

He further points out that if the identity of the applicant was an issue, the State would be required to produce a witness from the State where the conviction occurred capable of identifying the applicant. The same procedure would have to be followed in order to prove, for example, that the applicant has a history of admissions to mental institutions or drug abuse.

At the present time, administrative hearings are routinely conducted free of the restrictions imposed by the Delaware Rules of Evidence. Probation hearings, parole revocation hearings, and bail hearings are all conducted in a less formal atmosphere appropriate to the matters at issue. Moreover, this legislation would impose an evidentiary burden on the State without imposing the same burden on the applicant.

The effect that adoption of this legislation will have on an already overburdened court system cannot be ignored. The judges of the Superior Court are dealing with increasing trial demands and should not be required to devote their limited time and resources to lengthy permit hearings for those few citizens whose applications to carry a concealed deadly weapon are opposed by the State. Furthermore, if the State is unable to comply with the Delaware Rules of Evidence, an unqualified applicant might be permitted to obtain a license and I think that is a greater danger than the risk of denying a license to an otherwise qualified applicant.

Finally, I do not think denial of an application by the Superior Court should result in an appeal to the Supreme Court.

On balance, and for all of the reasons I have stated in this letter, I am returning House Bill No. 188 without my signature.

Sincerely,  
Michael N. Castle

MNC/tkap

Members of the House of Representatives

Your kindness couldn't be appreciated more - thank you so much!

I feel highly honored in receiving this recognition. May you continue in guiding our state in the right direction. Wishing you much success in all you do. May God bless all of you and have a nice vacation. I shall always remember my 85th Birthday.

Irene Welch

Representative Ewing requested that HB 329 be stricken.

The Majority Leader moved to adjourn at 2:33 p.m., thereby ending the current legislative day. The House reconvened at 2:34 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefilled legislation was introduced:

HB 351 - SPENCE & SENATOR HOLLOWAY - LABOR & HUM RES MAN: An Act to Amend Chapter 7, Title 18 of the Delaware Code Relating to Fees and Taxes.

HB 352 - BUCKWORTH & B. ENNIS, LOFINK, MACK - P/S: An Act to Amend Title 21, Delaware Code Regarding Authorized Emergency Vehicles and Traffic Signs, Signals and Markings.

HB 353 - SMITH, PETRILLI, BENNETT, B. ENNIS; SENATORS CORDREY, ADAMS - LABOR & HUM RES MAN: An Act to Amend Chapter 11, Title 19, Delaware Code Relating to Wage Payment and Collection.

HB 354 - AMICK, SPENCE, ROY, CORROZI, MACK, HOUGHTON, VAN SANT; SENATORS BLEVINS, VENABLES, SOKOLA, CONNOR, MINNER - SUNSET & OVERVIEW: An Act to Amend Chapter 25, Title 24, Delaware Code Relating to Pharmacy. (2/3 bill)

HB 355 - LOFINK, ROY; SENATOR MARTIN - P/S: An Act to Amend Chapter 345, Volume 67 of the Laws of Delaware Relating to Vehicle Permits for Excessive Size and Weight.

HB 356 - WEST & CLARK, BRADY, BUCKWORTH, BUNTING, CAMPANELLI, CAREY, CAULK, CORROZI, HOUGHTON, JONKIER, MOORE, PETRILLI, QUILLEN, REYNOLDS, SILLS, SMITH; SENATORS CONNOR, CORDREY, HOLLOWAY, VAUGHN, VENABLES - HUM RES: An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

HB 357 - D. ENNIS & OBERLE, HOUGHTON, VAN SANT, BRADY; SENATOR HAUGE - B & I: An Act to Amend Chapter 23, Title 18 of the Delaware Code Relating to Unfair Practices in Insurance.

HJR 9 - CAREY, DAVIS - NAT RES: Establishing a Wellhead Protection Program Development Committee to Formulate Legislation for the Enactment of a Wellhead Protection Program in Delaware.

HA 1 to HB 182 - DAVIS - L.O.T.: Placed with the bill.

HA 1 to HB 249 - OBERLE - L.O.T.: Placed with the bill.

HA 1 to HB 254 - OBERLE - AGENDA: Placed with the bill.

HA 2 to HB 262 - OBERLE - AGENDA: Placed with the bill.

HA 3 to HB 262 - OBERLE - AGENDA: Placed with the bill.

SB 66 - MARTIN & REPRESENTATIVE ROY - TRANS: An Act to Amend Chapter 13, Title 2 of the Delaware Code Relating to Employees of Subsidiaries of the Delaware Transportation Authority.

SB 67 w/SA 1 - MARTIN & REPRESENTATIVE ROY - TRANS: An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Highways and Drainage Facilities Therefore.

SB 108 - HOLLOWAY - SUNSET & OVERVIEW: An Act to Amend Chapter 21, Title 24, Delaware Code, Relating to the Definition of the Practice of Optometry, the Use of Drugs or Surgery in the Practice of Optometry, and the Licensing and Certification Thereof.

SCR 51 - CORDREY & REPRESENTATIVE SPENCE - P/S: A Concurrent Resolution Memorializing Congress to Reject Any Legislation Imposing Unrealistic Automobile Fuel Economy Standards on the Automobile Industry.

HA 1 to SB 144 - CAREY - AGENDA: Placed with the bill.

Acting Speaker Hebner granted the privilege of the floor to Chief Warrant Officer George J. Losse, who received Bronze Star in the Persian Gulf.

Representatives Roy, Taylor, West, Carey, Mack, Jonkiert & Clark requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 4:28 p.m.

The Chief Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #25

DATE: June 25, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-328	Soles	6/11/91	T	Rebecca "Becky" Riddle - Volunteer/Member/Common Cause
H91-329	Quillen	6/11/91	T	Russell & Charlotte Blades - 50th Wedding Anniversary
H91-330	B. Ennis	6/12/91	T	Dawson B. Hollinger/Service/Kent County Director
H91-331	B. Ennis	6/12/91	T	Ward G. Mesick/Award/Boy Scouts of America
H91-332	B. Ennis	6/12/91	T	Josh McGrath/Award/Boy Scouts of America
H91-333	Ewing	6/13/91	T	H. Ronald Webb/Service/Woodbridge School Board
H91-334	Ewing	6/8/91	T	Marlene Hawk Mervine/Outstanding Student/DE TECH
H91-335	Petrilli	6/11/91	T	Beth Ann Jones/Crowned Miss Delaware
H91-336	Carey	6/13/91	T	Paul T. McCarthy/Superintendent's Scholar
H91-337	Carey	6/13/91	T	Jeff Walsh/Superintendent's Scholar
H91-338	Carey	6/13/91	T	James F. Mueller/Superintendent's Scholar
H91-339	Carey	6/13/91	T	Tonya Rockemann/Superintendent's Scholar
H91-340	George cosponsor: Gilligan	6/13/91	T	William J. Gordy/Dedicated Political Service
H91-341	Buckworth	6/18/91	T	Mr. Robert Harrington - Teacher of the Year
H91-342	Outten	6/21/91	T	Betty Lou Cooper - Service/Kent County Levy Court
H91-343	Houghton	5/15/91	T	Leo J. Kasehagen - Academic Achievement Award

T - Tribute

M - Memoriam

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

P/S: HB 330 - 3M; HB 331 - 3M; HB 337 - 3M.

Representatives Houghton & VanSant requested that they be marked present.

Representative Petrilli brought Consent Agenda D, which requires a two-thirds vote, before the House for consideration.

HB 95 w/SA 1 - AMICK - An Act to Amend Chapter 26, Title 24 of the Delaware Code Relating to the Regulation of Physical Therapists and Athletic Trainers. (2/3 bill)

HB 216 w/HA 1 & SA 1 - D. ENNIS; SENATOR SHARP; REPRESENTATIVES DIPINTO, JONKIERT, VANSANT, BOYKIN, SMITH, SILLS - An Act to Amend Title 18, Delaware Code to Adopt Standards for Reinsurance Intermediaries.

HB 218 w/SA 1 - D. ENNIS; SENATOR SHARP; REPRESENTATIVES DIPINTO, JONKIERT, VAN SANT, BOYKIN, SMITH, SILLS - An Act to Amend Title 18, Delaware Code to Regulate Managing General Agents.

The roll call on Consent Agenda D was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, D. Ennis, Reynolds - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 95 w/SA 1, HB 216 w/HA 1 & SA 1 & HB 218 w/SA 1 were sent to the Governor.

Representatives Gilligan & Sils requested that they be marked present during the roll call.

Representative B. Ennis brought HS 1 to HB 250, jointly sponsored by Senator Torbert & Representatives D. Ennis, DiPinto & Roy & cosponsored by Representative Mack, before the House for consideration.

HB 250 - An Act to Amend Title 16, Delaware Code Relating to the Adoption and Responsibilities for the Implementation of Federal Regulations Promulgated Under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Also Known as SARA Title III or the Emergency Planning and Community Right to Know Act of 1986), and Further Providing

for the Establishment of a Mechanism to Collect Fees for the Purpose of Funding the Local Emergency Planning Committees and Data Collection and Management Activities Related Thereto. (2/3 bill)

Representative B. Ennis introduced and brought HA 1 to HS 1 to HB 250 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 to HB 250 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 to HB 250 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker reassigned HB 355 to the Transportation Committee.

Representative Oberle brought HB 262, jointly sponsored by Representatives Petrilli, Buckworth, Mack, Reynolds, Davis, VanSant, Houghton & West & Senators McDowell, Sharp, Vaughn, Marshall, Holloway, Minner, Blevins & Connor, before the House for consideration. HB 262 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Commercial Vehicles. (2/3 bill)

Representative Oberle requested that HA 1 & HA 2 to HB 262 be stricken.

Representative Oberle brought HA 3 to HB 262 before the House for consideration.

Representative Oberle introduced and brought HA 1 to HA 3 before the House for consideration. HA 1 to HA 3 was adopted by voice vote. HA 3 w/HA 1 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for Jack Eanes, Vehicle Service Chief, Division of Motor Vehicles.

Representative Oberle requested and was granted the privilege of the floor for Dale Shulman, Director, Division of Motor Fuel Tax.

Representative Davis requested and was granted the privilege of the floor for Robert C. Pitcher, Director of State Laws Department, American Trucking Association.

Representative Oberle rose on a point of order. Mr. Speaker did not concur.

Representatives Caulk & D. Ennis requested that they be marked present.

The roll call on HB 262 w/HA 3 w/HA 1 was taken and revealed:

YES: 18.

NO: Representatives Campanelli, Carey, Fallon, Maroney, Petrilli, Quillen, Smith, Soles, Taylor - 9.

NOT VOTING: Representatives Bennett, Boykin, Buckworth, Bunting, Caulk, Corrozi, DiPinto, D. Ennis, Ewing, George, Jonkiert, Lee, Outten - 13.

ABSENT: Representative Roy - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 262 w/HA 3 w/HA 1 was declared defeated.

Representative Roy brought HB 258, jointly sponsored by Representatives Spence, Petrilli, Buckworth, Amick & Campanelli & Senator McBride, before the House for consideration.

HB 258 - An Act to Amend Chapter 7, Title 4 of the Delaware Code Relating to the Sale of Alcoholic Liquors.

Representative Roy requested that HB 258 be stricken.

Representative Roy requested that HA 1 to HB 258 be stricken.

Representative Campanelli requested that HB 257 be stricken.

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

TRANS: HB 340 - 6M; HB 355 - 2F, 4M; SB 66 - 6M; SB 67 w/SA 1 - 6M.

Representative Petrilli brought Consent Agenda C before the House for consideration.

HB 283 - AMICK, CAREY, B. ENNIS, EWING - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

HB 307 - BOYKIN; SENATOR KNOX - An Act to Amend Chapter 55, Title 29, Delaware Code Relating to Attachment and Assignment of State Employees' Pension Plan Benefits.

SB 87 - MCBRIDE; REPRESENTATIVE SPENCE, SENATORS BLEVINS, CORDREY, MARSHALL, MCDOWELL, SHARP, TORBERT, VENABLES, CONNOR, KNOX, STILL, REPRESENTATIVES BOYKIN, BUCKWORTH, CAMPANELLI, CAULK, CORROZI, DIPINTO, D. ENNIS, FALLON, HEBNER, JONKIERT, LOFINK, MOORE, OUTTEN, QUILLEN, ROY, SILLS, VANSANT; SENATORS ADAMS, COOK, HOLLOWAY, MARTIN, MINNER, SOKOLA, VAUGHN, BATR, HAUGE, NEAL; REPRESENTATIVES BENNETT, BRADY, BUNTING, CAREY, CLARK, DAVIS, B. ENNIS, EWING, GILLIGAN, HOUGHTON, LEE, MACK, OBERLE, PETRILLI, REYNOLDS, SCHROEDER, TAYLOR, WEST - An Act Requiring Certain State-Owned Buildings to Display P.O.N.-M.I.A. Flags.

SB 121 - SHARP; REPRESENTATIVE D. ENNIS; SENATORS MCDOWELL, STILL; REPRESENTATIVES DIPINTO, SILLS, VAN SANT; SENATORS ADAMS, VAUGHN; REPRESENTATIVES BOYKIN, JONKIERT, SMITH - An Act to Amend Title 18, Delaware Code, to Require Insurance Companies' Capital and Surplus be in Cash or Cash Equivalent.

HB 226 - SCHROEDER, BENNETT, CAREY, CLARK, LOFINK, MOORE, QUILLEN; SENATORS BLEVINS, MARTIN, SOKOLA; REPRESENTATIVES BUNTING, CAULK, HOUGHTON, MACK, OUTTEN, WEST; SENATORS KNOX, MINNER, VENABLES - An Act to Amend Chapter 60, Title 7, of the Delaware Code Relating to the Dumping of Solid Wastes Into the Ocean, Delaware Bay, Inland Bays and Other State Waters.

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

Representative Petrilli requested that HB 307 be removed from Consent Agenda C.

Representative Lee requested that HB 283 be removed from Consent Agenda C.

The roll call on SB 87, SB 121, HB 226 & HB 4 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 87 & SB 121 were returned to the Senate and HB 226 & HB 4 were sent to the Senate for concurrence.

Representative Oberle brought HB 254, jointly sponsored by Senator Martin, before the House for consideration.

HB 254 - An Act Directing the Board of Pension Trustees to Waive Payment of Any Additional Employee Contributions Due From Patricia T. Stewart Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Oberle brought HA 1 to HB 254 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 254 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 254 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis brought HS 1 to HB 140, jointly sponsored by Representatives Boykin, DiPinto, Smith, Sillis, VanSant & Jonkiert, before the House for consideration.

HB 140 - An Act to Amend Chapter 42, Title 18, Delaware Code, Relating to Various Aspects of the Insurance Guaranty Act.

Representative D. Ennis requested that HA 1 to HS 1 to HB 140 be stricken.

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

Representative D. Ennis moved to place HS 1 to HB 140 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor brought HB 103, jointly sponsored by Senator Sharp, before the House for consideration.

HB 103 - An Act Awarding Special Pension Benefits to Florence Knieriem, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Taylor brought HA 1 to HB 103 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 103 w/HA 1 was taken and revealed:

YES: 35.

NOT VOTING: Representatives Bennett, Boykin, Davis, Quillen - 4.

ABSENT: Representatives Campanelli, VanSant - 2.

Therefore, having received a constitutional majority, HB 103 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought HB 244, jointly sponsored by Representatives Fallon, Caulk, Lee, Boykin, Smith, Hebner, Lofink, Schroeder, Bunting & Clark & Senators Sokola, Venables & Knox, before the House for consideration.

HB 244 - An Act to Amend Chapter 84, Title 11 of the Delaware Code Relating to the Delaware Police Training Program.

The roll call on HB 244 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 244 was sent to the Senate for concurrence.

Representative Ewing brought HB 241, jointly sponsored by Representatives Carey, Lee, Maroney, Smith & Clark, before the House for consideration.

HB 241 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Rules of the Road for Motor Vehicles. (2/3 bill)

Representative Ewing brought HA 1 to HB 241 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested and was granted the privilege of the floor for Captain Michael Gunning, representing the Office of Highway Safety & Delaware State Police.

The roll call on HB 241 w/HA 1 was taken and revealed:

YES: 38.

NO: Representatives Brady, Outten, Sillis - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 241 w/HA 1 was sent to the Senate for concurrence.

Representative Buckworth brought HB 166 before the House for consideration.

HB 166 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to the Accessibility of the Driver and Vehicle Records as Retained by the Division of Motor Vehicles. (3/5 bill)

Representative Buckworth brought HA 1 to HB 166 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 166 w/HA 1 was taken and revealed:

YES: 39.

NO: Representative Brady - 1.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 166 w/HA 1 was sent to the Senate for concurrence.

Representative Carey brought HB 247, jointly sponsored by Representatives Caulk, Lee, Fallon, Oberle, Lofink, Hebner, Mack, Schroeder, Bunting & Clark & Senators Sokola, Venables & Knox, before the House for consideration.

HB 247 - An Act to Amend Chapter 60, Title 7 of the Delaware Code to Require Labeling of Certain Plastic Products. (2/3 bill)

Representative Carey brought HA 1 to HB 247 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 247 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 247 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HS 2 for HB 173, jointly sponsored by Representatives Spence, Buckworth, Petrilli, Corrozi, Fallon, Lee, Bunting & Jonkiert & Senators Holloway, Minner & Knox & cosponsored by Representative Moore, before the House for consideration.

HB 173 - An Act to Amend Chapter 15, Title 13, of the Delaware Code Relating to Contested and Uncontested Petitions.

Representative Maroney moved to place HS 2 for HB 173 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing moved to suspend the rules which interfere with action on HB 332. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought HB 332 before the House for consideration.

HB 332 - An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to the Duration and Cost of Temporary Registration Plates. (3/5 bill)

The roll call on HB 332 was taken and revealed:

YES: 21.

NO: Representatives Bennett, Campanelli, B. Ennis, George, Jonkiert, Soles, Taylor - 7.

NOT VOTING: Representatives Brady, Bunting, Clark, D. Ennis, Gilligan, Houghton, Moore, Outten, Quillen, Schroeder, Sills, VanSant, West - 13.

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, HB 332 was declared defeated.

Representative D. Ennis moved to lift HS 1 for HB 140 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought HS 1 for HB 140, jointly sponsored by Representatives Boykin, DiPinto, Smith, Jonkiert, Sills & VanSant, before the House for consideration.

HB 140 - An Act to Amend Chapter 42, Title 18, Delaware Code, Relating to Various Aspects of the Insurance Guaranty Act.

Representative D. Ennis introduced and brought HA 2 to HS 1 for HB 140 before the House for consideration.

Representative DiPinto requested and was granted the privilege of the floor for Clifford B. Hearn, Jr., General Legislative Counsel, representing the American Insurance Association.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative D. Ennis requested and was granted the privilege of the floor for Fred Townsend, House Attorney.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence ruled that HS 1 for HB 140 requires a three-fifths vote.

The roll call on HA 2 was taken and revealed:

YES: Representatives Amick, Buckworth, Caulk, Davis, B. Ennis, D. Ennis, Ewing, Lee, Lofink, Mack, Petrilli, Quillen, Reynolds, Roy, Smith, Taylor, Mr. Speaker Spence - 17.

NO: 21.

NOT VOTING: Representative Bunting - 1.

ABSENT: Representatives Jonkiert, Oberle - 2.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

Representative D. Ennis moved to place HS 1 to HB 140 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced HB 358, jointly sponsored by Representatives Goerge, Lofink & Corrozi & Senators Connor, Bair & Adams.

HB 358 - An Act to Amend Chapter 52, Title 29, Delaware Code Relating to Health Care Insurance.

Mr. Speaker assigned HB 358 to the House Administration Committee.

Representative Corrozi introduced HB 350, jointly sponsored by Representatives Davis, DiPinto, Quillen, Soles & West & Senators Cook, Holloway, McBride, Neal, Still & Vaughn.

HB 350 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 350 to the Appropriations Committee.

Representative Mack introduced HB 359, jointly sponsored by Senator Minner & Representatives Petrilli, Spence, Corrozi, Carey & B. Ennis & Senators Cordrey & Hauge.

HB 359 - An Act to Amend Chapter 91, Title 7 Relating to the Hazardous Substance Cleanup Fund.

Mr. Speaker assigned HB 359 to the Hazardous Waste Management Committee.

Representative Campanelli moved to restore HB 262. The motion was properly seconded.

HB 262 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Commercial Vehicles.

The roll call on the motion was taken and revealed:

YES: 24.

NO: Representatives Bunting, Maroney, Quillen, Soles - 4.

NOT VOTING: Representatives Boykin, Buckworth, Carey, Caulk, Corrozi, DiPinto, Fallon, George, Lee, Petrilli, Smith, Taylor - 12.

ABSENT: Representative Outten - 1.

Therefore, having received a constitutional majority, HB 262 w/HA 3 w/HA 1 was restored.

Representative Oberle moved to place HB 262 w/HA 3 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Amick brought HB 283, jointly sponsored by Representatives Carey, Ewing & B. Ennis, before the House for consideration.

HB 283 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

Representative Amick introduced and brought HA 1 to HB 283 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: 16.

NO: Representatives Bunting, Carey, Caulk, George, Gilligan, Houghton, Jonkier, Mack, Oberle, Reynolds, Schroeder, West - 12.

NOT VOTING: Representatives Bennett, Brady, Campanelli, Corrozi, B. Ennis, D. Ennis, Ewing, Maroney, Moore, Outten, Sills, VanSant, Mr. Speaker Spence - 13.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

The roll call on HB 283 was taken and revealed:

YES: 39.

NO: Representatives DiPinto, Lee - 2.

Therefore, having received a constitutional majority, HB 283 was sent to the Senate for concurrence.

Representative Davis introduced HB 360, jointly sponsored by Representatives Amick, Boykin, Carey, DiPinto, Corrozi, Smith, Taylor, Buckworth & Spence & Senators Knox, Venables, Neal, Bair & Sokola & cosponsored by Representatives Lofink & Petrilli.

HB 360 - An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Permit Fees and Other Assessments Charged by the Department of Natural Resources and Environmental Control and to Authorize and Approve Various Permit Fees and Assessments. (3/5 bill)

Mr. Speaker assigned HB 360 to the Natural Resources Committee.

Representative Smith introduced HS 1 for HB 347, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey.

HB 347 - An Act to Amend Chapters 23, 25, 27, 29, and 43, Title 30 of the Delaware Code Relating to Business and Occupational License Fees and Taxes. (3/5 bill)

Mr. Speaker assigned HS 1 for HB 347 to the Revenue & Finance Committee.

Representative Roy brought HB 15, jointly sponsored by Representatives Oberle, Amick, Petrilli, Soles, Bunting & Schroeder & cosponsored by Representative Spence, before the House for consideration.

HB 15 - An Act to Amend Chapter 11, Title 17, Delaware Code Relating to Outdoor Advertising. (2/3 bill)

The roll call on HB 15 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 15 was sent to the Senate for concurrence.

Representative Schroeder brought HB 272, jointly sponsored by Representatives Bunting, Clark, Caulk, Carey & Quillen & Senator Minner, before the House for consideration.

HB 272 - An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. (2/3 bill)

Representative Schroeder brought HA 1 to HB 272 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 272 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives B. Ennis, Ewing - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 272 w/HA 1 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 102, HB 156, HB 200 w/HA 1, 2, 4 & 5 & HB 154 w/SA 1.

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

P/S: HCR 51 - 3M.

NAT RES: HJR 9 - 7M.

LABOR & HUM RES MAN: HB 351 - 3M.

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

P/S: HB 352 - 3M.

The Majority Leader moved to recess to the call of the Chair at 8:10 p.m.

46th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

First Session

June 26, 1991

Mr. Speaker Spence called the House to order at 2:25 p.m.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative VanSant, do hereby request that my name be removed as Co-Sponsor of HS 1 for HB 347.

Date: 6/25/91.

Signed: John VanSant.

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

P/S: SCR 51 - 3M. (6/25/91)

Representative Ewing requested that HB 337 be stricken.

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: 41.

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

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

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

The following prefiled legislation was introduced:

HB 361 - DIPINTO & SENATOR COOK; REPRESENTATIVES D. ENNIS, SMITH, BOYKIN, QUILLEN, CORROZI, LEE, JONKIERT, VAN SANT, SILLS, WEST; SENATORS HOLLOWAY, VAUGHN, BAIR, STILL, NEAL, KNOX - B & I: An Act to Amend Chapter 73, Title 6, of the Delaware Code Relating to the Regulation of Securities, Broker Dealers, Investment Advisers and Agents. (3/5 bill)

HB 362 - QUILLEN, SPENCE, BUCKWORTH, AMICK, BOYKIN, CAREY, CAULK, CORROZI, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, HEBNER, LEE, LOFINK, MARONEY, REYNOLDS, ROY, SMITH, TAYLOR, BENNETT, BRADY, BUNTING, B. ENNIS, GILLIGAN, MOORE, JONKIERT, OUTTEN, SCHROEDER, SILLS, WEST - H/ADM: An Act to Amend Chapter 31, Title 15, Delaware Code, Relating to the Elimination of the Need for Either One of the Two Principal Parties to Have Election Officials Present at Primary Election Districts When and Where There is No Contest.

HB 363 - QUILLEN & SENATOR COOK - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Street Rods.

HB 364 - BUCKWORTH & SENATOR VAUGHN - B & I: An Act to Amend Chapter 17, Title 18, Delaware Code, Relating to Agents, Brokers, Solicitors and Adjusters.

HB 365 - DAVIS, SPENCE; SENATOR SHARP - NAT RES: An Act to Amend Titles 7 and 29, Delaware Code Relating to Bond or Note Resolutions.

HB 366 - ROY, CORROZI, TAYLOR - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Vehicles. (3/5 bill)

HB 367 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES CAMPANELLI, MOORE, SOLES; SENATORS BAIR, CONNOR, KNOX, NEAL - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Family Court and Imperiling Family Relations. (2/3 bill)

HJR 10 - D. ENNIS & SENATOR MINNER & REPRESENTATIVES CAREY, CAULK, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER; SENATORS BLEVINS, MARTIN, SOKOLA, VENABLES, KNOX - NAT RES: Memorializing the Congress of the United States to Continue Support and Funding for the Delaware Estuary Program.

HJR 11 - BUCKWORTH & SENATOR COOK - ED: Directing and Authorizing the Pension Reform Commission to Study and Make Recommendations to Establish Pension Portability for Educators.

HA 1 to HB 288 - JONKIERT - READY LIST: Placed with the bill.

HA 2 to HB 288 - D. ENNIS - READY LIST: Placed with the bill.

HA 1 to HB 345 - D. ENNIS - CONSENT AGENDA E: Placed with the bill.

SB 102 - MCBRIDE; REPRESENTATIVE FALLON - ED: An Act to Amend Chapter 10, Title 14, of the Delaware Code, Relating to Qualified Voters.

HA 1 to SB 151 - D. ENNIS - READY LIST: Placed with the bill.

Representatives Taylor, Brady, Mack, Boykin, Roy & Gilligan requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #26

DATE: June 26, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-344	Mack	6/19/91	T	Chaplain R. E. Phillips/Reunion/228th Field Artillery Group Headquarters
H91-345	Quillen	6/18/91	T	Marie Carlisle Shultie - Retirement State Service
H91-346	Caulk	6/19/91	T	Jackie Lee Hilderbrand - Gler Scholarship Award
H91-347	Ewing	6/20/91	T	Reverend Alvin J. Willink/Retirement - Ministry
H91-348	Ewing	6/20/91	T	Heath Chasanov/Outstanding Senior Male Athlete Award
H91-349	Spence	6/20/91	T	Kevin Coyle/Service Dupont Co.
H91-350	Spence	6/20/91	T	Capriotti's Sandwich Shop - 15th Anniversary
H91-351	Hebner	6/25/91	T	Chief Warrant Officer 2/George J. Losse'/Operation Desert Storm
H91-352	Hebner	6/25/91	T	Eleanor Losse' - Service to Community/President Knollwood Civic Association
H91-353	Bunting	6/25/91	T	Robert E. Dickerson/Election/President/DE Bankers Assoc.
H91-354	Bunting	6/25/91	T	James R. Bunting/Fight Against Heart Disease

Number	Sponsor	Presentation Date	Type	Description
H91-355	Bunting	6/25/91	T	Raymond Moore/Service to Community/ Member Indian River School Board
H91-356	DiPinto	6/26/91	T	Carl DeSantis Tull/Award/ Wilmington Women in Business
H91-357	DiPinto	6/26/91	T	John E. Healy II/Job Training/ Presidential Award
H91-358	DiPinto	6/26/91	T	Nevius Curtis/J. Caleb Boggs Award
H91-359	DiPinto	6/26/91	T	Reverend Roberto Balduccio, O.S.F.S./Thomas J. Reese Award

T - Tribute

M - Memoriam

Representative Taylor brought HB 154 w/SA 1, jointly sponsored by Representative Roy & Senator Blevins & cosponsored by Representatives DiPinto & VanSant, before the House for consideration.

HB 154 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Pupils.

The roll call on HB 154 w/SA 1 was taken and revealed:

YES: 36.

ABSENT: Representatives Clark, B. Ennis, D. Ennis, Jonkiert, Outten - 5.

Therefore, having received a constitutional majority, HB 154 w/SA 1 was sent to the Governor.

Representatives Amick, Carey, George & Sills requested that they be marked present during the roll call.

Representative Boykin introduced HS 1 for HB 307, jointly sponsored by Senator Knox & cosponsored by Representatives Maroney & Brady.

HB 307 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Attachment and Assignment of State Employees' Pension Plan Benefits.

Mr. Speaker assigned HS 1 for HB 307 to the Labor & Human Resource Management Committee.

Representative Smith requested that HR 65 be stricken.

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

R & F: HB 346 - 4M; HS 1 for HB 347 - 3M,1U; HB 348 - 4M; HB 349 - 4M.

APPRO: SB 24 w/SA 1 - 5M.

H/ADM: HB 358 - 5M.

ED: HJR 11 - 6M.

The Majority Leader moved to recess for caucus at 2:47 p.m.

The House reconvened at 4:00 P.M.

Representative Jonkiert requested that he be marked present.

Representative Lofink brought HB 344, jointly sponsored by Representative Ewing, before the House for consideration.

HB 344 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to

Registration of New Motor Vehicles.

Representative Lofink introduced and brought HA 1 to HB 344 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: 36.

NO: Representative West - 1.

NOT VOTING: Representatives Clark, B. Ennis, VanSant - 3.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 344 w/HA 1 was sent to the Senate for concurrence.

Representatives Clark, B. Ennis & D. Ennis requested that they be marked present during the roll call.

The following prefiled Consent Calendar #17 was introduced:

HR 66 - BUCKWORTH - Congratulating Margie L. Hester for Being Inducted to the Delaware Tourism Hall of Fame.

HCR 56 - SMITH, MARONEY, BOYKIN, D. ENNIS, HEBNER; SENATORS BAIR, KNOX, HAUGE - Honoring Harold B. Clark, in Recognition of His More Than 30 Years of Dedication and Service to the 2nd Election District of the 7th Representative District.

HCR 57 - FALLON & SENATOR MCBRIDE; ON BEHALF OF ALL REPRESENTATIVES AND ALL SENATORS - Commending the Participants of the 1991 Girls' State and Thanking the Auxiliary of the American Legion, Department of Delaware, for Providing Such a Rewarding Experience for Our State's Youth.

SCR 49 - COOK; REPRESENTATIVE BRADY; SENATORS MARSHALL, MCDOWELL, HOLLOWAY, SHARP; REPRESENTATIVES OBERLE, JONKIERT, CAMPANELLI, GILLIGAN - Expressing Best Wishes for a Speedy Recovery to J. Thomas Schranck, Former Secretary of the Delaware Department of Labor.

SCR 50 - BAIR & HOLLOWAY; SENATOR MCBRIDE; REPRESENTATIVES MARONEY, FALLON, SOLES - Commending Mrs. Edith Vincent, State Supervisor for Health Education and Health Services, Department of Public Instruction, Who Was Recently Chosen as "School Nurse of the Year" by the Delaware Nurses' Association.

Consent Calendar #17 was adopted by voice vote and HCR 56 & HCR 57 were sent to the Senate for concurrence and SCR 49 & SCR 50 were returned to the Senate.

Representative Buckworth requested and was granted the privilege of the floor for Margie L. Hester, representing Dover Air Force Base.

Representative Fallon requested that HCR 57, jointly sponsored by Senator McBride & All Representatives & All Senators be read in its entirety.



COMMENDING THE PARTICIPANTS OF THE 1991 GIRLS' STATE AND THANKING THE AUXILIARY OF THE AMERICAN LEGION, DEPARTMENT OF DELAWARE, FOR PROVIDING SUCH A REWARDING EXPERIENCE FOR OUR STATE'S YOUTH.

WHEREAS, in this last week of June, the delegates of Girls' State have come to Legislative Hall from all over the State of Delaware to learn and experiment with political procedure; and

WHEREAS, Jennifer Bartsch, Katy Baxter, Bonnie Bowman, Patricia Burgoon, Nausheen Chohan, Gillian Cohee, Tanya Commodore, Julie Crescenzo, Emily Cunningham, Stephanie Daul, Sonia Dingilian, Jennifer Donofrio, Sherry Dorsey, Jennifer Eckerd, Amy Emerson, Lisa Gaboury, Jessica Gebhart, Heather Gleason, Isabelle Gorski, Tina Grillo, Tabitha Groh, Gretchen Hanhauser, Jennifer Herman, Katherine Higgins, Kimberly Higgins, Ruby Holderian, Karen Hunt, Takeisha Isler, Allison Jeffers, Maria Jennings, Misty Jones, Leah Klerr, Krista King, Juli Kuo, Staci Levin, Ashley Mancinelli, Amber McMahon, Coleen Modesto, Lisa Moore, Deanna Morozowich, Shoshannah Mover, Walidan Newton, Jennifer Olivia, Katina Parker, Heather Peppard, Renita Price, Lenna Pritchett, Mary Posatko, Ann Reed, Mary Rice, Maria Rosas, Margaret Rohrbach, Karen Roushey, Sara Sirman, Tracy Smith, Sarah Stokes, Wendi Stubbs, Margreta Sunderlin, Jennifer Theis, Justina Thomas, Anna Trost, Lori Unruh, Stephan Uv, and Shawna Young represent the brightest and finest of their respective schools, and the future of our State and government; and

WHEREAS, while assuming roles as politicians and government leaders, these young women have taken issue with such topics as public health, transportation, education, and public safety; and

WHEREAS, hopefully their experiences this week will enlighten them to the possibilities that await them as they finish high school and begin their educational and vocation careers; and

WHEREAS, the Auxiliary of the American Legion, Department of Delaware, is to be commended for their dedicated sponsorship of the Girls' State Program.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136TH General Assembly of the State of Delaware, the Senate concurring therein, that the sixty-four outstanding delegates of the 1991 Girls' State General Assembly are to be congratulated for their work, and that the Auxiliary of the American Legion, Department of Delaware, is to be thanked for their time and effort in ensuring that this program is continued.

BE IT FURTHER RESOLVED that copies of this Resolution, suitably prepared, be presented to the delegates of Girls' State and their sponsors.

Representative Petrilli introduced HJR 12, jointly sponsored by Senator Venables & Representatives Spence, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, Gilligan, George, Bennett, Brady, Clark, B. Ennis, Jonkiert, Moore, Outten, Schroeder, Sillis, Soles & West & Senators Cordrey, Sokola, Blair, Connor, Hauge, Knox, Neal & Still.

HJR 12 - Establishing a Productivity and Quality Service Improvement Program to Identify, Develop and Coordinate the Implementation of Restructuring and Other Operational Improvements That Can Improve Services and Realize Cost Savings and Establishing a Private Sector Resource Council and an Executive Steering Committee.

Mr. Speaker assigned HJR 12 to the House Administration Committee.

Representative Clark introduced HB 368, jointly sponsored by Representatives Houghton, Bunting, B. Ennis, Schroeder, West, Brady, VanSant, Caulk, Ewing, Oberle, Quillen, Carey & Reynolds & Senators Vaughn, Adams & Venables.

HB 368 - An Act to Amend Chapter 9, Title 29 Delaware Code Relating to the Legislative Process.

Mr. Speaker assigned HB 368 to the House Administration Committee.

Representative D. Ennis moved to suspend the rules which interfere with action on HB 171. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative D. Ennis brought HB 171, jointly sponsored by Senator Marshall & Representatives Davis, Smith & Bennett & Senator McDowell, before the House for consideration.

HB 171 - An Act to Amend Chapter B3, Title 29, Chapters 1, 11, 13, 19, 20, 23, 29, 51, 52, 54 and 55, Title 30, Chapter 11 of Title 5, Chapter 5 of Title 8 and Chapters 7, 53, 55, 61, 63 and 64 of Title 18 of the Delaware Code Relating to Tax Preferences.

Representative D. Ennis introduced and brought HA 1 to HB 171 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 171 w/HA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Hebner - 1.

Therefore, having received a constitutional majority, HB 171 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 302 before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 4, of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

The roll call on HB 302 was taken and revealed:

YES: 38.

NO: Representative West - 1.

NOT VOTING: Representatives Carey, Clark - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 302 was sent to the Senate for concurrence.

Representative Amick brought HB 301 before the House for consideration.  
HB 301 - An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Change the Manner in Which Board of Nursing Members Are Appointed and to Clarify Activities Which Do Not Require Licensure.

The roll call on HB 301 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 301 was sent to the Senate for concurrence.

Representative Mack moved to suspend the rules which interfere with action on HB 294. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Mack brought HB 294 before the House for consideration.

HB 294 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Heavy Metals Content in Packaging. (2/3 bill)

The roll call on HB 294 was taken and revealed:

YES: 41.

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 Smith brought HB 281, jointly sponsored by Senator Marshall & Representatives D. Ennis, DiPinto, Boykin, Sills & Jonkiert & Senator Holloway & cosponsored by Representative VanSant, before the House for consideration.

HB 281 - An Act to Amend Title 30 and Title 4 of the Delaware Code Relating to the Administration and Enforcement of the Revenue Laws of the State of Delaware. (3/5 bill)

Representative Smith introduced and brought HA 1 to HB 281 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith requested and was granted the privilege of the floor for Robert Chastant, Director, Division of Revenue.

The roll call on HB 281 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives B. Ennis, Jonkiert, Outten - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 281 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 274, jointly sponsored by Senator Martin, before the House for consideration.

HB 274 - An Act Awarding Special Pension Benefits to Dale E. Leber Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Oberle introduced and brought HA 1 to HB 274 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker assigned HB 274 w/HA 1 to the Appropriations Committee.

Representative Buckworth brought HB 264 before the House for consideration.

HB 264 - An Act to Amend Chapter 17, Title 15, of the Delaware Code Relating to Notification of Restoration of the Right to Vote and Voter Registration.

The roll call on HB 264 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 264 was sent to the Senate for concurrence.

Representative Buckworth brought HB 298, jointly sponsored by Senator Martin, before the House for consideration.

HB 298 - An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Registration and Absentee Voting. (2/3 bill)

Representative Buckworth introduced and brought HA 1 to HB 298 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 298 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Jonkiert - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 298 w/HA 1 was sent to the Senate for concurrence.

Representative Carey requested that HB 253 be stricken.

Representative Carey introduced HB 369, jointly sponsored by Representatives Boykin, Caulk, Fallon, Hebner, Lee, Lofink, Maroney, Quillen, Smith, Schroeder, Clark & Bunting & Senators Sokola, Knox & Venables.

HB 369 - An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations.

Mr. Speaker assigned HB 369 to the Natural Resources Committee.

Representative VanSant introduced HB 370, jointly sponsored by Representatives Brady, Campanelli, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Petrilli, Reynolds, Spence & West & Senators Marshall, McBride & Minner.

HB 370 - An Act to Amend Chapter 5, Title 11, Relating to Licenses to Carry Concealed Deadly Weapons.

Mr. Speaker assigned HB 370 to the Public Safety Committee.

Representative Maroney brought HB 304, jointly sponsored by Representatives D. Ennis, Petrilli, Buckworth, Spence, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Oberle, Quillen, Reynolds, Roy, Smith, George, Gilligan,

Bennett, Brady, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant & West & Senators Blevins, Holloway, Martin, Venables, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

HB 304 - An Act to Amend Chapter 81, Part V, Title 10 of the Delaware Code Relating to Limitation From Civil Liability for Certain Volunteers.

Representative Maroney brought HA 1 to HB 304 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 304 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 304 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 279, jointly sponsored by Senator Holloway & Representatives Fallon, Quillen, Reynolds, Taylor, D. Ennis, B. Ennis & Moore, before the House for consideration.

HB 279 - An Act to Amend Title 31 of the Delaware Code Relating to the Bringing or Sending of Nonresident Children Into the State of Delaware.

Representative Maroney brought HA 1 to HB 279 before the House for consideration.

Representative Maroney moved to place HB 279 - HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Clark brought HB 342, jointly sponsored by Representatives Brady, Buckworth, Carey, Caulk, B. Ennis, Ewing, Jonkiert, Maroney, Moore, Smith & West & Senators Cook, Hauge, Holloway, Knox, Marshall, Minner & Still, before the House for consideration.

HB 342 - An Act to Amend Title 16 of the Delaware Code by Creating a New Chapter 46 to Provide Regulations Relating to the Preparation of Food.

The roll call on HB 342 was taken and revealed:

YES: 15.

NO: Representatives Amick, Hebner, Lee, Oberle, Petrilli, Roy, Schroeder, Soles, Taylor, - 9.

NOT VOTING: Representatives Bennett, Boykin, Carey, Corrozi, Davis, D. Ennis, Ewing, Fallon, Gilligan, Lofink, Mack, Maroney, Outten, Quillen, Reynolds - 15.

ABSENT: Representatives DiPinto, Sills - 2.

Therefore, not having received a constitutional majority, HB 342 was declared defeated. Representative Carey retracted his striking of HB 253, since it is Representative Roy's bill.

Representative Davis brought HB 315, jointly sponsored by Senator Martin & Representative Bunting, before the House for consideration.

HB 315 - An Act to Amend Chapter 41, Subchapter I, Title 21 of the Delaware Code Relating to Obedience to and Effect of Traffic Laws.

Representative Davis brought HA 1 to HB 315 before the House for consideration. HA 1 was adopted by voice vote.

Representative VanSant requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

Representative Davis moved to place HB 315 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought HB 330 before the House for consideration.

HB 330 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Registration of Vehicles.

The roll call on HB 330 was taken and revealed:

YES: 34.

NO: Representatives Bennett, Gilligan, Houghton, Soles - 4.

NOT VOTING: Representatives Brady, Clark - 2.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 330 was sent to the Senate for concurrence.

Representative Maroney brought SB 124, sponsored by Senator McDowell, before the House for consideration.

SB 124 - An Act to Amend Chapter 38, Title 31, Delaware Code, Relating to Foster Child Review.

The roll call on SB 124 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, SB 124 was returned to the Senate. Representative Maroney moved to lift HB 279 - HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought HB 279, jointly sponsored by Senator Holloway & Representatives Quillen, Taylor, B. Ennis, Fallon, Reynolds, D. Ennis & Moore, before the House for consideration.

HB 279 - An Act to Amend Title 31 of the Delaware Code Relating to the Bringing or Sending of Nonresident Children Into the State of Delaware.

Representative Maroney requested that HA 1 be stricken.

Representative Maroney introduced and brought HA 2 to HB 279 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 279 w/HA 2 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 279 w/HA 2 was sent to the Senate for concurrence.

Representative Campanelli brought HB 340 before the House for consideration.

HB 340 - An Act to Amend Title 17 of the Delaware Code Relating to Highways.

The roll call on HB 340 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 340 was sent to the Senate for concurrence.

Representative Buckworth brought HB 352, jointly sponsored by Representatives B. Ennis, Lofink & Mack, before the House for consideration.

HB 352 - An Act to Amend Title 21, Delaware Code Regarding Authorized Emergency Vehicles and Traffic Signs, Signals and Markings.

The roll call on HB 352 was taken and revealed:

YES: 26.

NO: Representatives Amick, Bennett, Caulk, Ewing, George, Gilligan, Lee, Quillen, Soles, VanSant - 10.

NOT VOTING: Representatives Fallon, Houghton, Petrilli - 3.

ABSENT: Representatives DiPinto, B. Ennis - 2.

Therefore, having received a constitutional majority, HB 352 was sent to the Senate for concurrence.

Representative Boykin moved to suspend the rules which interfere with action on HS 1 for HB 307. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Boykin brought HS 1 for HB 307, jointly sponsored by Senator Knox & cosponsored by Representatives Maroney & Brady, before the House for consideration.  
HB 307 - An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to Attachment and Assignment of State Employees' Pension Plan Benefits.

The roll call on HS 1 for HB 307 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, B. Ennis, George - 3.

Therefore, having received a constitutional majority, HS 1 for HB 307 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda E before the House for consideration.

HB 222 - BRADY, BUNTING, HEBNER, SPENCE; SENATOR HAUGE; REPRESENTATIVES B. ENNIS, SOLES, WEST - An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Length of Term for Persons Elected to Serve on School Board of Reorganized School District.

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

HB 14 - ROY, DIPINTO - An Act to Amend Title 25 of the Delaware Code Relating to Satisfaction of Mortgages.

HB 345 - D. ENNIS - An Act to Amend Chapter 13, Title 18 of the Delaware Code to Exclude Delaware Insurers From Application of Federal Investment Standards.

HCR 55 - MARONEY; SENATOR HOLLOWAY; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, HEBNER, MACK, REYNOLDS, SMITH, BRADY, B. ENNIS, MOORE; SENATORS VENABLES, HAUGE, NEAL; REPRESENTATIVES PETRILLI, SPENCE, CORROZI, FALLON, LOFINK, QUILLEN, ROY, GILLIGAN, ROY, GILLIGAN, BUNTING, BENNETT, OUTTEN; SENATORS BAIR, KNOX - Providing for Continuation of the Task Force to Implement a Data System to Help the State Plan for Disability Prevention and Services.

HB 246 - CAREY, BUNTING, SCHROEDER - An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to the State Board of Health.

HB 300 - AMICK - An Act to Amend Title 24 of the Delaware Code, Relating to the Board of Veterinary Medicine.

HB 286 - BRADY, EWING, CAMPANELLI, JONKIERT, MOORE, HOUGHTON, GILLIGAN, BUNTING, SMITH; SENATORS HAUGE, MCDOWELL; REPRESENTATIVES AMICK, WEST, BOYKIN, REYNOLDS, CLARK, OUTTEN, DIPINTO, PETRILLI; SENATOR VAUGHN - An Act to Amend Chapter 9, Title 10, of the Delaware Code Relating to Family Court Masters.

HB 316 - EWING; SENATOR MCBRIDE; REPRESENTATIVES BUCKWORTH, CAREY, CORROZI, LEE, MARONEY, BRADY, B. ENNIS, MOORE, SCHROEDER, WEST; SENATORS MINNER, VAUGHN; REPRESENTATIVES PETRILLI, AMICK, CAULK, FALLON, LOFINK, SMITH, CLARK, HOUGHTON, OUTTEN, VANSANT; SENATORS ADAMS, TORBERT, VENABLES - An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Qualifications for School Bus Drivers.

HB 351 - SPENCE; SENATOR HOLLOWAY - An Act to Amend Chapter 7, Title 18 of the Delaware Code Relating to Fees and Taxes.

HB 331 - EWING, CAREY, MARONEY, CLARK, LEE, SMITH - An Act to Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Carriers Fuel Purchase Law.

SB 139 w/SA 1 - VAUGHN - An Act to Amend Title 11, Chapter 85 of the Delaware Code Relating to the State Bureau of Identification.

SB 148 w/SA 1 - VAUGHN - An Act to Amend Title 11, Chapter 86 of the Delaware Code Relating to the Delaware Justice Information System.

HB 205 - TAYLOR - An Act to Amend Chapter 70, Title 29 of the Delaware Code Relating to the Sale of State-Owned Material.

HB 234 - FALLON - An Act to Amend Chapter 90, Title 14, Delaware Code, Relating to the College and University Security Information Act.

HB 355 - LOFINK, ROY; SENATOR MARTIN - An Act to Amend Chapter 345, Volume 67 of the Laws of Delaware Relating to Vehicle Permits for Excessive Size and Weight.

Representative Petrilli requested that HB 222, HB 345 & HB 234 be removed from Consent Agenda E.

The roll call on Consent Agenda E was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 5, HB 14, HCR 55, HB 246, HB 300, HB 286, HB 316, HB 351, HB 331, HB 205 & HB 355 were sent to the Senate for concurrence and SB 139 w/SA 1 & SB 148 w/SA 1 were returned to the Senate.

Representative D. Ennis brought HB 345 before the House for consideration.

HB 345 - An Act to Amend Chapter 13, Title 18 of the Delaware Code to Exclude Delaware Insurers From Application of Federal Investment Standards.

Representative D. Ennis brought HA 1 to HB 345 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 345 w/HA 1 was sent to the Senate for concurrence.

Representative Fallon brought HB 234 before the House for consideration.

HB 234 - An Act to Amend Chapter 90, Title 14, Delaware Code, Relating to the College and University Security Information Act.

Representative Fallon brought HA 1 to HB 234 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 234 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative DiPinto - 1.

Therefore, having received a constitutional majority, HB 234 w/HA 1 was sent to the Senate for concurrence.

Representative D. Ennis moved to suspend the rules which interfere with lifting HS 1 for HB 140 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought HS 1 for HB 140, jointly sponsored by Representatives Boykin, DiPinto, Smith, Jonkiert, Sillis & VanSant, before the House for consideration.

HB 140 - An Act to Amend Chapter 42, Title 18, Delaware Code, Relating to Various Aspects of the Insurance Guaranty Act.

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

Representative D. Ennis introduced and brought HA 3 to HS 1 for HB 140 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HS 1 for HB 140 w/HA 3 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, Schroeder - 2.

Therefore, having received a constitutional majority, HS 1 for HB 140 w/HA 3 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

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

TO: Bernard J. Brady  
Secretary of the Senate  
FROM: JoAnn M. Hedrick  
Chief Clerk of the House  
RE: HB 332  
DATE: June 26, 1991

It has come to my attention that House Bill Number 332 was delivered to the Senate as having been passed by the House on June 25, 1991.

The bill requires a three-fifths vote and did not receive a sufficient number to pass.

I respectfully request that HB 332 be returned to the House. Thanks for your cooperation.

JMH/gmr

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

ED: HB 199 - 6M.

NAT RES: HB 360 - 4M,2U; HB 365 - 6M; HB 339 - 1F,5M; HJR 10 - 6M; HB 369 - 5M.

HAZ WASTE MAN: HB 359 - 6M.

P/S: HB 366 - 3M; HB 370 - 4M.

B & I: HB 361 - 7M; SB 75 - 7M.

H/ADM: HJR 12 - 1F,4M.

JUD: SB 166 - 6M.

LABOR & HUM RES MAN: HB 353 - 2M,1U.

The Majority Leader moved to recess to the call of the Chair at 7:13 p.m.

47th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

First Session

June 27, 1991

Mr. Acting Speaker Hebner called the House to order at 2:23 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 195 w/SA 1 & 2, SB 126, SB 143 w/SA 1, SB 155 w/SA 2 & 3, SB 174, SB 182, SB 185, SB 193, HB 176 w/HA 1 & 2, HB 112, HB 267, HB 20, HB 282, HB 116 w/HA 1, SB 196, SB 197 w/SA 1, SB 198, SB 203, SB 184, SB 189 w/SA 1, SB 69, SB 122, SCR 52, SCR 53, SCR 54, SCR 55, SCR 56, HB 79 w/HA 1.2 & 3, HB 290 w/HA 1, HB 296, HB 207 w/HA 1, HB 243, HJR 8, SB 175, SB 187 w/SA 2, SB 192, SB 179, HB 245, HB 238, HB 165 w/HA 2, HB 202, HS 1 for HB 211 w/HA 1.2 w/HA 1 & SA 1 & 2, SB 72 w/SA 1, HB 37 w/SA 1, HB 136 w/HA 1 & HCR 57.

Representative Davis Introduced HB 373, jointly sponsored by Representatives Ewing, Corrozi, Bunting & B. Ennis & Senators Knox, Connor & Hauge.

HB 373 - An Act to Amend Title 7 of the Delaware Code Relating to the Establishment of an Office of Water Facilities Management Within the Department of Natural Resources and Environmental Control to Provide Comprehensive Water and Wastewater Facilities Planning and Technical and Financial Assistance; and Authorizing the Issuance of Obligations and the Imposition of Fees. (3/5 bill)

Mr. Acting Speaker Hebner assigned HB 373 to the Natural Resources Committee.

The Majority Leader 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 Representative Clifford G. Lee, Fortieth Representative District.

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

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

The following prefiled legislation was introduced:

HB 371 - REYNOLDS & SENATORS MCBRIDE & CONNOR; REPRESENTATIVES AMICK, BOYKIN, BUCKWORTH, CAREY, DIPINTO, LEE, LOFINK, MACK, PETRILLI, QUILLEN, SMITH, SPENCE, CAMPANELLI, CLARK, GILLIGAN, JONKIERT, MOORE, BUNTING - JUD: An Act to Amend Title 10 and Title 13 of the Delaware Code Relating to Correction of Birth Certificates and Changes of Name.

HB 372 - REYNOLDS, CAREY, EWING, HEBNER, LOFINK, MACK, QUILLEN, BRADY, HOUGHTON, MOORE - JUD: An Act to Amend Section 810, Chapter 8, Title 13, Delaware Code Relating to Civil Action Procedures and the Uniform Parentage Act. (3/5 bill)

HCR 58 - CORROZI & SENATOR COOK; REPRESENTATIVES DIPINTO, DAVIS, QUILLEN, FALLON, WEST, SOLES; SENATORS HOLLOWAY, MCBRIDE, VAUGHN, NEAL, STILL - ED: Urging Delaware's Congressional Delegation to Take Whatever Action Necessary to Restore the Reserve Fund and the Long-Term Solvency of the Delaware Higher Education Loan Program.

HA 1 to HB 150 - CAULK - AGENDA: Placed with the bill.

HA 1 to HS 1 for HB 347 - BOYKIN, FALLON, MARONEY, AMICK, QUILLEN - CONSENT AGENDA G: Placed with the bill.

SB 69 - VENABLES; 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 Duties of City Manager. (2/3 bill)

SB 72 w/SA 1 - MINNER; REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend the Conveyance of the Fisher-Martin House to the City of Lewes; to Permit the City of Lewes to Operate the House as a Conference and Visitors Center, to Permit the City of Lewes to Restore the Same Under the Oversight of the Division of Historical and Cultural Affairs.

SB 122 - MARSHALL & REPRESENTATIVES OBERLE & MARONEY; SENATORS BLEVINS, COOK, HOLLOWAY, MARTIN, MCBRIDE, MCDOWELL, MINNER, SHARP, SOKOLA; REPRESENTATIVES SPENCE, CAMPANELLI, JONKIERT, MOORE, SILLS, WEST - LABOR & HUM RES MAN: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices. (F/N)

SB 126 - MCDOWELL - HUM RES: An Act to Amend Chapter 38, Title 31, Delaware Code, Relating to Foster Care Review. (F/N)

SB 143 w/SA 1 - CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Meal Breaks.

SB 155 w/SA 2 & 3 - MCDOWELL & REPRESENTATIVE AMICK; SENATORS BAIR, BLEVINS, CONNOR, CORDREY, HAUGE, HOLLOWAY, KNOX, MARSHALL, MCBRIDE, MINNER, NEAL, SHARP, SOKOLA, STILL, TORBERT, VAUGHN, VENABLES; REPRESENTATIVES BENNETT, BUCKWORTH, BUNTING, CAMPANELLI, CAREY, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MARONEY, MOORE, OBERLE, OUTTEN, PETRILLI, REYNOLDS, ROY, SCHROEDER, SILLS, SOLES, TAYLOR, VAN SANT - H/ADM: An Act to Amend Chapter 20, Title 15, Delaware Code, Relating to Agency Based Registration. (F/N)

SB 174 - VAUGHN; REPRESENTATIVES B. ENNIS, BUCKWORTH - HUM RES: An Act to Amend Subchapter III, Chapter 31, Title 16, Delaware Code, Relating to Permit for Cremation: Issuance, Retention and Inspection.

SB 175 - SHARP & REPRESENTATIVE SPENCE; SENATORS BAIR, BLEVINS; REPRESENTATIVES GILLIGAN, VAN SANT - P/S: An Act to Amend Chapter 19, Title 9 of the Delaware Code, Relating to New Castle County Police.

SB 179 - COOK & REPRESENTATIVES BENNETT, OUTTEN, CLARK; SENATORS VAUGHN, SHARP, TORBERT, MINNER - H/ADM: An Act Concurring in a Proposed Amendment to Article V, Section 6 of the Delaware Constitution Relating to the Composition of the Superior Court as a Board of Canvass in Kent County. (2/3 bill)

SB 182 - VENABLES - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Marine Facilities.

SB 184 - CORDREY & REPRESENTATIVE WEST - H/ADM: An Act to Reincorporate the Town of Daysboro. (2/3 bill)

SB 185 - VENABLES & REPRESENTATIVE AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

SB 187 w/SA 2 - VENABLES & REPRESENTATIVE AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 29, Title 24, Subchapter II, of the Delaware Code Relating to Regulation of Real Estate Appraisers. (3/5 bill)

SB 189 w/SA 1 - VAUGHN & REPRESENTATIVE LOFINK - H/ADM: An Act to Reincorporate the Town of Odessa. (2/3 bill)

SB 192 - KNOX - SUNSET & OVERVIEW: An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to Physicians' Records.

SB 193 - CORDREY - SUNSET & OVERVIEW: An Act to Amend Delaware Code, Title 29, Chapter 58, Regarding the Conduct of Officers and Employees of the State.

SB 195 w/SA 1 & 2 - MINNER & REPRESENTATIVE CAREY; SENATORS BLEVINS, MARTIN, SOKOLA, VENABLES, KNOX; REPRESENTATIVES CAULK, QUILLEN, MACK, BUNTING, CLARK, SCHROEDER - NAT RES: An Act to Amend Chapter 60, Title 7 of the Delaware Code, Environmental Appeals Board.

SB 196 - COOK & REPRESENTATIVE OUTTEN; SENATORS HOLLOWAY, ADAMS, TORBERT, MINNER, KNOX, STILL; REPRESENTATIVES SILLS, MOORE, HOUGHTON, BENNETT, B. ENNIS - APPRO: An Act to Amend Chapter 65, Title 14, Delaware Code, Relating to Granting Continuing Authority to the Board of Trustees of Delaware State College to Issue Revenue Bonds for the Purpose of Producing Capital Improvement Funds; Further Providing That Such Revenue Bonds Issued Pursuant to This Chapter Shall be Payable Exclusively From Specified Funds of Delaware State College; and Further Providing That Bonds Issued Under the Provisions of This Chapter Are Made Legal Investments for Institutions and Fiduciaries. (3/4 bill)

SB 197 w/SA 1 - SOKOLA & REPRESENTATIVE DIPINTO - HOUSING & COM AFF: An Act to Amend Titles 29 and 31 of the Delaware Code Relating to the Dissolution of the Department of Community Affairs and the Transfers of Its Functions to Other Governmental Agencies.

SB 198 w/SA 1 - CORDREY - B & I: An Act to Amend Chapters 1, 17, 19, and 22 of Title 5, Delaware Code Relating to Banking and Building and Loan Associations.

SB 203 - COOK, HOLLOWAY, MCBRIDE, VAUGHN, NEAL, STILL; REPRESENTATIVES OBERLE, CORROZI, DAVIS, DIPINTO, QUILLEN, SOLES, WEST - APPRO: An Act to Amend Title 29 and Title 14 of the Delaware Code, Relating to Post-Retirement Lump Sum Death Benefits. (F/N)

SCR 54 - MINNER & REPRESENTATIVE CAREY - NAT RES: Extending the Life of the Delaware River and Bay Oversight Committee Through June 30, 1992 and Expanding Its Membership by the Addition of Two Members.

SCR 56 - MCDOWELL, HOLLOWAY, MARSHALL; REPRESENTATIVES SILLS, MOORE - ED: Urging the Board of Trustees of the Delaware Technical and Community College to Name the Wilmington Campus in Honor of the Late Thomas Garrett of Wilmington, Famed as the Wilmington Stationmaster on the Underground Railroad Which Spirited Slaves to Freedom in the North During the Civil War Era.

HA 1 to SB 162 - MOORE - AGENDA: Placed with the bill.

Representative Corrozi introduced HB 380, jointly sponsored by Representatives Davis, Dipinto, Quillen, Soles & Senators Cook, Holloway, McBride, Neal, Still & Vaughn. HB 380 - An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid for the Fiscal Year Ending June 30, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Mr. Acting Speaker Hebner assigned HB 380 to the Appropriations Committee.

Representatives Taylor, Smith, Amick & Jonkiet requested that they be marked present.

Representative Roy requested and was granted the privilege of the floor for Alan Sokolow, Executive Director, Eastern Regional Conference, Council of State Governments.

Representative Oberle requested that he be marked present.

Representative Oberle moved to lift SCR 45 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought SCR 45, jointly sponsored by Senators Marshall & Sharp & Representative Campanelli, before the House for consideration.

SCR 45 - Urging the Delaware Congressional Delegation to Support Amendments H.R. 5 and S. 55 to the National Labor Relations Act.

SCR 45 was adopted by voice vote and returned to the Senate.

Representative Taylor brought SB 107 w/SA 1 & 2, jointly sponsored by Senators Holloway & Neal, before the House for consideration.

SB 107 - An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Child Labor.

The roll call on SB 107 w/SA 1 & 2 was taken and revealed:

YES: 40.

NO: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 107 w/SA 1 & 2 was returned to the Senate.

Representatives West, D. Ennis, George, Mack, Sills, Houghton & Gilligan requested that they be marked present during the roll call.

Representative Carey brought SB 144 w/SA 1 & 2, sponsored by Senators Cordrey, Adams, Vaughn, Venables & Minner & Representatives West & Bunting & cosponsored by Representatives Ewing & Carey, before the House for consideration.

SB 144 - An Act to Amend Title 26, Delaware Code, and Chapter 60, Title 7, Delaware Code, Relating to Water Utilities.

Representative Carey brought HA 1 to SB 144 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 144 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 144 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli brought SB 137, sponsored by Senators Cook, Minner & Still & Representatives Quillen, Outten & Gilligan, before the House for consideration.

SB 137 - An Act to Amend Subchapter IV, Chapter 100, Title 3, Delaware Code Relating to Wagering on Simulcast Pools and Combined Pari-Mutuel Pools.

The roll call on SB 137 was taken and revealed:

YES: 40.

NOT VOTING: Representative Bennett - 1.

Therefore, having received a constitutional majority, SB 137 was returned to the Senate.

Representative Oberle brought SB 95, jointly sponsored by Senator Sharp, before the House for consideration.

SB 95 - An Act to Amend Chapter 69 of Title 29 of the Delaware Code Pertaining to Definitions Included Within the Professional Services Negotiations Act.

The roll call on SB 95 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 95 was returned to the Senate.

Representative Petrilli brought Consent Agenda F before the House for consideration.

HJR 9 - CAREY, DAVIS - Establishing a Wellhead Protection Program Development Committee to Formulate Legislation for Enactment of a Wellhead Protection Program in Delaware.

HR 62 - MACK - Requesting the Department of Natural Resources and Environmental Control to Require Oil Spill Prevention and Contingency Plans of Owners and Or Operators of Vessels and Facilities Involved in the Handling of Petroleum and Petroleum Products Which Are Subject to Its Authority.

HB 321 - QUILLEN, BUCKWORTH, VANSANT, BUNTING, CAREY SCHROEDER - An Act to Amend Chapter 66, Title 16, Delaware Code, by Giving the Fire Prevention Commission the Authority to Appoint the State Fire Marshall Without Term.

SCR 51 - CORDREY; REPRESENTATIVE SPENCE - A Concurrent Resolution Memorializing Congress to Reject Any Legislation Imposing Unrealistic Automobile Fuel Economy Standards on the Automobile Industry.

SB 130 - ADAMS, COOK, HOLLOWAY, TORBERT, VENABLES; REPRESENTATIVES CAREY, CLARK, LOFINK, SCHROEDER; SENATORS CORDREY, STILL, VAUGHN; REPRESENTATIVES BUNTING, CAULK, EWING, QUILLEN, WEST - An Act to Amend Title 29, Delaware Code Relating to Rules and Regulations Established by State Agencies by Establishing Appropriate Procedures for Assessing Whether or Not Rules and Regulations May Result in Taking of Private Property.

SJR 6 - STILL, ADAMS, CONNOR, HAUGE, NEAL, VENABLES; REPRESENTATIVES D. ENNIS, TAYLOR; SENATORS BAIR, CORDREY, KNOX, VAUGHN; REPRESENTATIVES B. ENNIS, SPENCE - Memorializing the President and the Congress of the United States to Reject H.R. 9 and S. 430 or Any Similar Legislation Which Would Infringe on the Authority of Delaware and Each Other State, to be the Principal Regulator of Insurers.

HJR 11 - BUCKWORTH; SENATOR COOK - Directing and Authorizing the Pension Reform Commission to Study and Make Recommendations to Establish Pension Portability for Educators.

HB 369 - CAREY, BOYKIN, FALLON, LEE, MARONEY, SMITH, CLARK; SENATORS SOKOLA, VENABLES; REPRESENTATIVES CAULK, HEBNER, LOFINK, QUILLEN, SCHROEDER, BUNTING; SENATOR KNOX - An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations.

SB 66 - MARTIN; REPRESENTATIVE ROY - An Act to Amend Chapter 13, Title 2 of the Delaware Code Relating to Employees of Subsidiaries of the Delaware Transportation Authority.

SB 67 w/SA 1 - MARTIN; REPRESENTATIVE ROY - An Act to Amend Chapter 1, Title 17 of the Delaware Code Relating to Highways and Drainage Facilities Therefore.

HJR 12 - PETRILLI; SENATOR VENABLES; REPRESENTATIVES BUCKWORTH, BOYKIN, CAULK, DAVIS, D. ENNIS, FALLON, LEE, MACK, OBERLE, REYNOLDS, SMITH, GILLIGAN, BENNETT, CLARK, JONKIERT, OUTTEN, SILLS, WEST; SENATORS SOKOLA, CONNOR, KNOX, STILL; REPRESENTATIVES SPENCE, AMICK, CAREY, CORROZI, DIPINTO, EWING, HEBNER, LOFINK, MARONEY, QUILLEN, ROY, TAYLOR, GEORGE, BRADY, B. ENNIS, MOORE, SCHROEDER, SOLES; SENATORS CORDREY, BAIR, HAUGE, NEAL - Establishing a Productivity and Quality Service Improvement Program to Identify, Develop and Coordinate the Implementation of Restructuring and Other Operational Improvements That Can Improve Services and Realize Cost Savings and Establishing a Private Sector Resource Council and an Executive Steering Committee.

Representative Davis requested that HB 321 be removed from Consent Agenda F.

Representative Bunting requested that SCR 51 be removed from Consent Agenda F.

Representative Amick requested that SB 130 be removed from Consent Agenda F.

The roll call on Consent Agenda F was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 9, HJR 11, HB 369 & HJR 12 were sent to the Senate for concurrence & SJR 6, SB 66 & SB 67 w/SA 1 were returned to the Senate.

Representative Ewing brought SCR 51, sponsored by Senator Cordrey & Representative Spence, before the House for consideration.

SCR 51 - A Concurrent Resolution Memorializing Congress to Reject Any Legislation Imposing Unrealistic Automobile Fuel Economy Standards on the Automobile Industry.

The roll call on SCR 51 was taken and revealed:

YES: 32.

NO: Representatives Bunting, Jonkiert, Soles - 3.



NOT VOTING: Representatives Buckworth, Campanelli, D. Ennis, Schroeder, Taylor, VanSant - 6.

Therefore, having received a constitutional majority, SCR 51 was returned to the Senate. Representative Petrilli brought the Two-Thirds Consent Agenda before the House for consideration.

HS 1/HB 295 - VANSANT, JONKIERT, CAMPANELLI, BOYKIN, QUILLEN, PETRILLI, SPENCE, WEST, DAVIS, SCHROEDER, CAREY; SENATORS MCBRIDE, CONNOR, CORDREY; REPRESENTATIVES B. ENNIS, BENNETT, CLARK, HOUGHTON, EWING, MOORE, BUNTING, BRADY, BUCKWORTH, AMICK; SENATORS KNOX, COOK, MARSHALL - An Act to Amend Title 6, Delaware Code Relating to Credit Services Organizations. (3/5 bill)

HB 335 - ENING; SENATOR ADAMS - An Act to Amend to Reincorporate the Town of Greenwood. (2/3 bill)

SB 149 w/SA 2 - ADAMS; REPRESENTATIVE CAULK; SENATORS CORDREY, VENABLES; REPRESENTATIVES CAREY, CLARK, QUILLEN; SENATORS COOK, VAUGHN, STILL; REPRESENTATIVES BUNTING, LOFINK, SCHROEDER - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Trespass by Motor Vehicle or OHV and Penalties Therefor. (2/3 bill)

The roll call on HS 1/HB 295, HB 335 & SB 149 w/SA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 for HB 295 & HB 335 were sent to the Senate for concurrence and SB 149 w/SA 2 was returned to the Senate.

Representative Corrozi moved to suspend the rules which interfere with action on SB 196. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi brought SB 196, sponsored by Senator Cook & Representative Outten & Senators Holloway, Adams, Torbert, Minner, Knox & Still & Representatives Sills, Moore, Houghton, Bennett & B. Ennis, before the House for consideration.

SB 196 - An Act to Amend Chapter 65, Title 14, Delaware Code, Relating to Granting Continuing Authority to the Board of Trustees of Delaware State College to Issue Revenue Bonds for the Purpose of Producing Capital Improvement Funds; Further Providing That Such Revenue Bonds Issued Pursuant to This Chapter Shall Be Payable Exclusively From Specified Funds of Delaware State College; and Further Providing That Bonds Issued Under the Provisions of This Chapter Are Made Legal Investments for Institutions and Fiduciaries. (3/4 bill)

Representative Corrozi deferred to Representative Outten.

The roll call on SB 196 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 196 was returned to the Senate.

Representative Brady brought HB 222, jointly sponsored by Representatives Bunting, B. Ennis, Hebner, Soles, Spence & West & Senator Hauge, before the House for consideration.

HB 222 - An Act to Amend Chapter 10, Part I, Title 14 of the Delaware Code Relating to the Length of Term for Persons Elected to Serve on School Board of Reorganized School Districts.

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

Representative Brady moved to place HB 222 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Davis brought HB 360, jointly sponsored by Representatives Amick, Boykin, Carey, DiPinto, Corrozi, Smith, Taylor, Buckworth & Spence & Senators Knox, Venables, Neal, Bair & Sokola & cosponsored by Representatives Lofink & Petrilli, before the House for consideration.

HB 360 - An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Permit Fees and Other Assessments Charged by the Department of Natural Resources and Environmental Control and to Authorize and Approve Various Permit Fees and Assessments. (3/5 bill)

Representative Davis introduced and brought HA 1 to HB 360 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Davis moved to place HB 360 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 162 w/SA 1, jointly sponsored by Senators Holloway, Still, Hauge, Knox, Bair & Cordrey & Representatives Moore, Sills, Oberle, George, Gilligan, Campanelli, Hebner & Jonkiert, before the House for consideration.

SB 162 - An Act to Amend Title 24, Chapter 17, Relating to the Recognition, Regulation and Licensure of Physician's Assistants and to Provide for the Maximum Utilization of Qualified Physician's Assistants in the Provision of Health Care to the Citizens of Delaware in Any Health Care Practice Setting, Under the Supervision of Physicians Licensed Under Chapter 17 of This Title. (F/N)

Representative Moore brought HA 1 to SB 162 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick moved to place SB 162 w/SA 1 & HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative B. Ennis brought HB 260, jointly sponsored by Senator Vaughn & Representatives VanSant, Ewing & Lee, before the House for consideration.

HB 260 - An Act to Amend Subpart I, Subchapter III, Chapter 5, Title 11, of the Delaware Code Establishing the Offense of Criminal Impersonation, Accident Related.

Representative Ewing brought HA 1 to HB 260, jointly sponsored by Representative B. Ennis, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 260 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 260 w/HA 1 was sent to the Senate for concurrence.

Representative VanSant brought HB 370, jointly sponsored by Representatives Brady, Campanelli, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Petrilli, Reynolds, Spence & West & Senators Marshall, McBride & Minner, before the House for consideration.

HB 370 - An Act to Amend Chapter 5, Title 11, Relating to Licenses to Carry Concealed Deadly Weapons.

The roll call on HB 370 was taken and revealed:

YES: 39.

ABSENT: Representatives Campanelli, Oberle - 2.

Therefore, having received a constitutional majority, HB 370 was sent to the Senate for concurrence.

Representative Caulk brought HB 150, jointly sponsored by Representatives Petrilli, Buckworth, Amick, Boykin, Carey, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Maroney, Lofink, Oberle, Quillen, Reynolds, Smith, Taylor, Bunting, Campanelli, Clark, Jonkiert, Moore, Sillis & VanSant & Senators Holloway, Bair & Connor, before the House for consideration.

HB 150 - An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Construction of Vehicles to Prevent Escape of Contents. (2/3 bill)

Representative Caulk brought HA 1 to HB 150 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 150 w/HA 1 was taken and revealed:

YES: 39.

NO: Representative Hebner - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 150 w/HA 1 was sent to the Senate for concurrence.

Representative Davis moved to suspend the rules which interfere with lifting HB 315 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Davis brought HB 315 w/HA 1, jointly sponsored by Senator Martin & Representative Bunting, before the House for consideration.

HB 315 - An Act to Amend Chapter 41, Subchapter 1, Title 21 of the Delaware Code Relating to Obedience to and Effect of Traffic Laws.

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

Representative Davis introduced and brought HA 2 to HB 315 before the House for consideration. Representative Davis requested that HA 2 be stricken.

Representative Davis moved to place HB 315 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle moved to reconsider SB 107. Representative Oberle withdrew his motion.

Representative Schroeder brought HS 1 to HB 211 w/HA 1 & HA 2 w/HA 1 & SA 1 & 2, jointly sponsored by Representatives Amick, Carey, Quillen, Smith & West & Senator Minner, before the House for consideration.

HB 211 - An Act to Amend Title 4 of the Delaware Code Relating to Farm Wineries in the State of Delaware. (3/5 bill)

The roll call on HS 1 to HB 211 w/HA 1 & HA 2 w/HA 1 & SA 1 & 2 was taken and revealed:

YES: 38.

NO: Representative Boykin - 1.

ABSENT: Representatives Davis, D. Ennis - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 to HB 211 w/HA 1 & HA 2 w/HA 1 & SA 1 & 2 was sent to the Governor.

Representative Amick brought HB 37 w/SA 1, cosponsored by Representative DiPinto, before the House for consideration.

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

The roll call on HB 37 w/SA 1 was taken and revealed:

YES: 39.

NO: Representative Quillen - 1.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, HB 37 w/SA 1 was sent to the Governor.

Representative Amick introduced HB 374.

HB 374 - An Act to Amend Title 24 of the Delaware Code by Adding a New Chapter 53 Governing the Regulation of Massage/Bodywork Practitioners, Further Amending Title 24 of the Delaware Code by Exempting Massage/Bodywork Practitioners From Certification by the Commission on Adult Entertainment Establishments, and Amending Title 29 of the Delaware Code by Adding the Committee on Massage/Bodywork Practitioners to Organizations Administered by the Division of Professional Regulation. (2/3 bill)

Mr. Speaker assigned HB 374 to the Sunset & Overview Committee.

Representative Amick introduced & brought HR 67, cosponsored by Representatives Petrilli & Soles, before the House for consideration.

HR 67 - Celebrating the Twenty-Fifth Anniversary of the Newark Senior Center.

HR 67 was adopted by voice vote.

Representative Oberle moved to reconsider SB 107 w/SA 1 & 2. The motion was seconded by Representative Buckworth and adopted by voice vote.

SB 107 - An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Child Labor.

Representative Oberle moved to place SB 107 w/SA 1 & 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

LABOR & HUM RES MAN: SB 95 - 1F, 2M.

P/S: HB 175 - 3M.

SUNSET & OVERVIEW: HB 354 - 1F, 3M; SB 125 - 3M; SB 152 - 4M; SB 163 w/SA 1 - 4M; SB 164 w/SA 1 - 4M; SB 187 w/SA 2 - 4M.

APPRO: HB 65 - 5M; SB 71 w/SA 1 - 5M.

H/ADM: SB 155 w/SA 2 & 3 - 5M; SB 184 - 5M; SB 179 - 5M; SB 69 - 5M; SB 189 w/SA 1 - 5M; SB 72 w/SA 1 - 5M.

HUM RES: SB 126 - 6M.

NAT RES: SB 182 - 6M; SB 195 w/SA 1 & 2 - 6M.

The Majority Leader moved to recess to the call of the Chair at 4:26 p.m.

48th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

First Session

June 28, 1991

Mr. Speaker Spence called the House to order at 2:08 p.m.

Mr. Speaker assigned SB 155 to the Appropriations Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 202, SB 207 w/SA 1, SB 218 w/SA 1, SB 115, SB 186, SB 205, SB 209, SB 220, HB 214 w/HA 3 & 4 & SA 1, HCR 7 w/HA 1, SCR 57, SCR 58, SCR 59, HCR 55, HCR 56 & SB 213.

June 25, 1991

Dear Ms. Hedrick:

On behalf of President Bush, thank you for sending House Concurrent Resolution as adopted by the State of Delaware. The President enjoyed his trip to the James H. Groves Adult High School.

He sends his best wishes to you and the citizens of Delaware.

Sincerely,

Shirley M. Green

Special Assistant to the President

for Presidential Messages

and Correspondence

The White House

Washington

The Honorable JoAnn M. Hedrick

Chief Clerk

House of Representatives of

the State of Delaware

Dover, DE 19901

Representative Mack introduced HB 378, jointly sponsored by Representative Petrilli & Senator Minner.

HB 378 - An Act to Amend Chapter 91 of Title 7 of the Delaware Code Relating to Taxation of Petroleum and Petroleum Products.

Mr. Speaker assigned HB 378 to the Hazardous Waste Management Committee.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

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

The following prefiled legislation was introduced:

HB 376 - AMICK - SUNET & OVERVIEW: An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to the Regulation of Professional Land Surveyors.

HB 377 - CORROZI - HAZ WASTE MAN: An Act to Amend Chapter 74, Title 16, of the Delaware Code Relating to Radiation Control. (3/5 bill)

HR 68 - D. ENNIS - H/ADM: Establishing the House Special Committee on the Legislative and Administrative Process of the Delaware House of Representatives and Authorizing the Committee to Expend Funds to Employ a Private Consulting Firm if Technical Expertise is Required.

HA 1 to HB 309 - EWING - AGENDA: Placed with the bill.

SB 115 - VENABLES; 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". (2/3 bill)

SB 186 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 29, Title 24, Delaware Code, Relating to the Real Estate Guaranty Fund.

SB 202 - CORDREY; REPRESENTATIVE CORROZI - JUD: An Act to Amend Chapter 38 of Title 12 of the Delaware Code Relating to Business Trusts.

SB 205 - VENABLES & REPRESENTATIVE AMICK - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Clarify Certain Activities of the Advanced Registered Nurse Practitioner.

SB 207 w/SA 1 - MCBRIDE, HOLLOWAY, KNOX; REPRESENTATIVE BOYKIN - JUD: An Act to Amend Title 16 of the Delaware Code Relating to Patient's Right to Terminate Treatment When the Patient is in a Terminal Condition or Persistent Vegetative State, and to Amend Title 12, Chapter 49 Relating to Appointment of Agents to Make Healthcare Decisions.

SB 209 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 29, Title 24, Delaware Code Relating to Real Estate Brokers and Salespersons.

SB 213 - CORDREY & BAIR; REPRESENTATIVES SPENCE & GEORGE - H/ADM: An Act to Amend Title 29, Chapter 8, Section 807 Relating to Reapportionment and Redistricting.

SB 218 w/SA 1 - ADAMS & REPRESENTATIVE EWING - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Nurses and to Recognize Advanced Registered Nurse Practitioners Whose Area of Practice Does Not Have a National Certification Examination.

SB 220 - VENABLES, MINNER; REPRESENTATIVE CAREY - SUNSET & OVERVIEW: An Act to Amend Title 29 of the Delaware Code Relating to Agency Rules and Regulations. (F/N)

SCR 57 - TORBERT - JUD: Urging the Attorney General of the State of Delaware to Research Existing State Law as it May Relate to Contests Offered to Delaware Residents Through 900 Telephone Numbers and to Recommend Legislation, if Needed, to the General Assembly to Effectively Curb This Practice.

SCR 58 - CORDREY; REPRESENTATIVE D. ENNIS - HUM RES: Requesting Delaware Health Care Commission to Evaluate the Present Regulatory Framework for Health Care Coverage and to Report Its Findings and Recommendations to the 136th General Assembly.

SCR 59 - MARTIN, BLEVINS, MARSHALL, MCDOWELL, SHARP, MCBRIDE, MINNER, SOKOLA, VENABLES, BAIR, HAUGE, KNOX, NEAL, J. STILL; REPRESENTATIVES OBERLE, SOLES, SMITH, DIPINTO, BRADY, MARONEY, BOYKIN, CORROZI, VAN SANT, CAMPANELLI, MACK, SPENCE, GILLIGAN, TAYLOR, PETRILLI, DAVIS, B. ENNIS, CLARK, CAULK, BUCKWORTH, EWING, SCHROEDER, BUNTING - LAND USE & GOV REL: Requesting Governor Michael N. Castle to Reappoint the Governor's White Clay Creek Preserve Task Force Created by Senate Concurrent Resolution No. 85 of the 134th General Assembly and Senate Concurrent Resolution No. 87 of the 135th General Assembly to Study the Advisability and Feasibility of Dedicated Conservation Easements and/or State Purchase of Lands Along the East Bank and Western Slopes of the White Clay Creek in Order to Preserve the Natural Character of the Valley.

The Reading Clerk read the following communication into the record:

TO: JoAnn Ponti Hedrick  
Chief Clerk of the House  
FROM: Bernard J. Brady  
Secretary of the Senate  
DATE: June 28, 1991  
RE: HB 332

Pursuant to your memorandum please find attached HB 332, being returned as of your request. Kindly sign receipt of such below.

Representative D. Ennis requested that he be marked present.

Representatives Oberle, Gilligan & Bennett requested that they be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #27

DATE: June 28, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-360	DIPinto	6/26/91	T	Matthew S. O'Keefe/B.F. Goodrich College Scholarship
H91-361	Van Sant	6/27/91	T	Mr. & Mrs. L. William Thomas/ 50th Wedding Anniversary
H91-362	Brady	6/28/91	T	Norma D. Imburgia/Retirement/ DE Tech & Community College
H91-363	Brady	7/1/91	T	Joseph J. Brady/Retirement Sun Company
H91-364	Bennett	7/15/91	T	W. Richard Calhoun/Retirement Omni Bank
H91-365	B. Ennis	6/26/91	T	Ethel D. Urian/90th Birthday
H91-366	Moore	6/28/91	T	Richard Wilson/Retirement/ University of Delaware
H91-367	Petrilli	6/27/91	T	Jennifer Steele/State Tennis Championship
H91-368	Petrilli	6/27/91	T	Aimee Marx/State Tennis Championship

Number	Sponsor	Presentation Date	Type	Description
H91-369	Oberle	6/27/91	T	Henry Cowell/Fundraiser/ Tootsie Roll Campaign
H91-370	Oberle	6/27/91	T	Robert Hartis/State Deputy/Fundraiser Tootsie Roll Campaign
H91-371	Carey	6/27/91	T	Stuart Gittleman/Service With Distinction
H91-372	Hebner	6/27/91	T	Michelle Carroll/Service With Distinction
H91-373	D. Ennis	6/27/91	T	Renard Johnson/Service With Distinction
H91-374	Maroney	6/27/91	T	Robert Furlong/Service With Distinction
H91-375	Roy	6/27/91	T	Nancy Beauchemin/Service With Distinction
H91-376	Schroeder	6/27/91	T	Charles E. Aikens/ Contributions to Lewes

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:21 p.m.

The House reconvened at 5:27 p.m. with Representative Oberle as Acting Speaker.

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

LAND USE & GOV REL: HB 305 - 4M, 1U.

B & I: SB 198 w/SA 1 - 6M.

H/ADM: HR 68 - 4M; SB 115 - 4M.

APPRO: HB 350 - 6F; HB 380 - 6F.

HOUSING & COM AFF: SB 197 w/SA 1 - 2F, 3M.

ED: HCR 58 - 1F, 5M.

JUD: SB 202 - 4M; SB 168 w/SA 1 - 4M; SJR 8 - 4M.

HAZ WASTE MAN: HB 378 - 6M.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 30, SB 223, SB 227, SB 217, SB 50, HB 113 w/SA 1, HB 232, HB 231, HB 273 w/HA 1, HB 97, HB 98, HB 103 w/HA 1, HB 226, HB 261 w/HA 1, HB 143, HS 1 to HB 140 w/HA 3 & HB 312.

June 10, 1991

LEGISLATIVE ADVISORY #17

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/6/91 - SB 165 aab SA 1, 6/10/91 - HB 190 aab HA 1.

June 13, 1991

LEGISLATIVE ADVISORY #18

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/12/91 - SB 33 aab SA 1.

June 18, 1991

LEGISLATIVE ADVISORY #19

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/14/91 - SB 92 aab SA 1 & 2 & HA 4 & HA 1 to HA 4, HB 179, 6/17/91 - SB 65.

The following legislation was vetoed by the Governor on the date indicated: 6/14/91 - SB 62 aab SA 2.

June 24, 1991

LEGISLATIVE ADVISORY #20

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/20/91 - HB 189, SB 120, SB 90, SB 127 & SB 128.

The following legislation was vetoed by the Governor on the date indicated: 6/20/91 - HB 188.

June 26, 1991

LEGISLATIVE ADVISORY #21

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/25/91 - HB 178 aab HA 1, HA 1 to HA 1, HA 2 & SA 1, SB 88 aab SA 2, HB 183 aab HA 1, HA 2 & HA 3, HS 1 to HB 141, HB 147, HB 215, HB 217, SB 17 aab SA 1 & SA 2, SB 64, SB 129 & HB 135, 6/26/91 - SB 55 & HB 108 aab HA 2.

Representatives Amick & Bunting requested that they be marked present.

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

Representative Petrilli brought HB 214 w/HA 3 & 4 & SA 1, sponsored by Representatives Sillis, D. Ennis & Moore & Senators Holloway & McDowell, before the House for consideration. HB 214 - An Act to Amend Delaware Code, Title 14, Chapter 85 Relating to Private Business and Trade Schools.

Representative Petrilli deferred to Representative Sillis.

The roll call on HB 214 w/HA 3 & 4 & SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 214 w/HA 3 & 4 & SA 1 was sent to the Governor.

Representative Petrilli brought Consent Agenda G before the House for consideration.

SB 175 - SHARP; REPRESENTATIVE SPENCE, SENATOR BLEVINS; REPRESENTATIVE VANSANT; SENATOR BAIR; REPRESENTATIVE GILLIGAN - An Act to Amend Chapter 19, Title 9 of the Delaware Code, Relating to New Castle County Police.

SB 72 w/SA 1 - MINNER; REPRESENTATIVE SCHROEDER - An Act to Amend the Conveyance of the Fisher-Martin House to the City of Lewes; to Permit the City of Lewes to Operate the House as a Conference and Visitors Center, to Permit the City of Lewes to Restore the Same Under the Oversight of the Division of Historical and Cultural Affairs.

SB 23 w/SA 1 - MCBRIDE; REPRESENTATIVE CAULK - An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Provision of Telephone Service for Persons With Speech and Hearing Impairments.

SB 26 w/SA 1 - MCBRIDE; REPRESENTATIVE EWING - An Act to Amend Chapter 437, Volume 67, Laws of Delaware Relating to Ignition Interlock Devices.

SB 45 w/SA 1 - MCBRIDE; REPRESENTATIVE FALLON - An Act to Amend Chapters 2, 13, 17, and 31, Title 14, Delaware Code, to Change the Terms Used for Certain Groups of Handicapped Students.

SB 152 - VENABLES - An Act to Amend Title 29 of the Delaware Code Relating to the Regulation of Boxing Matches or Exhibitions and the Deregulation of Wrestling Matches or Exhibitions.

SB 125 - MCBRIDE, BAIR, HOLLOWAY; REPRESENTATIVE AMICK; SENATOR CONNOR; REPRESENTATIVE OUTTEN, MARONEY - An Act to Amend Chapters 17 and 19 of Title 24, Delaware Code Relating to Pronouncements of Death.

HB 358 - PETRILLI, GEORGE, CORROZI; SENATOR BAIR; REPRESENTATIVE LOFINK; SENATORS CONNOR, ADAMS - An Act to Amend Chapter 52, Title 29, Delaware Code Relating to Health Care Insurance.

SB 182 - VENABLES - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Marine Facilities.

HJR 10 - D. ENNIS; SENATOR MINNER; REPRESENTATIVES CAULK, QUILLEN, CLARK; SENATORS BLEVINS, SOKOLA, KNOX; REPRESENTATIVES CAREY, LOFINK, BUNTING, SCHROEDER; SENATORS MARTIN, VENABLES - Memorializing the Congress of the United States to Continue Support and Funding for the Delaware Estuary Program.

Representative Petrilli requested that SB 72 be removed from Consent Agenda G.

Representative B. Ennis requested that SB 175 be removed from Consent Agenda G.

The roll call on Consent Agenda G was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 23 w/SA 1, SB 26 w/SA 1, SB 45 w/SA 1 & 2, SB 152, SB 125 & SB 182 were returned to the Senate & HB 358 & HJR 10 were sent to the Senate for concurrence.

Representative Ewing brought SB 175, sponsored by Senator Sharp & Representative Spence & Senators Bair & Blevins & Representatives Gilligan & VanSant, before the House for consideration.

SB 175 - An Act to Amend Chapter 19, Title 9 of the Delaware Code, Relating to New Castle County Police.

Representative Ewing requested and was granted the privilege of the floor for Robert Maxwell, Chief Administrative Officer for New Castle County Executive.

The roll call on SB 175 was taken and revealed:

YES: 40.

ABSENT: West - 1.

Therefore, having received a constitutional majority, SB 175 was returned to the Senate.

Representative Petrilli brought SB 72 w/SA 1, sponsored by Senator Minner &

Representative Schroeder, before the House for consideration.

SB 72 - An Act to Amend the Conveyance of the Fisher-Martin House to the City of Lewes; to Permit the City of Lewes to Operate the House as a Conference and Visitors Center, to Permit the City of Lewes to Restore the Same Under the Oversight of the Division of Historical and Cultural Affairs.

Representative Petrilli deferred to Representative Schroeder.

The roll call on SB 72 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 72 w/SA 1 was returned to the Senate.

Representative Petrilli brought Consent Agenda H, which requires a two-thirds vote, before the House for consideration.

SB 69 - VENABLES; 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 Duties of City Manager. (2/3 bill)

SB 179 - COOK; REPRESENTATIVES BENNETT, CLARK; SENATORS SHARP, MINNER; REPRESENTATIVES OUTTEN; SENATORS VAUGHN, TORBERT - An Act Concurring in a Proposed Amendment to Article V, Section 6 of the Delaware Constitution Relating to the Composition of the Superior Court as a Board of Canvass in Kent County. (2/3 bill)

SB 184 - CORDREY; REPRESENTATIVE WEST - An Act to Reincorporate the Town of Dagsboro. (2/3 bill)

SB 189 w/SA 1 - VAUGHN; REPRESENTATIVE LOFINK - An Act to Reincorporate the Town of Odessa. (2/3)

The roll call on Consent Agenda H was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 69, SB 179, SB 184 & SB 189 w/SA 1 were returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HB 379. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle introduced and brought HB 379, jointly sponsored by Representatives Davis & Corrozi, before the House for consideration.

HB 379 - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to Approved Leaves of Absence.

The roll call on HB 379 was taken and revealed:

YES: 40.

NOT VOTING: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 379 was sent to the Senate for concurrence.

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

Representative Oberle introduced and brought HB 381, jointly sponsored by Representatives Davis & Corrozi, before the House for consideration.

HB 381 - An Act Awarding Special Pension Benefits, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

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

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

Representative Oberle moved to place HB 381 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

SUNSET & OVERVIEW: SB 186 - 5M; SB 205 - 5M; SB 209 - 5M; SB 218 w/SA 1 - 5M.

B & I: HB 364 - 7M.

H/ADM: HB 368 - 5M.

HUM RES: SB 174 - 6M.

Representative Maroney moved to lift HB 187 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought HB 187 w/HA 1 & 2, jointly sponsored by Representatives Spence, Petrilli, Carey, Corrozi, DiPinto, Fallon, Lee, Quillen, George, Bennett, Gilligan, Brady, Bunting, Jonkert & Schroeder & Senators Marshall, Hauge & Knox, before the House for consideration.

HB 187 - An Act to Amend Subchapter I, Chapter 9, Title 13, of the Delaware Code Relating to the Adoption of Minors.

Representative Maroney introduced and brought HA 4 to HB 187 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 187 w/HA 1, 2 & 4 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Petrilli - 2.

Therefore, having received a constitutional majority, HB 187 w/HA 1, 2 & 4 was sent to the Senate for concurrence.

Representative Oberle moved to lift SB 107 w/SA 1 & 2 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Oberle brought SB 107 w/SA 1 & 2, sponsored by Senators Holloway & Neal & Representative Taylor, before the House for consideration.

SB 107 - An Act to Amend Chapter 5, Title 19 of the Delaware Code Relating to Child Labor.

Representative Caulk introduced and brought HA 1 to SB 107, jointly sponsored by Representatives Oberle, Boykin & Clark, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 107 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, B. Ennis, George, Maroney - 4.

Therefore, having received a constitutional majority, SB 107 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Ewing brought HB 309, jointly sponsored by Senator McBride, before the House for consideration.

HB 309 - An Act to Amend Chapter 23, Title 11 of the Delaware Code Relating to Transportation or Purchase of Controlled Substances as Grounds for Seizure.

Representative Ewing brought HA 1 to HB 309 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested and was granted the privilege of the floor for Lieutenant Michael McDonald, Delaware State Police.

The roll call on HB 309 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 309 w/HA 1 was sent to the Senate for concurrence.

Representative Davis moved to lift HB 315 w/HA 1 from the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Davis brought HB 315 w/HA 1, jointly sponsored by Senator Martin & Representative Bunting, before the House for consideration.

HB 315 - An Act to Amend Chapter 41, SubChapter I, Title 21 of the Delaware Code Relating to Obedience to and Effect of Traffic Laws.

Representative Davis introduced and brought HA 3 to HB 315 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 315 w/HA 1 & 3 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 315 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda J before the House for consideration.

SB 89 - SOKOLA - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

SB 202 - CORDREY; REPRESENTATIVE CORROZI - An Act to Amend Chapter 3B of Title 12 of the Delaware Code Relating to Business Trusts.

SB 218 w/SA 1 - ADAMS; REPRESENTATIVE EWING - An Act to Amend Title 24 of the Delaware Code Relating to Nurses and to Recognize Nurse Practitioners Whose Area of Practice Does Not Have a National Certification Examination.

SB 186 - VENABLES - An Act to Amend Chapter 29, Title 24, Delaware Code, Relating to the Real Estate Guaranty Fund.

SB 209 - VENABLES - An Act to Amend Chapter 29, Title 24, Delaware Code Relating to Real Estate Brokers and Salespersons.

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

SB 198 w/SA 1 - CORDREY - An Act to Amend Chapters 1, 17, 19, and 22 of Title 5, Delaware Code Relating to Banking and Building and Loan Associations.

Representative Petrilli requested that HB 65 be removed from Consent Agenda J.

The roll call on Consent Agenda J was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 89, SB 202, SB 218 w/SA 1, SB 186, SB 209 & SB 198 w/SA 1 were returned to the Senate.

Representative Mack requested that HB 359 be stricken.

Representative Amick brought HB 65 before the House for consideration.

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

Representative Amick brought HA 1 to HB 65 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to HB 65 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 65 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 65 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Amick moved to lift SB 162 from the Speaker's table. Representative Amick withdrew the motion.

Representative DiPinto brought HB 361, jointly sponsored by Senator Cook & Representatives Smith, Quillen, Lee, VanSant & West & Senators Vaughn, Still & Knox & Representatives D. Ennis, Boykin, Corrozi, Jonkiert & Sills & Senators Holloway, Bair & Neal, before the House for consideration.

HB 361 - An Act to Amend Chapter 73, Title 6, of the Delaware Code Relating to the Regulation of Securities, Broker Dealers, Investment Advisers and Agents. (3/5 bill)

The roll call on HB 361 was taken and revealed:

YES: 36.

ABSENT: Representatives Boykin, Carey, B. Ennis, Jonkiert, Roy - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 361 was sent to the Senate for concurrence.

Representative Amick brought SB 163 w/SA 1, sponsored by Senator McBride & Representative Spence & Senator Connor & Representatives Bennett, Boykin, Buckworth, Bunting, Campanelli, Clark, DiPinto, Ewing, Houghton, Petrilli, Smith & West, before the House for consideration.

SB 163 - An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Adult Entertainment Establishments.

The roll call on SB 163 w/SA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives Boykin, Carey, Davis, B. Ennis, Jonkiert, Roy, Taylor - 7.

Therefore, having received a constitutional majority, SB 163 w/SA 1 was returned to the Senate.

Representative Amick brought SB 164 w/SA 1, sponsored by Senator McBride & Representative Spence & Senator Connor & Representatives Bennett, Bunting, Campanelli, Clark, DiPinto, B. Ennis, Ewing, Houghton, Lee, Petrilli, Smith, Van Sant & West, before the House for consideration.



SB 164 - An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to Certain Adult Entertainment Establishments; and Providing for the Prevention and Control of Certain Sexually-Related Communicable Diseases. (F/N)

The roll call on SB 164 w/SA 1 was taken and revealed:

YES: 34.

NO: Representative Hebner - 1.

ABSENT: Representatives Boykin, Carey, B. Ennis, Jonkiert, Roy, Taylor - 6.

Therefore, having received a constitutional majority, SB 164 w/SA 1 was returned to the Senate.

Representative Campanelli introduced HB 382, jointly sponsored by Representative Mack.

HB 382 - An Act to Amend Chapter 60, Title 7, Relating to a "Glass Exemption" From Subchapter III, Chapter 60, Title 7.

Mr. Speaker assigned HB 382 to the Natural Resources Committee.

Representative Maroney brought SB 126, sponsored by Senator McDowell, before the House for consideration.

SB 126 - An Act to Amend Chapter 38, Title 31, Delaware Code, Relating to Foster Care Review. (F/N)

The roll call on SB 126 was taken and revealed:

YES: 34.

ABSENT: Representatives Boykin, Carey, B. Ennis, George, Jonkiert, Roy, Taylor - 7.

Therefore, having received a constitutional majority, SB 126 was returned to the Senate.

Representative Amick brought SB 187 w/SA 2, jointly sponsored by Senator Venables, before the House for consideration.

SB 187 - An Act to Amend Chapter 29, Title 24, Subchapter II, of the Delaware Code Relating to Regulation of Real Estate Appraisers. (3/5 bill)

The roll call on SB 187 w/SA 2 was taken and revealed:

YES: 33.

NOT VOTING: Representative West - 1.

ABSENT: Representatives Boykin, Carey, B. Ennis, George, Jonkiert, Roy, Taylor - 7.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 187 w/SA 2 was returned to the Senate.

Representative Amick brought HB 354, jointly sponsored by Representatives Spence, Roy, Corrozi, Mack, Houghton & VanSant & Senators Blevins, Venables, Sokola, Connor & Minner, before the House for consideration.

HB 354 - An Act to Amend Chapter 25, Title 24, Delaware Code Relating to Pharmacy. (2/3 bill)

Representative Amick introduced and brought HA 1 to HB 354 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 354 w/HA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives Boykin, B. Ennis, George, Gilligan, Jonkiert, Roy, Taylor - 7.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 354 w/HA 1 was sent to the Senate for concurrence.

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

JUD: HB 371 - 5M; HB 372 - 5M.

APPRO: SB 203 - 6M.

Representative Quillen requested that HB 321 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 60, SCR 61, SCR 63, SCR 64, SCR 65, HB 345 w/HA 1, HB 166 w/HA 1, SB 156 w/SA 1, HB 335, HB 272 w/HA 1 & SA 1, HB 161 w/HA 1 & SA 2, HB 5, HB 355 & HB 351.

Representative Buckworth requested that HB 339 be stricken.

Representative Davis requested that HB 365 be stricken.

The Majority Leader moved to recess to the call of the Chair at 7:45 p.m.

49th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

First Session

June 30, 1991

Mr. Speaker Spence called the House to order at 4:25 p.m.

Representative Smith introduced HB 383, jointly sponsored by Representative Petrilli.

HB 383 - An Act to Amend Title 18 of the Delaware Code Relating to the Privilege Tax on Certain Domestic Insurers. (3/5 bill)

Mr. Speaker assigned HB 383 to the Revenue & Finance Committee.

The Majority Leader moved to adjourn at 4:29 p.m., thereby ending the current legislative day. The House reconvened at 4:30 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Vincent Lofink, Twenty-Seventh Representative District.

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

Representative Outten requested that he be marked present.

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

The following prefiled legislation was introduced:

HB 384 - CORROZI - HUM RES: An Act to Amend Chapter 79, Title 16 of the Delaware Code Relating to Basic Plumbing Principles and the State Board of Health. (3/5 bill)

HB 385 - MACK - ED: An Act to Amend Section 1318, Chapter 13, Title 14, Delaware Code Regarding Salaries of School Employees and Sick Leave.

HB 386 - OBERLE - SM BUS & ECON DEV: An Act to Amend Chapter 39, Title 25 Delaware Code Relating to Liens.

HB 387 - D. ENNIS, DIPINTO, OBERLE, MARONEY; SENATORS HOLLOWAY, CONNOR, MCBIRDE - B & I: An Act to Amend Title 18 of the Delaware Code to Provide for the Protection of Patient's Health Care Made Available Through Private Utilization Review Agents and Managed Care Systems by a certification Process and Public Disclosure of Certain Information About Their Activities. (2/3 bill)

HB 388 - BRADY, D. ENNIS, MOORE, HOUGHTON, JONKIERT, WEST, CAMPANELLI, B. ENNIS, PETRILLI, LOFINK, CAULK, AMICK, TAYLOR; SENATORS VAUGHN, HAUGE, MARSHALL, MCBRIDE, CONNOR, HOLLOWAY - HOUSING & COM AFF: An Act to Amend Section 5114 of Title 25 of the Delaware Code, Relating to Metering Charges for Utilities Services by Landlord.

HB 389 - VANSANT - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 28 of the Delaware Code Relating to Horse Racing. (3/5 bill)

SB 30 - CONNOR - B & I: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Payments by Credit Cards. (2/3 bill)

SB 50 - VAUGHN, ADAMS; REPRESENTATIVES CAREY, B. ENNIS, QUILLEN, VANSANT - NAT RES: An Act to Amend Chapter 64, Title 7, Delaware Code, Relating to Compensation and Other Expenses of the Directors of the Delaware Solid Waste Authority.

SB 156 w/SA 1 - HOLLOWAY, STILL - B & I: An Act to Amend Chapter 71, Title 18, Delaware Code, Relating to Long-Term Care Insurance.

SB 217 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 33, Title 24, Delaware Code, Relating to the Board of Veterinarians.

SB 223 - MCBRIDE & REPRESENTATIVE SPENCE - SUNSET & OVERVIEW: An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Adult Entertainment Establishments.

SB 227 - SHARP - B & I: An Act to Amend Title 18 of the Delaware Code Imposing Certain Limitation on Examination Expenses Borne by Insurers and Certain Other Persons.

SCR 61 - J. STILL, CONNOR, HAUGE, BAIR, HOLLOWAY, KNOX, NEAL; REPRESENTATIVES BUCKWORTH, QUILLEN - LABOR & HUM RES MAN: Continuing the Flexible Benefit Plan Study Commission.

SCR 63 - BLEVINS & REPRESENTATIVE EWING - P/S: Urging the Director of Public Safety to Work With The Delaware League of Local Governments Evaluate the Feasibility of Implementing a Motor Vehicle Flagging Program to Enforce Parking Citation Compliance.

SCR 64 - CORDREY, ADAMS, MINNER, VENABLES; REPRESENTATIVES WEST, CAREY - TRANS: Requesting Delaware's Congressional Delegation Direct the Federal Resource Agencies to Move Quickly to Approve the Necessary Permits for the Dualization of U.S. Route 113 Between Milford and Georgetown.

SCR 65 - NEAL & MARTIN - TRANS: Requesting Certain Organizations to Undertake a Cooperative Effort to Review and Coordinate Development Plans and Traffic Impact in the Newark Area and to Encourage Use of Multiple Passenger Transportation Options.

HA 1 to SB 155 - JONKIERT - APPRO: Placed with the bill.

HA 2 to SB 162 - BUNTING & AMICK - L.O.T.: Placed with the bill.

Representatives Amick, George & VanSant requested that they be marked present.

The Majority Leader moved to recess for caucus at 4:36 p.m.

The House reconvened at 5:47 p.m.

Representative Petrilli moved to suspend the rules which interfere with action on SB 213. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Petrilli brought SB 213, sponsored by Senators Cordrey & Bair & Representatives Spence & George, before the House for consideration.

SB 213 - An Act to Amend Title 29, Chapter 8, Section 807 Relating to Reapportionment and Redistricting.

The roll call on SB 213 was taken and revealed:

YES: 35.

ABSENT: Representatives Brady, Campanelli, B. Ennis, Houghton, VanSant, West - 6.

Therefore, having received a constitutional majority, SB 213 was returned to the Senate.

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

Representative Amick moved to suspend the rules which interfere with lifting SB 162 w/SA 1 & HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 162 w/SA 1 & HA 1, jointly sponsored by Senators Holloway, Still, Hauge, Knox, Bair & Cordrey & Representatives Moore, Sills, Oberle, George, Gilligan, Campanelli, Hebner & Jonkiert, before the House for consideration.

SB 162 - An Act to Amend Title 24, Chapter 17, Relating to the Recognition, Regulation and Licensure of Physician's Assistants and to Provide for the Maximum Utilization of Qualified Physician's Assistants in the Provision of Health Care to the Citizens of Delaware In Any Health Care Practice Setting, Under the Supervision of Physicians Licensed Under Chapter 17 of This Title. (F/N)

Representative Bunting brought HA 2 to SB 162 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Mark Reardon, House Attorney.

Representative Bunting requested that HA 2 be stricken.

Representative Taylor introduced and brought HA 3 to SB 162, jointly sponsored by Representative Bunting, before the House for consideration. HA 3 was adopted by voice vote.

The roll call on SB 162 w/SA 1 & HA 1 & 3 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Carey, Fallon - 2.

Therefore, having received a constitutional majority, SB 162 w/SA 1 & HA 1 & 3 was sent to the Senate for concurrence on HA 1 & 3.

The House observed a moment of silence to remember former Representative Thomas E.

Brady's wife, Linda, who is in serious condition.

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

Representative Smith brought HB 346, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey, before the House for consideration.

✓ HB 346 - An Act to Amend Chapter 11, Title 12, of the Delaware Code Relating to Escheats. The roll call on HB 346 was taken and revealed:

YES: 38.

NO: Representatives Brady, Campanelli - 2.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, HB 346 was sent to the Senate for concurrence.

Representative Smith brought HS 1 for HB 347, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey, before the House for consideration.

HB 347 - An Act to Amend Chapters 23, 25, 27, 29, and 43, Title 30 of the Delaware Code Relating to Business and Occupational License Fees and Taxes. (3/5 bill)

Representative Boykin brought HA 1 to HS 1 for HB 347, jointly sponsored by Representatives Fallon, Maroney, Amick & Quillen, before the House for consideration. Representative Boykin moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith requested and was granted the privilege of the floor for Scott Douglas, Secretary, Department of Finance.

The roll call on HS 1 for HB 347 was taken and revealed:

YES: 28.

NO: Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Outten, Schroeder, Taylor, West - 12.

ABSENT: Representative VanSant - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 347 was sent to the Senate for concurrence.

Representative Smith brought HB 348, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey, before the House for consideration.

HB 348 - An Act to Amend Chapter 5, Title 8 of the Delaware Code Relating to Corporate Franchise Taxes. (3/5 bill)

Representative Petrilli introduced and brought HA 1 to HB 348, jointly sponsored by Senator Sharp, before the House for consideration. HA 1 was adopted by voice vote.

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

YES: 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 348 w/HA 1 was sent to the Senate for concurrence.

Representative Smith brought HB 349, jointly sponsored by Senator Bair & Representatives Petrilli, Boykin, DiPinto, D. Ennis, George & Sills & Senator Cordrey, before the House for consideration.

HB 349 - An Act to Amend Chapters 11 and 19 of Title 30 of the Delaware Code Relating to Income Taxes. (3/5 bill)

The roll call on HB 349 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 349 was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on HB 383. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith brought HB 383, jointly sponsored by Representative Petrilli, before the House for consideration.

HB 383 - An Act to Amend Chapter 5 of Title 18 of the Delaware Code Relating to the Privilege Tax on Certain Domestic Insurers. (3/5 bill)

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

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

YES: 38.

NOT VOTING: Representatives Bunting, D. Ennis, Jonkiert - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 383 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 HJR 13. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought HJR 13, jointly sponsored by Representatives Corrozi & George & Senators Cordrey, Cook & Neal, before the House for consideration.

HJR 13 - The Official Estimate of General Fund Revenues for Fiscal Year 1991.

The roll call on HJR 13 was taken and revealed:

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

YES: 41.

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

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HJR 14. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought HJR 14, jointly sponsored by Representatives Corrozi & George & Senators Cordrey, Cook & Neal, before the House for consideration.

HJR 14 - The Official Estimate of General Fund Revenues for Fiscal Year 1992.

The roll call on HJR 14 was taken and revealed:

YES: 40.

ABSENT: Representative Campanelli - 1.

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

Representative Corrozi moved to suspend the rules which interfere with action on HB 350. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi brought HB 350, jointly sponsored by Representatives Davis, DiPinto, Quillen, Soles & West & Senators Cook, Holloway, McBride, Neal, Still & 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, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

The roll call on HB 350 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 350 was sent to the Senate for concurrence.

Representative Smith brought HB 353, jointly sponsored by Representatives Petrilli, Bennett & B. Ennis & Senators Cordrey & Adams, before the House for consideration.

HB 353 - An Act to Amend Chapter 11, Title 19, Delaware Code Relating to Wage Payment and Collection.

The roll call on HB 353 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 353 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 288, jointly sponsored by Senators Sharp & Still & Representatives Boykin, DiPinto, Smith, Sills & VanSant, before the House for consideration.

HB 288 - An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance Sold to Certain Groups.

Representative Jonkiert brought HA 1 to HB 288 before the House for consideration.

Representative Jonkiert moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought HA 2 to HB 288 before the House for consideration.

Representative D. Ennis moved to place HA 2 to HB 288 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Jonkiert introduced and brought HA 3 to HB 288 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 288 w/HA 3 was taken and revealed:

YES: 35.

NO: Representatives Amick, Bennett, Oberle, Taylor, VanSant - 5.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 288 w/HA 3 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda K, which requires a three-fifths vote, before the House for consideration.

HCR 58 - CORROZI; SENATOR COOK; REPRESENTATIVES DAVIS, FALLON, SOLES; SENATORS MCBRIDE, NEAL; REPRESENTATIVES DIPINTO, QUILLEN, WEST; SENATORS HOLLOWAY, VAUGHN, STILL - Urging Delaware's Congressional Delegation to Take Whatever Action Necessary to Restore the Reserve Fund and the Long-Term Solvency of the Delaware Higher Education Loan Program.

HB 371 - REYNOLDS; SENATOR MCBRIDE; REPRESENTATIVES AMICK, BUCKWORTH, DIPINTO, LOFINK, PETRILLI, SMITH, CAMPANELLI, GILLIGAN, MOORE; SENATOR CONNOR; REPRESENTATIVES BOYKIN, CAREY, LEE, MACK, QUILLEN, SPENCE, CLARK, JONKIERT, BUNTING - An Act to Amend Title 10 and Title 13 of the Delaware Code Relating to Correction of Birth Certificates and Changes of Name.

HB 372 - REYNOLDS, CAREY, HEBNER, MACK, BRADY, MOORE, EWING, LOFINK, QUILLEN, HOUGHTON - An Act to amend Section 810, Chapter 8, Title 13, Delaware Code Relating to Civil Action Procedures and the Uniform Parentage Act. (3/5 bill)

HB 378 - MACK, PETRILLI; SENATOR MINNER - An Act to Amend Chapter 91 of Title 7 of the Delaware Code Relating to Taxation of Petroleum and Petroleum Products.

HB 368 - CLARK, HOUGHTON, B. ENNIS, WEST, VANSANT, EWING, QUILLEN, REYNOLDS, ADAMS, BUNTING, SCHROEDER, BRADY, CAULK, OBERLE, CAREY; SENATORS VAUGHN, VENABLES - An Act to Amend Chapter 9, Title 29 Delaware Code Relating to the Legislative Process.

HB 305 - WEST, SCHROEDER, EWING, FALLON; SENATORS MINNER, CORDREY; REPRESENTATIVES BUNTING, CAREY, LEE; SENATORS ADAMS, VENABLES - An Act to Amend Titles 9, 10 and 12 of the Delaware Code Relating to the Salaries of Particular Sussex County Officials.

HB 364 - BUCKWORTH; SENATOR VAUGHN - An Act to Amend Chapter 17, Title 18, Delaware Code, Relating to Agents, Brokers, Solicitors and Adjusters.

SB 203 - COOK, HOLLOWAY, VAUGHN, STILL; REPRESENTATIVES CORROZI, DIPINTO, SOLES; SENATORS MCBRIDE, NEAL; REPRESENTATIVES OBERLE, DAVIS, QUILLEN, WEST - An Act to Amend Title 29 and Title 17 of the Delaware Code, Relating to Post-Retirement Lump Sum Death Benefits. (F/N)

Representative Gilligan requested that HB 364 be removed from Consent Agenda K.

The roll call on Consent Agenda K was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HCR 58, HB 371, HB 372, HB 368, HB 305 & HB 378 were sent to the Senate for concurrence and SB 203 was returned to the Senate.

Representative Petrilli brought Consent Agenda L before the House for consideration.

HB 113 w/SA 1 - STILL, BAIR, KNOX, MINNER; REPRESENTATIVES AMICK, D. ENNIS; SENATORS CONNOR, HOLLOWAY, VENABLES; REPRESENTATIVES DAVIS, TAYLOR - An Act to Amend Chapter 59, Title 29 of the Delaware Code, Relating to the Merit System of Personnel Administration; and Providing for Provisional Employment Under Certain Circumstances.

HB 161 w/HA 1 & SA 2 - EWING, BENNETT, LEE, BOYKIN, BUNTING, CAULK, CORROZI, D. ENNIS, HOUGHTON, LOFINK, OBERLE, QUILLEN, ROY, SILLS, WEST; SENATORS BLEVINS, MCBRIDE, MINNER, TORBERT; REPRESENTATIVE B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES BRADY, CAMPANELLI, CLARK, DIPINTO, GILLIGAN, JONKIERT, MOORE, OUTTEN, REYNOLDS, SCHROEDER, VANSANT; SENATORS BAIR, HOLLOWAY, MARSHALL, STILL - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates.

HB 272 w/HA 1 & SA 1 - SCHROEDER, BUNTING, CAULK, QUILLEN, CLARK, CAREY; SENATOR MINNER - An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters.

Representative Petrilli requested that HB 161 w/HA 1 & SA 2 be removed from Consent Agenda L.

The roll call on HB 113 w/SA 1 & HB 272 w/HA 1 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 113 w/SA 1 & HB 272 w/HA 1 & SA 1 were sent to the Governor.

Representative Carey brought SB 147 w/SA 1, jointly sponsored by Senators Minner, Blevins, Martin, Sokola, Venables & Knox & Representatives Caulk, Quillen, Mack, Bunting, Clark & Schroeder, before the House for consideration.

SB 147 - An Act to Amend Title 7, of the Delaware Code Relating to Fines Payable by Mail.

The roll call on SB 147 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 147 w/SA 1 was returned to the Senate.

Representative Hebner brought SB 166, sponsored by Senator Torbert, before the House for consideration.

SB 166 - An Act to Amend Subchapter III, Chapter 35, Title 11, Delaware Code, Relating to Orders to Protect Victims and Witnesses.

The roll call on SB 166 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 166 was returned to the Senate.

Representative DiPinto brought SB 197 w/SA 1, jointly sponsored by Senator Sokola, before the House for consideration.

SB 197 - An Act to Amend Titles 29 and 31 of the Delaware Code Relating to the Dissolution of the Department of Community Affairs and the Transfer of Its Functions to Other Governmental Agencies.

The roll call on SB 197 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Carey - 1.

Therefore, having received a constitutional majority, SB 197 w/SA 1 was returned to the Senate.

Representative Hebner brought SB 71 w/SA 1, sponsored by Senators Bair, Holloway, Blevins & Neal & Representatives DiPinto, Moore & Maroney, before the House for consideration.

SB 71 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Certain Crimes Against the Elderly. (F/N)

Representative Davis brought HA 1 to SB 71 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 71 w/SA 1 & HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 71 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Roy introduced HB 390, jointly sponsored by Representatives Boykin, Carey, B. Ennis, Jonkier & Taylor & Senators Martin, Cook, Hauge, Knox, McBride & Minner. HB 390 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing and Authorizing the Issuance of General Obligation Bonds of the State, Guaranteed Industrial Revenue Bonds, Revenue Bonds of the Delaware Transportation Authority and the Transportation Trust Fund; Reverting and Reprogramming Certain Surplus Funds of the State and Reprogramming Certain Funds of the Delaware Transportation Authority; Creating Certain Funds of the State; Appropriating Certain Funds from the General Fund, the Transportation Trust Fund and Special Funds of the Delaware Transportation Authority; Amending Volume 67, Chapter 360 and Volume 68, Chapter 32, Delaware Laws Relating to Transfer of Library Appropriation Balances; Amending Title 29, Delaware Code Relating to Debt Limits; Authorizing the Department of Administrative Services to Allocate Stripper Well Funds to Certain Eligible Capital Improvements Authorized in This Act; Amending Volume 67, Chapter 46, Laws of Delaware Relating to the Reprogramming of Certain Funds of the Transportation Trust Fund; Amending Title 17, Chapter 1, Delaware Code Relating to the Powers and Duties of the Department of Transportation; Amending Title 29, Chapter 69, Delaware Code Relating to the Procurement of Materials and Award of Contracts; Amending Title 30, Chapter 52, Delaware Code Relating to Motor Fuel Purchase; Amending Title 21, Chapter 4, Delaware Code Relating to Reciprocal Agreements; Amending Title 21, Chapter 3, Delaware Code Relating to the Transportation Trust Fund and the Department of Public Safety; Amending Title 30, Chapter 30, Delaware Code Relating to Motor Vehicle Document Fee and Automobile Dealer Handling Fee and License Fee; Amending Title 30, Chapter 51, Delaware Code Relating to Motor Fuel Tax; Amending Chapter 14, Title 2 of the Delaware Code Relating to the Establishment of the Transportation Trust Fund; Amending Title 30, Chapter 52, Delaware Code Relating to Motor Carrier Fuel Purchase Fees and Agreements; Amending Title 2, Chapter 13, Delaware Code Relating to the Delaware Transportation Authority; Amending Title 21, Chapter 21, Delaware Code Relating to Fees for Registration of Vehicles; Amending Title 21, Chapter 23, Delaware Code Relating to Fees for Vehicle Titles and Liens; Amending Title 21, Chapter 25, Delaware Code Relating to Fees for Transfer of Title, Registration, and Liens; Amend Chapter 75, Title 29, and Chapter 26, Title 14, of the Delaware Code, Relating to Equalization of School Construction Funds; and Amending Volume 67, Chapter 285, Delaware Laws. (3/4 bill)

Mr. Speaker assigned HB 390 to the Transportation Committee.

The Majority Leader moved to recess for dinner at 8:13 p.m.

The House reconvened at 10:00 p.m.

Representative D. Ennis moved to suspend the rules which interfere with action on SB 227. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought SB 227, sponsored by Senator Sharp, before the House for consideration.

SB 227 - An Act to Amend Title 18 of the Delaware Code Imposing Certain Limitation on Examination Expenses Borne by Insurers and Certain Other Persons.

Representative D. Ennis introduced and brought HA 1 to SB 227 before the House for consideration. HA 1 was adopted by voice vote.

Representative Outten requested and was granted the privilege of the floor for David Levinson, Insurance Commissioner.

The roll call on SB 227 w/HA 1 was taken and revealed:

YES: 33.

NO: Representatives B. Ennis, West - 2.

NOT VOTING: Representatives Bennett, Bunting, Campanelli, Jonkier, Outten, Taylor - 6.

Therefore, having received a constitutional majority, SB 227 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative D. Ennis moved to suspend the rules which interfere with introduction of and action on HJR 15. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis introduced and brought HJR 15, jointly sponsored by Representative Buckworth & Senator Sharp, before the House for consideration.

HJR 15 - Creating a Study Committee Relating to the Operations of the Delaware Insurance Department and Issues Relating Thereto.

The roll call on HJR 15 was taken and revealed:

YES: 37.

NOT VOTING: Representatives Bunting, Outten, Schroeder, Taylor - 4.

Therefore, having received a constitutional majority, HJR 15 was sent to the Senate for concurrence.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on HB 392. The motion was properly seconded and adopted by voice vote.

Representative Corrozi introduced and brought HB 392, jointly sponsored by Representatives Spence, Petrilli, Buckworth, George & Gilligan & Senators Cook, Cordrey, Sharp, McDowell, Bair & Connor, before the House for consideration.

HB 392 - An Act to Amend an Act Entitled "An Act Making Appropriations for the Expense of State Government for the Fiscal Year Ending June 30, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", Being House Bill No. 350 of the 136th General Assembly of the State of Delaware.

The roll call on HB 392 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

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

Representative Corrozi moved to suspend the rules which interfere with action on HB 380. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi brought HB 380, jointly sponsored by Representatives Davis, DiPinto, Quillen, Soles & West & Senators Cook, Holloway, McBride, Neal, Still & Vaughn, before the House for consideration.

HB 380 - An Act to Make a Supplementary Appropriation for Certain Grants-In-Aid for the Fiscal Year Ending June 30, 1992; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

The roll call on HB 380 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 380 was sent to the Senate for concurrence.

Representative D. Ennis brought HR 68 before the House for consideration.

HR 68 - Establishing the House Special Committee on the Legislative and Administrative Process of the Delaware House of Representatives and Authorizing the Committee to Expend Funds to Employ a Private Consulting Firm if Technical Expertise is Required.

Representative D. Ennis introduced and brought HA 1 to HR 68 before the House for consideration. HA 1 was adopted by voice vote.

HR 68 w/HA 1 was adopted by voice vote.

Representative D. Ennis brought SB 151 w/SA 2, jointly sponsored by Senator Sharp & Representatives Boykin, DiPinto, Smith, Jonklert, Sills & VanSant & Senators Adams, McDowell, Vaughn & Still, before the House for consideration.

SB 151 - An Act to Amend Title 18 Delaware Code to Adopt an Insurance Holding Company System Registration.

Representative D. Ennis brought HA 1 to SB 151 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 151 w/SA 2 & HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SB 151 w/SA 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative D. Ennis brought SB 75, sponsored by Senator Holloway, before the House for consideration.

SB 75 - An Act to Amend Chapter 23, Title 18, Delaware Code, Relating to Unfair Practices in Insurance.

The roll call on SB 75 was taken and revealed:

YES: 35.

NO: Representative Oberle - 1.

NOT VOTING: Representatives Boykin, DiPinto - 2.

ABSENT: Representatives Bennett, B. Ennis, West - 3.

Therefore, having received a constitutional majority, SB 75 was returned to the Senate. Representative Amick brought SB 24 w/SA 1, sponsored by Senator Venables, before the House for consideration.

SB 24 - An Act to Amend Chapter 3, Title 24 Delaware Code Relating to the Board of Architects. (2/3 bill)(F/N)

Representative Amick brought HA 1 to SB 24 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 24 w/SA 1 & HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Clark, B. Ennis, D. Ennis - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 24 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Carey brought SB 195 w/SA 1 & 2, jointly sponsored by Senators Minner, Blevins, Martin, Sokola, Venables & Knox & Representatives Caulk, Quillen, Mack, Bunting, Clark & Schroeder, before the House for consideration.

SB 195 - An Act to Amend Chapter 60, Title 7 of the Delaware Code, Environmental Appeals Board.

The roll call on SB 195 w/SA 1 & 2 was taken and revealed:

YES: 39.

ABSENT: Representatives B. Ennis, D. Ennis - 2.

Therefore, having received a constitutional majority, SB 195 w/SA 1 & 2 was returned to the Senate.

Representative Amick brought SB 130, sponsored by Senators Adams, Cook, Cordrey, Holloway, Still, Torbert, Vaughn & Venables & Representatives Bunting, Carey, Caulk, Clark, Ewing, Lofink, Quillen, Schroeder & West, before the House for consideration.

SB 130 - An Act to Amend Title 29, Delaware Code Relating to Rules and Regulations Established by State Agencies by Establishing Appropriate Procedures for Assessing Whether or Not Rules and Regulations May Result in Taking of Private Property.

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

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

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SB 130 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Oberle moved to lift HB 249 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 249, jointly sponsored by Senator Marshall & Representatives Amick, Davis, Mack, Reynolds, Houghton, Campanelli, VanSant, Brady & Moore, before the House for consideration.

HB 249 - An Act to Amend Section 3315(4), Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation Benefits.

Representative Oberle brought HA 1 to HB 249 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 249 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Boykin, DiPinto - 2.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 249 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 381 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 381, jointly sponsored by Representatives Davis & Corrozi, before the House for consideration.

HB 381 - An Act Awarding Special Pension Benefits, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Representative Oberle moved to place HB 381 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought SB 174, sponsored by Senator Vaughn & Representatives B. Ennis & Buckworth, before the House for consideration.

SB 174 - An Act to Amend Subchapter III, Chapter 31, Title 16, Delaware Code, Relating to Permit for Cremation: Issuance, Retention, and Inspection.

Representative Buckworth introduced and brought HA 1 to SB 174 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 174 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, SB 174 w/HA 1 was returned to the Senate for concurrence on HA 1.

The Majority Leader moved to recess for caucus at 11:15 p.m.

The House reconvened at 11:40 p.m.

Representative Amick moved to suspend the rules which interfere with action on SB 223.

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

Representative Amick brought SB 223, sponsored by Senator McBride & Representative Spence, before the House for consideration.

SB 223 - An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Adult Entertainment Establishments.

The roll call on SB 223 was taken and revealed:

YES: 24.

ABSENT: Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant, West - 17.

Therefore, having received a constitutional majority, SB 223 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with action on Consent Calendar #18. The motion was seconded by Representative Buckworth and adopted by voice vote.

The following prefiled Consent Calendar #18 was introduced:

HR 69 - SMITH - Congratulation Habitat for Humanity of New Castle County Upon Their Fifth Anniversary and the Habitat for Humanity International Upon Their Fifteenth Anniversary.

HR 70 - CLARK - A Resolution Extending the Congratulations of the House of Representatives to Chad Everett of Kenton, Delaware for Winning the World Championship of Skeet Shooting.

HR 71 - CLARK & SENATOR COOK - Expressing Sympathy to the Family of Mr. Newlin E. "Woody" Wood, Sr., Long-Time Member and President Emeritus of the Hartly Fire Company Who Died on Wednesday, June 26, 1991.

HR 72 - SMITH & SENATOR HAUGE; REPRESENTATIVES SILLS, MOORE - Mourning the Death of Civil Rights Leader, Educator, and Black Historian, Pauline A. Young

HCR 59 - MARONEY & SENATOR HOLLOWAY - Recognizing the Week of October 6, 1991, as Mental Health Awareness Week.

HCR 60 - D. ENNIS & CAULK & SENATOR TORBERT; REPRESENTATIVES SPENCE, ROY, TAYLOR, MACK, BOYKIN, MARONEY, FALLON, SMITH, LOFINK, QUILLEN, REYNOLDS, DAVIS, LEE, CORROZZI, BRADY, SILLS, MOORE, BUNTING - Urging the Delaware Department of Transportation and the Attorney General's Office to Ensure Full Compliance With All Applicable Laws, Rules and Regulations



Concerning the Borrow Pit Activity Being Conducted on the Lands of Barratt's Chapel Cemetery, Incorporated, and on the Lands of Charles H. West Farms, Inc. in Kent County, Delaware.

SCR 52 - BAIR & REPRESENTATIVE CORROZI; SENATORS KNOX, HAUGE; REPRESENTATIVES MARONEY, BOYKIN - Commending Mr. Edmund N. "Ned" Carpenter, II, One of Delaware's Most Respected Attorneys on His Impending Retirement and Further Wishing Him the Best of Health and Happiness in His Years of Retirement.

SCR 53 - BAIR & ADAMS, MCDOWELL; REPRESENTATIVES AMICK, SOLES, MARONEY - Expressing Sincere Thanks and Appreciation to William E. Wiggin for His Exemplary Years of Service as Executive Director of the Delaware State Bar Association.

SCR 55 - SHARP; REPRESENTATIVE SPENCE; ALL SENATORS; ALL REPRESENTATIVES - Expressing Best Wishes for a Speedy Recovery to Paul T. Hart, Director of Elections for New Castle County.

SCR 59 - MARTIN, BLEVINS, MCDOWELL, MCBRIDE, SOKOLA, BAIR, KNOX, STILL; REPRESENTATIVES SOLES, DIPINTO, MARONEY, CORROZI, CAMPANELLI, SPENCE, TAYLOR, DAVIS, CLARK, BUCKWORTH, SCHROEDER; SENATORS MARSHALL, SHARP, MINNER, VENABLES, HAUGE, NEAL; REPRESENTATIVES OBERLE, SMITH, BRADY, BOYKIN, VANSANT, MACK GILLIGAN, PETRILLI, B. ENNIS, CAULK, EWING, BUNTING - LAND USE & GOVERNMENTAL RELATIONS - Requesting Governor Michael N. Castle to Reappoint the Governor's White Clay Creek Preserve Task Force Created by Senate Concurrent Resolution No. 85 of the 134th General Assembly to Study the Advisability and Feasibility of Dedicated Conservation Easements and/or State Purchase of Lands Along the East Bank and Western Slopes of the White Clay Creek in Order to Preserve the Natural Character of the Valley.

SCR 60 - STILL, VAUGHN, TORBERT; REPRESENTATIVES B. ENNIS, QUILLLEN, BENNETT, BUCKWORTH; SENATORS COOK, MINNER; REPRESENTATIVES CLARK, OUTTEN, CAULK - Continuing the Flexible Benefit Plan Study Commission.

SCR 63 - BLEVINS - Urging the Director of Public Safety to Work With the Delaware League of Local Governments to Evaluate the Feasibility of Implementing a Motor Vehicle Flagging Program to Enforce Parking Citation Compliance.

SCR 64 - CORDREY - Requesting the Delaware's Congressional Delegation Direct the Federal Resource Agencies to Move Quickly to Approve the Necessary Permits for the Dualization of U.S. Route 113 Between Milford and Georgetown.

SCR 65 - NEAL, MARTIN - Requesting Certain Organizations to Undertake a Cooperative Effort to Review and Coordinate Development Plans and Traffic Impact in the Newark Area and to Encourage Use of Multiple Passenger Transportation Options.

SCR 66 - SHARP, MARTIN; REPRESENTATIVES DAVIS, OBERLE, SPENCE - Requesting the Federal Resource Agencies to Act Quickly to Approve U.S. Corps 404 Permit for the Ogletown Interchange Project.

SCR 67 - MCDOWELL & MARTIN & REPRESENTATIVE D. ENNIS - Requesting the Delaware Department of Transportation to Report to the General Assembly on Plans for Intercity and Local Rail Passenger Service.

SCR 68 - COOK, TORBERT, VAUGHN, STILL; REPRESENTATIVES OUTTEN, CLARK, BENNETT, ROY - Honoring Sixty-Five Years of Continuous Dedicated Service by William S. Scarborough and His Father Stanley S. Scarborough.

SCR 69 - MCDOWELL & REPRESENTATIVE MARONEY - Permitting the Committee on Dispositional Guidelines for Juveniles to Oversee the Pilot Testing of Dispositional Guidelines for Juveniles in Order That the Committee May Identify and Resolve Problems Prior to Recommending Permanent Legislation.

Representative Boykin introduced HR 73, jointly sponsored by Representative DiPinto.

HR 73 - Urging the Delaware Congressional Delegation to Extend the Small Issue Industrial Development Bond Program.

HR 73 was placed on Consent Calendar #18.

Consent Calendar #18 was adopted by voice vote and HCR 59 & HCR 60 were sent to the Senate for concurrence and SCR 52, SCR 53, SCR 55, SCR 59, SCR 60, SCR 63, SCR 64, SCR 65, SCR 66, SCR 67, SCR 68 & SCR 69 were returned to the Senate.

The following Prefiled Legislation II was introduced:

HB 375 - D. ENNIS, BOYKIN, DIPINTO, SMITH, JONKIERT, SILLS, VANSANT - B & I: An Act to Amend Title 18 of the Delaware Code by a Comprehensive Revision of That Title.

HB 391 - MOORE, OBERLE, SOLES - An Act to Amend Chapter 90, Title 14 of the Delaware Code to Provide for Safe Campuses for Women.

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

LAND USE & GOV REL: SCR 59 - 4M.

B & I: SB 156 w/SA 1 - 7M.

SUNSET & OVERVIEW: SB 220 - 3M.

TRANS: HB 390 - 6F.

Representative Schroeder introduced HB 393.

HB 393 - An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. Mr. Speaker assigned HB 393 to the Natural Resources Committee.

Representative Amick introduced HB 394, jointly sponsored by Representative Hebner.

HB 394 - An Act to Amend Title 16 of the Delaware Code Relating to Mental Health.

Mr. Speaker assigned HB 394 to the Human Resources Committee.

Mr. Speaker appointed Representative Caulk & Representative Clark to the special funding committee established by HB 200.

The Majority Leader moved to adjourn the First Session of the 136th General Assembly at 12:00 midnight.

1st LEGISLATIVE DAY  
136th GENERAL ASSEMBLY  
FIRST SPECIAL SESSION

July 1, 1991

The Reading Clerk read the following communication into the record:

TO: Members of the 136th General Assembly  
FROM: Terry R. Spence, Speaker of the House of Representatives  
Dale E. Wolf, Lt. Governor, State of Delaware  
SUBJECT: Special Session  
DATE: June 30, 1991, 12 o'clock

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 136th General Assembly of the State of Delaware in Special Session.

Terry R. Spence  
Speaker of the House of Representatives  
Dale E. Wolf  
Lt. Governor, State of Delaware

Mr. Speaker Spence called the House to order at 12:01 a.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Wayne Smith, Seventh Representative District.

Becky Byrd led those present in a pledge of allegiance to the American Flag.

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

Representative Roy moved to suspend the rules which interfere with action on HB 390. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HB 390, jointly sponsored by Representatives Boykin, Carey, B. Ennis, Jonkiet & Taylor & Senators Martin, Cook, Hauge, Knox, McBride & Minner, before the House for consideration.

HB 390 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing and Authorizing the Issuance of General Obligation Bonds of the State, Guaranteed Industrial Revenue Bonds, Revenue Bonds of the Delaware Transportation Authority and the Transportation Trust Fund; Reverting and Reprogramming Certain Surplus Funds of the State and Reprogramming Certain Funds of the Delaware Transportation Authority; Creating Certain Funds of the State; Appropriating Certain Funds from the General Fund, the Transportation Trust Fund and Special Funds of the Delaware Transportation Authority; Amending Volume 67, Chapter 360 and Volume 68, Chapter 32, Delaware Laws Relating to Transfer of Library Appropriation Balances; Amending Title 29, Delaware Code Relating to Debt Limits; Authorizing the Department of Administrative Services to Allocate Stripper Well Funds to Certain Eligible Capital Improvements Authorized in This Act; Amending Volume 67, Chapter 46, Laws of Delaware Relating to the Reprogramming of Certain Funds of the Transportation Trust Fund; Amending Title 17, Chapter 1, Delaware Code Relating to the Powers and Duties of the Department of Transportation; Amending Title 29, Chapter 69, Delaware Code Relating to the Procurement of Materials and Award of Contracts; Amending Title 30, Chapter 52, Delaware Code Relating to Motor Fuel Purchase; Amending Title 21, Chapter 4, Delaware Code Relating to Reciprocal Agreements; Amending Title 21, Chapter 3, Delaware Code Relating to the Transportation Trust Fund and the Department of Public Safety; Amending Title 30, Chapter 30, Delaware Code Relating to Motor Vehicle Document Fee and Automobile Dealer Handling Fee and License Fee; Amending Title 30, Chapter 51, Delaware Code Relating to Motor Fuel Tax; Amending Chapter 14, Title 2 of the Delaware Code Relating to the Establishment of the Transportation Trust Fund; Amending Title 30, Chapter 52, Delaware Code Relating to Motor Carrier Fuel Purchase Fees and Agreements; Amending Title 2, Chapter 13, Delaware Code Relating to the Delaware Transportation Authority; Amending Title 21, Chapter 21, Delaware Code Relating to Fees for Registration of Vehicles; Amending Title 21, Chapter 23, Delaware Code Relating to Fees for Vehicle Titles and Liens; Amending Title 21, Chapter 25, Delaware Code Relating to Fees for Transfer of Title, Registration, and Liens; Amend Chapter 75, Title 29, and Chapter 26, Title 14, of the Delaware Code, Relating to Equalization of School Construction Funds; and Amending Volume 67, Chapter 285, Delaware Laws. (3/4 bill)

Representatives Bennett, George, Davis & Clark requested that they be marked present.

Representative Campanelli introduced and brought HA 1 to HB 390 before the House for consideration. Mr. Speaker Spence ruled that HA 1 is out of order.

Representative Roy requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.

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

Representative Houghton introduced and brought HA 2 to HB 390 before the House for consideration. HA 2 was defeated by voice vote.

The roll call on HB 390 was taken and revealed:

YES: 36.

NO: Representatives Brady, Campanelli - 2.

NOT VOTING: Representatives B. Ennis, Houghton, VanSant - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 390 was sent to the Senate for concurrence.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on HB 395. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi introduced and brought HB 395, jointly sponsored by Representatives Spence, Petrilli, Buckworth, George & Gilligan & Senators Cook, Cordrey, Sharp, McDowell, Bair & Connor, before the House for consideration.

HB 395 - An Act to Provide for a Supplemental Appropriation to the Department of Health and Social Services, Social Services for the Purpose of an Emergency Concerning Medicaid Funds for Non-State Institutions. (3/5 bill)

The roll call on HB 395 was taken and revealed:

YES: 39.

NO: Representative Campanelli - 1.

NOT VOTING: Representative B. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 395 was sent to the Senate for concurrence.

Representative Oberle moved to lift HB 381 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought HB 381, jointly sponsored by Representatives Davis & Corrozi, before the House for consideration.

HB 381 - An Act Awarding Special Pension Benefits, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Oberle requested and was granted the privilege of the floor for Mathias Fallis, Director of Personnel.

Mr. Speaker Spence resumed the Chair.

Representative Oberle introduced and brought HA 1 to HB 381 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 381 w/HA 1 was taken and revealed:

YES: 22.

NO: Representatives Bennett, Bunting, Clark, Schroeder, Sills, West - 6.

NOT VOTING: Representatives Boykin, Carey, Caulk, B. Ennis, George, Houghton, Jonkiert, Moore, Outten, Quillen, Roy, VanSant - 12.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 381 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with action on Agenda III and making it a Consent Agenda. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought Consent Agenda III, which requires a two-thirds vote, before the House for consideration.

SB 156 w/SA 1 - HOLLOWAY, STILL - An Act to Amend Chapter 71, Title 18, Delaware Code, Relating to Long-Term Care Insurance.

SB 159 - MINNER - An Act to Amend Title 30, Chapter 54, Delaware Code Relating to the Realty Transfer Tax. (F/W)

SB 220 - VENABLES, MINNER; REPRESENTATIVE CAREY - An Act to Amend Title 29 of the Delaware Code Relating to Agency Rules and Regulations.

SB 141 - SHARP; REPRESENTATIVE HEBNER - An Act to Amend Title 8 of the Delaware Code Relating to a Procedure for Providing for Claims Against a Dissolved Corporation and to Certain Fees and Charges Payable to the Secretary of State. (2/3 bill)

SB 225 - VENABLES - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salespersons, and Appraisers and Psychologically Impacted Properties.

SB 226 - VENABLES - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Disclosure of Agency in a Real Estate Transaction.

The roll call on Consent Agenda III was taken and revealed:

YES: 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 156 w/SA 1, SB 159, SB 220, SB 141, SB 225 & SB 226 were returned to the Senate.

Representative Davis moved to lift HB 360 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HB 360 w/HA 1, jointly sponsored by Representatives Amick, Boykin, Carey, DiPinto, Corrozi, Smith, Taylor, Buckworth & Spence & Senators Knox, Venables, Neal, Bair & Sokola & cosponsored by Representatives Lofink & Petrilli, before the House for consideration.

HB 360 - An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Permit Fees and Other Assessments Charged by the Department of Natural Resources and Environmental Control and to Authorize and Approve Various Permit Fees and Assessments. (3/5 bill)

Representative Clark introduced and brought HA 2 to HB 360 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: Representatives Bennett, Brady, Bunting, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Outten, Schroeder, Sills, Soles, West - 14.

MO: 19.

NOT VOTING: Representatives Campanelli, Davis, D. Ennis, Petrilli, Roy, Taylor, VanSant, Mr. Speaker Spence - 8.

Therefore, not having received a constitutional majority, HA 2 was declared defeated.

The roll call on HB 360 w/HA 1 was taken and revealed:

YES: 28.

MO: Representatives Brady, Bunting, Clark, George, Gilligan, Houghton, Jonkiert, Outten, Schroeder, Sills, VanSant, West - 12.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 360 w/HA 1 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: HB 378, HB 288 w/HA 3, HB 395, HB 390, HB 256 w/SA 1, HCR 58, HJR 11, HJR 12, HB 392, HB 380, HB 350, HB 369, HB 244, HB 247 w/HA 1, HB 370, HB 361, HJR 9, SB 230 w/SA 1, 2 & 3, SB 141, HB 11 w/HA 1, HS 1 for HB 250 w/HA 1, HB 65 w/HA 1 & 2, HB 301, SB 222 w/SA 1, HS 1 for HB 307, HB 358, HB 120, HJR 14, HB 346, HS 1 for HB 347, HB 383 w/HA 1, HB 348 w/HA 1, HB 349, SB 159, HB 330, SB 221, SB 225, SB 226, HS 1 for HB 295, HJR 13, SCR 66, SCR 67, SCR 68, SCR 69 & HB 281 w/SA 1 & 2.

The Majority Leader moved to recess to the call of the Chair at 1:20 a.m.

2nd LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

First Special Session

August 6, 1991

Mr. Speaker Spence called the House to order at 5:57 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 231, HB 171 w/HA 1 & HJR 15.

June 28, 1991

LEGISLATIVE ADVISORY #22

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/28/91 - SB 77 aab SA 2, SB 103, HJR 3, HB 156, HB 218 aab SA 1, HB 216 aab HA 1 & SA 1, SB 121 & HB 95 aab SA 1.

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

HUM RES: SCR 58 - 5M.

The Majority Leader moved to adjourn at 5:59 p.m., thereby ending the current legislative day. The House reconvened at 6:00 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Boykin, Schroeder - 2.

A prayer was offered by Representative Steven C. Taylor, Twenty-First Representative District.

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

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

The following prefilled legislation was introduced:

HB 396 - SILLS, BUNTING, DIPINTO, D. ENNIS, HEBNER, MARONEY, MOORE, OUTTEN; SENATORS HOLLOWAY, KNOX, MCDOWELL, MINNER - TRANS: An Act to Amend Title 29 Delaware Code, Chapter 69 to Increase Opportunities for Minority Business Enterprises (Inclusive of Women) With Respect to DelDot Construction Contracts.

HB 397 - SILLS, BUNTING, DIPINTO, D. ENNIS, HEBNER, MARONEY, MOORE, OUTTEN; SENATORS HOLLOWAY, KNOX, MCDOWELL, MINNER - SUNSET & OVERVIEW: An Act to Amend Title 29 to Provide Opportunities for Minority Business Enterprises (Inclusive of Women) to Participate in State Procurement Contracts.

HB 401 - FALLON; SENATOR VENABLES - LAND USE & GOV REL: An Act to Amend Chapter 81, Title 9, Delaware Code Relating to Property Subject to County Taxation.

SB 221 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 100, Title 3 of the Delaware Code Relating to the Harness Racing Commission.

SB 222 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 3, Title 28 of the Delaware Code Relating to the Regulation of Horse Racing.

SB 230 w/SA 1, 2 & 3 - MCDOWELL - B & I: An Act to Amend Chapter 5 of Title 18 of the Delaware Code Relating to Domestic Insurers Requiring Physical Presence in Delaware and Providing for an Exemption From the Requirement Under Specified Circumstances.

SB 231 - COOK, VAUGHN, MCBRIDE, HOLLOWAY, STILL, NEAL; REPRESENTATIVES CORROZZI, DAVIS, SOLES, DIPINTO, WEST, QUILLEN - LABOR & HUM RES MAN: An Act to Amend Chapters 83 and 88, Title 11, Chapters 55, 55A, and 56, Title 29, Delaware Code, Relative to Employer Pickup of Member/Employee Pension Contributions.

HA 2 to SB 155 - JONKIERT - APPRO: Placed with the bill.

HA 1 to SB 207 - DAVIS - JUD: Placed with the bill.

HA 2 to SB 207 - HEBNER - JUD: Placed with the bill.

Representative D. Ennis requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 360 w/HA 1.

July 8, 1991

The Honorable JoAnn M. Hedrick  
Chief Clerk of the House  
State of Delaware  
Legislative Hall  
Dover, Delaware 19901  
Dear Ms. Hedrick:

Receipt is acknowledged for State of Delaware House Concurrent Resolution No. 42, urging the U.S. Congress to defeat proposals that would weaken or eliminate the dual banking system.

This Resolution will be presented to the United States Senate and appropriately referred.

Sincerely,  
Walter J. Stewart  
Office of the Secretary  
July 10, 1991

Dear Ms. Hedrick:

On behalf of President Bush, thank you for sending House Concurrent Resolution 42 as adopted by the State of Delaware. The President appreciates receiving the views of State and local officials, and you may be sure the recommendation has been fully noted. With the President's best wishes to you and the citizens of Delaware,

Sincerely,  
Shirley M. Green  
Special Assistant to the President  
for Presidential Messages  
and Correspondence

The Honorable JoAnn M. Hedrick  
Chief Clerk  
House of Representatives of  
the State of Delaware  
Dover, DE 19901

July 1, 1991

LEGISLATIVE ADVISORY #23

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 6/28/91 - HB 238, 6/30/91 - SB 213, 7/01/91 - HB 154 aab SA 1, HB 296, HB 243, HB 282, HB 20, HB 112, HS 1 for HB 347, HB 348 aab HA 1, HB 349, HB 383 aab HA 1, HJR 13, HJR 14, HB 350, HB 380, HB 360 aab HA 1.

July 8, 1991

LEGISLATIVE ADVISORY #24

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 7/03/91 - SB 132 aab SA 1 & HA 1, SB 87, HB 245, HB 267, HB 202, HB 79 aab HA 1,2 & 3, HB 207 aab HA 1, HB 176 aab HA 1 & 2, HJR 8, SB 137, SB 149 aab SA 2, SB 196, SB 67 aab SA 1, SB 66, SB 95, SB 139 aab SA 1, SB 124, SB 148 aab SA 1, SJR 6, HB 273 aab HA 1, SB 198 aab SA 1, SB 202.

July 9, 1991

LEGISLATIVE ADVISORY #25

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/05/91 - HS 1 for HB 211 aab HA 1,2 & HA 1 to HA 2 & SA 1 & 2, HJR 7 aab HA 1, HB 98, HB 335, HB 97, HB 214 aab HA 3 & 4 & SA 1, HS 1 to HB 140 aab HA 3, HB 5, HB 355, HB 37 aab SA 1, HB 261 aab HA 1, HB 232, 7/08/91 - HB 200 aab HA 1,2,4 & 5, HB 116 aab HA 1, HB 351, HB 226, HB 346.

The following legislation was vetoed on the date indicated: 7/09/91 - HB 290 aab HA 1.

July 9, 1991

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES  
OF THE 136TH GENERAL ASSEMBLY

On June 27, 1991, I received House Bill No. 290 as amended by House Amendment No. 1, which is entitled:

"AN ACT TO AMEND CHAPTERS 14 and 40 OF TITLE 14, DELAWARE CODE RELATING TO TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES AND RELATING TO PUBLIC SCHOOL EMPLOYMENT RELATIONS."

This bill seeks to codify the reasons for which a public school administrator's contract may be terminated by his or her local school board employer. The bill also sets forth procedural requirements which must be followed in order to effectuate a termination. Because I believe this legislation could hamper the effective and efficient administration and supervision of our local school districts, I am returning House Bill No. 290 as amended by House Amendment No. 1 without my signature.

My underlying concern with this legislation is that it will undermine the authority of the state's independently-elected school boards to manage their schools in a manner as they see fit to ensure accountability to the residents, parents and students of their districts. The school boards must have the authority and responsibility to hire, retain, terminate, reassign, and alter the employment contracts of administrators in order to provide the best management services available to discharge their duties. It is my conclusion that House Bill No. 290 would place unacceptable restrictions on the school boards and cause great uncertainty on their parts thereby undermining their authority and

limiting their ability to provide accountability for their districts. Under existing Delaware law, local school boards are statutorily authorized to administer and supervise their schools and to determine policy in regard thereto. In order to accomplish this mandate in an effective and meaningful way, the boards must have the flexibility and freedom to manage their districts free from unnecessary restrictions. The boards must have the ability to make personnel decisions affecting school administrators, their front-line managers, based upon their determination as to what is in the best interests of their districts and the children who attend their schools. In my opinion, this legislation, if enacted, could effectively deprive local school boards of the reasonable control necessary to ensure competent management of their school systems. For example, by its terms this legislation would allow an administrator to appeal a decision by a local board when the administrator is offered a different contract even if it is for a position of equal salary. This could frustrate the transfer of administrators from one school to another or from one position of responsibility to another to the detriment of a district. Moreover, any time a material term in a contract is changed it could be argued that a different contract has been offered thereby resulting in a "termination" rendering the provisions of this bill applicable. While obviously unintended, this provision would have a significant, adverse impact on each board's ability to administer and supervise its schools. In addition, this legislation does not provide administrators with rights similar to those of teachers as stated in the bill's Synopsis. Rather, the rights provided in House Bill No. 290 as amended are far more extensive than those afforded teachers. Specifically, the provisions of this bill would apply to all public school administrators irrespective of tenure. By way of contract, the procedural rights afforded to teachers who are subject to termination at the end of a school year are only applicable to those who have completed at least three years of service in the state, two years of which must have been in the employ of the terminating board. The tenure provision for teachers allows local school boards additional flexibility while still affording full protection to those employees who have performed their jobs satisfactorily throughout their probationary period. Under the bill before me, every administrator, even one hired as recently as a month, a week, or even a day earlier would be afforded the full protections set forth in this legislation. There is no apparent justification for permitting this type of "immediate tenure" for administrators.

With respect to the issue of notice of intention to terminate services, House Bill No. 290 as amended would require a local school board to provide notice to the administrator at least six months prior to the expiration of his or her contract. The notice must specify the reasons for the intended termination. Under the applicable statute pertaining to teachers, notice is required on or before the first day of May that the school board intends to terminate a teacher's services at the end of the school year. House Bill No. 290 also provides that the failure to terminate an administrator in accordance with the terms of the legislation (including the six month notice provision) shall result in the automatic renewal of the administrator's contract for a period of one year. The application of these provisions could have serious unintended consequences. For example, if an administrator is found guilty of some gross misconduct at some time less than six months prior to the expiration of his or her contract, while he or she could be suspended this bill's provisions could be interpreted to prevent the local school board from taking any action to terminate the administrator's contract. Moreover, since timely notice was not provided, the contract would automatically be renewed for an additional year.

Another major distinction between this legislation and the law governing the termination of teachers is that under this bill an administrator notified of his or her intended termination may seek a hearing before the Public Employee Relations Board. This would represent a departure from the statutory duties and responsibilities with which the PERB was originally clothed. It would also place the PERB in a position of evaluating second-hand the subjective actions of local school boards in managing their districts. Finally, under this bill, the decision of the PERB is final and not subject to appeal.

In comparison, under the current law governing the termination of teachers, the employing school board must hold a hearing or designate a hearing officer to do so. If a hearing officer conducts the hearing, the officer is required to submit a report with a recommendation to the board which makes the ultimate determination regarding termination. The decision of the local school board is then subject to appeal to Superior Court.

Also, under House Bill No. 290 as amended, at any hearing before the Public Employee Relations Board, the local school board would be required to shoulder the burden of proving, by substantial evidence, that its decision to terminate an administrator was justified. No such burden exists with respect to termination proceedings involving teachers.

Finally, pursuant to this bill, an administrator who appeals his or her termination to the Public Employee Relations Board and receives a favorable decision from the Board would be entitled to a reasonable award of attorney's fees not to exceed \$1,500. There is no provision in the legislation for an award of attorney's fees in the event the local school board's decision is upheld. Likewise, there is no analogous provision regarding attorney's fees with respect to successful appeals of terminations by teachers.

Therefore, a review of the bill's provisions establishes that it goes well beyond the statutory scheme applicable to the termination of teachers' employment contracts and does so to the detriment of the effective management of our schools.

For the reasons stated herein, I am returning House Bill No. 290 as amended by House Amendment No. 1 to the House of Representatives without my signature.

Sincerely,

Michael N. Castle

NMC/kkap

July 15, 1991

LEGISLATIVE ADVISORY #26

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/09/91 - HB 330, SB 144 aab SA 1 & 2, HA 1, SB 26 aab SA 1, SB 45 aab SA 1 & 2, SB 69, SB 72 aab SA 1, SB 71 aab SA 1 & HA 1, SB 89, SB 126, SB 152, SB 163 aab SA 1, SB 164 aab SA 1, SB 175, SB 182, SB 184, SB 186, SB 187 aab SA 2, SB 189 aab SA 1, HB 143, HB 231, SB 24 aab SA 1 & HA 1, 7/10/91 - SB 23 aab SA 1, SB 147 aab SA 1, SB 162 aab SA 1 w/HA 1 & 3, SB 195 aab SA 1 & 2, SB 197 aab SA 1, SB 203 - 7/11/91 - HB 165 aab HA 2, SB 125, HB 136 aab HA 1, SB 225, HB 392, HB 390, HB 395, SB 223, SB 220, SB 156 aab SA 1, SB 218 aab SA 1, HB 301, SB 141, SB 174 aab HA 1.

The following bills were vetoed by the Governor on the dates indicated: 7/11/91 - SB 160 aab HA 1, HB 312, 7/15/91 - SB 209.

SB 179 is the second leg of a constitutional amendment and does not require the Governor's signature.

July 11, 1991

To the Members of the Delaware State House of Representatives of the 136th General Assembly

On July 1, 1991, I received House Bill No. 312 which is entitled:

"AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO RESIDENCY REQUIREMENTS FOR MUNICIPAL EMPLOYEES."

This legislation is the result of efforts by members of certain public employee unions to eliminate legislatively the residency requirement contained in the charter of the City of Wilmington. The charter provision found objectionable by the proponents of this bill required Wilmington's employees to establish city residency within six months of employment. Failure to do so is grounds for dismissal. The charter provision was approved by the voters of the City of Wilmington at a referendum in 1976. It has since been endorsed and supported by successive mayors and city councils. Indeed, both the current mayor and city council are on record as being opposed to any change in the charter's residency requirement.

When the effort to eliminate the residency requirement by action of the General Assembly was unsuccessful, the bill now before me was passed as a compromise. This legislation required any municipality with a residency requirement to submit the issue to the voters at its next municipal election. Furthermore, it prohibits any municipality which does not now have a residency requirement from adopting one. Thus, while this legislation was designed specifically for the City of Wilmington, it actually has a broader scope in that it includes every municipality in the State.

Most of our municipalities require their elected officials to be residents. While many of those officials serve on a part-time basis and receive modest salaries, they are nevertheless employees of the municipality as well as municipal officials. It is therefore not clear if House Bill 312 would mandate the necessity of a referendum in each municipality whose charter required residency as a qualification of paid elective office. The legislation may not have intended such a result; however, a literal reading of subsection (a) suggests that possibility. At the very least, the legislation should be clarified to eliminate the burden it might otherwise place on municipalities other than Wilmington. Moreover, as presently drafted, House Bill 312 precludes all municipalities from imposing a residency requirement on their administrative officers as a condition of employment. In my view, such decisions are better left to the sound discretion of local officials and should not be the subject of a blanket prohibition. Nor should the State presume to impose restrictions on municipalities whose representatives have not had an opportunity to comment on their implications.

For the reasons stated herein, and primarily because House Bill 312 broadly applies to all Delaware municipalities, I am returning it without my signature. I note that I will approve a bill clearly applicable only to the City of Wilmington.

Sincerely,  
Michael N. Castle

NMC/tkap

July 19, 1991

LEGISLATIVE ADVISORY #27

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 7/15/91 - SB 159, SB 226, HB 11 aab HA 1, HB 65 aab HA 1 & 2, HB 113 aab SA 1, HB 166 aab HA 1, HB 171 aab HA 1, HB 244, 7/16/91 - SB 107 aab SA 1,2 & HA 1, HB 247 aab HA 1, HB 288 aab HA 3, HS 1 for HB 307, HB 345 aab HA 1, HB 358, HB 120, HS 1 for HB 295, 7/17/91 - HB 361, HB 369, HB 378, 7/18/91 - HJR 11, HJR 12, HJR 15, HJR 9, HS 1 to HB 250 aab HA 1, HB 272 aab HA 1 & SA 1.

The following legislation was vetoed by the Governor on the dates indicated: 7/17/91 - SB 75, SB 166, 7/18/91 - HB 370.

July 18, 1991

To the Members of the Delaware State House of Representatives of the 136th General Assembly

On July 9, 1991, I received House Bill No. 370 which is entitled:

"AN ACT TO AMEND CHAPTER 5, TITLE 11, RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS."

On June 20, 1991, I returned House Bill 188 without my signature. I declined to approve that legislation not only because it required the application of the Delaware Rules of Evidence to Superior Court hearings regarding petitions to carry concealed deadly weapons but also because it created a right of appeal to the Supreme Court in the event that the petition was denied.

The legislation before me now for consideration was passed in response to my disapproval of House Bill 188. Like its predecessor, it mandates legislative approval of fees, creates a right of appeal to the Supreme Court, and required the application of the Delaware Rules of Evidence to contested hearings. It differs from House Bill 188 in that an exception is established in subsection (i) which would lessen the evidentiary burden upon the State, although not eliminating it completely. The exception permits the introduction of documentary evidence by the State to prove, for example, that a petitioner has a criminal record in another jurisdiction, thereby shifting the burden of proof to the petitioner should the court elect to admit the documents. Although this exception represents a significant improvement over House Bill 188, it does not satisfy all of my objections.

I continue to believe that the hearings at issue here are fundamentally administrative in nature and should not be circumscribed by adherence to the Delaware Rules of Evidence. Nor have I changed my view that the State should not create a right of appeal to the Supreme Court for individuals whose petitions have been denied. The additional strain placed upon what I earlier described as "an already overburdened court system" by this legislation remains a legitimate concern. Furthermore, both the Department of Justice and the Delaware State Police continue to object to any legislation which would make it easier for individuals to obtain permits to carry concealed deadly weapons. I have not changed my view that a greater risk would result from granting a license to an unqualified petitioner than from denying one based on the discretion of a Superior Court judge.

For all of the reasons cited herein, I am returning House Bill No. 370 without my signature.

Sincerely,  
Michael N. Castle

NMC/tkap

July 21, 1991

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The following legislation was vetoed by the Governor on the date indicated: 7/11/91 -  
HB 103 aab HA 1.

July 11, 1991

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE 136TH GENERAL ASSEMBLY

On June 30, 1991, I received House Bill No. 103 as amended by House Amendment No. 1 which is entitled:

"AN ACT AWARDING SPECIAL PENSION BENEFITS TO FLORENCE KNIERIEM, TRANSFERRING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE."

This bill seeks to direct the Board of Pension Trustees to grant Florence Knieriem a survivor's pension, effective July 1, 1991, in the amount of \$193.18 per month. The bill further directs that \$25,301.04 be appropriated to fund this special pension benefit. Because I believe that the circumstances of this case do not rise to the level to justify granting such extraordinary relief, and because awarding such a pension under these facts could have far-reaching, adverse effects, I am returning House Bill No. 103 as amended by House Amendment No. 1 without my signature.

Mrs. Knieriem is the widow of Thomas R. Phillips who was employed as a teacher in the State of Delaware for fifteen years. Following his retirement, Mr. Phillips received a state pension until the time of his death in 1978. Subsequent to Mr. Phillips' death his widow remarried thereby becoming disqualified from receiving a survivor's pension under the law in effect at that time. The statute in question has subsequently been amended so as to permit spouses of deceased state employees to remarry without being disqualified from receiving survivors' pensions.

While there is no question that under current law the spouse of a deceased state employee is permitted to remarry without the loss of any applicable survivor's pension, there is also no question that at the time of her remarriage Mrs. Knieriem lost her entitlement to a survivor's pension under then existing Delaware law. Mrs. Knieriem is one of approximately one hundred individuals who are similarly situated. There is no legitimate justification for singling out this particular case for relief. Moreover, to render all similarly situated persons eligible for special pensions would not only unjustifiably supercede applicable law, but would also represent unacceptable public policy, establish improper precedent and constitute an irresponsible use of the taxpayers' money.

As I have repeatedly indicated, I believe that special pension legislation is justified only under extraordinary circumstances where equity compels its exercise. Because such circumstances do not exist in this case, I am returning House Bill No. 103 as amended by House Amendment No. 1 without my signature.

Sincerely,  
Michael N. Castle

NMC/kkap

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



The following communication was read at the request of Representative Outten:

July 31, 1991  
TO THE MEMBERS OF THE  
136TH GENERAL ASSEMBLY  
LEGISLATIVE HALL  
DOVER, DE 19901

Dear Legislator,  
Delaware's economy is suffering. Unemployment rates are increasing and people are losing their jobs. The State's budget is experiencing pressure with no immediate hope of increases in revenue. Because you are concerned about Delaware's future and its economy, you have the opportunity to do something about it.  
The members of the Forward Central Delaware Committee urge you to support S.B. 230; the "Domestic Relocation Bill". The bill passed the Senate on June 30, 1991 by a vote of 14-4. If passed by the House of Representatives, this law would require Delaware chartered Insurance Companies to locate their headquarters in Delaware or to invest in Delaware companies which will create thousands of new employment opportunities.  
Because you want Delaware's economy to grow and create jobs for your constituents, you need to support passage of this bill and urge the Governor to sign it into law.  
Sincerely,  
Leroy Klein  
Chairman

Daniel W. Wolfensberger  
Director

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #28

DATE: August 6, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-377	Spence	6/28/91	T	Luis Molina/Visit to Delaware
H91-378	Spence	6/28/91	T	William G. Walton, Sr./Retirement/Fire Marshal
H91-379	Spence	6/28/91	T	Nick & Debbie Scatasti/25th Wedding Anniversary
H91-380	Davis	6/28/91	T	Patricia L. Ahlborn/Presidential Award
H91-381	Quillen	6/28/91	T	Lisa K. Reback/Big Sister of the Year
H91-382	Quillen	6/28/91	M	Henry S. "Smokey" White
H91-383	Bunting	6/28/91	T	Paul & Dorothy Pepper/Preservation/Lighthouse
H91-384	Bunting	6/28/91	T	Lewis Brumberg Sr./Organist
H91-385	Bunting	6/28/91	T	Salem United Methodist Church
H91-386	Bunting	6/28/91	T	Ward Collins Jr/25 Years Service/Chief of Police
H91-387	B. Ennis	6/28/91	T	Jeff & Paula Mumford/Influence On Young Lives
H91-388	Oberle & Taylor	6/28/91	M	P. Brooks Banta/Retirement/10 Years/Board of Education
H91-389	DiPinto	6/30/91	T	Blane G. Parker
H91-390	Spence	6/30/91	T	Miss Jane Plummer/Clara Barton Award
H91-391	Spence	6/30/91	T	John L. Stevens - Departure From House Staff
H91-392	Caulk	7/01/91	T	Milman E. (Dick) Prettyman Retirement/Assoc. of Realtors
H91-393	Caulk	6/30/91	T	Delaware State Grange/Farm-land Preservation Legislation
	cosponsor: Ewing			Colvine Bison Farm/Hosting American Bison Association

T - Tribute  
M - Memoriam

#### HOUSE TRIBUTE ANNOUNCEMENT #29

DATE: August 6, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-394	Taylor	7/31/91	T	Robert T. Hughes/Retirement/Bank of Delaware
H91-395	Oberle	8/6/91	T	Robert L. Robinson/Retirement/Delaware Teacher Center
H91-396	Quillen	7/23/91	T	Corporal Hal Blades/Heroic Rescue of Phillip A. Brysiak
H91-397	Ewing	8/6/91	T	George Chaloupka/Retirement/University of Delaware

Number	Sponsor	Presentation Date	Type	Description
H91-398	Fallon	8/6/91	T	Dick & Marion Merrill/ Retirement/Service to Seaford Doris Givens
H91-399	Fallon	8/6/91	M	
H91-400	Fallon	8/6/91	T	Mr. & Mrs. Anthony Loffredo/ 60th Wedding Anniversary
H91-401	Roy	8/6/91	T	Stephanie Godfrey/Organizing Fourth of July Parade
H91-402	Roy	8/6/91	T	Janet Kilpatrick/Organizing Fourth of July Parade
H91-403	Roy	8/6/91	T	Lynn Burnham/Organizing Fourth of July Parade
H91-404	Roy	8/6/91	T	John L. Sipple/Retirement/ Service to Citizens of DE
H91-405	Taylor	8/6/91	T	James M. Kohler/Freedom Fighter/Persian Gulf
H91-406	Oberle	8/6/91	T	Sgt. Michael T. Cahill/Bronze Star/Persian Gulf

T - Tribute

M - Memoriam

Representative Jonkiert moved to place HB 256 w/SA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Smith brought HB 281 w/HA 1 & SA 1 & 2, jointly sponsored by Senator Marshall & Representatives D. Ennis, DiPinto, Boykin, Sillis, Jonkiert & VanSant & Senator Holloway, before the House for consideration.

HB 281 - An Act to Amend Title 30 and Title 4 of the Delaware Code Relating to the Administration and Enforcement of the Revenue Laws of the State of Delaware. (3/5 bill)

The roll call on HB 281 w/HA 1 & SA 1 & 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Boykin, Schroeder - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 281 w/HA 1 & SA 1 & 2 was sent to the Governor.

Representative Fallon brought SB 115, jointly sponsored by Senator Venables, before the House for consideration.

SB 115 - 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". (2/3 bill)

The roll call on SB 115 was taken and revealed:

YES: 39.

ABSENT: Representatives Boykin, Schroeder - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 115 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HB 398. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought HB 398, jointly sponsored by Representative Spence & Senators Cordrey & Sharp, before the House for consideration.

HB 398 - An Act to Amend Title 29 of the Delaware Code Providing for Reapportionment of the State Legislative Districts.

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

#### SUMMARY OF RACIAL BLOC VOTING ANALYSIS FOR WILMINGTON, DELAWARE

##### I. IMPORTANCE OF RACIAL VOTING ANALYSIS

In 1982, Congress amended Section 2 of the Voting Rights Act to make clear that certain practices and procedures that result in the denial or abridgement of the right to vote are forbidden even though the absence of proof of discriminatory intent protects them from constitutional challenge. The intent of Congress was to reduce the burden of proof necessary for minority plaintiffs to establish a violation of Section 2.

In 1986, the United States Supreme Court decided Thornburg v. Gingles, the first amended Section 2 case to be heard by the Court. The majority opinion, written by Justice William Brennan, established racially polarized voting as the fundamental inquiry to determine whether there is a voting rights violation. Under Brennan's analysis "the purpose of inquiring into the existence of racially polarized voting is twofold: to ascertain whether minority group members constitute a politically cohesive unit and to determine whether whites vote sufficiently as a bloc usually to defeat the minority's preferred candidate."

In a plurality section of his opinion, Justice Brennan elaborated on the evidence necessary to establish racially polarized voting. The state of North Carolina had argued that racially polarized voting exists if voting patterns are in some way caused by race. Brennan rejected this argument and determined that the relevant inquiry is whether voting patterns merely "correlate with the race of the voter." In other words, "it is the difference between the choices made by blacks and whites - not the reason for that difference - that results in blacks having less opportunity than whites to elect their preferred representatives."

Although Brennan indicated that "under Section 2 analysis it is the status of the candidate as the chosen representative of a particular racial group, not the race of the candidate, that is important," his conclusion that legally significant racial bloc voting existed in four of the five challenged districts in North Carolina rested solely on an analysis of contests that included black candidates. To date, this has led the lower courts to reject voting analysis that has relied upon white versus white electoral contests. Because courts are reluctant to accept analyses of elections without a minority candidate, only elections with minority candidates was included in this analysis.

The Federal District Court for Delaware, like the Court in Thornburg v. Gingles, has indicated that "racially polarized voting is the essential element of a section 2 vote dilution claim." In Jenkins v. Red Clay Consolidated School Board of Education, No. 89-230 (D. Del. April 30, 1990), the court declared that "racially polarized voting, when proven, can establish the political cohesiveness of the minority group by showing that significant numbers of minority group members usually vote for the same candidate. In the same vein, such proof can also demonstrate legally significant white bloc voting by showing that the majority bloc vote will normally defeat the combined strength of minority support plus white crossover votes."

Although many of the election contests in the U.S. are characterized by racially polarized voting, the existence of racially polarized voting will only result in impermissible minority vote dilution if it is legally significant, or in other words, if the minority-preferred candidate is usually defeated as a result of white bloc voting.

## II. RESULTS OF RACIAL VOTING ANALYSIS

The results of our racial bloc voting analysis indicate that, although whites and blacks usually vote for different candidates, the black-preferred candidates are not "usually defeated" in city-wide elections. This is particularly true of the more recent election contests examined (1988 and 1990). On the basis of this finding, we conclude that it is unlikely that legally significant racial bloc voting exists in Wilmington.

This conclusion is based on an analysis of ten city-wide primary and general elections since 1984 which included a black candidate(s) competing against white candidates. Two complementary statistical techniques, both sanctioned by the Supreme Court in Thornburg v. Gingles, were employed: bivariate ecological regression analysis and homogeneous precinct analysis. Estimates derived from both methods are included in the table below (with homogeneous precinct estimates reported in parentheses).

Racial Bloc Voting Analysis Results in the City of Wilmington

	Actual	Percent of Vote White	Black
<b>1984 Primary Election</b>			
Democrat Mayor			
Carroll (B)	27.7	0.0 ( 2.6)	73.4 (62.8)
Davis	2.4	.9 ( 1.1)	4.7 ( 4.2)
*Frawley	35.9	53.3 (51.4)	9.4 ( 9.4)
Varl	34.0	45.9 (44.9)	12.5 (12.5)
Democrat President of City Council			
*Baker (B)	38.8	9.4 (10.0)	89.2 (74.3)
Quinn	32.5	46.2 (47.8)	9.6 (13.3)
Sears	28.7	44.3 (42.2)	1.2 (12.4)
Democrat City Council At-Large			
Benfield (B)	11.1	3.8 ( 4.0)	27.9 (24.1)
Delledonne	9.7	13.1 (11.1)	.7 ( 4.0)
Digugliemo	7.4	9.7 ( 9.4)	2.0 ( 3.5)
Durstein	5.1	7.1 ( 6.8)	.9 ( 1.7)
Farren	7.1	10.4 (12.5)	0.0 ( 5.1)
Gonzales	2.8	1.2 ( 1.3)	5.0 ( 3.2)
*Gregory(B)	11.5	3.9 ( 3.1)	28.8 (20.8)
Grier	3.9	4.4 ( 4.5)	2.6 ( 4.3)
Hudson	4.5	4.5 ( 3.5)	4.8 ( 3.5)
Miles (B)	5.9	.5 ( .8)	17.9 (13.5)
Ogden	5.7	7.4 ( 7.7)	2.0 ( 2.8)
*Poppiti	11.7	17.5 (18.8)	0.0 ( 4.5)
*Walsh	13.7	16.5 (17.8)	7.4 ( 9.3)
<b>1984 General Election</b>			
President of City Council			
*Baker	70.7	50.7 (49.4)	100.0 (96.0)
Jameson	29.3	49.3 (50.6)	0.0 ( 4.0)
City Council At-Large			
*Gregory (B)	21.8	13.5 (12.9)	38.8 (33.5)
*Bartkowski	11.6	18.7 (19.7)	0.0 ( 1.9)
*Poppiti	23.4	20.3 (19.7)	27.9 (28.3)
Porro	9.4	14.7 (14.9)	0.0 ( 1.7)
*Walsh	22.6	19.9 (19.7)	26.5 (27.2)
Toliver	11.2	13.0 (13.1)	6.7 ( 7.4)
<b>1986 Primary Election</b>			
Democrat County Council (District 4)			
Daniago	6.6	10.1 ( 7.5)	1.7 ( 2.7)
Dobrzynski	3.8	7.3 (11.5)	0.0 ( 1.4)

Hollins (B)	16.5	2.1 ( 1.3)	36.5 (28.3)
Holloway (B)	23.4	2.8 ( 5.5)	50.9 (55.2)
*Ianni	28.3	53.0 (52.3)	0.0 ( 1.9)
Melgar	21.3	24.7 (21.8)	15.6 (10.5)

#### 1988 Primary Election

Democrat Mayor			
Carrol (B)	31.5	7.2 ( 7.4)	68.3 (55.2)
*Frawley	39.0	60.0 (58.2)	9.0 (15.8)
Vari	29.5	32.9 (34.4)	22.7 (29.1)

#### Democrat City Councilman At-Large

Cloud	10.2	9.5 ( 9.3)	12.4 (10.9)
Doherty	17.4	21.8 (23.6)	7.4 (11.2)
*Gregory (B)	25.0	11.4 (10.2)	56.8 (45.2)
*Poppiti	22.3	29.8 (29.6)	3.8 (13.1)
*Walsh	25.1	27.5 (27.3)	19.5 (19.6)

#### 1988 General Election

##### City Councilman At-Large

*Gregory (B)	23.5	17.4 (18.7)	34.2 (26.5)
*Poppiti	24.0	26.0 (26.8)	19.7 (21.6)
*Walsh	26.6	26.3 (26.6)	26.8 (25.2)
*Barkowski	13.1	18.4 (17.3)	4.2 (11.5)
Chambers	12.8	11.9 (10.7)	15.1 (15.3)

#### 1990 Primary Election

##### Democratic County Council (District 4)

Hollins (B)	49.4	28.2 (20.9)	75.9 (66.8)
*Murowany	38.5	68.9 (75.4)	0.0 ( 4.5)
Patton	12.2	2.8 ( 3.8)	24.1 (28.7)

B = Black

\* = Winner(s) (Based on information provided by New Castle County Board of Elections)

As an examination of this table shows, despite the presence of polarized voting, black candidates have won seats citywide in 70% of the ten elections examined between 1984 and 1990. For example, Gregory was elected to city council at-large in 1984 and 1988 and Hollins won Democratic primary county council district 4 in 1990.

In the most recent elections studied, 1988 and 1990, black candidates have been even more successful, winning 75% of the elections examined. This suggested that the potential for legally significant bloc voting is decreasing with time.

This analysis includes all of the citywide contests in which a black competed against white candidates. An attempt was also made to examine the 1982 race for State House district 1 in which Orlando George (the white incumbent) ran against a black Republican. However, because of the low number of precincts and the closeness of the contest, no reliable estimates of voting behavior by race were obtainable for this contest.

#### III. CONCLUSION

The ability of the black community in Wilmington to elect representatives of their choice has improved over the past ten years. And if the growth rate in the black community continues to increase at its present rate, the ability of black voters to elect candidates of their choice will continue to improve over the course of this decade.

According to the 1990 census, the black population grew at twice the rate of the white population in Delaware in the 1980s. Blacks now comprise 52% of the population in Wilmington and this percentage is likely to increase over the course of the decade.

The city-wide election we have analyzed indicate that the black-preferred candidate is likely to win in Wilmington. Since the population in Wilmington is approximately 52% black, a state legislative district in the Wilmington area with a comparable black population percentage will probably also elect black-preferred candidates and thus is not likely to suffer from legally significant racial bloc voting.

Representative Petrilli introduced and brought HA 1 to HB 398 before the House for consideration. HA 1 was adopted by voice vote.

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

#### NAACP REDISTRICTING PROJECT MEMORANDUM

TO: Delaware Legislature Redistricting Committee  
FROM: Samuel L. Walters, Assistant General Counsel  
DATE: July 31, 1991  
RE: Inadequacy of Proposed Legislative Plan for Wilmington and Dover Areas;  
Requirements of the Voting Rights Act

As you know I earlier presented testimony to you [sic] committee about the general requirements of the Voting Rights Act and made some limited comments about the legislative plan which had just been unveiled for public viewing and comment. I will refrain from making any further comments about the limited access of the public to the redistricting process and will focus these remarks on the issues of the Voting Rights Act as it relates to the proposed plan and questions raised by counsel to the Committee.

The most important assertion that the NAACP can make is that the current status of the law interpreting the Voting Rights Act makes it clear that where it is possible to draw majority black districts this must be done. We have presented you with maps which create four viable minority districts and an influence district in the Wilmington area as well as one minority district in the Dover area. (\*)

In the wake of the 1982 Amendments to the Voting Rights Act and the court decisions interpreting the Act, it is indisputable that any action that results in the dilution of the black community's voting strength is a violation of the Act. (\*\*) Therefore, the analysis of proposed legislative plans will focus on a numerical comparison between the number and quality of minority districts that can potentially be drawn in a jurisdictions [sic] and the number and quality of such districts actually contained in the plan. The absence of discriminatory motives on the part of those drawing the plans will not be relevant in determining whether the plan will pass muster if challenged in court.

We have reviewed the plans proposed by the Committee and compared them with those created by the NAACP Redistricting Committee. It is our opinion that the adoption of the districts you have proposed would be a violation of the Voting Rights Act as this would result in dilution of the minority community's voting strength both with regard to Dover and Wilmington. In Dover, you simply fail to establish a district where it is possible to do so. (\*\*\*)

In Wilmington, District 1 fails to have a minority VAP and is [sic] therefore does not pass the threshold definition of a minority district within the meaning of the Voting Rights Act. (\*\*\*\*) Your proposal only created two minority districts, Districts 2 and 3, with adequate minority population and one of these has substantially more minority citizens than is necessary to create an adequate district. (\*\*\*\*\*). Although it approached sufficiency, District 5 of your proposal is also somewhat lower in percentage of minority population that what we consider adequate for a minority electable district in a [sic] urban center such as Wilmington. In short, only one of the districts you have presented for the Wilmington area is sufficient. The Wilmington area districts presented by the NAACP represent four viable districts that comport with the requirements of the Voting Rights Act and are also more in compliance with the one person, one vote doctrine.

The NAACP plan establishes a benchmark or minimum threshold of African American and other minority group voting strength that should emerge from the redistricting process. Any alternative plans should generally match these districts in numbers and real minority empowerment even if the district lines are not exactly the same.

The U.S. Supreme Court recently affirmed an Arkansas case arising from the 1981 legislative reapportionment. Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989) (three-judge court), aff'd mem., \_\_\_ U.S. \_\_\_, 111 S.Ct. 662, 59 U.S.L.W. 3460 (1991). In the Jeffers case, the lower court stated:

(\*) - If your computer personnel want computer fields that contain this data, we will make every effort to put the information in a format that is compatible with your computer. I can be reached at (301) 486-9184 or you can call our redistricting analyst Ian Millet at 9183.

(\*\*) - Thornburg v. Gingles, 478 U.S. 30 (1986).

(\*\*\*) - See the discussion below concerning the threshold requirements of a violation of the Voting Rights Act, which are legally distinct from the requirements of what is a sufficient district to give the minority community a fair chance to elect a candidate of choice.

(\*\*\*\*) - It is also clear what populations are included in the term Total Minority used in your reports. Given the usual voting patterns of urban minority groups, the NAACP and other voting rights groups do not usually combine any groups other than blacks and Hispanics. If you data analysis uses all non-whites as they Total Minority category then your figures are misleadingly high and would not withstand legal analysis.

(\*\*\*\*\*). - Both districts 2 and 5 contain too many people and result in the additional dilution of the minority community's voting strength. For example, the Committee's District 1 has 16,975 people. for a deviation of 4.47%. It is therefore doubly packed. Not only does it have too many minority citizens because it has an 80% minority population, but in addition this is 80% of an unnecessarily large number of people. Your district 2 has 2,048 more black citizens in it than does our district 2 which is almost ideal size with a deviation of 0.28%. These 2,000 blacks would make up over 12% of another ideally sized district. Since the Committee is arguing (erroneously) that the minority population composition of District 1 (52.1%. 47.6% VAP) is adequate, there can be no justification for the double packing of District 2. You can't have it both ways. We think districts composed of approximately 70-72% combined black and Hispanic population are appropriate for the Wilmington area. Similarly, district 5 is oversized having 16,980 people for a deviation of 4.5%. If it was simply trimmed to ideal district size by the removal of white population, its minority composition would increase from almost 2 percentage points.

If lines are drawn that limit the number of majority-black single member districts, and reasonably compact and contiguous majority-black districts could have been drawn, and if racial cohesiveness in voting is so great that, as a practical matter, black voters' preferences for black candidates are frustrated... the outlines of Section 2 theory are made out.

730 F. Supp. at 205.

Given the history of racially polarized voting in Delaware, and in Wilmington and Dover particularly, the failure to establish a minority district when one can be drawn is a violation of the Voting Rights Act. In the Gingles case, the Supreme Court stated the threshold test for establishing a Voting Rights Act violation is met when the plaintiff shows the ability to draw a legislative district that is over 50% black and the existence of racially polarized voting. (\*\*\*\*\*). Therefore, if the adopted districting plan fails to establish the maximum number of effective minority districts, the Voting Rights Act has been breached. (\*\*\*\*\*).

In light of the current state of the law and the benchmark set by the NAACP plan, the parallels with the Arkansas factual situation found in Jeffers would make success in litigation against the current proposal a likelihood.

The Committee's plan seems to take great pains to protect incumbents. The Voting Rights Act does not contain any waiver that allows for protection of incumbents. No deviation from the maximum empowerment of minority communities should be tolerated because incumbents are having safe districts created for them.

The Committee seems to think that there is no polarized voting in Delaware and that they are free from the requirements of the Voting Rights Act. Nothing could be further from reality. Analyses from the NAACP's litigation in Dover and the pending Red Clay School District case reveal rather extreme polarized voting patterns on the part of the white population. We are not aware of any black who has been successful in an attempt for the State Legislature from the Dover area. Few if any have even attempted to run because of the obvious likelihood of defeat. (\*\*\*\*\*).

In the Wilmington area, you have pointed to the successful candidacies of some black candidates. First, it should be pointed out that the Voting Rights Act as interpreted by Gingles and its progeny does not require that all minority candidates have always been defeated. To the contrary, the "usual pattern" is the key and unusual circumstances such as an unopposed minority candidate, a strong incumbent, backing of the white power structure, etc., are taken into consideration. The bottom line analysis here is a showing that "a substantial majority of white voters would rarely, if ever, vote for a black candidate..." (\*\*\*\*\*).

(\*\*\*\*\*). - Obviously, the proposed district must be contiguous and reasonably compact. Heightened standards of compactness cannot be applied to minority districts and the requirements of the Voting Rights Act take precedence.

(\*\*\*\*\*). - The lower court in Jeffers had before plaintiffs' analysis showing the maximum number of majority black districts that could be created in Arkansas. The court stated:

We know, and have found in this opinion, how many such districts can be created, and we also know that their lines can be drawn so as to make them reasonably compact and contiguous. There is, therefore, a sort of presumption that any plan adopted should contain that number of majority-black districts.

730 F. Supp. at 217. This analysis was recognized recently when, in advising the Virginia state legislature, the Virginia Division of Legislative Services stated that the current state of the law required that "the maximum number of black majority districts must be created."

(\*\*\*\*\*). - Because the Dover case was settled, our experts' analyses were not compiled into formal reports that is available for presentation to the Committee. Both precinct analyses and exit polls revealed heavily polarized voting. The absences of elected minority officials and candidates in Dover should speak clearly enough on this issue. The studies of the Plaintiff's experts in the Red Clay School District case are in the Court records at the U.S. District Court, Jenkins v. Red Clay Consolidated School District, Civ. No. 89-230(LON). In addition, I personally have been told by a white State Senator/Legislator (who will remain anonymous) that some of the redistricting personnel already have these reports and may have done their own studies which showed polarized voting.

(\*\*\*\*\*). - Gingles, 478 U.S. at p. 59. In the North Carolina elections under consideration in the Gingles case, a black candidate had won on some occasion in each of the election districts and the Supreme Court looked to overall historical pattern to find a Voting Rights violation. Election of minority candidates from multi-candidate fields does not offset a claim of bloc voting if the black candidates are ranked low or last by the white voters. Id.

This is unquestionably the case in Wilmington and Dover. Delaware has no black State Senators or Legislators who are not elected by heavily black districts. Success of black candidates in predominantly black districts does not defeat the third prong of the Gingles prima facie case. (\*\*\*\*\*)

In addition the Committee members should be aware that simply drawing districts with a majority African American, and or hispanic populations does not end the question of whether the dictates of the Voting Rights Act have been met. The law required that, where the minority population is available, districts be drawn in a manner that gives the minority community a fair and equitable chance to elect its candidate of choice. Therefore, districts must have an effective minority voting majority. This means that minority electable district must often have black population fat in excess of 50%. A specific analysis should be conducted to determine [sic] what is the threshold level needed for a particular district. In urban centers such as Wilmington with a history of low registration and turnout rates, a figure slightly higher than the usual 65% emerges from such an analysis. Therefore, the NAACP districts were created at the 70-72% range in Wilmington where sufficient minority population was available to do this. (\*\*\*\*\*)

Additionally, it should be noted that are occasions such as the proposed Dover legislative district where demographic and population factors make it possible to create a minority district greater than 50% in population, but which does not rise to minority population level usually expected for the probable election of the minority community's candidate of choice. In these circumstances the redistricting authority is not freed from its obligation to create the minority district. As noted above a Gingles violation is made out when a minority district can be drawn and the requisite voting patterns are found. The commission must do the best that it can given the demographics of the area under consideration. Proof of the electability of a district is not required by the Voting Rights Act. What is desirable for optimal district configurations is not the same as the minimum threshold for proving a violation of the Act. (\*\*\*\*\*)

The district proposed by the NAACP for the Dover area is clearly not the most compact of districts. However, compactness per se is not a criterion mentioned in the Voting Rights Act. The Gingles case and its progeny only require that districts be reasonably compact. Court decisions interpreting this factor have liberal in allowing irregularly shaped districts to be created so as to further the purposes of the Voting Rights Act. (\*\*\*\*\*). It would be very easy to take the reverse C shape of the proposed Dover district and fill it in as another legislative district was created. Thus, the adoption of this district would not create many other districts with irregular shapes.

In summary, our proposed plan presents the State of Delaware with an opportunity to make the promises of the Voting Rights Act a reality. Adoption of a legislative plan that does not meet the benchmark set by this plan will be a dilution of the voting rights of the black and other minority citizens of Delaware.

(\*\*\*\*\*) = For example, the recent County Council race in the district which is primarily from Wilmington is not proof of the absence of legally significant polarized voting. First, our analysis of that district shows that 1990 Census data gives it a 61.8% combined black and Hispanic population, far from the 50/50 mix your staff has asserted. Its combined black-hispanic VAP is 56%. More importantly, there was only late poorly organized opposition from the white candidate. According to the Red Clay Plaintiff's expert, this election was characterized by extremely heavy racially polarized voting and was won by the black candidate in spite of this due to the above factors. See Carrollton Branch of NAACP v. Stallings, 829 F.2d 1547, 1555-1561 (11 Cir. 1987), for a post-Gingles analysis of election results.

(\*\*\*\*\*) = Determining just what this figure should be required a multi-factored analysis which includes a comparison of three items in the area where the district is being drawn:

1. The proportion of both the black and white communities that are above voting age.
2. The rates of voter registration in the black and white populations.
3. The historical rates of voter turnout in the two populations.
4. Establishing a 5% compensation for each of these factors gave rise to what is often called "the 65% rule." However, it should be noted that this figure is only a rule of thumb and represents neither a required minimum or maximum to be used in drawing districts. (\*\*\*\*\*) = See Solomon v. Liberty County, 899 F.2d 1012 (11th Cir. 1990), where the Court ruled that a 49% black population, 51% black VAP, district met the Gingles threshold test.

(\*\*\*\*\*) = See for example, Neal v. Coleburn, 689 F. Supp. 1426, 1437 (E.D. Va. 1988). Dillard v. Baldwin County Commission, 694 F. Supp. 836, 843-844 (M.D. Ala. 1988). The chief policy concern weighing against irregularly shaped districts is the disadvantage to those who live in the district or might choose to represent the district. The minority community's identity would not be diminished by the shape of the proposed district. For a discussion of the limited role consideration of compactness should play in consideration of district shape under the Voting Rights Act, see Grofman, Bernard, Criteria for Redistricting: A Social Science Perspective, 33 U.C.L.A. Law Review 77 (1985) and Karlan, Pamela, Maps and Misreadings: The Role of Geographic Compactness in Racial Vote Dilution Litigation, 24 Harvard Civil Rights Civil Liberties Law Review 173 (1989)

Representative Petrilli introduced and brought HA 2 to HB 398 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 398 w/HA 1 & 2 was taken and revealed:

YES: - 27.

NO: Representatives Brady, Bunting, Campanelli, B. Ennis, Gilligan, Houghton, Jonkiert, Moore, Outten, Sills, VanSant - 11.

NOT VOTING: Representative George - 1.

ABSENT: Representatives Boykin, Schroeder - 2.

Therefore, having received a constitutional majority, HB 398 w/HA 1 & 2 was sent to the Senate for concurrence.

The Majority Leader moved to recess at 6:47 p.m.

The House reconvened at 7:04 p.m.

Representative Oberle introduced HB 399.

HB 399 - An Act to Amend Chapter 91, Title 29, Delaware Code Establishing a State Planning and Coordination Act.

Mr. Speaker assigned HB 399 to the Land Use & Government Relations Committee.

The following prefiled Consent Calendar #19 was introduced:

HR 74 - WEST - Congratulating Mrs. Marydel West of Dagsboro, Delaware on Her Ninety-Fifth Birthday, July 16, 1991.

HR 75 - CAULK, CAREY, FALLON, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER, B. ENNIS, BUCKWORTH, EWING, WEST, LEE - Urging the General Assembly to Allocate the Funds Necessary to Fill the Position of State Supervisor of Agriculture Education/State Future Farmers of America Advisor Within the Department of Public Instruction.

HR 76 - ROY, TAYLOR, GILLIGAN - Commending and Thanking Our Volunteer Fire Companies Who Recently Helped the Mill Creek Volunteer Fire Company Battle the Red Clay Consolidated School District's Intensive Learning Center Fire.

HR 77 - ROY, AMICK, TAYLOR, LOFINK, SMITH, SOLES - Establishing the Role of the Delaware Council on Transportation to Examine and Recommend Expansion of Public Transportation Systems Throughout the State of Delaware and to Monitor Progress of Public/Private Partnerships to Promote Greater Use of Transit.

SCR 58 - CORDREY; REPRESENTATIVE D. ENNIS - Requesting Delaware Health Care Commission to Evaluate the Present Regulatory Framework for Health Care Coverage and to Report Its Findings and Recommendations to the 136th General Assembly.

Representative Bennett requested that HR 75 be removed from Consent Calendar #19.

Representative D. Ennis introduced HR 78.

HR 78 - Mourning the Untimely Passing of Robert W. Weldon, II.

HR 78 was placed on Consent Calendar #19.

Consent Calendar #19 was adopted by voice vote and SCR 58 was returned to the Senate.

Representative D. Ennis introduced HJR 16, jointly sponsored by Senator McDowell.

HJR 16 - Setting Forth the Intent of the 136th General Assembly in Passing House Bill No. 37.

Mr. Speaker assigned HJR 16 to the Sunset & Overview Committee.

Representative Caulk brought HR 75, jointly sponsored by Representatives Carey, Fallon, Lofink, Quillen, Bunting, Clark, Schroeder, B. Ennis, Buckworth, Ewing, West & Lee, before the House for consideration.

HR 75 - Urging the General Assembly to Allocate the Funds Necessary to Fill the Position of State Supervisor of Agriculture Education/State Future Farmers of America Advisor Within the Department of Public Instruction.

Representative Caulk moved that HR 75 be assigned to the Appropriations Committee. The motion was seconded by Representative Buckworth and adopted by voice vote.

Mr. Speaker assigned HR 75 to the Appropriations Committee.

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

SUMMARY OF FINANCES  
Visit of Estonian Legislators

1. ICI Americas, Inc.	\$2,000 (plus a 5 x 7 Estonian Flag)
2. Rollins, Inc.	\$1,100
3. DuPont Company	\$1,000
4. JoAnn Hedrick	\$ 200
5. Delaware Trust	\$ 200
6. Carol Breslin	\$ 100
7. Christina Hebner Vernon	\$ 100
8. General Electric Corp.	Lunch for Estonian delegation - Wash., D.C.
9. Ronald Jefferson	\$ 100
10. Mrs. Hatsa	\$ 100
11. Robert Byrd	\$ 237 (Lunch/delegation at Blue Coat Inn)
12. Charles L. Hebner	\$1,073.84 (Uncompensated expenses)
13. William L. Hebner	\$2,823.27 (Uncompensated expenses)

The Majority Leader moved to recess to the call of the Chair at 7:35 p.m.

136th GENERAL ASSEMBLY  
First Extraordinary Session

October 24, 1991

Mr. Speaker Spence called the House to order at 2:04 p.m.  
The Chief Clerk read the following communication into the record:  
State of Delaware  
Executive Department  
Dover



# PROCLAMATION

I, Michael N. Castle, by the authority vested in me as Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of 1897, do hereby convene the 136th General Assembly of the State of Delaware into Extraordinary Session on Thursday, October 24, 1991, at 2:00 p.m. for the purpose of considering and acting upon legislation amending Volume 68, Chapter 188 of the Laws of Delaware regarding reapportionment of State legislative districts, and for the transaction of 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 affixed hereunto at Wilmington, this 1st day of October, in the year of our Lord one thousand nine hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth.  
Michael N. Castle  
Governor

Attest:

Michael Harkins  
Secretary of State

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District. The Speaker led those present in a pledge of allegiance to the American Flag.

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

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HB 402. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought HB 402, jointly sponsored by Representative Spence & Senators Cordrey & Sharp, before the House for consideration.

HB 402 - An Act to Amend Title 29 of the Delaware Code as Amended by Volume 68, Chapter 188 of the Laws of Delaware Relating to Reapportionment of the State Legislative Districts.

Representative Campanelli requested that he be marked present.

Representative Petrilli moved to place HB 402 on the Speaker's table. The motion was seconded by Representative Hebner and adopted by voice vote.

The Chief Clerk read the following communications into the record:

## HOUSE TRIBUTE ANNOUNCEMENT #30

DATE: October 24, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-407	Buckworth	8/03/91	T	Maranatha Memorial Baptist Church - 25th Anniversary
H91-408	Brady	7/21/91	M	George Sloan Bigger, Jr.
H91-409	Brady	6/02/91	M	Jack McKeown
H91-410	Brady	7/23/91	M	David P. Williams, Sr.
H91-411	B. Ennis	8/12/91	M	James R. Wooleyhan
H91-412	DiPinto	8/28/91	M	Frederick J. Laskowski
H91-413	DiPinto	8/28/91	M	Ferdinando Biondi
H91-414	DiPinto	8/28/91	M	B. Michael Reges
H91-415	DiPinto	8/28/91	M	John P. Sheridan
H91-416	Spence	8/29/91	T	Dave Tiberi/Middleweight Title
H91-417	Spence	8/29/91	T	Gilbert H. Smith, Jr. - Diamond State Vice President
H91-418	Spence	8/29/91	T	Bruce Edward Smith - Campus Life Award
H91-419	Spence	8/29/91	T	The Hon. Robert T. Connor - Elected Vice President/NCSL
H91-420	Spence	8/29/91	T	The Hon. Charles L. Hebner - RNC Legislator of the Year Award
H91-421	Maroney	9/01/91	T	1st State School Children's Hospital - 6th Anniversary
H91-422	Fallon	9/09/91	T	Robert Lewis Barkley - 75th Birthday
H91-423	DiPinto	9/09/91	T	Charles Higgins - Du Pont Co. Reassignment - Japan
H91-424	DiPinto	9/09/91	T	Joe Hanson - Retirement - News Journal
H91-425	Petrilli	9/09/91	T	John L. Tentromono - State Educational Principal Award

T - Tribute  
M - Memoriam

## HOUSE TRIBUTE ANNOUNCEMENT #31

DATE: October 24, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-426	Ewing	9/09/91	T	Keith Carlisle - Sussex County Service Clubs Award
H91-27	Roy	9/09/91	T	Linda K. Dean - Awarded Rensselaer Medal
H91-428	Roy	9/09/91	T	Matthew R. Ritchey - Awarded Rensselaer Medal
H91-429	Roy	9/09/91	T	Malcolm Baird - Retirement/Adult Continuing Education
H91-430	Roy	9/09/91	T	Nancy Churchman Sawin - Inducted/Wall of Fame U. of D.
H91-431	Fallon	9/03/91	M	Georgia Timmons
H91-432	Carey	9/14/91	T	Earl Edward Argo - Firemen's Hall of Fame
H91-433	Carey	9/14/91	T	Linwood Josph Rogers - Firemen's Hall of Fame
H91-434	B. Ennis	10/05/91	T	Debbie Short - State Farm Bureau Queen
H91-435	Quillen	9/27/91	T	Elaine Zeitler - Kent County Farm Bureau Queen
H91-436	Fallon	10/19/91	T	Becky O'Day - Sussex County Farm Bureau Queen
H91-437	B. Ennis	10/05/91	T	Amy "Beth" Emerson - N.C.C. Farm Bureau Queen 1992
H91-438	Carey	9/13/91	T	Eddie Dickerson - Crew Chief/Roger Penske Racing Team
H91-439	Quillen	9/09/91	T	Marydel Volunteer Fire Company 50th Anniversary
H91-440	Quillen	8/01/91	T	Bertha Dean - 90th Birthday
H91-441	B. Ennis	8/23/91	T	Julia & Amos Mast - 50th Wedding Anniversary
H91-442	Quillen	9/21/91	T	Jacquie Davis Nuss - Founding Harrington's Heritage Day

T - Tribute  
M - Memoriam

#### HOUSE TRIBUTE ANNOUNCEMENT #32

DATE: October 24, 1991

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-443	Quillen	9/27/91	T	Brandi Winkler - 1992 Kent County Farm Bureau Queen
H91-444	Ewing	10/19/91	T	Kim Evans - 1992 Sussex County Farm Bureau Queen
H91-445	Buckworth	9/23/91	T	Colonel Arthur G. Ericson - Retirement -Dover Base Commander
H91-446	Quillen	9/29/91	T	J. William Andrew - Harrington Heritage Day Presidency
H91-447	Brady	10/3/91	T	William E. Wiggin - Delaware Bar Foundation Retirement
H91-448	Spence	10/4/91	T	Ramon De Gordon, IV - Outstanding Hispanic Youth of Year
H91-449	Spence	10/11/91	T	The Honorable Robert T. Connor /Retirement/Public Ed.
H91-450	Quillen	10/12/91	T	Robert & Helen McNally - 50th Wedding Anniversary
H91-451	Quillen	10/09/91	T	William & Clara West - 60th Wedding Anniversary
H91-452	Fallon	10/04/91	T	C. Bryan Bennett - Delmarva Firemen's Hall of Fame
H91-453	Fallon	10/04/91	T	Van Lear Stephany - Delmarva Firemen's Hall of Fame
H91-454	Fallon	10/27/91	T	Ruth B. Russell/90th Birthday
H91-455	Quillen	10/08/91	T	Alysia A. Hughes/"All American Cheerleader"
H91-456	Quillen	10/08/91	T	Richard A. Seyler/1991 National Distinguished Principal
H91-457	Spence	10/09/91	T	The Honorable Joseph R. Petrilli/Outstanding State Legislative Leader
H91-458	Fallon	10/28/91	T	Dorothy Wilkinson/80th Birthday

T - Tribute  
M - Memoriam

The Chief Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 398 w/HA 1 & 2.

July 21, 1991

LEGISLATIVE ADVISORY #28

FROM: Office of Counsel to the Governor

The following legislation was vetoed by the Governor on the date indicated: 7/11/91 - HB 103 aab HA 1.

August 30, 1991

LEGISLATIVE ADVISORY #29

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 8/9/91 - SB 115, HB 281 aab HA 1 & SA 1 & 2. 8/29/91 - HB 398 aab HA 1 & 2.

August 12, 1991

Ms. Joann Hedrick, Chief Clerk  
Delaware State House of Representatives  
Legislative Hall  
Dover, Delaware 19901

Dear Ms. Hedrick:

I would like to thank you for forwarding the copy of House Concurrent Resolution No. 58, which urges me to take whatever action necessary to restore the reserve fund and the long-term solvency of the Delaware Higher Education Loan Program.

You will be happy to know that I, along with my colleagues Senators Roth and Biden, am currently working with the Delaware Higher Education Loan Program and the Department of Education in an effort to resolve this situation to the satisfaction of all parties.

Again, thank you for taking the time to inform me of the resolution.

Sincerely,  
Tom Carper  
Member of Congress

TC/sjb

Representative Oberle introduced HB 403, jointly sponsored by Representatives Roy & Buckworth.

HB 403 - An Act to Amend Chapter 27, Title 21, Delaware Code Relating to License Qualifications, Suspension or Revocation of Licenses of Minors.

Mr. Speaker assigned HB 403 to the Public Safety Committee.

Representatives Reynolds & Jonkiert requested that they be marked present.

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

The House reconvened at 3:32 p.m.

Representative Mack requested that he be marked present.

Representative Mack introduced and brought HR 79, sponsored by Representative Spence on Behalf of New Castle County Legislators, before the House for consideration.

HR 79 - Mourning the Loss of Edward M. Rush, Sr., Railroad Executive, Founder of Rush Uniform, Inc. and Republican Party Leader.

HR 79 was adopted by voice vote.

Representative Oberle introduced and brought HR 80, sponsored on Behalf of All Representatives, before the House for consideration.

HR 80 - Mourning the Loss of Mary Custis Straughn, Advocate for the Disabled.

HR 80 was adopted by voice vote.

Representative Brady requested that he be marked present.

Representatives George, Sills & D. Ennis requested that they be marked present.

Representative Gilligan introduced and brought HR 81, jointly sponsored by Representatives Roy & Taylor, before the House for consideration.

HR 81 - Extending Congratulations and Best Wishes to Don Albright, Athletic Director, John Dickinson High School (1965-1991), Who Retired on June 30, 1991 After Completing Over Twenty-Five Years of Outstanding and Distinctive Service.

HR 81 was adopted by voice vote.

Representative Quillen introduced and brought HR 82, jointly sponsored by Representative Schroeder, before the House for consideration.

HR 82 - Mourning the Passing of Dr. Maynard Harold Mires, Sr., a Founder of the American Legion.

HR 82 was adopted by voice vote.

Representative Petrilli moved to lift HB 402 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought HB 402, jointly sponsored by Representative Spence & Senators Cordrey & Sharp, before the House for consideration.

HB 402 - An Act to Amend Title 29 of the Delaware Code as Amended by Volume 68, Chapter 188 of the Laws of Delaware Relating to Reapportionment of the State Legislative Districts.

Representative Petrilli introduced and brought HA 1 to HB 402, jointly sponsored by Senator Cordrey, before the House for consideration. HA 1 was adopted by voice vote.

Representative Sills introduced and brought HA 2 to HB 402 before the House for consideration. Representative Sills moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sills introduced and brought HA 3 to HB 402 before the House for consideration.

Representative Sills requested and was granted the privilege of the floor for Mark Brainerd, Administrative Assistant to the House Democratic Caucus.

The roll call on HA 3 was taken and revealed:

YES: Representatives Campanelli, Jonkiert, Moore, Sills - 4.

NO: 28.  
 NOT VOTING: Representatives Bunting, B. Ennis, George, Hebner, Houghton, Outten, Quillen, VanSant - 8.  
 ABSENT: Representative Schroeder - 1.  
 Therefore, not having received a constitutional majority, HA 3 was declared defeated.  
 Representative Sillis moved to lift HA 2 to HB 402 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.  
 Representative Sillis requested and was granted the privilege of the floor for Mark Brainard, Administrative Assistant to the House Democratic Caucus.  
 The roll call on HA 2 was taken and revealed:  
 YES: Representatives Campanelli, Jonkiert, Moore, Sillis - 4.  
 NO: 29.  
 NOT VOTING: Representatives Buckworth, Bunting, Caulk, B. Ennis, George, Houghton, Quillen, Schroeder - 8.  
 Therefore, not having received a constitutional majority, HA 2 was declared defeated.  
 The roll call on HB 402 w/HA 1 was taken and revealed:  
 YES: 27.  
 NO: Representatives Bennett, Brady, Bunting, Campanelli, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sillis, VanSant - 14.  
 Therefore, having received a constitutional majority, HB 402 w/HA 1 was sent to the Senate for concurrence.  
 Representative Roy introduced HB 404, jointly sponsored by Representatives Petrilli, Buckworth, Caulk, Hebner, Lee, Lofink, Davis, Oberle, Smith, Taylor, Quillen, Soles, Bennett, West & Gilligan & Senators Knox, Neal, Blevins, Hauge & Sokola.  
HB 404 - An Act to Amend Chapter 8, Title 17, Delaware Code Relating to Highway Construction Payments.  
 Mr. Speaker assigned HB 404 to the Transportation Committee.  
 Representative Davis introduced and brought HR 83 before the House for consideration.  
HR 83 - Requesting the State Auditor to Conduct a Survey of the Various Public School Districts Pertaining to Their Policy for Compensating Substitute Teachers.  
HR 83 was adopted by voice vote.  
 Representative Roy introduced HJR 17, jointly sponsored by Senator McBride.  
HJR 17 - Establishing a Geographic Information Systems (GIS) Oversight Committee to Provide Coordination of the State of Delaware's Resources in the Most Economical Use of This Fast Growing Technology.  
 Mr. Speaker assigned HJR 17 to the House Administration Committee.  
 The Majority Leader moved to recess for caucus at 4:30 p.m.  
 The House reconvened at 5:28 p.m. with Representative Buckworth as Acting Speaker.  
 Representative Spence moved to suspend the rules which interfere with introduction of and action on SS 1 to SB 79. The motion was properly seconded and adopted by voice vote.  
 Representative Spence introduced and brought SS 1 to SB 79, jointly sponsored by Senator Sharp & Representative Oberle & Senators Adams, Cordrey, Sokola, Marshall, McBride, Vaughn, Cook, Torbert, Venables, Connor & Martin & Representatives Hebner, Reynolds, Jonkiert, Caulk, Petrilli, Houghton, Lofink, Clark, West, Gilligan, Bennett, VanSant, Brady, B. Ennis, Roy, Lee, Buckworth, Corrozi, Ewing, Mack, Quillen, Carey, Fallon, Boykin, DiPinto, Davis, Smith, Taylor & Amick, before the House for consideration.  
SB 79 - An Act to Amend Title 11, Delaware Code Relating to the Imposition of the Death Penalty.  
 Representative D. Ennis requested and was granted the privilege of the floor for Eugene Hall, State Prosecutor.  
 Representative Gilligan requested and was granted the privilege of the floor for Charles Oberly, Attorney General.  
 Mr. Acting Speaker Buckworth appointed Representative Oberle as Acting Speaker.  
 The roll call on SS 1 to SB 79 was taken and revealed:  
 YES: 34.  
 NO: Representatives Moore, Sillis, Soles - 3.  
 NOT VOTING: Representative Maroney - 1.  
 ABSENT: Representatives Amick, Buckworth, Jonkiert - 3.  
 Therefore, having received a constitutional majority, SS 1 to SB 79 was returned to the Senate.  
 The Majority Leader moved to adjourn the extraordinary session at 6:28 p.m.

1st LEGISLATIVE DAY  
 136th GENERAL ASSEMBLY

Second Session

January 14, 1992

Mr. Speaker Spence called the House to order at 2:15 p.m.  
 The Reading Clerk read the following communications into the record:  
 The Senate wishes to inform the House that it has passed: SCR 70 & HCR 59.  
WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. Jane Maroney, do hereby request that my name be removed as Co-Sponsor of SS 1 to SB 79.

Date: 10/24/91.

Signed: Jane Maroney.

The Senate wishes to inform the House that it has passed: SS 1 for SB 79 & HB 402  
w/HA 1.

November 5, 1991

LEGISLATIVE ADVISORY #30

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 11/4/91 - SS 1 for SB 79 & HB 402 aab HA 1.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 1.

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

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

The Reading Clerk read the following communications into the record:

TO: Representative Terry R. Spence  
Speaker of the House  
JoAnn Hedrick  
Chief Clerk, House of Representatives

FROM: Representative G. Wallace Caulk, Jr.

DATE: January 3, 1992

RE: Absence from session

Please excuse my absence from session on January 14th and January 15th as I will be out of town on business.

MEMORANDUM

TO: Terry R. Spence, Speaker of the House

FROM: Representative Jeffrey G. Mack

SUBJECT: Absence from Session

DATE: January 14, 1992

This is to advise you that I will be unable to attend session on January 15, 1992.

/set

cc: JoAnn M. Hedrick, Chief Clerk

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

The House observed a moment of silence in memory of Jan Armitage.

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

OUT-OF-SESSION PREFILE

December 11, 1991

HB 405 - HEBNER - HUM RES: An Act to Amend Chapter 12, Title 16, Delaware Code Relating to Requested Patient and Health Care Provider Notification of Aids or HIV-Related Test Results and Penalty Therefor. (2/3 bill)

HB 406 - FALLON; SENATOR VENABLES - ED: An Act to Amend Chapter 1, Title 14, Delaware Code Relating to the State Board of Education's Rules and Regulations.

HB 407 - SILLS - LABOR & HUM RES MAN: An Act Directing the Delaware State Board of Pension Trustees to Provide Gwendolyn Street, a Retired Christina School District Teacher, With a Lump Sum Pay Out of Her Retirement Pension, Without Regard to Provisions of Chapter 55, Title 29, Delaware Code.

HB 408 - B. ENNIS, DAVIS; SENATOR VAUGHN; REPRESENTATIVES VAN SANT, CAMPANELLI, HOUGHTON, JONKIERT, CLARK, BRADY, D. ENNIS, CAULK, OBERLE, WEST, GILLIGAN, CORROZI; SENATORS MCBRIDE, HOLLOWAY - HUM RES: An Act to Amend Title 16, Delaware Code, Relating to Notification of Fire Fighters, Ambulance Attendants, Emergency Medical Technicians, Correctional Officers, Law Enforcement Officers, and Other Personnel of Exposure to Contagious or Infectious Disease or Virus.

HCR 61 - OBERLE - CORR: Requesting the Department of Corrections to Evaluate Prisoner Leisure Time Activity and to Report to the General Assembly With a Plan to Constructively Occupy a Prisoners Time.

HCR 62 - PETRILLI ON BEHALF OF ALL HOUSE AND SENATE REPUBLICANS - H/ADM: Thanking Ernest J. Camoirano for His Years of Devotion to Republican Politics and Honoring Him After Eight Years as Newark Regional Chairman.

HCR 63 - QUTTEN - LABOR & HUM RES MAN: Resolving That the Controller General Contract With the Hay Commission to Perform an Evaluation of State Personnel Classification Procedures.

HA 3 to SB 207 - HEBNER - JUD: Placed with the bill.

SCR 70 - MCBRIDE & REPRESENTATIVE FALLON - ED: Urging the University of Delaware to Reconsider Its Decision to Eliminate the Medical Technology Program by June of 1993.

The following prefiled legislation was introduced:

HA 2 to HB 161 - PETRILLI - AGENDA: Placed with the bill.

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

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #33

DATE: January 14, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-459	Ewing	10/24/91	T	Jack Hamilton/Providing Care, Support/Gentle Reinforcements in Therapy
H91-460	Ewing	10/24/91	T	Anna Mae Gardner/Providing Care, Support, Gentle Reinforcements in Therapy
H91-461	Ewing	10/24/91	T	Lorraine Hearn/Providing Care, Support/Gentle Reinforcements in Therapy
H91-462	Ewing	10/24/91	T	Linda Todd/Providing Care, Support/Gentle Reinforcements in Therapy
H91-463	Ewing	10/24/91	T	Dorsey Briggs/Providing Care, Support/Gentle Reinforcements in Therapy
H91-464	Ewing	10/24/91	T	Grace Whitaker/Providing Care, Support/Gentle Reinforcements in Therapy
H91-465	Ewing	10/24/91	T	Karen Baker/Providing Care, Support/Gentle Reinforcements in Therapy
H91-466	Ewing	10/15/91	T	Louise Jackson/100th Birthday
H91-467	Taylor	11/02/91	T	Christina Marie Hedrick and
cosponsors: All House Members				Wesley Glynn Mahler/Marriage
H91-468	DiPinto	10/24/91	T	Charles F. Richards, Jr./American Judicature Society Board of Directors
H91-469	Roy	10/24/91	T	Vincent J. DiSabatino/Man of the Year
H91-470	DiPinto	10/24/91	T	Dean Edith H. Anderson/Ret./U of D
H91-471	Oberle	10/24/91	M	Clara Graham
H91-472	DiPinto	10/24/91	M	Charles T. Carr, Sr.
H91-473	Quillen	10/24/91	T	Sgt. Jeffrey R. Carroll/U.S. Marine Corps/Navy Achievement Medal

T - Tribute  
M - Memorial

#### HOUSE TRIBUTE ANNOUNCEMENT #34

DATE: January 14, 1992

The following tributes and memorials have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-474	DiPinto	10/24/91	T	Kentmere/90 Years of Service to Elderly
H91-475	Gilligan	10/24/91	T	Father Robert D. Kenney, Retirement /Baseball Coach/Salesianum
H91-476	Roy	10/24/91	T	Devonna Williams/Doctor of Philosophy
H91-477	Mack	10/24/91	T	Phillip H. Travers/Eagle Scout
H91-478	Quillen	10/24/91	M	Pat Carney
H91-479	VanSant	11/22/91	T	Stanford V. & Geraldine V. Williams /50th Wedding Anniversary
H91-480	Quillen	10/24/91	T	Bonnie M. Johnson/Service to the General Assembly
H91-481	DiPinto	10/24/91	M	Linda Brady
H91-482	Ewing	10/24/91	T	Tory Widdowson/Providing Care, Support /Gentle Reinforcements in Therapy
H91-483	Ewing	10/24/91	T	Karin Stijntjes/Providing Care, Support and Gentle Reinforcements in Therapy
H91-484	DiPinto	10/24/91	T	St. Francis Hospital/Gold Award
H91-485	DiPinto	10/24/91	T	Stephen M. Bartoshesky/Retirement
H91-486	Moore	10/27/91	T	Dorothy & James Orr/47th Wedding Anniversary
H91-487	Moore	10/27/91	T	Trustees & Members of Mother Church - Dedication
H91-488	B. Ennis	10/24/91	M	Lester C. Smith
H91-489	Carey	11/5/91	T	Praise 101.3 WXPZ/1st Anniversary
H91-490	Spence	11/6/91	T	Justice Randy Holland/Golden Heart Award/Best Judge

T - Tribute  
M - Memorial

#### HOUSE TRIBUTE ANNOUNCEMENT #35

DATE: January 14, 1992

The following tributes and memorials have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-491	Carey	11/8/91	M	Dorsey "Jack" Burnham
H91-492	Ewing	11/14/91	T	Mr. & Mrs. Max Corder - 50th Wedding Anniversary
H91-493	Ewing	11/14/91	T	Sarah A. Passwaters/Published "Over the Rainbow" Essay

Number	Sponsor	Presentation Date	Type	Description
H91-494	B. Ennis cosponsor: Clark	11/17/91	T	Citizens' Hose Company Number 1, Inc. /K.M.E. Fire Fox Pumpers
H91-495	B. Ennis	11/14/91	T	Jennifer Keeler/Second Year Who's Who/American High School Students
H91-496	B. Ennis	11/14/91	T	Keri Laws/Silver Medal/Special Olympics
H91-497	Bennett cosponsors: All House Members	11/14/91	M	Frederick N. Van Sant
H91-498	Smith	11/25/91	M	Harold B. Clark
H91-499	Sillis	11/29/91	T	Robert Lee Andrew Watson, Sr./70th Birthday
H91-500	B. Ennis	11/23/91	T	Catherine Fry/100th Birthday
H91-501	Spence	11/25/91	T	Ann Grunert/Fourth Anniversary/DE Special Olympics Director
H91-502	Spence	11/25/91	T	Daniel R. Kiley/Appointed State Fire Marshal
H91-503	B. Ennis	11/15/91	M	Edward F. Burris, Jr.
H91-504	B. Ennis cosponsor: Caulk	11/16/91	M	Josephine G. Knight
H91-505	VanSant	11/1/91	T	Edgar & Thetis Harvey/50th Wedding Anniversary
H91-506	VanSant	10/18/91	T	Hedwig & William Gurney/50th Wedding Anniversary
H91-507	VanSant	11/25/91	T	Boy Scout Troop 21/Community Clean-Up
H91-508	Brady	12/14/91	T	Dawn Michelle Kramer & William W. Wooten/Marriage Covenant

T - Tribute

M - Memoriam

#### HOUSE TRIBUTE ANNOUNCEMENT #36

DATE: January 14, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-509	Smith	12/2/91	T	Virginia Burns-Ferrara/Teacher of the Year/Brandywine
H91-510	Hebner	12/7/91	T	Floyd "Butch" Buccil, Assistant Coaches, Players, Holy Rosary Bears/1991 Football Champions
H91-511	Petrilli	12/14/91	T	Youth Organization Football Champions Ernest J. Camoirano/Retirement Newark Regional Chair/45 Years Republican Party
H91-512	Caulk	12/20/91	T	Henrietta Pennewell Adams/100th Birthday
H91-513	VanSant	12/18/91	T	Richardson Park Women's Civic Club/75th Anniversary
H91-514	VanSant	12/18/91	T	Helen Griffith/48 Years Service/ Richardson Park Women's Civic Club
H91-515	Carey	1/1/92	T	John & Elizabeth Hopkins/50th Wedding Anniversary
H91-516	Spence	12/20/91	T	Dr. C. W. Wagner/Dedicated Service/ /William Penn High School Athletics
H91-517	Buckworth	12/20/91	T	Kay Wood Bailey/1991 Trailblazer of the Year
H91-518	DiPinto	12/16/91	T	Vincent Skelly/100th Birthday
H91-519	Fallon	12/4/91	M	Van Leer Stephany
H91-520	Quillen	12/23/91	T	Robert H. Quillen/99th Birthday
H91-521	Hebner cosponsor: Representative Quillen	12/31/91	M	Bishop Arthur Raymond McKinstry
H91-522	Brady	12/1/91	T	Janet F. Brady/Retirement/Sun Company
H92-1	Quillen	1/3/92	M	Mary R. Friedel
H92-2	Carey	1/5/92	T	Frank & Frances Hitchens/50th Wedding Anniversary

T - Tribute

M - Memoriam

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

The House reconvened at 4:07 p.m.

Representatives Reynolds & Mack requested that they be marked present.

Representative Quillen requested that he be marked present.

Representative Buckworth brought HB 364, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 364 - An Act to Amend Chapter 17, Title 18, Delaware Code, Relating to Agents, Brokers, Solicitors and Adjusters.

Representative Buckworth requested and was granted the privilege of the floor for Eugene G. Reed, Jr., Director of Licensing, Delaware Insurance Department.

Representative Sillis requested that he be marked present.

Representative Buckworth moved to place HB 364 on the Speaker's table. The motion was seconded by Representative Hebnor and adopted by voice vote.

Representative Oberle requested that action on HB 152 be deferred to a Day Certain, Tuesday, January 21, 1992.

Representative Ewing brought HB 161 w/HA 1 & SA 2, jointly sponsored by Representatives Bennett, B. Ennis & Lee & Senator Vaughn & Representatives Boykin, Brady, Bunting, Campanelli, Caulk, Clark, Corrozi, DiPinto, D. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Moore, Oberle, Outten, Quillen, Reynolds, Roy, Schroeder, Sillis, VanSant & West & Senators Bair, Blevins, Holloway, McBride, Marshall, Minner, Still & Torbert & cosponsored by Representative Carey, before the House for consideration.

HB 161 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)

Representative Petrilli brought HA 2 to HB 161 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: 21.

NO: Representatives Jonkiert, Lee, Outten, Quillen, Soles - 5.

NOT VOTING: Representatives Bennett, Brady, Bunting, Carey, Clark, George, Gilligan, Moore, Schroeder, Sillis, Smith, VanSant, West - 13.

ABSENT: Representatives Campanelli, Caulk - 2.

Mr. Speaker Spence declared a two minute recess.

The House reconvened.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative B. Ennis introduced and brought HA 3 to HB 161, jointly sponsored by Representative Lee, before the House for consideration.

Mr. Speaker Spence ruled that HA 3 is a substantive amendment.

Representative B. Ennis moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing moved to place HB 161 w/HA 1 & SA 2 & HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 292 before the House for consideration.

HB 292 - An Act to Amend Chapter 47, Title 6 of the Delaware Code Relating to Transient Retailers.

The roll call on HB 292 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 292 was sent to the Senate for concurrence.

Representative Moore brought HB 223, jointly sponsored by Representatives Brady, Houghton, Outten, Schroeder, Sillis & Soles, before the House for consideration.

HB 223 - An Act to Amend Subchapter IV, Title 31 of the Delaware Code Relating to Private Child Welfare Agencies.

The roll call on HB 223 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 223 was sent to the Senate for concurrence.

The House observed a moment of silence in memory of Rebecca Maxwell.

The Majority Leader moved to recess to the call of the Chair at 5:05 p.m.

## 2nd LEGISLATIVE DAY 136th GENERAL ASSEMBLY

### Second Session

January 15, 1992

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Majority Leader moved to adjourn at 2:11 p.m., thereby ending the current legislative day. The House reconvened at 2:12 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Caulk, Mack - 2.

A prayer was offered by Dr. Clyde Dupin, representing Clyde Dupin Crusade for Christians.

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

Representatives Clark, Amick & Smith requested that they be marked present.

Representative Corrozi requested that he be marked present.

Representatives Bunting & D. Ennis requested that they be marked present.

Representative Roy introduced HA 1 to HB 404. HA 1 was placed with the bill in the Transportation Committee.

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

The following prefiled legislation was introduced:



**HB 409** - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES CLARK, QUILLEN; SENATOR STILL - JUD: An Act to Amend Title 11 and Title 28 of the Delaware Code Relating to Gambling Devices; and Permitting the Possession of Antique Slot Machines Under Certain Circumstances.

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

SUNSET & OVERVIEW: **HB 376** - 3F, 2M; **SB 192** - 5M; **SB 193** - 5M; **SB 217** - 5M; **SB 221** - 5M.

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

The House reconvened at 4:42 p.m.

Representative Soles requested that she be marked present.

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

TRANS: **HB 404** - 2F, 2M.

CORR: **SB 39 w/SA 1** - 5M.

H/ADM: **HCR 62** - 3F; **HJR 17** - 3F.

Representatives Reynolds, Sills & West requested that they be marked present.

The following prefilled Consent Calendar #20 was introduced:

**HR 84** - LEE - Congratulating the Laurel Bulldogs on Their Division II Championship Win, Their Third State Crown Since 1986.

**HCR 64** - GEORGE, AMICK, BOYKIN, BUCKWORTH, BENNETT, BRADY, BUNTING, CAMPANELLI, CAREY, CLARK, CAULK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HEBNER, LEE, LOFINK, HOUGHTON, JONKIERT, MACK, MARONEY, MOORE, OUTTEN, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, SCHROEDER, SILLS, SOLES, VANSANT, TAYLOR, WEST; SENATORS ADAMS, BAIR, BLEVINS, COOK, CONNOR, CORDREY, HOLLOWAY, HAUGE, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MINNER, NEAL, SHARP, SOKOLA, TORBERT, STILL, VAUGHN, VENABLES - Extending Best Wishes, Deep Appreciation and Congratulations to Dr. John R. "Jack" Kotula, President of Delaware Technical & Community College for His Many Years of Invaluable Service and Countless Contributions to the Citizens of Delaware as He Retires From Delaware Tech.

**HCR 65** - CORROZI; SENATOR COOK - Commending Delaware Technical and Community College on Its Upcoming Twenty-Fifth Silver Anniversary (1967-1992) and Extending Many Thanks for the Outstanding Educational Services Provided by the Board of Trustees and Employees of the College, and Further Wishing Delaware Tech Continued Success in the Future.

Representative Brady requested that he be marked present.

Consent Calendar #20 was adopted by voice vote and **HCR 64** & **HCR 65** were sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

### 3rd LEGISLATIVE DAY 136th GENERAL ASSEMBLY

#### Second Session

January 16, 1992

Mr. Speaker Spence called the House to order at 2:20 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SS 1 to SB 63 w/SA 1. SCR 74. SCR 75 & SCR 76.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefilled legislation was introduced:

**HA 1 to HJR 17** - ROY - AGENDA: Placed with the bill.

**HR 85** - ROY - TRANS: Urging the Secretary of Transportation to Reconsider Any D.A.R.T. Fare Increase and to Place a Moratorium on Such Increases Until Delaware Has a State Implementation Plan (S.I.P.) as Required by the Clean Air Act.

SS 1 to SB 63 w/SA 1 - VAUGHN; REPRESENTATIVES MACK, B. ENNIS - NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, to Permit Recreational Drift Gill Net Fishing for Shad in the Delaware River.

**SCR 74** - MINNER; REPRESENTATIVE CAREY - NAT RES: Extending the Life of the Wellhead Protection Program Development Committee.

**SCR 75** - MINNER; REPRESENTATIVES CAREY & LOFINK - NAT RES: Extending the Life of the Freshwater Wetlands Program Development and Implementation Committee Through March 1st, 1992.

**SCR 76** - MCBRIDE & REPRESENTATIVES FALLON, SPENCE, CORROZI; SENATORS HOLLOWAY, MCDOWELL, KNOX, NEAL; REPRESENTATIVES BOYKIN, BUCKWORTH, CAREY, DAVIS, DIPINTO, D. ENNIS, EWING, HEBNER, LEE, LOFINK, OBERLE, MARONEY, PETRILLI, REYNOLDS, TAYLOR, BENNETT, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKIERT, MOORE, OUTTEN, SCHROEDER, VANSANT, WEST - ED: Urging the University of Delaware to Reconsider Its Proposal to Eliminate the Medical Technology Program.

Representatives Smith, D. Ennis & Outten requested that they be marked present.

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

The House reconvened at 4:43 p.m.

Representatives Brady, Amick, Oberle, Mack, Schroeder, Bunting & Reynolds requested that they be marked present.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 78.

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

TRANS: HR 85 - 1F,5M.

Mr. Speaker assigned HB 199 to the Appropriations Committee.

Representative Gilligan requested that he be marked present.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #37

DATE: January 16, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H91-523	Buckworth	12/28/91	T	Earl & Ruth Field/50th Wedding Anniversary
H92-3	Spence	1/11/92	T	James & Cecilia Gillen - 50th Wedding Anniversary
H92-4	Spence	1/11/92	T	Ryan Antonie Gerard Goverts - Eagle Scout
H92-5	Brady	1/14/92	T	William W. Reynolds/Retirement
H92-6	Brady	1/14/92	T	William C. Martin/Retirement
H92-7	B. Ennis	1/14/92	T	Dr. Clyde Dupin/Crusade Evangelist /Welcome to Delaware
H92-8	West	1/14/92	T	Marydel West/95th Birthday
H92-9	Fallon	1/15/92	T	Lucille Spieker/103rd Birthday
H92-10	Van Sant	1/15/92	T	Laura Jean Bull/Accomplishments/1991 DE State Swimming Championship
H92-11	Carey	1/18/92	T	Jerre & Ruth Lane/25th Wedding Anniversary
H92-12	cosponsor: Caulk	1/16/92	M	E. Melvin Jewett
H92-13	DIPinto	1/16/92	T	Patterson-Schwartz, Inc./30 Year Anniversary/Real Estate
H92-14	DIPinto	1/16/92	T	Reverend Bishop Robert E. Mulvee/Torch of Liberty Award
H92-15	Gilligan	1/16/92	T	John Yanaitis/Presidential Award/Teaching Science
H92-16	Gilligan	1/16/92	T	William G. Nuneville/McKean High School/All-State Soccer
H92-17	Lofink	1/16/92	T	Edward J. Lasko/25 Years of Service to Lord Jesus Christ
H92-18	DIPinto	1/16/92	T	Dr. George W. Marshall/Award/American Institute of Chemists
H92-19	DIPinto	1/16/92	T	University of Notre Dame/150th Anniversary of Its Founding

T - Tribute

M - Memoriam

Representative Roy moved to suspend the rules which interfere with action on HR 85. The motion was properly seconded and adopted by voice vote.

Representative Roy brought HR 85 before the House for consideration.

HR 85 - Urging the Secretary of Transportation to Reconsider Any D.A.R.T. Fare Increase and to Place a Moratorium on Such Increases Until Delaware Has a State Implementation Plan (S.I.P.) as Required by the Clean Air Act.

HR 85 was adopted by voice vote.

Representative Mack introduced and brought SCR 78, jointly sponsored by Senators Connor & McBride & Representatives Houghton & Spence, before the House for consideration.

SCR 78 - Congratulating the William Penn High Colonials in Their Victory Over Christiana High School Vikings for the Division I Delaware High School Football Tournament Championship Held at Baynard Stadium on Saturday, December 7, 1991, and Further Extending Congratulations to the Colonial Coaching Staff Headed by Representative Bruce Reynolds.

SCR 78 was adopted by voice vote and returned to the Senate.

Representatives Campanelli & Sillis requested that they be marked present.

Representative Amick brought HB 376 before the House for consideration.

HB 376 - An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to the Regulation of Professional Land Surveyors.

The roll call on HB 376 was taken and revealed:

YES: 41.

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

Therefore, having received a constitutional majority, HB 376 was sent to the Senate for concurrence.

Representative Roy brought HJR 17, jointly sponsored by Senator McBride, before the House for consideration.

HJR 17 - Establishing a Geographic Information Systems (GIS) Oversight Committee to Provide Coordination of the State of Delaware's Resources in the Most Economical Use of This Fast Growing Technology.

Representative Roy brought HA 1 to HJR 17 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HJR 17 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 17 w/HA 1 was sent to the Senate for concurrence.

Representative Campanelli brought HB 125 before the House for consideration.

HB 125 - An Act to Amend Title 19 of the Delaware Code Relating to Vocational Rehabilitation Services.

Representative Campanelli moved to place HB 125 on the Speaker's table. The motion was seconded by Representative Oberle and adopted by voice vote.

Representative Ewing brought HB 310 before the House for consideration.

HB 310 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Penalty Fees for Uncollectible Checks Issued to the Division of Motor Vehicles. (3/5 bill)

Representative Ewing requested and was granted the privilege of the floor for Michael Shahan, Director, Division of Motor Vehicles.

The roll call on HB 310 was taken and revealed:

YES: 39.

NO: Representative Campanelli - 1.

NOT VOTING: Representative West - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 310 was sent to the Senate for concurrence.

Representative Ewing brought HB 317, jointly sponsored by Representatives Carey, Lee, Maroney, Smith & Clark, before the House for consideration.

HB 317 - An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Registration of Vehicles. (3/5 bill)

The roll call on HB 317 was taken and revealed:

YES: 39.

NO: Representative West - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 317 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:20 p.m.

#### 4th LEGISLATIVE DAY 136th GENERAL ASSEMBLY

#### Second Session

January 21, 1992

Mr. Speaker Spence 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: HB 304 w/HA 1, HB 316, HB 286, HB 260 w/HA 1 & SA 1, SB 178, SB 246 & HB 223.

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

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Ann Goodrich, Pastor, Harmony United Methodist Church, Millsboro.

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

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

The following prefiled legislation was introduced:

HB 410 - BUCKWORTH & SENATOR TORBERT - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to Thelma R. Savage Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

HB 411 - CLARK, WEST, B. ENNIS; SENATOR STILL; REPRESENTATIVES BUNTING, AMICK, QUILLEN, LOFINK, VANSANT, HOUGHTON, JONKIERT; SENATORS VAUGHN, TORBERT - ED: An Act to Amend Chapter 29 Delaware Code Relating to Annual Auditing of School District's Local Tax Budget.

HB 412 - CLARK, BUNTING, DIPINTO, GEORGE, HOUGHTON, JONKIERT, MARONEY, QUILLEN, SMITH, SPENCE, VANSANT, WEST; SENATORS HAUGE, TORBERT - HOUSING & COM AFF: An Act to Amend Chapter 3, Title 25, Delaware Code Relating to Contracts for the Sale of Real Estate.

HA 1 to HB 126 - BENNETT - R & F: Placed with the bill.

HA 4 to HB 161 - B. ENNIS, LEE, EWING - L.O.T.: Placed with the bill.

SB 178 - HOLLOWAY - JUD: An Act to Amend Subchapter III, Chapter 5, Title 13, Delaware Code, Relating to Criminal Enforcement of Failure to Support Spouse or Child.

SB 246 - MCBRIDE - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Limitations Upon the Times Certain Establishments Are Permitted to be Open to the Public.

Representatives George, Maroney & Carey requested that they be marked present.

Representative Amick requested that he be marked present.

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

The House reconvened at 3:54 p.m.

Representatives Bunting, Mack, Brady, Buckworth, Outten, Houghton, Reynolds, Jonkiert, Campanelli, Oberle, B. Ennis & Smith requested that they be marked present.

Representative Oberle brought HB 152, jointly sponsored by Representatives Mack, Davis & Spence, before the House for consideration.

HB 152 - An Act to Amend Chapter 69, Title 29 of the Delaware Code, Relating to Preference for Delaware Businesses and Delaware Labor in the Award of Contracts for Material and Work. (F/N)

The roll call on HB 152 was taken and revealed:

YES: 41.

Representatives Sills & D. Ennis requested that they be marked present during the roll call.

Therefore, having received a constitutional majority, HB 152 was sent to the Senate for concurrence.

Representative Amick brought SB 221, sponsored by Senator Venables, before the House for consideration.

SB 221 - An Act to Amend Chapter 100, Title 3 of the Delaware Code Relating to the Harness Racing Commission.

Representative Amick moved to place SB 221 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 192, sponsored by Senator Knox, before the House for consideration.

SB 192 - An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to Physicians' Records.

The roll call on SB 192 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 192 was returned to the Senate

Representative Amick moved to lift HB 182 from the Speaker's table. The motion was seconded by Representative Hebner.

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

Representative Amick requested that action on HB 182 be deferred to a Day Certain, Tuesday, January 28, 1992.

Representative Amick withdrew the motion to lift HB 182 from the Speaker's table.

Representative Amick brought SB 193, sponsored by Senator Cordrey, before the House for consideration.

SB 193 - An Act to Amend Delaware Code, Title 29, Chapter 58, Regarding the Conduct of Officers and Employees of the State.

Representative Lee introduced and brought HA 1 to SB 193 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 193 w/HA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Campanelli - 1.

Therefore, having received a constitutional majority, SB 193 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative B. Ennis brought HB 260 w/HA 1 & SA 1, jointly sponsored by Senator Vaughn & Representatives VanSant, Ewing & Lee, before the House for consideration.

HB 260 - An Act to Amend Subpart I, Subchapter III, Chapter 5, Title 11, of the Delaware Code Establishing the Offense of Criminal Impersonation, Accident Related.

The roll call on HB 260 w/HA 1 & SA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Oberle - 1.

Therefore, having received a constitutional majority, HB 260 w/HA 1 & SA 1 was sent to the Governor.

The Majority Leader moved to recess to the call of the Chair at 4:28 p.m.

5th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

January 22, 1992

Mr. Speaker Spence called the House to order at 2:36 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 77, SCR 79, SCR 80, SCR 81, SCR 82, HCR 64 & HCR 65.

Representative Petrilli introduced HB 415, jointly sponsored by Representatives Oberle, DiPinto, D. Ennis, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, Bennett, Soles, Moore, Gilligan, Schroeder, Bunting, Outten, George & VanSant & Senators Bair, Connor, Neal, Still, Hauge, Knox, Martin, Venables & Sokola & cosponsored by Representative Sills.

HB 415 - An Act to Amend Chapters 11 and 20 of Title 30 and Chapter 11 of Title 5 of the Delaware Code and 64 Delaware Laws Chapter 460 as Amended by 67 Delaware Laws Chapter 120 and 68 Delaware Laws Chapter 6 Relating to Tax Credits.

Mr. Speaker assigned HB 415 to the Revenue & Finance Committee.

Representative Petrilli introduced HB 416, jointly sponsored by Representatives DiPinto, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Oberle, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, D. Ennis, Bennett, Soles, Moore, Gilligan, B. Ennis, Schroeder, Bunting, Outten, George & VanSant & Senators Bair, Connor, Knox, Hauge, Still, Neal, Martin, Venables & Sokola & cosponsored by Representative Sills.

HB 416 - An Act to Amend Chapter 11 of Title 30 and Chapter 50 of Title 29 of the Delaware Code Relating to Personal Income Tax Credits for Certain Qualified Investments.

Mr. Speaker assigned HB 416 to the Revenue & Finance Committee.

Representative Roy introduced HB 417, jointly sponsored by Senator Martin & Representatives Boykin, Carey, Taylor, B. Ennis & Jonkiert & Senators Hauge, Knox, Cook & Minner & cosponsored by Representative Sills.

HB 417 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing From the Department of Correction and the Department of Natural Resources and Environmental Control Prior General Obligation Bond Authorizations and Authorizing the Issuance of General Obligation Bonds of the State; Reverting and Reprogramming Certain Funds of the State; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Mr. Speaker assigned HB 417 to the Transportation Committee.

The Majority Leader moved to adjourn at 2:45 p.m., thereby ending the current legislative day. The House reconvened at 2:46 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives George, Moore - 2.

Representative Roy requested that he be marked present.

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

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

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

The following prefiled legislation was introduced:

HB 413 - CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Title 19, Section 2102 of the Delaware Code Relating to Compensation for Members of the Industrial Board.

HB 414 - OBERLE, SPENCE, PETRILLI, EWING, BENNETT, WEST, TORBERT, HOUGHTON, VANSANT, CAMPANELLI; SENATORS MCBRIDE, CONNOR - H/ADM: An Act to Amend Title 22, Delaware Code Relating to Residency Requirements for Municipal Employees. (2/3 bill)

HA 2 to HB 125 - BENNETT - L.O.T.: Placed with the bill.

HA 2 to HB 404 - ROY - READY LIST: Placed with the bill.

The Reading Clerk read the following communications into the record:

January 22, 1992

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19903

Dear Mr. Speaker:

I will not be able to attend session on Thursday, January 23, 1992. My absence is due to the fact I will be out of town on business.

I hope this will not cause any burden to you or any other house member.

Sincerely,

Steven C. Taylor

State Representative

21st District

SCT:jek

January 21, 1992

#### MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE

SPEAKER OF THE HOUSE

FROM: Representative Rourke A. Moore

SUBJECT: ABSENCE FROM 1/22/92 SESSION

Due to a funeral tomorrow, I will be unable to attend the Session.

RAM/a

Representative Brady requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:51 p.m.

The House reconvened at 5:10 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SCR 83.

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

TRANS: HB 417 - 1F,4M.

ED: SB 102 - 1F,5M.

R & F: HB 415 - 5F,2M; HB 416 - 4F,3M.

JUD: HB 367 - 6M; HB 409 - 6M.

H/ADM: HB 362 - 2F,2M.

P/S: HB 336 - 3M,2U; HB 363 - 5M.

HOUSING & COM AFF: HB 412 - 6F.

Representative Sills requested that he be marked present.

Representative Petrilli introduced & brought SCR 82, sponsored by Senator Cordrey & Representative D. Ennis, before the House for consideration.

SCR 82 - Extending the Date By Which the Delaware Health Care Commission Must Submit Its Findings on the Regulatory Framework for Health Care Coverage in Delaware.

SCR 82 was adopted by voice vote and returned to the Senate.

Representative Oberle introduced HR 89.

HR 89 - Requesting the Senate of the State of Delaware Return House Bill Number 287 to the House of Representatives of the State of Delaware for Reconsideration.

HR 89 was adopted by voice vote.

The following prefilled Consent Calendar #21 was introduced:

HR 86 - SILLS - Honoring Dr. Martin Luther King, Jr. and Commemorating the Day of His Birth.

HR 87 - ROY, MARONEY, PETRILLI, SPENCE, CORROZI, DIPINTO, LOFINK, GILLIGAN, GEORGE, JONKERT, BRADY, CAMPANELLI - Celebrating Catholic Schools Week.

HR 88 - DIPINTO ON BEHALF OF ALL REPRESENTATIVES - Remembering the Contributions E. Melvin Jewett Upon His Death Due to Cancer, December 7, 1991.

HR 62 - PETRILLI ON BEHALF OF ALL HOUSE AND SENATE REPUBLICANS - Thanking Ernest J. Camoirano for His Years of Devotion to Republican Politics and Honoring Him After Eight Years as Newark Regional Chairman.

HR 66 - PETRILLI & SENATORS NEAL & SOKOLA - Honoring Delaware Businessman Frank Marx on His Innovative Buy American Policy.

SCR 77 - BAIR, MCDOWELL, NEAL, HOLLOWAY; REPRESENTATIVES MARONEY, SOLES, SILLS, MOORE - Mourning the Death of E. Melvin Jewett of Wilmington, Delaware Who Died on Saturday, December 7, 1991 at the Age of 72.

SCR 80 - NEAL, BAIR, HAUGE, MCBRIDE, SOKOLA; REPRESENTATIVES AMICK, PETRILLI - Congratulating Leslie Ann Benmark Upon Her Designation as the Delaware Engineering Society, Inc.'s "1992 Engineer of the Year."

SCR 81 - BAIR, NEAL & ADAMS & REPRESENTATIVES SOLES, SILLS, PETRILLI, SPENCE, DAVIS, DIPINTO, BRADY, EWING, MARONEY, BENNETT, CORROZI, AMICK, GILLIGAN, BOYKIN, FALLON, SMITH, LOFINK - Mourning the Untimely Death of Mrs. Jan Lichtenberger Armitage Who Passed Away, Tuesday, December 31, 1991 at the Age of Forty, the Wife of J. Richard Armitage, Director of State and Local Government Relations at the University of Delaware.

SCR 83 - COOK, STILL; REPRESENTATIVES QUILLEN, CLARK - Mourning the Death of Miss Maxine D. Schultz, of Hartly, Delaware Who Passed Away on Sunday, January 19, 1992 at the Age of 72.

Consent Calendar #21 was adopted by voice vote and HCR 62 & HCR 66 were sent to the Senate for concurrence and SCR 77, SCR 80, SCR 81 & SCR 83 were returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 5:24 p.m.

6th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

January 23, 1992

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

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

NAT RES: SS 1 to SB 63 w/SA 1 - 2F,5M; SCR 74 - 2F,5M; SCR 75 - 3F,4M.

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: 40.

Member Absent: Representative Taylor - 1.

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

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

Representative D. Ennis requested that he be marked present.

Representative George requested that he be marked present.

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

The following prefilled legislation was introduced:

HB 418 - SMITH & SENATOR NEAL; REPRESENTATIVES AMICK, SOLES; SENATOR MINNER - H/ADM: An Act to Amend Chapter 80, Title 15, Delaware Code Relating to Elections and Reports of Political Committees.

HB 419 - DAVIS, HOUGHTON; SENATOR VAUGHN - JUD: An Act to Amend Chapter 19, Title 10, Relating to Provisions for Courts and Judges.

HB 420 - AMICK & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend 67 Delaware Laws Chapter 226 Relating to Chapter 17 Title 24 of the Delaware Code Relating to the Medical Practice Act.

HA 2 to HB 182 - DAVIS, PETRILLI, CORROZI, SMITH, BENNETT - L.O.T.: Placed with the bill.

SB 249 w/SA 1 - VAUGHN, CONNOR; REPRESENTATIVE HEBNER - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to Compensation for Victims of Crime.

SCR 79 - TORBERT; REPRESENTATIVE CAULK - NAT RES: Urging the Governors of the State of Delaware and the State of New Jersey and Members of the Delaware Congressional Delegation to Make Diligent Efforts to Encourage a Compact Between Said States Governing a Uniform Management Policy Regarding Fisheries in the Delaware Bay.

Mr. Speaker assigned SB 39 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 249 w/SA 1, HB 340 & HB 368 w/SA 1 & 2.  
Representatives West & Lee requested that they be marked present.  
The Majority Leader moved to recess for caucus at 2:20 p.m.  
The House reconvened at 3:50 p.m.  
Representatives Brady, Mack, Gilligan, Reynolds, Moore & Fallon requested that they be marked present.  
The Reading Clerk read the following communication into the record:  
The Senate wishes to inform the House that it has passed: SCR 85 & HB 287 w/HA 1.  
Representatives VanSant & Smith requested that they be marked present.  
Representative Petrilli introduced and brought SCR 85, sponsored by Senators Cordrey, Sharp & McDowell, before the House for consideration.  
SCR 85 - Providing for a Joint Session of the House of Representatives and the Senate to be Convened to Hear the Annual State of the State Address and the Annual Budget Message by Governor Michael N. Castle, Governor of the State of Delaware.  
SCR 85 was adopted by voice vote and returned to the Senate.  
Representatives Amick & Oberle requested that they be marked present.  
Representative Petrilli brought HB 416, jointly sponsored by Representatives DiPinto, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Oberle, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, D. Ennis, Bennett, Soles, Moore, Gilligan, B. Ennis, Schroeder, Bunting, Outten, George & VanSant & Senators Bair, Connor, Knox, Hauge, Still, Neal, Martin, Venables & Sokola & cosponsored by Representative Sillis, before the House for consideration.  
HB 416 - An Act to Amend Chapter 11 of Title 30 and Chapter 50 of Title 29 of the Delaware Code Relating to Personal Income Tax Credits for Certain Qualified Investments. (F/N)  
Representative Petrilli moved to suspend the rules which interfere with action on HB 416. The motion was seconded by Representative Buckworth and adopted by voice vote.  
Representative George requested and was granted the privilege of the floor for Steve Kubico, Controller General's Office.  
The roll call on HB 416 was taken and revealed:  
YES: 39.  
ABSENT: Representatives Campanelli, Taylor - 2.  
Representatives Carey, Caulk, Schroeder & Sillis requested that they be marked present during the roll call.  
Therefore, having received a constitutional majority, HB 416 was sent to the Senate for concurrence.  
Representative Oberle moved to suspend the rules which interfere with action on HB 415. The motion was seconded by Representative Buckworth and adopted by voice vote.  
Representative Oberle brought HB 415, jointly sponsored by Representatives DiPinto, D. Ennis, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Petrilli, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, Bennett, Soles, Moore, Gilligan, Schroeder, Bunting, Outten, George & VanSant & Senators Bair, Connor, Neal, Still, Hauge, Knox, Martin, Venables & Sokola & cosponsored by Representative Sillis, before the House for consideration.  
HB 415 - An Act to Amend Chapters 11 and 20 of Title 30 and Chapter 11 of Title 5 of the Delaware Code and 64 Delaware Laws Chapter 460 as Amended by 67 Delaware Laws Chapter 120 and 68 Delaware Laws Chapter 6 Relating to Tax Credits. (F/N)  
Representative D. Ennis introduced and brought HA 1 to HB 415 before the House for consideration. HA 1 was adopted by voice vote.  
Representative Outten introduced and brought HA 2 to HB 415, jointly sponsored by Representative Bennett, before the House for consideration.  
Representative Petrilli requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.  
Representative Outten requested and was granted the privilege of the floor for John Paradee, House Attorney.  
Representative Petrilli requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.  
Mr. Speaker Spence declared a recess for caucus at 5:05 p.m.  
The House reconvened at 5:33 p.m.  
Representative Petrilli requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.  
The roll call on HA 2 to HB 415 was taken and revealed:  
YES: Representatives Bennett, Brady, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sillis, Soles, VanSant, Mr. Speaker Spence - 15.  
NO: 24.  
ABSENT: Representatives Campanelli, Taylor - 2.  
Therefore, not having received a constitutional majority, HA 2 was declared defeated.  
Representative Outten introduced and brought HA 3 to HB 415, jointly sponsored by Representative Bennett, before the House for consideration.  
The roll call on HA 3 was taken and revealed:  
YES: Representatives Bennett, Brady, Caulk, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sillis, Soles, VanSant, West, Mr. Speaker Spence - 17.

NO: 22.

ABSENT: Representatives Campanelli, Taylor - 2.

Therefore, not having received a constitutional majority, HA 3 was declared defeated. Representative Sills introduced & brought HA 4 to HB 415, before the House for consideration.

Representative Petrilli moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Buckworth.

The roll call on the motion was taken and revealed:

YES: 22.

NO: Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant, West - 18.

ABSENT: Representative Taylor - 1.

The correct roll call on the motion was announced:

YES: 22.

NO: Representatives Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant, West - 17.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representative Taylor - 1.

Mr. Speaker Spence declared a two minute recess during the roll call.

Therefore, having received a constitutional majority, the motion was adopted & HA 4 was placed on the Speaker's Table.

Representative Oberle introduced & brought HA 5 to HB 415 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on HB 415 w/HA 1 & 5 was taken and revealed:

YES: 39.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representative Taylor - 1.

Therefore, having received a constitutional majority, HB 415 w/HA 1 & 5 was sent to the Senate for concurrence.

Representative Roy brought HB 417, jointly sponsored by Senator Martin & Representatives Boykin, Carey, Taylor, B. Ennis & Jonkiert & Senators Hauge, Knox, Cook & Minner & cosponsored by Representative Sills, before the House for consideration.

HB 417 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities Deauthorizing From the Department of Correction and the Department of Natural Resources and Environmental Control Prior General Obligation Bond Authorizations and Authorizing the Issuance of General Obligation Bonds of the State; Reverting and Reprogramming Certain Funds of the State; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Roy requested and was granted the privilege of the floor for John Casey, Director, Delaware Development Office.

The Reading Clerk read the following communication into the record:

Office of Secretary of Finance  
Debt Limit Statement Dated January 21, 1992  
This Debt Limit Statement to be attached to

H.B. 417 as required by Section 7422, Title 29, Delaware Code.

The roll call on HB 417 was taken and revealed:

YES: 39.

ABSENT: Representatives Campanelli, Taylor - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 417 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 6:25 p.m.

7th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

January 28, 1992

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

The Reading Clerk read the following communications into the record:

January 23, 1992

TO: The Honorable JoAnn P. Hedrick  
Chief Clerk of the House

FROM: Bernard J. Brady  
Secretary of the Senate

SUBJECT: Return of SCR No. 54

Attached you will find a memorandum from Senator Ruth Ann Minner instructing me to make formal request of you for the return of Senate Concurrent Resolution No. 54.

I thank you for your cooperation.

BJB:ks

MEMORANDUM

FROM: Senator Ruth Ann Minner

TO: Bernard J. Brady  
Secretary of the Senate



DATE: January 23, 1992

RE: Return of SCR 54

Please take the necessary procedures to request the return of SCR 54 from the House of Representatives.

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: 40.

Member Absent: Representative Fallon - 1.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 421 - JONKIERT & SENATOR MARSHALL - H/ADM: An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Election Campaigns.

HB 422 - JONKIERT & SENATOR MARSHALL; REPRESENTATIVES CAMPANELLI, HOUGHTON, SPENCE, VANSANT - JUD: An Act to Amend Title 28, Chapter 11, of the Delaware Code Relating to Bingo and Charitable Gambling.

HB 423 - CLARK, WEST, B. ENNIS; SENATOR STILL; REPRESENTATIVES BUNTING, AMICK, QUILLEN, LOFINK, VANSANT, HOUGHTON, JONKIERT; SENATORS VAUGHN, TORBERT - ED: An Act to Amend Chapter 29 of Title 29, Delaware Code Relating to Annual Auditing of School District's Local Tax Budget.

HA 3 to HB 182 - DAVIS - AGENDA: Placed with the bill.

HA 4 to HB 182 - OBERLE & VANSANT: Placed with the bill.

HA 5 to HB 182 - OBERLE & VANSANT: Placed with the bill.

HA 6 to HB 182 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 374 - AMICK - SUNSET & OVERVIEW: Placed with the bill.

HA 3 to HB 404 - ROY - AGENDA: Placed with the bill.

HA 1 to HB 409 - BOYKIN - READY LIST: Placed with the bill.

The Reading Clerk read the following communications into the record:

TO: REPRESENTATIVE TERRY SPENCE

SPEAKER OF THE HOUSE

FROM: REPRESENTATIVE TINA FALLON

DATE: JANUARY 28, 1992

RE: ABSENCE FROM SESSION

Please be advised that I will not be in attendance for the January 28, 1992 session because of illness.

TF/kk

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as Co-Sponsor of HB 182.

Date: 1/28/92.

Signed: Gerald A. Buckworth.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as Co-Sponsor of HA 2 to HB 182.

Date: 1/28/92.

Signed: Gerald A. Buckworth.

Representative Oberle requested that he be marked present.

Representative Oberle introduced HJR 18, jointly sponsored by Senator Sokola & Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis & B. Ennis & Senator Still & cosponsored by Representatives Carey & Outten.

HJR 18 - Requiring the State Personnel Commission to Amend the Merit Rules and Designating the Coverage of Those Rules.

Mr. Speaker assigned HJR 18 to the Labor & Human Resource Management Committee.

Representatives West, Jonkiert, Sills, Amick, Clark, George, Corrozi, Maroney, Bennett, Schroeder & Campanelli requested that they be marked present.

Representative Caulk introduced & brought HCR 67, jointly sponsored by Senator Adams & Representatives Fallon, Lofink, Carey, Quillen, Bunting, Clark & Schroeder & Senators Cook, Holloway, Sharp, Torbert & Hauge & cosponsored by Representative Buckworth, before the House for consideration.

HCR 67 - Proclaiming March 15-21, 1992 as Agriculture Week and Recognizing Agriculture as Delaware's Number One Industry.

HCR 67 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 2:55 p.m.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #38

DATE: January 28, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H92-20	Smith	1/24/92	T	James F. & Mildred G. Noonan 50th Wedding Anniversary
H92-21	Ewing	1/22/92	T	Dr. Mark J. Boytim, M.D. -Outstanding Physician - Nanticoke Hospital

Number	Sponsor	Presentation Date	Type	Description
H92-22	Ewing	1/22/92	T	Dr. Harry M. Freedman, M.D. - Outstanding Physician - Nanticoke Hospital
H92-23	Buckworth	1/22/92	T	Michelle Gale/1991 All State High School Cross Country Team
H92-24	Buckworth	1/22/92	T	Mike Spence/1991 All State High School Cross Country Team
H92-25	Quillen	1/22/92	M	Maxine D. Schulz
H92-26	Lee	1/23/92	T	Eddie & Robin Jester
H92-27	VanSant	1/31/92	T	William L. & Helen E. Brzoska - 50th Wedding Anniversary
H92-28	VanSant	1/24/92	T	Joseph S. & MaFalda Corrado - 50th Wedding Anniversary
H92-29	VanSant	12/18/92	T	Louise D. & Lafayette Cooper - 50th Wedding Anniversary
H92-30	Bennett	2/9/92	T	David W. Mower/Eagle Scout
H92-31	Spence	1/22/92	T	Representative David H. Ennis/
H92-32	Oberle	1/23/92	T	Legislative Service Award
H92-33	Oberle	1/23/92	T	James P. Flynn/Service/House Labor & Human Relations Special Advisory Committee
H92-34	Carey	1/11/92	T	Stephanie B. Crowley/Service/Special Advisory Committee
				Reese & Ruth Dickerson/50th Wedding Anniversary

T - Tribute

M - Memoriam

The Reading Clerk read the following communication into the record:

January 23, 1992

TO: The Honorable JoAnn P. Hedrick  
Chief Clerk, House of Representatives  
136th General Assembly

FROM: Bernard J. Brady  
Secretary of the Senate

SUBJECT: House Bill No. 287

A certified copy of House Resolution No. 89, has been received and read in to the Senate record.

Pursuant to the said resolution of request, and with the approval of the Senate, please find attached House Bill No. 287 as amended by House Amendment No. 1, which is herewith returned to your office.

BJB:ks

The Senate wishes to inform the House that it has returned: HB 287 as requested through HR 89.

Representative Oberle moved to restore HB 287. The motion was seconded by Representative Buckworth and adopted by voice vote.

HB 287 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated-Lotteries at Racetracks, and to Amend Chapters 3 and 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing.

Representative Oberle moved to rescind the roll call on HB 287 w/HA 1. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: 36.

NOT VOTING: Representative Bennett - 1.

ABSENT: Representatives Fallon, Jonklert, Maroney, West - 4.

Therefore, having received a constitutional majority, the motion was adopted.

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

Representative Oberle moved that HB 287 w/HA 1 be stricken. The motion was properly seconded & adopted by voice vote.

Representative Amick moved to lift HB 182 from the Speaker's table. The motion was seconded by Representative Buckworth.

HB 182 - An Act to Amend Titles 10, 18, and 21 of the Delaware Code Regarding Motor Vehicle Insurance.

The roll call on the motion was taken and revealed:

YES: 17.

NO: Representatives Brady, Campanelli, B. Ennis, George, Gilligan, Houghton, Lofink, Moore, Oberle, Quillen, Reynolds, Sillis, Soles, VanSant, West, Mr. Speaker Spence - 16.

NOT VOTING: Representatives Buckworth, Clark, Mack, Outten, Schroeder - 5.

ABSENT: Representatives Fallon, Jonklert, Maroney - 3.

Representative Roy rose on a point of order.

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

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

Representative Buckworth requested that action on HB 364 be deferred to a Day Certain, Thursday, January 30, 1992.

Representative Carey brought SS 1 to SB 63 w/SA 1, sponsored by Senator Vaughn & Representatives Mack & B. Ennis, before the House for consideration.  
SB 63 - An Act to Amend Chapter 9, Title 7, Delaware Code, to Permit Recreational Drift Gill Net Fishing for Shad in the Delaware River.

The roll call on SS 1 to SB 63 w/SA 1 was taken and revealed:

YES: 33.

NO: Representatives Bennett, Boykin, Hebner, Schroeder, Taylor, West - 6.

NOT VOTING: Representative Outten - 1.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, SS 1 to SB 63 w/SA 1 was returned to the Senate.

Mr. Speaker reassigned HB 397 to the Transportation Committee.

The Majority Leader moved to recess to the call of the Chair at 3:50 p.m.

8th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

January 29, 1992

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

The Reading Clerk read the following communications into the record:

REBECCA MAXWELL

March 15, 1964 - December 30, 1991

The family of Rebecca Maxwell deeply appreciates your thoughtful and caring expressions of sympathy.

We rejoice in Becca's life on earth and take comfort in the knowledge that she is at peace in the house of the Lord.

Terry,

Please thank the caucus for the kind thoughts.

Bob

The Senate wishes to inform the House that it has passed: SCR 84, HCR 66 & HCR 67.

January 24, 1992

LEGISLATIVE ADVISORY #31

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 1/24/92 - SB 130 aab HA 1, HB 316, HB 223, HB 286, HB 260 aab HA 1 & SA 1, HB 304 aab HA 1 & SB 192.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the current legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Rourke A. Moore, Second Representative District.

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

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

The following prefiled legislation was introduced:

HB 424 - EWING, B. ENNIS, VANSANT - P/S: An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Survivors' Eligibility for Pension Benefits.

HA 1 to HB 386 - OBERLE, BOYKIN - SM BUS & ECON DEV: Placed with the bill.

HA 1 to HB 399 - OBERLE - LAND USE & ECON DEV: Placed with the bill.

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

The House reconvened at 4:13 p.m.

Representatives Hebner & George requested that they be marked present.

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

JUD: SB 178 - 5M; SB 249 w/SA 1 - 5M.

LABOR & HUM RES MAN: HB 410 - 4M; HJR 18 - 4M; SB 122 - 4M.

Mr. Acting Speaker assigned SB 122 to the Appropriations Committee.

Representatives Taylor, Soles, Mack, Reynolds, Outten, Bennett & Brady requested that they be marked present.

Representative Maroney requested that she be marked present.

The following prefiled Consent Calendar #22 was introduced:

HR 90 - HEBNER - Giving a Hearty Pat on the Back to the Holy Rosary Bears, Their Coaches and Water Persons for Winning the 1991 C.Y.O. Football Championship.

HR 91 - OBERLE - Commending the Members of the House Labor and Human Relations Special Advisory Committee on State Personnel Reclassifications for All of Their Hard Work and Dedication to Developing Recommendations for the Improvement of the State Personnel Reclassification Process.

HR 92 - OBERLE, MACK, REYNOLDS, LOFINK, DAVIS, CAMPANELLI, HOUGHTON, B. ENNIS, GILLIGAN, VANSANT - Commending and Congratulating First State Bank for Offering Reduced Rates for Customers Who Purchase American Automobiles.

HR 93 - AMICK - Mourning the Loss of Sally Honey, Former President of the Civil League for New Castle County.

SCR 74 - MINNER; REPRESENTATIVES CAREY, LOFINK - Extending the Life of the Wellhead Protection Program Development Committee.

SCR 75 - MINNER; REPRESENTATIVE CAREY - Extending the Life of the Freshwater Wetlands Program Development and Implementation Committee Through March 1st, 1992.

SCR 84 - COOK; REPRESENTATIVE OUTTEN; SENATORS ADAMS, CORDREY, HOLLOWAY, MINNER, TORBERT, VAUGHN, KNOX, STILL; REPRESENTATIVES BENNETT, CLARK, SCHROEDER, BUCKWORTH, CAULK, B. ENNIS, QUILLLEN - Congratulating the Community Legal Aid Society on Its 45 Years of Providing Quality Legal Services to the Less Fortunate and Wishing It Success in Its 'Doorway to Justice' Fund-Raising Drive to Improve Its Facilities Throughout the State of Delaware.

Representatives DiPinto & D. Ennis requested that they be marked present.

Representative Roy introduced HCR 68, jointly sponsored by Senator Sharp & Representative Taylor.

Representatives Spence & Gilligan requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

HCR 68 - Congratulating the St. Mark's Soccer Team on Their Fourth State Title in Six Years.

HCR 68 was placed on Consent Calendar #22.

Representative Davis requested that he be marked present.

Representative Lee introduced HR 94, sponsored by Representatives Caulk, Carey, Fallon, Lofink, Quillen, Bunting, Clark & Schroeder & cosponsored by Representative Ewing.

HR 94 - Proclaiming the Week of February 15-22, 1992 as Future Farmers of America Week.

HR 94 was placed on Consent Calendar #22.

Consent Calendar #22 was adopted by voice vote and HCR 68 was sent to the Senate for concurrence and SCR 74, SCR 75 & SCR 84 were returned to the Senate.

Representative Buckworth requested that he be marked present.

Representative Amick introduced HB 425.

HB 425 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

Mr. Speaker assigned HB 425 to the Public Safety Committee.

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

B & I: SB 30 - 6M.

The Majority Leader moved to recess to the call of the Chair at 4:35 p.m.

9th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

January 30, 1992

Mr. Speaker Spence called the House to order at 1:35 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 271, SB 269, SB 260, SB 255 & HB 246.

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

NAT RES: HB 393 - 5F, 1M.

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: 41.

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

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

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

The following prefiled legislation was introduced:

SB 255 - CORDREY; REPRESENTATIVE WEST - H/ADM: An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro" to Increase the Amount Permitted to be Raised From the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

SB 260 - CORDREY, BAIR; REPRESENTATIVES GEORGE, PETRILLI - R & F: An Act to Amend Title 30, 5, 8, and 18 of the Delaware Code Relating to Tax Preferences.

SB 269 - SOKOLA & REPRESENTATIVE OBERLE; SENATOR STILL; REPRESENTATIVES MACK, REYNOLDS, CAMPANELLI, HOUGHTON, LOFINK, DAVIS, B. ENNIS - LABOR & HUM RES MAN: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

SB 271 - MINNER; REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Amount Permitted to be Raised From the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

SJR 9 - SOKOLA & REPRESENTATIVE OBERLE; SENATOR STILL; REPRESENTATIVES MACK, REYNOLDS, CAMPANELLI, HOUGHTON, LOFINK, DAVIS, B. ENNIS - LABOR & HUM RES MAN: Establishing a Committee to Review the Classification Maintenance Review Written Appeal Procedure and to Recommend an Appeal Procedure to Include Employees in Merit Comparable Positions.

Representatives Jonklert, Sillis, Moore, Outten & Bennett requested that they be marked present.

The Majority Leader moved to recess for the Joint Session at 1:43 p.m.

JOINT SESSION - SENATE CHAMBER

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

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

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

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

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

At 2:08 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State and Budget address. There was no objection.

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

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

Senator Sharp moved that the Lt. Governor appoint a committee of four to escort the Governor to the Chamber. There was no objection and the Lt. Governor appointed Senator Robert T. Connor (spokesperson) and Senator Hermam M. Holloway, Sr.; Representatives Edward J. Bennett & Roger Roy to escort the Governor.

The President then called a standing recess until the arrival of the Governor.

The Joint Session reconvened.

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

Senator Connor introduced the Governor to the Joint Session.

The President welcomed the Governor to the Joint Session and the Governor addressed the assembly as follows:

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

Traditionally Delaware's Governor delivers two speeches each January but at this year's first leadership lunch I said I wanted to combine the State of the State and budget addresses to maximize use of everyone's time. Senator Cordrey spoke for everyone here today when he pulled me aside and told me that was the best decision I had ever made as governor. Well hopefully today we can present a few other candidates for best decision runner-ups.

Seven years ago, I stood outside this building on a cold January day, and for the first time addressed the citizens of Delaware as their Governor. If I had declared in that address that in just 2,571 days --

- the greatest public health threat to Delawareans and the world would be AIDS;
- that the Soviet Union and Communism would collapse without one missile launched between the U.S. and what used to be the USSR;
- that every Delawarean would be paying hundreds of dollars to help bail out Savings and Loans in California and Texas;
- that a skyrocketing number of babies would be born addicted to crack and cocaine;
- or, that the DuPont Company would dramatically reduce its Delaware work force; the voters would have demanded a recount.

Yet, the guiding principles I outlined seven years ago in my first speech delivered in good times, still apply today in uncertain conditions.

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

Times, ladies and gentlemen, have certainly changed, but Delaware's difference is that our commitment and optimism remain despite the adversity surrounding us. As Ralph Waldo Emerson once wrote: "This time, like all times, is a very good one, if we but know what to do with it."

Like the lighthouse at Cape Henlopen that in the past guided thousands of sailors through rising and falling tides, so has Delaware government steered its people through dramatic changes and transitions -- anchored by our commitment to fiscal integrity and our unique quality of life.

We have done more than just balance columns of numbers and figures. We have balanced our resources with the needs of our people.

We have done more than cut personal income taxes three times. We have removed more than 40,000 low-income people from the tax rolls completely.

Our high bond rating stands intact while the ratings of our sister states are in free-fall.

We have substantially reduced budget expenditures over the last three years; yet, despite these reductions, have minimized their effects on direct state services.

What we have accomplished is far more than bean counting -- what we have done is made every single tax dollar count toward today's needs and tomorrow's dreams.

But as we work on both the Fiscal Year '92 and '93 budgets, one set of stark figures jumps off the pages -- state revenue growth has decreased significantly in the last two years, and is continuing to retreat as the national recession lingers.

While some may argue that this is the time to take the easy course and enact a general tax increase to meet these shortfalls, I will not support that action.

It is the wrong answer -- in the wrong place -- at the wrong time.

Today, when every working family in Delaware must make hard decisions and cut discretionary spending to make ends meet, this government must do no less.

Every tough decision we made last year is helping us with this year's budget. For example, facing tough times last year we implemented a successful Early Retirement Option, which will save approximately \$15 million in the coming fiscal year. Many of you had doubts. You were rightly concerned that if those positions reappeared in this budget, there would be no real savings. That has not happened.

Long-term employees received an excellent financial opportunity. New spirit and talent was infused into our schools. Once again we demonstrated that we can make good things happen in bad times.

In this budget you will find the same type of tough choices. This budget is not balanced with smoke and mirrors. Next January, I will leave my successor, whoever he or she may be, with a solid and sustainable budget. Further, should economic conditions continue to deteriorate during the course of your budget deliberations, I will recommend appropriate actions.

I am presenting a \$1.223 billion budget today, which has just 1.7 percent adjusted growth over last year.

Although we all understand revenues are down, and cuts have been made, we must also recognize that we had no choice but to increase certain sections of this budget because of significant federal mandates and state formulas over which we have little control. Fortunately, these increases are in areas that also represent important needs such as Medicaid services, public education, and adult and youth correction programs.

In addition, this budget includes funds for a modest State employee salary increase, a plan to reallocate education money to make school funding more flexible and an administrative cost savings program.

The Bond Bill will also feel revenue pressures.

First, the amount of funds available for non-transportation capital expenditures is \$63.2 million -- about 30 percent less than the amount available last year.

And second, the total need for education-related projects has sharply risen -- requiring nearly 55 percent of these funds.

Also included in this bill are the necessary funds to complete the New Castle County Detention Center, Adult Correction projects and begin the Ferris School restructuring. In just four years we will have substantially expanded our correction facilities expending over \$55 million on adult corrections, and almost 15 million on juvenile facilities.

This expansion of our secure facilities has been driven by the increase in serious crime primarily related to drugs and drug abuse. But, beyond just building jail cells, the operating budget continues our efforts to find alternatives to incarceration both at the juvenile and adults levels. These alternative programs, combined with our overhaul of the parole and work release systems, better prepare prisoners to return to be productive members of society.

During the past fiscal year, adverse economic conditions also affected Transportation Trust Fund revenues. The capital budget for transportation is down 17.2 percent from last year. To complete the shift of transportation costs begun last year, I am proposing the Division of Motor Fuel Tax and all remaining Department of Transportation General Fund costs be moved to the Trust Fund.

If we are to meet the needs for a new transportation system for the year 2000 and beyond, we must fund projects that will not come on line for years.

Consider that just 10 years ago people traveling in or through Delaware drove 4.4 billion miles annually. Today that number has jumped to more than 6.4 billion miles, and by the year 2010 that number will be almost 9 billion miles.

We will continue to move ahead with essential transportation projects such as the Route 1 Relief Route project, including the new six-lane bridge over the C&D Canal.

The Grant-in-Aid set-aside of \$19.0 million includes \$1.1 million for the critical statewide paramedic program, although the overall increase is just \$100,000.

The struggle to build these budgets has not been easy and won't get easier before June 30. The task of the Joint Finance and Bond Bill Committee chairpersons -- Senator Cook, Representative Corrozi, Senator Martin and Representative Roy -- as well as the rest of the members, will not be easy. Many advocacy groups will legitimately demand more. But we must keep in mind the complete picture. To satisfy the needs of one segment of society at the price of the whole is wrong.

Establishing a fair system of compensation for State employees has been one of the top priorities throughout my Administration, not only because I feel they deserve it, but because they have truly earned it.

By making significant cuts in administrative and overhead spending, this budget allows us to set aside approximately \$12 million that will fund a pay increase of 2.0 percent for non-educational employees, excluding cabinet members, elected officials and judges.

As you know, teachers received steps and local supplements last year, but like State employees, they received no general increase.

The \$12 million set aside this year for salary increases will provide sufficient funds to continue steps plus an additional 1.0 percent. And, assuming similar local raises for teachers in the coming year as in this current year, the average teacher increase will be at least 2.0 percent.

There has been much talk lately of states "re-inventing" government, and perhaps in states with tremendous problems that is the right solution. In Delaware, we basically have a good product. You don't need to re-invent it, you only need to improve it and enhance it. After all, look what happened when someone tried to re-invent Coca-Cola.

In this budget there are a number of cuts and consolidations made through the MAX program -- a program that Senator Venables and Representative Petrilli helped make possible. This effort will maximize the quality and efficiency of State Government services by restructuring, improving services and developing cost savings over \$5 million in Fiscal Year 93.

This program, combined with other efforts, will eliminate approximately 225 positions, of which approximately 100 are currently filled. Through attrition and reallocation of positions in various departments, we will offer these people continued employment.

What Delaware needs to do, unlike crisis-ridden states, is take the good government we have and make it better. Our's is a good government for many reasons, but particularly because of the hard work of our outstanding Cabinet members and the extraordinary commitment and dedication of the General Assembly members.

I would like to take a moment to recognize one of my former cabinet members, Mike Harkins. But what can I say about a man who is truly larger than life and who has so greatly helped improve others lives with his work in this administration. I can say, however, that I deeply appreciate his commitment.

I would also like to recognize my new Secretary of State, Michael Ratchford, who has stood by my side even when it was not a very fun place to be. Although I note he was not there during the bomb scare today.

The cabinet's achievements and the legislators' achievements in economic development, environmental protection, education, health care and many other important areas, are a result of their cooperation and belief in helping the people of Delaware. Their achievements represent opportunities for all our people, and for that you have my appreciation.

\* \* \*

Perhaps the most important opportunity we must create today is job opportunities for every Delawarean able to work.

While job growth and economic development have become buzz words recently, they have been principles to which we have always been strongly committed.

During the decade of the 80s, we took significant steps to change and strengthen our historic employment base.

The initial banking legislation and the subsequent actions taken by this Legislature and this Administration have broadened our employment base. Those direct jobs and the spin-off services they created, have given Delaware the 12th highest job growth rate in the Nation. Since 1985 alone, we have created 63,000 new jobs which represent 18 percent of our total workforce.

While we understand that corporate America must restructure to remain competitive in the world market, the employment loss this entails on a short-term basis is devastating to the economy and to the employees affected. Depending merely on historic employers for job growth will not work. Delaware, in both the public and private sectors, must do no less than continue to be the First State in adapting to those changes by providing new business and personal employment opportunities.

The cooperation among the public, private and educational sectors in Delaware to help our economy is second to none. It has led to significant social improvements, to unprecedented growth in the poultry industry, to unrivaled opportunity for the financial industry, to a world-class High Technology Park being created in partnership with the University of Delaware and the State; and to a heightened realization of the absolute advantage of being a Delaware corporation.

We cannot fully insulate our citizens or our state revenues from a national recession. But, the answer to the question that many of you have asked: why are we better off than many of our surrounding states is rooted in those decisions we made together and a decade-long plan that pursued every new job opportunity.

This state government believes that every new job counts. Every new job in Delaware counts because these jobs are just not numbers, they are real people -- your neighbors and friends. They represent car payments, tuitions, and mortgages.

And that is just one more reason I am particularly pleased to be able to share some new job announcements with you today -- announcements I see as opportunities and hopes for the future.

- Salga Products, a plastic molding company located in New Castle County, is hiring 50 new employees, in part because of an incentive program the State offered them.
- Citibank has now finalized and confirmed its plans to establish its national insurance headquarters in the Dover area. Nearly 100 employees will be hired by the end of this year, and another 150 jobs will be created in the next 18 months.
- And, Townsends is expanding its Millsboro facility. The project should be complete by this summer, and is expected to create 200 new jobs in our important poultry industry.

I have no doubt many more jobs will be created this year -- some as a direct result of the economic development package now before the General Assembly, which is targeted to help small businesses, the core of our job growth success and those hardest hit by shrinking financial resources.

We will also redouble our efforts to expand the base of our financial industry not only in banking but in other financial products and services -- industries that at least in Delaware have continued to grow substantially even in these tough times.

We must turn our energies anew to convince world-class corporations like Hewlett Packard that Delaware's advantages as a legal resident are equally beneficial for operations and headquarters.

We will continue to target high tech industries through the Delaware Technology Park that are natural partners to be located in the first class environment of our University and we will work closely with companies such as Swearingen -- the airplane manufacturer which is bringing new jobs to Kent County.

None of these solutions alone is the answer. There is no quick fix to the current economic problems. The combination of fiscal restraint, sound public policy, outstanding public/private cooperation, our special quality of life and these initiatives, will lead us through this difficult period. Rather than wringing our hands over our present adversity, it is time to join hands and reinforce our economic development efforts.

What truly makes Delaware different is not programs or tax cuts, it is the unique quality of life. One short story illustrates this point.

Last week, on the spur of the moment, Senator Cook and Development Office Director John Casey brought a consultant from Nebraska into my office who was eagerly looking for an east coast location for one of his clients. He had been to other states in the area already, and was taken aback by the problems he saw -- so much so, that when he came to Delaware, he was shocked to see how different our quality of life was, and noted:

- \* How friendly our people are;
- \* How accessible and cooperative our public officials are;
- \* How easy it is to travel around the State; and,
- \* How clean our environment is.

\* \* \*

Indeed, while economics and jobs play a significant role in our quality of life -- our environment is also an essential element. Because of the General Assembly's willingness to balance the needs of our environment with the needs for a thriving economy, we have a quality environment.

We began seven years ago by making environmental protection a priority, and through regulations and clean-up programs, improved our land, water and air.

With this foundation in place, we shifted our attention to environmental preservation and we launched the extremely successful land acquisition and Greenways programs, which many here in the Legislature helped to fund, to guarantee that important natural areas are preserved. And, with more than 20 percent of Delawareans participating in the RECYCLE DELAWARE program, we are protecting the natural resources and land that otherwise would be wasted -- buried in landfill mounds that someday would have become trash mountains.

Our commitment to environmental quality and protection, as well as economic development, will continue lighting our path to prosperity, but prosperity for today's young people will only be possible if we have programs in place to help them achieve it.

\* \* \*

In seven years, I've learned that there are no quick fixes in education. You don't solve educational problems with slogans or rhetoric. Educational solutions require good plans and tenacity.

We began by focusing on what we put into education by making our average teacher salary 13th highest in the nation; by making operating and capital funding between rich and poor districts more equitable; by restructuring 21 of our schools through Re:Learning; and by creating alternative programs for dropouts.

To not only be the best, but to be better, will require change like letting teachers design some of their own curriculum and developing the first-ever National Principals' Leadership Academy. We have already made one great change in bringing Pat Forgiione -- a nationally known educator -- here as our new State Superintendent, and will look for him to lead us toward other changes.

I believe strongly that commitment to the principles of DELAWARE 2000 and AMERICA 2000 are essential to our success. We must not only care about how we teach and what we are paying our teachers -- we also must care what our children learn!

We stand at a crossroads today -- looking back we see modest returns on our investments -- looking ahead we see endless opportunities to break down barriers and move ahead. Our children have the ability to learn what they need to be successful; they have the desire, and we have our commitment to them. Now we must fulfill that commitment.

I am proposing in this budget the third year of full funding for equalization, and responding to the Districts' top request for more flexible funding by increasing the Academic Excellence Block Grant by \$2.3 million. This will allow districts to use all of their grant money for hiring new teachers, or if they prefer, using half of the funds for new teachers and the other half for programs or services of their choice.

But to fund these programs within severe financial restraints, it is necessary to shift some funding within education. To that end -- I am recommending a change in the way vocational students are counted. This revision will result in a substantial savings, a portion of which will be reallocated to fund mandated new growth and other education programs.

In addition, I am making reductions in other administrative and overhead costs to provide greater flexibility and to redirect these to the classrooms, but I am recommending an increase in overall education funding.



If you are like me, and sometimes feel yourself losing sight of what education really means to our kids because of the hundreds of reports, studies, opinions, and theories inundating us each day by education experts, than perhaps we ought to spend a moment hearing from two "true" experts.

A November issue of the Sussex Countian printed opinions from school children about what education meant to them. In each of their words is a lesson for every one of us.

Frankford Elementary fifth grader Gabrielle Purnell said, "Education is something very important because if you don't have education, you can't have many things in life. It is very important for you." Mark Phillips, a fifth grader at Georgetown Elementary explained, "Education will help me get a good job in the future. It can help me make something of myself."

Ladies and gentlemen, Gabrielle and Mark are here today and I would ask them to stand so that each and every one of us can pledge to them that we will have an education system that not only can help them, but does help them and every other Delaware child make something of themselves and make their dreams come true. Thank you Gabrielle and Mark.

\* \* \*

Unfortunately, though, the American Dream is being threatened by a new American nightmare -- 36 million people are receiving inadequate health care. In Delaware, 72,000 of these people, one-third of whom are children -- are getting little care beyond emergency room visits -- the most expensive and ineffective way to deliver health care. In addition, these services come too late. It is to those children in need, and to all children, that we must turn our full attention today.

We cannot end our commitment just by giving children a good education or the promise of good job opportunities. We must give them good health care. "If you have your health, you have everything," is more than a saying -- it is part of the American Dream.

Over the last seven years we have improved access to health care through the outstanding work of the Health Care Cost Management Commission, the Indigent Health Care Task Force, the current Delaware Health Care Commission, and through programs such as SMART START, Diamond Deliveries and Medicaid expansions. In addition, we have helped make people's lifestyles healthier through efforts by the Council on Lifestyle and Fitness and will continue trying to do so as we push hard this session for anti-smoking legislation.

But now in a time when the demands on our children are greater than ever, we are taking what I consider to be the most significant steps possible toward helping them have happy and healthy lives.

Today we are launching a plan that will give all poor Delaware children up to age 18 the type of health care your children receive today.

If they have a high fever in the middle of the night, there will be a doctor to contact for help. If they need a regular check-up, they will have a doctor to see. If they require emergency or hospital care, they will receive that also.

And in all these cases, the health care services will be offered as close to their homes as possible -- and much closer than is available now in our underserved areas.

In addition to helping our poor children, we will also help children who are insured, or whose parents can afford to pay for some portion of the care, by making sure they have doctors and care when and where they need it.

In part, the plan for poor children will be managed through Medicaid expansions, but in putting this together we quickly realized that would not be enough.

In contemplating how to best address both the problem of access and affordability for our children's medical care, I could think of no better partner than the Nemours Foundation with its historic commitment to Delaware and to children. As a result of discussions with the Foundation, it has committed to building and operating children's health care centers in all three counties.

The trustees expect to open centers later this year and have all centers open by the end of 1993. I have asked the Department of Health and Social Services and the Delaware Health Care Commission to work closely with them in support of this extraordinary effort, so that in just two years Delaware will have a network of children's health care clinics statewide, built and operated by the Nemours Foundation, and offering the high quality of care the Alfred I. duPont Institute is known for worldwide.

I would like to take this opportunity to thank the Nemours Foundation for its generosity and willingness to be our partners in this fight for our children's futures.

In combination with our priority of giving health care to children, I am also proposing an action plan today that includes new State initiatives, stronger public/private partnerships, and actions to encourage wide participation in the overall effort to provide health care to others in need.

To accomplish these objectives, we will undertake four initiatives.

\* One, reallocate current funds within the Delaware Institute for Medical Education and Research, known as DIMER, for recruiting physicians to Delaware in specialties such as family medicine, and in locations with doctor shortages. In addition, students receiving DIMER scholarships who do not return to practice in Delaware will have to pay back their scholarship money.

\* Two, implement a pilot project through the Health Care Commission and Department of Health and Social Services to develop a system for meeting the needs of poor or uninsured adults who are now forced through our expensive emergency room doors to receive care that could have been prevented, or been less expensive, through early intervention.

- \* Three, adopt insurance reform measures that will be presented to the General Assembly in March by the Commission. These measures will assist employers who would like to provide health care benefits for their employees but cannot because of practices by the insurance industry.

- \* And, four, re-establish hospitalization coverage to general assistance recipients -- truly our most needy adults.

The programs I have just described, including medical care for our children, are based on prevention and early intervention, and in the long run save money. But the initiation of these programs will require funds. And so to that end, I am also recommending a plan for generating resources to be used for the sole purpose of funding health care services and programs.

I am proposing adoption of a 1.0 percent provider based assessment on all Delaware hospitals and health care facilities on their net proceeds, and a surcharge on physicians' licensing fees.

This is NOT your typical tax. The funds it raises will actually generate additional revenues from the Federal Government in matching funds.

All this additional money will directly support the new health care efforts I have outlined today. The use of these dedicated funds for health care services and programs only, will be guaranteed by creating the Delaware Health Care Trust Fund, which will include the proceeds from the provider-based assessment and physician surcharge, the cigarette tax increase implemented in Fiscal Year 91, and other non-state revenue sources the Commission may develop.

Everything I have proposed has been directly aimed at making health care available to those who need it most. But this is only one area of emphasis if we are to end the health care crisis.

I have a simple message for anyone involved in health care, whether it is pharmaceutical manufacturers, insurance companies, medical equipment providers, nursing home providers, doctors, or hospital administrators -- health care costs are out of control, and your efforts have had little positive impact on controlling these costs.

Government has been left no choice but to help bring medical costs under control -- including lowering prescription drug prices, reforming medical malpractice and preventing duplicative and unnecessary procedures -- and it would serve those involved with those issues to make improvements on their own so that government does not have to create any new regulatory systems.

Delaware is taking an important step today towards cost containment by launching plans that will help reduce the amount of uncompensated care health care professionals and facilities provide, and the amount of costly emergency procedures that could have been stopped by preventive care.

Likewise, the pilot project by the Delaware Health Care Commission to provide early treatment to the poor, and its insurance reforms to be presented to the General Assembly in March, will further help contain costs.

Another step I am calling for is to have the Health Care Commission thoroughly review our current Certificate of Need program and make recommendations for dramatically improving it. The program's intent is correct -- to eliminate unnecessary purchases of expensive equipment and unneeded increases in health care facility capacities. Yet I am concerned that it is not making the impact we need to keep costs down.

A true partnership between my Administration, the General Assembly, the Delaware Health Care Commission, the Department of Health and Social Services, the Nemours Foundation, and most importantly, health care providers, employers and children's advocates, is necessary to achieve appropriate care for all our children.

We can meet the objective of providing health care opportunities for all our children, and others in great need, but the State cannot, and should not, accomplish this alone. I would like to take a moment now and thank Steve Golding, the chairman of the Health Care Commission, and its members for all their assistance with this plan. Thank you.

Affordable and accessible health care should not be society's "Impossible Dream." This is an achievable part of the American Dream.

\* \* \*

Commitment to making change -- change for the better within a framework of prudent fiscal policies -- is the core of Delaware's success.

Every financial decision we have made -- every law we have passed -- every program we have created, and every person we have helped, reflects this commitment.

Every dollar we have invested -- every tax we have shifted or reduced -- every right we have expanded and every wrong we have corrected, has been a commitment to change for the better.

As we prepare to move ahead in 1992 with health care reform and commit ourselves to battle with the budget, let me leave you with some reflection on what that commitment means.

There is no one in this Chamber who does not know of my enthusiasm for sports. While my skills may lack some talent, they are always used with intensity and competitiveness. Of all the sporting events I have witnessed, perhaps none stands out more in my mind with such intensity as the last few minutes of that 1980 Olympic hockey game in Lake Placid when an underdog and scrappy United States team stood on the brink of beating the number one ranked team in the world.

The chant of "USA, USA -- " thundered through that arena -- drawn to the passionate height that only the dream of Olympic Gold inspires.

In 1989, a world-class training center for figure skaters opened at the University of Delaware under the leadership of Olympic medalist Ron Ludington who is here with us today. Ron's leadership and vision have made countless dreams come true in Delaware, and so I would like us to recognize him for his extraordinary achievements. Ron, would you please rise.

Two of Ron's students, Calla Urbanski and Rocky Marval, recently won the United States National Pairs Figure Skating Championship -- realizing a dream against tremendous financial, competitive, and physical odds.

In 48 hours they leave for Albertville, France, on a quest for the gold -- a quest that is for more than just a medal. It is a quest that is a lesson in true commitment.

They have taught us that commitment -- skating endless hours each day, and working to pay the bills, in Calla's case waitressing in a Wilmington restaurant, and in Rocky's running a trucking operation -- and they've shown it can sustain you even in the most challenging times.

Since none of us I presume will have the opportunity to be in France and give Calla and Rocky a standing ovation after their Olympic performances in person, I would like to ask Calla and Rocky to come forward today so we can stand and recognize them and their commitment. Would you please come forward. These two fine Olympians.

Calla and Rocky:

We wish you luck.

We salute your dedication and commitment.

And we offer you our prayers for success.

But most importantly, we thank you. We thank you for taking to France your pride in Delaware -- which will flash from your blades for a few fleeting moments as the world sees your personal commitment to excellence. Thank you very much for all you've done.

For seven years, I've had the unique privilege of standing before you and presenting my plans and ideas for our people. Together, we have molded those ideas and forged a commitment to all Delawareans.

That is public service.

And as we face the difficult task of 1992 -- I am strengthened by the knowledge that we will meet these difficult challenges with the same commitment as Calla and Rocky.

Two hundred and four years ago, when our predecessors gathered across The Green in Mrs. Battle's Tavern to act on the United States Constitution -- they had never heard of AIDS -- or savings & loans -- or missiles -- or the Soviet Union -- or crack or cocaine -- or even the DuPont Company -- but they did know that the document they were ratifying was a commitment to the people of Delaware.

That commitment remains as strong and as enduring in this Chamber today as it did then. And it is that commitment that inspired Jefferson so correctly to pen Delaware -- a jewel among the states.

Thank you very much and God bless you.

\* \* \*

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

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

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

At 2:38 p.m. Senator Sharp moved that the Joint session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the Lt. Governor declared the Joint Session adjourned.

The House reconvened at 5:02 p.m.

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

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

SUNSET & OVERVIEW: HB 374 - 1F,4M; HB 420 - 1F,4M; SB 246 - 3M,2U.

ED: SCR 76 - 4M.

Representative Davis requested that he be marked present.

Representatives Clark & Reynolds requested that they be marked present.

Representative Oberle introduced HB 426, jointly sponsored by Representatives Spence, George, Amick, Caulk, Corrozi, Davis, Ewing, Lee, Lofink, Roy, Smith & Taylor.

HB 426 - An Act to Amend Chapter 13, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Mr. Speaker assigned HB 426 to the Labor & Human Resource Management Committee.

Representative Oberle introduced HB 427, jointly sponsored by Representatives Lofink, Amick, Davis, Mack, Reynolds, Spence, Gilligan, VanSant, Houghton, Campanelli, Brady & B. Ennis.

HB 427 - An Act to Amend Chapter 30, Title 30, Delaware Code Relating to the Motor Vehicle Document Fee on American Manufactured or Assembled Motor Vehicles.

Mr. Speaker assigned HB 427 to the Labor & Human Resource Management Committee.

Representative Campanelli introduced HS 1 to HB 334.

HB 334 - An Act to Amend Title 7, Chapter 72 of the Delaware Code Relating to Subaqueous Lands.

Mr. Speaker assigned HS 1 to HB 334 to the Natural Resources Committee.

Representative Lofink introduced HB 428, jointly sponsored by Senator Vaughn & Representatives Oberle, Spence & Lee.

HB 428 - An Act to Amend Chapters 21 and 27, Title 21 of the Delaware Code Relating to Registration of Motor Vehicles and Driver's License. (2/3 bill)

Mr. Speaker assigned HB 428 to the Public Safety Committee.

Representative Amick introduced HB 429.

HB 429 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

Mr. Speaker assigned HB 429 to the Public Safety Committee.

Representative Oberle moved to suspend the rules which interfere with action on HJR 18.

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

Representative Oberle brought HJR 18, jointly sponsored by Senator Sokola & Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis & B. Ennis & Senator Still & cosponsored by Representatives Carey & Outten, before the House for consideration.

HJR 18 - Requiring the State Personnel Commission to Amend the Merit Rules and Designating the Coverage of Those Rules.

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

Representative Outten rose on a point of order.

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

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HJR 18 w/HA 1 was sent to the Senate for concurrence.

Representative Amick moved to suspend the rules which interfere with action on HB 429.

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

Representative Amick brought HB 429 before the House for consideration.

HB 429 - An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

The roll call on HB 429 was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HB 429 was sent to the Senate for concurrence.

Representative Oberle moved to suspend the rules which interfere with action on SB 269.

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

Representative Oberle brought SB 269, jointly sponsored by Senators Sokola & Still & Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis & B. Ennis, before the House for consideration.

SB 269 - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

The roll call on SB 269 was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, SB 269 was returned to the Senate.

Representative Oberle moved to suspend the rules which interfere with action on SJR 9.

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

Representative Oberle brought SJR 9, jointly sponsored by Senators Sokola & Still & Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis & B. Ennis, before the House for consideration.

SJR 9 - Establishing a Committee to Review the Classification Maintenance Review Written Appeal Procedure and to Recommend an Appeal Procedure to Include Employees in Merit Comparable Positions.

The roll call on SJR 9 was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, SJR 9 was returned to the Senate.

Representative Buckworth moved to lift HB 364 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Buckworth brought HB 364, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 364 - An Act to Amend Chapter 17, Title 18, Delaware Code, Relating to Agents, Brokers, Solicitors and Adjusters.

The roll call on HB 364 was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HB 364 was sent to the Senate for concurrence.

Representative Amick moved to lift SB 221 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought SB 221, sponsored by Senator Venables, before the House for consideration.

SB 221 - An Act to Amend Chapter 100, Title 3 of the Delaware Code Relating to the Harness Racing Commission.

The roll call on SB 221 was taken and revealed:

YES: 31.

NO: Representatives Soles, West - 2.

NOT VOTING: Representatives Bennett, Campanelli, Davis, Jonkiert, Quillen, Schroeder, VanSant - 7.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, SB 221 was returned to the Senate. Representative Ewing moved to lift HB 161 w/HA 1 & SA 2 & HA 2 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Ewing brought HB 161 w/HA 1 & SA 2 & HA 2, jointly sponsored by Representatives Bennett, B. Ennis & Lee & Senator Vaughn & Representatives Boykin, Brady, Bunting, Campanelli, Caulk, Clark, Corrozi, DiPinto, D. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Moore, Oberle, Outten, Quillen, Reynolds, Roy, Schroeder, Sills, VanSant & West & Senators Bair, Blevins, Holloway, McBride, Marshall, Minner, Still & Torbert & cosponsored by Representative Carey, before the House for consideration.

HB 161 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)

Representative B. Ennis requested that HA 3 be stricken.

Representative B. Ennis brought HA 4, jointly sponsored by Representatives Lee & Ewing, before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 161 w/HA 1 & SA 2 & HA 2 & 4 was taken and revealed:

YES: 37.

NO: Representatives Hebner, Jonkiert, Roy - 3.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 161 w/HA 1 & SA 2 & HA 2 & 4 was sent to the Senate for concurrence on HA 2 & HA 4.

Mr. Speaker Spence declared a recess at 6:21 p.m. for the purpose of changing the recording tape.

The House reconvened at 6:28 p.m.

Representative D. Ennis introduced HB 430, jointly sponsored by Senator Cordrey.

HB 430 - An Act to Amend Chapter 3, Title 5 of the Delaware Code by Adding a New Section Relating to Irrevocable Trust Accounts. (3/5 bill)

Mr. Speaker assigned HB 430 to the Banking & Insurance Committee.

Representative Hebner brought SB 249 w/SA 1, jointly sponsored by Senators Vaughn & Connor, before the House for consideration.

SB 249 - An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to Compensation for Victims of Crime.

Representative Campanelli requested and was granted the privilege of the floor for Edward Stansky, Executive Director, Violent Crimes Compensation Board.

The roll call on SB 249 w/SA 1 was taken and revealed:

YES: 36.

NO: Representatives DiPinto, Houghton, Moore - 3.

ABSENT: Representatives B. Ennis, Sills - 2.

Therefore, having received a constitutional majority, SB 249 w/SA 1 was returned to the Senate.

Representative Hebner moved to suspend the rules which interfere with introduction of and action on SB 279. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Hebner introduced and brought SB 279, jointly sponsored by Senator Sharp, before the House for consideration.

SB 279 - An Act to Amend Chapter 1, Title 8 of the Delaware Code Relating to Recording of Corporate Filings and Related Fees.

The roll call on SB 279 was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, SB 279 was returned to the Senate.

Representative D. Ennis moved to suspend the rules which interfere with introduction of and action on HR 95. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis introduced and brought HR 95 before the House for consideration.

HR 95 - Creating a Study Committee Relating to the Operations of the Delaware Insurance Department, and Issues Relating Thereto and Requesting the Exchange of Information With the Delaware Development Office.

The roll call on HR 95 was taken and revealed:

YES: 37.

NO: Representative Campanelli - 1.

ABSENT: Representatives Moore, Roy, Sills - 3.

Therefore, having received a constitutional majority, HR 95 was adopted.

Representative Petrilli introduced and brought HR 96, jointly sponsored by Representatives Spence, Buckworth, George & Gilligan & All Representatives, before the House for consideration.

HR 96 - Bidding a Legislative Farewell to News Journal Reporter Bill Zaferos.

WHEREAS, a little over three decades ago, Milwaukee was a typical city known for suds, cheese and the Braves, when little William David Zaferos began his inquisitive quest into the black hole of political journalism, which eventually would land him in Delaware, continuing his journey in the hallowed half-winged halls of our legislature; and

WHEREAS, for three years, Bill Zaferos combed Legislative Hall, seeking the perfect political story, raking over muck and searching for ghosts of stories past, actually waiting for February and Joint Finance Committee hearings to come, so he could write freely about budgets, deficits and million dollar details decided by a dozen legislators and assorted analysts huddled together in a cramped, stuffy basement; and

WHEREAS, in those three years, Bill Zaferos wrote about the political process with an enthusiasm not heard of since his days as a Senate Fellow in Sen. Bill Proxmire's Washington office, learning which taxpayer-funded study was worthy of the Golden Fleece Awards given by the Senator, or that the daily mailbag could bring anything from a request for a speaking engagement to a stream of consciousness ramble from the "foolheads" who felt persecuted at most anything, which no doubt led him to accept a position outside the Beltway and join The News Journal Company, with the opportunity this time to cover an entire legislative body; and

WHEREAS, Bill Zaferos covered the House of Representatives with a keen eye and a true understanding of the legislative process, for he had seen government played out from the newspaper and elected official's side, had watched the game played in state houses and the U.S. Capitol and appreciated that government is a necessary and quite interesting evil which all too often is taken for granted; and

WHEREAS, "the gentleman from Wisconsin" also gave us many up close and personal interviews, such as the landmark profile of then Secretary of State Mike Harkins, the likes of which will help him in his new chosen career path, that of Press Secretary to a United States Senate Candidate in Wisconsin; and

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware that as Bill Zaferos prepares to pack up his belongings in a cardboard box and once again transport his wife Barbara, children Audrey and Delaware-born Melanie back home to the place which made Communist investigator Sen. Joseph McCarthy and sometime amateur chemist Jeffrey Dahmer famous, not to mention the place of origin of that all American condiment we know as Kikkoman soy sauce, we wish him all the best in his new career and region and hope we shall see him soon again in Legislative Hall.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be given to Bill Zaferos.

HR 96 was adopted by voice vote.

Representative Petrilli introduced and brought SCR 89, jointly sponsored by Senator Cook & Representative Corrozi & All Senators & All Representatives, before the House for consideration.

SCR 89 - Farewell and Best Wishes to William D. Zaferos of the News Journal Papers as He Departs the State to Assume New Responsibilities as Press Director for U.S. Senate Candidate, Joseph Checota From Milwaukee, Wisconsin.

SCR 89 was adopted by voice vote and returned to the Senate.

Representative Fallon brought SCR 76, jointly sponsored by Senator McBride & Representatives Spence & Corrozi & Senators Holloway, McDowell, Knox & Neal & Representatives Boykin, Buckworth, Carey, Davis, DiPinto, D. Ennis, Ewing, Hebner, Lee, Lofink, Oberle, Maroney, Petrilli, Reynolds, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Schroeder, VanSant & West, before the House for consideration.

SCR 76 - Urging the University of Delaware to Reconsider Its Proposal to Eliminate the Medical Technology Program.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli moved to place SCR 76 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Fallon introduced and brought HR 97 before the House for consideration.

HR 97 - Calling on Our Congressional Delegation to Urge the Exportation of Chicken to the Russian People.

HR 97 was adopted by voice vote.

Representative Gilligan introduced and brought SCR 88, jointly sponsored by Senator Cook, before the House for consideration.

SCR 88 - Commending and Thanking Robert "Bobby" H. Bryan on His Impending Retirement as Payroll Supervisor in the Christina School District, Having Completed Twenty-Six Years of Exciting and Dedicated State Service.

SCR 88 was adopted by voice vote and returned to the Senate.

Representative West moved to suspend the rules which interfere with action on SB 255. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative West brought SB 255, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 255 - An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro" to Increase the Amount Permitted to be Raised From the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

The roll call on SB 255 was taken and revealed:

YES: 34.

ABSENT: Representatives Campanelli, B. Ennis, D. Ennis, Jonkiert, Moore, Roy, Sills -

7.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 255 was returned to the Senate.

Representative Schroeder moved to suspend the rules which interfere with action on SB 271. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Schroeder brought SB 271, jointly sponsored by Senator Minner, before the House for consideration.

SB 271 - An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Amount Permitted to be Raised From the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

The roll call on SB 271 was taken and revealed:

YES: 34.

NOT VOTING: Representative Hebner - 1.

ABSENT: Representatives Campanelli, D. Ennis, Jonkiert, Moore, Roy, Sills - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 271 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with action on SB 260. The motion was properly seconded and adopted by voice vote.

Representative Petrilli brought SB 260, jointly sponsored by Senators Cordrey & Bair & Representative George, before the House for consideration.

SB 260 - An Act to Amend Title 30, 5, 8, and 1B of the Delaware Code Relating to Tax Preferences.

Representative Smith requested and was granted the privilege of the floor for Theodore E. Keller, Chairman, Citizens Coalition for Tax Reform.

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

The roll call on SB 260 was taken and revealed:

YES: 27.

NO: Representatives Brady, Campanelli, Clark, B. Ennis, Oberle, VanSant, West - 7.

NOT VOTING: Representatives Bunting, Davis - 2.

ABSENT: Representatives D. Ennis, Jonkiert, Moore, Roy, Sills - 5.

Therefore, having received a constitutional majority, SB 260 was returned to the Senate.

Representative Amick brought HB 354 w/HA 1 & SA 1, jointly sponsored by Representatives Spence, Roy, Corrozi, Mack, Houghton & VanSant & Senators Blevins, Venables, Sokola, Connor & Minner, before the House for consideration.

HB 354 - An Act to Amend Chapter 25, Title 24, Delaware Code Relating to Pharmacy. (2/3 bill)

The roll call on HB 354 w/HA 1 & SA 1 was taken and revealed:

YES: 35.

ABSENT: Representatives Campanelli, D. Ennis, Jonkiert, Moore, Roy, Sills - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 354 w/HA 1 & SA 1 was sent to the Governor.

Representative Amick brought HB 302 w/SA 1 before the House for consideration.

HB 302 - An Act to Amend Chapter 5, Title 4, of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

The roll call on HB 302 w/SA 1 was taken and revealed:

YES: 27.

NO: Representatives Bennett, Bunting, Clark, B. Ennis, Ewing, VanSant, West - 7.

ABSENT: Representatives Campanelli, Corrozi, D. Ennis, Jonkiert, Moore, Roy, Sills - 7.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/SA 1 was declared defeated.

Representative Clark brought HB 368 w/SA 1 & 2, jointly sponsored by Representatives Houghton, Bunting, B. Ennis, Schroeder, West, Brady, VanSant, Caulk, Ewing, Oberle, Quillen, Carey & Reynolds & Senators Vaughn, Adams & Venables, before the House for consideration.

HB 368 - An Act to Amend Chapter 9, Title 29 Delaware Code Relating to the Legislative Process.

The roll call on HB 368 was taken and revealed:

YES: 35.

ABSENT: Representatives Campanelli, D. Ennis, Jonkiert, Moore, Roy, Sills - 6.

Therefore, having received a constitutional majority, HB 368 w/SA 1 & 2 was sent to the Governor.

Representative Ewing moved to restore HB 302 w/SA 1. The motion was seconded by Representative Buckworth and adopted by voice vote.

HB 302 - An Act to Amend Chapter 5, Title 4, of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

The roll call on HB 302 w/SA 1 was taken and revealed:

YES: 29.

NO: Representatives Bunting, B. Ennis, Ewing, VanSant, West - 5.

NOT VOTING: Representative Clark - 1.

ABSENT: Representatives Campanelli, D. Ennis, Jonkiert, Moore, Roy, Sills - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 302 w/SA 1 was sent to the Governor.

The Majority Leader moved to recess to the call of the Chair at 8:50 p.m.

10th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

March 24, 1992

Mr. Speaker Spence called the House to order at 2:07 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 279, HB 364, HB 429, HB 151, HB 280, HJR 18 w/HA 1, SB 284, SB 236, HB 354 w/HA 1 & SA 1, SCR 89, HB 353, HB 302 w/SA 1, HB 417, HB 415 w/HA 1 & 5, HB 416, SCR 86, SCR 87, SCR 88, HCR 62 & HCR 68.

February 6, 1992

LEGISLATIVE ADVISORY #32

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/5/92 - SB 193 aab HA 1, SS 1 to SB 63 aab SA 1, HB 246 & SB 260. 2/6/92 - HB 415 aab HA 1 & 5, HB 416 & HB 417.

The following legislation was vetoed by the Governor on the date indicated: 2/5/92 - HB 340.

February 5, 1992

To the Members of the Delaware State House of Representatives of the 136th General Assembly

On January 24, 1992, I received House Bill No. 340 which is entitled:  
"AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS."

This legislation was introduced by Representative Campanelli in an effort to ensure that the State's streets and highways are restored promptly and adequately by the Department of Transportation after governmental utility work damages the road surfaces. To his credit, Representative Campanelli has addressed an issue in need of attention; however, the legislation before me fails in large degree to accomplish its intended purpose. While House Bill No. 340 provides that a public utility of a municipality or other governmental subdivision of the State must notify the Department of Transportation when it initiates any construction activities affecting the public highways, the bill also permits these governmental utilities to perform repairs to the highways of their own accord.

Moreover, this legislation only addresses utility construction or relocation work required as a result of a highway project. It does not address the far more common instances of utility construction or reconstruction which are completely unrelated to such highway projects. For these reasons, with the concurrence of Representative Campanelli, I am returning House Bill No. 340 without my signature. At the same time, however, I intend to work with the sponsor in order to create a legislative or regulatory solution to ensure the notification of DelDot when governmental utilities engage in construction activities affecting the State's public streets or highways so as to allow for their prompt repair.

Sincerely,

Michael N. Castle

MNC/kkap

February 14, 1992

LEGISLATIVE ADVISORY #33

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/11/92 - HB 302 aab SA 1, HB 354 aab HA 1 & SA 1, HB 280, HB 364, HB 151, HB 429, SB 279, SB 255, SB 249 aab SA 1 & SB 221. 2/13/92 - HJR 18 aab HA 1, SJR 9, SB 269, HB 368 aab SA 1 & 2 & HB 353.

March 15, 1992

LEGISLATIVE ADVISORY #34

FROM: Office of Counsel to the Governor

The following legislation was vetoed by the Governor on the date indicated: 2/14/92 - SB 271.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as Co-Sponsor of SB 169.

Date: March 19, 1992.

Signed: Gerald A. Buckworth.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Bruce C. Ennis, do hereby request that my name be removed as Co-Sponsor of HB 422.

Date: 2/26/92.

Signed: Bruce C. Ennis.

January 31, 1992

The Honorable Terry R. Spence  
Speaker of the House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Speaker Spence:

On behalf of the family of the late Rt. Rev. Arthur R. McKinstry, I want to extend the appreciation of the family to the House of Representatives of the State of Delaware for the In Memoriam Resolution of the House of Representatives on the occasion of our father's death that occurred on December 25, 1991.

Dad considered himself fortunate to have been called to serve his ministry as a Bishop of the Episcopal Church in the Diocese and State of Delaware. He loved the people that he met and worked with in many church and non-church activities in Sussex, Kent and New Castle Counties and greatly appreciated the support, good will and friendship that he received from so many Delawareans of all faiths in the years that he worked and lived in the State.



He would have been thrilled and honored had he known that the House of Representatives would remember him and extend its sympathy to his family on the occasion of his death.

Please thank the members of the House for their thoughtfulness.

Yours very truly,  
James T. McKinstry

JTMck/nh

cc: The Hon. Charles L. Hebner, Sponsor  
The Hon. G. Robert Quillen, Co-Sponsor

February 27, 1992

Ms. Joann M. Hedrick  
Chief Clerk of the House of Representatives  
Office of the Chief Clerk  
Delaware State House of Representatives  
Legislative Hall  
Dover, Delaware 19901  
Dear Ms. Hedrick:

Thank you for forwarding me a copy of House Resolution 97 expressing the support of the General Assembly for increasing poultry exports to the former republics of the Soviet Union.

As you know, President Bush has asked the Department of Agriculture to make available approximately \$1.2 billion in credit guarantees to the former republics of the Soviet Union, under the Department of Agriculture's GSM-102 credit guarantee program. Under this program, another \$200 million will be available in March and an additional \$250 million in April. Under the GSM-102 program, all commodities are available for purchase and the buyer is permitted to select any commodities.

A number of Delawareans have contacted me to express their concerns about providing the people of the former Soviet Union with products which they appear to have shortages of, such as poultry items. In the past, the Soviets traditionally purchased relatively minor amounts of poultry products from the United States, preferring to purchase feed grains for poultry production in the USSR. Currently, this import practice has not changed -- the major portion of these new credits have been used to purchase wheat and feed grains. Roughly \$18 million of these credits have been used to purchase 16,000 metric tons of poultry.

You may be interested to know that I have written to Department of Agriculture Secretary Madigan to express my support and the support of Delaware's General Assembly for the promotion of poultry exports to the former republics of the USSR. Enclosed is a copy of my letter. I would like to request that you share my correspondence with the members of the General Assembly.

Again, thank you for contacting me. When I receive a response from Secretary Madigan, I will forward the letter to you.

Sincerely,  
Tom Carper  
Member of Congress

TC/ep

February 27, 1992

The Honorable Edward R. Madigan  
Secretary of Agriculture  
Department of Agriculture  
Fourteenth Street and Independence Ave., S.W.  
Washington, D.C. 20250  
Dear Secretary Madigan:

I would like to bring to your attention a matter of great importance to me -- the promotion of poultry exports to the former republics of the Soviet Union.

As I understand that you just recently travelled to the former republics of the Soviet Union, I will not underscore the severity of the food shortage in that region. I believe that the United States can play a crucial role in assisting this region to feed its' people and I am very supportive of President Bush's current aid package. I applaud your efforts to date to implement that program.

However, I feel that our policy should reflect support for our domestic producers, including the poultry industry. Our policy should seek to increase our exports and establish long-term markets in this region so that our commodities can compete against Europe's heavily subsidized agricultural products. I understand that to date, only \$18 million in credits under the GSM-102 program has been used to purchase poultry items for this region.

As Delaware's representative, a state which is the eighth largest poultry producer in the U.S. employing over 8,000 people, I am requesting your assistance in promoting poultry exports to the former republics of the Soviet Union. I hope you will consider including a provision requiring the purchase of poultry products in any future credit guarantee or commodity assistance program to the former republics of the Soviet Union.

Thank you for your time and consideration. Best regards.

Sincerely,  
Tom Carper  
Member of Congress

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: 41.

A prayer was offered by Reverend Randall Booth, Pastor, Milton Nassau Charge. The Speaker led those present in a pledge of allegiance to the American Flag. The minutes of the previous legislative day were approved as posted. The following out-of-session prefiled legislation was introduced:

**OUT OF SESSION PREFILED LEGISLATION**

February 26, 1992

**HB 431** - LOFINK; SENATOR VAUGHN; REPRESENTATIVES LEE, OBERLE, SPENCE - LABOR & HUM. RES. MAN. - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

**HB 432** - OBERLE - PUB. SAFETY - An Act to Amend Chapter 39, Title 25 Delaware Code Relating to Lien.

**HB 433** - MARONEY, FALLON; SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BUCKWORTH, CORROZI, SMITH, D. ENNIS; EWING, LEE, QUILLEN, MACK, HEBNER, BRADY, MOORE, SOLES, HOUGHTON; SENATORS BAIR, CONNOR, HAUGE, NEAL, KNOX - ED. - An Act to Amend Chapter 2, Title 14 Delaware Code Relating to the Public School System.

**HB 434** - DAVIS, AMICK, HOUGHTON, BENNETT; SENATOR VAUGHN - PUB. SAFETY - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Drivers License Revocation.

**HB 435** - D. ENNIS, BOYKIN, SMITH, DIPINTO, VANSANT, SILLS, OUTTEN, JONKIERT; SENATORS VENABLES, BLEVINS - B & I - An Act to Amend Chapter 23, Title 18, Delaware Code Pertaining to Unfair Practices in Insurance.

**HB 436** - MARONEY & SENATOR HOLLOWAY - JUD. - An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Committee on Dispositional Guidelines for Juveniles.

**HB 437** - SILLS, CAMPANELLI, MOORE; SENATOR HOLLOWAY - LABOR & HUM. RES. MAN. - An Act to Amend Chapter 7, Title 19, Delaware Code, Relating to the Doctrine of Employment at Will.

**SB 236** - CONNOR; REPRESENTATIVE MACK - H/ADM. - An Act to Amend Chapter 216, Volume 27, Laws of Delaware, as Amended, Relating to the Charter of the Mayor and Council of New Castle and the Annual Statement of the City's Finances and Fiscal Year of the City. (2/3 bill)

**SB 284** - MARSHALL; REPRESENTATIVE D. ENNIS - R & F - An Act to Amend Title 29 of the Delaware Code Relating to Estimation and Reporting of Tax Preferences.

**SCR 86** - MINNER; REPRESENTATIVE CAREY - NAT. RES. - Extending the Date by Which the Task Force on Environmental Education Implementation is to Report Its Findings to the General Assembly to October, 1992.

**SCR 87** - MINNER; REPRESENTATIVE CAREY - NAT. RES. - Extending the Date by Which the Delaware River and Bay Oversight Committee Shall Report Its Findings to the General Assembly.

Representative D. Ennis introduced and brought **HR 98** before the House for consideration.

**HR 98** - Honoring the National Society of Daughters of Founders and Patriots of America for Their Continuing Support and Preservation of Delaware's Historic Past.

Representatives Oberle, Corrozi & Lee requested that they be marked present.

**HR 98** was adopted by voice vote.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #39**

DATE: March 24, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H92-35	Buckworth	1/30/92	T	Carolyn W. Davis/Employee of the Quarter/DE Library Assoc.
H92-36	Taylor	2/15/92	T	Elsie N. Lynch/95th Birthday
H92-37	Boykin	1/29/92	T	Joseph R. Hulihan/Chamber of Commerce/Jostah Marvel Cup
H92-38	Caulk	1/31/92	T	Edgar Dodenhoff/Volunteer Hours/Boating Safety Program
H92-39	Caulk	1/31/92	T	Hayes E. Fountain/Businessman of the Year/Houston Gun & Rod Club
H92-40	Outten	2/4/92	T	Horace W. Cook/"Citizen of Year Award
H92-41	Reynolds	1/30/92	T	Bill Muehleisen/Delaware's Football Coach of the Year
H92-42	Carey	2/27/92	T	Milford Lions Club/46th Anniversary
H92-43	VanSant	2/16/92	T	Steven Louis Turcol/Eagle Scout
H92-44	Fallon	2/1/92	T	William J. Himes/50 Years/Seaford Fire Department
H92-45	Bunting	2/14/92	T	Albert John & Lulu Mae Daisey/50th Wedding Anniversary
H92-46	Carey	2/7/92	T	Frank & Ruth Morris/50th Wedding Anniversary
H92-47	Lofink	3/1/92	T	Christopher Andrew Feathers/Eagle Scout
H92-48	VanSant	2/8/92	T	Keith W. Bowman/Five Points Fire Co.#1 /Member of the Year
H92-49	Gilligan	3/13/92	T	Randy White/Dedication/Randy White Stadium
H92-50	Gilligan	3/13/92	T	Laverne L. White/Mother of Randy White/Randy White Stadium Ded.

H92-51 Buckworth 2/5/92 T Judy Aylward/Kent County Counselor  
cosponsor: Bennett of the Year

#### HOUSE TRIBUTE ANNOUNCEMENT #40

DATE: March 24, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-52	Moore	2/22/92	T	Eugene Moore/58th Birthday
H92-53	Moore	2/22/92	T	Ralph Moore/60th Birthday
H92-54	Lofink	2/8/92	T	Jim Schultice/2,000 Career Point/ Holy Family College Basketball
H92-55	Jonkiert	2/20/92	T	Sister Germaine Catlin/80th Birthday/20th Anniversary/Director /St. Peter's Adult Center
H92-56	Buckworth	2/20/92	T	Walton H. Simpson/1992 District Citizen of the Year
H92-57	Outten	2/21/92	T	Tech. Sgt. Matthew D. Campana/Out- standing Performance During Desert Storm
H92-58	Quillen	3/7/92	T	National Commander/American Legion
H92-59	Hebner	3/1/92	T	Dominic D. DiFrancesco/Visit to DE Deswanda Bhutuzhani/Courageous Stand Against Hussien's Nuclear Weapon
H92-60	Brady	2/20/92	T	Holy Rosary Bears/1991 C.Y.O. Football Champions
H92-61	Spence	2/29/92	T	Chief Justice Andrew D. Christie/Retirement
H92-62	Brady	2/20/92	M	Sally W. Honey/Community Leader
H92-63	Spence	3/07/92	T	Gloria Corrozi/Retirement/DuPont Company/34 Years
H92-64	George	2/15/92	T	Channa Brooks/Delaware's Young Women of the Year
H92-65	Buckworth	3/5/92	T	Kellie L. Hassler/Horatio Alger Youth Award
H92-66	Outten	1/3/92	T	Everett & Dorothy Matthews/50th Wedding Anniversary
H92-67	Quillen	3/21/92	T	Betty L. Baker/Retirement/State Employees Credit Union
H92-68	Hebner	2/25/92	M	Rev. Mr. Harry L. Mayfield

#### HOUSE TRIBUTE ANNOUNCEMENT #41

DATE: March 24, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-69	Fallon	2/16/92	T	Mr. & Mrs. Alan Chipman/64th Wedding Anniversary
H92-70	Hebner	3/5/92	T	Steven G. Autman/10th Anniversary/ Service to Claymont
H92-71	Carey	2/19/92	T	William Brian Sharp/Eagle Scout
H92-72	Quillen	2/22/92	T	Eugene Racz/Retirement/Postal Service /Felton
H92-73	Carey	2/29/92	T	Michael Real/Towers/Top Ten Bed & Breakfast in the Nation
H92-74	Carey	3/6/92	T	Carolyn & George Collins/Good Neighbor of the Year Award
H92-75	Carey	2/27/92	T	Betty Homan/Elks Good Neighbor of the Year Award for 1991
H92-76	Carey	3/6/92	T	Sherwood R. Mecott/Elks Policeman of the Year Award
H92-77	Carey	3/6/92	T	Preston L. Dyer/Elks Fireman of the Year Award
H92-78	Carey	3/6/92	T	Mellisa Raub/Elks Student of the Year Award
H92-79	Carey	3/6/92	T	Frank M. Anhalt/Elks Senior Citizen of the Year Award
H92-80	Caulk	3/7/92	T	Delaware Agriculture Museum & Village /Promoting Better Understanding/ /Exhibits & Education
H92-81	Amick	3/1/92	M	Henrietta Ennis
H92-82	Fallon	3/6/92	M	Arnold P. Schueler
H92-83	Buckworth	2/20/92	T	Thomas E. Weyant/NCCJ Community Builder Award
H92-84	Fallon	2/28/92	T	A. Glen Brinsfield/77th Birthday
H92-85	Quillen	3/21/92	T	June H. Lekites/Retirement/ Peoples Bank/Wilmington Trust

T - Tribute  
M - Memoriam

# HOUSE TRIBUTE ANNOUNCEMENT #42

DATE: March 24, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H92-86	Ewing	3/16/92	T	Stuart Mendelsohn/District Gov. of Kiwanis/Visit to Bridgeville
H92-87	Carey	2/28/92	T	Richard C. Clifton/First Place/National Duck Stamp Collection
H92-88	Carey	4/8/92	T	Lillian Marshall Burris/Mother of the Year Award for 1992
H92-89	VanSant	3/12/92	T	Bernard T. "Dean" Marro/Honored by Mikhail Gorbachev/for Contributions During World War II
H92-90	Outten	3/12/92	T	Dover High "Senator's" Basketball Henlopen Championship
H92-91	Outten	3/12/92	T	Ed Hynes/Coaching Holy Cross Girls Basketball to Division I CYO Championship
H92-92	Outten	3/12/92	T	Tony Atkins/Coaching Holy Cross Girls Basketball to Division I CYO Championship
H92-93	Outten	3/12/92	T	Phil Belt/Coaching Holy Cross Girls Basketball to Division I CYO Championship
H92-94	Brady	3/21/92	T	Louis R. Walls, Jr./State Commander/VFW/1991-1992
H92-95	Outten	3/12/92	T	Dover High Girls Winter Track Team/1st Place/Henlopen Conf.
H92-96	Outten	3/12/92	T	Dover High Boys Wrestling Team/1st Place/Henlopen Conference
H92-97	Outten	3/12/92	T	Claudette Dean/Environmental Woman of Action
H92-98	Bunting	3/12/92	T	Dr. David Howard/Retirement/Dedicated Service to Ocean View
H92-99	Bunting	3/12/92	T	Ronald McCabe/28 Years Service/Town Councilman/Millville
H92-100	Moore	3/6/92	T	Sister Jean Cashman/Staff of Sojourners/1st Anniversary

M - Memoriam

T - Tribute

Representative Clark requested that HB 411 be stricken.

Representatives Amick & Campanelli requested that they be marked present.

Representative Roy introduced HB 438, jointly sponsored by Senator Martin & Representatives Bennett, Boykin, Carey, B. Ennis, Jonkiert, Outten & Taylor & Senators Cook, Hauge, Knox, McBride, Minner & Still.

HB 438 - An Act to Amend Volume 67, Chapter 285, Laws of Delaware as It Relates to the F.Y. 1991 Capital Bond. (3/4 bill)

Mr. Speaker assigned HB 438 to the Transportation Committee.

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

The House reconvened at 4:12 p.m.

Representative Ewing brought HB 318, jointly sponsored by Representatives Carey, Lee, Maroney, Smith & Clark, before the House for consideration.

HB 318 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to the Forwarding of Traffic Convictions to the Division of Motor Vehicles.

Representative Ewing introduced and brought HA 1 to HB 318 before the House for consideration. HA 1 was adopted by voice vote.

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

Representative Ewing requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

The roll call on HB 318 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 318 w/HA 1 was sent to the Senate for concurrence.

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

Representative Fallon brought SB 102, jointly sponsored by Senator McBride, before the House for consideration.

SB 102 - An Act to Amend Chapter 10, Title 14, of the Delaware Code, Relating to Qualified Voters.

Representative Fallon requested and was granted the privilege of the floor for Ann Case, Executive Director, Delaware School Boards Association.

The roll call on SB 102 was taken and revealed:

YES: 38.

NO: Representative West - 1.

NOT VOTING: Representatives B. Ennis, VanSant - 2.

Therefore, having received a constitutional majority, SB 102 was returned to the Senate. Representative Quillen requested that HB 362 be stricken.

Representative Quillen brought HB 363, jointly sponsored by Senator Cook, before the House for consideration.

HB 363 - An Act to Amend Chapter 21, Title 21 of the Delaware Code, Relating to Street Rods.

Representative Quillen moved to place HB 363 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Clark brought HB 412, jointly sponsored by Representatives Bunting, DiPinto, George, Houghton, Jonklert, Maroney, Quillen, Smith, Spence, VanSant & West & Senators Hauge & Torbert, before the House for consideration.

HB 412 - An Act to Amend Chapter 3, Title 25, Delaware Code Relating to Contracts for the Sale of Real Estate.

The roll call on HB 412 was taken and revealed:

YES: 39.

NO: Representative Hebner - 1.

NOT VOTING: Representative Boykin - 1.

Therefore, having received a constitutional majority, HB 412 was sent to the Senate for concurrence.

Mr. Speaker assigned HB 367 to the Judiciary Committee.

The Majority Leader moved to recess to the call of the Chair at 4:58 p.m.

11th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

March 25, 1992

Mr. Speaker Spence called the House to order at 2:08 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 295, SB 294 & HB 253.

March 24, 1992

The Honorable Terry R. Spence

Speaker

House of Representatives

Legislative Hall

Dear Mr. Speaker:

Please excuse me from the sessions on March 31, April 1, and April 2, 1992, as I will be out of the country. Thank you for your consideration.

Sincerely,

Ada Leigh Soles

State Representative

23rd District

ALS/hjv

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 439 - WEST; SENATOR CORDREY - H/ADM: An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro" to Confer Upon the Commissioners of the Town of Millsboro Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town of Millsboro, and to Increase the Amount for Which Contracts Can be Awarded Without Competitive Bidding. (2/3 bill)

HB 440 - CAMPANELLI; SENATORS MARSHALL, BLEVINS; REPRESENTATIVES VANSANT, HOUGHTON - H/ADM: An Act to Amend an Act Being Chapter 3, Volume 68, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Elsmere," to Eliminate the Office of Directors of Public Safety and to Provide for the Police Force of the Town of Elsmere. (2/3 bill)

SB 294 - MINNER; REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Amount Permitted to be Raised from the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

SB 295 - CONNOR - H/ADM: An Act Waiving the Statutory Provisions of §107(a) of Chapter 1, Title 13, Delaware Code, as It Relates to Lee Roy Tibbett, IV of Newark, Delaware and Amelia Dawn Lutz of New Castle, Delaware, Both Residents of the State of Delaware.

Representative Carey requested that he be marked present.

Representative George requested that he be marked present.

Representative Petrilli introduced and brought HR 99, jointly sponsored by Representatives Spence, Buckworth, George & Gilligan, before the House for consideration. HR 99 - Commemorating the Ten Year Anniversary of the Legislative Fellows Program. HR 99 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Dr. Jerome R. Lewis, Supervisor, Legislative Fellows Program; Dean Daniel Rich, College of Urban Affairs and Audrey Helfman, University of Delaware Staff.

Representatives Taylor, Maroney & Bunting requested that he be marked present.

Representative D. Ennis requested that he be marked present.

Representative Reynolds requested that he be marked present.

Representative Brady requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:54 p.m.

The House reconvened at 5:15 p.m.

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

Representative Mack requested that he be marked present.

The following prefilled Consent Calendar #23 was introduced:

HCR 69 - BENNETT, B. ENNIS; SENATORS COOK & MINNER - Mourning the Untimely Death of Richard "Dickey" Shorts of Little Creek, Delaware, an Avid Commercial Crabber, Conservationist, and Fisherman Who Passed Away on Thursday, February 20, 1992 at the Age of Sixty.

HCR 70 - OBERLE, MACK, REYNOLDS, HOUGHTON, CAMPANELLI; SENATORS SHARP, MARSHALL, HOLLOWAY, MARTIN, MCBRIDE, CONNOR - Recognizing Labor Day 1992 as "Help Yourself, Buy American Day".

HCR 71 - MOORE, SOLES, ROY & ALL REPRESENTATIVES & SENATOR MARTIN & ALL SENATORS - Congratulating the 1991-1992 University of Delaware "Fighting Blue Hens" Basketball Team on Their Outstanding Season.

Representative B. Ennis requested that he be marked present.

Consent Calendar #23 was adopted by voice vote and HCR 69, HCR 70 & HCR 71 were sent to the Senate for concurrence.

Representative Roy requested that he be marked present.

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

H/ADM: SB 294 - 4M; SB 295 - 4M.

P/S: HB 424 - 4M; HB 432 - 5M; HB 434 - 1F, 4M.

R & F: SB 284 - 5M.

JUD: HB 422 - 6M.

LABOR & HUM RES MAN: HB 413 - 4M.

NAT RES: SCR 86 - 4F, 1M; SCR 87 - 4F, 1M.

Mr. Speaker assigned HB 424 & HB 413 to the Appropriations Committee.

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

12th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

March 26, 1992

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Donald M. Clark, Twenty-Ninth Representative District.

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

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

Representatives Bennett & DiPinto requested that they be marked present.

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

The following prefilled legislation was introduced:

HB 441 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 37, Title 24 of the Delaware Code Relating to the Board of Speech Pathologists, Audiologists and Hearing Aid Dispensers.

HB 442 - AMICK & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend Subchapter III, Chapter 11, Title 24 of the Delaware Code Relating to Dental Hygiene.

HB 443 - AMICK & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend Subchapter I, Chapter 11, Title 24 of the Delaware Code Relating to the Delaware State Board of Dental Examiners.

HB 444 - SMITH & JONKIERT & SENATORS MARSHALL & NEAL; REPRESENTATIVES AMICK, SOLES; SENATOR MINNER - H/ADM: An Act to Amend Chapter 80, Title 15, Delaware Code Relating to Elections and Reports of Political Committees.

HB 445 - CLARK, BENNETT, B. ENNIS, BRADY, EWING, CAMPANELLI, HOUGHTON, JONKIERT, MOORE, OUTTEN, VANSANT; SENATORS COOK, MARSHALL, VAUGHN, VENABLES - H/ADM: An Act to Amend Section 911, Chapter 9, Title 29, Delaware Code Relating to the Deliberation Process of the General Assembly.

HB 446 - BENNETT & OUTTEN - HOUSING & COM AFF: An Act to Amend Chapter 29, Title 25 of the Delaware Code Relating to Liens of the State and/or Its Political Subdivisions.

HA 1 to HS 1 to HB 91 - AMICK & SENATOR VENABLES - L.O.T.: Placed with the bill.

Representatives Buckworth & Campanelli requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #43

DATE: March 26, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-101	Taylor	3/18/92	T	Connie Comer/Heritage Teacher of Year
H92-102	Ewing	3/12/92	T	Brent M. Adams/Woodbridge Boys' Basketball/Outstanding Athlete
H92-103	Ewing	3/20/92	T	Richard Longaberger/Visit to Delaware
H92-104	Brady	3/25/92	T	Loretta A. Berl/Retirement/20 Years /Noram Chemical Co.
H92-105	Fallon	1/14/92	M	Peter E. LaPrad
H92-106	Fallon	3/25/92	T	Nancy Smith/75th Birthday
H92-107	B. Ennis	3/25/92	M	Nathaniel Plass, Jr.
H92-108	B. Ennis	3/25/92	M	Thomas J. Deacon
H92-109	Fallon	3/25/92	T	Carl & Alice Johnston/63rd Wedding Anniversary
H92-110	Ewing	3/27/92	T	James P. & Gladys W. Scott/60th Wedding Anniversary
H92-111	B. Ennis cosponsor: Clark	3/25/92	M	Mary Lillian Smith
H92-112	Carey	4/3/92	T	Ike Johnson/1991 Elk of the Year
H92-113	Outten	4/10/92	T	MSGT. Rommie L. Moore/Retirement /25 Years/USAF
H92-114	Lofink cosponsor: Mack	3/31/92	T	Kumiko Kadowaki/Visit to DE House of Representatives
H92-115	Lofink cosponsor: Mack	3/31/92	T	Mizuho Tanaka/Visit to DE House of Representatives
H92-116	Lofink cosponsor: Mack	3/31/92	T	Yohel Chida/Visit to DE House of Representatives
H92-117	Lofink cosponsor: Mack	3/31/92	T	Yuya Chiba/Visit to DE House of Representatives
H92-118	Boykin cosponsor: DiPinto	3/29/92	T	Mr. & Mrs. William A. Hannigan/50th Wedding Anniversary
H92-119	Schroeder	3/31/92	T	The Starboard Restaurant/31st Anniversary

T - Tribute

M - Memoriam

Representative Smith requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:24 p.m.

The House reconvened at 3:08 p.m. with Representative Buckworth as Acting Speaker.

Representative Schroeder requested that he be marked present.

Representative Schroeder introduced HB 447, jointly sponsored by Representative Bunting.

HB 447 - An Act to Amend Chapter 27, Title 7 of the Delaware Code Relating to Horseshoe Crabs.

Representatives Bunting & Brady requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker assigned HB 447 to the Natural Resources Committee.

Representative Oberle introduced HB 448, jointly sponsored by Representative Davis & cosponsored by Representatives Spence, Reynolds, Mack, Carey, Lee, B. Ennis & Campanelli.

HB 448 - An Act to Amend Chapter 69, Title 29, Relating to Public Works Contracts.

Representatives Lofink & Mack requested that they be marked present.

Mr. Speaker assigned HB 448 to the Labor & Human Resource Management Committee.

Representative Oberle introduced HB 449, jointly sponsored by Representative Davis & cosponsored by Representatives Spence, Reynolds, Mack, Carey, Lee, B. Ennis & Campanelli.

HB 449 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Works Contracts.

Representatives D. Ennis, Reynolds, Outten & Davis requested that they be marked present.

Mr. Speaker assigned HB 449 to the Labor & Human Resource Management Committee.

Representative Quillen requested that HB 363 be stricken.

Representative Ewing requested that action on HB 336 be deferred to a Day Certain,

Thursday, April 2, 1992.

Representative Petrilli brought SB 295, sponsored by Senator Connor, before the House for consideration.

SB 295 - An Act Waiving the Statutory Provisions of Section 107(a) of Chapter 1, Title 13, Delaware Code, as It Relates to Lee Roy Tibbett, IV of Newark, Delaware and Amelia Dawn Lutz of New Castle, Delaware, Both Residents of the State of Delaware.

The roll call on SB 295 was taken and revealed:

YES: 40.

NO: Representative Hebner - 1.

Therefore, having received a constitutional majority, SB 295 was returned to the Senate.

Representatives George & Sills requested that they be marked present during the roll call.

Representative Roy moved to suspend the rules which interfere with action on HB 438. The motion was seconded by Representative Taylor and adopted by voice vote.

Representative Roy brought HB 438, jointly sponsored by Senator Martin & Representatives Bennett, Boykin, Carey, B. Ennis, Jonkiert, Outten & Taylor & Senators Cook, Hauge, Knox, McBride, Minner & Still, before the House for consideration.

HB 438 - An Act to Amend Volume 67, Chapter 285, Laws of Delaware as It Relates to the F.Y. 1991 Capital Bond. (3/4 bill)

The roll call on HB 438 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 438 was sent to the Senate for concurrence.

Representative Petrilli brought SB 294, sponsored by Senator Minner & Representative Schroeder, before the House for consideration.

SB 294 - An Act to Amend an Act Being Chapter 170, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the City of Lewes" to Increase the Amount Permitted to be Raised From the Taxation of Real Estate and to Permit Quarterly Assessments of Real Estate. (2/3 bill)

The roll call on SB 294 was taken and revealed:

YES: 39.

ABSENT: Representatives Bennett, Mack - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 294 was returned to the Senate.

Representative B. Ennis brought HB 409, jointly sponsored by Senator Vaughn & Representatives Clark & Quillen & Senator Still, before the House for consideration.

HB 409 - An Act to Amend Title 11 and Title 28 of the Delaware Code Relating to Gambling Devices; and Permitting the Possession of Antique Slot Machines Under Certain Circumstances.

Representative Boykin brought HA 1 to HB 409 before the House for consideration.

Representative Boykin moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative B. Ennis moved to place HB 409 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick requested that action on HB 374 be deferred to a Day Certain, Thursday, April 2, 1992.

Representative Davis brought HB 434, jointly sponsored by Representatives Amick, Houghton & Bennett & Senator Vaughn, before the House for consideration.

HB 434 - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to Drivers License Revocation.

The roll call on HB 434 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Petrilli - 2.

Therefore, having received a constitutional majority, HB 434 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 422, jointly sponsored by Senator Marshall & Representatives Campanelli, Houghton, Spence & VanSant, before the House for consideration.

HB 422 - An Act to Amend Title 28, Chapter 11, of the Delaware Code Relating to Bingo and Charitable Gambling.

Representative Jonkiert introduced and brought HA 1 to HB 422 before the House for consideration. HA 1 was adopted by voice vote.

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

YES: Representatives Amick, Brady, DiPinto, George, Hebner, Jonkiert, Moore, Sills, Soles - 9.

NO: 16.

NOT VOTING: Representatives Bunting, Campanelli, Corrozi, Davis, D. Ennis, Lofink, Mack, Maroney, Petrilli, Reynolds, Roy, Schroeder, Smith, VanSant, Mr. Speaker Spence - 15.

ABSENT: Representative Taylor - 1.

Therefore, not having received a constitutional majority, HB 422 w/HA 1 was declared defeated.

The Majority Whip moved to recess to the call of the Chair at 3:53 p.m.

13th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

March 31, 1992

Mr. Speaker Spence called the House to order at 2:20 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 254 w/SA 1, SB 300, SCR 90, HB 30 w/SA 1 & 2, HCR 69, HCR 70 & HCR 71.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current legislative day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll.

Members Present: 39.



Members Absent: Representatives Campanelli, Soles - 2.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District. The Speaker led those present in a pledge of allegiance to the American Flag.

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

The following prefiled legislation was introduced:

HB 450 - LOFINK, OBERLE; SENATORS MARSHALL, COOK - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 451 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 101, Title 29, Delaware Code, Relating to the Administrative Procedures Act.

HB 452 - BUCKWORTH & SENATOR TORBERT - ED: An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to School Attendance.

HB 453 - JONKIERT & SENATOR MARSHALL - B & I: An Act to Amend Subchapter I, Chapter 27, Title 18 of the Delaware Code Relating to Insurance Contracts Generally.

HB 454 - WEST, B. ENNIS, BRADY, CLARK, SILLS, JONKIERT, HOUGHTON, CAMPANELLI, BENNETT, MOORE, CAULK, VANSANT; SENATORS HOLLOWAY, MARSHALL - H/ADM: An Act to Amend Title 29, Delaware Code, Relating to the Establishment of Provisions Regarding the Operations of the Various Departments of State Government.

HB 455 - MACK, PETRILLI; SENATOR MINNER - R & F: An Act to Amend Chapter 91 of Title 7 of the Delaware Code Relating to Hazardous Substance Cleanups.

SB 254 w/SA 1 - VAUGHN - JUD: An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to Compensation for Victims of Crime.

SB 300 - COOK & REPRESENTATIVE BUCKWORTH; SENATORS ADAMS, MINNER, STILL, TORBERT & VAUGHN; REPRESENTATIVES BENNETT, CAULK, CLARK, B. ENNIS, EWING, OUTTEN & QUILLEN - H/ADM: An Act to Amend Subchapter I, Chapter 41, Title 9 of the Delaware Code Relating to Redistricting by the Kent County Levy Court.

SCR 90 - BAIR, KNOX, MINNER; REPRESENTATIVES CAREY, SCHROEDER, BUNTING - NAT RES: Memorializing the President of the United States, the Honorable George W. Bush, to Endorse the Goals and Objectives of Earth Summit Scheduled to Take Place in June of 1992 in Rio de Janeiro, Brazil.

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:05 p.m.

Representatives Maroney, Oberle, Reynolds, Brady, Buckworth, D. Ennis, Mack, Smith & Amick requested that they be marked present.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Smith requested that HB 418 be stricken.

Representative Amick requested that HB 420 be stricken.

Representative VanSant introduced HR 100, jointly sponsored by Representative Gilligan.

HR 100 - Establishing a Nine Member Citizen Study Committee to Analyze Youth Treatment Current Proposals (To Expand the Ferris School and the Referral of Additional Male Youth Offenders to the Glen Mills School in Pennsylvania) and Requesting Said Committee to Forward Its Findings to the Governor and the General Assembly Within 90 Days.

Mr. Acting Speaker Buckworth assigned HR 100 to the House Administration Committee.

Representative Spence introduced HB 456, jointly sponsored by Senator Sharp & Representatives DiPinto, Oberle, Hebner, Smith, Amick, Gilligan, B. Ennis, Jonkiert, West, Clark, Bunting & Bennett & Senators Vaughn, Blevins, Adams, Minner, Marshall, Torbert, Holloway, McBride, Hauge & Knox.

HB 456 - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions. (2/3 bill)

Mr. Acting Speaker Buckworth assigned HB 456 to the Education Committee.

Representative Taylor requested that he be marked present.

Representative Spence introduced HCR 72, jointly sponsored by Senator Sharp & cosponsored by Representative Brady.

HCR 72 - Urging the Department of Public Instruction to Implement a Planning and Intervention Program for Drug and Alcohol Abuse, Weapons Violations and Crimes of Violence.

Mr. Acting Speaker Buckworth assigned HCR 72 to the Education Committee.

Mr. Speaker Spence resumed the Chair.

Representative Lofink requested and was granted the privilege of the floor for Greg Forman, an interpreter, from the Oyama Junior High School in Japan, who introduced four exchange students.

Representative Schroeder brought HB 393 before the House for consideration.

HB 393 - An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. The roll call on HB 393 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, Clark, Soles - 3.

Therefore, having received a constitutional majority, HB 393 was sent to the Senate for concurrence.

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

Representative Caulk brought HB 137, jointly sponsored by Senator Torbert, before the House for consideration.

HB 137 - An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Borrow Pits.

Representative Caulk moved to place HB 137 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Buckworth brought HB 410, jointly sponsored by Senator Torbert, before the House for consideration.

HB 410 - An Act Awarding Special Pension Benefits to Thelma R. Savage, Transferring Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

The roll call on HB 410 was taken and revealed:

YES: 38.

NOT VOTING: Representative Davis - 1.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HB 410 was sent to the Senate for concurrence.

Representative Oberle brought HB 432 before the House for consideration.

HB 432 - An Act to Amend Chapter 39, Title 25 Delaware Code Relating to Lien.

The roll call on HB 432 was taken and revealed:

YES: 39.

ABSENT: Representatives Campanelli, Soles - 2.

Therefore, having received a constitutional majority, HB 432 was sent to the Senate for concurrence.

Representative Ewing requested that action on HB 338 be deferred to a Day Certain, Tuesday, April 7, 1992.

Representative D. Ennis brought SB 30, sponsored by Senator Connor, before the House for consideration.

SB 30 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Payments by Credit Cards. (2/3 bill)

The roll call on SB 30 was taken and revealed:

YES: 37.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Campanelli, George, Soles - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 30 was returned to the Senate.

Representative Petrilli brought SB 38 w/SA 1, jointly sponsored by Senators Hauge, Adams, Bair, Blevins, Connor, Cook, Holloway, Knox, Marshall, McDowell, Minner, Neal, Sokola, Still, Torbert, Vaughn & Venables & Representatives Amick, Boykin, Buckworth, Bunting, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Moore, Quillen, Reynolds, Roy, Smith, Spence, Taylor & West, before the House for consideration.

SB 38 - An Act to Amend Chapter 49, Title 15 of the Delaware Code Relating to Conduct of Election.

The roll call on SB 38 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, George, Soles - 3.

Therefore, having received a constitutional majority, SB 38 w/SA 1 was returned to the Senate.

Representative Hebner deferred to Representative Davis.

Representative Davis brought SB 93 w/SA 1, jointly sponsored by Senators Vaughn & Connor, before the House for consideration.

SB 93 - An Act to Amend Chapter 90, Title 11, Delaware Code, Relating to the Expungement of Penalty Assessments After the Assessment Remains Uncollected for a Period in Excess of Three Years.

The roll call on SB 93 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, George, Soles - 3.

Therefore, having received a constitutional majority, SB 93 w/SA 1 was returned to the Senate.

Representative Amick brought SB 146 w/SA 1, sponsored by Senator Venables, before the House for consideration.

SB 146 - An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Council on Archives and Cultural Affairs.

The roll call on SB 146 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, George, Soles - 3.

Therefore, having received a constitutional majority, SB 146 w/SA 1 was returned to the Senate.

Representative Hebner brought SJR 8, sponsored by Senator Holloway, before the House for consideration.

SJR 8 - Authorizing and Directing the Family Court of the State of Delaware to Name the Family Court Building in Wilmington in Honor of the Late Jean Kane Foulke DuPont, Widow of E. Paul DuPont and So Dedicate the Building With an Appropriate Plaque.

The roll call on SJR 8 was taken and revealed:

YES: 38.

ABSENT: Representatives Campanelli, George, Soles - 3.

Therefore, having received a constitutional majority, SJR 8 was returned to the Senate.

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

14th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 1, 1992

Mr. Speaker Spence called the House to order at 2:05 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 258, SB 280, SB 270 w/SA 1 & SB 288 w/SA 1.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the current legislative day. The House reconvened at 2:07 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Campanelli, George, Sills, Soles - 4.

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

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

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

The following prefilled legislation was introduced:

HB 457 - DAVIS & SENATOR VAUGHN - JUD: An Act to Amend Title 30, Chapter 5 of the Delaware Code to Allow Courts and Court Offices to Recover Fines and/or Restitution Owed From Tax Refunds Due Defendants.

HB 458 - D. ENNIS - B & I: An Act to Amend Chapter 68, Title 18 of the Delaware Code Relating to the Compensation of Medical Malpractice Review Panelists.

HB 459 - D. ENNIS & SENATOR SHARP - B & I: An Act to Amend Title 18, Delaware Code, Relating to Standards for Business Transacted With Producer Property/Casualty Insurer Act.

HB 460 - AMICK - SUNSET & OVERVIEW: An Act to Amend 67 Delaware Laws Chapter 226 Relating to Chapter 17, Title 24 of the Delaware Code Relating to the Medical Practices Act.

HB 461 - CAREY, BUNTING, CLARK - NAT RES: An Act to Amend Chapter 80, Title 7 of the Delaware Code Relating to the Governor's Representatives to the Appalachian State Low-Level Radioactive Waste Commission.

HB 462 - BUNTING & SENATOR CORDREY - H/ADM: An Act to Amend Chapter 302, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Creating a Tax Lien and Providing for a Monition Form of Sale. (2/3 bill)

HB 463 - OUTTEN, BENNETT, BUCKWORTH, EWING, GEORGE, HOUGHTON, OBERLE, SOLES, VANSANT - B & I: An Act to Amend Chapter 35, Title 18 of the Delaware Code Relating to Group and Blanket Health Insurance.

HB 464 - BUNTING, BENNETT, BRADY, CAMPANELLI, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, MOORE, OUTTEN, SILLS, VANSANT, WEST - B & I: An Act to Amend Chapter 23, Title 18 of the Delaware Code Relating to Unfair Practices in the Insurance Business.

HA 1 to HB 336 - BRADY & HOUGHTON - DEFERRED: Placed with the bill.

HA 1 to HA 1 to HB 374 - AMICK - DEFERRED: Placed with the bill.

HA 1 to HB 426 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

HA 1 to HB 448 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

SB 258 - SHARP & REPRESENTATIVE D. ENNIS; SENATORS HOLLOWAY, VENABLES, VAUGHN, MARTIN, ADAMS; REPRESENTATIVES BRADY, VANSANT, BOYKIN, JONKIERT, SILLS, SMITH, DIPINTO - B & I: An Act to Amend Chapters 33 and 35, Title 18, Delaware Code to Clarify Coverage of Insured During a Period of Hospitalization When Insurers Change or Terminate.

SB 270 w/SA 1 - VAUGHN, CONNOR - JUD: An Act to Amend Chapter 90 of Title 11, Delaware Code, Relating to Compensation for Innocent Victims of Crime.

SB 280 - SHARP; REPRESENTATIVE OBERLE - H/ADM: An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Campaign Contributions.

SB 288 w/SA 1 - HOLLOWAY - B & I: An Act to Amend Title 18, Delaware Code, Relating to Medicare Supplement Insurance Standards.

Representatives Oberle, Hebner, Davis, Taylor, Amick & DiPinto requested that they be marked present.

Representative Petrilli introduced and brought HCR 74, jointly sponsored by Senator Sokola, before the House for consideration.

HCR 74 - Welcoming Beth Ann Jones, Miss Delaware 1991, to the Delaware General Assembly. Representative Petrilli requested and was granted the privilege of the floor for Miss Delaware.

HCR 74 was adopted by voice vote and sent to the Senate for concurrence.

Representative D. Ennis introduced and brought HCR 75, jointly sponsored by Senator Knox, before the House for consideration.

HCR 75 - Commending the Fifteen Bulgarian Business People Who Are Attending the Spring International Business Institute at the University of Delaware, March 7 Through May 3 Which is Under the Joint Auspices of the University of Delaware and the United States Agency for International Development (USAID) and Wishing Each of Them an Educational and Successful Stay While Visiting the First State of Delaware and Further Commending the University of Delaware for Jointly Sponsoring Such a Program.

Representative Jonkiert requested that he be marked present.

Representative D. Ennis requested and was granted the privilege of the floor for Plamen Tochkarov, leader of the Bulgarian delegation.

HCR 75 was adopted by voice vote and sent to the Senate for concurrence.

Representative Bennett requested that he be marked present.

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

The House reconvened at 5:06 p.m.

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

H/ADM: HB 439 - 3M; HB 440 - 4M; HB 444 - 3M; SB 236 - 4M; SB 280 - 4M; SB 300 - 4M.

JUD: HB 436 - 5M.

LAND USE & GOV REL: HB 3 - 1F, 4M.

TRANS: SB 51 w/SA 1 - 1F, 4M.

LABOR & HUM RES MAN: HB 426 - 3F.

ED: HB 452 - 1F, 4M.

NAT RES: HB 447 - 3F, 3M.

Mr. Speaker assigned SB 51 to the Appropriations Committee.

Mr. Speaker reassigned HB 455 to the Hazardous Waste Management Committee.

Mr. Speaker reassigned HB 463 to the Labor & Human Resource Management Committee.

Mr. Speaker reassigned HB 367 to the Human Resources Committee.

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

The following prefiled Consent Calendar #24 was introduced:

HR 101 - OBERLE, PETRILLI, LOFINK, DAVIS, AMICK, TAYLOR, SOLES, SILLS, MOORE - Thanking the Christina School District String Ensemble and the Christina High School Singers for Their Musical Contributions Made During the Christina District's Legislative Committee's March Dinner Meeting.

HCR 73 - JONKIERT; SENATOR MARSHALL - Extending Happy Eightieth Birthday Wishes to Sister Germaine Catlin, Director of the Adult Center at the Cathedral of St. Peter in Wilmington, Delaware and Congratulating Her on Her Twentieth Anniversary as the Center's Dedicated Director.

HCR 76 - BUCKWORTH & SENATOR TORBERT - Honoring Richard Winchell as He Was Named Camden-Wyoming Fireman of the Year 1992.

Consent Calendar #24 was adopted by voice vote and HCR 73 & HCR 76 were sent to the Senate for concurrence.

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

15th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 2, 1992

Mr. Speaker Spence called the House to order at 2:07 p.m.

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

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

HAZ WASTE MAN: HB 455 - 5M.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Campanelli, Soles - 2.

Representatives Jonklert, Carey & Smith requested that they be marked present.

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

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

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

The following prefiled legislation was introduced:

HB 465 - ROY - TRANS: An Act to Amend Chapter 13, Title 2, Delaware Code Relating to Auditing and the Delaware Transportation Authority.

HB 466 - SMITH & SENATOR MCBRIDE; REPRESENTATIVES TAYLOR, LEE - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Special License Plates for Disabled Veterans.

HB 467 - SMITH & SENATOR SHARP - JUD: An Act to Amend Titles 8, 6 and 12 of the Delaware Code Relating to Corporate Fees and Penalties, Limited Partnerships and Business Trusts. (3/5 bill)

HA 1 to SB 217 - AMICK - READY LIST: Placed with the bill.

Representative Gilligan requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:14 p.m.

The House reconvened at 4:11 p.m.

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

Mr. Speaker reassigned HB 467 to the Revenue & Finance Committee.

Representatives Schroeder & Reynolds requested that they be marked present.

Representative Quillen introduced HB 468.

HB 468 - An Act to Amend Subchapter II, Chapter 21, Title 21, Delaware Code Relating to Black and White Registration Plates.

Mr. Speaker assigned HB 468 to the Public Safety Committee.

Representatives Houghton & Buckworth requested that they be marked present.

Representative Davis brought HB 30 w/SA 1 & 2, jointly sponsored by Representatives Corrozi, D. Ennis, Hebner, Roy, Maroney, Petrilli & Soles & Senator Holloway, before the House for consideration.

HB 30 - An Act Proposing an Amendment to Article V, Section 2, of the Constitution of the State of Delaware Relating to Qualifications for Voting and Forfeiture of Right. (2/3 bill)

The roll call on HB 30 w/SA 1 & 2 was taken and revealed:

YES: 28.

NO: Representatives Bennett, Clark, Ewing, Jonkiert, Oberle, Quillen, West - 7.

NOT VOTING: Representatives B. Ennis, Mack, VanSant - 3.

ABSENT: Representatives Campanelli, Roy, Soles - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 30 w/SA 1 & 2 was sent to the Governor.

Representatives Taylor, Outten & Clark requested that they be marked present during the roll call.

Representative Bennett introduced HB 469, jointly sponsored by Representatives Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant & West.

HB 469 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Driver's Licenses.

Mr. Speaker assigned HB 469 to the Public Safety Committee.

Representative Ewing brought HB 336 before the House for consideration.

HB 336 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving While Under the Influence of Alcohol and/or Drugs and the First Offender Program.

Representative Brady requested that HA 1 to HB 336 be stricken.

Representative Ewing requested and was granted the privilege of the floor for Dr. Theresa DeLufo, Management Analyst, Office of Highway Safety & Coordinator of Driving Under the Influence Program for the State of Delaware.

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

Representative Ewing rose on a point of order. Mr. Speaker did not concur.

Representative Ewing moved to place HB 336 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Amick brought HB 374 before the House for consideration.

HB 374 - An Act to Amend Title 24 of the Delaware Code by Adding a New Chapter 53 Governing the Regulation of Massage/Bodywork Practitioners, Further Amending Title 24 of the Delaware Code by Exempting Massage/Bodywork Practitioners From Certification by the Commission on Adult Entertainment Establishments, and Amending Title 29 of the Delaware Code by Adding the Committee on Massage/Bodywork Practitioners to Organizations Administered by the Division of Professional Regulation. (2/3 bill)(F/W)

Representative Amick brought HA 1 to HB 374 before the House for consideration.

Representative Amick brought HA 1 to HA 1 to HB 374 before the House for consideration. HA 1 to HA 1 was adopted by voice vote. HA 1 w/HA 1 was adopted by voice vote.

Mr. Speaker Spence declared a recess at 5:19 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:23 p.m.

Representative Amick introduced and brought HA 2 to HB 374 before the House for consideration. HA 2 was adopted by voice vote.

Representative Amick introduced and brought HA 3 to HB 374 before the House for consideration. HA 3 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for David Hill, Director, Division of Professional Regulation.

Representative Maroney requested and was granted the privilege of the floor for Richard Hoffman, President, Delaware Professional Bodyworkers Association.

The roll call on HB 374 w/HA 1 w/HA 1, HA 2 & 3 was taken and revealed:

YES: 31.

NO: Representatives Bennett, D. Ennis, Maroney, Sills, Smith - 5.

NOT VOTING: Representatives Fallon, Hebner - 2.

ABSENT: Representatives Campanelli, Soles, VanSant - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 374 w/HA 1 w/HA 1, HA 2 & HA 3 was sent to the Senate for concurrence.

Representative Corrozi moved to suspend the rules which interfere with introduction of and action on SJR 10. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Corrozi introduced and brought SJR 10, jointly sponsored by Senators Blevins, McDowell & Bair & Representatives Gilligan & VanSant, before the House for consideration.

SJR 10 - Creating an Oversight Committee for a Ferris Restructuring Plan.

The roll call on SJR 10 was taken and revealed:

YES: 35.

ABSENT: Representatives Campanelli, Ewing, Schroeder, Sills, Soles, Taylor - 6.

Therefore, having received a constitutional majority, SJR 10 was returned to the Senate.

Representative Outten introduced and brought HCR 77, jointly sponsored by Senator Vaughn & All Representatives & All Senators, before the House for consideration.

HCR 77 - Mourning the Death of Former First Lady, Mrs. Elizabeth "Bess" Boggs, Wife of Former Governor, United States Congressman, and United States Senator, J. Caleb Boggs.

HCR 77 was adopted by voice vote and sent to the Senate for concurrence.  
Representative Smith introduced and brought HCR 78, jointly sponsored by Senator Bair On Behalf of All Representatives & Senators, before the House for consideration.  
HCR 78 - Mourning the Loss of Elizabeth "Bess" Boggs, Beloved Wife of Former Governor and United States Senator J. Caleb Boggs, and Dedicated Community Organizer and Volunteer.  
HCR 78 was adopted by voice vote and sent to the Senate for concurrence.  
The Chief Clerk read the following committee reports into the record:  
SUNSET & OVERVIEW: HB 441 - 1F,2M; HB 451 - 1F,2M.  
ED: HB 423 - 7M.  
The Majority Leader moved to recess to the call of the Chair at 6:40 p.m.

16th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 7, 1992

Mr. Acting Speaker Oberle called the House to order at 2:19 p.m.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SB 289, SCR 91, HCR 73, HCR 74, HCR 75, HCR 76, SB 297, SJR 10 & SB 275 w/SA 1,2 & 4.

April 1, 1992

LEGISLATIVE ADVISORY #35

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 3/31/92 - SB 294, 4/1/92 - SB 295 & SB 102.

Mr. Acting Speaker assigned HB 423 to the Appropriations 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: 41.

A prayer was offered by Representative Steven C. Taylor, Twenty-First Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 197 - DAVIS & SENATOR HAUGE; REPRESENTATIVES SPENCE, PETRILLI, CAULK, CAREY, LOFINK, CORROZI, DIPINTO, BOYKIN, D. ENNIS, ROY, SMITH, OBERLE, REYNOLDS, MACK, MARONEY, TAYLOR, B. ENNIS, HOUGHTON, SOLES, VANSANT; SENATOR NEAL - NAT RES: An Act to Amend Chapter 60, Title 7, Relating to the Formulation and Implementation of a Wellhead Protection Program.

HB 470 - ROY & GILLIGAN, AMICK, CAREY, DAVIS, D. ENNIS, LEE, MACK, CAULK, MARONEY, TAYLOR, MOORE, SOLES; SENATORS MARSHALL, MINNER, KNOX, BAIR, CONNOR, SOKOLA - HUM RES: An Act to Amend Title 16 of the Delaware Code Relating to Limiting Exposure to Tobacco Smoke in Public Places Through the Creation of a Clean Indoor Air Act.

HB 471 - ROY & SENATOR SHARP; REPRESENTATIVES PETRILLI, TAYLOR, MARONEY, DAVIS, MACK, REYNOLDS, LOFINK, OBERLE, GILLIGAN, VANSANT, HOUGHTON; SENATORS SOKOLA, HAUGE, KNOX - ED: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Nominating Districts.

HB 472 - CAULK & SENATOR ADAMS; REPRESENTATIVES BUCKWORTH, CAREY, FALLON, LOFINK, QUILLEN, LEE, EWING, BUNTING, CLARK, SCHROEDER, B. ENNIS, WEST; SENATORS CORDREY, MINNER, VENABLES, VAUGHN, COOK, J. STILL - AG: An Act to Amend Title 3 of the Delaware Code Relating to Seeds. (3/5 bill)

HB 473 - MACK, D. ENNIS, B. ENNIS; SENATORS MINNER, VAUGHN, CONNOR - NAT RES: An Act to Amend Chapter 66, Title 18 of the Delaware Code, Referring to Line-of-Duty Death Benefits; Providing for the Addition of the Department of Natural Resources and Environmental Control Environmental Response Team to the Classification of "Covered Persons".

HB 474 - QUILLEN - ED: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Election of Members of the Various School Boards of Any Reorganized Vocational-Educational School Districts in This State.

HB 475 - B. ENNIS & SENATOR MINNER; REPRESENTATIVES WEST, LEE, CLARK, CAREY, CAULK, CAMPANELLI, VANSANT; SENATORS VAUGHN, TORBERT - TRANS: An Act to Amend Section 56(a) of Chapter 156, Volume 68, Laws of Delaware, Being the Capital Improvements Act of 1992, Relating to Commercial Vehicle Registration.

HB 476 - SILLS, MOORE - HOUSING & COM AFF: An Act to Amend Chapter 27, Title 25, Delaware Code Relating to Prompt Payment of Subcontractors.

HA 1 to HA 1 to HB 137 - CAULK - L.O.T.: Placed with the bill.

HA 2 to HB 409 - BOYKIN - AGENDA: Placed with the bill.

HA 2 to HB 426 - REYNOLDS & OBERLE - AGENDA: Placed with the bill.

HA 3 to HB 426 - GEORGE - AGENDA: Placed with the bill.

HA 1 to HB 449 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

SB 275 w/SA 1,2 & 4 - HOLLOWAY - HUM RES: An Act to Amend Titles 16 and 24 of the Delaware Code Relating to Infected Health Care Providers and Universal Precautions.

SB 289 w/SA 1 - VAUGHN, MCBRIDE - HOUSING & COM AFF: An Act to Amend Chapter 3, Title 25 of the Delaware Code Relating to Disclosures Required for Residential Real Estate.

SB 297 - MCBRIDE; REPRESENTATIVE SPENCE - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 9, Delaware Code, Relating to Street and Highway Lighting in Unincorporated Communities and Villages.

HA 1 to SB 284 - PETRILLI - AGENDA: Placed with the bill.

Representative Spence requested that he be marked present.

Representatives West & Maroney requested that they be marked present.

The Reading Clerk read the following communications into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #44**

DATE: April 7, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-120	Roy	3/25/92	T	Steve Steinwedel/NABC District 3 Coach of the Year
H92-121	Houghton	3/28/92	T	Holloway Terrace Vol. Fire Co. Ladies Auxiliary/70th Anniversary
H92-122	Reynolds	3/25/92	T	Chris Glen/1st Place/State Swim Champion
H92-123	Fallon	3/6/92	M	Otis Medford
H92-124	Fallon	4/1/92	T	Mimi & George Graves/Service to Community
H92-125	Gilligan	3/25/92	T	Margaret R. Manning/Induction/DE Women's Hall of Fame
H92-126	Maroney	4/7/92	T	The Honorable Carmen A. Orechio/Retirement/18 Years Service /New Jersey Senate
H92-127	Brady	4/2/92	T	Joe Vattilana/National Safety Award
H92-128	Quillen	4/2/92	T	Amelia McSweeney & Jennie Chasanov /1992 Stream Watcher Award
H92-129	Quillen	4/2/92	T	Emily Bankert & Pilot School Class /1992 Stream Watcher Award
H92-130	Quillen	4/2/92	T	Barbara & Bob Russell & Brothers & Sisters of the Broadkill/1992 Stream Watchers Award
H92-131	Ewing	4/2/92	T	Dr. Frederick K. Toy, MD. FACS, FCCM/Establishing Laparoscopic Cholecystectomy/Nanticoke Hosp.
H92-132	Ewing	4/2/92	T	Dr. Roy T. Smoot, Jr., MD. FACS/ Establishing Laparoscopic Cholecystectomy/Nanticoke Hosp.
H92-133	B. Ennis	4/4/92	T	VFW/Post #8801/45th Anniversary
H92-134	Carey	4/11/92	T	Connie Fisher/1991 Milton Chamber of Commerce/Citizen of the Year

T - Tribute

M - Memoriam

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

The House reconvened at 4:43 p.m.

Mr. Speaker Spence resumed the Chair.

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

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

Representative Ewing brought HB 338, jointly sponsored by Representative Spence, before the House for consideration.

HB 338 - An Act to Amend Chapters 41 and 27, Title 21 of the Delaware Code and Chapter 35, Title 11 of the Delaware Code.

Representative Ewing moved to place HB 338 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle requested that action on HB 426 be deferred to a Day Certain, Thursday, April 9, 1992.

Representative Buckworth brought SB 300, jointly sponsored by Senators Cook, Adams, Minner, Still, Torbert & Vaughn & Representatives Bennett, Caulk, Clark, B. Ennis, Ewing, Outten & Quillen, before the House for consideration.

SB 300 - An Act to Amend Subchapter I, Chapter 41, Title 9 of the Delaware Code Relating to Redistricting by the Kent County Levy Court.

Representative Buckworth requested and was granted the privilege of the floor for Reverend Bernard Brown, Cochairman of the Political Action Committee of the Central Delaware Branch of the NAACP Delaware.

Representative Buckworth requested and was granted the privilege of the floor for Bobby Carmichael-Jones, representing the Delaware State Conference of the NAACP & Chairman of the Political Action Committee.

The roll call on SB 300 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SB 300 was returned to the Senate.

Representatives Jonkiert, Quillen & Sills requested that they be marked present during the roll call.

Representative Smith brought SB 284, sponsored by Senator Marshall & Representative D. Ennis, before the House for consideration.

SB 284 - An Act to Amend Title 29 of the Delaware Code Relating to Estimation and Reporting of Tax Preferences.

Representative Petrilli requested that HA 1 to SB 284 be stricken.

Representative D. Ennis introduced and brought HA 2 to SB 284, jointly sponsored by Representative Oberle, before the House for consideration. HA 2 was adopted by voice vote. The roll call on SB 284 w/HA 2 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SB 284 w/HA 2 was returned to the Senate for concurrence on HA 2.

Representative B. Ennis moved to lift HB 409 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative B. Ennis brought HB 409, jointly sponsored by Senator Vaughn & Representatives Clark & Quillen & Senator Still, before the House for consideration.

HB 409 - An Act to Amend Title 11 and Title 28 of the Delaware Code Relating to Gambling Devices; and Permitting the Possession of Antique Slot Machines Under Certain Circumstances.

Representative Boykin requested that HA 1 to HB 409 be stricken.

Representative Boykin requested that HA 2 to HB 409 be stricken.

The roll call on HB 409 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HB 409 was sent to the Senate for concurrence.

Representative Oberle brought SB 280, jointly sponsored by Senator Sharp, before the House for consideration.

SB 280 - An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Campaign Contributions.

Representative Oberle moved to place SB 280 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:28 p.m.

17th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 8, 1992

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

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, G. Robert Quillen, do hereby request that my name be removed as Co-Sponsor of HB 367.

Date: April 8, 1992.

Signed: George Robert Quillen.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the current legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Jonkiert - 1.

Representative Maroney requested that she be marked present.

A prayer was offered by Representative George H. Bunting, Jr., Thirty-Eighth Representative District.

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

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

The following prefiled legislation was introduced:

HB 477 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 19, Title 24 of the Delaware Code, Relating to the Board of Nursing.

HB 478 - OBERLE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HA 1 to HB 3 - ROY - AGENDA: Placed with the bill.

HA 2 to HB 3 - TAYLOR - AGENDA: Placed with the bill.

Representatives Campanelli & Lofink requested that they be marked present.

Representatives Carey & Amick requested that they be marked present.

Representative Amick requested that HB 94 be stricken.

The Majority Leader moved to recess for committee meetings at 2:13 p.m.

The House reconvened at 4:40 p.m.

Representatives Mack & Buckworth requested that they be marked present.

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

LABOR & HUM RES MAN: HB 463 - 4M.

JUD: HB 457 - 1F, 4M; SB 270 w/SA 1 - 4M, 1U.

B & I: HB 458 - 4M; HB 459 - 4M; SB 258 - 4M.



NAT RES: HB 461 - 1F,4M.

Representatives Reynolds & Taylor requested that they be marked present.

The following prefiled Consent Calendar #25 was introduced:

SCR 91 - BAIR, MINNER, BLEVINS, COOK, ADAMS, CONNOR, CORDREY, HOLLOWAY, KNOX, MCDOWELL, NEAL, SHARP, SOKOLA; REPRESENTATIVES BOYKIN, FALLON, MARONEY, SOLES, CAREY, CORROZI, EWING, GEORGE, GILLIGAN, MOORE, PETRILLI, SPENCE, SCHROEDER - Commending Claire Lamar Carey, Lozelle Jenkins DeLuz, Margaret R. Manning, and Jane T. Mitchell, 1992 Inductees Into the Distinguished Hall of Fame of Delaware Women.

Consent Calendar #25 was adopted by voice vote and SCR 91 was returned to the Senate.

Mr. Speaker assigned HB 463 to the Appropriations Committee.

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

The Majority Leader moved to recess to the call of the Chair at 4:47 p.m.

18th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 9, 1992

Mr. Speaker Spence called the House to order at 1:58 p.m.

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

R & F: HB 467 - 1F,3M.

NAT RES: SCR 90 - 1F,4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 212 w/SA 1, SCR 92, SCR 94, SCR 93, HB 412, HB 438 & HCR 77.

M E M O R A N D U M

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative G. Mallace Caulk, Jr.  
DATE: April 7, 1992  
RE: Absence from session

Please excuse my absence from session on Tuesday, Wednesday and Thursday, April 14, 15 and 16, 1992, as I will be out of town on business.

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: 41.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

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

The following prefiled legislation was introduced:

HB 479 - VANSANT, CORROZI, DAVIS, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, MACK, MOORE, OBERLE, REYNOLDS; SENATORS BLEVINS, HOLLOWAY, MARSHALL, MARTIN - SUNSET & OVERVIEW: An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HB 480 - ROY & SENATOR MINNER - TRANS: An Act to Amend Chapter 20 of Title 30 of the Delaware Code to Add a New Subchapter V to Authorize State Agencies to Provide Commuter Benefits to Their Employees and Require State Agencies to Develop and Submit for Review a Plan to Reduce Work Related Vehicle Trips, and to Amend Chapter 51, Title 29 Relating to Expenses Associated With Commuting to Work.

HA 2 to HB 193 - SPENCE, CAREY - READY LIST: Placed with the bill.

HA 1 to HB 324 - BOYKIN & CAULK - READY LIST: Placed with the bill.

HA 1 to HB 367 - BENNETT - HUM RES: Placed with the bill.

SB 212 w/SA 1 - MARTIN, NEAL - TRANS: An Act to Amend Chapter 5, Title 22 of the Delaware Code Relating to Parking Authorities. (2/3 bill)

SCR 92 - MARSHALL & REPRESENTATIVE OBERLE - SM BUS & ECON DEV: Encouraging Retailers and Shopping Centers to Make Wheelchairs Available to Their Patrons.

HA 1 to SB 280 - DAVIS - L.O.T.: Placed with the bill.

HA 2 to SB 280 - SMITH - L.O.T.: Placed with the bill.

Representative B. Ennis requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:04 p.m.

The House reconvened at 2:47 p.m. with Representative Buckworth as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Representative Oberle requested that HB 426 be stricken.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HB 481. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle introduced and brought HB 481, jointly sponsored by Representatives Spence, George, Amick, Caulk, Corrozi, Davis, Ewing, Lee, Lofink, Roy, Smith & Taylor & Senators Torbert, Bair & Connor, before the House for consideration.

HB 481 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representatives D. Ennis, Hebner, DiPinto, Smith, Caulk, Mack, Reynolds, Brady, Quillen, Bennett & Outten requested that they be marked present.

The roll call on HB 481 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Clark & Sillis - 3.

Therefore, having received a constitutional majority, HB 481 was sent to the Senate for concurrence.

Representative Oberle moved to lift SB 280 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought SB 280, jointly sponsored by Senator Sharp, before the House for consideration.

SB 280 - An Act to Amend Chapter 80, Title 15 of the Delaware Code Relating to Campaign Contributions.

Representative Davis brought HA 1 to SB 280 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: 20.

NO: Representatives Brady, Campanelli, B. Ennis, D. Ennis, George, Gilligan, Houghton, Lee, Lofink, Mack, Moore, Oberle, Outten, Reynolds, Soles, VanSant, West, Mr. Speaker Spence - 18.

ABSENT: Representatives Clark, Jonkiert, Sillis - 3.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

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

Representative Smith brought HA 2 to SB 280 before the House for consideration.

Representative Smith requested that HA 2 be stricken.

Representative Sillis requested that he be marked present.

The roll call on SB 280 was taken and revealed:

YES: 29.

NO: Representatives Boykin, Fallon, Hebner, Petrilli Quillen, Smith, Taylor - 7.

NOT VOTING: Representatives Bennett, Buckworth, Carey, Roy - 4.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, SB 280 was returned to the Senate.

Representative Smith brought HB 444, jointly sponsored by Representative Jonkiert & Senators Marshall & Neal & Representatives Amick & Soles & Senator Minner, before the House for consideration.

HB 444 - An Act to Amend Chapter 80, Title 15, Delaware Code Relating to Elections and Reports of Political Committees.

Representative Smith introduced and brought HA 1 to HB 444 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 444 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 444 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert requested that HB 421 be stricken.

Representative Carey brought SCR 86, jointly sponsored by Senator Minner, before the House for consideration.

SCR 86 - Extending the Date by Which the Task Force on Environmental Education Implementation is to Report Its Findings to the General Assembly to October 1992.

SCR 86 was adopted by voice vote and returned to the Senate.

Representative Carey brought SCR 87, jointly sponsored by Senator Minner, before the House for consideration.

SCR 87 - Extending the Date By Which the Delaware River and Bay Oversight Committee Shall Report Its Findings to the General Assembly.

SCR 87 was adopted by voice vote and returned to the Senate.

Representative Campanelli brought HB 440, jointly sponsored by Senators Marshall & Blevins & Representatives VanSant & Houghton, before the House for consideration.

HB 440 - An Act to Amend an Act Being Chapter 3, Volume 68, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Elsmere," to Eliminate the Office of Directors of Public Safety and to Provide for the Police Force of the Town of Elsmere. (2/3 bill)

The roll call on HB 440 was taken and revealed:

YES: 38.

ABSENT: Representatives Bennett, Clark, Corrozi - 3.

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

Representative West brought HB 439, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 439 - An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro" to Confer Upon the Commissioners of the Town of Millsboro Certain Powers Relating to the Taxation of Real Estate Transfers Within the Town of Millsboro, and to Increase the Amount for Which Contracts Can be Awarded Without Competitive Bidding. (2/3 bill)

The roll call on HB 439 was taken and revealed:

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

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 439 was sent to the Senate for concurrence.

Representative Petrilli brought SB 236, sponsored by Senator Connor & Representative Mack, before the House for consideration.

SB 236 - An Act to Amend Chapter 216, Volume 27, Laws of Delaware as Amended, Relating to the Charter of the Mayor and Council of New Castle and the Annual Statement of the City's Finances and Fiscal Year of the City. (2/3 bill)

The roll call on SB 236 was taken and revealed:

YES: 39.

ABSENT: Representatives Clark, Ewing - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 236 was returned to the Senate.

Mr. Speaker reassigned HB 479 to the Substance Abuse Committee.

The House observed a moment of silence in memory of Mary E. Ryan, mother of staff member Barbara Rossiter.

The Majority Whip moved to recess to the call of the Chair at 3:56 p.m.

19th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 14, 1992

Mr. Speaker Spence 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 298 & SB 40 w/SA 5.

M E M O R A N D U M

TO: Representative Terry Spence  
Speaker of the House

FROM: Representative George H. Bunting, Jr.

DATE: April 8, 1992

Request my name be removed from H.B. 367. Thank you.  
April 10, 1992

LEGISLATIVE ADVISORY #37

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/9/92 - SJR 8, SB 30, SB 38 aab SA 1, SB 93 aab SA 1 & SB 146 aab SA 1. 4/6/92 - SJR 10.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 1.

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

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

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

The following prefiled legislation was introduced:

HB 482 - OBERLE - HOUSING & COM AFF: An Act to Amend Chapter 25, Title 6 and Chapter 86, Title 29 of the Delaware Code Relating to Prohibited Trade Practices and the Department of Community Affairs.

HB 483 - CAMPANELLI - JUD: An Act to Amend §9009, Chapter 90, Title 11 of the Delaware Code Relating to Compensation for Innocent Victims of Crime.

HA 1 to HB 441 - AMICK - READY LIST: Placed with the bill.

SB 40 w/SA 5 - HOLLOWAY, VENABLES; REPRESENTATIVES SILLS, AMICK, MOORE, HOUGHTON, REYNOLDS - JUD: An Act to Amend Title 13, Chapter 11 of the Delaware Code Relating to the Termination of Parental Rights.

SB 298 - VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 28, Title 24, Delaware Code, Relating to Professional Engineers.

Representatives Houghton, Campanelli & Corrozi requested that they be marked present.

Representatives D. Ennis, Bennett & Smith requested that they be marked present.

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

The House reconvened at 3:45 p.m.

Representative Gilligan requested that he be marked present.

Representative Ewing requested that HB 319 be stricken.

Representatives Mack & Brady requested that they be marked present.

Representative Taylor requested that he be marked present.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Richard A. Hauge, do hereby request that my name be removed as Co-Sponsor of HB 367.  
Date: 4/14/92.

Signed: Richard A. Hauge.

MEMORANDUM

TO: Terry R. Spence, Speaker of the House

FROM: Gerald A. Buckworth

DATE: April 13, 1992

RE: Absence

I will be absent from Session on Thursday, April 16, 1992, as I will be out of the State.

Thank you for your continued cooperation.

cc: JoAnn Hedrick, Chief Clerk

GAB/pcl

April 7, 1992

LEGISLATIVE ADVISORY #36

FROM: Office of Counsel to the Governor

The Governor vetoed the following legislation on the date indicated: 4/7/92 - HB 253.  
April 7, 1992

To the Members of the Delaware State House of Representatives of the 136th General Assembly

On March 26, 1992, I received House Bill No. 253 which is entitled:

"AN ACT TO AMEND CHAPTER 7, TITLE 24, RELATING TO CHIROPRACTIC PHYSICIAN COMPENSATION AND CONTRACTS ISSUED BY HEALTH SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS."

This legislation seeks to expand mandated reimbursement for eligible services rendered by chiropractors to include health service corporations and health maintenance organizations. Presently, mandated reimbursement is required only of health insurance companies. For the reasons set forth herein, I am returning House Bill No. 253 without my signature.

Initially, I recognize the important contributions made by the chiropractic profession in the provision of quality health care, particularly with respect to the treatment of back pain. The benefits derived from chiropractic services are a matter of record supported by countless studies and independent research. My disapproval of this legislation should not therefore, be interpreted as reflecting adversely on this valuable health care service.

From a purely legal perspective, I am concerned that implementation of this bill could result in the impairment of existing contractual relationships in violation of Article I, §10 of the United States Constitution. Specifically, the provisions of House Bill No. 253, as written, would become effective immediately upon enactment into law. Thus, any provisions in existing health service corporation and health maintenance organization contracts which exclude chiropractic services from eligibility for reimbursement would be nullified and superseded by this legislation. I believe there is a significant possibility that application of the provisions of this bill to existing contracts would impermissibly impair the contractual relationships of private parties. My concerns with House Bill No. 253, however, extend beyond this legal issue.

As I have indicated on several prior occasions, I am philosophically opposed to governmental mandates as they relate to the provisions of health care and health care benefits. I believe that the proper role of government is to identify and offer necessary incentives to health care providers and to encourage them to be more creative in their provision of services. I worry that mandating access to specific providers will have various unintended consequences such as those described herein.

Proponents of House Bill No. 253 argue that it merely expands already mandated reimbursement for chiropractic services to cover health service organizations and health maintenance organizations, and that this is merely a question of fairness. While this fairness argument has some superficial appeal, the answer is not necessarily to expand the mandate. Rather, serious consideration should be given to whether mandated reimbursement should be eliminated entirely in order to allow for a market solution to the access and reimbursement issues as opposed to a legislative one.

In opposing this legislation, I am also cognizant of the virtual explosion in costs of medical services being experienced not only in Delaware but nationwide. I am concerned that House Bill No. 253 could have the unintended effect of raising the costs of health insurance for some of those individuals least able to afford it. In particular, small employers and individuals are often unable to afford the costs necessary to self-insure their health plans. As a result, they are also unable to avoid the mandated reimbursement requirement as larger, self-insured companies can. Therefore, it is small companies and individuals who would bear the brunt of any increased premiums resulting from enactment of this bill.

While costs per office visit for chiropractic services are generally lower than those for services rendered by medical doctors, the frequency of visits, duration of treatment and possible duplication of services could more than offset any savings that might otherwise be realized. Numerous studies have been conducted relating to the cost effectiveness of chiropractic services. The results, however, have been inconclusive and, in some cases, contradictory. Likewise, while proponents of this legislation argue that ultimately it will reduce the costs of health care coverage, opponents have stated that enactment of House Bill No. 253 will result in an additional one-half to one percent increase in annual premiums for many small employers and individuals. In light of the uncertainty surrounding its potential effect, I am unwilling to sign House Bill No. 253 into law.

Another significant and related consideration in my decision to return this legislation without my signature concerns efforts being undertaken by the Delaware Health Care Commission. The Commission has expressed the position that no additional mandated benefits should be enacted until a formal review procedure has been adopted by the General Assembly. Under this procedure, the Commission would consider the social and financial impacts and the medical efficacy of mandated benefits proposals prior to legislative action. I strongly endorse this prudent approach. In the event the Delaware Health Care

Commission conducts such a review of House Bill No. 253 and concludes that enactment of its provisions would have the effect of containing health care costs, I would be willing to reconsider my position at that time.

For the reasons stated herein, I am returning House Bill No. 253 without my signature.

Sincerely  
Michael N. Castle

MNC/kkap

Representative Jonkiert requested that he be marked present.

Representative Reynolds requested that he be marked present.

Representative Roy brought HB 3 before the House for consideration.

HB 3 - An Act to Amend Title 9, Delaware Code Relating to Changes in Zoning.

Representative Roy brought HA 1 to HB 3 before the House for consideration.

Representative Roy moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Taylor brought HA 2 to HB 3 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: 30.

NO: Representatives Bennett, Bunting, B. Ennis, George, Houghton, Jonkiert, Moore, Outten, Sills, VanSant - 10.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative Roy requested that HA 1 to HB 3 be stricken.

The roll call on HB 3 w/HA 2 was taken and revealed:

YES: 30.

NO: Representatives Bennett, Bunting, Campanelli, B. Ennis, George, Houghton, Jonkiert, Outten, Schroeder, VanSant - 10.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 3 w/HA 2 was sent to the Senate for concurrence.

Representative Mack brought HB 455, jointly sponsored by Representative Petrilli & Senator Minner, before the House for consideration.

HB 455 - An Act to Amend Chapter 91 of Title 7 of the Delaware Code Relating to Hazardous Substance Cleanups.

Representative Mack moved to place HB 455 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative D. Ennis introduced HB 484, jointly sponsored by Representatives Smith, Boykin, DiPinto, Jonkiert, VanSant, Bennett & Sills.

HB 484 - An Act to Amend Title 18 of the Delaware Code Relating to a Surcharge of Certain Domestic Insurers.

Mr. Speaker assigned HB 484 to the Banking & Insurance Committee.

Representative Davis requested that HB 457 be stricken.

Representative Davis moved to suspend the rules which interfere with introduction of and action on HB 485. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Davis introduced and brought HB 485, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 485 - An Act to Amend Title 30, Chapter 5 of the Delaware Code to Allow Courts and Court Offices to Recover Fines, Court Costs, Assessments and/or Restitution Owed From Tax Refunds Due Defendants.

The roll call on HB 485 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 485 was sent to the Senate for concurrence.

Representative Carey brought HB 461, jointly sponsored by Representatives Bunting & Clark, before the House for consideration.

HB 461 - An Act to Amend Chapter 80, Title 7 of the Delaware Code Relating to the Governor's Representatives to the Appalachian State Low-Level Radioactive Waste Commission.

The roll call on HB 461 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 461 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:28 p.m.

20th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 15, 1992

Mr. Acting Speaker Hebner called the House to order at 2:44 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 302 w/SA 1.3 & 4.

The Majority Leader moved to adjourn at 2:45 p.m., thereby ending the current legislative day. The House reconvened at 2:46 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Caulk - 1.

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

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

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

The following prefiled legislation was introduced:

HB 486 - BENNETT, OUTTEN, B. ENNIS, BUCKWORTH, QUILLEN, CLARK, CAULK; SENATORS COOK, STILL, TORBERT, MINNER, VAUGHN - TRANS: An Act to Amend Chapter 46, Volume 67, Laws of Delaware as It Relates to F.Y. 1990 Capital Bond. (3/4 bill)

HB 487 - JONKIERT - B & I: An Act to Amend Title 18 to Clarify Coverage of Insureds During a Period of Hospitalization When Insurers Change or Terminate.

HB 488 - MOORE, DAVIS, D. ENNIS, MARONEY, SILLS, WEST; SENATORS BAIR, HAUGE - CORR: An Act to Amend Title 11, Section 1447 to Delete Language That is Not Consistent With the Truth in Sentencing Act.

HA 2 to HB 367 - DAVIS & MARONEY - HUM RES: Placed with the bill.

SB 302 w/SA 1, 3 & 4 - MARSHALL & REPRESENTATIVE OBERLE; SENATORS ADAMS, BLEVINS, COOK, CORDREY, HOLLOWAY, MARTIN, MCBRIDE, MINNER, SOKOLA, TORBERT, VAUGHN, VENABLES, NEAL, KNOX; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, LEE, BENNETT, BUNTING, CAMPANELLI, CLARK, GILLIGAN, HOUGHTON, JONKIERT, MOORE, VANSANT, WEST - H/ADM: An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating to Primary Elections; and Providing for a Presidential Primary Election.

Representatives D. Ennis, West, Houghton & Spence requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:51 p.m.

The House reconvened at 3:58 p.m.

Mr. Speaker Spence resumed the Chair.

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

Representatives Reynolds, Ewing & Bennett requested that they be marked present.

Representative Smith brought HB 467, jointly sponsored by Senator Sharp, before the House for consideration.

HB 467 - An Act to Amend Titles 8, 6 and 12 of the Delaware Code Relating to Corporate Fees and Penalties, Limited Partnerships and Business Trusts. (3/5 bill)

Representative Smith requested and was granted the privilege of the floor for Jeffrey Lewis, Assistant Secretary of State.

The roll call on HB 467 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 467 was sent to the Senate for concurrence.

Representatives Carey, Clark, Lofink, Oberle, Outten, Quillen, Sills & Schroeder requested that they be marked present during the roll call.

Representative D. Ennis brought HB 458 before the House for consideration.

HB 458 - An Act to Amend Chapter 68, Title 18 of the Delaware Code Relating to the Compensation of Medical Malpractice Review Panelists.

Representative D. Ennis introduced and brought HA 1 to HB 458 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 458 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 458 w/HA 1 was sent to the Senate for concurrence.

Representative Buckworth brought HB 452, jointly sponsored by Senator Torbert, before the House for consideration.

HB 452 - An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to School Attendance.

The roll call on HB 452 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 452 was sent to the Senate for concurrence.

Representative Oberle brought HB 228, jointly sponsored by Representative Davis, before the House for consideration.

HB 228 - An Act to Amend Subchapter 1, Chapter 69, Title 29 of the Delaware Code Relating to Licensing Requirements for Subcontractors on Public Works Projects.

Representative Oberle moved to place HB 228 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Hebner brought SB 178, sponsored by Senator Holloway, before the House for consideration.

SB 178 - An Act to Amend Subchapter III, Chapter 5, Title 13, Delaware Code, Relating to Criminal Enforcement of Failure to Support Spouse or Child.

Representative Hebner moved to place SB 178 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative D. Ennis brought SB 258, jointly sponsored by Senators Sharp, Holloway, Venables, Vaughn, Martin & Adams & Representatives Brady, VanSant, Boykin, Jonkiert, Sillis, Smith & DiPinto, before the House for consideration.

SB 258 - An Act to Amend Chapters 33 and 35, Title 18, Delaware Code to Clarify Coverage of Insureds During a Period of Hospitalization When Insurers Change or Terminate.

Representative D. Ennis moved to place SB 258 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 4:23 p.m.

21st LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

April 16, 1992

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 322, HB 205 & SB 296.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Steven H. Amick, do hereby request that my name be removed as Co-Sponsor of SCR 94.

Date: 4/7/92.

Signed: Steven H. Amick.

PLEASE REMOVE MY NAME AS CO-SPONSOR TO HB 367.

Donald M. Clark

State Representative

Representative Petrilli requested and was granted the privilege of the floor for Steve Darnell, State Advisor, Delaware Student Vocational Organization, Department of Public Instruction; Charles Ivins, State President, Future Homemakers of America; Boun Phommachanh, State Treasurer & Representative, Delaware Technology Student Association; Valerie J. McAlees, State Secretary, Business Professionals of America; Jay Davis, Delaware Future Farmers of America Association State President and Renee L. Halter, V.I.C.A.

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current legislative day. The House reconvened at 2:20 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Buckworth, Caulk, Moore, Taylor - 4.

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

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

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

The following prefilled legislation was introduced:

HB 489 - OBERLE & SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 31, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 490 - DAVIS & SENATOR VAUGHN; REPRESENTATIVE CORROZI - CORR: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Establishment and Collection of Supervision Fees by the Department of Correction, and Providing a Mechanism for the Expenditure of Such Funds. (3/5 bill)

HB 491 - EWING - NAT RES: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Prohibitions Concerning Game and Fish.

HB 492 - MARONEY & SENATOR HOLLOWAY - SUNSET & OVERVIEW: An Act to Amend Title 24, Chapter 17, Delaware Code, Relating to the Medical Practices Act.

HB 493 - DIPINTO & GILLIGAN, OBERLE, HOUGHTON, MACK, EWING, B. ENNIS, CORROZI, BRADY, BOYKIN, CAMPANELLI, CAREY, VANSANT, SPENCE; SENATORS VAUGHN, MINNER, MARSHALL, BLEVINS, SOKOLA, MARTIN, MCBRIDE - HOUSING & COM AFF: An Act to Amend Chapter 66, Title 17, Delaware Code Relating to Plan Review Fees and the Fee Structure for Licenses, Permits, and Certificates Issued Under the State Fire Prevention Regulations. (3/5 bill)

HB 494 - CLARK, BENNETT, BRADY, BUCKWORTH, BUNTING, CAMPANELLI, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, GILLIGAN, HEBNER, LOFINK, PETRILLI, SCHROEDER, VANSANT, WEST, SPENCE; SENATORS J. STILL, VAUGHN, HOLLOWAY, SOKOLA - ED: An Act to Amend Chapter 15, Title 14, Delaware Code, Relating to Audits of School Districts Within the State.

HA 7 to HB 93 - AMICK - L.O.T.: Placed with the bill.

HA 1 to HB 480 - ROY - TRANS: Placed with the bill.

SB 296 - SHARP; REPRESENTATIVE SPENCE; SENATOR BAIR; REPRESENTATIVES GILLIGAN, CORROZI, PETRILLI - H/ADM: An Act to Amend Title 3 of the Delaware Code Relating to Racing Days.

SB 322 - NEAL - H/AOM: An Act to Allow Brian M. Patterson, a Non-Resident, to Marry Evelyn B. Tuska, a Non-Resident.

HA 1 to SB 258 - DIPINTO, VANSANT - L.O.T.: Placed with the bill.

Representative Petrilli introduced and brought HCR 81, jointly sponsored by Representatives Spence, Buckworth, George & Gilligan on behalf of all Representatives; Senators Cordrey, Sharp, McDowell, Bair & Connor on behalf of all Senators, before the House for consideration.

HCR 81 - Extending "Many Thanks" to the Delaware Vocational Student Organizations of Delaware for the Easter Lillies Given Annually on This, the Most Holy Week of the Year, and Extending Best Wishes and Success to Each of You in Your Chosen Careers.

HCR 81 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative Hebner as Acting Speaker.

Representative Spence introduced and brought HR 103, jointly sponsored by Representative Petrilli on Behalf of All Representatives, before the House for consideration.

HR 103 - Honoring Delawarean Dave Tiberi as the True Winner in the February 8, 1992 Championship Fight for the World Middleweight Title.

WHEREAS, the world of boxing is one which hails an underdog, especially if the challenger has trained so hard for the one chance to prove he is the undisputed leader of the Middleweight class; and

WHEREAS, for Pike Creek resident and native New Castle son, Dave Tiberi, the chance at the Middleweight title of the world came on February 8, 1992, when he climbed into the ring against undefeated champion James Toney, and delivered blows for twelve rounds to the tired, unprepared Toney, who never expected such a challenge from Dave Tiberi, who made himself a household name during that televised fight in Atlantic City, for viewers watching the fight were appalled to learn of the split decision and final verdict that allowed James Toney to retain the Middleweight title; and

WHEREAS, two of the three judges scored for James Toney, while another voted for Dave Tiberi, causing an uproar among boxing enthusiasts such as Trump Taj Mahal casino owner Donald Trump, who called the decision "an embarrassment to Atlantic City" and vowed to ban boxing matches in his three hotel casinos "until such a decision is rectified"; and

WHEREAS, Dave Tiberi had trained hard in Philadelphia for this fight and was deserving of winning the championship that Sugar Ray Leonard, Thomas "Hitman" Hearns, and "Marvelous" Marvin Hagler were awarded in past fights, as was apparent to those who watched the fight on television and knew that James Toney was not prepared for the fight and had struggled to bring his weight in at the maximum level of 160 pounds, or those who joined with other members of the Tiberi family in Atlantic City to watch the title snatched away from the winner and be handed to a man who was not deserving of either the Middleweight Title or of the large amount of cash which goes with the title; and

WHEREAS, so appalled was Delaware that her favorite son was robbed of the title that Governor Mike Castle sent a letter to the President of the International Boxing Federation and New Jersey Governor Jim Florio blasting the decision, Speaker Spence asked Delaware's Attorney General to contact New Jersey's Attorney General and investigate this decision and Senator Bill Roth has called for a United States Senate Inquiry, moves prompting James Toney to say that "Delaware's nothing but rednecks and hillbillies"; and

WHEREAS, after the fight was over, Dave Tiberi showed his mettle and said simply, "today, I proved that I am the best middleweight in the world," a sentiment shared by countless numbers of people, and showcased the unsportsmanlike manner of James Toney, who was roundly booed before the crowd of 3,000 and appeared angry after the decision, then refused to attend the post fight press conference, giving the viewing public another chance to see the real champion of the February 8, 1992 Middle Heavyweight championship fight.

NOW, THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 136th General Assembly of the State of Delaware that we hereby honor Dave Tiberi, the true champion of the February 8, 1992 Middleweight title fight against undefeated champion James Toney in Atlantic City and wish this Delawarean be given another shot at the title, this time for a guaranteed larger purse deserving of the talent of Pike Creek resident Dave Tiberi.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be presented to Dave Tiberi.

Representative Spence requested and was granted the privilege of the floor for Dave Tiberi.

HR 103 was adopted by voice vote.

Representative Sillis introduced HJR 19, jointly sponsored by Representatives Jonkiert, Moore & Quillen & Senator Holloway.

HJR 19 - Directing the Department of Corrections to Reduce Its Inmate Population at Gander Hill Prison by Releasing Certain Pretrial Detentioners and Low-Risk Inmates From Institutional Custody to Community-Based Third Party Custody Programs.

Mr. Acting Speaker Hebner assigned HJR 19 to the Corrections Committee.

Representative Smith introduced HB 495, jointly sponsored by Senator Sokola & Representatives Roy & Brady & Senators Bair, Knox & Hauge.

HB 495 - An Act to Amend Title 9, Delaware Code Relating to Civic Associations, Subdivisions and Housing Developments, and Garbage Collection in Unincorporated Areas of New Castle County.

Mr. Acting Speaker Hebner assigned HB 495 to the Housing & Community Affairs Committee.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 322. The motion was seconded by Representative George and adopted by voice vote.

Representative Petrilli introduced and brought SB 322, sponsored by Senator Neal, before the House for consideration.

SB 322 - An Act to Allow Brian M. Patterson, a Non-Resident, to Marry Evelyn B. Tuska, a Non-Resident.

The roll call on SB 322 was taken and revealed:

YES: 34.

NO: Mr. Acting Speaker Hebner - 1.

ABSENT: Representatives Buckworth, Caulk, Moore, Quillen, Spence, Taylor - 6.



Therefore, having received a constitutional majority, SB 322 was returned to the Senate. Representatives Gilligan, Schroeder, Brady, Mack & Reynolds requested that they be marked present during the roll call.

The Majority Leader moved to recess for committee meetings at 2:59 p.m.

The House reconvened at 4:50 p.m. with Representative Hebner as Acting Speaker.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #45

DATE: April 16, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-135	Schroeder	3/25/92	T	Jane T. Mitchell/DE Women's Hall of Fame
H92-136	Fallon	4/24/92	T	Wilbur Shockley/90th Birthday
H92-137	Carey	4/11/92	T	Fred G. Cephas, Sr./Service to Wesley Chapel Methodist Church & Slaughter Neck
H92-138	Carey	4/18/92	T	Mr. & Mrs. James N. Harris, Sr./25th Wedding Anniversary
H92-139	Carey	4/11/92	T	Tim Johnson/Community Service Award/Chamber of Commerce
H92-140	Carey	4/11/92	T	Reeds Trucking Company Business of the Year/Chamber of Commerce
H92-141	Carey	4/11/92	T	Senator Ruth Ann Minner/Distinguished Service Award/Chamber of Commerce
H92-142	Carey	4/11/92	T	Jeanne Sposato/Distinguished Serv. Award/Chamber of Commerce
H92-143	Spence	4/12/92	T	Steve Santiago/Special Olympics Awards
H92-144	Maroney	5/6/92	T	Mabel Cephas/Retirement/20 Years/YMCA Home Life Management Ctr.
H92-145	Houghton	4/8/92	M	Mary Emily Ryan/55 Years/Dedicated Service/Holloway Terrace Ladies Auxiliary
H92-146	Hebner	4/14/92	T	Jeffrey E. Jelinek/Dedicated Service /President Greentree Civic Association
H92-147	Hebner	1/27/92	M	Janet Cole/Former Democratic Chairperson/9th Rep. District
H92-148	VanSant	4/5/92	T	Geraldine & James McDonough/50th Wedding Anniversary
H92-149	D. Ennis	4/15/92	T	Bill & Carol Babby/Volunteering /Romanian Orphans
H92-150	VanSant	4/8/92	T	Paul F. Calistro, Jr./DE Jaycees' Outstanding Young Man

T - Tribute

M - Memoriam

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

SUNSET & OVERVIEW: HB 460 - 1F,2M.

NAT RES: HB 473 - 4M.

B & I: HB 464 - 7M; HB 484 - 7M; SB 288 w/SA 1 - 7M.

HOUSING & COM AFF: HB 446 - 6M; SB 297 - 6M.

SM BUS & ECON DEV: SCR 92 - 3F,3M.

Mr. Speaker Spence resumed the Chair.

The following prefiled Consent Calendar #26 was introduced:

HR 102 - MACK, SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN ON BEHALF OF ALL REPRESENTATIVES - Proclaiming the Week of April 19-25 as Professional Secretaries Week.

HR 104 - BUCKWORTH - Honoring Caesar Rodney High School Upon Being Selected as the Best School in Delaware in the April Issue of Redbook as They Identified America's Best Schools.

HR 105 - MARONEY - Recognizing the Week of April 27, 1992, as Organ Donor Awareness Week, and Supporting the Diamond State Organ Donor Association's Effort to Educate the Public of the Critical, Life Saving Need of Organ and Tissue Donation Programs.

HR 106 - VANSANT, GILLIGAN & HOUGHTON - Recognizing the 50th Anniversary of St. Matthew's Catholic Church in Woodcrest and the Many Contributions the Church Has Made to the Community During Its Great History.

HR 107 - CORROZI, ROY, PETRILLI - Extending Sympathy to the Family of Elizabeth Girardi and Commending the Professionalism of the New Castle County Police Department in Investigating the Tragic Incident That Occurred in Hockessin.

HR 108 - SCHROEDER - Recognizing the Lifetime of Athletic and Personal Achievement of Chris Short and Commending the Dedication of the Chris Short Memorial Field.

HCR 79 - SPENCE ON BEHALF OF ALL REPRESENTATIVES & SENATOR CORDREY ON BEHALF OF ALL SENATORS - Honoring Those Individuals Who Have Been Selected as a Recipient of the Delaware Award for Excellence and Commitment in State Service.

HCR 80 - FALLON & SENATOR MCBRIDE - Commending the Students Selected as State Superintendent's Scholars of 1992.

HCR 82 - GEORGE & GILLIGAN, AMICK, BENNETT, BOYKIN, BRADY, BUNTING, CAMPANELLI, CLARK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, HOUGHTON, JONKIERT, LEE, LOFINK, MARONEY, OUTTEN, PETRILLI, SILLS, SMITH, SOLES, SPENCE, VANSANT, WEST; SENATORS HOLLOWAY, MARSHALL, MCDOWELL, VAUGHN - Congratulating the Reverend Richard N. Grant, O.S.F.S., Principal of Salesianum School in Wilmington, Upon His Retirement From Education and Expressing Appreciation for His Dedicated Service on Behalf of Delaware Youth.

SCR 93 - VAUGHN & REPRESENTATIVE DAVIS - Extending Congratulations to the Middle Atlantic States Correctional Association on Its 54th Anniversary and Extending Best Wishes to the Association as Delaware Proudly Hosts the 1992 Conference Scheduled for May 31, 1992 - June 3, 1992, in Ocean City, Maryland.

SCR 94 - SHARP & REPRESENTATIVE CAMPANELLI & ALL SENATORS & REPRESENTATIVES BENNETT, BOYKIN, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, CORROZI, DAVIS, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, HEBNER, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MARONEY, MOORE, OBERLE, OUTTEN, PETRILLI, QUILLEN, REYNOLDS, ROY, SCHROEDER, SILLS, SOLES, SPENCE, TAYLOR, VANSANT, WEST - Recognizing April 28, 1992 as Workers Memorial Day on Behalf of Our Colleagues, Co-Workers, and Others Who Have Been Either Injured, Made Sick or Died on the Job.

Consent Calendar #26 was adopted by voice vote and HCR 79, HCR 80 & HCR 82 were sent to the Senate for concurrence and SCR 93 & SCR 94 were returned to the Senate.

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

HUM RES: HB 367 - 1F, 3M.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HCR 81 & HB 374 w/HA 1 w/HA

1. HA 2 & HA 3.

The Majority Leader moved to recess to the call of the Chair at 5:00 p.m.

22nd LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

May 5, 1992

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

Mr. Speaker assigned HB 473 to the Appropriations Committee.

Mr. Speaker reassigned HB 501 to the Labor & Human Resource Management Committee.

Representative Taylor requested that he be marked present.

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

LABOR & HUM RES MAN: HB 450 - 3M.

Representative Moore requested that he be marked present.

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 Steven C. Taylor, Twenty-First Representative District.

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

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

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

HB 400 - DIPINTO, BOYKIN, D. ENNIS, SMITH, SILLS; SENATORS HOLLOWAY, MARTIN, BAIR, CONNOR, KNOX - HOUSING & COM AFF: An Act to Amend Title 10 and Title 25 of the Delaware Code Relating to Landlord-Tenant Relationships; and Providing for a Residential Landlord-Tenant Code.

HB 496 - ROY - R & F: An Act to Amend Chapter 40, Title 31 Relating to Welfare and the Department of Housing.

HB 497 - ROY - R & F: An Act to Amend Chapter 50, Title 29 Delaware Code Relating to State Economic Development and the Powers of the Delaware Economic Development Authority.

HB 498 - ROY - R & F: An Act to Amend Chapter 64, Title 7 Relating to the Delaware Solid Waste Authority.

HB 499 - OBERLE & SENATOR MARSHALL; REPRESENTATIVES MACK, DAVIS, REYNOLDS, CAMPANELLI; SENATOR SHARP - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Claims Which May be Brought by Employees Against Their Employers and Reimbursement of Employers or Insurers.

HB 500 - GILLIGAN, BRADY, BUNTING, CAMPANELLI, CAULK, CLARK, CORROZI, DIPINTO, B. ENNIS, GEORGE, HEBNER, HOUGHTON, MOORE, QUILLEN, ROY, SILLS, VANSANT, SPENCE; SENATORS COOK, VAUGHN, ADAMS, HOLLOWAY, MCBRIDE, MINNER - AG: An Act to Provide That a Non-Binding Referendum be Held in the November 1992 General Election on the Question of Slot Machines at Horse Racing Tracks in Delaware.

**HB 501** - DAVIS & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, OBERLE, MACK, REYNOLDS, LOFINK, GILLIGAN, CAMPANELLI, WEST, B. ENNIS, SCHROEDER, BUNTING, BENNETT, OUTTEN; SENATORS SHARP, MCDOWELL, SOKOLA, CONNOR, STILL - ED: An Act to Amend Title 14, Chapter 40, Delaware Code, Relating to the Negotiations of Public School Employees.

**HB 502** - AMICK & SENATORS SOKOLA, HOLLOWAY - P/S: An Act to Amend Title 11, Chapter 5, Delaware Code, Relating to Crime and Criminal Procedure by Imposing Criminal Liability on Owners of Firearms Who by Inadequately Securing Their Weapons Are Responsible for the Serious Harm Done by Children Who Accidentally Discharge Those Weapons.

**HB 503** - D. ENNIS - B & I: An Act to Amend Title 18, Delaware Code, Chapter 80 Relating to the Delaware Insurance Risk Retention Act.

**HB 504** - QUILLEN & SENATORS TORBERT, MINNER, ADAMS, VAUGHN, STILL - LAND USE & GOV REL: An Act to Amend Chapter 87, Title 9, Delaware Code Relating to Collection of Taxes by Kent County.

**HB 505** - QUILLEN & SENATORS TORBERT, STILL, MINNER, ADAMS - LAND USE & GOV REL: An Act to Amend Chapter 44, Title 9, Delaware Code Relating to Reports on Building Permits Issued by Incorporated Cities or Towns in Kent County.

**HB 506** - QUILLEN & SENATORS TORBERT, STILL - LAND USE & GOV REL: An Act to Amend Chapter 46, Title 9, Delaware Code Relating to Kent County Sewers and Sewer Districts.

**HB 507** - B. ENNIS; SENATOR TORBERT - P/S: An Act to Amend Chapter 63, Title 16, Delaware Code, Relating to Emergency Planning and Community Right-to-Know.

**HB 508** - CLARK, MACK, REYNOLDS, SILLS, LOFINK, LEE, CORROZI, WEST, HEBNER, JONKIERT, BRADY, SOLES, VANSANT, B. ENNIS, GEORGE, BENNETT, BOYKIN, OBERLE, HOUGHTON, MOORE, CAREY, CAMPANELLI, AMICK, BUNTING; SENATORS COOK, MARSHALL, SHARP, HOLLOWAY, MCBRIDE - P/S: An Act to Amend Chapter 68, Title 21, Delaware Code Relating to Off-Highway Vehicles. (2/3 bill)

**HA 1 to HB 476** - AMICK - HOUSING & COM AFF: Placed with the bill.

**SB 28** - VENABLES, HOLLOWAY, MINNER, TORBERT; REPRESENTATIVES BENNETT, BRADY, CLARK, CAREY, CAULK, B. ENNIS, GILLIGAN, HOUGHTON, OUTTEN, VANSANT, WEST - B & I: An Act to Amend Chapter 25 of Title 18, Delaware Code, Relating to Rate Filings by Insurers and Health Service Corporations. (F/N)

**SB 154** - SHARP & REPRESENTATIVES GILLIGAN, CAMPANELLI, HOUGHTON, ROY, VANSANT - H/ADM: An Act to Amend Chapter 3, Title 28, Delaware Code, Relating to the Delaware Thoroughbred Racing Commission.

**SB 283** - CORDREY - B & I: An Act to Amend Title 5, Delaware Code to Add a New Chapter 21 Relating to Mortgage Loan Brokers.

**SB 299** - CORDREY, ADAMS, MINNER, VENABLES; REPRESENTATIVES BUNTING, CAREY, EWING, FALLON, LEE, SCHROEDER, WEST - H/ADM: An Act to Amend Title 9 of the Delaware Code Relating to Sussex County Councilmanic District Boundaries.

**SB 314** - CORDREY & REPRESENTATIVE BUNTING - H/ADM: An Act to Amend Chapter 295, Volume 65, Laws of Delaware, Entitled "Act to Reincorporate the Town of Bethany Beach" by Permitting Refundings of Bond Indebtedness Without a Referendum. (2/3 bill)

**SB 315** - VENABLES - LAND USE & GOV REL: An Act to Amend Chapter 70, Title 9 of the Delaware Code Relating to Sussex County Procedure.

**SB 318** - MCBRIDE, VAUGHN; REPRESENTATIVE LOFINK - ED: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Changing the Boundaries of Reorganized School Districts.

**HA 4 to SB 207** - HEBNER & DAVIS - JUD: Placed with the bill.

The following prefiled legislation was introduced:

**HB 509** - ROY & SENATOR MARTIN - TRANS: An Act to Amend Chapter 20 of Title 30, Subchapter IV, "the Travelink Traffic Mitigation Act" Relating to Compliance With the Federal Clean Air Act, Specifically 42 U.S.C., Section 7511a (d)(1)(B).

Representatives George, Smith & Schroeder requested that they be marked present.

Representatives West, Clark, VanSant, Outten & Jonkiert requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #46

DATE: May 5, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-151	Mack	5/3/92	T	Lawrence David Green, Jr./Eagle Scout
H92-152	B. Ennis	4/10/92	T	Robert E. Snyder/Appointment/Warden/DE Correctional Center
H92-153	B. Ennis	4/15/92	M	Liston Wheeler
	cosponsor: Bennett			
H92-154	Brady	4/3/92	T	Carl L. & Kathryn R. Hoey/50th Wedding Anniversary
H92-155	Schroeder	4/25/92	T	Cape Henlopen District Athletic Department/Chris Short Memorial Field Dedication

Number	Sponsor	Presentation Date	Type	Description
H92-156	Houghton	5/2/92	T	Kristopher A. Beck/Eagle Scout
H92-157	Mack	4/16/92	T	Vinton L. Hill/Award for Perfect Attendance/AMTRAK
H92-158	Oberle	4/20/92	T	Jonathan Tracy/1st Place/State Science Olympiad
H92-159	DiPinto	4/21/92	T	Margaret E. McGee/Community Builder Award/DE Region/NCCJ
H92-160	DiPinto	4/21/92	T	Gregory T. Chambers/Community Builder Award/DE Region/NCCJ
H92-161	DiPinto	4/21/92	T	Thomas P. Sweeney, Esq./President /American College of Trust and Estate Counsel
H92-162	Spence	4/21/92	T	Eugene Norman Veasey/Chief Justice of DE Supreme Court
H92-163	DiPinto	4/29/92	T	Dr. Stephen Bartoshesky/Physicians' Hall of Fame/St. Francis Hospital
H92-164	DiPinto	4/29/92	T	Dr. Charles Levy/Physicians' Hall of Fame/St. Francis Hosp.
H92-165	DiPinto	4/29/92	T	Dr. Donald McGee/Physicians' Hall of Fame/St. Francis Hosp.
H92-166	Lee	5/5/92	T	Edna Allison/DE Award for Excellence /State Service/1992

T - Tribute  
M - Memoriam

#### HOUSE TRIBUTE ANNOUNCEMENT #47

DATE: May 5, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-167	Bunting	5/5/92	T	Stanley Taylor, Jr./DE Award/ Excellence/State Service/1992
H92-168	DiPinto	5/5/92	T	Laura Miles/DE Award for Excellence/State Service/1992
H92-169	DiPinto	4/30/92	T	Jane C.M. Vincent/1991 Ambassador Award/DE Chapter/NAHRO
H92-170	Bennett	5/2/92	T	City of Dover/275th Anniversary
H92-171	Quillen	5/2/92	T	Melvin & Charlotte Brobst/50th Wedding Anniversary
H92-172	Quillen	5/28/92	T	Freda W. Kelley/Retirement/37 Years/Felton Bank
H92-173	Ewing	4/25/92	T	Mrs. Helen Passwaters & Her Late Husband Earl L. Passwaters/ Donation of Land
H92-174	Smith	4/30/92	T	Thomas E. Colgan/Governor's 1992 Outstanding Volunteer Award
H92-175	Fallon	4/23/92	M	Emiliana Barriocanal
H92-176	Ewing	4/28/92	T	Gail McIlvain-Simpson/DE Nurse Year /Alfred I. DuPont
H92-177	Bennett	5/1/92	T	The Robbins Company #1/110th Anniversary
H92-178	Bunting	5/7/92	T	Nelson & Ethel Quillen/50th Wedding Anniversary
H92-179	Mack	5/2/92	T	Jeremy M. Saxer/Eagle Scout
H92-180	Mack	5/2/92	T	Kristopher A. Beck/Eagle Scout
H92-181	Mack	5/2/92	T	Phillip A. Hall/Eagle Scout
H92-182	Mack	5/2/92	T	James A. Lenihan/Eagle Scout
H92-183	Mack	5/2/92	T	Jack W. Henretty/Eagle Scout

T - Tribute  
M - Memoriam

The Reading Clerk read the following communications into the record:

Chief Clerk of the House  
House of Representatives  
Legislative Hall  
Dover, DE 19901

Dear Chief Clerk Hedrick and House Members:

I would like to take this opportunity to thank all of you for the lovely House Concurrent Resolution No #69 for my late husband Richard L. Shorts.

It is quite an honor for my children and I to think Dick was so well respected and thought of.

We sincerely thank you all.

Sincerely,  
Ann G. Shorts.

Dear Mrs. Hedrick,

I'd like to express my sincere thanks for the House of Representatives Tribute of commendation which you recently bestowed upon me. It is a great honor and I will treasure it always.

Once again, my deepest thanks.

Sincerely yours,  
Joseph Vattilana

The Senate wishes to inform the House that it has passed: SB 318, SB 28, SB 315, SB 154, HB 239 w/SA 3, HB 305, SB 314, SB 283, SB 299, SCR 96, HB 440 & HB 376.

April 21, 1992

To the Members of the Delaware State Senate and the State House of Representatives of the 136th General Assembly

On April 21, 1992, I signed into law Senate Bill No. 280 which is entitled:

"AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS."

This legislation authorizes political subdivisions of the state to enact ordinances providing for public financing of their elections. It is important to point out that this is merely enabling legislation which permits the counties and municipalities to enact their own ordinances should they choose to provide for public financing. Therefore, it will be necessary for those political subdivisions which elect to enact such legislation to carefully and thoroughly evaluate their needs and to develop ordinances which will equitably and effectively address those needs.

I support this legislation because I believe that public financing of local elections can lead to a more competitive system where challengers as well as incumbents have access to adequate resources with which to run effective campaigns. The impact which a system of public financing can have on elections to local office is particularly significant where large individual contributions can be disproportionate to the total amount of campaign contributions received by a candidate. In such elections, public financing can diminish the influence of special interest money, encourage the participation of small contributors and reduce the need for candidates to spend significant amounts of time soliciting money from large contributors.

Finally, it is my hope that any local ordinance which is enacted by a political subdivision as a result of SB 280 would not attempt to pay for the costs of public financing through a tax "add-on", i.e., by asking taxpayers to contribute funds in addition to their existing tax obligations. Studies by Common Cause and other nonpartisan interest groups have established that tax add-ons are unsuccessful as a public financing mechanism in that they result in minimal taxpayer participation and insufficient funding. Rather, any political subdivision seeking to enact a public financing ordinance should ensure that it already has a reliable funding source available or, alternatively, should consider voluntary contributions such as tax check-offs in order to implement the ordinance's provisions so as not to add an additional burden on its taxpayers.

In conclusion, it is my hope that the legislation I have signed today can serve as a vehicle for establishing a more open, equitable and competitive local election process.

Sincerely,  
Michael N. Castle

MNC/kkap

April 14, 1992

The Honorable Joann Hedrick  
Chief Clerk, Delaware House of Representatives  
109 Legislative Hall  
Dover, DE 19901

Dear Ms. Hedrick:

As Chief Clerk of the Wisconsin State Assembly, I have been officially ordered to transmit to you the enclosed Assembly Joint Resolution 27 requesting:

Appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

This Resolution has been passed by both houses of the Wisconsin Legislature.

Respectfully,  
THOMAS T. MELVIN  
CHIEF CLERK  
TTM:tbf  
enc.

THE STATE OF WISCONSIN

1991 Assembly Joint Resolution 27

ENROLLED JOINT RESOLUTION

For the purpose of requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

Whereas, although the right of free expression is part of the foundation of the United States constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas, there are symbols of our national soul such as the Washington monument, the United States capitol building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, the American flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the law as interpreted by the United States supreme court no longer accords to the stars and strips that reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

Resolved, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1991 legislature of the state of Wisconsin.

Senator Fred A. Risser  
President of the Senate  
April 14, 1992

Representative Walter J. Kunicki  
Speaker of the Assembly  
Thomas T. Melvin  
Assembly Chief Clerk

The Majority Leader moved to recess for caucus at 2:33 p.m.

The House reconvened at 3:28 p.m.

Mr. Speaker reassigned SB 318 to the Land Use & Government Relations Committee.

The Reading Clerk read the following communication into the record:

TO: THE HONORABLE TERRY SPENCE  
SPEAKER OF THE HOUSE  
FROM: REPRESENTATIVE RICHARD DAVIS  
DATE: APRIL 30, 1992  
RE: ABSENCE FROM SESSION

I will be absent from Session on Wednesday, May 6th due to a business trip which will require me to be out of state.

RD/kk

Representatives D. Ennis & Mack requested that they be marked present.

Representative Amick brought HB 460 before the House for consideration.

HB 460 - An Act to Amend 67 Delaware Laws Chapter 226 Relating to Chapter 17, Title 24 of the Delaware Code Relating to the Medical Practices Act.

The roll call on HB 460 was taken and revealed:

YES: 38.

ABSENT: Representatives Quillen, Sills, West - 3.

Therefore, having received a constitutional majority, HB 460 was sent to the Senate for concurrence.

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

Representative Amick brought HB 239 w/SA 3 before the House for consideration.

HB 239 - An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code; Providing for the Codification of the Law With Respect to Leases of Goods.

The roll call on HB 239 w/SA 3 was taken and revealed:

YES: 39.

ABSENT: Representatives Oberle, West - 2.

Therefore, having received a constitutional majority, HB 239 w/SA 3 was sent to the Governor.

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

Representative Hebner brought SB 270 w/SA 1, sponsored by Senators Vaughn & Connor, before the House for consideration.

SB 270 - An Act to Amend Chapter 90 of Title 11, Delaware Code, Relating to Compensation for Innocent Victims of Crime.

The roll call on SB 270 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 270 w/SA 1 was returned to the Senate.

Representative Fallon introduced and brought HCR 83, jointly sponsored by Senator McBride & cosponsored by Representative Ewing, before the House for consideration.

HCR 83 - In Recognition of National Teacher Day, May 5, 1992 and Commending All Teachers, Especially Our Own Delaware Teachers Who Perform Such a Magnificent and Significant Role in Educating Future Generations of Americans and Delawareans.

HCR 83 was adopted by voice vote and sent to the Senate for concurrence.  
 Representative D. Ennis brought HB 484, jointly sponsored by Representatives Smith, Boykin, DiPinto, Jonkiert, VanSant, Bennett & Sillis, before the House for consideration.  
HB 484 - An Act to Amend Title 18 of the Delaware Code Relating to a Surcharge of Certain Domestic Insurers.  
 Representative D. Ennis moved to place HB 484 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.  
 Representative D. Ennis brought SB 288 w/SA 1, sponsored by Senator Holloway, before the House for consideration.  
SB 288 - An Act to Amend Title 18, Delaware Code, Relating to Medicare Supplement Insurance Standards.  
 The roll call on SB 288 w/SA 1 was taken and revealed:  
 YES: 41.  
 Therefore, having received a constitutional majority, SB 288 w/SA 1 was returned to the Senate.  
 Representative Bennett brought HB 446, jointly sponsored by Representative Outten, before the House for consideration.  
HB 446 - An Act to Amend Chapter 29, Title 25 of the Delaware Code Relating to Liens of the State and/or Its Political Subdivisions.  
 The roll call on HB 446 was taken and revealed:  
 YES: 41.  
 Therefore, having received a constitutional majority, HB 446 was sent to the Senate for concurrence.  
 Representative DiPinto brought SB 297, sponsored by Senator McBride & Representative Spence, before the House for consideration.  
SB 297 - An Act to Amend Chapter 21 Title 9, Delaware Code, Relating to Street and Highway Lighting in Unincorporated Communities and Villages.  
 Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.  
 The roll call on SB 297 was taken and revealed:  
 YES: 39.  
 ABSENT: Representatives Carey, D. Ennis - 2.  
 Therefore, having received a constitutional majority, SB 297 was returned to the Senate.  
 Mr. Speaker Spence resumed the Chair.  
 The Majority Whip moved to recess to the call of the Chair at 4:05 p.m.

23rd LEGISLATIVE DAY  
 136th GENERAL ASSEMBLY

Second Session

May 6, 1992

Mr. Speaker Spence called the House to order at 2:30 p.m.  
 The Reading Clerk read the following communications into the record:  
 The Senate wishes to inform the House that it has passed: SCR 99, SCR 95, HCR 83, HCR 79, HCR 80, HCR 82, SB 319 w/SA 1, HB 14 w/SA 1 & HB 40 w/HA 1 & SA 1.  
 The Majority Leader moved to adjourn at 2:31 p.m., thereby ending the current legislative day. The House reconvened at 2:32 p.m.  
 The Chief Clerk called the roll.  
 Members Present: 40.  
 Member Absent: Representative Davis - 1.  
 Representatives Roy & Bennett requested that they be marked present.  
 A prayer was offered by Representative Tina Fallon, Thirty-Ninth Representative District.  
 The Speaker led those present in a pledge of allegiance to the American Flag.  
 The minutes of the previous legislative day were approved as posted.  
 The following prefiled legislation was introduced:  
HB 510 - CAULK & SENATOR ADAMS; REPRESENTATIVES DIPINTO & SENATOR COOK - AG: An Act to Amend Chapter 9, Title 3, Delaware Code Relating to the Delaware Agricultural Lands Preservation Act.  
HB 511 - D. ENNIS - B & I: An Act to Amend Chapter 42, Title 18, Delaware Code Relating to the Delaware Insurance Guaranty Association Act.  
HA 1 to HA 2 to HB 367 - MARONEY - READY LIST: Placed with the bill.  
HA 3 to HB 367 - DAVIS, AMICK - READY LIST: Placed with the bill.  
HA 1 to HB 468 - QUILLEN - P/S: Placed with the bill.  
SB 319 w/SA 1 - ADAMS, BAIR; REPRESENTATIVES AMICK, CORROZI, B. ENNIS, EWING, SPENCE - SUNSET & OVERVIEW: An Act to Amend Title 26 of the Delaware Code Relating to the Regulation of Public Utilities Providing Telecommunications Services.  
 Representatives B. Ennis, Clark & Outten requested that they be marked present.  
 The Majority Leader moved to recess for caucus at 2:37 p.m.  
 The House reconvened at 4:04 p.m.  
 Representatives Brady, Hebner, Mack, Buckworth, Caulk & Jonkiert requested that they be marked present.  
 Representative Lofink requested that action on HB 450 be deferred to a Day Certain, Tuesday, May 12, 1992.  
 Representative Reynolds requested that he be marked present.

Representative Ewing requested that action on HB 336 be deferred to a Day Certain, Tuesday, May 12, 1992.

Representative Ewing requested that action on HB 338 be deferred to a Day Certain, Tuesday, May 12, 1992.

Representative Hebner brought SB 168 w/SA 1, sponsored by Senators Torbert, Sharp, Minner & Still & Representatives Amick, Buckworth, Caulk, Clark, Ewing, George & Roy, before the House for consideration.

SB 168 - An Act to Amend Title 11 of the Delaware Code Relating to Deceptive Business Practices by Use of 900 Service or Similiar Toll Service Telephone Numbers. (2/3 bill)

The roll call on SB 168 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Davis, D. Ennis - 2.

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 Sills requested that he be marked present during the roll call.

Representative Amick brought SB 205, jointly sponsored by Senator Venables, before the House for consideration.

SB 205 - An Act to Amend Title 24 of the Delaware Code Relating to Nurses to Clarify Certain Activities of the Advanced Registered Nurse Practitioner.

Representative Amick moved to place SB 205 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Amick brought SB 217, sponsored by Senator Venables, before the House for consideration.

SB 217 - An Act to Amend Chapter 33, Title 24, Delaware Code, Relating to the Board of Veterinarians.

Representative Amick brought HA 1 to SB 217 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 217 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative West - 1.

ABSENT: Representatives Davis, D. Ennis - 2.

Therefore, having received a constitutional majority, SB 217 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Boykin brought SCR 92, sponsored by Senator Marshall & Representative Oberle, before the House for consideration.

SCR 92 - Encouraging Retailers and Shopping Centers to Make Wheelchairs Available to Their Patrons.

SCR 92 was adopted by voice vote and returned to the Senate.

Representative Ewing brought HB 89, jointly sponsored by Senator Torbert & Representatives Carey, Caulk & B. Ennis, before the House for consideration.

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

Representative Ewing brought HA 1 to HB 89 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 89 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Davis, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 89 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 14 w/SA 1, jointly sponsored by Representative DiPinto, before the House for consideration.

HB 14 - An Act to Amend Title 25 of the Delaware Code Relating to Satisfaction of Mortgages.

The roll call on HB 14 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Davis, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 14 w/SA 1 was sent to the Governor.

Representative Oberle brought HB 40 w/HA 1 & SA 1, jointly sponsored by Representative Spence, before the House for consideration.

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

The roll call on HB 40 w/HA 1 & SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Davis, D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 40 w/HA 1 & SA 1 was sent to the Governor.

Representative Roy requested that HB 7 & HB 404 be stricken.

Representative D. Ennis requested that he be marked present.

Representative Taylor requested that HB 194 be stricken.

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



24th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

May 7, 1992

Mr. Speaker Spence called the House to order at 2:05 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 320, SB 307, SB 304 w/SA

1. HB 161 w/HA 1, SA 2, HA 2 & 4 & SA 3 & 4, SCR 100, SCR 98 & SB 308.

M E M O R A N D U M

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

FROM: Representative Orlando J. George, Jr.  
Minority Leader

DATE: May 5, 1992

RE: Legislative Session

Due to personal business, I will be unable to attend the legislative session on Thursday,  
May 7, 1992.

Thank you.

May 6, 1992

The Honorable Terry R. Spence

Speaker

House of Representatives

Dover, DE 19901

Dear Speaker Spence:

This letter is to inform you that I will be absent from session from Thursday, May 7,  
1992 until Thursday, May 14, 1992. Due to legislative business, I will be out of town on  
these dates.

Sincerely,  
David H. Ennis  
State Representative  
6th District

DHE/dlc

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current  
legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Bunting, D. Ennis, George, Roy - 4.

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

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

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

The following prefiled legislation was introduced:

HB 161 w/HA 1, SA 2, HA 2 & 4, SA 3 & 4 - EWING, BENNETT, B. ENNIS, LEE & SENATOR  
VAUGHN; REPRESENTATIVES BOYKIN, BRADY, BUNTING, CAMPANELLI, CAULK, CLARK, CORROZI, DIPINTO,  
D. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, LOFINK, MOORE, OBERLE, OUTTEN, QUILLEN, REYNOLDS,  
ROY, SCHROEDER, SILLS, VANSANT, WEST; SENATORS BAIR, BLEVINS, HOLLOWAY, MCBRIDE, MARSHALL,  
MINNER, STILL, TORBERT - H/ADM: An Act to Amend Chapter 21, Title 21 of the Delaware Code  
Relating to the Issuance of Special Registration Plates. (3/5 bill)

HB 512 - OBERLE - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Title 19 of the  
Delaware Code Relating to Workmen's Compensation.

HB 513 - AMICK - SUBS ABUSE: An Act to Amend Title 16 of the Delaware Code, Relating to  
Butane Products; and Regulating the Sale of Butane Products to Minors. (2/3 bill)

HB 514 - EWING & SENATOR VAUGHN - JUD: An Act to Amend Title 6 Relating to Contracts.

HB 515 - VANSANT, DAVIS, B. ENNIS, HOUGHTON, JONKIERT, MACK, MOORE, OBERLE, REYNOLDS,  
SPENCE, WEST; SENATORS BLEVINS, HOLLOWAY, MARSHALL, MARTIN - SUNSET & OVERVIEW: An Act to  
Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

HR 110 - FALLON, BUCKMORTH, OBERLE, CAREY, SMITH, EWING, DAVIS, TAYLOR, REYNOLDS, CAULK,  
LOFINK, MARONEY, BOYKIN, D. ENNIS, QUILLEN, GILLIGAN, GEORGE, BUNTING, OUTTEN, WEST,  
SCHROEDER, BRADY, JONKIERT, BENNETT, MOORE, HOUGHTON, SOLES - HUM RES: Condemning the  
Violent and Sexually Provocative or Explicit Scenes and Messages Which Pervade Television  
Network Programming and Advertising.

HCR 84 - QUILLEN & SENATOR COOK - P/S: Directing the Secretary of the Department of  
Public Safety to Review the Courses of Instruction and Programs for Persons Whose Driver's  
Licenses Have Been Revoked for Operating a Vehicle While Under the Influence of  
Intoxicating Liquor or Drugs.

HCR 85 - CLARK, JONKIERT, EWING, DAVIS, WEST, MOORE, BOYKIN, LEE, HOUGHTON, CAMPANELLI,  
GILLIGAN, B. ENNIS, VANSANT, CAULK, CORROZI, QUILLEN, DIPINTO, LOFINK, CAREY; SENATORS  
MINNER, VAUGHN, ADAMS, COOK, MARSHALL, TORBERT - NAT RES: Requesting the Department of  
Natural Resources and Environmental Control and the Department of Transportation  
Investigate the Feasibility of Establishing Permanent Sites on Public Lands Where  
Off-Highway Vehicles Can be Legally Operated.

HA 3 to HB 193 - CAREY - READY LIST: Placed with the bill.  
HA 1 to HB 450 - OUTTEN - DEFERRED TO A DAY CERTAIN: Placed with the bill.  
HA 1 to HB 493 - DIPINTO - HOUSING & COM AFF: Placed with the bill.  
SB 304 w/SA 1 - SHARP, BLEVINS, MARSHALL, MARTIN, MINNER, VAUGHN; REPRESENTATIVES OBERLE, VANSANT, CAMPANELLI, JONKIERT, SMITH - LABOR & HUM RES MAN: An Act to Amend Title 25, Delaware Code Relating to Mechanic's Liens and Waivers Thereof.  
SB 307 - ADAMS, CORDREY, VAUGHN, NEAL, TORBERT, SHARP, VENABLES; REPRESENTATIVES BENNETT, EWING, WEST, SPENCE, OBERLE, VANSANT, B. ENNIS - P/S: An Act to Amend Volume 67, Chapter 220, Laws of Delaware, Relating to Statewide Authority of Police Officers.  
SB 308 - HOLLOWAY; REPRESENTATIVE EWING - JUD: An Act to Amend Chapter 5, Title 11, Delaware Code, Relating to Procurement of Hotel or Motel Accommodations for Minors to Commit Criminal Activity. (2/3 bill)  
SB 320 - SHARP & REPRESENTATIVE SPENCE - NAT RES: An Act to Amend Chapter 72, Title 7, Delaware Code Relating to Subaqueous Lands.  
 Representatives Corrozi, Outten, Sills & B. Ennis requested that they be marked present.  
 The Majority Leader moved to recess for caucus at 2:15 p.m.  
 The House reconvened at 4:48 p.m.  
 Representatives Lee, Buckworth, VanSant, Taylor, Amick & Smith requested that they be marked present.  
 The following prefiled Consent Calendar #27 was introduced:  
HR 109 - MARONEY - Proclaiming May 3-9, 1992 as Suicide Prevention Week in Delaware.  
HR 111 - SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN - Urging Governor Castle to Declare Mother's Day 1992 a Day of Remembrance and Recovery in the Fight Against Breast Cancer.  
HR 112 - AMICK ON BEHALF OF ALL REPRESENTATIVES - Congratulating Chuck Hebner Upon Receiving the Civic League of New Castle County's 1992 Good Government Award.  
HR 113 - SPENCE, REYNOLDS, MACK - Honoring Mr. Vinton L. Hill for Whom Amtrak is Naming Their National Award That Will be Presented Annually to Block Operators and Telegraphers.  
SCR 95 - BAIR, KNOX, MINNER; REPRESENTATIVES SMITH, MARONEY, CAREY - Commending Leah L. Roedel of Wilmington, Delaware Who is the Recipient of the Delaware Audubon Society's 1991 Conservation Medal.  
SCR 96 - COOK, MCBRIDE, HOLLOWAY, VAUGHN, CONNOR; REPRESENTATIVES B. ENNIS, MACK, REYNOLDS, SPENCE - Extending Sympathy to the Family of Mrs. Mary Emily Wilson Ryan of Mayview Manor, New Castle, Who Passed Away on Wednesday, April 8, 1992 at the Age of Seventy-Nine.  
SCR 98 - STILL, VAUGHN, COOK, TORBERT, MINNER; REPRESENTATIVES OUTTEN, B. ENNIS, CLARK, QUILLEN, BENNETT, CAULK, BUCKWORTH, ROY - Congratulating the City of Dover for Having Been Chosen as the Host City for the Fourth Annual Tour DuPont Bicycle Race on Friday, May 8, 1992.  
SCR 99 - BAIR & REPRESENTATIVE MARONEY; SENATORS HOLLOWAY, BLEVINS; REPRESENTATIVES DIPINTO, MOORE, SILLS, BOYKIN, SOLES - Commending Jeanette Saunders, Sandy Smallwood, Valerie Rodgers, and Carmella Campagna for Having Been Selected as the 1992 YMCA Achievers, and Further Congratulating the YMCA of New Castle County, Its Staff and Board of Directors for Honoring These Women as Achievers in Housing, Employment Preparation, Child Care, and Wellness.  
SCR 100 - COOK; REPRESENTATIVE OUTTEN; SENATORS TORBERT, VAUGHN, MINNER, STILL; REPRESENTATIVES B. ENNIS, CLARK, BENNETT, CAULK, QUILLEN - Paying Tribute to Dr. Edward W. Goate, Superintendent of the Capital School District, for His Many Years of Service to the Teachers, Parents and Children of the District, and Expressing Best Wishes for a Happy, Healthy, and Prosperous Retirement.  
Consent Calendar #27 was adopted by voice vote and SCR 95, SCR 96, SCR 98, SCR 99 & SCR 100 were returned to the Senate.  
 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 301 w/SA1, SB 311, SS 1 to SB 100, SB 267 & HB 439.  
 The Chief Clerk read the following committee reports into the record:  
 SUNSET & OVERVIEW: HB 492 - 1F,4M; SB 298 - 1F,4M.  
 LABOR & HUM RES MAN: HB 501 - 3M.  
 H/ADM: HB 328 - 3M; HB 414 - 4M; HB 462 - 4M; SB 296 - 2F,1M; SB 314 - 4M.  
 AG: HB 472 - 2F,3M.  
 JUD: HB 478 - 2F,3M; HB 483 - 6M; SB 40 w/SA 5 - 6M.  
 B & I: HB 503 - 5M.  
 HOUSING & COM AFF: HB 493 - 1F,4M.  
 CORR: HB 488 - 1F,4M; HB 490 - 2F,3M.  
 Representative Jonkiert requested that he be marked present.  
 The Majority Leader moved to recess to the call of the Chair at 4:58 p.m.

25th LEGISLATIVE DAY  
 136th GENERAL ASSEMBLY

Second Session

May 12, 1992

Mr. Speaker Spence called the House to order at 2:10 p.m.

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, SB 306, SCR 101 & SJR 12.

April 15, 1992

LEGISLATIVE ADVISORY #38

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/13/92 - SB 300, 4/15/92 - HB 438 & HB 412.

The following legislation is the first leg of a Constitutional Amendment and does not require the Governor's signature: HB 30 aab SA 1 & 2.

April 27, 1992

LEGISLATIVE ADVISORY #39

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/16/92 - SB 322, 4/21/92 - SB 280, 4/22/92 - SB 236, HB 376, HB 205 & HB 305, 4/27/92 - HB 440 & HB 374 aab HA 1, HA 1 to HA 1, HA 2 & HA 3.

Representatives Roy & Bunting requested that they be marked present.

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: 40.

Member Absent: Representative D. Ennis - 1.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District. Colonel Thomas S. Lodge, Delaware National Guard Retiree, led those present in a pledge of allegiance to the American Flag.

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

The following prefiled legislation was introduced:

HB 516 - OBERLE, SPENCE, REYNOLDS, MACK, LOFINK, CAMPANELLI, B. ENNIS, WEST; SENATORS SHARP, MARSHALL, MCBRIDE, MCDOWELL, CONNOR - LABOR & HUM RES MAN: An Act to Amend Title 14, Delaware Code, Chapter 40 Relating to Fair Share Fees and the Public School Employment Relations Act.

HB 517 - SMITH, DIPINTO, BOYKIN, D. ENNIS, SILLS, VANSANT, JONKIERT - JUD: An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Fees in the Justice of the Peace Courts. (3/5 bill)

HB 518 - SMITH, BOYKIN, DIPINTO, D. ENNIS, SILLS, VANSANT, JONKIERT; SENATOR MARSHALL - R & F: An Act to Amend Chapter 3 of Title 30 of the Delaware Code, Relating to Mailing of Tax Return Forms and Notifications.

HB 519 - SMITH, BOYKIN, DIPINTO, D. ENNIS, SILLS, VANSANT, JONKIERT; SENATOR MARSHALL - R & F: An Act to Amend Chapters 3 and 5, Title 30 of the Delaware Code, Relating to the Administration and Enforcement of the Revenue Laws of the State of Delaware.

HB 520 - JONKIERT, SMITH, DIPINTO, BOYKIN, D. ENNIS, SILLS, VANSANT; SENATOR MARSHALL - R & F: An Act to Amend Chapter 5 of Title 30 of the Delaware Code, Relating to the Filing of Tax Returns.

HB 521 - SCHROEDER & SENATOR CORDREY - H/ADM: An Act to Amend Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reinstate the Town of Henlopen Acres", to Confer Upon the Commissioners of the Town of Henlopen Acres, Certain Powers Relating to the Taxation of Real Estate and to Increase the Amount for Which Contracts Can be Awarded Without Competitive Bidding. (2/3 bill)

HB 522 - B. ENNIS & SENATOR MINNER; REPRESENTATIVES WEST, LEE, CLARK, CAREY, CAULK, CAMPANELLI, VANSANT; SENATORS VAUGHN, TORBERT - P/S: An Act to Amend Chapter 21, Subchapter IV, Title 21, Delaware Code, Relating to Vehicle Registration.

HA 1 to HB 408 - B. ENNIS - HUM RES: Placed with the bill.

HA 1 to HB 424 - EWING - APPRO: Placed with the bill.

SS 1 to SB 100 - MCBRIDE, ADAMS, BLEVINS, COOK, HOLLOWAY, MARSHALL, MINNER, SHARP, SOKOLA, VAUGHN, BAIR, HAUGE, STILL; REPRESENTATIVES SPENCE, LEE, LOFINK, MARONEY, REYNOLDS, ROY, TAYLOR, BRADY, CAMPANELLI, B. ENNIS, HOUGHTON, VANSANT, WEST - JUD: An Act to Amend Part VI, Title 11 of the Delaware Code Relating to Victims of Crimes. (F/N)

SB 267 - VAUGHN; REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend Laws of Delaware, Volume 66, Chapter 291, as Amended, the Charter of the Town of Clayton, to Establish the Position of Vice-President of the Town Council of the Town of Clayton. (2/3 bill)

SB 301 - ADAMS & REPRESENTATIVE EWING - LABOR & HUM RES MAN: An Act to Amend Chapters 55 and 55A, Title 29, Delaware Code. (F/N)

SB 306 - MARSHALL & REPRESENTATIVE OBERLE; SENATORS HOLLOWAY, MARTIN, MCBRIDE; REPRESENTATIVES HOUGHTON, LOFINK, MACK, REYNOLDS - R & F: An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to Tax Credits for Employing Previously Unemployed Persons. (F/N)

SB 311 - ADAMS & REPRESENTATIVE CAREY; SENATORS COOK, CORDREY, STILL, TORBERT, VAUGHN, MINNER, VENABLES; REPRESENTATIVES BUNTING, CLARK, EWING, LOFINK, QUILLEN, SCHROEDER, WEST, FALLON, B. ENNIS, LEE - AG: An Act to Amend Title 3, Delaware Code Relating to Disparagement of Agricultural or Aquacultural Products.

SB 323 w/SA 1 - CORDREY; REPRESENTATIVE BUNTING - B & I: An Act to Amend Title 25 of the Delaware Code Relating to Mortgages.

SJR 12 - VENABLES, ADAMS, CORDREY & MINNER; REPRESENTATIVES BUNTING, CAREY, EWING, FALLON, LEE, SCHROEDER & WEST - NAT RES: Directing the Office of the State Auditor to Audit the Delaware Solid Waste Authority Reserve Funds.

Representative Corrozi requested and was granted the privilege of the floor for Colonel Thomas S. Lodge, Delaware National Guard Retiree.

Representative George requested that he be marked present.

Representatives Davis, Gilligan & Soles requested that they be marked present.

Representative Moore requested that he be marked present.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: Representative Joseph R. Petrilli

House Majority Leader

DATE: May 12, 1992

RE: Legislative Session

Due to legislative business, I will be unable to attend the legislative session on Wednesday, May 13th and Thursday May 14th.

Thank you.

/jlm

cc: JoAnn Hedrick

Chief Clerk of the House

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

Representative Roy requested and was granted the privilege of the floor for Alan Sokolow, Director, Eastern Regional Office, Council of State Governments.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

The Majority Leader moved to recess for caucus at 2:48 p.m.

The House reconvened at 4:49 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Brady requested that HB 285 be stricken.

Representatives Oberle & Mack requested that they be marked present.

Representative Reynolds requested that he be marked present.

Representative Lofink brought HB 450, jointly sponsored by Representative Oberle & Senators Marshall & Cook, before the House for consideration.

HB 450 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representative Outten requested that HA 1 to HB 450 be stricken.

Representative Bennett requested and was granted the privilege of the floor for Thomas MacPherson, Director, Division of Unemployment Insurance.

The roll call on HB 450 was taken and revealed:

YES: 38.

ABSENT: Representatives D. Ennis, Jonkiert, Quillen - 3.

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

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

Representative Petrilli brought SB 296, jointly sponsored by Senator Sharp & Representative Spence & Senator Bair & Representatives Gilligan & Corrozi, before the House for consideration.

SB 296 - An Act to Amend Title 3 of the Delaware Code Relating to Racing Days.

Representative Oberle announced that he will not be voting on SB 296 because of a possible conflict of interest.

Representative Amick requested and was granted the privilege of the floor for John Mooney, General Manager, Delaware Racing Association.

The roll call on SB 296 was taken and revealed:

YES: 25.

NO: Representatives Ewing, Lee - 2.

NOT VOTING: Representatives Bennett, Bunting, Carey, Caulk, Clark, Davis, B. Ennis, Fallon, Oberle, Quillen, Schroeder, Smith, West - 13.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, SB 296 was returned to the Senate.

Representative Buckworth introduced HB 523, jointly sponsored by Senator Cook & Representatives Ewing, Quillen, B. Ennis & Clark & Senators Adams, Minner, McBride, Vaughn & Still.

HB 523 - An Act to Amend Chapter 26, Part 1, Title 14 of the Delaware Code, Relating to the Power of County Vocational High School Districts and County Vocational-Technical Districts to Levy Taxes for School Purposes.

Mr. Speaker assigned HB 523 to the Education Committee.

Representative Ewing introduced HB 524, jointly sponsored by Representatives Spence, Buckworth, Bunting & Schroeder.

HB 524 - An Act to Amend Chapter 26, Title 14 of the Delaware Code, Relating to the Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.

Mr. Speaker assigned HB 524 to the Education Committee.

Representative Roy moved to suspend the rules which interfere with action on HB 27 w/SA 1.3 & 4. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HB 27 w/SA 1.3 & 4, jointly sponsored by Representatives Taylor, Amick & Schroeder & Senator Martin, before the House for consideration.

HB 27 - An Act to Amend Title 2 of the Delaware Code Relating to Public Carriers, Regulatory Duties and Functions, Regulatory Requirements, Powers and Limitations, and Public Carrier Rates. (3/5 bill)

The roll call on HB 27 w/SA 1,3 & 4 was taken and revealed:

YES: 37.

ABSENT: Representatives Campanelli, D. Ennis, Taylor, West - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 27 w/SA 1,3 & 4 was sent to the Governor.

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

HUM RES: HB 470 - 4M.

LAND USE & GOV REL: SB 318 - 5M,1U.

The Majority Whip moved to recess to the call of the Chair at 5:55 p.m.

26th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

May 13, 1992

Mr. Speaker Spence called the House to order at 2:08 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 285, SB 330, SB 336, HB 249 w/HA 1, HB 27 w/SA 1,3 & 4, SB 324, SB 325 w/SA 1 & 2, SB 326 w/SA 1, SB 282, SB 335 w/SA 2, HB 461 & HB 467.

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

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives D. Ennis, Petrilli - 2.

A prayer was offered by Representative Rourke A. Moore, Second Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 428 - LOFINK & SENATOR VAUGHN; REPRESENTATIVES PETRILLI, SPENCE, BUCKWORTH, AMICK, BOYKIN, CAULK, CORROZI, DIPINTO, EWING, HEBNER, LEE, MACK, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, TAYLOR, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, HOUGHTON, JONKIERT, SCHROEDER, VANSANT, WEST - P/S: An Act to Amend Chapters 21 and 27, Title 21 of the Delaware Code Relating to Registration of Motor Vehicles and Driver's License. (2/3 bill)

HB 525 - ROY - SUNSET & OVERVIEW: An Act to Amend Chapter 6, Title 24 of the Delaware Code Relating to Cosmetologists.

HB 526 - ROY, TAYLOR, DIPINTO, BOYKIN, DAVIS, EWING, OBERLE; SENATORS MARTIN, MARSHALL, SOKOLA - TRANS: An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Fuel and Special Fuel Tax Law.

HB 527 - SMITH, D. ENNIS, BOYKIN, DIPINTO, SILLS, VANSANT, JONKIERT - JUD: An Act to Vest Fee-Making Authority for the Registers in Chancery Exclusively With the Court of Chancery. (3/5 bill)

HB 528 - SCHROEDER, BUNTING, CAREY, CAULK, CLARK, QUILLEN; SENATORS BLEVINS, KNOX, SOKOLA - NAT RES: An Act to Amend Title 23 of the Delaware Code Relating to Navigation and Waters. (2/3 bill)

HB 529 - SCHROEDER, BUNTING, CAREY, CAULK, CLARK, QUILLEN; SENATORS BLEVINS, KNOX, SOKOLA - NAT RES: An Act to Amend Chapter 9, Part II, Title 7, Delaware Code Relating to Commercial Clamming on Sundays.

HA 1 to HS 1 for HB 197 - BENNETT - NAT RES: Placed with the bill.

SB 282 - MCDOWELL - JUD: An Act to Amend Title 1 of the Delaware Code to Create a New Chapter 8, Relating to Legal Notice and Advertisements.

SB 285 - VAUGHN - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to Elsie Everett, Transferring Monies Into the State Employees' Pension Fund, and Directing the Board of Pension Trustees to Administer Payment Provided by This Act as if the Payment Were Pursuant to Chapter 55, Title 29, Delaware Code.

SB 324 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER - P/S: An Act to Amend Chapter 26, Title 21 Relating to Waivers for Commercial Driver License Provisions. (2/3 bill)

SB 325 w/SA 1 & 2 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER - P/S: An Act to Amend Chapter 21, Title 21 Delaware Code Relating to Weights and Sizes of Specific Vehicles. (3/5 bill)

SB 326 w/SA 1 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, EWING, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER - P/S: An Act to Amend Title 21 Delaware Code Relating to Farm Truck Registration and Traction Engines. (2/3 bill)

SB 330 - HOLLOWAY, SOKOLA, CONNOR; REPRESENTATIVES AMICK, TAYLOR - SUBS ABUSE: An Act to Amend §1106(1), Title 11 of the Delaware Code Relating to the Sale, Purchase, and/or Procurement of Tobacco Products for or to Minors by Increasing the Age From Less Than 17 Years of Age to Less Than 18 Years of Age. (2/3 bill)(F/N)

SB 335 w/SA 2 - ADAMS, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER - AG: An Act to Amend Title 3 of the Delaware Code Relating to Nurseries and Nursery Stock. (2/3 bill)

SB 336 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER - AG: An Act to Amend Title 3 of the Delaware Code Relating to Rabies Control.

HA 1 to SB 289 - AMICK - HOUSING & COM AFF: Placed with the bill.

HA 1 to SB 318 - LOFINK - AGENDA: Placed with the bill.

Mr. Speaker reassigned HB 522 to the Transportation Committee.

Representatives Corrozi, Clark, Outten & Bennett requested that they be marked present.

Representatives DiPinto & Jonklert requested that they be marked present.

The Majority Whip moved to recess for caucus at 2:18 p.m.

The House reconvened at 5:14 p.m.

Representatives Mack & Reynolds requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #48

DATE: May 13, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-184	Mack	5/2/92	T	David J. Kelly/Eagle Scout
H92-185	Hebner	5/2/92	T	Jim & Jean Neal/Sailing "Blue Hen" Over Christopher Columbus's Route
H92-186	Quillen	5/5/92	T	Donald W. Derrickson/25 Years/Harrington Alumni Association
H92-187	George	5/5/92	T	Amelia Schock/2nd Place/DuPont Challenge/National Science Comp.
H92-188	D. Ennis	5/9/92	T	William J. Hopkins/Retirement/27 Years/DNREC
H92-189	Moore	5/12/92	T	Rev. Maurice J. Moyer/25 Years/Civil Rights Advocacy
H92-190	Bennett	5/17/92	T	Helen & Roland Johnson/50th Wedding Anniversary
H92-191	Bennett	5/8/92	T	Dr. Edward W. Goate/'21 Years Service/Capitol School District
H92-192	Ewing	5/9/92	T	Leonard & Pauline Chaffinch/50th Wedding Anniversary
H92-193	Quillen	5/7/92	T	Lawrence & Margaret Kates/50th Wedding Anniversary
H92-194	DiPinto	5/9/92	T	Joseph P. Conner/60 Years Service/Republican Party
H92-195	DiPinto	5/7/92	T	Luke McDowell/1992 All-Academic All-State Wrestling Team
H92-196	Corrozi	5/12/92	T	Retired Officers, DE National Guard/Visit to Legislative Hall
H92-197	Boykin	5/20/92	T	Sally J. Mayhue/Small Business Person of the Year
H92-198	Oberle	6/1/92	T	The Sterck School/Quality Education for Hearing Impaired
H92-199	Oberle	6/1/92	T	Brian Connor/Graduation/Sterck School
H92-200	Oberle	6/1/92	T	Gloria Colon/Graduation/Sterck School
H92-201	Oberle	6/1/92	T	Susan Elizabeth Cortese/Graduation/Sterck School

T - Tribute

M - Memoriam

The Senate wishes to inform the House that it has passed: SB 341 & SB 342.

Representative Davis brought HB 501, jointly sponsored by Senator McBride & Representatives Spence, Oberle, Mack, Reynolds, Lofink, Gilligan, Campanelli, West, B. Ennis, Schroeder, Bunting, Bennett & Outten & Senators Sharp, McDowell, Sokola, Connor & Still, before the House for consideration.

HB 501 - An Act to Amend Title 14, Chapter 40, Delaware Code, Relating to the Negotiations of Public School Employees.

The roll call on HB 501 was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, D. Ennis, Petrilli - 3.

Therefore, having received a constitutional majority, HB 501 was sent to the Senate for concurrence.

Representatives Brady & Sills requested that they be marked present during the roll call.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Carey brought HB 193, jointly sponsored by Senator Venables, before the House for consideration.

HB 193 - An Act to Amend Chapter 9, Title 7, Delaware Code Relating to Finfishing in Tidal Waters.

Representative Carey requested that HA 1 to HB 193 be stricken.

Representative Spence requested that HA 2 to HB 193 be stricken.

Representative Carey brought HA 3 to HB 193 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 193 w/HA 3 was taken and revealed:

YES: 36.

NO: Representatives Bennett, West - 2.

ABSENT: Representatives DiPinto, D. Ennis, Petrilli - 3.

Therefore, having received a constitutional majority, HB 193 w/HA 3 was sent to the Senate for concurrence.

Representative Taylor introduced HB 530, jointly sponsored by Senator Marshall & Representatives Amick, Maroney, Smith, George, Campanelli, Moore, Sillis & Soles & Senators Bair, Holloway, Sokola & Connor.

HB 530 - An Act to Amend Chapter 5, Subchapter VII, Title 11 of the Delaware Code Relating to Assault Weapons. (2/3 bill)

Mr. Acting Speaker assigned HB 530 to the Judiciary Committee.

Representative Taylor brought SB 318, sponsored by Senators McBride & Vaughn & Representative Lofink, before the House for consideration.

SB 318 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Changing the Boundaries of Reorganized School Districts.

Representative Lofink brought HA 1 to SB 318 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: 20.

NO: Representatives Carey, Corrozi, Gilligan, Hebner, Maroney, Roy, Soles, Taylor, VanSant, West - 10.

NOT VOTING: Representatives Boykin, Buckworth, Bunting, Ewing, Fallon, Lee, Smith, Spence - 8.

ABSENT: Representatives DiPinto, D. Ennis, Petrilli - 3.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

Representative Davis moved to suspend the rules which interfere with introduction of and action on HA 2 to SB 318. The motion was properly seconded and adopted by voice vote.

Representative Davis introduced and brought HA 2 to SB 318 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: 24.

NO: Representatives Bennett, Gilligan, Houghton, Jonkiert, Outten, Schroeder, Sillis, West - 8.

NOT VOTING: Representatives Bunting, Campanelli, Clark, Mack, Moore - 5.

ABSENT: Representatives DiPinto, D. Ennis, Petrilli, Spence - 4.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative George requested and was granted the privilege of the floor for Senator David B. McBride, Thirteenth Senatorial District.

Mr. Acting Speaker Oberle appointed Representative Hebner as Acting Speaker.

Representative Taylor moved to place SB 318 w/HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 6:08 p.m.

27th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

May 14, 1992

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence 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: SB 343, SB 273 w/SA 1, SB 228 w/SA 1, SCR 97, SCR 107, SCR 104, SCR 105, SJR 11 w/SA 2 & HB 409.

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Philip J. Corrozi  
Chairman of the Joint Finance Committee  
DATE: May 13, 1992  
RE: Absence from Legislature

Please excuse my absence from the legislature on Thursday, May 14, 1992, as I will be attending a meeting out-of-state.

Thank you.

PJC:mhr

MEMORANDUM

TO: Terry R. Spence  
Speaker of the House  
FROM: Joseph G. DiPinto  
Member of the Joint Finance Committee  
DATE: May 13, 1992  
RE: Absence from Legislature

Please excuse my absence from the legislature on Thursday, May 14, 1992, as I will be attending a meeting out-of-state.

Thank you.

JGD:mhr

# MEMORANDUM

TO: Representative Terry R. Spence  
Speaker of the House  
FROM: Representative Edward J. Bennett  
DATE: May 13, 1992  
RE: Legislative Absence

Due to a previous out-of-town business commitment, I will be unable to attend the legislative session tomorrow, May 14, 1992.

Thank you for your attention to this matter.

The Majority Whip 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: 35.

Members Absent: Representatives Bennett, Corrozi, DiPinto, D. Ennis, Petrilli, Taylor - 6.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District. The Speaker led those present in a pledge of allegiance to the American Flag.

Representatives Sillis, George, Jonkiert & West requested that they be marked present.

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

The following prefiled legislation was introduced:

HB 531 - AMICK - SUB ABUSE: An Act to Amend Chapter 26, Title 6 of the Delaware Code Relating to Unfair Cigarette Sales Act.

HB 532 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 101, Title 29 of the Delaware Code Relating to Administrative Procedures.

HB 533 - DAVIS & SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to the Board of Parole.

HB 534 - DAVIS & SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to the Board of Parole.

HB 535 - DAVIS & SENATOR VAUGHN - CORR: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to the Board of Parole.

HB 536 - EWING, SCHROEDER; SENATOR CORDREY - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Public Nuisance of Dogs. (2/3 bill)

HB 537 - DAVIS, SPENCE, BUCKWORTH, CAULK, EWING, LOFINK, REYNOLDS, TAYLOR, BUNTING, JONKIERT; SENATORS HOLLOWAY, CONNOR, MARSHALL - HUM RES: An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics. (2/3 bill)

HB 538 - EWING, SCHROEDER; SENATOR CORDREY - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to the Accumulation of Dog Fecal Water. (2/3 bill)

HB 539 - EWING, SCHROEDER; SENATOR CORDREY - NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Penalties for Failure to License Dogs; Dogs Running at Large; Female Dogs at Large, in Heat; and Stealing of Dogs. (2/3 bill)

HB 540 - EWING, SCHROEDER; SENATOR CORDREY - JUD: An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to Fines for Class A Misdemeanors as They Relate to Cruelty to Animals.

HB 541 - MARONEY, EWING, LEE, HEBNER, CORROZI, SMITH, B. ENNIS; SENATORS COOK, MINNER, HOLLOWAY, BLEVINS - HUM RES: An Act to Amend Chapter 59, Title 29, Delaware Code Relating to Hazardous Duty Pay.

HB 542 - OBERLE - HOUSING & COM AFF: An Act to Amend Chapter 55, Title 25, Delaware Code Relating to Tenant Obligations and Landlord Remedies.

HJR 20 - SPENCE & SENATOR CONNOR; REPRESENTATIVES AMICK, DAVIS & LOFINK - HUM RES: Urging Delaware's Congressional Delegation to Seek an Amendment to the Americans With Disabilities Act Exempting Home Day Care Providers From the Purview of This Law.

HA 2 to HB 424 - EWING - APPRO: Placed with the bill.

HA 2 to HB 493 - DIPINTO, SMITH - AGENDA: Placed with the bill.

HA 1 to HB 523 - CAULK - AGENDA: Placed with the bill.

HA 1 to HA 1 to HB 523 - CAULK - AGENDA: Placed with the bill.

HA 2 to HB 523 - CAULK - AGENDA: Placed with the bill.

SB 228 w/SA 1 - SOKOLA, BLEVINS, MCDOWELL, VENABLES; REPRESENTATIVES AMICK, PETRILLI - JUD: An Act to Amend Chapter 81, Title 10, Delaware Code Relating to Actions Involving Public Petition and Participation.

SB 273 w/SA 1 - HOLLOWAY - HUM RES: An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics. (2/3 bill)

SB 341 - HOLLOWAY; REPRESENTATIVE MARONEY - HUM RES: An Act to Amend Chapter 22, Title 16, Delaware Code, Relating to the Commitment and Emergency Treatment of Intoxicated Persons.

SB 342 - HOLLOWAY; REPRESENTATIVE MARONEY - HUM RES: An Act to Amend Chapter 51, Title 16, Delaware Code Relating to the Admission, Maintenance and Discharge of Patients.

SB 343 - HOLLOWAY; REPRESENTATIVE MARONEY - HUM RES: An Act to Amend Chapter 50, Title 16, Delaware Code, Relating to the Involuntary Commitment of the Mentally Ill.



SJR 11 w/SA 2 - HOLLOWAY; REPRESENTATIVE DAVIS; SENATORS BLEVINS, KNOX, TORBERT, STILL - ED: Establishing a Citizen Task Force to Study the Feasibility of a Statewide Uniform Code of Conduct for Public School Students and Make Recommendations to the State Board of Education and the General Assembly on a Set of Standard Sanctions for Those Who Violate Such Code of Conduct.

HA 1 to SB 40 - DAVIS - READY LIST: Placed with the bill.

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

Representatives Bunting & Brady requested that they be marked present.

Representative Spence granted the privilege of the floor to Hiroaki Kameya, Chairman, Miyagi Prefectural Assembly and his interpreter, Mary S. Ricketson.

Representative Buckworth introduced and brought HCR 86, sponsored by Representative Spence & Senator Cordrey, before the House for consideration.

HCR 86 - Extending an Enthusiastic and Hearty Welcome to the Miyagi Prefectural Assembly Delegation, Headed by the Honorable Hiroaki Kameya, Chairman of the Miyagi Prefectural Assembly and Wishing the Entire Delegation a Most Cordial and Educational Stay in Our Joint Efforts to Promote Friendship and Understanding of Our Two Cultures.

HCR 86 was adopted by voice vote and sent to the Senate for concurrence.

Representative Davis introduced HA 3 to SB 318, jointly sponsored by Representative George. HA 3 was placed with the bill.

Representative Buckworth requested and was granted the privilege of the floor for Stephanie Cullom, Governor, Youth in Government, who addressed the House.

The Majority Whip moved to recess for committee meetings at 3:30 p.m.

The House reconvened at 6:03 p.m.

Representative Lofink moved to suspend the rules which interfere with lifting SB 318 w/HA 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Lofink brought SB 318 w/HA 2, jointly sponsored by Senators McBride & Vaughn, before the House for consideration.

SB 318 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Changing the Boundaries of Reorganized School Districts.

Representative Mack introduced and brought HA 4 to SB 318 before the House for consideration. Representative Mack moved to lay HA 4 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis requested that HA 3 to SB 318 be stricken.

Representative Mack moved to lift HA 4 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Mack brought HA 4 before the House for consideration. HA 4 was adopted by voice vote.

Representative Davis introduced and brought HA 5 to SB 318, jointly sponsored by Representative George, before the House for consideration. HA 5 was adopted by voice vote.

The roll call on SB 318 w/HA 2, 4 & 5 was taken and revealed:

YES: 27.

NOT VOTING: Representatives Brady, Fallon, Mack, Reynolds, Mr. Speaker Spence - 5.

ABSENT: Representatives Bennett, Corrozi, DiPinto, D. Ennis, Jonkiert, Moore, Petrilli, Taylor, West - 9.

Therefore, having received a constitutional majority, SB 318 w/HA 2, 4 & 5 was returned to the Senate for concurrence on HA 2, 4 & 5.

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

Representative Amick introduced HB 543.

HB 543 - An Act to Amend Part V, Title 10, Delaware Code Relating to Punitive Damages.

Mr. Speaker assigned HB 543 to the Judiciary Committee.

Representative Quillen moved to suspend the rules which interfere with introduction of and action on SB 345 w/SA 2.

Representative Oberle announced that he will not be voting on SB 345 w/SA 2 because of a possible conflict of interest.

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

Representative Quillen introduced and brought SB 345 w/SA 2, jointly sponsored by Senators Sharp, Cordrey, Adams, Cook, Holloway, Minner, McBride, Marshall, Vaughn, Venables, Bair & Still & Representatives Bennett, Clark, Carey, Buckworth, Caulk, Ewing, Fallon, B. Ennis, Outten & Spence, before the House for consideration.

SB 345 - An Act to Amend Title 3, Chapters 100 and 101 of the Delaware Code Relating to the Number of Harness Horse Racing Days and the Simulcasting of Harness Horse Races.

The roll call on SB 345 w/SA 2 was taken and revealed:

YES: 30.

NOT VOTING: Representatives Davis, Oberle - 2.

ABSENT: Representatives Bennett, Campanelli, Corrozi, DiPinto, D. Ennis, Jonkiert, Petrilli, Taylor, West - 9.

Therefore, having received a constitutional majority, SB 345 w/SA 2 was returned to the Senate.

Representative Oberle brought HB 481 w/SA 2, jointly sponsored by Representatives Spence, George, Amick, Caulk, Corrozi, Davis, Ewing, Lee, Lofink, Roy, Smith & Taylor & Senators Torbert, Bair & Connor, before the House for consideration.

HB 481 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

The roll call on HB 481 w/SA 2 was taken and revealed:

YES: 32.

ABSENT: Representatives Bennett, Campanelli, Corrozi, DiPinto, D. Ennis, Jonkiert, Petrilli, Taylor, West - 9.

Therefore, having received a constitutional majority, HB 481 w/SA 2 was sent to the Governor.

Representative Ewing requested that HB 524 be stricken.

The following prefiled Consent Calendar #28 was introduced:

HR 114 - VANSANT - Congratulating Students at the Richardson Park Elementary School Learning Center Upon Their Selection by the National Aviation and Space Administration to Tour the Kennedy Space Center as Representatives of the State of Delaware.

SCR 97 - VAUGHN & REPRESENTATIVE DAVIS - Extending Congratulations to the Middle Atlantic States Correctional Association on Its 54th Annual Conference and Extending Best Wishes to the Association as Delaware Proudly Hosts the 1992 Conference Scheduled for May 31, 1991 - June 3, 1992, in Ocean City, Maryland.

SCR 101 - CONNOR, MINNER; REPRESENTATIVE FALLON - Congratulating the Delaware State Chamber of Commerce for Its Continuing Commitment to Education in Delaware and Further Congratulating the Winners of the 1992 Superstars! in Education Program.

SCR 104 - CORDREY, SHARP, McDOWELL, BAIR, CONNOR & ALL SENATORS; REPRESENTATIVES SPENCE, PETRILLI, BUCKWORTH, GEORGE, GILLIGAN & ALL REPRESENTATIVES - Congratulating Raymond S. Pusey as He Celebrates His 30th Anniversary as Chief Traffic Engineer for the Delaware Department of Transportation.

SCR 105 - TORBERT & REPRESENTATIVE BUCKWORTH - Congratulating Bridget Crothers of Camden for Placing Third in the National Council of State Housing Authority's 1992 Building Blocks for a Strong America National Drawing/Essay Competition.

SCR 107 - VAUGHN, COOK; REPRESENTATIVES CLARK, B. ENNIS - Congratulating the Clayton-Smyrna Senior Citizen Center of Clayton as It Prepares to Celebrate Its 25th Anniversary.

Representative Buckworth introduced SCR 106, sponsored by Senators Bair, Sharp, Blevins, Cook, Minner, Vaughn, Connor & Neal & Representatives Oberle, Davis, VanSant, Houghton, Fallon, Maroney, Boykin, Soles & Spence & cosponsored by Representative Mack, before the House for consideration.

SCR 106 - Congratulating the New Castle County Police Department, Along With the Delaware State Police, Dover Police, Newark Police, and the Wilmington Bureau of Police, for Their Coordinated Effort in Hosting the Sixth Annual Mid-Atlantic Association of Women in Law Enforcement.

SCR 106 was placed on Consent Calendar #28.

Consent Calendar #28 was adopted by voice vote and SCR 97, SCR 101, SCR 104, SCR 105, SCR 106 & SCR 107 were returned to the Senate.

The Reading Clerk read the following communication into the record:

**HOUSE TRIBUTE ANNOUNCEMENT #49**

DATE: May 14, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H92-202	Oberle	6/1/92	T	Tina Louise Ercole/Graduation//Sterck School
H92-203	Oberle	6/1/92	T	Daniel Stephen Foster /Graduation /Sterck School
H92-204	Oberle	6/1/92	T	Joseph William Gallagher/Graduation/ Sterck School
H92-205	Oberle	6/1/92	T	Darnel Clifton Lindsey/Graduation/ /Sterck School
H92-206	Oberle	6/1/92	T	Matthew Thomas Machulski/Graduation/ Sterck School
H92-207	Oberle	6/1/92	T	Latonya Yvonne McAllister/Graduation/ Sterck School
H92-208	Oberle	6/1/92	T	James Miller/Graduation/Sterck School
H92-209	Oberle	6/1/92	T	Eric H. Shepeard/Graduation/Sterck School
H92-210	Davis	4/6/92	T	Carlos Vasquez/American Chemical Soc./National Technician of Year
H92-211	Spence	5/14/92	T	Mr. Isamu Sato/Visit to DE/Miyagi Prefectural
H92-212	Spence	5/14/92	T	Mr. Genichi Nishikido/Visit to DE/ Miyagi Prefectural
H92-213	Spence	5/14/92	T	Mr. Fujio Sone/Visit to DE/Miyagi Prefectural
H92-214	DiPinto	5/13/92	T	St. Anthony's Comm. Center, Inc./ Dedication/Father Roberto Center
H92-215	Oberle	5/13/92	T	Towson State Univ. Senior Wendy Weaver/NCAA Gymnastic Championships
H92-216	Spence	5/14/92	T	Chairman Hiroaki Kameya/Visit to DE/Miyagi Prefectural
H92-217	Buckworth	5/13/92	T	Eileen Pallace/"A Teacher to Remember"/ Student Essay Award

Number	Sponsor	Presentation Date	Type	Description
H92-218	Buckworth	5/13/92	T	Bridget Crothers/2nd Runner-Up /" Building Blocks for a Strong America"/ Essay/Drawing Contest

T - Tribute

M - Memoriam

Representative Quillen requested that HB 468 be stricken.

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

SUNSET & OVERVIEW: HB 515 - 3M,1U; SB 319 w/SA 1 - 4M.

R & F: HB 497 - 4M; HB 518 - 4M; HB 519 - 1F,3M; HB 520 - 1F,3M; SB 42 w/SA 1 - 3M,1U.

CORR: HJR 19 - 4M.

HUM RES: HB 408 - 6M.

LABOR & HUM RES MAN: HB 516 - 2F,1M.

JUD: HB 514 - 5M; HB 517 - 5M; SS 1 to SB 100 - 5M; SB 308 - 5M.

TRANS: HB 480 - 1F,4M; HB 509 - 1F,4M.

AG: HB 510 - 6M; SB 311 - 7M.

MAT RES: HS 1 for HB 197 - 7M; HB 491 - 7M; SCR 85 - 1F,5M.

P/S: HB 507 - 3M; HB 508 - 3M.

ED: HB 471 - 4M; HB 474 - 5M.

HOUSING & COM AFF: HB 495 - 1F,3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 102, SCR 103, SCR 106.

HCR 86, SB 345 w/SA 2, HB 352 & HB 481 w/SA 2.

The Majority Whip moved to recess to the call of the Chair at 6:31 p.m.

28th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 2, 1992

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

The Reading Clerk read the following communications into the record:

May 13, 1992

LEGISLATIVE ADVISORY #40

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/13/92 - SB 288  
aab SA 1, SB 297, SB 270 aab SA 1, SB 168 aab SA 1, SB 284 aab HA 2, HB 40 aab HA 1 & SA 1  
& HB 439.

May 20, 1992

LEGISLATIVE ADVISORY #41

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/15/92 - SB 217  
aab HA 1, HB 14 aab SA 1 & HB 467, 5/20/92 - HB 249 aab HA 1, HB 461, HB 239 aab SA 3, HB  
481 aab SA 2, HB 352, HB 409, SB 296 & SB 345 aab SA 2.

May 26, 1992

LEGISLATIVE ADVISORY #42

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/21/92 - HB 27  
aab SA 1,3 & 4.

May 14, 1992

JoAnn M. Hedrick

Chief Clerk of the House of Representatives

Office of the Chief Clerk

Legislative Hall

Dover, Delaware 19901

Dear Ms. Hedrick:

The Honorable R. Clayton Mitchell, Jr., Speaker of the Maryland House of Delegates, has  
forwarded to me the copy of House Concurrent Resolution No. 70, that you sent to him  
regarding Labor Day: "Help Yourself, Buy American".

Thank you for sending us the copy of this document.

Sincerely,

F. Carvel Payne

Director

Department of Legislative Reference

General Assembly of Maryland

FCP:ldj

cc: Susanne Brogan

May 29, 1992

Ms. Joann Hedrick

Chief Clerk, House of Representatives

109 Legislative Hall

Dover, DE 19901

Dear Joann:

In accordance with action taken by the Missouri Senate and House of Representatives, I am forwarding the enclosed copy of Senate Concurrent Resolution No. 24 relating to the "Help Yourself, Buy American" effort.

Sincerely,  
Terry L. Spieler  
Secretary of Senate  
State of Missouri

Encl.

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, many individuals and families in Missouri and in the United States are suffering great distress because of this nation's current economic difficulties; and  
WHEREAS, when the American consumer purchases American products from American companies that are manufacturing superior merchandise at competitive prices, the nation's economy is stimulated, heightening productivity, creating employment opportunities and economic growth; and  
WHEREAS, consumers should be made aware of the important role they can play in helping themselves and their neighbors rebound from the economic troubles plaguing Missouri and the nation; and  
WHEREAS, Missouri has continually promoted the purchase of American products by consumers and government, particularly through the passage in 1987 of the Domestic Product Procurement Act; and  
WHEREAS, by increasing the market for American made products through increased awareness of the potential impact of "Buying American" manufacturers will find it in their economic best-interest to maintain and expand their domestic manufacturing facilities; and  
WHEREAS, the plight of unemployed workers in America is in part due to American consumers not being aware of the need to purchase quality merchandise produced in the United States; and  
WHEREAS, a state and nationwide effort that inspires consumers to purchase quality American products made by the American worker can serve as an impetus for economic recovery; and  
WHEREAS, Missouri and all of the other states of the union can and should play an important role in promoting the most worthy effort of buying quality American made products;  
NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the General Assembly memorialize the Governor of this state to proclaim that Labor Day of 1992 (September 7) be officially declared "Help Yourself, Buy American Day" in Missouri and that on such day and on all subsequent days Missourians pay tribute to the American worker by making a conscious effort to purchase American made products; and  
BE IT FURTHER RESOLVED, that this effort be aggressively advanced as a nationwide program and that every state legislature be contacted and urged to approve a similar resolution so that Labor Day 1992 can be celebrated throughout the nation to motivate American consumers to purchase American made products wherever and whenever possible; and  
BE IT FURTHER RESOLVED, that properly inscribed copies of this resolution be sent to every state legislature in the United States, to the National Conference of State Legislatures, to the American Legislative Exchange Council, to the Council of State Governments and to the Governor of the State of Missouri so that every state in the nation will legislatively approve the "Help Yourself, Buy American" effort.  
Terry L. Spieler, Secretary of the Senate, and Douglas Burnett, Chief Clerk of the House, do hereby certify that the aforementioned is a true and correct copy of Senate Concurrent Resolution No. 24, adopted by the Senate on March 26, 1992, and concurred in by the House on May 5, 1992.

Terry L. Spieler  
SECRETARY OF THE SENATE  
Douglas W. Burnett  
CHIEF CLERK OF THE HOUSE

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Joseph R. Petrilli, do hereby request that my name be removed as Co-Sponsor of HB 530.

Date: 6/2/92.

Signed: Joseph R. Petrilli.

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

NAT RES: HCR 85 - 1F, 5M.

Mr. Speaker assigned HB 408 to the Appropriations 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 George - 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 American Flag.

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

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

HB 544 BUCKWORTH - SUNSET & OVERVIEW: An Act to Amend Chapter 51, Title 24 Relating to the Occupations of Cosmetology and Barbering.

HB 545 - AMICK, LEE, VANSANT; SENATORS BLEVINS, VENABLES, HAUGE, MCDOWELL, KNOX - SUNSET & OVERVIEW: An Act to Amend Chapter 101, Title 29 of the Delaware Code Relating to Administrative Procedures.

HB 546 - HEBNER, DAVIS, EWING, LEE, BENNETT, HOUGHTON; SENS. ADAMS, MCDOWELL, SHARP, VAUGHN - JUD.: An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Costs. (3/5 bill)

HB 547 - EWING, SPENCE - PUB. SAFETY: An Act to Amend Chapters 41 and 27, Title 21 of the Delaware Code and Chapter 35, Title 11 of the Delaware Code Relating to Driving While Intoxicated.

HB 548 - EWING, DAVIS, VANSANT, WEST; SENS. ADAMS, MINNER, NEAL, VENABLES - NAT. RES.: An Act to Amend Title 7, Section 704, Delaware Code Relating to Prohibited Hunting Devices and Methods.

HB 549 - DAVIS; SEN. VAUGHN - CORR.: An Act to Amend Chapter 65, Title 11, Delaware Code Relating to the Department of Corrections.

HB 550 - FALLON & SEN. MCBRIDE; REPS. BUCKWORTH, SPENCE, CAREY, CAULK, EWING, MACK, MARONEY, OBERLE, REYNOLDS, B. ENNIS, MOORE, SILLS; SENS. BLEVINS, HOLLOWAY, KNOX, MARTIN, MINNER, VENABLES - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

HB 551 - SCHROEDER; SEN. CORDREY - H/ADM: An Act to Amend Chapter 197, Volume 54, Laws of Delaware, the Charter of Rehoboth Beach, as Amended by Chapter 40, Volume 68, Laws of Delaware, in Order to Include Christian Science Practitioners as Persons Qualified to Certify That a Voter is Confined Indoors as a Result of Physical Illness or Infirmary for Purposes of Absentee Voting. (2/3 bill)

HB 552 - CLARK, B. ENNIS, WEST; SEN. STILL; REPS. AMICK, BUNTING, HOUGHTON, JONKIERT, LOFINK, QUILLEN, VANSANT; SENS. TORBERT, VAUGHN - ED: An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes.

HB 553 - TAYLOR; SEN. MINNER - LAND USE & ECON. DEV.: An Act to Amend Chapter 54, Title 30, of the Delaware Code Relating to Realty Transfer Tax Revenue Bonds. (3/4 bill)

HJR 21 - CAREY; SEN. MINNER - NAT. RES.: Authorizing the Secretary of the Department of Natural Resources and Environmental Control to Designate up to Two (2) Days a Year as Free Sport Fishing Days in Delaware's Non-Tidal Waters.

HR 115 - HEBNER - H/ADM.: Amending the Permanent Rules of the House of Representatives of the 136th General Assembly of the State of Delaware.

HA 1 to HB 515 - VANSANT - READY LIST - Placed with the Bill.

HA 1 to HJR 19 - SILLS - READY LIST - Placed with the Bill.

HA 1 to HCR 85 - SCHROEDER - READY LIST - Placed with the Bill.

SCR 102 - STILL, NEAL, CONNOR, MINNER, BAIR, TORBERT, SOKOLA, HOLLOWAY; REPS. ROY, OUTTEN - ED.: Encouraging the State's Two Major Institutions of Higher Learning, Namely, the University of Delaware and Delaware State College, to Commence Serious Discussions in Terms of Working Out Schedules and Other Factors in Concert with the Respective Athletic Departments and the Respective Conferences so as to Permit, at the Earliest Opportunity, These Two Reputable Institutions to Competitively Compete with One Another in the Glamorous and Exciting Sport of Intercollegiate Football.

SCR 103 - BAIR & REP. MARONEY; SENS. MINNER, COOK, BLEVINS, HOLLOWAY, KNOX, HAUGE; REPS. FALLON, BOYKIN, SOLES - HUM. RES.: Memorializing the 101st United States Congress to Support Efforts to Promote Early Detection of and Effective Treatment Modalities for Breast Cancer and Further Urging the United States Congress to Enact Legislation to Ensure Adequate Funds to Find a Cure and Effective Measures for Breast Cancer.

HA 5 to SB 207 - DAVIS - JUD. - Placed with the Bill.

Representative Campanelli requested that he be marked present.

Representative Fallon requested that HR 110 be stricken.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #50

DATE: June 2, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-219	George	5/11/92	T	Cindy Matthews/Cecil County Teacher of the Year
H92-220	Hebner	5/13/92	T	Julie K. DeFord/86th Birthday
H92-221	Fallon	5/14/92	T	David E. Saveikis/Employee of Year/Div. of Water Resources
H92-222	VanSant	4/19/92	T	Cecilia & Edward J. Andrzejewski 50th Wedding Anniversary
H92-223	VanSant	4/29/92	T	Rose & Philip Modesto/65th Wedding Anniversary
H92-224	Buckworth	5/19/92	T	Elizabeth A. Maciarello/Teacher of Year/Gen. Henry H. Arnold Elementary School
H92-225	Buckworth	5/19/92	T	Judy Burnham-Mitchell/Teacher of Year/Maj. George S. Welch Elementary School
H92-226	B. Ennis	5/19/92	T	Barbara Lesley/Teacher of Year/Clayton Elementary School
H92-227	B. Ennis	5/21/92	T	Joan Johnson/Smyrna's Teacher of Year
H92-228	B. Ennis	5/21/92	T	Russell Stinson/Smyrna's Teacher of Year

Number	Sponsor	Presentation Date	Type	Description
H92-229	B. Ennis	5/21/92	T	Florence Goldsborough/Smyrna's Teacher of Year
H92-230	B. Ennis	5/21/92	T	Anne Park/Smyrna's Teacher of Year
H92-231	B. Ennis	5/21/92	T	Elizabeth Campbell/Teacher of Year/Smyrna Elementary
H92-232	Roy	5/27/92	T	Edwin H. Pert/Retirement/Birthday /Chief Clerk Maine House
H92-233	Maroney	5/13/92	T	P. Edward Hughes/34 Years/ Teacher/Tower Hill School
H92-234	Smith	5/21/92	T	Jean & Jacob Levine/B'nai B'rith Lifetime Achievement Award

T - Tribute

M - Memorial

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

The Majority Leader moved to recess for caucus at 2:26 p.m.

The House reconvened at 4:44 p.m.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Philip Corrozi, do hereby request that my name be removed as Co-Sponsor of HB 530.

The Senate wishes to inform the House that it has passed: SB 331 & HJR 17 w/HA 1.

Date: 6/2/92.

Signed: Philip J. Corrozi.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Philip J. Corrozi, do hereby request that my name be removed as Co-Sponsor of HB 515.

Date: 6/2/92.

Signed: Philip J. Corrozi.

Representative Ewing requested that HB 547 be stricken.

Representatives Lofink, Oberle, Clark, Brady & West requested that they be marked present.

Representative Amick requested that action on SB 319 w/SA 1 be deferred to a Day Certain, Thursday, June 4, 1992.

Representative Roy brought HB 480, jointly sponsored by Senator Minner, before the House for consideration.

HB 480 - An Act to Amend Chapter 20 of Title 30 of the Delaware Code to Add a New Subchapter V to Authorize State Agencies to Provide Commuter Benefits to Their Employees and Require State Agencies to Develop and Submit for Review a Plan to Reduce Work Related Vehicle Trips, and Amend Chapter 51, Title 29 Relating to Expenses Associated with Commuting to Work. (F/N)

Representative Roy brought HA 1 to HB 480 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 480 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Mack - 2.

Therefore, having received a constitutional majority, HB 480 w/HA 1 was sent to the Senate for concurrence.

Representatives Buckworth, Jonkiert, Reynolds & Sills requested that they be marked present during the roll call.

Representative Roy brought HB 509, jointly sponsored by Senator Martin, before the House for consideration.

HB 509 - An Act to Amend Chapter 20 of Title 30, Subchapter IV, "The Travelink Traffic Mitigation Act" Relating to Compliance with the Federal Clean Air Act, Specifically 42 U.S.C., Section 7511a (d)(1)(B). (F/N)

The roll call on HB 509 was taken and revealed:

YES: 38.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives George, Mack - 2.

Therefore, having received a constitutional majority, HB 509 was sent to the Senate for concurrence.

Representative Quillen introduced HA 1 to HCR 84. HA 1 was placed with the resolution.

Representative Oberle requested that action on HB 414 be deferred to a Day Certain, Thursday, June 4, 1992.

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

29th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 3, 1992

Mr. Speaker Spence called the House to order at 2:18 p.m.

Representative Oberle introduced HB 559, jointly sponsored by Representative Ewing.

HB 559 - An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper Heights. (2/3 bill)

Mr. Speaker assigned HB 559 to the Public Safety Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 187 w/HA 1,2 & 4.

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 Taylor - 1.

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

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

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

The following prefiled legislation was introduced:

HB 554 - OBERLE & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, EWING, LOFINK, B. ENNIS, HOUGHTON, CAMPANELLI, WEST, VANSANT - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 555 - OBERLE, MACK, REYNOLDS, DAVIS; SENATORS MARSHALL, SHARP - LABOR & HUM RES MAN: An Act to Amend Chapter 69, Title 29, Delaware Code Relating to Public Works Contracts and Damages Relating to Competitive Bidding.

HB 556 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 28, Title 24, Delaware Code Relating to Professional Engineers.

HB 557 - B. ENNIS & SENATOR TORBERT - P/S: An Act to Amend Chapter 63, Title 16 of the Delaware Code, Relating to "The Emergency Planning and Community Right-to-Know Act."

HB 558 - B. ENNIS; SENATOR VENABLES; REPRESENTATIVES VANSANT, BENNETT, BRADY, BUNTING, CAMPANELLI, CAREY, CAULK, CLARK, DAVIS, EWING, GILLIGAN, HEBNER, HOUGHTON, LEE, LOFINK, MACK, OBERLE, OUTTEN, REYNOLDS; SENATOR TORBERT - P/S: An Act to Amend Chapter 5, Title 11 of the Delaware Code Providing Certain Punishments Upon Conviction for the Crime of Possession of a Deadly Weapon by a Person Prohibited and Relating to the Definition Thereof.

HA 1 to HB 491 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 495 - SMITH - READY LIST: Placed with the bill.

HA 2 to HB 515 - VANSANT - AGENDA: Placed with the bill.

HA 3 to HB 523 - CAULK - ED: Placed with the bill.

SB 331 - SHARP - H/ADM: An Act to Correct Errors and Discrepancies Between New Castle County District Lines and Legislative District Lines.

Representative DiPinto requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:33 p.m.

The House reconvened at 5:00 p.m.

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

The Reading Clerk read the following communication into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Thurman Adams, Jr., do hereby request that my name be removed as Co-Sponsor of HB 546.  
Date: 6/3/92.

Signed: Thurman Adams, Jr.

Representative Reynolds requested that he be marked present.

Mr. Speaker reassigned SB 320 to the House Administration Committee.

Representative DiPinto introduced HB 561, jointly sponsored by Senator Holloway & Representatives Spence, Carey, D. Ennis, Sills & Moore & cosponsored by Senator Marshall.

HB 561 - An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing and to Amend Chapter 30, Title 31, Delaware Code, Relating to the State Human Relations Commission and the Creation of a Special Administration Fund.

Mr. Speaker assigned HB 561 to the Housing & Community Affairs Committee.

The following prefiled Consent Calendar #29 was introduced:

HR 116 - GILLIGAN & ALL REPRESENTATIVES - Extending Many Thanks and Best Wishes to William J. Hopkins, Director, Division of Parks and Recreation, State of Delaware, on His Retirement from State Government Service, Having Completed Twenty-Seven Years of Dedicated State Service.

HR 117 - GILLIGAN & ROY - Commending Mr. Charles Sullivan, Basketball Coach for St. John the Beloved for the Past Fifteen Years and Coach in the Catholic Youth Organization for the Past Twenty-Three Years, All of Which Were Done on a Voluntary Basis, and Further Extending to Coach Sullivan the Best of Health and Happiness During His Years of Retirement.

HCR 87 - FALLON & SENATOR MCBRIDE - Commending Mercedes Ferrari for Being Selected Delaware Teacher of the Year.

Representative George introduced HCR 88, jointly sponsored by Representatives Moore, Sills, DiPinto & Jonkiert & Senators McDowell, Holloway & Marshall.

HCR 88 - Expressing Commendations, Profound Gratitude and Best Wishes to William G. Turner, Jr., the City of Wilmington's Highly Respected Public Works Commissioner, Who Announced His Retirement, Effective June 30, 1992, After Having Served 45 Years of Committed and Purposeful Service to the City of Wilmington.

HCR 88 was placed on Consent Calendar #29.

Consent Calendar #29 was adopted by voice vote and HCR 87 & HCR 88 were sent to the Senate for concurrence.

Representative Fallon requested and was granted the privilege of the floor for Mercedes Ferrari, Delaware Teacher of the Year.

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

JUD: HB 527 - 5M; HB 540 - 4M; HB 546 - 5M.

APPRO: HB 463 - 5M; HB 473 - 5M.

TRANS: HB 526 - 1F, 4M.

P/S: HS 1 for HB 428 - 5M; HB 557 - 4M; HB 559 - 5M; SB 324 - 5M.

CORR: HB 533 - 4M; HB 534 - 5M; HB 535 - 4M; HB 549 - 5M.

R & F: HB 496 - 6M.

B & I: SB 283 - 6M; SB 323 w/SA 1 - 6M.

HUM RES: SB 273 w/SA 1 - 6M; SB 341 - 6M; SB 342 - 6M; SB 343 - 6M; SCR 103 - 6M.

AG: SB 335 w/SA 2 - 5M; SB 336 - 5M.

NAT RES: HB 528 - 3F, 2M; HB 529 - 5M; HB 539 - 5M; HJR 21 - 4F, 1M; SJR 12 - 5M.

ED: HB 523 - 5M; SJR 11 w/SA 2 - 5M.

SUBS ABUSE: SB 330 - 1F, 3M.

The Majority Whip moved to recess to the call of the Chair at 5:28 p.m.

30th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 4, 1992

Mr. Speaker Spence called the House to order at 2:58 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 250, SB 251 w/SA 1 & SB 274 w/SA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator Richard Hauge, do hereby request that my name be removed as Co-Sponsor of HB 560.

Date: 6/3/92.

Signed: Richard Hauge.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Robert F. Gilligan, do hereby request that my name be removed as Co-Sponsor of HB 515.  
Date: 6/4/92.

Signed: Robert F. Gilligan.

Representative Taylor requested that he be marked present.

Representative Taylor requested that HB 553 be stricken.

Mr. Speaker assigned SB 330 to the Appropriations Committee.

The Majority Leader moved to adjourn at 3:00 p.m., thereby ending the current legislative day. The House reconvened at 3:01 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HS 1 for HB 456 - SPENCE & SENATOR SHARP; REPRESENTATIVES DIPINTO, OBERLE, HEBNER, LOFINK, PETRILLI, SMITH, AMICK, GILLIGAN, B. ENNIS, JONKIERT, WEST, CLARK, BUNTING, BENNETT; SENATORS VAUGHN, BLEVINS, ADAMS, MINNER, MARSHALL, TORBERT, HOLLOWAY, MCBRIDE, HAUGE, KNOX, CONNOR - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions. (2/3 bill)

HB 560 - MARONEY & FALLON & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BUCKWORTH, CORROZI, SMITH, D. ENNIS, EWING, LEE, QUILLEN, MACK, HEBNER, BRADY, MOORE, SOLES, HOUGHTON; SENATORS BAIR, CONNOR, NEAL, KNOX - ED: An Act to Amend Chapters 2 and 27, Title 14, Delaware Code, Relating to Mandatory Age of Attendance in Public Schools.

HB 562 - SPENCE - ED: An Act to Amend Chapter 14, Title 14 of the Delaware Code Relating to Termination of Services.

HB 563 - EWING; SENATOR VAUGHN - SM BUS & ECON DEV: An Act to Amend Title 6 of the Delaware Code Relating to Partnership Interests in General Partnerships and Limited Partnerships and the Uniform Commercial Code.

HB 564 - EWING & SPENCE - P/S: An Act to Amend Chapter 82, Title 29 of the Delaware Code Relating to the Department of Public Safety.

HB 565 - AMICK & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend SubChapter II, Chapter 5, Title 4, of the Delaware Code, Relating to Alcoholic Liquors.

HB 566 - ROY & TAYLOR - TRANS: An Act to Amend Title 29, Chapter 69 of the Delaware Code Relating to Rental and Purchase of Motor Vehicles.

HB 567 - MARONEY & SENATOR HOLLOWAY; REPRESENTATIVES CORROZI, HEBNER - HUM RES: An Act to Amend Chapter 50, Title 16 of the Delaware Code, Relating to the Involuntary Commitment Process of the Mentally Ill.

HB 568 - BENNETT & OUTTEN; SENATORS TORBERT & STILL - H/ADM: An Act to Amend Chapter 158, Volume 36 of the Laws of Delaware, the Charter of the City of Dover, Relating to Regular Municipal Elections. (2/3 bill)



HCR 89 - FALLON, BUCKWORTH, OBERLE, CAREY, SMITH, ROY, EWING, DAVIS, TAYLOR, REYNOLDS, CAULK, LOFINK, MARONEY, BOYKIN, D. ENNIS, QUILLEN, GILLIGAN, B. ENNIS, SILLS, BUNTING, OUTTEN, WEST, JONKIERT, BENNETT, MOORE, HOUGHTON, SOLES; SENATORS ADAMS, VENABLES - HUM RES: Condemning the Violent and Sexually Provocative or Explicit Scenes and Messages Which Pervade Television Network Programming and Advertising.

HA 1 to HB 394 - AMICK - HUM RES: Placed with the bill.

HA 1 to HB 474 - QUILLEN - AGENDA: Placed with the bill.

HA 1 to HB 542 - AMICK - HOUSING & COM AFF: Placed with the bill.

SB 250 - VAUGHN; REPRESENTATIVE EWING - LAND USE & GOV REL: An Act to Amend Chapter 1, Title 25, Delaware Code, Relating to Deeds.

SB 251 w/SA 1 - VAUGHN; REPRESENTATIVE EWING - LAND USE & GOV REL: An Act to Amend Chapter 3, Title 25, Delaware Code, Relating to Titles and Conveyances.

SB 274 w/SA 1 - BLEVINS & REPRESENTATIVE OBERLE; SENATOR NEAL; REPRESENTATIVES BENNETT, BUNTING, CLARK, B. ENNIS, HOUGHTON, JONKIERT, MOORE, SCHROEDER, SILLS, SOLES, VANSANT, WEST - LAND USE & GOV REL: An Act to Amend Chapter 27, Title 29, Delaware Code Relating to the Cash Management Policy Board and Investment Pools.

HA 1 to SB 273 - REYNOLDS - HUM RES: Placed with the bill.

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

SUNSET & OVERVIEW: HB 525 - 3M; HB 544 - 3M; HB 545 - 3M.

Representative Oberle brought HB 414, jointly sponsored by Representatives Spence, Petrilli, Ewing, Bennett & West & Senator Torbert & Representatives Houghton, VanSant & Campanelli & Senators McBride & Connor, before the House for consideration.

HB 414 - An Act to Amend Title 22, Delaware Code Relating to Residency Requirements for Municipal Employees. (2/3 bill)

Representatives Sills, Outten, Jonkiert, Campanelli, Maroney & VanSant requested that they be marked present.

Representative George introduced and brought HA 1 to HB 414 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: Representatives Bennett, Brady, Bunting, Clark, DiPinto, George, Gilligan, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, VanSant, West - 15.

NO: 25.

ABSENT: Representative Roy - 1.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

Representatives B. Ennis, Lee, West & Carey requested that they be marked present during the roll call.

Representative Oberle introduced and brought HA 2 to HB 414 before the House for consideration. HA 2 was adopted by voice vote.

Representative George rose on a point of order. Mr. Speaker did not concur.

The roll call on HB 414 w/HA 2 was taken and revealed:

YES: 35.

NO: Representatives Bunting, George, Moore, Sills, Soles - 5.

NOT VOTING: Representative Clark - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 414 w/HA 2 was sent to the Senate for concurrence.

Representative Quillen moved to suspend the rules which interfere with action on HB 474. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Quillen brought HB 474 before the House for consideration.

HB 474 - An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to the Election of Members of the Various School Boards of Any Reorganized Vocational-Education School Districts in This State. (F/N)

Representative Quillen brought HA 1 to HB 474 before the House for consideration.

Representative Quillen moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Quillen introduced and brought HA 2 to HB 474 before the House for consideration. HA 2 was adopted by voice vote.

Representative Quillen introduced and brought HA 3 to HB 474 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HB 474 w/HA 2 & 3 was taken and revealed:

YES: 29.

NO: Representatives Brady, Jonkiert, Soles - 3.

NOT VOTING: Representatives Davis, George, Hebner, Houghton, Mack, Maroney, Smith, Taylor - 8.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, HB 474 w/HA 2 & 3 was sent to the Senate for concurrence.

Representative Buckworth moved to suspend the rules which interfere with action on HB 523. The motion was properly seconded and adopted by voice vote.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Buckworth brought HB 523, jointly sponsored by Senator Cook & Representatives Ewing, Quillen, B. Ennis & Clark & Senators Adams, Minner, McBride, Vaughn & Still, before the House for consideration.

HB 523 - An Act to Amend Chapter 26, Part 1, Title 14 of the Delaware Code, Relating to the Power of County Vocational High School Districts and County Vocational-Technical Districts to Levy Taxes for School Purposes.

Representative Caulk requested that HA 1 to HB 523 be stricken.  
Representative Caulk requested that HA 2 to HB 523 be stricken.  
Representative Caulk requested that HA 1 to HA 1 to HB 523 be stricken.  
Representative Caulk requested that HA 3 to HB 523 be stricken.

The roll call on HB 523 was taken and revealed:

YES: 34.

NO: Representatives Bennett, Caulk, B. Ennis, Houghton, Jonkiert, Lee - 6.

NOT VOTING: Representative Mack - 1.

Therefore, having received a constitutional majority, HB 523 was sent to the Senate for concurrence.

Representative Buckworth introduced and brought HCR 90, jointly sponsored by Representatives Quillen, Caulk, Ewing, Clark, B. Ennis, Bennett & Outten, before the House for consideration.

HCR 90 - Providing for the Establishment of a Committee to Advise and Make Recommendations on Curricular Offerings and Pupil Enrollment in the Kent County Vocational Technical School District.

HCR 90 was adopted by voice vote and sent to the Senate for concurrence.

Representative Amick brought SB 319 w/SA 1, jointly sponsored by Senators Adams & Bair & Representatives Corrozi, B. Ennis, Ewing & Spence, before the House for consideration.

SB 319 - An Act to Amend Title 26 of the Delaware Code Relating to the Regulation of Public Utilities Providing Telecommunications Services.

The roll call on SB 319 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, SB 319 w/SA 1 was returned to the Senate.

The Majority Whip moved to recess at 4:35 p.m.

The House reconvened at 4:53 p.m.

Representative Ewing moved to lift HB 338 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought HB 338, jointly sponsored by Representative Spence, before the House for consideration.

HB 338 - An Act to Amend Chapters 41 and 27, Title 21 of the Delaware Code and Chapter 35, Title 11 of the Delaware Code.

Representative Ewing requested and was granted the privilege of the floor for James C. Fell, National Highway Traffic Safety Administrator, U.S. Department of Transportation.

Representative Ewing requested and was granted the privilege of the floor for Scott Chambers, House Attorney.

The roll call on HB 338 was taken and revealed:

YES: 33.

NO: Representative Hebner - 1.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Campanelli, B. Ennis, Jonkiert, Petrilli, Roy, Taylor - 6.

Therefore, having received a constitutional majority, HB 338 was sent to the Senate for concurrence.

Representative Bennett requested that HB 469 be stricken.

Mr. Speaker Spence resumed the Chair.

Representative Reynolds requested that HA 1 to SB 273 be stricken.

Representative Davis requested that HB 533 be stricken.

Representative Carey moved to suspend the rules which interfere with introduction of and action on HCR 91. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Carey introduced and brought HCR 91, jointly sponsored by Representatives Lee, Fallon, Ewing, Bunting, Schroeder & West, before the House for consideration.

HCR 91 - Providing for the Establishment of a Committee to Advise and Make Recommendations on Curricular Offerings and Pupil Enrollment in the Sussex County Vocational Technical School District.

HCR 91 was adopted by voice vote and sent to the Senate for concurrence.

Representative Maroney introduced HB 569, jointly sponsored by Representatives Corrozi, Reynolds, Davis, Buckworth, Quillen, Amick, Ewing, Boykin, Lee, Mack, Roy & Moore & Senators Holloway, Bair, Connor & Knox.

HB 569 - An Act to Amend Title 30 of the Delaware Code Providing for the Establishment of a License Tax on Medical Treatment Facilities and Providing Certain Procedures Relating Thereto. (3/5 bill)

Mr. Speaker assigned HB 569 to the Human Resources Committee.

Representative Clark introduced HS 1 for HB 423, jointly sponsored by Representatives West & B. Ennis & Senator Still & Representatives Bunting, Amick, Quillen, Lofink, VanSant, Houghton & Jonkiert & Senators Vaughn & Torbert.

HB 423 - An Act to Amend Chapter 29 of Title 29, Delaware Code Relating to Annual Auditing of School District's Local Tax Budget.

Mr. Speaker assigned HS 1 for HB 423 to the Appropriations Committee.

Representative VanSant requested that HB 479 be stricken.

Representative DiPinto introduced HB 570, jointly sponsored by Representative George.

HB 570 - An Act to Amend Chapter 5, Title 22, Delaware Code, Relating to the Wilmington Parking Authority.

Mr. Speaker assigned HB 570 to the Housing & Community Affairs Committee.  
Representative Carey brought HJR 21, jointly sponsored by Senator Minner, before the House for consideration.  
HJR 21 - Authorizing the Secretary of the Department of Natural Resources and Environmental Control to Designate Up to Two (2) Days a Year as Free Sport Fishing Days in Delaware's Non-Tidal Waters.  
The roll call on HJR 21 was taken and revealed:  
YES: 34.  
ABSENT: Representatives Campanelli, B. Ennis, Gilligan, Jonkiert, Petrilli, Roy, Taylor - 7.  
Therefore, having received a constitutional majority, HJR 21 was sent to the Senate for concurrence.  
Representative Carey moved to suspend the rules which interfere with introduction of and action on SB 399. The motion was seconded by Representative Buckworth and adopted by voice vote.  
Representative Carey introduced and brought SB 399, sponsored by Senator Cordrey, before the House for consideration.  
SB 399 - An Act to Amend Chapter 26, Title 14 of the Delaware Code, Relating to the Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.  
Representative Carey requested and was granted the privilege of the floor for Kevin Carson, Assistant Superintendent, Sussex County Vocational Technical School District.  
Representative West requested and was granted the privilege of the floor for Linda Marvel, representing Concerned Citizens for Vocational Education.  
The roll call on SB 399 was taken and revealed:  
YES: 29.  
NO: Representatives Houghton, Jonkiert, Lee - 3.  
NOT VOTING: Representatives Bennett, Caulk, Mack - 3.  
ABSENT: Representatives B. Ennis, Gilligan, Petrilli, Roy, Taylor, VanSant - 6.  
Therefore, having received a constitutional majority, SB 399 was returned to the Senate.  
The Chief Clerk read the following committee reports into the record:  
HOUSING & COM AFF: HB 561 - 2F, 5M.  
LAND USE & GOV REL: HB 504 - 4M; HB 505 - 5M; HB 506 - 4M; SB 315 - 4M.  
The Majority Whip moved to recess to the call of the Chair at 6:30 p.m.

31st LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 9, 1992

Mr. Speaker Spence called the House to order at 2:39 p.m.  
The Reading Clerk read the following communications into the record:  
The Senate wishes to inform the House that it has passed: SCR 108, HB 523, HCR 88 & SB 399.

The Senate wishes to inform the House that it has defeated: HB 89 w/HA 1 & SB 194 w/SA

1.  
May 30, 1992

Members of the House of Representatives  
of the State of Delaware

Legislative Hall

Dover, Delaware 19901

Dear Representatives:

At the direction of the Convention Body of the 54th Delaware State Convention of the Business and Professional Women's Clubs, Inc. held May 16-17, 1992 in Rehoboth Beach, Delaware, I am enclosing copy of Resolution #3 FAMILY CARE ACT OF 1991 - So Adopted  
Very truly yours,

Marie Schmidt,

State Recording Secretary

The Delaware Federation of Business

and Professional Women's Clubs, Inc.

Enclosure

RESOLUTION #3 -- FAMILY CARE ACT OF 1991

WHEREAS, THE Delaware Federation of Business and Professional Women's Clubs, Inc., (BPW/Delaware) supports the concept of Family/Medical/Leave and laws to implement this concept; and,

WHEREAS, Delaware's Family Care Act of 1991 (S.B. 122) has passed the Delaware State Senate and the House of Representatives' Labor and Industrial Relations Committee; and,

WHEREAS, S.B. 122 has been assigned to the Appropriations Committee even though there has been no proven cost to the State to implement the bill and for reasons that have no basis in fact; and,

WHEREAS, S.B. 122 is currently deadlocked in the Appropriations Committee; and,

WHEREAS, BPW/Delaware believes the working women of Delaware and their families have waited long enough for Family Care to become law; now, therefore be it

RESOLVED, that BPW/Delaware, meeting in Convention this Seventeenth day of May, 1992, does hereby express our thanks and appreciation to State Representative William A. Oberle, Jr., prime sponsor of the Family Care Act of 1991 in the House, and all other State Representatives who have cosponsored and shown support for this bill; and, be it further RESOLVED, that BPW/Delaware urges the following action take place immediately:

1. Release from the Appropriations Committee.
2. Debate on the House floor.
3. Passage by the House of Representatives.
4. Signature by the Governor.

and, be it further

RESOLVED, that the Recording Secretary send copies of this resolution immediately upon its adoption to the Honorable Michael N. Castle, Governor of Delaware; the Honorable William A. Oberle, Jr., State Representative and prime sponsor of S.B. 122; the Honorable Terry Spence, Speaker; the Honorable Gerald Buckworth, Majority Whip; the Honorable Joseph Petrillif, Majority Leader; the Honorable Philip Corozzi, Chairman of the Appropriations Committee; and all other members of the House of Representatives.

SPONSORED BY RESOLUTIONS CHAIR

Mr. Speaker reassigned SB 274 to the Labor & Human Resource Management Committee.

Mr. Speaker assigned SB 42 & SS 1 for SB 100 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:41 p.m., thereby ending the current legislative day. The House reconvened at 2:42 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

A prayer was offered by Thomas J. McCarthy, Jr., Staff Member.

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

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

The following prefiled legislation was introduced:

HB 571 - D. ENNIS, DAVIS, BOYKIN, DIPINTO, SMITH, CORROZI, ROY, TAYLOR, VANSANT, SILLS, JONKIERT; SENATORS BAIR, KNOX, MARSHALL, SOKOLA, HOLLOWAY - B & I: An Act to Amend Chapter 72, Title 18 of the Delaware Code Relating to Health Insurance for Small Employers.

HB 572 - SILLS, DAVIS, MOORE; SENATOR HOLLOWAY - JUD: An Act to Amend Subpart B, Subchapter VII, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Involving Public Indecency.

HB 573 - SMITH & SENATOR MARSHALL; REPRESENTATIVES DIPINTO, D. ENNIS, BOYKIN, JONKIERT, SILLS, VANSANT - R & F: An Act to Amend Chapters 11 and 19 of Title 30 of the Delaware Code Relating to the Corporate and Personal Income Tax. (3/5 bill)

HB 574 - HOUGHTON, BRADY, BUCKWORTH, CAMPANELLI, DAVIS, B. ENNIS, LOFINK, MACK, MOORE, REYNOLDS, SPENCE, VANSANT, WEST; SENATORS ADAMS, CONNOR, HOLLOWAY, MCBRIDE, MINNER, VAUGHN - P/S: An Act to Amend Subchapter VII, Subpart E of Title 11 Relating to Licenses to Carry Concealed Deadly Weapons.

HA 1 to HB 343 - OUTTEN - LAND USE & GOV REL: Placed with the bill.

HA 1 to HB 413 - CAMPANELLI - APPRO: Placed with the bill.

HA 1 to HB 502 - AMICK - P/S: Placed with the bill.

HA 1 to HB 519 - SMITH - AGENDA II: Placed with the bill.

HA 1 to HB 570 - DIPINTO & GEORGE - HOUSING & COM AFF: Placed with the bill.

SB 194 w/SA 1 - MARSHALL & SHARP; REPRESENTATIVES OBERLE, CAMPANELLI - LABOR & HUM RES MAN: An Act to Amend Chapter 69, Title 29, of the Delaware Code Pertaining to Public Work Contracts. (2/3 bill)

HA 1 to SB 304 - AMICK - LABOR & HUM RES MAN: Placed with the bill.

HA 2 to SB 304 - AMICK - LABOR & HUM RES MAN: Placed with the bill.

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

Representative Lofink requested that action on HS 1 for HB 428 be deferred to a Day Certain, Thursday, June 11, 1992.

Representative Roy requested that action on HB 470 be deferred to a Day Certain, Thursday, June 11, 1992.

Representative B. Ennis requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:48 p.m.

The House reconvened at 4:38 p.m.

Representative Buckworth 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 370 w/SA 1, SB 349, SB 328, SB 384, SS 1 to SB 268 w/SA 1 & SB 378 w/SA 1.

Representative Roy brought HB 525 before the House for consideration.

HB 525 - An Act to Amend Chapter 6, Title 24 of the Delaware Code Relating to Cosmetologists.

Representative Roy introduced and brought HA 1 to HB 525 before the House for consideration. HA 1 was adopted by voice vote.

Representative Mack requested that he be marked present.

The roll call on HB 525 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 525 w/HA 1 was sent to the Senate for concurrence.

Representatives Amick, D. Ennis, Oberle, Reynolds & Sills requested that they be marked present during the roll call.

Representative Outten brought HB 463, jointly sponsored by Representatives Bennett, Buckworth, Ewing, George, Houghton, Oberle, Soles & VanSant, before the House for consideration.

HB 463 - An Act to Amend Chapter 35, Title 18 of the Delaware Code Relating to Group and Blanket Health Insurance. (F/N)

The roll call on HB 463 was taken and revealed:

YES: 33.

NO: Representatives Amick, D. Ennis, Smith, Taylor - 4.

NOT VOTING: Representatives Boykin, Petrilli, Roy - 3.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 463 was sent to the Senate for concurrence.

Representative DiPinto brought HB 561, jointly sponsored by Senator Holloway & Representatives Spence, Carey, D. Ennis, Sillis, Moore, George & Jonkier & cosponsored by Senator Marshall, before the House for consideration.

HB 561 - An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing and to Amend Chapter 30, Title 31, Delaware Code, Relating to the State Human Relations Commission and the Creation of a Special Administration Fund. (F/N)

Representative DiPinto requested and was granted the privilege of the floor for Andrew J. Turner, Jr., Director, State Division of Human Relations.

Representative DiPinto requested and was granted the privilege of the floor for Kevin Slattery, Deputy Attorney General, Department of Justice.

The roll call on HB 561 was taken and revealed:

YES: 26.

NO: Representative Hebner - 1

NOT VOTING: Representatives Bennett, Brady, Campanelli, Clark, Davis, Ewing, Houghton, Mack, Outten, Quillen, Roy, West - 12.

ABSENT: Representatives George, VanSant - 2.

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

Representative Roy brought HB 526, jointly sponsored by Representatives Taylor, DiPinto, Boykin, Davis, Ewing & Oberle & Senators Martin, Marshall & Sokola, before the House for consideration.

HB 526 - An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Fuel and Special Fuel Tax Law.

Representative Roy introduced and brought HA 1 to HB 526 before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Dale Shulman, Director, Division of Motor Fuel Tax & Glenn Moore, representing Delmarva Power.

Representative Roy rose on a point of order. Mr. Speaker did not concur.

The roll call on HB 526 w/HA 1 was taken and revealed:

YES: 33.

NO: Representatives Bennett, Outten - 2.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representatives Buckworth, Bunting, Campanelli, George, Schroeder - 5.

Therefore, having received a constitutional majority, HB 526 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett introduced HB 575.

HB 575 - An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to Physician's Assistants.

Mr. Speaker assigned HB 575 to the Human Resources Committee.

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

H/ADM: SB 320 - 4M.

TRANS: SB 212 w/SA 1 - 6M.

The Majority Leader moved to recess to the call of the Chair at 6:08 p.m.

32nd LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 10, 1992

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 346 w/SA 1, SB 348, HB 225, HB 298 w/HA 1, HB 219 w/SA 1, HB 444 w/HA 1 & SB 347 w/SA 1.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Clark - 1.

A prayer was offered by Representative Steven C. Taylor, Twenty-First Representative District.

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

Representative George requested that he be marked present.

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

Representatives Jonkiert, Bennett & Reynolds requested that they be marked present.

The following prefilled legislation was introduced:

**HB 576** - SPENCE, WEST - HUM RES: An Act to Amend Title 13, Delaware Code Relating to Marriage.

**HB 577** - EWING & SPENCE - P/S: An Act to Amend Chapter 31, Title 20, and Chapter 82, Title 29 of the Delaware Code Relating to Civil Defense and the Department of Public Safety.

**HB 578** - DIPINTO, BOYKIN, D. ENNIS, JONKIERT, SILLS, VANSANT - H/ADM: An Act to Amend Subtitle 1, Title 6 of the Delaware Code Relating to the Uniform Commercial Code - Secured Transactions and Chapter 23, Title 29 Relating to the Secretary of State. (3/5 bill)

**HB 579** - D. ENNIS, BOYKIN, SMITH, JONKIERT, VANSANT - B & I: An Act to Amend Chapter 21, Title 18 of the Delaware Code Relating to Unauthorized Insurers.

**HB 580** - B. ENNIS, HOUGHTON, SPENCE, VANSANT, D. ENNIS; SENATOR TORBERT - SM BUS & ECON DEV: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Unauthorized Use of a Vehicle. (2/3 bill)

**HB 581** - SILLS, MOORE; SENATORS HOLLOWAY, MCDOWELL - H/ADM: An Act to Amend Chapter 20, Title 15 of the Delaware Code Relating to Elections.

**HB 582** - JONKIERT - JUD: An Act to Amend Chapter 15, Title 13, Relating to Property Division Upon Divorce. (2/3 bill)

**HB 583** - JONKIERT - CORR: An Act to Amend Section 4346, Subchapter IV, Chapter 43, Title 11 of the Delaware Code With Reference to Eligibility for Parole: Providing Early Compassionate Parole Release for Terminally Ill Prisoners.

**HA 2 to HS 1 for HB 197** - DAVIS - READY LIST: Placed with the bill.

**HA 2 to HB 324** - BOYKIN - AGENDA II: Placed with the bill.

**HA 2 to HB 343** - MARONEY - LAND USE & GOV REL: Placed with the bill.

**HA 1 to HS 1 for HB 423** - BRADY - APPRO: Placed with the bill.

**HA 1 to HS 1 for HB 428** - DAVIS - AGENDA II: Placed with the bill.

**HA 2 to HS 1 for HB 428** - AMICK - AGENDA II: Placed with the bill.

**HA 2 to HB 491** - EWING - AGENDA II: Placed with the bill.

**HA 1 to HB 560** - MARONEY - ED: Placed with the bill.

**HA 2 to HJR 19** - SILLS - READY LIST: Placed with the bill.

**HA 3 to HJR 19** - SILLS - READY LIST: Placed with the bill.

**SS 1 to SB 268 w/SA 1** - MARTIN; REPRESENTATIVE ROY - TRANS: An Act to Amend Part I, Title 2 and Chapter 51, Title 30 of the Delaware Code Relating to Aeronautics. (2/3 bill)

**SB 328** - TORBERT; REPRESENTATIVE CAULK - H/ADM: An Act to Amend Being Chapter 32, Volume 47, Laws of Delaware, as Amended, Entitled, "An Act to Reincorporate the Town of Frederica" Relating to Power to Operate a Water System and Providing for the Issuance of Bonds Therefor. (2/3 bill)

**SB 346 w/SA 1** - SHARP & STILL & HOLLOWAY & REPRESENTATIVE CORROZI; SENATORS BAIR, CONNOR, COOK, HAUGE, NEAL, SOKOLA, TORBERT, VAUGHN; REPRESENTATIVES AMICK, BENNETT, BOYKIN, BRADY, BUCKWORTH, CAREY, CLARK, DAVIS, DIPINTO, LEE, LOFINK, QUILLEN, SMITH, SOLES, SPENCE, TAYLOR, WEST, D. ENNIS - B & I: An Act to Amend Chapters 33 and 35, Title 18 of the Delaware Code Relating to Claim Forms.

**SB 347 w/SA 1** - COOK, VAUGHN, ADAMS; REPRESENTATIVES CLARK, EWING, B. ENNIS, HOUGHTON - TRANS: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Allowable Gross Weights on Commercial Motor Vehicles.

**SB 348** - SHARP - JUD: An Act to Amend Chapter 1, Title 8 of the Delaware Code, Relating to the General Corporation Law.

**SB 349** - ADAMS, COOK, CORDREY, VAUGHN, VENABLES, STILL; REPRESENTATIVES CAULK, CAREY, LOFINK, QUILLEN, BUNTING, CLARK, SCHROEDER, EWING - P/S: An Act to Amend Chapter 45, Title 21 Delaware Code Relating to Weights and Sizes of Specific Farm Equipment and Fire Apparatus.

**SB 370 w/SA 1** - HOLLOWAY - ED: An Act to Amend Title 14, Delaware Code, by Adding Thereto a New Chapter 93 to Prohibit the Act of Hazing. (2/3 bill)

**SB 378 w/SA 1** - SOKOLA & REPRESENTATIVE HEBNER; SENATORS BLEVINS, HOLLOWAY, MARSHALL, MCBRIDE, MINNER, SHARP, VAUGHN, CONNOR, NEAL; REPRESENTATIVES AMICK, DAVIS, EWING, LEE, REYNOLDS, SPENCE, BENNETT, BRADY, B. ENNIS, HOUGHTON, MOORE, SMITH, VANSANT - HUM RES: An Act to Amend Chapter 9, Title 16 of the Delaware Code Relating to Abuse of Children.

**SB 384** - VAUGHN - SUNSET & OVERVIEW: An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to General Assembly Approval of Fees Imposed by Division of Professional Regulations.

**HA 1 to SB 28** - D. ENNIS - B & I: Placed with the bill.

**HA 3 to SB 304** - AMICK - LABOR & HUM RES MAN: Placed with the bill.

The Reading Clerk read the following communication into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #51

DATE: June 10, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-235	Smith	5/22/92	T	Chad A. Leigh/Eagle Scout
H92-236	VanSant	6/1/92	T	Rededication Ceremony/Donald J. Richey Elementary School
H92-237	Quillen	5/23/92	T	The DE State Grange/125th Anniversary/National Grange
H92-238	Lofink	5/30/92	T	John A. Stapleford/Eagle Scout

Number	Sponsor	Presentation Date	Type	Description
H92-239	Carey	5/31/92	T	Rev. Norman W. Davis/Dedication/ Siloam A.M.E. Church
H92-240	Carey	6/1/92	T	Fannie Jennings/100th Birthday
H92-241	Spence		T	Richard H. LeCates/Eagle Scout
H92-242	Roy	6/2/92	T	Keith Walker/1992 McKean Teacher of the Year
H92-243	Outten	6/2/92	T	Arnold R. Olsen/Director/Ins. Coverage/Retirement
H92-244	Caulk	6/4/92	T	Dr. William J. Benton/Retirement/36 Years/U. of D./Ag. Sciences
H92-245	Fallon	5/25/92	M	Glenn Sizemore
H92-246	Fallon	5/28/92	M	Emerson Hubbard
H92-247	Fallon	5/24/92	M	George Graves
H92-248	Fallon	5/29/92	M	Ellwood A. Cook, Jr.
H92-249	D. Ennis	5/30/92	T	Chris Eisenberg/Receiving M.P.A. /University of Delaware
H92-250	Roy	5/30/92	T	Robin Mayhew/Receiving M.P.A./ University of Delaware
H92-251	Bennett	6/24/92	T	Evan Andrew Wrede/Eagle Scout
H92-252	Clark	6/3/92	T	Rev. Robert E. Simpson, Jr./Retirement /Kenton United Methodist Church
H92-253	Spence	5/30/92	T	Katherine Episcopo/75th Birthday

T - Tribute

M - Memoriam

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

The House reconvened at 6:03 p.m.

Representatives Gilligan, Mack, Brady, D. Ennis & B. Ennis requested that they be marked present.

The following prefiled Consent Calendar #30 was introduced:

HR 118 - FALLON - Congratulating the Seaford Girl's Tennis Team on Their Second State Championship in Two Years.

HCR 92 - AMICK; SENATOR NEAL; REPRESENTATIVE SOLES - Mourning the Loss of Vocational School Education Champion Paul M. Hodgson.

HCR 93 - MARONEY & SENATOR HOLLOWAY - Recognizing Mental Illness Awareness Week October 4 Through October 10.

HCR 94 - DAVIS & SENATOR SOKOLA; REPRESENTATIVES ROY, PETRILLI - Congratulating the 1992 Wilmington Christian School Girls Softball Team on Their First State Championship.

HCR 95 - SMITH & SENATOR BAIR; REPRESENTATIVES DIPINTO, BOYKIN - Mourning the Death of Former Wilmington Police Chief and Public Servant John J. Smith, Sr.

SCR 108 - VAUGHN; REPRESENTATIVES B. ENNIS, LOFINK - Mourning the Death of Earl Deputy, Formerly of Middletown, a Member of the 118th General Assembly of the State of Delaware.

Representative Maroney introduced SCR 111, jointly sponsored by Senators Bair, Blevins, Cook, Minner, Neal & Holloway & Representatives Fallon, Boykin, Soles, Sills, Moore, Corrozi & DiPinto, before the House for consideration.

SCR 111 - Commending Constance G. Beresin, for Her Many Accomplishments and Outstanding Leadership as Executive Director of the YMCA of New Castle County.

SCR 111 was added to Consent Calendar #30.

Consent Calendar #30 was adopted by voice vote and HCR 92, HCR 93, HCR 94 & HCR 95 were sent to the Senate for concurrence and SCR 108 & SCR 111 were returned to the Senate.

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

LABOR & HUM RES MAN: HB 554 - 4M; HB 555 - 4M; SB 231 - 4F; SB 274 w/SA 1 - 4M; SB 301 w/SA 1 - 4M; SB 304 w/SA 1 - 4M.

SM BUS & ECON DEV: HB 563 - 6M.

H/ADM: HB 521 - 5M; HB 551 - 5M; HB 568 - 5M; HR 115 - 3M; SB 267 - 5M; SB 299 - 5M; SB 302 w/SA 1,3 & 4 - 1F,4M.

NAT RES: HB 548 - 4M.

APPRO: HB 408 - 6M; HB 413 - 1F,5M; HS 1 for HB 423 - 1F,5M; HB 424 - 1F,4M,1U.

JUD: HB 313 - 4M,2U; HB 530 - 3M,2U; HB 572 - 6M; SB 228 w/SA 1 - 5M.

ED: HB 560 - 1F,4M.

HUM RES: HB 394 - 1F,5M; HB 541 - 6M; HB 567 - 6M; HB 575 - 6M; HJR 20 - 1F,5M; HCR 89 - 2F,3M.

P/S: HB 558 - 3M,1U; HB 564 - 4M,1U; HB 574 - 1F,4M; HCR 84 - 4M; SB 325 w/SA 1 & 2 - 4M; SB 326 w/SA 1 - 4M.

B & I: HB 430 - 6M.

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

33rd LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 11, 1992

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

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

LAND USE & GOV REL: HB 343 - 1F,4M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 109, SCR 110, SCR 111, HCR 90, HCR 91, SB 351, SB 359 w/SA 1 & 2, SB 358, SB 252, SB 405, SB 374, SB 316 w/SA 1 & 2 & SJR 14.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, J. Benjamin Ewing, do hereby request that my name be removed as Co-Sponsor of HB 508.

Date: June 11, 1992.

Signed: J. Benjamin Ewing.

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

The Chief Clerk called the roll.

Members Present: 41.

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 584 - OBERLE & AMICK; SENATOR VAUGHN - SUBS ABUSE: An Act to Amend Chapter 47, Title 16, Delaware Code, Relating to the Controlled Substances Act and Anabolic Steroids.

HB 585 - OBERLE & SENATOR VAUGHN - LABOR & HUM RES MAN: An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to the State Pension Advisory Council.

HB 586 - OBERLE & SENATOR KNOX - NAT RES: An Act to Amend Chapter 70, Title 7 of the Delaware Code to Clarify the Expansion or Extension of Nonconforming Uses in the Coastal Zone.

HB 587 - BUCKNORTH & SENATOR MARSHALL; REPRESENTATIVES MACK, CAULK, EWING, DAVIS, LEE, REYNOLDS, CORROZI, DIPINTO, SMITH, BOYKIN, BENNETT, CLARK, OUTTEN, BRADY, SOLES; SENATORS HOLLOWAY, TORBERT, BAIR, CONNOR, KNOX, STILL - P/S: An Act to Amend Title 11 of the Delaware Code Relating to the Definition of the Terms "Deadly Weapon" and "Firearm."

HB 588 - DAVIS & SENATOR VAUGHN - CORR: An Act to Amend Title 16, Chapter 48A and Title 11, Chapter 65 to Provide for Better Coordination and Utilization of Substance Abuse Treatment, Education, and Rehabilitation Resources Provided Through Criminal Surcharges.

HB 589 - FALLON - ED: An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to School Attendance.

HB 590 - SMITH & BRADY, AMICK, BOYKIN, BUCKNORTH, CAULK, CORROZI, DIPINTO, EWING, HEBNER, LEE, LOFINK, MACK, REYNOLDS, SPENCE, B. ENNIS, JONKIERT, MOORE, WEST - JUD: An Act to Amend Chapter 6, Title 31 of the Delaware Code Relating to Food Stamps. (2/3 bill)

HB 591 - TAYLOR & SENATOR MARTIN - LAND USE & GOV REL: An Act to Amend Chapter 54, Title 30, of the Delaware Code Relating to Realty Transfer Tax Revenue Bonds. (3/4 bill)

HB 592 - SMITH & GILLIGAN; SENATORS SHARP, BAIR; REPRESENTATIVE B. ENNIS - R & F: An Act to Amend Chapter 66, Title 16 of the Delaware Code Relating to the State Fire Prevention Commission.

HB 593 - WEST & SENATOR ADAMS - LAND USE & GOV REL: An Act to Amend Title 29 of the Delaware Code Relating to Compensatory Payments for Certain Exempt Properties Owned by the State of Delaware to the Town of Georgetown.

HB 594 - JONKIERT - B & I: An Act to Amend Chapter 7, Title 18, Relating to the Privilege Tax on Certain Domestic Insurers.

HB 595 - MOORE - P/S: An Act to Amend Title 21, Section 4142 of the Delaware Code Relating to Pedestrians Right of Way in Crosswalks.

HS 1 for HJR 19 - SILLS, JONKIERT, MOORE, QUILLEN; SENATOR HOLLOWAY - CORR: Directing the Department of Corrections to Reduce Its Inmate Population at Gander Hill Prison by Releasing Certain Pretrial Detentioners and Low-Risk Inmates From Institutional Custody to Community-Based Third Party Custody Programs.

HA 1 to HB 6 - ROY - TRANS: Placed with the bill.

HA 3 to HS 1 for HB 197 - DAVIS - AGENDA: Placed with the bill.

HA 3 to HS 1 for HB 428 - LOFINK - AGENDA: Placed with the bill.

HA 1 to HB 556 - AMICK - SUNSET & OVERVIEW: Placed with the bill.

SB 252 - SOKOLA; REPRESENTATIVE ROY - TRANS: An Act to Amend Chapter 68, Title 16, Delaware Code, Relating to Non-Profit Sports Liability Limitation.

SB 316 w/SA 1 & 2 - MINNER & REPRESENTATIVE PETRILLI - H/ADM: An Act to Amend Chapter 55, Title 15 of the Delaware Code Relating to the Requirements for and Procedure Applicable to Absentee Voting.

SB 351 - ADAMS; REPRESENTATIVE EWING - LABOR & HUM RES MAN: An Act to Amend Chapter 59 and 83, Title 29, Delaware Code Clarifying Responsibility for the Determination of State Pension Benefits.

SB 358 - COOK & NEAL; REPRESENTATIVES AMICK, DIPINTO, SOLES - SUNSET & OVERVIEW: An Act to Amend Chapter 37, Title 24 of the Delaware Code Relating to Licensure.

SB 359 w/SA 1 & 2 - BAIR & HOLLOWAY & REPRESENTATIVE MARONEY; REPRESENTATIVES CAREY, SMITH, SOLES - TRANS: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Handicapped Parking.

SB 374 - VAUGHN; REPRESENTATIVE EWING - SM BUS & ECON DEV: An Act to Amend Title 6 of the Delaware Code Relating to Partnership Interests in General Partnerships and Limited Partnerships and the Uniform Commercial Code.

SB 405 - VAUGHN & REPRESENTATIVES SPENCE, EWING, D. ENNIS, HOUGHTON - LABOR & HUM RES MAN: An Act to Amend Chapter 23, Subchapter III, Title 29, Delaware Code Relating to a Reasonable Fee to Claimant's Attorney for Services on an Appeal.



SJR 14 - COOK & REPRESENTATIVE AMICK - H/ADM: Relating to the 100th Anniversary of the National Conference of Commissioners on Uniform State Laws.

SCR 109 - STILL & CONNOR & MCBRIDE & REPRESENTATIVE FALLON; SENATORS BAIR, HAUGE, MINNER, TORBERT; REPRESENTATIVES MOORE, QUILLLEN, SPENCE - LABOR & HUM RES MAN: Strongly Encouraging Employers to Allow Employees to Take Time Off From Work to Visit Their Children's School.

Representatives West, Outten & Clark requested that they be marked present.

Representative Clark requested that HB 552 be stricken.

Representative B. Ennis requested that he be marked present.

Representative B. Ennis requested that HB 507 be stricken.

Representative Roy requested that action on HB 470 be deferred to a Day Certain, Tuesday, June 16, 1992.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative DiPinto introduced HA 1 to HB 470. HA 1 was placed with the bill.

Representative DiPinto introduced HA 3 to HB 493. HA 3 was placed with the bill.

Representatives Mack & Schroeder requested that they be marked present.

Representative Lofink brought HS 1 for HB 428, jointly sponsored by Senator Vaughn & Representatives Petrilli, Spence, Buckworth, Amick, Boykin, Caulk, Corrozi, DiPinto, Ewing, Hebner, Lee, Mack, Maroney, Oberle, Reynolds, Roy, Smith, Taylor, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonklert, Schroeder, VanSant & West, before the House for consideration.

HB 428 - An Act to Amend Chapters 21 and 27, Title 21 of the Delaware Code Relating to Registration of Motor Vehicles and Driver's License. (2/3 bill)

Representative Davis brought HA 1 to HS 1 for HB 428 before the House for consideration. HA 1 was adopted by voice vote.

Representative Amick brought HA 2 to HS 1 for HB 428 before the House for consideration.

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

HA 2 to HS 1 for HB 428 was adopted by voice vote.

Representative Lofink brought HA 3 to HS 1 for HB 428 before the House for consideration. HA 3 was adopted by voice vote.

Representative Lofink moved to place HS 1 for HB 428 w/HA 1, 2 & 3 on the Speaker's table. The motion was seconded by Representative Taylor and adopted by voice vote.

Representative Petrilli brought SB 320, sponsored by Senator Sharp & Representative Spence, before the House for consideration.

SB 320 - An Act to Amend Chapter 72, Title 7, Delaware Code Relating to Subaqueous Lands. Representative Petrilli deferred to Representative Spence.

Representative Soles requested and was granted the privilege of the floor for Edwin H. Clark, Secretary, Department of Natural Resources and Environmental Control.

Representative Gilligan rose on a point of order. Mr. Acting Speaker concurred.

The roll call on SB 320 was taken and revealed:

YES: 39.

NOT VOTING: Representative Maroney - 1.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, SB 320 was returned to the Senate.

Representatives D. Ennis & Moore requested that they be marked present during the roll call.

Representative Moore brought HB 488, jointly sponsored by Representatives Davis, D. Ennis, Maroney, Sillis & West & Senators Bair & Hauge, before the House for consideration.

HB 488 - An Act to Amend Title 11, Section 1447 to Delete Language That is Not Consistent With the Truth in Sentencing Act.

The roll call on HB 488 was taken and revealed:

YES: 39.

NOT VOTING: Representative Clark - 1.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, HB 488 was sent to the Senate for concurrence.

Representative Caulk brought HB 472, jointly sponsored by Senator Adams & Representatives Buckworth, Carey, Fallon, Lofink, Quillen, Lee, Ewing, Bunting, Clark, Schroeder, B. Ennis & West & Senators Cordrey, Minner, Venables, Vaughn, Cook & J. Still, before the House for consideration.

HB 472 - An Act to Amend Title 3 of the Delaware Code Relating to Seeds. (3/5 bill)

The roll call on HB 472 was taken and revealed:

YES: 40.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 472 was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Oberle brought HB 478 before the House for consideration.

HB 478 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representative Oberle moved to place HB 478 on the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Amick brought SB 40 w/SA 5, jointly sponsored by Senators Holloway & Venables & Representatives Sillis, Moore, Houghton & Reynolds, before the House for consideration.

SB 40 - An Act to Amend Title 13, Chapter 11 of the Delaware Code Relating to the Termination of Parental Rights.

Representative Amick requested and was granted the privilege of the floor for Carol King, Adoption Services Manager, Division of Child Protective Services, Department of Services for Children, Youth and Their Families.

Representative Davis brought HA 1 to SB 40 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 40 w/SA 5 & HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Caulk, Oberle - 2.

ABSENT: Representative Hebner - 1.

Therefore, having received a constitutional majority, SB 40 w/SA 5 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Amick brought HB 328, jointly sponsored by Senator Hauge, before the House for consideration.

HB 328 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gubernatorial Appointments. (2/3 bill)

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

Representative Amick requested and was granted the privilege of the floor for Keith Brady, Legal Counsel to the Governor.

The roll call on HB 328 was taken and revealed:

YES: 33.

NO: Representatives Brady, Clark, B. Ennis, Jonkiert - 4.

NOT VOTING: Representatives George, Houghton, VanSant - 2.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 328 was sent to the Senate for concurrence.

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

Representative Lofink moved to lift HS 1 for HB 428 w/HA 1,2 & 3 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Lofink brought HS 1 for HB 428 w/HA 1,2 & 3, jointly sponsored by Senator Vaughn & Representatives Petrilli, Spence, Buckworth, Amick, Boykin, Caulk, Corrozi, DiPinto, Ewing, Hebner, Lee, Mack, Maroney, Oberle, Reynolds, Roy, Smith, Taylor, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Schroeder, VanSant & West, before the House for consideration.

HB 428 - An Act to Amend Chapters 21 and 27, Title 21 of the Delaware Code Relating to Registration of Motor Vehicles and Driver's License.

Representative Taylor introduced and brought HA 4 to HS 1 for HB 428 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HS 1 for HB 428 w/HA 1,2,3 & 4 was taken and revealed:

YES: 39.

ABSENT: Representatives Bennett, Sills - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 for HB 428 w/HA 1,2,3 & 4 was sent to the Senate for concurrence.

Representative VanSant brought HB 515, jointly sponsored by Representatives Davis, B. Ennis, Houghton, Jonkiert, Mack, Moore, Oberle, Reynolds, Spence & Senators Blevins, Holloway, Marshall & Martin, before the House for consideration.

HB 515 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

Representative Bunting announced that he will not be voting on HB 515 because of a possible conflict of interest.

Representative VanSant brought HA 1 to HB 515 before the House for consideration. HA 1 was adopted by voice vote.

Representative VanSant brought HA 2 to HB 515 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: 21.

NO: Representatives Amick, Boykin, Buckworth, Carey, Corrozi, DiPinto, Ewing, Fallon, Gilligan, Lee, Maroney, Petrilli, Quillen, Roy, Smith, Soles, Taylor - 17.

NOT VOTING: Representatives Bunting, Schroeder - 2.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative VanSant requested and was granted the privilege of the floor for Edwin Miller, President, Retail Liquor Dealers Association.

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

Representative VanSant moved to place HB 515 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #52

DATE: June 11, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H92-254	Spence	5/14/92	T	Henry Alisa/Alzheimer's Memory Walk
H92-255	Brady	6/8/92	T	Hugh H. McCole/70th Birthday

Number	Sponsor	Presentation Date	Type	Description
H92-256	B. Ennis	6/7/92	T	Joshua M. McGrath/Eagle Court of Honor
H92-257	Amick	6/4/92	T	John Mayer/Small Business Person of Year/N.C.C. Chamber of Commerce
H92-258	Taylor	6/4/92	T	Thelma A. Roberts/40 Yrs. Serv./Girl Scouts of America
H92-259	Taylor	6/4/92	T	Kris Kinderman/Eagle Scout
H92-260	Fallon	6/4/92	T	Mr. & Mrs. James Guthrie/50th Wedding Anniversary
H92-261	Petrilli	6/9/92	T	Christopher Yang/Outstanding Musician
H92-262	Taylor	6/4/92	T	Aaron Robinson/DE Music Educators Association Award
H92-263	Fallon	6/10/92	T	Richard Drummond/John A. Moore, Jr. Community Service Award
H92-264	Fallon cosponsor: Ewing	6/10/92	T	Anne Nesbitt/Athena Award
H92-265	Fallon	6/9/92	T	John Hollis/American School Counselors Association's Award
H92-266	Ewing	6/12/92	T	George Tuck/30 Years Service/Bridgeville Library
H92-267	Carey	6/14/92	T	Jason M. Miller/Troop 911/Environmental Recycling Project
H92-268	Petrilli	6/12/92	T	Alfred H. Pagano/30 Yrs./Governmental & Political Process
H92-269	Amick	6/10/92	T	Mary Maslar/N.C.C./High School Counselor of the Year
H92-270	Ewing	6/9/92	T	Henry & Sarah Cowgill/50th Wedding Anniversary
H92-271	Brady	5/31/92	T	George & Grace Ashback/50th Wedding Anniversary

M - Memoriam

T - Tribute

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

P/S: SB 307 - 3M.

SUNSET & OVERVIEW: HB 556 - 1F,2M; HB 565 - 3M.

TRANS: HB 566 - 6M; SB 252 - 6M; SS 1 to SB 268 w/SA 1 - 6M; SB 359 w/SA 1 & 2 - 6M.

LABOR & HUM RES MAN: HB 585 - 3M; SB 143 w/SA 1 - 3M; SB 194 w/SA 1 - 3M; SCR 61 - 3M.

Mr. Speaker assigned HB 541 & HB 560 to the Appropriations Committee.

Mr. Speaker assigned HB 575 to the Sunset & Overview Committee.

Mr. Speaker reassigned HB 500 to the House Administration Committee.

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

### 34th LEGISLATIVE DAY 136th GENERAL ASSEMBLY

#### Second Session

June 16, 1992

Mr. Speaker Spence called the House to order at 2:38 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 385, SB 287 w/SA 1 & 2.

HJR 21, SB 373 w/SA 1 & 2, SB 327, SB 382 w/SA 1, SJR 13, SB 386 w/SA 1, SB 375, HB 460, HB 23, HB 19, HB 525 w/HA 1, HCR 92, HCR 93, HCR 94 & HCR 95.

June 5, 1992

#### LEGISLATIVE ADVISORY #43

FROM: Office of Counsel to the Governor

The Governor signed the following legislation: HB 523 & SB 399.

June 10, 1992

#### LEGISLATIVE ADVISORY #44

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 6/10/92 - HJR 17 aab HA 1 & SB 319 aab SA 1.

#### MEMORANDUM

TO: All Legislative Clerks and Secretaries

FROM: Dean L. Johnson, Legislative Clerk

Ohio House of Representatives

DATE: June 8, 1992

On March 24, 1992 the Ohio General Assembly adopted House Concurrent Resolution No. 24, memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Mindfall.

Pursuant to the directions contained therein, I am forwarding a copy to you, and am requesting that you provide each of your members a copy of same.

Best regards.

Sincerely,  
Dean L. Johnson

DLJ:sr  
enclosure

(119th General Assembly)  
(House Concurrent Resolution No. 24)  
CONCURRENT RESOLUTION

Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

Be it resolved by the House of Representatives of the State of Ohio (the Senate Concurring):

WHEREAS, The members of the 119th General Assembly of Ohio wish to memorialize the Congress of the United States to review the provisions of the Social Security Act commonly known as the Social Security Offset and Windfall, which substantially reduce the anticipated retirement benefits of Ohio public employees, for the purpose of repealing or amending those provisions to provide relief for such public employees and parity with benefits enjoyed by nonpublic employees who are able to receive private pensions without comparable reduction in Social Security benefits; and

WHEREAS, Public employees in the State of Ohio participate in state or local public retirement systems as to such public employment; and

WHEREAS, Numerous Ohio public employees and/or their spouses also are or have been employed in nonpublic sector jobs for which they and their employer have contributed to the Social Security System; and

WHEREAS, Upon retirement after many years of dedicated public service, Ohio public employees have been promised and are entitled to receive a public pension based on their service and contributions to the state retirement system; and

WHEREAS, Ohio public employees who have also been employed in nonpublic sector jobs or have spouses who have been so employed and have contributed to the Social Security System upon retirement expect to receive Social Security benefits commensurate with their Social Security-covered service and comparable to those received by all others who contributed to the Social Security System; and

WHEREAS, As a result of the Social Security windfall provision, Section 215(a)(7) of the Social Security Act and the offset provision, Subsections (b)(4), (c)(2), (e)(7), (f)(2), and (g)(4) of Section 202 of the Social Security Act, the Social Security benefits for which contributions were made by the employee or the employee's spouse, respectively, are substantially reduced or eliminated, severely impacting the financial condition of the public retiree; and

WHEREAS, The General Assembly firmly believes that Ohio public employees should not be penalized for their years of dedicated public service and should receive Social Security benefits which are commensurate with their or their spouses' years of Social Security-covered service and contributions and are comparable to those received by all other employees; now therefore be it

RESOLVED, That we, the members of the 119th General Assembly of the State of Ohio, in adopting this Resolution, hereby apply to the Congress of the United States to review the windfall and offset provisions of the Social Security Act for the sole purpose of repealing or amending such provisions to provide relief to public system retirees and to provide Social Security benefits to such public system retirees which are commensurate with their or their spouses' years of Social Security covered service and contributions and are comparable to those received by other retirees; and be it further

RESOLVED, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to each member of Congress, to the Secretary of State and presiding officers of both houses of the legislature of each of the other states in the Union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, and to members of the news media.

Vernal G. Riffe, Jr.  
Speaker of the House of Representatives  
Stanley J. Aronoff  
President of the Senate  
Adopted March 24, 1992

Introduced by

REPRESENTATIVES MAIER - SHEERER - COLONNA - LOGAN - CORDRAY - LUCAS - KRUPINSKI -  
MAHNIC - THOMAS - W. JONES - CAIN - CAMPBELL - ROBERTS - CLARK - SUSTER - WESTON - PRENTISS -  
D. JOHNSON - SEESE - HAGAN - MOTT - VAN VYVEN - SECREST - HEALY - KASPUTIS - VERICH -  
DIDONATO - SCHUCK - SENATORS FINAN - FURNEY - MESHEL - MONTGOMERY - SINAGRA - NETTLE -  
DRAKE - BURCH - ZIMMERS - ESPY - BOWEN

Adopted by the House of Representatives,  
February 12, 1992

Adopted by the Senate,  
March 24, 1992

Filed in the office of the Secretary of State at Columbus, Ohio on the  
\_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_

Bob Taft  
Secretary of State

The Majority Leader moved to adjourn at 2:40 p.m., thereby ending the current legislative day. The House reconvened at 2:41 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

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

The following prefiled legislation was introduced:

HB 596 - PETRILLI & SPENCE; SENATORS CORDREY, SHARP - H/ADM: An Act to Amend Chapter 8, Title 29, Delaware Code Relating to the Composition of and Reapportionment of the General Assembly.

HB 597 - MARONEY & FALLON - JUD: An Act to Amend Chapter 5, Title 13, Delaware Code Relating to Desertion and Support.

HB 598 - OBERLE & AMICK; SENATOR VAUGHN - SUBS ABUSE: An Act to Amend Chapter 47, Title 16, Delaware Code Relating to the Controlled Substances Act.

HB 599 - ROY & SENATOR VENABLES - SUNSET & OVERVIEW: An Act to Amend Chapter 1, Title 4, of the Delaware Code, Relating to Alcoholic Liquors.

HB 600 - AMICK - SUNSET & OVERVIEW: An Act to Amend Chapter 1, Title 26, Delaware Code Relating to the Public Service Commission.

HA 1 to HB 313 - DIPINTO - READY LIST: Placed with the bill.

HA 2 to HB 394 - AMICK - READY LIST: Placed with the bill.

HA 1 to HS 1 for HB 456 - SPENCE - ED: Placed with the bill.

HA 1 to HB 537 - MARONEY - HUM RES: Placed with the bill.

HA 2 to HB 537 - MARONEY - HUM RES: Placed with the bill.

HA 1 to HB 568 - BENNETT - AGENDA: Placed with the bill.

SB 287 w/SA 1 & 2 - BLEVINS; REPRESENTATIVE AMICK - JUD: An Act to Amend Chapter 4, Title 11 of the Delaware Code Relating to Use of Force by Persons With Special Responsibility for Care, Discipline or Safety of Others.

SB 327 - CORDREY - SUNSET & OVERVIEW: An Act to Amend Chapter 12, Title 4, of the Delaware Code Relating to Alcoholic Liquors.

SB 373 w/SA 1 & 2 - MCBRIDE & REPRESENTATIVE B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES OBERLE, HOUGHTON, WEST, B. ENNIS, VANSANT, BRADY, CLARK, LOFINK, CAMPANELLI, GILLIGAN, CORROZI, SCHROEDER, LEE, EWING, QUILLEN; SENATORS MINNER, MARSHALL, MCBRIDE, TORBERT, BLEVINS, STILL, BAIR - P/S: An Act to Amend Chapter 21, Title 21, of the Delaware Code to Allow Special Plates for Delaware Firemen, Ladies Auxiliary, and Volunteer Ambulance or Rescue Companies Who Are Affiliated With the Delaware State Firemen's Association.

SB 375 - VAUGHN; REPRESENTATIVE QUILLEN - TRANS: An Act to Amend Chapter 18, Title 2, Delaware Code, Relating to Liability of Those Who Throw Trash, Rubbish, or Other Dangerous or Detrimental Substance on Railroad Right-of-Ways.

SB 382 w/SA 1 - CORDREY & REPRESENTATIVE D. ENNIS - B & I: An Act to Amend Chapters 1, 3, 7, 8, 9, 11, 18, 22, 25, 29 and 32 of Title 5, Delaware Code Relating to Powers, Organization and Taxation of Banks, Savings Banks and Other Financial Institutions.

SB 385 - MINNER; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Title 7, Delaware Code Relating to Beach Replenishment.

SB 386 w/SA 1 - MINNER; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 23, Title 7, Delaware Code Relating to NonCommercial Crab Pot Identification, Closed Season and Limits and the Attendance, Abandonment, Confiscation and Forfeiture of Crab Pots. (2/3 bill)

SJR 13 - SOKOLA & REPRESENTATIVE OBERLE; SENATORS VAUGHN, STILL; REPRESENTATIVES LOFINK, REYNOLDS, B. ENNIS - LABOR & HUM RES MAN: Permitting Classified Employees to Retroactively Refile or Amend Their Previously Filed Classification Appeals From the 1990 and 1991 Maintenance Reviews Using the New Classification Appeals Procedures and Form.

HA 4 to SB 304 - OBERLE & REYNOLDS, MACK & CAMPANELLI - AGENDA: Placed with the bill.

HA 1 to SB 343 - MOORE & OBERLE, BRADY, OUTTEN & SILLS - AGENDA II: Placed with the bill.

Mr. Speaker reassigned SB 348 to the Revenue & Finance Committee.

Mr. Speaker assigned HB 554 to the Appropriations Committee.

Representatives Roy, George & Maroney requested that they be marked present.

Representatives West, D. Ennis, Carey, Brady, Reynolds & Gilligan requested that they be marked present.

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

JUD: HB 590 - 6M; SB 207 w/SA 1 - 4M.

Representative B. Ennis requested that he be marked present.

Representative Oberle introduced HA 1 to HB 586. HA 1 was placed with the bill.

The Majority Leader moved to recess for caucus at 2:50 p.m.

The House reconvened at 4:48 p.m.

Representative Clark requested that he be marked present.

Representative Outten requested that HB 508 be removed from Consent Agenda III.

Representative Clark requested that action on HB 508 be deferred to a Day Certain, Tuesday, June 23, 1992.

Representative Maroney requested that HA 2 to HB 343 be stricken.

Representative Ewing requested that HB 563 & HB 548 be stricken.

Representative Roy requested that HB 17, HB 131 w/HA 1 & HB 366 be stricken.

Representative Roy brought HB 470, jointly sponsored by Representatives Gilligan, Amick, Carey, Davis, D. Ennis, Lee, Mack, Caulk, Maroney, Taylor, Moore & Soles & Senators Marshall, Minner, Knox, Bair, Connor & Sokola, before the House for consideration.

HB 470 - An Act to Amend Title 16 of the Delaware Code Relating to Limiting Exposure to Tobacco Smoke in Public Places Through the Creation of a Clean Indoor Air Act.

Representative DiPinto brought HA 1 to HB 470 before the House for consideration. Representative Roy requested and was granted the privilege of the floor for Patricia Hoge, Executive Vice-President, American Cancer Society, State of Delaware.

Representative Sillis requested that he be marked present.

Representative DiPinto requested and was granted the privilege of the floor for David Swayze, representing Phillip Morris.

Representative DiPinto requested and was granted the privilege of the floor for Fred Townsend, House Attorney.

Mr. Speaker Spence declared a recess at 5:21 p.m. to allow the attorneys to confer.

The House reconvened at 5:30 p.m.

Representative DiPinto moved to place HA 1 to HB 470 on the Speaker's table. The motion was seconded by Representative Roy and adopted by voice vote.

Representative Roy moved to place HB 470 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli brought Consent Agenda before the House for consideration.

HB 459 - D. ENNIS; SENATOR SHARP - An Act to Amend Title 18, Delaware Code, Relating to Standards for Business Transacted With Producer Controlled Property/Casualty Insurer Act.

HB 497 - ROY - An Act to Amend Chapter 50, Title 29 Delaware Code Relating to State Economic Development and the Powers of the Delaware Economic Development Authority.

HB 510 - CAULK, DIPINTO; SENATORS ADAMS, COOK - An Act to Amend Chapter 9, Title 3, Delaware Code Relating to the Delaware Agricultural Lands Preservation Act.

HB 557 - B. ENNIS; SENATOR TORBERT - An Act to Amend Chapter 63, Title 16 of the Delaware Code, Relating to "The Emergency Planning and Community Right-to-Know Act."

HB 496 - ROY - An Act to Amend Chapter 40, Title 31 Relating to Welfare and the Department of Housing.

The roll call on Consent Agenda was taken and revealed:

YES: 40.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority, HB 459, HB 497, HB 510, HB 557 & HB 496 were sent to the Senate for concurrence.

Representatives Campanelli, Jonkiert & Taylor requested that they be marked present during the roll call.

Representative Petrilli brought Consent Agenda III, which requires a two-thirds vote, before the House for consideration.

HB 462 - BUNTING; SENATOR CORDREY - An Act Amend Chapter 302, Volume 49, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of Fenwick Island, Delaware" Relating to Creating a Tax Lien and Providing for a Monition Form of Sale. (2/3 bill)

SB 314 - CORDREY; REPRESENTATIVE BUNTING - An Act to Amend Chapter 295, Volume 65, Laws of Delaware, Entitled "Act to Reincorporate the Town of Bethany Beach" by Permitting Refundings of Bond Indebtedness Without a Referendum. (2/3 bill)

SB 273 w/SA 1 - HOLLOWAY - An Act to Amend Chapter 31, Title 16, Relating to Vital Statistics.

The roll call on HB 462, SB 314 & SB 273 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 462 was sent to the Senate for concurrence and SB 314 & SB 273 w/SA 1 were returned to the Senate.

Representative Petrilli brought Consent Agenda IV before the House for consideration.

HB 504 - QUILLEN; SENATORS TORBERT, ADAMS, STILL, MINNER, VAUGHN - An Act to Amend Chapter 87, Title 9, Delaware Code Relating to Collection of Taxes by Kent County.

HB 505 - QUILLEN; SENATORS TORBERT, MINNER, STILL, ADAMS - An Act to Amend Chapter 44, Title 9, Delaware Code Relating to Reports on Building Permits Issued by Incorporated Cities or Towns in Kent County.

HB 506 - QUILLEN; SENATORS TORBERT, STILL - An Act to Amend Chapter 46, Title 9, Delaware Code Relating to Kent County Sewers and Sewer Districts.

HB 534 - DAVIS; SENATOR VAUGHN - An Act to Amend Chapter 43, Title 11, Delaware Code Relating to the Board of Parole.

HB 535 - DAVIS; SENATOR VAUGHN - An Act to Amend Chapter 43, Title 11, Delaware Code Relating to the Board of Parole.

HB 549 - DAVIS; SENATOR VAUGHN - An Act to Amend Chapter 65, Title 11, Delaware Code Relating to the Department of Corrections.

HB 564 - EWING, SPENCE - An Act to Amend Chapter 82, Title 29 of the Delaware Code Relating to the Department of Public Safety.

HB 544 - BUCKWORTH - An Act to Amend Chapter 51, Title 24 Relating to the Occupations of Cosmetology and Barbering.

HB 574 - HOUGHTON, BRADY, CAMPANELLI, B. ENNIS, MACK, REYNOLDS, VANSANT, BUCKWORTH, DAVIS, LOFINK, MOORE, SPENCE, WEST; SENATORS CONNOR, MCBRIDE, VAUGHN, ADAMS, HOLLOWAY, MINNER - An Act to Amend Subchapter VII, Subpart E of Title 11 Relating to Licenses to Carry Concealed Deadly Weapons.

The roll call on Consent Agenda IV was taken and revealed:

YES: 40.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority, HB 504, HB 505, HB 506, HB 534, HB 535, HB 549, HB 564, HB 544 & HB 574 were sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda V, which requires a two-thirds vote, before the House for consideration.

HB 521 - SCHROEDER; SENATOR CORDREY - An Act to Amend Chapter 504, Volume 57, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Henlopen Acres", to Confer Upon the Commissioners of the Town of Henlopen Acres, Certain Powers Relating to the Taxation of Real Estate and to Increase the Amount for Which Contracts Can be Awarded Without Competitive Bidding. (2/3 bill)

HB 539 - EWING, SCHROEDER; CORDREY - An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Penalties for Failure to License Dogs; Dogs Running at Large; Female Dogs at Large, in Heat; and Stealing of Dogs.

HB 551 - SCHROEDER; SENATOR CORDREY - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, the Charter of Rehoboth Beach, as Amended by Chapter 40, Volume 68, Laws of Delaware, in Order to Include Christian Science Practitioners as Persons Qualified to Certify That a Voter is Confined Indoors as a Result of Physical Illness or Infirmary for Purposes of Absentee Voting. (2/3 bill)

SB 212 w/SA 1 - MARTIN, NEAL - An Act to Amend Chapter 5, Title 22 of the Delaware Code Relating to Parking Authorities. (2/3 bill)

Representative West requested that HB 539 be removed from Consent Agenda V.

The roll call on Consent Agenda V was taken and revealed:

YES: 40.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 521 & HB 551 were sent to the Senate for concurrence & SB 212 w/SA 1 was returned to the Senate.

Representative Ewing brought HB 539, jointly sponsored by Representative Schroeder & Senator Cordrey, before the House for consideration.

HB 539 - An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Penalties for Failure to License Dogs; Dogs Running at Large; Female Dogs at Large, in Heat; and Stealing of Dogs. (2/3 bill)

The roll call on HB 539 was taken and revealed:

YES: 32.

NO: Representative West - 1.

NOT VOTING: Representatives Brady, Bunting, Campanelli, Caulk, Clark, B. Ennis, Jonkiert - 7.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 539 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda VI before the House for consideration.

HJR 20 - SPENCE; SENATOR CONNOR; REPRESENTATIVES DAVIS, AMICK, LOFINK - Urging Delaware's Congressional Delegation to Seek an Amendment to the Americans With Disabilities Act Exempting Home Day Care Providers From the Purview of This Law.

HB 572 - SILLS, DAVIS; SENATOR HOLLOWAY; REPRESENTATIVE MOORE - An Act to Amend Subpart B, Subchapter VII, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Involving Public Indecency.

SB 274 w/SA 1 - BLEVINS; REPRESENTATIVES OBERLE, BENNETT, CLARK, HOUGHTON, MOORE, SILLS, VANSANT; SENATOR NEAL; REPRESENTATIVES BUNTING, B. ENNIS, JONKIERT, SCHROEDER, SOLES, WEST - An Act to Amend Chapter 27, Title 29, Delaware Code Relating to the Cash Management Policy Board and Investment Pools.

The roll call on Consent Agenda VI was taken and revealed:

YES: 40.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority, HJR 20 & HB 572 were sent to the Senate for concurrence and SB 274 w/SA 1 was returned to the Senate.

Representative Roy moved to lift HB 470 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HB 470, jointly sponsored by Representatives Gilligan, Amick, Carey, Davis, D. Ennis, Lee, Mack, Caulk, Maroney, Taylor, Moore & Soles & Senators Marshall, Minner, Knox, Blair, Connor & Sokola, before the House for consideration.

HB 470 - An Act to Amend Title 16 of the Delaware Code Relating to Limiting Exposure to Tobacco Smoke in Public Places Through the Creation of a Clean Indoor Air Act.

Representative DiPinto moved to lift HA 1 to HB 470 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto brought HA 1 to HB 470 before the House for consideration. HA 1 was adopted by voice vote.

Mr. Speaker ruled that HB 470 is a simple majority bill whether or not HA 1 is adopted. Representative DiPinto requested and was granted the privilege of the floor for David Swayze, representing Phillip Morris.

The roll call on HA 1 to HB 470 was taken and revealed:

YES: 25.

NO: Representatives Amick, Davis, D. Ennis, George, Gilligan, Hebner, Lee, Mack, Maroney, Roy, Schroeder, Smith, Soles, Taylor - 14.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority, HA 1 was adopted.

Representative Roy moved to place HB 470 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis introduced HB 601.

HB 601 - An Act to Amend Chapter 13, Title 18 of the Delaware Code Relating to Investments.

Mr. Speaker assigned HB 601 to the Banking & Insurance Committee.

Representative VanSant moved to lift HB 515 w/HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative VanSant brought HB 515 w/HA 1 & 2, jointly sponsored by Representatives Davis, B. Ennis, Houghton, Jonkiert, Mack, Moore, Oberle, Reynolds, Spence & West & Senators Blevins, Holloway, Marshall & Martin, before the House for consideration.

HB 515 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

The roll call on HB 515 w/HA 1 & 2 was taken and revealed:

YES: 24.

NO: Representatives Amick, Brady, Corrozi, Gilligan, Petrilli, Roy, Smith, Soles,

Taylor - 9.

NOT VOTING: Representatives Boykin, Bunting, Carey, Ewing, Fallon, Quillen, Schroeder - 7.

ABSENT: Representative Moore - 1.

Therefore, having received a constitutional majority, HB 515 w/HA 1 & 2 was sent to the Senate for concurrence.

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

LABOR & HUM RES MAN: SB 351 - 3M.

SM BUS & ECON DEV: SB 374 - 5M.

APPRO: SB 39 w/SA 1 - 4M.

CORR: HS 1/HJR 19 - 3M, 2U.

The Majority Leader moved to recess to the call of the Chair at 6:45 p.m.

35th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 17, 1992

Mr. Speaker Spence called the House to order at 2:28 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 391 w/SA 1, SB 361, SB 398 & SB 410.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Casimir Jonkiert, do hereby request that my name be removed as Co-Sponsor of HB 530.

Date: 6/16/92.

Signed: Casimir S. Jonkiert.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Rep. G. R. Quillen, do hereby request that my name be removed as Co-Sponsor of HB 508.

Date: June 16, 1992.

Signed: G. Robert Quillen.

The Majority Whip 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: 39.

Members Absent: Representatives Mack, Taylor - 2.

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

Barbara Rossiter's granddaughter Cassie led those present in a pledge of allegiance to the American Flag.

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

The following prefiled legislation was introduced:

HB 219 w/SA 1 - D. ENNIS - B & I: An Act to Amend Chapter 4, Title 18, Delaware Code Relating to the Delaware Insurance Authority.

HB 602 - AMICK - SUBS ABUSE: An Act to Amend Title 10 and Title 16 of the Delaware Code Concerning Certain Unlawful Acts Relating to Butane. (2/3 bill)

HB 603 - DAVIS & SENATOR VAUGHN; REPRESENTATIVE CORROZI - CORR: An Act to Amend Chapter 65, Title 11 of the Delaware Code Relating to the Establishment and Collection of Supervision Fees by the Department of Correction. (3/5 bill)

HB 604 - EWING - P/S: An Act to Amend Chapters 21 and 25, Title 21, Delaware Code, Directing the Division of Motor Vehicles to Implement a General Reissuance Program for the Issuance of Two Fully Reflective Number Plates.

HB 605 - HEBNER - JUD: An Act Proposing the Amendment of Article IV of the Constitution of the State of Delaware by Creating the Judicial Office of Senior Judge. (2/3 bill)

HB 606 - ROY - TRANS: An Act to Amend Chapter 20, Title 30 Relating to the Travelink Traffic Mitigation Act and Compliance With the Federal Clean Air Act.

HB 607 - BUCKWORTH & SENATOR TORBERT - ED: An Act to Amend Chapter 27, Title 14, Delaware Code Relating to School Attendance. (3/5 bill)

HB 608 - SMITH, HEBNER, SPENCE, BENNETT; SENATOR VAUGHN - R & F: An Act to Amend Title 6 of the Delaware Code by Adopting a New Chapter Relating to the Creation, Regulation and Dissolution of Domestic Limited Liability Companies, as Well as the Regulation of Foreign Limited Liability Companies. (3/5 bill)



HB 609 - WEST - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Auctioneers.

HCR 96 - D. ENNIS, DIPINTO, SMITH, BOYKIN, VANSANT, JONKIERT, SILLS - H/ADM: Requesting the House and Senate of the 137th General Assembly to Consider Including a New Rule as They Organize Following the Election of November, 1992.

HA 4 to HB 367 - MARONEY - READY LIST: Placed with the bill.

HA 1 to HB 478 - OBERLE - L.O.T.: Placed with the bill.

HA 2 to HB 478 - SCHROEDER - L.O.T.: Placed with the bill.

HA 1 to HB 559 - CAULK, OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 571 - D. ENNIS - B & I: Placed with the bill.

SB 361 - COOK - SUNSET & OVERVIEW: An Act to Amend Title 24 of the Delaware Code Relating to Nurses and to Recognize Advanced Registered Nurse Practitioners Who Do Not Qualify for a National Certification Examination.

SS 1 to SB 371 w/SA 1 - CORDREY & REPRESENTATIVE WEST - H/ADM: An Act to Amend Chapter 138, Volume 68, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Dagsboro" to Revise the Procedures for the Annual Municipal Elections. (2/3 bill)

SB 398 - BLEVINS; REPRESENTATIVES VANSANT, CAMPANELLI, HOUGHTON - ED: An Act to Authorize and Approve the Transfer of Certain Real Property in the Red Clay Consolidated School District, Known as the Poplar Avenue Elementary School Property, to the Town of Elsmere, Delaware, With Certain Provisions, and Waiving the Provisions of Section 1057 of Chapter 10, Title 14, Delaware Code.

SB 410 - BLEVINS & REPRESENTATIVE OBERLE - SUNSET & OVERVIEW: An Act to Amend Chapter 9, Title 26 of the Delaware Code Relating to Telegraph, Telephone and Electric Utility Corporations and Caller Identification Services.

HA 5 to SB 304 - OBERLE - AGENDA: Placed with the bill.

HA 2 to SB 343 - MARONEY - AGENDA II: Placed with the bill.

Representatives Maroney, George & Campanelli requested that they be marked present.

Mr. Speaker Spence announced that HB 560 has been removed from the Appropriations Committee because the fiscal note has been withdrawn.

Representative Outten requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:35 p.m.

The House reconvened at 5:18 p.m. with Representative Buckworth as Acting Speaker.

Representatives Davis, Brady, West, Corrozi, Schroeder & Soles requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #53

DATE: June 17, 1992

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H92-272	Smith	6/10/92	M	Patricia S. Press/Civic Leader in Arden
H92-273	Buckworth	6/19/92	T	Gladys R. Frick/Retirement/ Caesar Rodney School District
H92-274	Schroeder	6/11/92	T	Ted Clark/50 Yrs./Journalism
H92-275	cosponsor: Bunting	6/11/92	T	William "Billy Ross" Ringler, Jr. /Community Service
H92-276	Dipinto	6/30/92	T	William G. Turner, Jr./Retirement /23 Yrs./Wilm./Public Works
	cosponsors: George, Jonkiert, Silks, Moore			
H92-277	Dipinto	6/15/92	T	Mr. & Mrs. Robert E. Mescal/50th Wedding Anniversary
H92-278	Bennett	6/11/92	M	Sgt. Paul F. Puchalsky, Jr./ Capitol Police Officer
H92-279	Carey	6/10/92	T	Jack & Lillian Burris/50th Wedding Anniversary
H92-280	Fallon	6/11/92	T	Dot Tull/Salesperson of Year/ Peebles Department Store
H92-281	Ewing	6/16/92	T	A. Tyson Cannon/Quartermaster/ State V.F.W.
H92-282	Buckworth	6/16/92	T	Eunice Craig/U. of D. Kent County Alumni Comm. Serv. Award
H92-283	Quillen	6/20/92	T	Al Lane/Retirement/Supervisor/ K.C. Emergency Dispatch Ctr.
H92-284	Maroney	6/16/92	T	Sarah E. Hall/Academic Honor
H92-285	Maroney	6/16/92	T	Kara Philbin/Academic Honor
H92-286	Fallon	6/16/92	T	Mary Boggs/DE Republican of Year
H92-287	Fallon	6/17/92	T	Ron & Audrey Tyndall/Outstanding Poultry Growers
H92-288	Maroney	5/22/92	T	Sister Jeannette Murray, O.S.B. /Jessie Ball DuPont Award
H92-289	Roy	6/13/92	T	James Montebell/Teacher of the Year
	cosponsor: Gilligan			

T - Tribute  
M - Memoriam

Mr. Speaker Spence resumed the Chair.

Representatives Amick, DiPinto & Gilligan requested that they be marked present.

The following prefilled Consent Calendar #31 was introduced:

HR 119 - FALLON, MARONEY, BOYKIN, SOLES - Honoring All the Proud Daddies on Father's Day 1992.

HCR 89 - FALLON, BUCKWORTH, OBERLE, CAREY, SMITH, ROY, EWING, DAVIS, TAYLOR, REYNOLDS, CAULK, LOFINCK, MARONEY, BOYKIN, D. ENNIS, QUILLEN, GILLIGAN, B. ENNIS, SILLS, BUNTING, OUTTEN, WEST, JONKIERT, BENNETT, MOORE, HOUGHTON, SOLES; SENATORS ADAMS, VENABLES - Condemning the Violent and Sexually Provocative or Explicit Scenes and Messages Which Pervade Television Network Programming and Advertising.

HCR 97 - FALLON & SENATOR MCBRIDE; ALL REPRESENTATIVES & ALL SENATORS - Commending the 1992 Boys' State Delegates and Thanking the American Legion of Delaware for Their Continued Support of This Program.

SCR 110 - SOKOLA & REPRESENTATIVE PETRILLI - Congratulating Frank Yoon of John Dickinson High School on Having Been Named a Presidential Scholar.

Representative Quillen requested that he be marked present.

Consent Calendar #31 was adopted by voice vote and HCR 89 & HCR 97 were sent to the Senate for concurrence and SCR 110 was returned to the Senate.

Representative D. Ennis requested that he be marked present.

Representative Maroney introduced HB 610.

HB 610 - An Act to Amend Title 24, Delaware Code, Chapter 17, Relating to the Medical Practices Act.

Mr. Speaker assigned HB 610 to the Human Resources Committee.

Mr. Speaker reassigned HB 610 to the Sunset & Overview Committee.

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

LAND USE & GOV REL: HB 591 - 1F,3M.

P/S: HB 587 - 4M; HB 595 - 4M; SB 349 - 4M; SB 373 w/SA 1 & 2 - 4M; HB 163 - 3M; HB 577 - 3M.

H/ADM: HB 500 - 4M; HB 578 - 4M; HB 596 - 4M; HCR 96 - 4M,1U; SB 316 w/SA 1 & 2 - 4M; SB 328 - 4M; SB 331 - 4M; SS 1 to SB 371 w/SA 1 - 4M; SJR 14 - 4M.

SM BUS & ECON DEV: HB 580 - 6M.

R & F: HB 573 - 7M; HB 592 - 1F,6M; HB 608 - 7M; SB 348 - 6M.

ED: HS 1 for HB 456 - 7M; HB 589 - 5M; SB 370 w/SA 1 - 5M.

NAT RES: HB 586 - 4M,2U; SB 385 - 1F,4M; SB 386 w/SA 1 - 5M.

HUM RES: HB 537 - 6M.

CORR: HB 583 - 5M; HB 588 - 5M; HB 603 - 5M.

HOUSING & COM AFF: HB 570 - 6M.

Representative B. Ennis requested that he be marked present.

Mr. Speaker assigned HB 589 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:38 p.m.

36th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 18, 1992

Mr. Speaker Spence called the House to order at 2:23 p.m.

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 17, SB 422, SB 423, SB 407 w/SA 1, HB 452 & HCR 97.

Representative Taylor requested that he be marked present.

Mr. Speaker assigned SB 231 & HB 573 to the Appropriations Committee.

The Majority Leader 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 Representative Donald M. Clark, Twenty-Ninth Representative District.

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

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

The following prefilled legislation was introduced:

HB 611 - TAYLOR & SENATOR SHARP - TRANS: An Act to Amend Title 9 of the Delaware Code, Relating to Street and Highway Lighting. (3/5 bill)

HB 612 - SMITH & SENATORS SOKOLA, NEAL - H/ADM: An Act to Amend Chapter 43, Title 15 of the Delaware Code Relating to Presidential Electors.

HB 613 - AMICK & SENATOR SOKOLA - B & I: An Act to Amend Title 6 of the Delaware Code Relating to the Uniform Commercial Code; Providing for the Codification of the Law With Respect to Funds Transfers.

HB 614 - QUILLEN & SENATOR TORBERT - LAND USE & GOV REL: An Act to Amend Chapter 46, Title 9, Delaware Code Relating to Kent County Sewers and Sewer Districts.

**HB 615 - WEST - H/ADM:** An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Grant to the Town Council the Authority to Compel Properties in the Corporate Limits to Connect to the Water and Sewer Systems of the Town; to Exempt the Town of Georgetown Sewer and Water Projects From Certain Fees Payable to the State Fire Marshall for Review of Plans; to Increase the Borrowing Power of the Town Council, and to Permit Quarterly and Semi-Annual Tax Assessments. (2/3 bill)

**HB 616 - OUTTEN - LABOR & HUM RES MAN:** An Act Awarding Special Pension Benefits to Lillian A. Juras, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware, and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

**HCR 98 - SMITH & SENATOR NEAL - H/ADM:** Memorializing the Delaware Congressional Delegation, and Others, That in the Event No Candidate for President of the United States and No Candidate for Vice President of the United States Receives a Majority of the Electoral College Votes and the Choice Devolves Upon the United States House of Representatives and the United States Senate Pursuant to Article 12 of the United States Constitution That It is the Pleasure of the Membership of the 136th General Assembly of the State of Delaware That the Respective States Cast Their One Vote for One of the Three Candidates Based on the Plurality of the Popular Vote Cast Within the Respective States.

**SB 407 w/SA 1 - TORBERT; REPRESENTATIVE DIPINTO - HOUSING & COM AFF:** An Act to Amend Chapter 88, Title 29, Delaware Code, Relating to Consumer Affairs.

**SB 422 - TORBERT - HUM RES:** An Act to Amend Chapter 12, Title 16, Delaware Code, Relating to Universal Precautions Against the Transmission of HIV and Other Blood-Borne Communicable Diseases.

**SB 423 - ADAMS, MINNER, TORBERT, VAUGHN, NEAL, CONNOR, STILL; REPRESENTATIVES ROY, BENNETT, OUTTEN, B. ENNIS, SCHROEDER, FALLON, MACK, LOFINK, CAREY, REYNOLDS, SOLES, AMICK - LAND USE & GOV REL:** An Act to Amend Title 22 and Title 26, Delaware Code, Relating to the Public Service Commission and Public Utilities; and Providing for the Establishment of Service Territories for Public Utilities Providing Retail Electric Service.

**SJR 17 - MARSHALL & NEAL & REPRESENTATIVE SILLS & DIPINTO; SENATORS BLEVINS, CORDREY, HOLLOWAY, MARTIN, MCDOWELL, MINNER, SOKOLA, TORBERT, VENABLES, BAIR, KNOX; REPRESENTATIVES BOYKIN, BUCKWORTH, D. ENNIS, EWING, HEBNER, LEE, LOFINK, MARONEY, OBERLE, REYNOLDS, SPENCE, BENNETT, BRADY, BUNTING, CAMPANELLI, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKERT, MOORE, SOLES, WEST - HUM RES:** Celebrating Cultural, Racial and Ethnic Diversity in Delaware.

**HA 1 to SJR 11 - PETRILLI - READY LIST:** Placed with the bill.

Representative Oberle moved to lift **HB 478** from the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Oberle brought **HB 478** before the House for consideration.

**HB 478 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.** (2/3 bill)

Representative Oberle brought **HA 1 to HB 478** before the House for consideration. **HA 1** was adopted by voice vote.

Representative Schroeder brought **HA 2 to HB 478** before the House for consideration. **HA 2** was adopted by voice vote.

The roll call on **HB 478 w/HA 1 & 2** was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 478 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Maroney brought **HB 436**, jointly sponsored by Senator Holloway, before the House for consideration.

**HB 436 - An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Committee on Dispositional Guidelines for Juveniles.**

The roll call on **HB 436** was taken and revealed:

YES: 40.

ABSENT: Representative Sills - 1.

Therefore, having received a constitutional majority, **HB 436** was sent to the Senate for concurrence.

Representative Clark brought **HS 1 for HB 423**, jointly sponsored by Representatives West & B. Ennis & Senator Still & Representatives Bunting, Amick, Quillen, Lofink, VanSant, Houghton & Jonkert & Senators Vaughn & Torbert, before the House for consideration.

**HB 423 - An Act to Amend Chapter 29 of Title 29, Delaware Code Relating to Annual Auditing of School District's Local Tax Budget.** (F/N)

Representative Brady brought **HA 1 to HS 1 for HB 423** before the House for consideration.

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

YES: Representatives Amick, Bennett, Boykin, Brady, Buckworth, Carey, Caulk, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Moore, Oberle, Outten, Quillen, Reynolds, Smith - 20.

NO: - 21.

Therefore, not having received a constitutional majority, **HA 1** was declared defeated.

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

The roll call on **HS 1 for HB 423** was taken and revealed:

YES: 26.

NO: Representatives Bennett, Boykin, Brady, Caulk, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Outten, Reynolds, Smith - 13.

NOT VOTING: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HS 1 for HB 423 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 503 before the House for consideration.

HB 503 - An Act to Amend Title 18, Delaware Code, Chapter 80 Relating to the Delaware Insurance Risk Retention Act.

The roll call on HB 503 was taken and revealed:

YES: 38.

NO: Representative Hebner - 1.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representative B. Ennis - 1.

Therefore, having received a constitutional majority, HB 503 was sent to the Senate for concurrence.

Representative Davis brought HB 603, jointly sponsored by Senator Vaughn & Representative Corrozi, before the House for consideration.

HB 603 - An Act to Amend Chapter 65, Title 11 of the Delaware Code Relating to the Establishment and Collection of Supervision Fees by the Department of Correction. (3/5 bill)(F/N)

The roll call on HB 603 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 603 was sent to the Senate for concurrence.

Representative Davis brought HS 1 for HB 197, jointly sponsored by Senator Hauge & Representatives Spence, Petrilli, Caulk, Carey, Lofink, Corrozi, DiPinto, Boykin, D. Ennis, Roy, Smith, Oberle, Reynolds, Mack, Maroney, Taylor, B. Ennis, Houghton, Soles & VanSant & Senators Martin & Neal, before the House for consideration.

HB 197 - An Act to Amend Chapter 60, Title 7, Relating to the Formulation and Implementation of a Wellhead Protection Program.

Representative Bennett brought HA 1 to HS 1 for HB 197 before the House for consideration.

Representative Davis requested and was granted the privilege of the floor for Edwin Clark, Secretary, Department of Natural Resources & Environmental Control.

Representative Bennett moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis requested that HA 2 to HS 1 for HB 197 be stricken.

Representative Davis brought HA 3 to HS 1 for HB 197 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on HS 1 for HB 197 w/HA 3 was taken and revealed:

YES: 40.

NO: Representative West - 1.

Therefore, having received a constitutional majority, HS 1 for HB 197 w/HA 3 was sent to the Senate for concurrence.

Representative Amick brought HB 545, jointly sponsored by Representatives Lee & VanSant & Senators Blevins, Venables, Hauge, McDowell & Knox, before the House for consideration.

HB 545 - An Act to Amend Chapter 101, Title 29 of the Delaware Code Relating to Administrative Procedures.

Representative Amick requested that HB 545 be stricken.

Representative B. Ennis brought HB 408, jointly sponsored by Representative Davis & Senator Vaughn & Representatives VanSant, Campanelli, Houghton, Jonkiert, Clark, Brady, D. Ennis, Caulk, Oberle, West, Gilligan & Corrozi & Senators McBride & Holloway, before the House for consideration.

HB 408 - An Act to Amend Title 16, Delaware Code, Relating to Notification of Fire Fighters, Ambulance Attendants, Emergency Medical Technicians, Correctional Officers, Law Enforcement Officers, and Other Personnel of Exposure to Contagious or Infectious Disease or Virus. (F/N)

Representative B. Ennis 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: 41.

Therefore, having received a constitutional majority, HB 408 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought HB 566, jointly sponsored by Representative Taylor, before the House for consideration.

HB 566 - An Act to Amend Title 29, Chapter 69 of the Delaware Code Relating to Rental and Purchase of Motor Vehicles.

The roll call on HB 566 was taken and revealed:

YES: 40.

NOT VOTING: Representative Caulk - 1.

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

Representative Oberle brought HB 559, jointly sponsored by Representative Ewing, before the House for consideration.

HB 559 - An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper Heights. (2/3 bill)

Representative Oberle moved to place HB 559 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought SB 304 w/SA 1, jointly sponsored by Senators Sharp, Blevins, Marshall, Martin, Minner & Vaughn & Representatives VanSant, Campanelli, Jonkiert & Smith, before the House for consideration.

SB 304 - An Act to Amend Title 25, Delaware Code Relating to Mechanic's Liens and Waivers Thereof.

Representative Amick brought HA 1 to SB 304 before the House for consideration.

Representative Amick moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HA 2 to SB 304 before the House for consideration.

Representative Amick moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Amick brought HA 3 to SB 304 before the House for consideration.

Representative Amick moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle requested that HA 4 to SB 304 be stricken.

Representative Oberle brought HA 5 to SB 304 before the House for consideration. HA 5 was adopted by voice vote.

The roll call on SB 304 w/SA 1 & HA 5 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 304 w/SA 1 & HA 5 was returned to the Senate for concurrence on HA 5.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Ewing brought HB 424, cosponsored by Representatives B. Ennis & VanSant, before the House for consideration.

HB 424 - An Act to Amend Chapter 83, Title 11 of the Delaware Code Relating to the Survivor's Eligibility for Pension Benefits. (F/N)

Representative Ewing brought HA 1 to HB 424 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested that HA 2 to HB 424 be stricken.

The roll call on HB 424 w/HA 1 was taken and revealed:

YES: 37.

NO: Representative Jonkiert - 1.

NOT VOTING: Representative Clark - 1.

ABSENT: Representatives B. Ennis, VanSant - 2.

Therefore, having received a constitutional majority, HB 424 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett requested that HB 568 be stricken.

Representative Bennett moved to suspend the rules which interfere with introduction of and action on HB 617. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Bennett introduced and brought HB 617, jointly sponsored by Representative Outten & Senators Torbert & Still, before the House for consideration.

HB 617 - An Act to Amend Chapter 158, Volume 36 of the Laws of Delaware, the Charter of the City of Dover, Relating to Elections. (2/3 bill)

The roll call on HB 617 was taken and revealed:

YES: 40.

ABSENT: Representative Ewing - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 617 was sent to the Senate for concurrence.

Representative Spence requested that action on HS 1/HB 456 be deferred to a Day Certain, Wednesday, June 24, 1992.

Representative Taylor requested that action on HB 591 be deferred to a Day Certain, Tuesday, June 23, 1992.

Representative Oberle requested that action on HB 586 be deferred to a Day Certain, Tuesday, June 23, 1992.

Mr. Speaker Spence resumed the Chair.

Representative Oberle brought HB 585, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 585 - An Act to Amend Chapter 83, Title 29, Delaware Code, Relating to the State Pension Advisory Council.

The roll call on HB 585 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 585 was sent to the Senate for concurrence.

Representative Davis requested that HB 490 be stricken.

Representative Davis introduced HJR 22, jointly sponsored by Senator Vaughn & Representatives Buckworth, Hebner, Lee, Quillen, Corrozi, Ewing, Gilligan, George, B. Ennis, Bennett, VanSant, Houghton, Soles, Bunting & Moore & Senators McBride & Bair.

HJR 22 - Allowing Inmates Who Are Currently Incarcerated for Three Year Minimum Mandatory Sentences Under the Senate Bill 142 of the 135th General Assembly to Apply for Sentence Reductions.

Mr. Speaker assigned HJR 22 to the Corrections Committee.

Representative DiPinto introduced HS 1 for HB 570, jointly sponsored by Representative George & Senator Holloway & Representatives Sills, Jonkiert & Moore & Senators Marshall & McDowell.

HB 570 - An Act to Amend Chapter 5, Title 22, Delaware Code, Relating to the Wilmington Parking Authority.

Mr. Speaker assigned HS 1 for HB 570 to the Housing & Community Affairs Committee.

Representative Oberle introduced HB 618, jointly sponsored by Representatives Mack, Reynolds, Houghton, Campanelli & VanSant & Senators Sharp & Blevins.

HB 618 - An Act to Amend Chapter 69, §6912, Title 29, Delaware Code Relating to Public Works Contracts and Prevailing Wage Rates.

Mr. Speaker assigned HB 618 to the Labor & Human Resource Management Committee.

Representative Roy brought HB 3 w/HA 2 & SA 3 before the House for consideration.

HB 3 - An Act to Amend Title 9, Delaware Code Relating to Changes in Zoning.

Representative Amick announced that he will not be voting on HB 3 w/HA 2 & SA 3 because of a possible conflict of interest.

The roll call on HB 3 w/HA 2 & SA 3 was taken and revealed:

YES: 37.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Amick, Campanelli - 2.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 3 w/HA 2 & SA 3 was sent to the Governor.

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

SUNSET & OVERVIEW: HB 575 - 4M; HB 599 - 4M; SB 327 - 4M; HB 610 - 3M.

LABOR & HUM RES MAN: HB 616 - 3M.

APPRO: SS 1 to SB 100 - 5M.

B & I: HB 601 - 7M; SB 382 w/SA 1 - 7M.

HOUSING & COM AFF: HS 1 for HB 570 - 4M.

Mr. Speaker assigned HB 610 to the Judiciary Committee.

Representative D. Ennis introduced HA 1 to HB 430. HA 1 was placed with the bill.

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

37th LEGISLATIVE DAY  
136th GENERAL ASSEMBLY

Second Session

June 23, 1992

Mr. Speaker Spence called the House to order at 2:20 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 355 w/SA 1 & 4, SB 417, SB 362, SB 387 w/SA 1, HB 432 w/SA 1, SJR 15, HB 3 w/HA 2 & SA 3, SB 408, SB 415, SB 118 w/SA 1, SB 416, SB 426, SJR 16, HB 557, HB 414 w/HA 2, HB 472 & HB 510 w/SA 1.

June 15, 1992

Representative Terry Spence

Speaker of the House

Legislative Hall

Dover, DE 19901

Dear Representative Terry Spence:

In accordance with House Concurrent Resolution No. 90, I have listed below the vocational technical programs of study to be offered at POLYTECH High School for the 1992-93 school year. The Kent VoTech School District did not drop any vocational technical programs for the 1992-93 school year.

#### PROGRAMS

Auto Body  
Auto Tech  
Bus. Data Processing  
CAD Drafting  
Carpentry  
Child Development  
Commercial Arts  
Cosmetology  
Criminal Justice  
Dental Assistant

Electrical  
Electronics  
Masonry  
Medical Assistant  
Nurse Assistant  
Orn. Horticulture  
Pre-Vocational  
Radio/TV Broadcasting  
Welding

Thank you for your continuing support of vocational technical educational programs. If you have any questions, please give me a call.

Sincerely,  
Jeff Adams  
Superintendent  
Kent County Vocational Technical  
School District

pc: Kent County Legislators

Mr. Jack Walls, Kent VoTech Board President

June 5, 1992