good to Delaware as we have learned the importance of cooperation and bipartisanship.

Delaware is a working partnership, and that partnership has paid off.

The guiding and fundamental principles of that partnership have been to restrain the growth of government; to help those who need help, but otherwise keep government out of its citizens' affairs; and to make sure that those who are responsible for our prosperity enjoy the benefits of their own labor by returning to them revenues the State does not need.

In preparing my recommendations on State spending for Fiscal 1987, I have hewed closely to those principles.

As a result, this budget, which meets the needs of all departments and increases State spending in several critical areas, leaves unexpended \$15.7 million which will be available during fiscal 1987.

These funds should be used to address two important considerations.

The success which we have achieved in producing balanced budgets and surplus revenues is directly linked to the success of the private sector and to the employers and employees who make it work.

Therefore, I would propose that we return \$10.5 million to further encourage job growth. I propose that this be done in a balanced way.

I am recommending that we reduce the Public Utility Tax by 10 percent, reduce the Gross Receipts Tax on manufacturers to help attract blue collar jobs, extend a monthly exclusion from the Gross Receipts Tax to all businesses that do not have one now, and reduce paperwork for thousands of small businesses by simplifying filing requirements.

In addition, I am supporting several measures which will close loopholes and assure fairness in our tax laws. Taken together, these regulatory changes will result in no cost to the State or to our taxpayers.

One other adjustment must be noted: I am recommending that we increase the permitted deduction for charitable contributions to match the federal limit. This will help Delaware's charitable organizations.

Balanced with this tax adjustment for the business community, I would also continue our effort to lower Delaware's personal income tax with a modest, across-the-board reduction of all tax rates, from the lowest to the highest, of four percent.

These two proposals for tax relief to the business community and to the individual taxpayer would result in a net reduction in State revenue for the next year of approximately \$10.5 million -- and leave another \$5.3 million still unappropriated.

Those revenues I would leave unappropriated until we know how Gramm-Rudman will affect us.

Unbridled and unchecked federal spending over the last decade has endangered the vitality of this nation by producing a deficit so large that the federal government is competing with both the states and the private sector for capital needed to continue economic expansion.

While we must recognize that some cuts will cause pain for certain groups in our society and their legitimate needs should be met with state and local resources, we cannot simply replace federal cuts dollar for dollar.

I therefore propose reserving \$5.3 million for the purpose of examining those final federal cuts as the Joint Finance Committee prepares to draft the budget and using those funds in areas we decide should be addressed.

\* \* \* \* \*

The people of this State have made it abundantly clear that they want us to take as little as possible from them, to use what we take wisely, and to place clear limits on what government is and does.

There is no question that the excellent management and careful control of State spending in recent years offers new opportunities. But they are opportunities to improve government and refocus its efforts, and not an excuse to expand it or increase its cost beyond reason.

Compassionate? Yes. Caring? Yes. Innovative? Yes.

But there is no compassion in creating a life of dependence.

It is not caring to stifle initiative.

And there is no innovation in simply increasing government's spending appetite, adding new programs on top of old ones.

The citizens of this State want responsive, active government that continues to set and meet new goals.

But, at the same time, they want government to exercise judgment as it weighs the new programs it would impose on its agencies, to meet the goals it set already before taking on new responsibilities.

If I may leave my text for a moment at this point as I conclude, I would like to discuss the tragedy that came to this country 2 days ago in the death of Christa McAuliffe and six other very brave people who undertook a space mission on the space shuttle Challenger. I think in this case it was made perhaps more terrible by the mere fact that there was a teacher aboard and so many young people in our country were focusing on this. But this teacher, Christa McAuliffe, was living her dream, her dual dreams perhaps to teach and to go into space and I watched the television as many of us did perhaps to see if we could fathom any reason for something like this and she said something which she probably never intended to be a quote but I noted that she said it as she was being prepared to go up into space. She said, "To follow your instincts and go for your dreams." And I think that Christa McAuliffe would have approved what teachers are doing today -- trying to explain to young people around this country and perhaps around the world what happened and why it happened. And it is for these reasons today that I want to propose that the Education Scholarships I have recommended be named in her honor. It is a fitting tribute to honor her memory in encouraging young people perhaps to follow in her footsteps, to follow into teaching and perhaps into space.

And I thank you very much.

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The Chair thanked the Governor and asked the previously named Committee to escort the Governor back to the Executive Offices.

At 2:28 p.m. on motion of Senator Sharp, the Secretary of the Senate and the Chief Clerk of the House compared their respective journals, found them to agree and so notified the President pro Tem.

On motion of Senator Sharp, the Joint Session then adjourned and the two Houses separated to reconvene in their respective Chambers.

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The House reconvened at 2:42 p.m.

Representative Oberle moved to recess for Caucus at 2:43 p.m.

The House reconvened at 3:20 p.m.

Mr. Speaker assigned HB 410 & SB 319 w/SA 1 to the Appropriations Committee.

Representative Fallon moved to suspend the rules which interfere with action on HB 424. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Fallon brought HB 424, jointly sponsored by Senator McBride & cosponsored by Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Hebner, Houghton, Jester, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant & West & Senators Bair, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Neal, Sharp, Slatcher, Torbert & Vaughn, before the House for consideration.

HB 424 - An Act Specifying Certain Conditions and Limitations for the Expenditure of Funds Previously Appropriated for the Expense of State Government for the Fiscal Year Ending June 30, 1986. (F/N)

The roll call on HB 424 was taken and revealed:

YES: Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

NO: Representatives Bennett, Brady - 2.

ABSENT: Representatives Cordrey, Roy - 2.

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

Representative Bennett brought HB 409 before the House for consideration.

HB 409 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware Relating to the Term of Office of Sheriff for Kent and Sussex Counties. (2/3 bill)

The roll call on HB 409 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives Cordrey, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 409 was sent to the Senate for concurrence.

Representative Oberle brought SB 332, jointly sponsored by Senator Vaughn & Representative Hebner & cosponsored by Senators Cook, McBride, Arnold, Berndt, Sharp, Torbert, Bair, Citro, Martin, Neal, Connor & Holloway & Representatives George, Davis, B. Ennis, Roy, Taylor, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady & West, before the House for consideration.

SB 332 - An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Establishment of a Delaware Commission of Veterans Affairs.

The roll call on SB 332 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Cordrey, Jonkiert, Roy – 3.

Therefore, having received a constitutional majority, SB 332 was returned to the Senate.

Representative Carey brought SB 347, jointly sponsored by Senator Berndt & cosponsored by Senator Sharp & Representatives C. Cordrey & Mack, before the House for consideration.

SB 347 – An Act to Amend Chapter 80 Part VIII, Title 7, Delaware Code, Authorizing the Governor to Withdraw the State of Delaware From the Northeast Interstate Low-Level Radioactive Waste Management Compact and for the Purpose of Enacting on the Part of This State a Compact Pursuant to State and Federal Law for the Interstate "Appalachian States Low-Level Radioactive Waste Compact"; Defining Certain Terms; Providing for Certain Rights, Responsibilities, and Obligations of the Party States, Creating an Appalachian States Low-Level Radioactive Waste Commission; Providing for the Membership of the Commission; Establishing Procedures, a Budgetary System, and Initial Funding of the Commission; Establishing the Powers and Duties of the Commission; Providing for a Host State Selection Process for the Development and Operation of Regional Facilities; Providing for Certain Fees and Surcharges; Providing for the Closure of a Regional Facility Under Certain Circumstances; Providing for a Prohibition of Conflicts-of-Interest of or by the Commissioners, Providing for Criminal Sanctions for the Misconduct of Commissioners While Serving in Their Official Capacities; Providing a List of Initially Eligible States; Providing for Congressional Review and Ratification; Providing for Withdrawal From the Compact; Providing for Termination of the Compact; Providing Certain Prohibitive Acts; Providing for Compensation and Cleanup During a Regional Facility's Operation and Post-Closure Period; Providing for the Compensation of Those Injured by or Through the Operation of, or After the Closure of, the Regional Disposal Facility, With Liability to be Apportioned in Accordance With the Percentage of Low-Level Radioactive Waste Stored at the Regional Facility; Providing for the Severability of This Act; and Generally Relating to the Appalachian States Low-Level Radioactive Waste Compact.

The roll call on SB 347 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 38.

ABSENT: Representatives Cordrey, Oberle, Roy – 3.

Therefore, having received a constitutional majority, SB 347 was returned to the Senate.

Representative Steele brought SB 349, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 349 – An Act to Amend Chapter 258, Volume 55, Laws of Delaware, Entitled "An Act to Authorize 'The Mayor and Council of the Town of Selbyville' to Borrow \$1,000,000.00 and to Issue Bonds to Secure the Payment Thereof for the Purpose of Providing a Sewage Disposal Plant and System in the Town of Selbyville and to Control and Regulate the Same" to Provide for the Issuing of Bond Anticipatory Notes. (2/3 bill)

The roll call on SB 349 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Carey, Cordrey, Oberle, Roy – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 349 was returned to the Senate.

Representative Fallon moved to suspend the rules which interfere with action on SB 335. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Fallon brought SB 335, jointly sponsored by Senator Slatcher, before the House for consideration.

SB 335 – 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" Relating to Authority of City to Sell Property. (2/3 bill)

The roll call on SB 335 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Cordrey, Oberle, Roy, Smith – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 335 was returned to the Senate.

Representative Fallon moved to suspend the rules which interfere with action on SB 337. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Fallon brought SB 337, cosponsored by Senator Slatcher, before the House for consideration.

SB 337 – 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" Relating to Qualifications for Mayor and City Councilpersons. (2/3 bill)

The roll call on SB 337 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Cordrey, Free, Oberle, Roy – 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 337 was returned to the Senate.

Representative Quillen brought HB 377, cosponsored by Representatives Boykin, Taylor, Reynolds, Steele, Corrozi, Mack, Maroney, Free, D. Ennis & Carey, before the House for consideration.

HB 377 – An Act to Amend Chapter 86, Title 29 and Chapter 40, Title 31 of the Delaware Code Relating to the Elevation of Certain Existing Programs Within the Department of Community Affairs to Divisional Status and Providing for a Change of Name for the Division of Housing.

The roll call on HB 377 was taken and revealed:

YES: Representatives Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, Jester, Jonkiert, Mack, Maroney, Petrilli, Plant, Quillen, Reynolds, Smith, Spence, Steele, Taylor, Van Sant, Mr. Speaker Hebner – 28.

NO: Representatives Anderson, Bennett, George, Gilligan, Houghton, Outten, Soles, Wingate – 8.

ABSENT: Representatives Cordrey, Oberle, Roy, Sills, West – 5.

Therefore, having received a constitutional majority, HB 377 was sent to the Senate for concurrence.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on SB 359. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Corrozi introduced and brought SB 359, jointly sponsored by Senator Cook & cosponsored by Senators Berndt, Holloway, McBride, Slatcher & Vaughn & Representatives Bennett, Davis, Jonkiert, Petrilli, Quillen, Smith & Soles, before the House for consideration.

SB 359 – An Act to Amend Chapter 87, Volume 65, 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, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 350 of the 133rd General Assembly of the State of Delaware. (F/N)

The roll call on SB 359 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 37.

ABSENT: Representatives Cordrey, D. Ennis, Petrilli, Roy – 4.

Therefore, having received a constitutional majority, SB 359 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 358. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli introduced and brought SB 358, cosponsored by Senators Cook & Martin & Representative Roy, before the House for consideration.

SB 358 – An Act to Amend Chapter 212, Volume 65, Laws of Delaware, Relating to the Reversion Rather Than Deauthorization of a Specific Fund Line. (3/4 bill)

The roll call on SB 358 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 36.

ABSENT: Representatives Barnes, Carey, Cordrey, Jonkiert, Roy – 5.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 358 was returned to the Senate.

Representative Oberle moved to recess for Caucus at 4:47 p.m.

The House reconvened at 5:15 p.m.

Representative Fallon moved to suspend the rules which interfere with action on SS 1 for SB 278. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Fallon brought SS 1 for SB 278, cosponsored by Senator Cook & Representatives Bennett & Corrozi & Senators Holloway, McBride, Vaughn, Slatcher, Adams, Cordrey, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Zimmerman, Arnold, Bair, Berndt, Citro, Connor, Knox & Neal & Representatives Soles, Davis, Clark, Caulk, B. Ennis, Outten, Wingate, Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, C. Cordrey, D. Ennis, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, Van Sant & West, before the House for consideration.

SB 278 – An Act to Amend An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 350 of the 133rd General Assembly of the State of Delaware.



The roll call on SS 1 for SB 278 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cordrey, D. Ennis, Roy - 3.

Therefore, having received a constitutional majority, SS 1 for SB 278 was returned to the Senate.

Representative Taylor brought SB 245 w/SA 1, sponsored by Senators Vaughn, Cook, Minner, Torbert, Zimmerman & Adams & Representatives Houghton, Brady, B. Ennis, Gilligan, Van Sant, C. Cordrey, Outten, Jester, Anderson, Wingate, Soles, Sills, Reynolds, Buckworth, Barnes & Davis, before the House for consideration.

SB 245 - An Act to Amend Chapter 66, Title 16, Delaware Code, by Establishing a Fire Marshal's Advisory Board and a Fire School Advisory Board.

Representative Smith introduced and brought HA 1 to SB 245 before the House for consideration.

The roll call on HA 1 to SB 245 was taken and revealed:

YES: Representatives Boykin, D. Ennis, Free, Maroney, Smith, Soles - 6.

NO: Representatives Anderson, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, George, Gilligan, Houghton, Jester, Mack, Outten, Quillen, Reynolds, Sills, Steele, Taylor, Van Sant, West, Wingate - 25.

NOT VOTING: Representatives Fallon, Oberle, Petrilli, Plant, Spence, Mr. Speaker Hebner - 6.

ABSENT: Representatives Barnes, Cordrey, Jonkiert, Roy - 4.

Therefore, not having received a constitutional majority, HA 1 to SB 245 was declared defeated.

The roll call on SB 245 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Cordrey, Roy - 2.

Therefore, having received a constitutional majority, SB 245 w/SA 1 was returned to the Senate.

Representative Oberle moved to recess for Caucus at 5:34 p.m.

The House reconvened at 5:53 p.m.

Representative Bennett brought HJR 21, jointly sponsored by Representative Davis & cosponsored by Senators Connor, Cook, Berndt & Vaughn & Representatives Fallon, Free, Jester & Wingate, before the House for consideration.

HJR 21 - Instructing the Delaware Development Office in Cooperation With the Department of Public Instruction to Plan and Execute a Marketing Program to Attract New Teachers to Delaware.

Representative Bennett brought HA 1 to HJR 21, jointly sponsored by Representative Davis, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 21 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Sills, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 34.

NO: Representative Free - 1.

NOT VOTING: Representatives Boykin, Fallon - 2.

ABSENT: Representatives Cordrey, Plant, Roy, Smith - 4.

Therefore, having received a constitutional majority, HJR 21 w/HA 1 was sent to the Senate for concurrence.

The following prefiled Consent Calendar #22 was introduced:

HR 151 - SPENCE & ALL REPRESENTATIVES - Congratulating the Delaware Association for Blind Athletes Team Upon It's Outstanding Showing at the 1985 United States Association for Blind Athletes National Championships.

SCR 87 - VAUGHN; REPRESENTATIVES ANDERSON, DAVIS, SPENCE, VAN SANT - Providing for the Continuance of the Prison Industry Task Force Created Under Senate Concurrent Resolution 10 of the 133rd General Assembly.

SCR 93 - VAUGHN, COOK; REPRESENTATIVE JESTER - Extending Congratulations to Mr. and Mrs. Clarence A. Everett of St. Georges, Delaware, on Their 65th Wedding Anniversary on January 30, 1986, and Also Wishing Each of Them a Happy Birthday.

SCR 94 - CONNOR, MCBRIDE; REPRESENTATIVES FALLON, BRADY, JESTER - Recognizing the Week of February 3-7, 1986, as "National School Guidance and Counseling Week" in the State of Delaware.

SCR 95 - CORDREY - Expressing Sorrow Upon the Passing of James Miller Tunnell, Jr.

SCR 96 - MINNER & SLATCHER; REPRESENTATIVES STEELE & WINGATE - Extending the Date by Which the Mobile Home Study Commission is to Issue a Report of Its Findings and Recommendations.

SCR 97 – MARSHALL, CORDREY, SHARP, BAIR; ALL SENATORS; REPRESENTATIVES HEBNER, OBERLE, GEORGE; ALL REPRESENTATIVES – Deeply Mourning the Deaths of School Teacher Sharon C. "Christa" McAuliffe and Astronauts Gregory B. Jarvis, Ellison S. Onizuka, Ronald E. McNair, Judith A. Resnik, Francis R. Scobee, and Michael J. Smith During a Catastrophic Explosion of the Space Shuttle Challenger.

SCR 99 – CORDREY; REPRESENTATIVE FALLON – Recognizing and Commending the Accomplishments of Mike Hall, of Seaford, World Champion Drugfree Powerlift Champion, and Expressing Gratitude for the Example He Sets for Young Athletes.

SCR 100 – ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, HOLLOWAY, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, NEAL, SHARP, SLATCHER, TORBERT, VAUGHN, ZIMMERMAN; REPRESENTATIVES ANDERSON, BARNES, BENNETT, BOYKIN, BRADY, BUCKWORTH, CAMPANELLI, CAREY, CAULK, CLARK, C. CORDREY, CORROZI, DAVIS, B. ENNIS, D. ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JESTER, JONKIERT, MACK, MARONEY, OBERLE, OUTTEN, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SILLS, SMITH, SOLES, SPENCE, STEELE, TAYLOR, VAN SANT, WEST, WINGATE – In Memory of Rachel Smith Cordrey, Mother of the President Pro-Tempore of the Delaware State Senate.

Representative George introduced and brought HR 152, cosponsored by All Representatives, before the House for consideration.

HR 152 – Mourning the Death of Lola Hastings.

HR 152 was placed on Consent Calendar #22.

Representative Outten introduced and brought HR 153, cosponsored by Representatives Caulk, Mack, Buckworth & Carey, before the House for consideration.

HR 153 – Wishing Wally Young Well in His New Endeavor.

HR 153 was placed on Consent Calendar #22.

Representative Smith introduced and brought HCR 100, jointly sponsored by Senator Cook and cosponsored by Representatives Anderson, Boykin, Caulk, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Gilligan, George, Hebner, Jester, Mack, Petrilli, Soles, Taylor, Bennett & Maroney & Senators Arnold, Bair, Citro, Knox, McDowell, Neal, Slatcher & Berndt, before the House for consideration.

HCR 100 – Congratulating the Honorable Roxana C. Arsht Upon Receiving the Delaware Chamber of Commerce Josiah Marvel Cup for 1986.

HCR 100 was placed on Consent Calendar #22.

Representative Oberle introduced and brought SCR 98, sponsored by Senator Vaughn & Representative B. Ennis, before the House for consideration.

SCR 98 – Expressing Sympathy to the Family of the Late William E. Matthews, Jr., a Smyrna Undertaker and Former State Senator From 1934 Through 1938.

SCR 98 was placed on Consent Calendar #22.

Representative West introduced and brought HR 154, cosponsored by Representatives Steele, Clark, Anderson, Campanelli, Caulk, C. Cordrey, B. Ennis, Houghton, Jester, Jonkiert, Plant, Spence & Van Sant, before the House for consideration.

HR 154 – Memorializing the President of the United States of America and the 99th Congress to Alleviate the Plight of This Country's Farmers by Ending the Leasing for Agricultural Production of Public Lands.

HR 154 was placed on Consent Calendar #22.

Consent Calendar #22 was adopted by voice vote and HCR 100 was sent to the Senate for concurrence and SCR 93, SCR 94, SCR 95, SCR 96, SCR 97, SCR 98, SCR 99 & SCR 100 were returned to the Senate.

Representative Taylor introduced HB 451, cosponsored by Representatives Roy Steele, Caulk, Van Sant & Gilligan & Senators Bair & McDowell.

HB 451 – An Act to Amend Chapter 100, Title 29, Delaware Code Relating to the Freedom of Information Act.

Mr. Speaker assigned HB 451 to the Administrative Services Committee.

Representative D. Ennis introduced HB 450, jointly sponsored by Senator McDowell & cosponsored by Representatives Petrilli & Gilligan & Senator Berndt.

HB 450 – An Act to Amend Title 18 of the Delaware Code Relating to Reporting Requirements and Insurance Disclosure of Property/Casualty, General Liability and Commercial/Multiple Peril Insurers.

Mr. Speaker assigned HB 450 to the Revenue and Finance Committee.

Representative Oberle moved to recess to the call of the Chair at 6:22 p.m.

9th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 18, 1986

Mr. Speaker Hebner called the House to order at 1:55 p.m.

Mr. Speaker reassigned HB 411 to the Judiciary Committee.

The following prefiled legislation was introduced:

PREFILED LEGISLATION

Out of Session

February 11, 1986

HB 452 – SPENCE & HOUGHTON, CAULK, CAREY, ROY, HEBNER, OBERLE, DAVIS, REYNOLDS, B. ENNIS, VAN SANT, TAYLOR, STEELE, D. ENNIS; SENATORS MCBRIDE, SHARP, CONNOR – JUD: An Act to Amend Chapter 5, Title 11, Delaware Code Relating to Minimum Mandatory Sentences for Certain Criminal Acts Which Cause Death.

HS 1 for HB 271 – JONKIERT & SENATOR SLATCHER; REPRESENTATIVES C. CORDREY, FALLON, STEELE, CORROZI, WEST; SENATORS MCBRIDE, NEAL, CITRO, ADAMS, MINNER, CONNOR, CORDREY, COOK, VAUGHN, HOLLOWAY, MARSHALL – ADM/S: An Act to Amend Title 30 of the Delaware Code Relating to Aid to Municipalities Under the State Aid for Municipal Streets Fund. (3/4 bill)

HS 1 for HB 326 – MARONEY & SENATOR CONNOR; REPRESENTATIVES BARNES, STEELE; SENATOR TORBERT – HUM. RES: An Act to Amend Title 11 of the Delaware Code Relating to Certain Sexual Offenses.

#### PREFILED LEGISLATION

Out of Session

March 7, 1986

HB 453 – TAYLOR, OBERLE, HEBNER & SENATOR BAIR – H/ADM: An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Boundary Lines of the Eighth and Ninth Senatorial Districts.

HB 454 – OBERLE – LABOR: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Medical Supplies as Furnished by the Employer.

HB 455 – CAREY & SENATOR MINNER – H/ADM: An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Milton" Being Chapter 501, Volume 61, Laws of Delaware, As Amended by Chapter 265, Volume 64, Laws of Delaware, by Increasing the Amount of Money Which May be Borrowed in Anticipation of Revenues on the Full Faith and Credit of the Town. (2/3 bill)

HB 456 – MARONEY, BUCKWORTH, SILLS, STEELE; SENATORS HOLLOWAY, CONNOR – HUM. RES: An Act to Amend Titles 24, 29 and 30, of the Delaware Code to Provide for the Licensing and Regulation of Professional Counselors. (2/3 bill)

HB 457 – BRADY – JUD: An Act to Amend Chapter 212, Volume 65, Laws of Delaware, Being An Act Entitled "A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Authorizing the Issuance of General Obligation Bonds of the State and Highway Revenue Bonds of the Delaware Transportation Authority; Deauthorizing Certain General Obligation Bonds of the State and Certain Authority for Guaranteed Industrial Revenue Bonds: Reverting and Reprogramming Certain Surplus Funds; Appropriating Certain General and Special Funds of the State and the Delaware Transportation Authority; Amending House Bill No. 350 of the 133rd General Assembly (FY 1986 Budget Bill), and Senate Bill No. 2 of the 133rd Assembly; Authorizing the Purchase, Transfer, and Sale of Certain Real Properties by the State, Certain of Its Authorities, and New Castle County; Clarifying Provisions Pertaining to the Delaware Economic Development Authority and the Delaware Transportation Authority With Respect to the Issuance and Administration of Bonds; Establishing Procedures for the Investment of Certain Funds; Placing Certain Conditions on the Appropriations Contained in This Act and Previous Acts of the State; and Making Certain Other Changes to the Delaware Code and Laws of Delaware."

The Majority Leader moved to adjourn at 1:56 p.m., thereby ending the current legislative day. The House reconvened at 1:57 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 458 – OBERLE, HEBNER, BARNES – H/ADM: An Act Proposing An Amendment to Article 2, Section 14, of the Constitution of the State of Delaware, Relating to a Senator or Representative Not Residing in Their Respective Senate or Representative District and Thereby Not Being Able to Continue in That Office. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 99, SS 1 for SB 278, SB 359 (F/N), SB 358, SCR 97, SCR 100, HB 409, HB 416, SCR 98, HB 424, HCR 90, HCR 96, HCR 97, HCR 98, HCR 99.

February 4, 1986

#### LEGISLATIVE ADVISORY #24

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1-30-86 – SB 277 aab SA 1, SB 279, SB 281, SB 282, SB 295, SB 299. 2-3-86 – SB 293, HB 404 aab HA 1. 2-4-86 – SB 218 aab SA 1, SS 1 for SB 278, SB 298, SB 332, HB 403, HB 408 aab HA 1, HB 409, HB 424.

February 5, 1986

#### LEGISLATIVE ADVISORY #24 (Correction)

FROM: Office of Counsel to the Governor

The following is a Constitutional Amendment. It does not require the Governor's signature: – HB 409.

February 7, 1986

#### LEGISLATIVE ADVISORY #25

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2-5-86 – SB 171 aab HA 1, SB 285, SB 314 aab SA 1, SB 326, HB 416.

February 12, 1986

#### LEGISLATIVE ADVISORY #26

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 2-7-86 – SB 359.

The following legislation became law on 2-12-86 without the signature of the Governor: SB 206 aab HA 1.

February 21, 1986

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2-19-86 - SB 347. 2-21-86 - SB 228 aab HA 1, SB 245 aab SA 1, SB 273 aab HA 1, SB 335, SB 337, SB 349, SB 358.

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

CHILD: HB 327 - 2F,1M.

HUM. RES: HS 1 for HB 326 - 3F; HB 456 - 3M.

H/ADM: HB 453 - 1F,4M.

JUD: HB 69 - 3M; HB 173 - 3M; HB 213 - 1F,2M; HB 214 - 1F,2M; HB 249 - 3M; HB 250 - 3F; HB 267 - 3M; HB 298 - 1F,2M; HB 325 - 3M; HB 328 - 1F,2M; HB 332 - 3F; HB 333 - 1F,2M; HB 351 - 3F; HB 360 - 3F; HB 383 - 1F,2M; HB 387 - 3M; HB 388 - 3M; HB 395 - 3M; HB 400 - 3F; HB 402 - 3M; HB 405 - 3M; HB 411 - 3F; HB 429 - 3F; HB 430 - 3F; HB 433 - 3F; HB 447 - 1F,1M,1U; HB 452 - 3F; HB 457 - 2F,1M; HR 69 - 3M.

Mr. Speaker assigned HB 456 to the Sunset Committee.

Representative Oberle moved to recess for Caucus at 2:24 p.m.

The House reconvened at 4:51 p.m.

Mr. Speaker reassigned HB 271 & HB 370 to the Revenue & Finance Committee.

Representative Oberle introduced HB 459, cosponsored by Representatives Taylor, Roy, Reynolds, Mack, Petrilli, Davis, Anderson, Soles & Senator Neal.

HB 459 - An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile or Transportable Classrooms or Renting Additional Space or Renovating Existing Facilities for Classrooms.

Mr. Speaker assigned HB 459 to the House Administration Committee.

Representative Taylor brought HB 453, cosponsored by Representatives Oberle, Hebner, B. Ennis, Brady & Gilligan & Senator Bair, before the House for consideration.

HB 453 - An Act to Amend Chapter 8, Title 29 of the Delaware Code Relating to the Boundary Lines of the Eighth and Ninth Senatorial Districts.

Mr. Speaker granted the privilege of the floor to Ronald Smith, House Attorney.

Representative Bennett requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Taylor requested and was granted the privilege of the floor for Michael Ratchford, Legislative Liason for the Governor.

The roll call on HB 453 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 453 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 6:30 p.m.

10th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 19, 1986

Mr. Speaker Hebner called the House to order at 1:54 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 100, SCR 101, SCR 102, SCR 103 & SCR 104.

DELAWARE GENERAL ASSEMBLY  
WITHDRAWAL OF SPONSORSHIP REQUEST

I, Bruce C. Ennis, do hereby request that my name be removed as co-sponsor of HB 448.  
Date: March 18, 1986 Signed: Bruce C. Ennis

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the current legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives D. Ennis, Maroney - 2.

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

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

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

The following prefiled legislation was introduced:

HB 460 - DAVIS & MACK, SOLES; SENATOR BERNDT - LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating to Workmens' Compensation Benefits.

HB 461 - ROY & SENATOR MCDOWELL - SUNSET: An Act to Amend Chapter 5, Title 28 of the Delaware Code Relating to the Delaware Standardbred Development Fund.

HB 462 – BENNETT, D. ENNIS, & SENATORS COOK, BERNDT, SLATCHER; REPRESENTATIVES ANDERSON, BRADY, SOLES, OUTTEN, VAN SANT, BOYKIN, DAVIS, PETRILLI, QUILLEN, SPENCE, TAYLOR – R&F: An Act to Amend Chapter 34, Title 30, Delaware Code, Relating to the Realty Transfer Tax. (3/5 bill)

HB 463 – BENNETT, CORROZI, SOLES, DAVIS; SENATOR COOK; REPRESENTATIVES JESTER, OUTTEN, WINGATE, VAN SANT – ED: An Act to Amend An Act Entitled "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1986; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions," Being House Bill No. 350 of the 133rd General Assembly of the State of Delaware.

HB 464 – JONKIERT – JUD: An Act to Amend Chapter 5, Part 1, Title 11 of the Delaware Code, Relating to the Delaware Criminal Code; and Increasing Certain Jurisdictional Amounts From Three Hundred Dollars (\$300) to Five Hundred Dollars (\$500). (2/3 bill)

HJR 22 – BENNETT, SENATOR TORBERT, REPRESENTATIVES OUTTEN, CAULK, QUILLEN, B. ENNIS, CLARK, BARNES, SENATORS COOK, MINNER, VAUGHN, ZIMMERMAN – ECON. DEV: Memorializing the Delaware Congressional Delegation to do All Within Their Power to Ensure That Fair Consideration is Given to the ILC Dover, Inc. Bid for a Production Contract for the XM40 Chemical/Biological Protective Mask to be Awarded by the United States Army Through the Chemical Research and Development Command, Aberdeen Proving Ground, Maryland.

HA 1 to HB 69 – OBERLE – READY LIST: Placed with the Bill.

HA 1 to HB 327 – MARONEY – AGENDA: Placed with the Bill.

HA 1 to HB 400 – SPENCE – AGENDA: Placed with the Bill.

HA 2 to HB 400 – JONKIERT – AGENDA: Placed with the Bill.

HA 1 to HB 411 – BENNETT – AGENDA: Placed with the Bill.

HA 1 to SS 1 for SB 56 – MARONEY & ROY – READY LIST: Placed with the Bill.

Representative Wingate requested that HB 74 be stricken.

Representative Oberle moved to recess for Committee Meetings at 2:01 p.m.

The House reconvened at 4:18 p.m.

Representative Oberle requested that HB 86 be stricken.

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

JUD: SB 13 w/SA 1 – 3M; SB 21 – 3M; SB 113 w/SA 2 – 3M; SB 149 – 2F,1M; SB 220 – 2F,1M; SB 227 w/SA 1 – 3M.

H/ADM: HB 455 – 4M; HB 459 – 4M.

Representative Gilligan requested that HB 97 be stricken.

Representative Plant requested that HB 26 be stricken.

Representative Jester requested that HB 2 be stricken.

The following prefiled Consent Calendar #23 was introduced:

HR 155 – FALLON – Expressing Condolences on Learning of the Death of Aubrey F. McLaughlin of Seaford, Delaware.

HR 156 – FALLON – Commending Linda Downing of Seaford High School for Establishing a State Indoor Record for the Shot Put.

HR 157 – FALLON, BARNES – Commending Mrs. Carol K. Lynch of Seaford, Delaware for Having Won the Outstanding Young Delawarean Award for 1986 at the Brandywine Sheraton Hotel in Wilmington, Delaware on Saturday, February 8, 1986.

HR 158 – FALLON – Commending Mackie Wilmer of Seaford, Delaware on Being Selected Coach of the Year by the Lower Gridiron Club on February 3, 1986.

HR 159 – BENNETT, OUTTEN – Extending Best Wishes and Many Thanks to A. Barratt Cullen, Jr. for His Thirty-Seven Years of State Service With the Delaware Department of Transportation.

HR 160 – BENNETT, QUILLEN – Commending Mrs. Clarabel Walls for Twenty-Five Years of Dedicated Service With the State of Delaware.

HR 161 – FALLON – Commending Mr. and Mrs. Raymond R. Barrows of Seaford, Delaware on Their Fiftieth Wedding Anniversary, April 25, 1986.

HR 162 – WEST – Expressing Sorrow Upon Learning of the Death of Levi T. Bunting, a Former Member of the House of Representatives From 1941 to 1942.

HCR 101 – BUCKWORTH, BENNETT; SENATOR TORBERT – Commending Mrs. Nancy B. Tieman of Wyoming, Delaware for Her Dedicated Service as Councilwoman for Ten Years, the Last Six of Which Were as Mayor of Wyoming.

HCR 102 – FALLON, BARNES, SENATORS SLATCHER, ADAMS – Commending the Library Staffs of Western Sussex County Libraries for Their Outstanding Achievements and for Being the Best in the State.

HCR 103 – B. ENNIS, CLARK; SENATORS COOK, VAUGHN – Commending the Citizens' Hose Company No. 1 Inc., of Smyrna, Delaware on 100 Years of Outstanding Service to the Citizens of Delaware.

HCR 104 – GEORGE – Requesting That the Insurance Companies Serving Delaware's Life Insurance Consumers Develop New Insurance Policy Alternatives Which Will Provide for the Custodial Care Needs of the Increasing Number of Individuals Living in Nursing Homes.

HCR 105 – FALLON, SENATOR SLATCHER – Commending Seaford High School for Sponsoring the First Delaware Academic Decathlon on Saturday, February 8, 1986 and Further Extending Congratulations to Seaford High School for Winning the Decathlon.

HCR 106 – OUTTEN, BENNETT, QUILLEN; SENATOR ZIMMERMAN – Expressing Deep Sorrow Upon Learning of the Death of Mrs. Cornelia T. Jones, Teacher, Historian and Legislative Reporter for the News Journal Papers.

SCR 101 – SLATCHER, REPRESENTATIVE FALLON – Congratulating Carol Lynch for Earning the Title "Outstanding Young Individual of Delaware".

SCR 102 - HOLLOWAY, MARSHALL, MCDOWELL, ZIMMERMAN; REPRESENTATIVES GEORGE, JONKIERT, PLANT, SILLS - Commending Michael DiEleuterio as He Prepares to Retire After 25 Years of Dedicated Service to the State of Delaware and the City of Wilmington.

SCR 103 - VAUGHN, REPRESENTATIVE JESTER - Extending Congratulations to Kenneth V. Hilton on Being Elected as President of the National Association of State Boards of Education.

SCR 104 - BAIR & BERNDT, KNOX; REPRESENTATIVES BOYKIN, SMITH, D. ENNIS, HEBNER, BRADY, MARONEY - Congratulating V. Eugene McCoy as Recipient of the Annual Good Government Award Presented by the Civic League for New Castle County.

Representative Buckworth introduced and brought HR 163 before the House for consideration.

HR 163 - Congratulating Henry A. Minner on Being the First Recipient of the Kent/Sussex Industries Alumnus of the Year Award.

HR 163 was placed on Consent Calendar #23.

Consent Calendar #23 was adopted by voice vote and HCR 101, HCR 102, HCR 103, HCR 104, HCR 105 & HCR 106 were sent to the Senate for concurrence and SCR 101, SCR 102, SCR 103 & SCR 104 were returned to the Senate.

Representative Oberle moved to recess to the call of the Chair at 4:30 p.m.

11th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 20, 1986

Mr. Speaker Hebnert called the House to order at 1:44 p.m.

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

NAT. RES: HB 201 - 3F; HJR 20 - 3F, 1M.

Representative Maroney requested that she be marked present for the current Legislative Day.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative D. Ennis - 1.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.

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

The minutes of the previous legislative 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: SB 376, SJR 12, SB 304, SCR 107 & SCR

105.

The following prefiled legislation was introduced:

HB 465 - BARNES - JUD: An Act to Amend Chapter 43, Part III, Title 10 of the Delaware Code Relating to Evidence and Witnesses; and Providing for a Uniform Photographic Copies of Business and Public Records as Evidence Act.

HB 466 - SILLS & SENATOR HOLLOWAY, REPRESENTATIVES ANDERSON, BARNES, CAMPANELLI, DAVIS, B. ENNIS, FREE, GEORGE, HOUGHTON, JESTER, JONKIERT, MARONEY, OUTTEN, PLANT, SOLES, SPENCE, VAN SANT, WINGATE; SENATORS BERNDT, CONNOR, KNOX, MCBRIDE, MCDOWELL, NEAL, SLATCHER, VAUGHN, ZIMMERMAN - HUM. RES: An Act to Establish the Delaware Housing Trust Fund, Authorizing the Delaware State Housing Authority to Implement Housing Programs for Lower and Moderate Income Persons and Families, Authorizing the Delaware Housing Trust Fund to Pledge and Hypothecate Revenues and Borrow Money Without Pledging the Full Faith and Credit of the State of Delaware, and Appropriating Seven Million Dollars From the General Fund to Establish the Delaware Housing Trust Fund.

HB 467 - SILLS & SENATOR HOLLOWAY; REPRESENTATIVES ANDERSON, BARNES, DAVIS, B. ENNIS, FREE, HOUGHTON, JESTER, MARONEY, PLANT, SPENCE; SENATORS BERNDT, KNOX, MCBRIDE, MCDOWELL, SLATCHER - HUM. RES: An Act to Amend Chapter 96, Title 9 of the Delaware Code to Assess a Documentary Surcharge for the Benefit of the Delaware Housing Trust Fund. (3/5 bill)

SB 304 - MCDOWELL, BAIR, HOLLOWAY; REPRESENTATIVES MARONEY, BUCKWORTH, VAN SANT - CHILD: An Act to Amend Title 29 and 31 of the Delaware Code Relating to the Present Division of Youth Rehabilitation Services of the Department of Services for Children, Youth and Their Families, Providing a New Name for Said Division; and Providing a New Name for the Advisory Council for Said Division.

SB 376 - COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN; REPRESENTATIVES BENNETT, CLARK, B. ENNIS, OUTTEN, BUCKWORTH, CAULK, QUILLEN - H/ADM: An Act to Authorize the Issuance of Bonds by Kent County, Delaware to Finance Improvements to Various Sanitary Districts Created by the County.

SJR 12 - TORBERT, MINNER, VAUGHN, COOK, SHARP, MCDOWELL, HOLLOWAY, ZIMMERMAN, SLATCHER, KNOX, NEAL, ARNOLD; REPRESENTATIVES OUTTEN, WINGATE, CAULK, FREE, BUCKWORTH - NAT. RES: Authorizing and Directing the Department of Natural Resources and Environmental Control to Design and Install in an Appropriate Place a Plaque Commemorating the Civilian Conservation Corps and the Delawareans Who Served Therein. (F/N)

Representative Oberle moved to recess for Caucus at 1:51 p.m.

The House reconvened at 3:19 p.m.

Representative Houghton introduced and brought HCR 107, cosponsored by Representatives Mack & Reynolds & Senator Connor, before the House for consideration.

HCR 107 – Congratulating Marvin Dooley of the William Penn High School Wrestling Team on Winning the State Championship in the 185 Pound Weight Class.

HCR 107 was adopted by voice vote and sent to the Senate for concurrence.

Representative Bennett brought HB 411, jointly sponsored by Representative Buckworth & cosponsored by Representatives Anderson, Brady, Campanelli, C. Cordrey, Corrozi, B. Ennis, George, Gilligan, Houghton, Jester, Mack, Outten, Reynolds, Sills, Soles, Spence, Van Sant, West & Wingate & Senators R. Cordrey, Minner & Vaughn, before the House for consideration.

HB 411 – An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to Exemptions from Civil Liability of Certain Persons Associated With Non-Profit Sports Programs.

Representative Bennett brought HA 1 to HB 411 before the House for consideration. HA 1 was adopted by voice vote.

Representative Buckworth introduced and brought HA 2 to HB 411 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 411 w/HA 1, 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 37.

NOT VOTING: Representative Petrilli – 1.

ABSENT: Representatives D. Ennis, Jester, West – 3.

Therefore, having received a constitutional majority, HB 411 w/HA 1, 2 was sent to the Senate for concurrence.

Representative Oberle brought HB 459, cosponsored by Representatives Taylor, Roy, Reynolds, Mack, Petrilli, Davis, Anderson, Soles & Sills & Senator Neal, before the House for consideration.

HB 459 – An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile or Transportable Classrooms or Renting Additional Space or Renovating Existing Facilities for Classrooms.

At the request of Representative Oberle, the Reading Clerk read the following communication:

#### BOARD OF EDUCATION RESOLUTION

WHEREAS, the Christina School District is the State of Delaware's largest and fastest growing school district; and

WHEREAS, careful demographic research has revealed that the district's growth will continue; and

WHEREAS, if there are not sufficient classroom spaces for the incoming students there is a potential for overcrowding; and

WHEREAS, relief is immediately needed on an interim basis,

NOW, THEREFORE, BE IT RESOLVED, that the Christina School District Board of Education supports House Bill 459; and

BE IT FURTHER RESOLVED, that a copy of this resolution signed by the President, Vice President and Executive Secretary of the Christina School District Board of Education be forwarded to all members of the House and Senate of the Delaware General Assembly.

Carole A. Boyd  
President  
Cynthia E. Oats  
Vice President  
Michael W. Walls  
Executive Secretary  
Superintendent

March 11, 1986

Representative Oberle requested and was granted the privilege of the floor for Dr. William Russell, Director of Elementary Education for Christina School District.

Representative Oberle moved to place HB 459 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought HB 327, jointly sponsored by Senator Connor & cosponsored by Representatives Barnes & Steele & Senator Torbert, before the House for consideration.

HB 327 – An Act to Amend Title 11 of the Delaware Code Relating to Children; and Providing for Certain Protections Against Abuse and Molestation. (2/3 bill)

Representative Maroney brought HA 1 to HB 327 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Ferris Wharton, Deputy Attorney General.

Representative Maroney moved to place HB 327 w/HA 1 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Spence requested that HB 250 be reassigned to the Appropriations Committee.

Mr. Speaker assigned HB 250 to the Appropriations Committee.

Representative Spence brought HB 328, cosponsored by Representatives Reynolds & Caulk, before the House for consideration.

HB 328 - An Act to Amend Chapter 89, Title 10, Delaware Code Relating to Jurors and Witnesses.  
The roll call on HB 328 was taken and revealed:  
YES: Representatives Barnes, Boykin, Brady, Buckworth, Carey, Caulk, Cordrey, Corrozi, Davis, Fallon, Free, Jester, Jonkiert, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, George, Gilligan, Houghton, Outten, Sills, Soles, Van Sant, West, Wingate - 10.

NOT VOTING: Representatives Bennett, Campanelli, B. Ennis, Petrilli, Plant - 5.

ABSENT: Representatives Clark, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 328 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 400, jointly sponsored by Representatives Spence, West & Van Sant & Senator Marshall & cosponsored by Representatives Barnes, Free, Buckworth, Quillen, Maroney, Clark, Houghton, Corrozi, C. Cordrey, B. Ennis, Hebner, Reynolds, Taylor, Boykin, Steele, Petrilli, Brady, Wingate, Outten, Bennett, Oberle, Roy, Davis, Carey, Campanelli, Jester, Anderson, Caulk & Fallon & Senators Minner & Torbert, before the House for consideration.

HB 400 - An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for the House Arrest of Non-Violent Offenders.

Representative Spence brought HA 1 to HB 400 before the House for consideration. HA 1 was adopted by voice vote.

Representative Jonkiert brought HA 2 to HB 400 before the House for consideration. HA 2 was adopted by voice vote.

Representative Jonkiert requested and was granted the privilege of the floor for Chief Magistrate Norman A. Barron, representing the Sentencing Accountability Commission.

The roll call on HB 400 w/HA 1, 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives D. Ennis, Fallon - 2.

Therefore, having received a constitutional majority, HB 400 w/HA 1, 2 was sent to the Senate for concurrence.

Representative Carey brought HB 455, jointly sponsored by Senator Minner, before the House for consideration.

HB 455 - An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Milton" Being Chapter 501, Volume 61, Laws of Delaware, As Amended by Chapter 265, Volume 64, Laws of Delaware, by Increasing the Amount of Money Which May be Borrowed in Anticipation of Revenues on the Full Faith and Credit of the Town. (2/3 bill)

The roll call on HB 455 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 39.

ABSENT: Representatives D. Ennis, Fallon - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 455 was sent to the Senate for concurrence.

Representative Petrilli introduced HB 468, jointly sponsored by Senator Cordrey & Representative D. Ennis.

HB 468 - An Act to Amend Subchapter I, Chapter 9, Title 5 of the Delaware Code to Remove Investment Limitations in Wholly-Owned Subsidiaries. (2/3 bill)

Mr. Speaker assigned HB 468 to the Revenue & Finance Committee.

Representative Oberle moved to recess to the call of the Chair at 5:34 p.m.

12th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 25, 1986

Mr. Speaker Hebner called the House to order at 1:44 p.m.

Mr. Speaker reassigned SB 49 to the Revenue & Finance Committee.

Mr. Speaker stated that SB 319 w/SA 1 is being removed from the Appropriations Committee with the concurrence of the Committee Chairman.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Richard Davis, Twenty-Sixth Representative District. Heritage Scholars Cheryl McAllister, Kathleen Morris and Michelle Tan led those present in a pledge of allegiance to the Flag.



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

The following prefiled legislation was introduced:

HB 469 – SMITH & HEBNER; SENATORS BERNDT, NEAL – H/ADM: An Act to Amend Title 15, Section 1748, Relating to Voter Registration of a Person Changing His or Her Name.

HA 1 to HB 434 – BARNES – HUM. RES: Placed with the Bill.

HA 2 to HB 434 – BARNES – HUM. RES: Placed with the Bill.

SB 338 – VAUGHN, BAIR; REPRESENTATIVES OUTTEN, SPENCE – JUD: An Act to Amend Chapter 52, Volume 65 of the Laws of Delaware, Relating to the Superior Court.

SJR 15 – VAUGHN & REPRESENTATIVE BENNETT; SENATORS ADAMS, COOK, HOLLOWAY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, TORBERT & ZIMMERMAN; REPRESENTATIVES OUTTEN, B. ENNIS, CLARK – JUD: Urgently Requesting Gov. Michael N. Castle and Corrections Commissioner John L. Sullivan to Delay and Reconsider Their Decision to Change the Morris Correctional Institution in Dover From a Community Work Program Center to a Holding Facility for Drunk Driving Offenders.

HA 1 to SB 240 – TAYLOR – ADM/S: Placed with the Bill.

Representative Oberle requested and was granted the privilege of the floor for Dr. Howard E. Row, Acting Director, Delaware Heritage Commission.

Representative Oberle introduced and brought HR 164, cosponsored by Representatives Hebner, Barnes, George & Gilligan, before the House for consideration.

HR 164 – Extending Congratulations to the 1986 Constitutional Scholars of the Delaware Heritage Commission.

WHEREAS, the Delaware Heritage Commission has awarded three high school students with Constitutional Scholarships for their projects relating to the Constitutional period in Delaware; and

WHEREAS, Cheryl McAllister, Kathleen Morris and Michelle Tan have all served as outstanding young Delawareans whose patriotism and appreciation of history is a credit to their individual schools and communities; and

WHEREAS, their individual projects in creative writing and poetry illustrate their profound appreciation of the 18th Century and the role Delaware played in that exciting and progressive period; and

WHEREAS, the Delaware Heritage Commission is an organization which reminds us of Delaware's contributions to a young nation and furthers the goals of freedom by respectfully reflecting on our past; and

WHEREAS, it is both fitting and proper that Delaware's youth be saluted for their fine contributions in the spirit of "Liberty and Independence"; and

WHEREAS, the House of Representatives of the 133rd General Assembly is proud of these three young women and wish them all the success in the world as they pursue their individual career objectives in college.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 133rd General Assembly of the State of Delaware that congratulations be extended to these fine high school students for each one of their outstanding honors.

BE IT FURTHER RESOLVED that upon passage of this Resolution, a suitably prepared copy be presented to each of the winners of the 1986 Constitutional Scholarship of the Delaware Heritage Commission.

HR 164 was adopted by voice vote.

Representative Oberle moved to recess for Caucus at 2:14 p.m.

The House reconvened at 3:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 338, SJR 15 & SCR 106.

Mr. Speaker reassigned HB 121 & SB 134 w/SA 1 to the Appropriations Committee.

Representative Davis brought HB 430, jointly sponsored by Representative Van Sant & Boykin & cosponsored by Representatives Barnes, Buckworth, Houghton, Maroney, Quillen, Reynolds, Roy, Spence, Steele & Taylor & Senators Minner, Arnold & McBride, before the House for consideration.

HB 430 – An Act to Amend Chapter 8, Title 22 of the Delaware Code Relating to Municipal Regulation of Firearms.

The roll call on HB 430 was taken and revealed:

YES: Representatives Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Soles, Spence, Steele, Taylor, Van Sant, Wingate, Mr. Speaker Hebner – 35.

NO: Representative Sills – 1.

NOT VOTING: Representative Smith – 1.

ABSENT: Representatives Anderson, D. Ennis, Jester, West – 4.

Therefore, having received a constitutional majority, HB 430 was sent to the Senate for concurrence.

Representative Maroney moved to lift HB 327 w/HA 1 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Maroney brought HB 327 w/HA 1, jointly sponsored by Senator Connor & cosponsored by Representatives Barnes & Steele & Senator Torbert, before the House for consideration.

HB 327 – An Act to Amend Title 11 of the Delaware Code Relating to Children; and Providing for Certain Protections Against Abuse and Molestation. (2/3 bill)

Representative Maroney introduced and brought HA 2 to HB 327 before the House for consideration. Representative Maroney requested and was granted the privilege of the floor for Lynn Kanaga, House Attorney.

Representative Maroney moved to place HB 327 w/HA 1, - HA 2 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Spence brought HB 333, jointly sponsored by Representative Van Sant & cosponsored by Representatives Taylor, Oberle, Free, Reynolds, Caulk, Houghton & B. Ennis & Senator Connor, before the House for consideration.

HB 333 - An Act to Amend Chapter 42, Title 21, Delaware Code, Relating to the Reporting of Motor Vehicle Accidents by Changing the Minimum Damage Reportable From \$250.00 to \$500.00.

The roll call on HB 333 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 333 was sent to the Senate for concurrence.

Representative D. Ennis introduced HB 470, jointly sponsored by Senator McDowell & cosponsored by Representatives Petrilli & Gilligan & Senator Berndt.

HB 470 - An Act to Amend Title 18 of the Delaware Code Relating to Reporting Requirements and Financial Disclosure of Property or Casualty Insurers.

Mr. Speaker assigned HB 470 to the Revenue & Finance Committee.

Representative B. Ennis brought HB 369, jointly sponsored by Representative Van Sant & cosponsored by Representatives Jonkiert, Anderson, West, Spence, Barnes, Fallon & C. Cordrey & Senator Torbert, before the House for consideration.

HB 369 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Operation of Motorcycles by Minors.

Representative B. Ennis introduced and brought HA 1 to HB 369 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 369 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to recess to the call of the Chair at 4:52 p.m.

13th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 26, 1986

Mr. Speaker Hebner called the House to order at 1:51 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SS 2 for SB 313 w/SA 1.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Gilligan, Taylor - 2.

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

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

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

The following prefilled legislation was introduced:

HB 471 - OBERLE & B. ENNIS, ANDERSON, C. CORDREY, GILLIGAN, QUILLEN, JONKIERT, MACK, HOUGHTON, BARNES, CAULK, FALLON, VAN SANT, JESTER, CAREY, WEST, CAMPANELLI, PLANT, SPENCE, STEELE, CLARK; SENATORS VAUGHN, MARTIN, ZIMMERMAN, CONNOR, HOLLOWAY, TORBERT, CITRO, MINNER, BERNDT - ADM/S: An Act to Amend Chapter 15, Title 28, Delaware Code, Relating to the Composition of the Delaware Gaming Control Board.

HB 472 - VAN SANT & SENATOR MINNER; REPRESENTATIVES CLARK, TAYLOR, B. ENNIS, BARNES, ANDERSON, C. CORDREY, CORROZI, DAVIS, JONKIERT, SILLS, SPENCE, WEST; SENATORS SLATCHER, VAUGHN, ZIMMERMAN - NAT. RES: An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Prohibiting the Obstruction or Impeding of Lawful Hunting, Fishing or Trapping Activities. (2/3 bill)

HB 473 - CAMPANELLI - ADM/S: An Act to Amend Part VII, Title 16 of the Delaware Code Relating to the Application, Removal, Use and Encapsulation of Asbestos.

HB 474 - B. ENNIS, BRADY, CAMPANELLI, CLARK, DAVIS, HOUGHTON, PLANT, SPENCE, VAN SANT; SENATORS COOK, MARTIN, MCBRIDE, TORBERT, VAUGHN - ADM/S: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to Leave With Pay for Employees Performing Hazardous Duty Assignments.

HB 475 - BENNETT & OUTTEN - R&F: An Act to Amend Section 5102, Title 9 of the Delaware Code by Repealing the Exemption of Farmland From Kent County Light Taxes.

HA 1 to HB 432 - VAN SANT - ED: Placed with the Bill.

HA 1 to HB 456 - MARONEY - SUNSET: Placed with the Bill.

SS 2 for SB 313 w/SA 1 - MCBRIDE & HEBNER; SENATORS HOLLOWAY, BERNDT;

REPRESENTATIVE MARONEY - HUM. RES: An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to Anatomical Gifts; and Permitting a Hospital to Request an Anatomical Gift Under Certain Circumstances.

Mr. Speaker appointed Representative Roy as Temporary Chairman of the Administrative Services Committee in Representative Taylor's absence.

Mr. Speaker Hebner granted the privilege of the floor to William Dannenhauer, State Supervisor Agricultural Occupations.

Representative Fallon introduced HA 1 to HB 446, jointly sponsored by Representative Free. HA 1 was placed with the bill.

Representative Oberle moved to recess for Committee Meetings at 2:19 p.m.

The House reconvened at 5:55 p.m.

Representative Petrilli moved to suspend the rules which interfere with action on HB 468. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Petrilli brought HB 468, jointly sponsored by Senator Cordrey & Representative D. Ennis, before the House for consideration.

HB 468 - An Act to Amend Subchapter I, Chapter 9, Title 5 of the Delaware Code to Remove Investment Limitations in Wholly-Owned Subsidiaries. (2/3 bill)

Representative Petrilli requested and was granted the privilege of the floor for O. Francis Biondi, representing M. Bank U.S.A.

The roll call on HB 468 was taken and revealed:

YES: Representatives Anderson, Bennett, Boykin, Buckworth, Campanelli, Carey, Caulk, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Van Sant, West, Wingate, Mr. Speaker Hebner - 35.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Barnes, Clark, Gilligan, Jonkiert, Taylor - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 468 was sent to the Senate for concurrence.

The following prefiled Consent Calendar #24 was introduced:

HR 165 - STEELE, QUILLEN, BUCKWORTH, BENNETT, CAREY, WINGATE - Expressing Condolences to the Family of Sussex County Councilman Charles W. Cole Who Died Tuesday, March 18, 1986.

HR 166 - GEORGE - Congratulating V. J. Gonnella Upon Receiving the New Castle County Chamber of Commerce Wallace A. Johnson Community Service Award for 1986.

HR 167 - FALLON - Commending Seaford High School for Sponsoring the First Delaware Academic Decathlon on Saturday, February 8, 1986

HR 168 - SPENCE, HEBNER, OBERLE, BARNES, GEORGE, GILLIGAN - Expressing Thanks to Jennifer Carr for Her Contributions in the Fight Against Drunk Drivers in the State of Delaware as She Leaves Delaware to Relocate in Cincinnati, Ohio.

HR 169 - BRADY, ANDERSON, BENNETT, BOYKIN, BUCKWORTH, CAMPANELLI, CLARK, C. CORDREY, D. ENNIS, FALLON, GEORGE, GILLIGAN, HOUGHTON, JESTER, JONKIERT, MACK, OUTTEN, PLANT, REYNOLDS, SILLS, SMITH, SOLES, SPENCE, TAYLOR, VAN SANT, WEST, WINGATE - Congratulating New Castle County Police Sgt. William Honey on Being Named Officer of the Year for 1985 by the Brandywine Hundred Kiwanis Club.

HR 170 - BRADY & HEBNER, SMITH - Saluting Frederick L. Wrigley for His Service and Concern for the Children of Claymont and for the Claymont Community.

HCN 108 - FALLON; SENATOR SLATCHER - Commending the Seaford High School Basketball Team, "The Blue Jays" and Their Coaches, Dave Baker and George Schenck for Their Outstanding Performance in the State Championship Game Against Sanford, Held Saturday, March 15, 1986 at the University of Delaware Field House.

HCN 109 - VAN SANT, CAMPANELLI, GEORGE, JONKIERT; SENATOR MARSHALL - Congratulating Delaware Technical and Community College Women's Basketball Team on Winning the National Junior College Athletic Association Region 19 Championship Game.

HCN 110 - GEORGE & SENATOR MCDOWELL - Congratulating Patrolman Frederick C. Tate of the Wilmington Police Department, Recipient of the Kiwanis Club 1985 Policeman of the Year Award.

HCN 111 - SOLES & ANDERSON, BENNETT; SENATOR NEAL - Mourning the Death of H. Blake Wilson of Newark.

HCN 112 - OUTTEN, BENNETT, BUCKWORTH; SENATORS COOK, ZIMMERMAN - Congratulating William Collick for His Accomplishments as Head Football Coach of Delaware State College.

HCN 113 - OUTTEN, BENNETT, BUCKWORTH; SENATORS COOK, ZIMMERMAN - Congratulating the Delaware State College Varsity Football Team for Its 1985 Football Season.

HCN 114 - FALLON, ALL REPRESENTATIVES; ALL SENATORS - Expressing Appreciation for the Exceptional Services Provided by Delaware Libraries and Calling Attention to National Library Week, April 6 Through April 12, 1986.

SCR 105 - ZIMMERMAN; REPRESENTATIVES BENNETT, OUTTEN, BUCKWORTH - Commending the Dover High School Wrestling Team and Its Coach, Harry Rigby, for Winning the Henlopen Conference Wrestling Title.

SCR 106 - ADAMS; REPRESENTATIVE CLARK - Commending the Delaware Council of Farm Organizations for a Sumptuous Occasion at the Sixteenth Annual Agricultural Industry Dinner Held on Saturday, March 15, 1986 at Clayton Hall, University of Delaware and Further Recognizing the Week of March 16 Through 22 as Agricultural Week in Delaware.

SCR 107 – COOK, HOLLOWAY, MCBRIDE, VAUGHN, BERNDT, SLATCHER, SHARP, MCDOWELL, BAIR; REPRESENTATIVES CORROZI, SMITH, DAVIS, QUILLEN, SOLES, BUCKWORTH, MACK, BENNETT, HEBNER, OBERLE, BARNES, GEORGE, GILLIGAN – Extending Congratulations to Duane O. Olsen, Former Controller General of the State of Delaware (Retired) on Being the Recipient of the Diamond State Award and Wishing Him the Best During His Retirement Years.

Consent Calendar #24 was adopted by voice vote and HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 113 & HCR 114 were sent to the Senate for concurrence and SCR 105, SCR 106 & SCR 107 were returned to the Senate.

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

ECON. DEV: HJR 22 – 3M.

JUD: HB 371 – 3M; HB 464 – 3F.

NAT. RES: SJR 12 – 2F,3M.

ED: HB 442 – 3F; HB 446 – 4F.

ADM/S: HB 242 – 2F,2U; HB 368 – 1F,3M; HB 372 – 4F; HB 394 – 4F; SB 114 – 2F,2M; SB 193 – 4M; SB 204 w/SA 1 – 1F,3M; SB 251 – 3M,1U; SB 256 – 2F,2M.

R&F: HB 391 – 7M; HB 444 – 6M; HB 468 – 7M.

H/ADM: HS 1 for HB 341 – 1F,2M; SB 30 w/SA 1 – 1F,3M; SB 79 – 1F,3M; SB 310 – 4M; SB 343 – 4M; SB 376 – 4M.

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

14th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

March 27, 1986

Madam Acting Speaker Smith called the House to order at 1:38 p.m.

At the request of The Majority Leader, the Chief Clerk read the following communication:

M E M O R A N D U M

TO: All Members of the House of Representatives

FROM: Charles L. Hebner

Speaker of the House

RE: Absence from Session

DATE: March 26, 1986

Due to a death in the family, I will not arrive at Legislative Hall until mid-afternoon on Thursday, March 27, 1986. I hereby appoint Representative Gwynne P. Smith as Acting Speaker in my absence.

CLH:jmh

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

HUM. RES: HB 414 – 3F,1M; SS 2 for SB 313 w/SA 1 – 3F,1M.

The Majority Leader moved to adjourn at 1:40 p.m., thereby ending the current legislative day. The House reconvened at 1:41 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Richard Millman, Staff Member.

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

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 353 w/SA 1.

The following prefilled legislation was introduced:

HB 476 – OBERLE, GEORGE; SENATORS ADAMS, BAIR – LABOR: An Act to Amend Chapter 23, Title 19, Delaware Code Relating To Workmen's Compensation and Certain Real Estate Salespersons and Brokers.

HB 477 – BARNES & SENATOR ADAMS – H/ADM: An Act to Amend Chapter 183, Volume 22, Laws of Delaware, Being an Act Entitled "An Act to Incorporate the Town of Greenwood" as Amended by Chapter 18, Volume 65, Laws of Delaware, to Authorize the Issuing of Bond Anticipatory Notes. (2/3 bill)

HB 478 – DAVIS & SENATOR TORBERT; REPRESENTATIVES SPENCE, PLANT; SENATORS NEAL, CITRO – JUD: An Act to Amend Chapter 7, Title 21, of the Delaware Code Relating to Warrantless Arrests for Traffic Violations.

HB 479 – DAVIS & SENATOR TORBERT; REPRESENTATIVES SPENCE, PLANT; SENATORS NEAL, CITRO – JUD: An Act to Amend Chapter 23, Title 21 of the Delaware Code Relating to the Satisfaction of Liens on Motor Vehicles.

HB 480 – DAVIS & SENATOR TORBERT; REPRESENTATIVES SPENCE, PLANT; SENATORS NEAL, CITRO – R&F: An Act to Amend Chapter 51, Title 30, Delaware Code, Relating to Personal Liability of Corporate Officers for Delinquent Motor Fuel Taxes.

HB 481 – DAVIS & SENATOR TORBERT; REPRESENTATIVES SPENCE, PLANT; SENATORS NEAL, CITRO – R&F: An Act to Amend Chapter 52, Title 30, of the Delaware Code Relating to Procedures for Implementing Delaware's Motor Carriers Fuel Purchase Law. (3/5 bill)

HB 482 – (RESERVED FOR REPRESENTATIVE FALLON).

HB 483 – OUTTEN & B. ENNIS & CLARK, BARNES, BENNETT, BUCKWORTH, CAULK, QUILLEN; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN – H/ADM: An Act to Amend Title 9, Chapter 93, Section 9306 Relating to the Salary of the Comptroller of Kent County.

HB 484 – ROY & OBERLE, BOYKIN, CAMPANELLI, CORROZI, D. ENNIS, GILLIGAN, PETRILLI, SPENCE, TAYLOR, VAN SANT – H/ADM: An Act to Amend Chapter 11, Title 9 of the Delaware Code Relating to the Number and Term of Office of New Castle County Council Members; and Vote Requirements for Certain Ordinances.

HA 1 to HS 1 for HB 326 – MARONEY & SENATOR CONNOR; REPRESENTATIVES BARNES, STEELE; SENATOR TORBERT – READY LIST: Placed with the Bill.

HA 1 to HB 412 – B. ENNIS – ADM/S: Placed with the Bill.

SB 353 w/SA 1 – HOLLOWAY – JUD: An Act to Amend Title 6, Delaware Code, to Require Used Car Dealers to Prominently Post Schedule of Interest Rates and Other Fees and Charges and Providing a Penalty for Failure to Comply.

Representative Oberle moved to recess for Caucus at 1:45 p.m.

The House reconvened at 3:36 p.m.

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

HR 171 – Congratulating Martina Harper, Jenny Elliott, Soncyree Lee and Gerald Tate on Being Chosen as Delegates for the Youth Model Legislature.

HR 171 was adopted by voice vote.

Representative Oberle moved to lift HB 459 from the Speaker's table. The motion was seconded by Representative Spence and adopted by voice vote.

Representative Oberle brought HB 459, cosponsored by Representatives Taylor, Roy, Reynolds, Mack, Petrilli, Davis, Anderson, Soles & Sills & Senator Neal, before the House for consideration.

HB 459 – An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile or Transportable Classrooms or Renting Additional Space or Renovating Existing Facilities for Classrooms.

Representative Oberle requested and was granted the privilege of the floor for James Spartz, Department of Public Instruction.

Mr. Speaker Hebner resumed the Chair.

Representative Outten requested and was granted the privilege of the floor for Robert Aulgur, House Attorney.

Representative Oberle requested and was granted the privilege of the floor for Ronald Smith, House Attorney.

Representative Anderson introduced and brought HA 1 to HB 459 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for James Spartz, Department of Public Instruction.

Representative Anderson requested and was granted the privilege of the floor for Robert Aulgur, House Attorney.

Representative Oberle moved to place HA 1 to HB 459 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle moved to place HB 459 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Davis moved to suspend the rules which interfere with introduction of and action on HB 493. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Davis introduced and brought HB 493, cosponsored by Representatives Bennett, B. Ennis, Outten, Quillen & Van Sant & Senators Cook & Vaughn, before the House for consideration.

HB 493 – An Act Authorizing the Transfer of Funds From Budget Office Contingency (10-02-004) (Salaries & OEC) to the Department of Correction, Morris Correctional Institution (38-04-007) (Salaries & OEC) and to the Pre-Trial Annex (38-04-002) (Salaries & OEC) for the Purpose of Funding Ten (10.0) New General Fund Positions.

The roll call on HB 493 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, HB 493 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 459 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 459, cosponsored by Representatives Taylor, Roy, Reynolds, Mack, Petrilli, Davis, Anderson, Soles & Sills & Senator Neal, before the House for consideration.

HB 459 – An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile or Transportable Classrooms or Renting Additional Space or Renovating Existing Facilities for Classrooms.

Representative Oberle moved to place HB 459 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on SB 373. The motion was properly seconded and adopted by voice vote.

Representative Taylor introduced and brought SB 373, sponsored by Senators McDowell, Vaughn, Cordrey, Berndt & Neal, before the House for consideration.

SB 373 – An Act to Amend Chapter 8, Title 29, Delaware Code, Relating to the Boundary Lines of Certain Districts.

The roll call on SB 373 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 39.

NO: Representative Jonkiert – 1.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 373 was returned to the Senate.

Representative Bennett brought HJR 22, cosponsored by Senator Torbert & Representatives Outten, Caulk, Quillen, B. Ennis, Clark & Barnes & Senators Cook, Minner, Vaughn & Zimmerman, before the House for consideration.

HJR 22 – Memorializing the Delaware Congressional Delegation to do All Within Their Power to Ensure That Fair Consideration is Given to the ILC Dover, Inc., Bid for a Production Contract for the XM40 Chemical/Biological Protective Mask to be Awarded by the United States Army Through the Chemical Research and Development Command, Aberdeen Proving Ground, Maryland.

Representative Bennett introduced and brought HA 1 to HJR 22 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 22 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, HJR 22 w/HA 1 was sent to the Senate for concurrence.

Representative Caulk moved to place HB 201 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought SB 376, sponsored by Senators Cook, Minner, Torbert, Vaughn & Zimmerman & Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk & Quillen, before the House for consideration.

SB 376 – An Act to Authorize the Issuance of Bonds by Kent County, Delaware to Finance Improvements to Various Sanitary Districts Created by the County.

The roll call on SB 376 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner – 40.

ABSENT: Representative Plant – 1.

Therefore, having received a constitutional majority, SB 376 was returned to the Senate.

Representative Oberle moved to lift HB 459 from the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Oberle brought HB 459, cosponsored by Representatives Taylor, Roy, Reynolds, Mack, Petrilli, Davis, Anderson, Soles & Sills & Senator Neal, before the House for consideration.

HB 459 – An Act to Amend Chapter 19, Title 14, Delaware Code Relating to the Authorization of a Tax Levied by Local School District Boards of Education for the Purpose of Purchasing, Installing, Equipping and/or Relocating Mobile or Transportable Classrooms or Renting Additional Space or Renovating Existing Facilities for Classrooms.

Representative Bennett introduced and brought HA 2 to HB 459, jointly sponsored by Representatives Anderson & Oberle, before the House for consideration. HA 2 was adopted by voice vote.

Representative Anderson requested and was granted the privilege of the floor for Robert Aulgur, House Attorney.

Representative Anderson requested that her name be removed as a cosponsor of HB 459.

Representative Anderson introduced and brought HA 3 to HB 459 before the House for consideration.

Representative Oberle moved to place HA 3 to HB 459 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Quillen, Roy, Smith, Soles, Spence, Taylor, Mr. Speaker Hebner – 21.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Sills, Steele, Van Sant, West, Wingate – 18.

ABSENT: Representatives Plant, Reynolds – 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 3 was placed on the Speaker's table.

The roll call on HB 459 w/HA 2 was taken and revealed:

YES: Representatives Barnes, Boykin, Davis, Fallon, Jester, Oberle, Petrilli, Roy, Sills, Smith, Soles, Spence, Mr. Speaker Hebner - 13.

NO: Representatives Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, B. Ennis, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Outten, Quillen, Steele, Van Sant, West, Wingate - 21.

NOT VOTING: Representatives Anderson, Corrozi, D. Ennis, Free, Taylor - 5.

ABSENT: Representatives Plant, Reynolds - 2.

Therefore, not having received a constitutional majority, HB 459 w/HA 2 was declared defeated.

Representative Caulk introduced and brought SCR 109, cosponsored by Senator Cook & All Senators & All Representatives, before the House for consideration.

SCR 109 - Mourning the Death of Myrtle Sipple Morris, Widow of the Late Representative John Edward Morris.

SCR 109 was adopted by voice vote and returned to the Senate.

Representative D. Ennis introduced and brought HR 172, cosponsored by Representatives Buckworth, Quillen, Fallon, Maroney & Boykin, before the House for consideration.

HR 172 - Recognizing the Week of April 14 Through April 19, 1986 as Medical Laboratory Week.

HR 172 was adopted by voice vote.

Representative Caulk introduced HB 494, jointly sponsored by Representatives Clark & Van Sant & cosponsored by Representatives Roy, Jester, B. Ennis & Steele.

HB 494 - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to School District Elections.

Mr. Speaker assigned HB 494 to the Education Committee.

Representative Maroney requested that HB 85 & HB 87 be stricken.

Mr. Speaker reassigned HB 446 to the Appropriations Committee.

Mr. Speaker reassigned HB 368, HB 372, HS 1 for HB 341 & SB 193 to the Sunset Committee.

Mr. Speaker reassigned HB 399 & SB 319 w/SA 1 to the Revenue & Finance Committee.

The following prefiled legislation II was introduced:

HS 1 to HB 389 - CAMPANELLI & MACK & SENATOR CONNOR; REPRESENTATIVES ANDERSON, BRADY, BUCKWORTH, CORROZI, DAVIS, B. ENNIS, FREE, HOUGHTON, JONKIERT, OBERLE, PETRILLI, REYNOLDS, ROY, SPENCE, STEELE, TAYLOR, VAN SANT, WEST; SENATOR CITRO - ADM/S: An Act to Amend Title 28 and Title 30 of the Delaware Code, Regulating the Sale and Resale for Profit of Tickets or Other Devices for Admission to Places of Amusement. (2/3 bill)

HB 482 - FALLON, C. CORDREY, JESTER, HOUGHTON, OUTTEN, FREE, WINGATE, REYNOLDS; SENATORS ZIMMERMAN, NEAL, TORBERT, ADAMS, COOK - ED: An Act to Amend Chapters 17 and 13, Title 14 of the Delaware Code Relating to Services for Retarded Children.

HB 485 - BARNES, VAN SANT, BUCKWORTH, DAVIS, SPENCE, REYNOLDS, CAREY; SENATORS ADAMS, BERNDT, CITRO - JUD: An Act to Amend Part I, Title 11 of the Delaware Code Relating to Offenses Against Public Health, Order and Decency.

HB 486 - BARNES, VAN SANT, BUCKWORTH, DAVIS, SPENCE, REYNOLDS, CAREY, BENNETT; SENATORS ADAMS, CITRO - JUD: An Act to Amend Part II, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for the Medical Examination of Certain Persons.

HB 487 - BENNETT & B. ENNIS & BUCKWORTH, BARNES, CAULK, CLARK, OUTTEN, QUILLEN; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Title 9 of the Delaware Code Relating to Kent County Realty Taxation.

HB 488 - BENNETT & OUTTEN & CLARK & B. ENNIS, BARNES, BUCKWORTH, CAULK, QUILLEN; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Title 9, Chapter 83, Section 8305 of the Delaware Code Relating to the Assessment of Property of Members of the Board of Assessment.

HB 489 - BENNETT & QUILLEN & OUTTEN, BARNES, BUCKWORTH, CAULK, CLARK, B. ENNIS; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Title 9, Chapter 93 of the Delaware Code Relating to the Kent County Comptroller.

HB 490 - BENNETT & QUILLEN & SENATOR COOK; REPRESENTATIVES BARNES, BUCKWORTH, CAULK, CLARK, B. ENNIS, OUTTEN; SENATORS MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Title 9, Section 305 of the Delaware Code Relating to the Capitation Tax in Kent County.

HB 491 - BENNETT & CLARK & OUTTEN, BARNES, BUCKWORTH, CAULK, B. ENNIS, QUILLEN; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Title 9, Chapters 44 and 49 of the Delaware Code Relating to Construction Code and Zoning Code Enforcement by Kent County.

HB 492 - BENNETT & OUTTEN & QUILLEN, BARNES, BUCKWORTH, CAULK, CLARK, B. ENNIS; SENATORS COOK, MINNER, TORBERT, VAUGHN, ZIMMERMAN - H/ADM: An Act to Amend Sections 8201 and 8732, Title 9 of the Delaware Code Relating to Assessments and Real Estate Taxes in Kent County.

HA 3 to HB 12 - DAVIS - L.O.T.: Placed with the Bill.

HA 1 to HB 414 - FREE - READY LIST: Placed with the Bill.

SB 383 w/SA 1 - SHARP, HOLLOWAY; REPRESENTATIVES QUILLEN, ROY, GILLIGAN, TAYLOR - ADM/S: An Act to Amend Chapter 3, Subchapter IV, of Title 28, Delaware Code, Relating to the State Tax on Pari-Mutuel Income and Licensee's Commission on Contributions to Pari-Mutuel and Totalizator Pools Conducted or Made at Thoroughbred Race Tracks and State License Fees for Thoroughbred Race Meet Operators.

Representative Oberle moved to recess to the call of the Chair at 6:09 p.m.

15th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

April 8, 1986

Mr. Speaker Hebner called the House to order at 1:42 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 383 w/SA 1, SCR 108, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 113, HCR 114, SCR 109, SB 368, SB 373, HB 415, HB 418.

April 3, 1986

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 4-3-86 - SB 373, SB 376, HB 415.

The Majority Leader moved to adjourn at 1:43 p.m., thereby ending the current legislative day. The House reconvened at 1:44 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

SB 368 - SLATCHER; REPRESENTATIVE C. CORDREY - H/ADM: An Act to Amend An Act Being Chapter 288, Volume 64, Laws of Delaware, As Amended, Entitled "An Act to Reincorporate the Town of Laurel," To Permit Exemption of Certain Property From Taxation of Property. (2/3 bill)

Representative Oberle moved to recess for Caucus at 1:49 p.m.

The House reconvened at 3:34 p.m.

Representative Smith requested that HB 417 be stricken.

Representative Oberle requested that HB 375 be stricken.

Representative Spence brought HB 332, jointly sponsored by Senator Sharp & cosponsored by Representatives Caulk, Hebner, Reynolds, Boykin, Taylor, Davis, Van Sant, Oberle, Houghton & Free & Senators Connor & Minner, before the House for consideration.

HB 332 - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Offenses Concerning Alcoholic Liquors and Fines for Certain Criminal Offenses. (2/3 bill)

Representative Spence introduced and brought HA 1 to HB 332 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 332 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, Clark, Cordrey, Davis, B. Ennis, Fallon, Free, George, Gilligan, Houghton, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, Van Sant, West, Wingate, Mr. Speaker Hebner - 37.

ABSENT: Representatives Campanelli, Corrozi, D. Ennis, Jester - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 332 w/HA 1 was sent to the Senate for concurrence.

Representative West requested that action on HB 335 be deferred to a Day Certain, Tuesday, April 15, 1986.

Representative West requested that action on HB 336 be deferred to a Day Certain, Tuesday, April 15, 1986.

Representative Free requested that action on HB 414 be deferred to a Day Certain, Thursday, April 10, 1986.

Representative Quillen brought HB 391 before the House for consideration.

HB 391 - An Act to Amend Chapter 54, Title 30, Delaware Code Relating to the Realty Transfer Tax.

Representative Quillen moved to place HB 391 on the Speaker's table. The motion was seconded by Representative Barnes and adopted by voice vote.

Representative Petrilli requested that action on HB 444 be deferred to a Day Certain, Thursday, April 10, 1986.

Representative Oberle moved to recess to the call of the Chair at 3:50 p.m.

16th LEGISLATIVE DAY  
133rd GENERAL ASSEMBLY  
Second Session

April 9, 1986

Mr. Speaker Hebner called the House to order at 1:40 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 321 w/SA 2 & 3, & HB 468.

The Majority Leader moved to adjourn at 1:41 p.m., thereby ending the current legislative day. The House reconvened at 1:42 p.m.