

STATE OF DELAWARE



Journal of the State Senate

143rd General Assembly

Convened
Tuesday, January 11, 2005
Dover, Delaware

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2005-2006



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# **MEMBERSHIP**



**MEMBERS – DELAWARE STATE SENATE**

**143<sup>RD</sup> GENERAL ASSEMBLY**

Lt. Governor John C. Carney, Jr., President of the Senate  
Senator Thurman Adams, Jr., President Pro Tempore

| <b><u>DISTRICT</u></b> | <b><u>SENATOR</u></b>                                               |
|------------------------|---------------------------------------------------------------------|
| 1 <sup>st</sup>        | Harris B. McDowell, III – 2311 Baynard Boulevard, Wilmington, 19802 |
| 2 <sup>nd</sup>        | Margaret Rose Henry – 1980 Superfine Lane #101, Wilmington, 19802   |
| 3 <sup>rd</sup>        | Robert I. Marshall – 1702 Sycamore St., Wilmington, 19805           |
| 4 <sup>th</sup>        | Charles L. Copeland – 8 Sunnyside Road, Wilmington, 19807           |
| 5 <sup>th</sup>        | Catherine L. Cloutier – 2404 Heather Road East, Wilmington, 19803   |
| 6 <sup>th</sup>        | Liane M. Sorenson – 417 Snuff Mill Hill, Hockessin, 19707           |
| 7 <sup>th</sup>        | Patricia M. Blevins – 209 Linden Avenue, Elsmere, 19805             |
| 8 <sup>th</sup>        | David P. Sokola – 24 Beech Hill Drive, Newark, 19711                |
| 9 <sup>th</sup>        | Karen E. Peterson – 1306 West Newport Pike, Wilmington, 19804       |
| 10 <sup>th</sup>       | Steven H. Amick – 449 West Chestnut Hill Road, Newark, 19713        |
| 11 <sup>th</sup>       | Anthony J. DeLuca – 27 Trevett Drive, Newark, 19702                 |
| 12 <sup>th</sup>       | Dorinda A. Connor – 18 Crippen Drive, New Castle, 19720             |
| 13 <sup>th</sup>       | David B. McBride – 7 Nicole Court, New Castle, 19720                |
| 14 <sup>th</sup>       | James T. Vaughn – 201 Washington Ave. P.O. Box 900, Clayton, 19938  |
| 15 <sup>th</sup>       | Nancy W. Cook – P.O. Box 127, Kenton, 19955                         |
| 16 <sup>th</sup>       | Colin R. J. Bonini – 255 South Shore Drive, Dover, 19901            |
| 17 <sup>th</sup>       | John C. Still, III, P.O. Box 311, Dover, 19903                      |
| 18 <sup>th</sup>       | F. Gary Simpson, 6 W. Clarke Avenue, Milford, 19963                 |
| 19 <sup>th</sup>       | Thurman G. Adams, Jr., P.O. Box 367, Bridgeville, 19933             |
| 20 <sup>th</sup>       | George H. Bunting, Jr., P.O. Box 1497, Bethany Beach, 19930         |
| 21 <sup>st</sup>       | Robert L. Venables, Sr., 116 Hearn Avenue, Laurel, 19956            |

Majority Leader – Harris B. McDowell, III  
Majority Whip – Anthony J. DeLuca  
Minority Leader – John C. Still, III  
Minority Whip – Liane M. Sorenson





## **COMMITTEE MEMBERSHIP**



SENATE COMMITTEES  
143<sup>RD</sup> GENERAL ASSEMBLY

ADMINISTRATIVE SERVICES: Karen Peterson, Chair, David Sokola, Robert Marshall, Charles Copeland, F. Gary Simpson.

ADULT & JUVENILE CORRECTIONS: James Vaughn, Chair, Nancy Cook, David McBride, Steven Amick, Colin Bonini.

AGRICULTURE: George Bunting, Jr., Chair, Thurman Adams, Jr., Nancy Cook, Robert Venables, Sr., Colin Bonini, F. Gary Simpson.

BANKING: Anthony DeLuca, Chair, George Bunting, Jr., David Sokola, Liane Sorenson, John Still, III.

BOND BILL: Robert Venables, Sr., Chair, Patricia Blevins, Nancy Cook, Anthony DeLuca, Dorinda Connor, F. Gary Simpson.

CHILDREN, YOUTH & FAMILIES: Harris McDowell, III, Chair, Patricia Blevins, Robert Marshall, Nancy Cook, Catherine Cloutier, Dorinda Connor.

COMBAT DRUG ABUSE: Karen Peterson, Chair, Patricia Blevins, Robert Marshall, Steven Amick, Catherine Cloutier.

COMMUNITY/COUNTY AFFAIRS: David Sokola, Chair, Margaret Rose Henry, Robert Venables, Sr., Colin Bonini, Dorinda Connor.

EDUCATION: David Sokola, Chair, Patricia Blevins, Margaret Rose Henry, Charles Copeland, F. Gary Simpson.

ETHICS: Thurman Adams, Jr., Chair, Anthony DeLuca, Harris McDowell, III, Liane Sorenson, John Still, III.

EXECUTIVE: Thurman Adams, Jr., Chair, Anthony DeLuca, Harris McDowell, III, James Vaughn, Liane Sorenson, John Still, III.

\*JOINT FINANCE: Nancy Cook, Chair, George Bunting, Margaret Rose Henry, James Vaughn, Steven Amick, Catherine Cloutier.

HEALTH & SOCIAL SERVICES: Patricia Blevins, Chair, Margaret Rose Henry, Harris McDowell, III, Karen Peterson, Dorinda Connor, Liane Sorenson.

HIGHWAYS & TRANSPORTATION: Nancy Cook, Chair, Anthony DeLuca, David McBride, Colin Bonini, Catherine Cloutier.

INSURANCE & ELECTIONS: Patricia Blevins, Chair, Nancy Cook, Harris McDowell, III, David Sokola, Charles Copeland, John Still, III.

JUDICIARY: James Vaughn, Chair, Thurman Adams, Jr., Anthony DeLuca, Harris McDowell, III, Steven Amick, F. Gary Simpson.

LABOR & INDUSTRIAL RELATIONS: Robert Marshall, Chair, Anthony DeLuca, David McBride, Steven Amick, Dorinda Connor.

LEGISLATIVE COUNCIL: Thurman Adams, Jr., Chair, Anthony DeLuca, Harris McDowell, III, Liane Sorenson, John Still, III.

NATURAL RESOURCES & ENVIRONMENTAL CONTROL: David McBride, Chair, George Bunting, Jr., Robert Venables, Sr., Dorinda Connor, F. Gary Simpson.

PERMANENT RULES: Anthony DeLuca, Chair, Thurman Adams, Jr., David McBride, Catherine Cloutier, Charles Copeland.

SMALL BUSINESS: Robert Venables, Sr., Chair, George Bunting, Jr., David Sokola, Charles Copeland, John Still, III.

\*\*SUNSET: David McBride, Chair, George Bunting, Jr., David Sokola, Charles Copeland, John Still, III.

SUNSET: David McBride, Chair, Karen Peterson, David Sokola, Colin Bonini, Charles Copeland.

VETERANS AFFAIRS: George Bunting, Jr., Chair, Harris McDowell, III, Karen Peterson, James Vaughn, Dorinda Connor, F. Gary Simpson, Liane Sorenson.

\* 3.15.2005 Joint Finance – David McBride replaced George Bunting

\*\*3.15.2005 Sunset Chair – Robert Marshall replaced David McBride



# **RULES OF THE SENATE**



BE IT RESOLVED by the Senate of the 143<sup>rd</sup> General Assembly that the following Rules of the Senate be and they hereby are adopted as Rules for the governing of the present session, until further action of the Senate:

**RULE 1. ORDER OF BUSINESS**

1. Calling of the Senate to Order.
2. Prayer.
3. Salute to Flag.
4. Roll Call.
5. Reading of Journal.
6. Presentation of petitions, memorials or communications.
7. Reports from Standing and Special Committees.
8. Reporting by the Secretary of prior filed bills, resolutions and citations.
9. Introductions of all other bills and resolutions by members.
10. Agenda for the day.
11. Miscellaneous business.

**RULE 2. CONVENING OF SENATE**

Unless otherwise ordered by a majority of its members, the Senate will convene Tuesday, Wednesday, Thursday at 2:00 p.m. All proceedings of the Senate shall be public.

**RULE 3. ATTENDANCE OF MEMBERS**

- (a) Every member shall be in their place at the time to which the Senate stands recessed.
- (b) No Senator shall absent themselves from the service of the Senate without notifying the President Pro Tem.

**RULE 4. ROLL CALL; READING OF JOURNAL**

Each legislative day and before the Senate proceeds to the consideration of any business, the Secretary shall call the names of the members in alphabetical order, and shall then read the Journal of the preceding legislative day, which shall be approved or corrected by order of the Senate.

**RULE 5. CONTENTS OF JOURNAL**

The proceedings of the Senate shall be briefly and accurately stated on the Journal; messages to the Governor in full; the titles of all bills and resolutions; every motion with the name of the member making the same, except motions for adjournment; the names of the members voting on all roll calls.

**RULE 6. PRESENTATION OF PETITIONS, MEMORIAL OR COMMUNICATIONS TO THE SENATE**

(a) After the Journal is read, the Presiding Officer shall lay before the Senate communications or messages from the Governor, reports and communications from Departments or State Boards, and other communications addressed to the Senate, and such bills, joint resolutions and other messages from the House of Representatives as may be upon the presiding officer's table, undisposed of.

(b) When petitions, memorials and other papers addressed to the Senate are presented by the President, or a member, the contents thereof shall be briefly stated.

(c) Messages from the Governor or from the House of Representatives may be received at any stage of proceedings with the concurrence of the Presiding Officer, except while the Journal is being read, while a question of order or a motion to adjourn is pending, or while a bill is on the floor.

(d) When a message is brought to the Senate by the Governor or the Governor's messenger, or by a member of the House of Representatives, or any officer thereof, the members of the Senate shall rise upon their feet, if so directed by the Presiding Officer.

**RULE 7. DELIVERY OF MESSAGES FROM THE SENATE; DUTIES OF SECRETARY**

Messages shall be delivered to the House of Representatives by the Secretary, or by a Senator or other officer of the Senate directed by the Presiding Officer. The Secretary shall certify previous to delivery the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver

to the Governor all resolutions and other communications which may be directed to the Secretary by the Senate.

#### **RULE 8. PREPARATION OF BILLS AND RESOLUTIONS**

(a) No bill or resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be approved by the State Archivist and Director of Legislative Council. At the end of each bill, Joint Resolution or amendments there shall be placed the name of the author and/or Department who was responsible for writing same and a brief synopsis of the intent of the bill. In the lower left hand corner of page one there shall be the initials of the unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill to be reprinted. The change in sponsorship shall be noted in the calendar, on the jacket of the original bill and on the first page of the original bill.

(b) Every bill or resolution introduced in the Senate which establishes and/or creates a committee, commission, task force or similar body, either for a specified period of time or on a permanent statutory basis shall require that the following functional details be incorporated in the bill and/or resolution, if necessary; provided, however, the requirements of subparagraph (4) in drafting legislation affecting the Delaware Code need not be made a part of the Code.

- (1) The date on which the report is due;
- (2) to whom the report is to be presented;
- (3) the appointing authority or authorities;
- (4) the designation of a temporary chairperson to enable the committee to commence its duties.

(c) Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary, shall be introduced with one original and one backed copy. The original shall at all times remain in the custody of the Chairman of the Committee to which it was referred, or of the Secretary of the Senate; and one backed copy shall be delivered to the Legislative Council. In addition, every Senator shall be provided with an unbacked copy of the text of the bill or resolution.

(d) The master used to produce the bill or resolution together with a minimum 160 true copies of the bill or resolution, shall be made available to the Legislative Council immediately after the introduction of a bill.

(e) All bills for the amendment of any statutes contained in the Delaware Code of 1974 shall be made with reference to the statutes or parts of statutes contained in said Code, and shall conform to the arrangement of said Code.

#### **RULE 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS**

(a) Unless the bill or joint resolution has been placed upon a President Pro Tem's pre-filed list, every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

(b) No bill or joint resolution shall be considered on the same day it is reported out of committee, or in the absence of the prime sponsor who introduced it, unless by his or her written consent. After any bill has reached its order of preference on the agenda, it may be deferred twice to the end of the agenda. After it has been deferred twice it must be considered when its order of preference is next reached or removed to the ready list by the Secretary of the Senate. In the event of such removal, no bill shall again be placed on the agenda for the same or the next legislative day.



(c) When considered, each bill or resolution shall be given its final reading by title only unless any member requests a reading in full.

(d) An agenda of bills to be considered on the succeeding legislative day shall be kept by the Secretary of the Senate; and announced at the end of each calendar day; and published each day and a copy thereof distributed to each member, and any bill placed upon the agenda by any member of the Senate, without otherwise limiting the right of any member to put a bill upon its passage, stand in the same order of preference for consideration by the Senate unless otherwise ordered by it.

(e) Every bill or resolution shall be introduced by a member or group of members or by order of the Senate or by report of a committee. Introduction may be by either of two methods:

A. Filing of Bills and Resolutions with the Secretary of the Senate.

(1) A bill or resolution may be introduced by being filed with the Secretary of the Senate at any time while the General Assembly is meeting.

(2) A bill or resolution that is presented to the Secretary of the Senate while the Senate stands in recess, in adjournment, or is not otherwise meeting, may be given a number, entered upon a docket kept for that purpose.

(3) As soon as may be practicable following the filing of a bill or resolution with the Secretary, unless the bill or resolution was placed upon a President Pro Tem's pre-filed list, the Reading Clerk shall read the bill or resolution number and title of all bills filed with the Secretary and entered upon the docket prior to the convening of the Senate which have not been previously read.

(4) Such reading of the bill or resolution by the Reading Clerk shall constitute the first reading of such bill or resolution.

(5) Upon such first reading, or upon placement upon the President Pro Tem's pre-filed list, copies of the bill, amendments or resolutions shall be distributed as provided in Rule 8.

B. Other Methods of Introduction.

(1) A bill or resolution may also be introduced from the floor while the Senate is in session.

C. President Pro Tem's pre-filed list.

(1) A bill or resolution filed with the Secretary may, in the discretion of the President Pro Tem, be placed upon the "President Pro Tem's pre-filed list" and the bill or resolution shall at such time be assigned to a Committee by the President Pro Tem. Copies of the President Pro Tem's pre-filed list shall be distributed to members prior to its reading by the Reading Clerk. The President Pro Tem's pre-filed list shall be read as soon as practicable by the Reading Clerk.

(f) No bill that has been tabled, shall be lifted from the table for further consideration until such bill is first placed upon the agenda, unless such bill is lifted for further consideration on the same legislative day the bill was tabled.

(g) No Senate Bill returning from the House shall be acted on by the Senate unless the bill is first placed on the agenda.

**RULE 10. MOTIONS**

(a) All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

(b) Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment or ordering of the yeas and nays.

(c) A motion shall be in order at any time to amend or substitute a title to any bill or resolution only in order to correct typographical errors.

(d) When a question is pending, no motions shall be received but:

To adjourn;

To adjourn to a certain day.

To take a recess;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;  
To postpone to a certain day;  
To commit;  
To amend.

Which several motions shall have precedence as they stand arranged; and the motion to adjourn, to take recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

**RULE 11. VOTING**

Every bill, amendment, joint resolution, concurrent resolution, or simple resolution shall be decided by a roll call vote and shall require a majority vote of all members elected to the Senate for adoption. The names of the Senators shall be called alphabetically and each Senator shall without debate answer "Yes" or "No" or "Not Voting"; and no Senator shall be permitted to vote after the roll call shall have been announced by the Secretary, but may change their vote prior to said announcement. No Senator shall be granted privilege of the floor from the time the Secretary has announced the roll call to the time the roll call is declared by the presiding officer of the Senate. Tabling of roll calls is prohibited.

**RULE 12. RECONSIDERATION**

Any motion for reconsideration must be made by a member of the prevailing side within three (3) legislative days of the original action. When a motion for reconsideration is granted, there can be no further consideration until the sponsor or floor manager rescinds the roll call and takes appropriate action.

**RULE 13. PROCEDURE WHEN BILL OR OTHER MATTER SOUGHT TO BE RECONSIDERED HAS BEEN SENT TO THE HOUSE OF REPRESENTATIVES OR TO THE GOVERNOR**

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

**RULE 14. QUESTION OF ORDER**

A question of order may be raised at any stage of the proceedings, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. The Presiding Officer may submit any question of order for the decision of the Senate.

**RULE 15. SPECIAL ORDER OF BUSINESS**

Any subject may, without objection by any member elected to the Senate, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate.

**RULE 16. PETITION OUT OF COMMITTEE**

Upon written request signed by the majority of the members elected to the Senate and directed to the Presiding Officer, any bill, joint resolution or other business, which shall have been referred to a committee, shall be reported to the Senate.

**RULE 17. CONDUCT**

(a) When a Senator desires to speak, the Senator shall rise and address the Presiding Officer, and shall not proceed until recognized, and the Presiding Officer shall recognize the Senator who shall first address him or her.

(b) No Senator shall interrupt another in debate without his or her consent, and to obtain such consent the Senator shall first address the Presiding Officer; and no Senator shall speak more than three times upon any one question in debate on the same day without leave of the Senate which shall be determined without debate.

(c) No Senator in debate shall, directly, or indirectly by any form of words, impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

(d) If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the Presiding Officer shall, or any Senator may, call the Senator to order; and when a Senator shall be called to order, the Senator shall sit down and not proceed without leave of the Senate, which, if granted, shall be upon motion that the Senator be allowed to proceed in order, which motion shall be determined without debate.

(e) If any person who is not a member of the Senate shall be granted the privilege of the floor for the purpose of addressing the Senate, such person and

the Senate members shall then accord each other the same courtesies and respect that is required among members of the Senate.

(f) Any person in the chamber and/or balcony who is not a member of the Senate and who refuses to salute the American flag at the time such ceremony occurs shall leave the chamber and/or balcony.

**RULE 18. APPOINTMENT OF COMMITTEES**

The President Pro Tempore shall appoint all committees; however, the President Pro Tempore, on at the Pro Tem's own initiative or upon order of the Senate, may appoint special or select committees.

**RULE 19. STANDING COMMITTEE**

The following standing committees shall be appointed, to whom business appropriate to them shall be referred:

- Administrative Services
- Adult and Juvenile Corrections
- Agriculture
- Banking
- Bond Bill
- Children, Youth and Their Families
- Committee to Combat Drug Abuse
- Community/County Affairs
- Education
- Energy and Transit
- Ethics
- Executive
- Finance
- Health and Social Services/Aging
- Highways and Transportation
- Insurance and Elections
- Judiciary
- Labor and Industrial Relations
- Natural Resources and Environmental Control
- Permanent Rules
- Public Safety
- Revenue and Taxation
- Small Business
- Sunset

**RULE 20. DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES**

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

(b) Regular standing committee meetings may be held every Wednesday, while the Senate is in session, between the hours of noon and 3 P.M. The scheduling of the regular meetings shall be coordinated with the Secretary of the Senate. The Chairman of a standing committee may call other meetings as deemed necessary.

(c) At least five calendar days before a meeting each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting and any other announcements from the committee including the times, places and dates of future meetings. Nominations may be exempted from the 5 calendar day notice requirement.

(d) Minutes shall be taken at each formal standing committee meeting, and the results of any committee votes shall be recorded. Committee members who dissent from any committee decision shall be permitted, in the minutes, to state such dissent and the reasons therefore.

(e) A quorum does not have to be present to constitute a committee meeting. Committee members unable to attend pre-announced meetings may subsequently affix their signatures to legislation considered at such meetings.

(f) Nothing in this rule shall preclude the option of a committee chairman to cancel a regular or special meeting or call additional meetings when necessary.

(g) All committee meetings shall be scheduled in a space large enough to accommodate everyone reasonably anticipated to attend. If there are more attempting to attend a committee meeting than there is room for, the Chair shall move the meeting to a different space which is large enough to accommodate those wishing to attend.

**RULE 21. CONTESTS**

Any contest for a seat in this body shall be referred to the Leadership.

**RULE 22. UNDER THE LEADERSHIP, SUPERVISION OF ATTACHES**

The officers, attaches and employees of the Senate shall be under the supervision of the Leadership in the performance of the duties of their respective offices.

**RULE 23. PRIVILEGE OF THE FLOOR**

(a) No person who is not a member of the Senate shall be granted the privilege of the floor, or be seated, stand or allowed to proceed in that area in front of the rear line of the last row of members' seats from the rostrum, to the left of the right line of the farthest right row of members' seats, as facing the rostrum and to the right of the left line of the farthest left row of members' seats as facing the rostrum, while the Senate is in session except:

The Governor of the State  
The Secretary of the State  
Ex-Governors of the State  
Ex-Lieutenant Governors of the State  
Ex-Members of the General Assembly  
Members of the Congress of the United States  
Ex-Members of the Congress of the United States  
Members of the House of Representatives of the State  
Attorneys, Officers and Employees of the Senate  
Attorneys, Officers and Employees of the House of Representatives of the

State

The staff of Legislative Council

(b) Notwithstanding anything contained in subsection (a) of this Rule, any other person or persons may be granted the privilege of the floor, or of being seated or to stand in front of the rear line of the last row of member seats aforesaid, by and with the consent of this body.

**RULE 24. CHANGE OR SUSPENSION OF RULES**

Any rules of the Senate may be changed or suspended by approval of a majority of all members elected to the Senate.

**RULE 25. RULES OF ORDER**

All questions of parliamentary procedure not covered or provided for by the Rules of the Senate or the Constitution of the State of Delaware shall be decided in accordance with Mason's Manual of Legislative Procedure.

**RULE 26. NEWS MEDIA**

Members of the press, with permission of the President Pro Tempore, may use personal recording devices in the Senate Chamber during live session of that body.

**RULE 27. TRAVEL BY MEMBERS OF THE SENATE**

Any member of the State Senate who takes an out-of-state trip on official business at taxpayer expense shall upon the Senator's return and at the request of the Senate, give an oral report to the Senate on the extent of the Senator's travel, the nature of the official business and a summary of the convention, conference, seminar, or other proceedings.

**RULE 28. CONSENT CALENDAR**

(a) Any member of the Senate may propose any Senate Resolution, Senate Concurrent Resolution or House Concurrent Resolution, which ever the case may be, for inclusion on a Consent Calendar for the purpose of a final reading; provided that no amendment to the resolution is proposed.

(b) Any proposal by a member of the Senate for inclusion of a Senate Resolution, Senate Concurrent Resolution, or House Concurrent Resolution on a Consent Calendar shall be made to the Secretary of the Senate.

(c) Upon receipt of a proposal for inclusion the Secretary of the Senate shall prepare the Consent Calendar noting each inclusion thereon and present the Consent Calendar to the membership at an appropriate time during each legislative day.

(d) All resolutions included on the Consent Calendar shall be read and voted on collectively as a single group.

(e) Any resolution may be removed from the Consent Calendar for individual action if objection is made to its inclusion by any member.

#### **RULE 29. CITATIONS**

Every member of the Senate shall be granted the privilege to issue citations, in the categories or classifications available, at anytime during his or her tenure; provided, however, the procedures herein prescribed are adhered to. Citations, unlike resolutions which are highly detailed, invoking the entire Delaware State Senate as a body shall be sequentially numbered by the Secretary of the Senate and made a part of the permanent record of the Senate. Each citation before becoming an official document of the Senate shall be signed by the sponsor and/or sponsors, the President Pro Tempore of the Senate and the Secretary of the Senate. When the Senate is in session pursuant to Article II, Section 4 of the 1897 Constitution, as amended, the President Pro Tempore or their designee shall cause to be read into the permanent record of the Senate, for informational and archival purposes, on one of the three (3) legislative days mentioned in Rule 2, such citations as have been filed with the Secretary of the Senate, by topical notation along with the name of the Chief sponsor thereof. Such citations shall not require an official vote; however, at the time such citations are officially read into the record, any member of the Senate may comment, elaborate or simply expand on the content of the citation. Citations requested and issued by members of the Senate when the Senate stands in recess or adjournment (July 1 - December 31st) shall be administratively managed by the Secretary of the Senate and in the duties of compiling the permanent record of the Senate proceedings (the Senate Journal) shall cause such citations to be made a part of the official proceedings of the Senate.

#### **RULE 30. PROHIBITING SMOKING IN SENATE CHAMBER, CAUCUS ROOMS AND GALLERY**

No member of the Senate, staff person, member of the press or visitor shall smoke a cigarette, cigar, pipe or other smoking object or equipment in the Senate chamber, caucus rooms and gallery while the Senate is in session.



## **SENATE STAFF**





**SENATE STAFF**  
**143<sup>RD</sup> GENERAL ASSEMBLY**

Bernard J. Brady – Secretary of the Senate  
Joy C. Bower – Assistant Secretary of the Senate  
Kay B. Stubbs – Journal/Calendar Clerk

Louise C. Allen-Frazier  
Scotty Wallace Amerine  
Paul Amick  
Teresa Ann Anderson  
Kay Anderson  
Raphaela M. Angelini  
Leslie Beddingfield  
Tara C. Bower  
Justin E. Bower  
Alan Bradley  
Walter Brady, Jr.  
Darius Brown  
Elesha Kelly Brown  
William Bunting  
Helen F. Carnell  
Alexis B. Carter  
Albert C. Clark  
Carol Clark  
Laura Nicole Coogan  
Stephanie Lynn Cygan  
Robert Draine  
Jenifer M. Fekete  
Patricia Frantz  
Donna M. Grzybowski  
Mary Louise Guyer  
James B. Hamilton  
John J. Haney  
Thomas E. Hazewski  
Mary Ann Hearne  
Samuel M. Hodas  
Sylvia A. Holloway  
Mary E. Holmes  
Winifred H. Hulme  
Laura Jarboe  
Rose Ann Jones  
Janet M. Laws  
Floyd Macklin, Jr.  
Anna Mae Massey  
Debby Masten

Joan Maxwell  
Chase McAllister  
Anne M. McCann  
Kendall McDowell  
Kenneth A. McDowell  
Maryanne McGonegal  
Andrew K. Mehdizadeh  
Sheron J. Moody  
Patricia C. Moore  
Margaret Moore  
Raymond L. Moore  
Sandra Moser  
Allison J. Murphy  
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Heidi L. Passwaters  
Andrea S. Price  
Wilma J. Roberts  
Karen L. Samuels  
Clarence A. Schwatka, Jr.  
Justin T. Sexton  
Charlotte L. Shirey  
Andrew Slater  
Megan M. Sokola  
Bucky Speaks  
Doris Lee Spicer  
Summer Brooke Spicer  
Karen Stewart  
Calvin P. Stidham  
Lauren E. Strong  
Allison Strong  
Evan Thornton  
Richard L. Thornton  
Julie Tulloch  
Ernest C. Watson  
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John E. Williams, Jr.  
Carina L. Yasiejko  
Justin Young

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Christopher Bradley  
Richard Carter  
Rob Clemens  
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## **LEGISLATIVE DAYS**



**LEGISLATIVE DAYS**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**

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## **SENATE ACTION**





**1<sup>ST</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 11, 2005**

Pursuant to Section 4, Article 2, of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 2:31 PM on January 11, 2005, Lt. Governor John Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

On motion of Senator Adams and without objection, Bernard J. Brady was appointed temporary Secretary of the Senate and Patricia Moore was appointed temporary Reading Clerk. No objection.

The temporary Secretary of the Senate then called the roll of the hold-over Senators.

**PRESENT:** Senators Adams, Blevins, Bunting, Cloutier, Connor, Cook, McBride, McDowell, Peterson, Sokola and Vaughn – 11

Senator Adams moved that the President of the Senate appoint two members to examine the Certificates of Election. No objection.

The President of the Senate appointed Senators Blevins & Connor to inspect the Certificates of Election of the newly elected Senators.

Lt. Governor Carney called a short recess for the purpose of the examination of the Certificates of Election.

The Senate reconvened with Lt. Governor Carney presiding.

Senator Blevins reported that the Certificates of Election were examined and found to be in order.

The Certificates of Election were as follows:

For New Castle County: District 2 – Margaret Rose Henry, District 3 – Robert I. Marshall, District 4 – Charles L. Copeland, District 6 – Liane McD. Sorenson, District 10 – Steven H. Amick, District 11 – Anthony J. DeLuca.

For Kent County: District 16 – Colin R. J. Bonini, District 17 – John C. Still, III, District 18 – F. Gary Simpson.

For Sussex County: District 21 – Robert L. Venables, Sr.

The original Certificates of Election are in the activity file for this legislative day.

The President of the Senate thanked the committee for its timely and effective work.

Senator Adams moved that the Acting Reading Clerk read the Certificate of Election of Senator Henry and that the reading constitute the readings of all the Certificates. No objection.

The Acting Reading Clerk then read the Certificate of Election as follows:

The State of Delaware  
New Castle County, ss

Be it remembered, that the General Election held on Tuesday, the Second day in November, in the year of our Lord Two thousand and Four for New Castle County, according to the Constitution and Laws of the State of Delaware, Margaret Rose Henry was duly elected Senator – 2<sup>nd</sup> District, which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we **James T. Vaughn, Jr.** and **Richard R. Cooch** constituting the Superior Court for New Castle County, who have met and ascertained in the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4<sup>th</sup> day of November, A.D. 2004.

(Signed)  
(Signed)

James T. Vaughn, Jr., President Judge  
Richard R. Cooch, Resident Judge

Senator Adams moved that the Oath of Office be administered to the newly elected Senators. This was done by district.

Senator Margaret Rose Henry, sworn in by Judge, Arlen Coppadge; Senator Robert I. Marshall, sworn in by Lt. Governor Carney; Senator Charles L. Copeland, sworn in by Chief Judge, Chandlee Johnson Kuhn; Senator Liane M. Sorenson, sworn in by Chief Judge Chandlee Johnson Kuhn; Senator Steven H. Amick, sworn in by Resident, Judge, Richard R. Cooch Senator Anthony J. DeLuca, sworn in by Chief Judge, Chandlee Johnson Kuhn; Senator Colin R. J. Bonini, sworn in by Vice Chancellor, Leo E. Strine, Jr.; Senator John C. Still, III, sworn in by Justice, Henry DuPont Ridgely; Senator F. Gary Simpson, sworn in by Justice, Randy J. Holland; Robert L. Venables, Sr., sworn in by Resident Judge T. Henley Graves.

The following oath was administered to the Senators as noted above.

### **OATH OF OFFICE MEMBER OF THE STATE SENATE**

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

\* \* \*

The Temporary Secretary of the Senate then called the attendance roll of the Senate members for the legislative day, which revealed:

**PRESENT:** Senators, Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables – 21.

**SR 1** was introduced and brought before the Senate for consideration on motion of Senator Adams.

**SR 1** - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE.

Sponsor: Senator(s) Adams, McDowell, DeLuca, Still & Sorenson.

Roll call vote on **SR 1** was taken and revealed.

YES: 21

**SR 1** was declared Adopted.

Delegates from the House Reps. Booth & Williams were announced and admitted, notifying the Senate that the House was organized and ready for business.

Senator McDowell announced that PolyTech students were in the chamber filming today's session.

**SR 2** was introduced and brought before the Senate for consideration on the motion of Senator DeLuca.

**SR 2** - IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE.

Sponsor: Sens. DeLuca, McDowell, Vaughn, Amick & Simpson

Roll call vote on **SR 2** was taken and revealed:

YES: 19

NO: Senator(s) Peterson, Sokola, - 2.

**SR 2** was declared Adopted.

**SR 3** was introduced and brought before the Senate for consideration on the motion of Senator McDowell.

**SR 3** -IN REFERENCE TO THE ELECTION OF THE PRESIDENT PRO

TEMPORE. Sponsor: Senator McDowell & DeLuca

Roll call vote on **SR 3** was taken and revealed:

YES: 21

**SR 3** was declared Adopted.

The Oath of Office of the PRESIDENT PRO TEMPORE was then administered to Senator Thurman Adams, Jr. by Chancellor, William B. Chandler, III.

**OATH OF OFFICE  
PRESIDENT PRO TEMPORE  
OF THE STATE SENATE**

"I, Thurman Adams, Jr., do Proudly swear (or affirm) to carry out the responsibilities of the office of President Pro Tempore, to the best of my ability, freely acknowledging that the powers of this office flow from the people from the people I am privileged to represent. I further swear (or affirm) always to place the public interests above any special or personal interests and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the constitutions of my Country and state, so help me God."

(Signed) Thurman Adams, Jr., President Pro Tempore  
Sworn (or affirmed) and subscribed before me this 11<sup>th</sup> day of January, A.D. 2005  
(Signed) Chancellor, William B. Chandler, III, Delaware court of Chancery

\* \* \*

**SR 4** was introduced and brought before the Senate for consideration on motion of Senator Adams.

**SR 4** – IN REFERENCE TO THE ELECTION OF OFFICERS. Sponsor: Sens. Adams, McDowell & DeLuca

Roll call vote on **SR 4** was taken and revealed:

YES: 21.

**SR 4** was declared Adopted.

The Oath for SECRETARY OF THE SENATE was then administered to Bernard J. Brady by Lt. Governor Carney.

**OATH FOR SECRETARY OF THE SENATE**

I, Bernard J. Brady, Secretary of the Senate, do proudly swear that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Secretary of the Senate according to the best of my ability.

(Signed) Bernard J. Brady

Sworn to and subscribed before me this 11<sup>th</sup> day of January, 2005 A.D.

(Signed) John C. Carney, Jr.  
Lieutenant Governor and President  
of the Delaware State Senate.

\* \* \*

Senator Adams announced that the Majority Caucus has met and officially elected Senator Harris B. McDowell, III, as Majority Leader and Senator Anthony J. DeLuca as Majority Whip.

Senator Still announced that the Minority Caucus has met and officially elected Senator John C. Still, III, as Minority Leader and Senator Liane McDowell Sorenson as Minority Whip.

**SR 5** was introduced and brought before the Senate for consideration on the motion of Senator Adams.

**SR 5** - APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS ORGANIZED. Sponsor: Sens. Adams, McDowell & DeLuca

Roll call vote on **SR 5** was taken and revealed:

YES: 21.

**SR 5** was duly Adopted.

Lt. Governor Carney appointed Senator Cook and Senator Cloutier to notify the Governor.

SR 6 was introduced and brought before the Senate for consideration on the motion of Senator Adams.

SR 6 - APPOINTING A COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES THAT THE SENATE IS ORGANIZED. Sponsor: Sens. Adams, McDowell & DeLuca

Roll call vote on SR 6 was taken and revealed:

YES: 19

ABSENT: Senator(s) Cloutier, Cook - 2.

SR 6 was duly Adopted.

Lt. Governor Carney appointed Senator Bunting and Senator Amick to notify the House.

SCR 1 was introduced and brought before the Senate for consideration on the motion of Senator Adams.

SCR 1 - PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF ANNOUNCING THE VOTE FOR GOVERNOR AND LT. GOVERNOR OF THE STATE OF DELAWARE. Sponsor: Sponsor: Sens. Adams, McDowell; Reps. Smith & Spence.

Roll call vote on SCR 1 was taken and revealed:

YES: 17

ABSENT: Senator(s) Amick, Bunting, Cloutier, Cook, - 4.

SCR 1 was duly Adopted by the Senate and was sent to the House for Consideration.

A communication from the Governor was read advising Lt. Governor Carney that she intends to submit the name of **Robert B. Young** to the Senate for confirmation and appointment as an Associate Judge of Superior Court.

A communication from the Governor was read advising Lt. Governor Carney that she intends to submit the name of **Honorable William L. Witham, Jr.** to the Senate for confirmation and appointment as the Resident Associate Judge of the Superior Court.

On motion of Senator McDowell the Senate recessed at 03:49 PM until January 12, 2005 at 03:00 PM.

The Senate reconvened on January 12, 2005 at 3:42 PM with Lt. Governor Carney presiding.

Communications from the House was read informing the Senate that that it had passed HJR 1; HCR 1; HCR 2; SCR 1.

At 3:42 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Second Legislative Day.

**2<sup>ND</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 12, 2005**

The Senate convened at 3:42 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Bonini followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell commented about the TSUNAMI victims and requested a moment of silence for the families that lost members of their families.

Senator McBride was marked present.

HCR 2 was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

HCR 2 - COMMENDING KATHLEEN H. THOMAS FOR BEING SELECTED DELAWARE'S STATE TEACHER OF THE YEAR FOR 2005 AND COMMENDING EACH SCHOOL DISTRICT'S TEACHER OF THE YEAR. Sponsor: Rep. Wagner & On behalf of all Representatives; Sen. Sokola & On behalf of all Senators

Senator Sokola requested personal privilege of the floor for the district teachers and the 2005 Teacher of the Year. They individually introduced themselves to the Senate

(Raymond Theilacker, Mary P. O'Connell, Shduneen Giudice, Beth Morrison, Voni Perrine, Barbara Borleske, Sabrina L. Neal, Charlene Jones, Paula Henderson, Sandra Krugh, Diane Marthaler, Cynthia Baker, Marilyn Neat and Kathleen Thomas). Ms. Thomas, 2005 Teacher of the Year addressed the Senate, after which they all were excused.

Senators Sokola, Connor & McBride all commented.

Roll call vote on **HCR 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

Senator Cook was marked present during the above roll call.

**HJR 1** was brought before the Senate for consideration, under the suspension of the necessary rules on motion of the floor manager, Senator McDowell.

**HJR 1** - IN REFERENCE TO OFFICERS. Sponsor: Reps. Smith & Lee

Roll call vote on **HJR 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**HJR 1** was declared passed the Senate and was returned to the House.

Senator McDowell moved to recess for Party Caucus at 04:05 PM.

The Senate reconvened at 05:43 PM with Lt. Governor Carney presiding.

Senator Bunting was marked present.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator McDowell, the Senate recessed at 05:45 PM until January 13, 2005 at 02:00 PM.

The Senate reconvened at 02:23 PM on January 13, 2005 with Lt. Governor Carney presiding.

At 02:24 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Third Legislative Day.

**3<sup>RD</sup> LEGISLATIVE DAY**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**JANUARY 13, 2005**

The Senate convened at 02:24 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Adams followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

At 02:27, Senator Adams announced pursuant to **SCR 1** the Senate will now recess for joint session to announce results of election from the three counties for the office of Governor and Lt. Governor.

The Sergeant of Arms announced the members of the House of Representatives were ready to be admitted and seated.

At 02:34 the Lt. Governor Carney requested the House members be admitted and extended an invitation to the President Pro Tempore and the Speaker to be his guest on the podium.

Senator McDowell moved at 02:36 PM that the Senate and House convene in Joint Session.

No objection.

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

Senator McDowell moved that the Secretary of the Senate and Chief Clerk of the House act as secretaries to the Joint Session.

No objection.

Lt. Governor Carney announced under the provisions of Article III, Section 3 of the State Constitution, the election results for the Governor and Lt. Governor must be opened and published in the presence of the members of both Houses in Joint Session.

Lt. Governor Carney moved that the Certificates of Elections for Governor and Lt. Governor from the three counties be therefore read in.

The readings of the Certificates of Elections took place as follows:

**The State of Delaware**  
New Castle County, ss

BE IT REMEMBERED, That at the General Election held on Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for New Castle County, according to the Constitution and Laws of the State of Delaware, One hundred twenty-nine thousand and ninety-two (129,092) votes were given for **(D) RUTH ANN MINNER** for Governor, Ninety nine thousand five hundred and eighty-six (99,586) votes were given for **(R) WILLIAM SWAIN LEE** for Governor, Four thousand and fifty-six (4,056) votes were given for **(W) FRANK INFANTE** for Governor, Eight hundred and eighty-nine (889) votes were given for **(L) FRANK INFANTE** for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Elections Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we JAMES T. VAUGHN, JR. and RICHARD R. COOCH constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4<sup>th</sup> day of November, A.D. 2004.

(Signed) James T. Vaughn, Jr., President Judge

(Signed) Richard R. Cooch, Resident Judge

\* \* \*

**The State of Delaware**  
Kent County, ss.

BE IT REMEMBERED, That at the General Election held on Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty Two Thousand, Three Hundred and Twenty Four (22,324) votes were given for **(D) RUTH ANN MINNER** for Governor, Twenty Eight Thousand, Five Hundred and Sixty Two (28,562) votes were given for **(R) WILLIAM SWAIN LEE** for Governor, Three Thousand, Six Hundred and Ninety Seven (3,697) votes were given for **(W) FRANK INFANTE** for Governor, Three Hundred and Nine (309) votes were given for **(L) FRANK INFANTE** for Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We WILLIAM L. WITHAM, JR., and FRED S. SILVERMAN, constituting the Superior Court for Kent, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4<sup>th</sup> day of November, A.D. 2004.

(Signed) William L. Witham, Jr., Judge

(Signed) Fred S. Silverman, Judge

\* \* \*

**The State of Delaware**  
Sussex County, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for Sussex County, according to the Constitution and Laws of the State of Delaware, Thirty-Four Thousand Two Hundred Seventy-one (34,271) votes were given for **(D) RUTH ANN MINNER** for Governor, Thirty-Eight Thousand Nine Hundred Sixty-seven (38,967) votes were given for **(R) WILLIAM SWAIN LEE** for Governor, Three Thousand, Two Hundred and Fifty (3255) votes were given for **(W/L) FRANK INFANTE** for Governor, which is manifest by calculating and ascertaining the

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

In Testimony Whereof, we T. Henley Graves and E. Scott Bradley, constituting the Superior Court for Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Courthouse in said County, on this 5<sup>th</sup> day of November, A.D. 2004.

(Signed) T. Henley Graves, Resident Associate Judge

(Signed) E. Scott Bradley, Associate Judge

\* \* \*

**The State of Delaware**

New Castle County, ss

BE IT REMEMBERED, That at the General Election held on Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for New Castle County, according to the Constitution and Laws of the State of Delaware, One hundred forty eight thousand and fifty-six (148,056) votes were given for **(D) JOHN C. CARNEY, JR.** for Lieutenant Governor, Seventy three thousand nine hundred (73,900) votes were given for **(R) JAMES P. URSOMARSO** for Lieutenant Governor, One thousand nine hundred and twenty-two (1,922) votes were given for **(W) MICHAEL R. DORE** for Lieutenant Governor, One thousand one hundred and sixty-seven (1,167) votes were given for **(L) JOHN M. REDA** for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Elections Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we JAMES T. VAUGHN, JR. and RICHARD R. COOCH constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4<sup>th</sup> day of November, A.D. 2004.

(Signed) James T. Vaughn, Jr., President Judge

(Signed) Richard R. Cooch, Resident Judge

\* \* \*

**The State of Delaware**

Kent County, ss.

BE IT REMEMBERED, That at the General Election held on Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty Nine Thousand, Two Hundred and Thirty Four (29,234) votes were given for **(D) JOHN C. CARNEY, JR.** for Lieutenant Governor, Twenty One Thousand, Nine Hundred and Thirty Four (21,934) votes were given for **(R) JAMES P. URSOMARSO** for Lieutenant Governor, One Thousand, Two Hundred and Nine (1,209) votes were given for **(W) MICHAEL R. DORE** for Lieutenant Governor, Two Hundred and Thirty (230) votes were given for **(L) JOHN M. REDA** for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We WILLIAM L. WITHAM, JR., and FRED S. SILVERMAN, constituting the Superior Court for Kent, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 4<sup>th</sup> day of November, A.D. 2004.

(Signed) William L. Witham, Jr., Judge

(Signed) Fred S. Silverman, Judge

\* \* \*

**The State of Delaware**

Sussex County, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year our Lord Two Thousand and Four for Sussex County, according to the Constitution and Laws of the State of Delaware, Forty-one Thousand and Eight-five (41,085) votes were given for **(D) JOHN C. CARNEY** for Lieutenant Governor, Thirty-one Thousand Six Hundred Sixty-seven (31,667) votes were given for **(R) JAMES P. URSOMARSO** for Lieutenant Governor, One Thousand and three (1003) votes were given for **(W) MICHAEL R. DORE** for Lieutenant Governor, Two Hundred Forty-Nine (249) votes were given for **(L) JOHN M. REDA** for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we T. Henley Graves and E. Scott Bradley, constituting the Superior Court for Sussex County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Courthouse in said County, on this 5<sup>th</sup> day of November, A.D. 2004.

(Signed) T. Henley Graves, Resident Associate Judge

(Signed) E. Scott Bradley, Associate Judge

\* \* \*

Senator McDowell moved that the Secretary of the Senate and the Chief Clerk of the House compare their Journals to see if they agree. No objection.

The Secretary of the Senate, Bernard J. Brady announced that he and Mrs. Hedrick, Chief Clerk of the House, compared their Journals and found them to agree.

At 02:48 PM on motion of Senator McDowell and without objection, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers. No objection.

On motion of Senator McDowell at 02:57 PM the Senate recessed for party caucus.

The Senate reconvened at 04:48 PM with Lt. Governor Carney presiding.

Additions to the agenda and other legislative meetings were announced.

A communication from Senator Adams to the Secretary of the Senate, Bernard J. Brady was read enclosing a list of Senate Committee Assignments for the 143<sup>rd</sup> General Assembly.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/13/2005**

**SB 1** - AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE TO AFFIRMATIVELY RE-ESTABLISH AND CONTINUE THE FUNCTIONS OF THE UNEMPLOYMENT INSURANCE APPEAL BOARD. Sponsor: Sen. Vaughn; Sens. Adams, Cook, McBride, Reps. Ennis, Ewing; **Sunset**.

**SB 2** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATED TO INSURANCE. Sponsor: Sen. Henry; Sens. Blevins, Cook, McBride, Peterson, Sokola, & Reps. Keeley, Longhurst, McWilliams, Plant, Van Sant; **Insurance & Elections**.

**SB 4** - AN ACT TO AMEND CHAPTER 128, VOLUME 33, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MIDDLETOWN, TO CLARIFY CERTAIN PROVISIONS REGARDING INDEBTEDNESS AND DEBT LIMITS BY THE TOWN. Sponsor: Sen. Vaughn; **Community/County Affairs**.



**SB 5** - AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED ENTITLED AN ACT TO REINCORPORATE THE TOWN OF MILTON, THE CHARTER OF THE TOWN OF MILTON, RELATING TO A TOWN MANAGER AND TO ANNEXATION AGREEMENTS AND AMOUNT OF INDEBTEDNESS. Sponsor: Sen. Adams;

**Community/County Affairs.**

**SJR 1** - DIRECTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO UPDATE AND REVISE EXISTING SCHOOL SAFETY EMERGENCY PROCEDURES IN LIGHT OF THE INCREASED THREAT OF TERRORIST ATTACKS IN DELAWARE. Sponsor: Sen. Venables; Sens. Bunting, Connor, Sorenson; Reps. Booth, Hocker, Hudson;

**Education.**

\* \* \*

The Secretary announced the agenda for January 19, 2004.

On motion of Senator McDowell, the Senate recessed at 04:54 PM until January 18, 2005 at 02:30 PM.

The Senate reconvened at 02:45 PM on January 18, 2005 with Senator DeLuca presiding.

Senator Marshall was marked present.

At 02:45 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Fourth Legislative Day.

**4<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 18, 2005**

The Senate convened at 2:45 PM. with Lt. Governor Carney presiding.

A prayer was offered by Senator Marshall followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell commented on the inauguration ceremony held today.

The Secretary announced the agenda for January 19, 2005.

On motion of Senator McDowell, the Senate recessed at 02:50 PM until January 19, 2005 at 02:00 PM.

The Senate reconvened at 03:25 PM on January 19, 2005 with Senator DeLuca presiding.

Senators Sorenson, Peterson & Bunting were marked present.

The following committee reports were announced.

From Sunset: **SB 1** – 1 Favorable, 2 – Merits, 2 Unfavorable.

From Executive: **Robert Young** – 6 Merits; **William Witham** – 6 Merits.

From Community County Affairs: **SB 4** – 3 Merits; **SB 5** – 3 Merits; **SB 6** - 3 Merits.

From Bond Bill: **SB 9** – 6 Favorable.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/19/2005**

**SB 6** - AN ACT TO AMEND CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE

CITY OF LEWES", TO AMEND SECTION 29, "ENUMERATION OF POWERS", SUBSECTION 30, TO INCREASE THE MAXIMUM AMOUNT TO BE RAISED FROM TAXES ON REAL ESTATE AND IMPROVEMENTS FROM ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.) TO THREE MILLION DOLLARS (\$3,000,000). Sponsor: Sen. Simpson; Rep. Booth; **Community/County Affairs.**

**SB 7** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO LEGISLATIVE AUTHORITY AND PROVIDING FOR INITIATIVE AND REFERENDUM. Sponsor: Sen. McBride; Rep. Valihura, Sen. Sokola; **Executive.**

**SB 8** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO CONSTITUTIONAL AMENDMENTS, AND PROVIDING THAT CONSTITUTIONAL AMENDMENTS BE RATIFIED AT THE POLLS. Sponsor: Sen. McBride; Rep. Valihura; **Executive.**

**SB 9** - AN ACT TO AMEND THE FISCAL YEAR 2005 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE RECORDS. Sponsor: Sen. Venables; Rep. Roy; Sens. Blevins, Cook, DeLuca, Connor, Simpson, Reps. Carey, Lofink, Oberle, Ennis, Keeley, Cathcart, Lavelle, Miro, Stone, Mulrooney; **Bond Bill.**

**SJR 2** - REJECTING THE REPORT OF THE DELAWARE COMPENSATION COMMISSION. Sponsor: Sen. Bunting; Sens. Blevins, Cook, Henry, Peterson, Sokola; **Labor & Industrial Relations.**

The following nomination(s) assigned to the **Executive** Committee.

Robert W. Allen  
916 Midway Lane  
Seaford, DE 19973

To be appointed a member  
of the Board of Pension Trustees  
to serve a term to expire 4 years from  
Senate confirmation.

The Honorable Richard S. Cordrey  
230 River Drive  
Millsboro, DE 19966

To be appointed Secretary of  
the Department of Finance to  
serve at the pleasure of the  
Governor.

Verna A. Hensley  
203 East Dickerson Lane  
Middletown, DE 19709

To be reappointed a Commissioner  
of the Delaware River and Bay  
Authority to serve a term to expire  
July 1, 2009.

The Honorable Thomas M. Kenney  
216 Atkins Avenue  
Wilmington, DE 19805

To be reappointed Justice of the  
Peace in and for New Castle  
County to serve a term to expire 6  
years from the date of swearing in.

Jan M. King  
120 Stone Tower Lane  
Wilmington, DE 19803

To be reappointed a member of  
the Board of Pension Trustees  
to serve a term to expire 4 years from  
Senate confirmation.

The Honorable Stanley J. Petraschuk  
116 Main Street  
Odessa, DE 19730

To be reappointed Justice of the  
Peace in and for New Castle  
County to serve a term to expire 6  
years from the date of swearing in.

Michael E. Riska  
1078 Sharpless Road  
Hockessin, DE 19707

To be reappointed a member  
of the Delaware Natural Areas  
Advisory Council to serve a term to  
expire 4 years from Senate  
confirmation.

The Honorable Thomas B. Sharp  
19 Beachtree Court  
Selbyville, DE 19975

To be appointed Secretary of the  
Department of Labor to serve  
commencing on March 7, 2005 and  
continuing at the pleasure of the  
Governor.

The Honorable William L. Witham, Jr.  
425 Greenhill Road  
Dover, DE 19901

To be appointed Resident  
Associate Judge of the Superior  
Court in and for Kent County for a  
term to expire 12 years from the date  
of swearing in.

Robert B. Young  
10 Kings Highway  
Dover, DE 19901

To be appointed Associate Judge  
of Superior Court in Kent County  
for a term to expire 12 years from the  
date of swearing in.

\* \* \*

**SENATE CONSENT CALENDAR #1** was introduced and considered for  
adoption on motion of Senator McBride. The calendar included the following  
Resolution:

**HCRR 1** - DESIGNATING FEBRUARY 2005 AS AMERICAN HEART  
MONTH AND FEBRUARY 4, 2005 AS THE AMERICAN HEART ASSOCIATION'S  
GO RED FOR WOMEN DAY IN DELAWARE. Sponsor: Rep. Stone, on behalf of all  
Representatives & Sen. Cook on behalf of all Senators.

**SCR 2** - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF  
RECEIVING THE ANNUAL STATE OF THE STATE ADDRESS BY THE  
HONORABLE RUTH ANN MINNER, GOVERNOR OF THE STATE OF  
DELAWARE. Sponsor: Sen. Adams & Sen. McDowell; Sens. DeLuca, Still, Sorenson;  
Reps. Spence, Smith, Lee, Gilligan, Van Sant.

On motion of Senator McDowell **SCR 2** was removed and **LOT**.

A roll call vote on the **SENATE CONSENT CALENDAR #1** was taken and  
revealed 20 Senators voting YES, 1 (Henry) ABSENT; therefore, the Senate Consent  
Calendar was declared Adopted. The House Concurrent Resolution was returned to the  
House.

On motion of Senator McDowell, the Senate recessed for a five minute standing  
recess at 03:30 PM.

The Senate reconvened at 03:36 PM with Senator DeLuca presiding.

Senator McBride requested that **SCR 2** be Lifted from the Table and brought  
before the Senate for Consideration.

Senator McBride requested the privilege of the floor for Joseph C. Schoell,  
representing the Governor's Office, after which the witness was excused.

Roll call vote on **SCR 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SCR 2** was declared Adopted by the Senate and sent to the House for  
Consideration.

At 03:40 PM on motion of Senator McDowell, the Senate adjourned and  
immediately convened the Fifth Legislative Day.

**5<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 19, 2005**

The Senate convened at 03:40 PM with Senator DeLuca presiding.

A prayer was offered by Senator Simpson followed by the Pledge of Allegiance to  
the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables – 21.

Lt. Governor Carney presiding at 03:41 PM.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

On motion of Senator Adams, the following nominations by the Governor were considered.

**William Witham:** 20 Senator(s) voting YES, (Henry) Absent; therefore, the appointment was declared CONFIRMED.

Senator Still commented.

**Robert Young:** 20 Senator(s) voting YES, (Henry) Absent; therefore, the appointment was declared CONFIRMED.

**SB 1** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 1** - AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE TO AFFIRMATIVELY RE-ESTABLISH AND CONTINUE THE FUNCTIONS OF THE UNEMPLOYMENT INSURANCE APPEAL BOARD.

**SA 1 to SB 1** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SA 1 to SB 1** was declared part of the bill.

**SB 1 w/SA 1** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Tom McPherson, Director of Unemployment Insurance.

Senators Vaughn, Amick, Peterson, Amick, Peterson, McBride, Peterson questioned the witness.

Senator Vaughn raised a point of order.

Senator Peterson continues to question the witness.

Senators Vaughn, Simpson and Peterson question the witness, after which the witness was excused.

Senator Peterson requested personal privilege of the floor for Jeff Clark, Senate Attorney.

Senators Peterson, Vaughn and Sokola question the witness, after which the witness was excused.

Senator Vaughn requested personal privilege of the floor for Lisa Lowman, representing Superior Court.

Senator Peterson questioned the witness, after which the witness was excused.

Senators Vaughn, McBride, Blevins, Peterson, DeLuca commented.

Roll call vote on **SB 1 w/SA 1** was taken and revealed:

YES: 11

NO: Senator(s) Amick, Blevins, Cloutier, Connor, Copeland, Peterson, Simpson, Sokola, Sorenson - 9.

ABSENT: Senator(s) Henry - 1.

**SB 1 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell commented on **SCR 2** advising the Senate that the State of the State will be on Tuesday, January 25, 2005.

Senator McBride commented.

Additions to the agenda, committee and other legislative meetings were announced.

A communication from the Office of Senator Bunting was read requesting Representatives Wagner and Maier be added as co-sponsors of **SJR 2**.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/19/2005**

**SB 12** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsor: Sen. McBride; Sen. Bonini, & Rep. Thornburg & Rep. Williams; **Judiciary**.

**SB 13** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EXEMPTION OF MOTOR VEHICLES OWNED BY EDUCATIONAL FOUNDATIONS FROM REGISTRATION FEES AND FROM REQUIREMENTS APPLICABLE TO MOTOR VEHICLE DEALERS. Sponsor: Sen. Marshall; Rep. Lofink; **Public Safety**.

**SB 14** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Sen. McBride; Sen. Vaughn, & Sen. Cook, & Rep. Spence, & Rep. Miro, & Rep. Wagner, & Rep. Ewing, Sens: Blevins, Bonini, Bunting, Cloutier, Connor, Henry, Marshall, Sokola, Still, Venables; Reps. Buckworth, Carey, Cathcart, DiPinto, Ennis, Fallon, Gilligan, Hudson, Keeley, Lee, Lofink, Mulrooney, Oberle, Roy, Ulbrich, Van Sant, Viola, Williams; **Finance**.

\* \* \*

Senator Simpson requested he be added as a co-sponsor of **SJR 2**.

Senator Bonini requested he be added as a co-sponsor of **SB 7** and **SB 8**.

The Secretary announced the agenda for January 25, 2005.

On motion of Senator McDowell, the Senate recessed at 05:03 PM until January 25, 2005 at 01:45 PM.

The Senate reconvened at 01:58 PM on January 25, 2005 with Lt. Governor Carney presiding.

Senator Henry was marked present.

On motion of Senator McDowell, the Senate recessed at 01:59 PM to immediately convene the Sixth Legislative Day.

**6<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 25, 2005**

The Senate convened at 01:59 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Venables followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 2**.

On motion of Senator McDowell the Senate recessed at 02:02 PM in order to convene for a Joint Session pursuant to **SCR 2**.

**JOINT SESSION – SENATE CHAMBER  
State of the State Message  
January 25, 2005**

At 02:10 PM on motion of Senator McDowell, the Senate and the House of Representatives meet in Joint Session for the purpose of hearing an address from the Honorable Ruth Ann Minner, Governor of the State of Delaware. No objection.

On motion of Senator McDowell, the President of the Senate presides over the Joint Session. No objection.

On motion of Senator McDowell the Secretary of the Senate and the Chief Clerk of the House act as Secretaries to the Joint Session. No objection.

On motion of Senator McDowell, the Lt. Governor appointed a committee of four Senator Henry, spokesperson, Senator Simpson, Representative Schwartzkopf and Representative Stone to form the committee to escort the Governor to the Senate Chamber.

Lt. Governor Carney announced that the Joint Session stands in a temporary recess until the Governor arrives.

At 02:43 PM the Joint Session reconvened and the Sergeant-of-Arms announced the arrival of the escort party with the Governor.

Governor Minner was admitted and introduced by Senator Henry.

The Governor was welcomed by the Lt. Governor and invited to the rostrum.

The Governor addressed the assembly as follows:

Lieutenant Governor Carney, President Pro Tem Adams, Speaker Spence, members of the 143rd General Assembly, members of the Delaware judiciary, other elected officials, members of my Cabinet, state employees, distinguished guests, my family and all Delawareans...

A few weeks ago, after taking for my last time the oath of office that all elected officials in Delaware recite, I told you that these next four years for me would be about sowing the seeds of our state's future.

I talked about engaging in endeavors that I would not see fully realized. And I shared a quote from the late Archbishop Oscar Romero: "We plant seeds that one day will grow. We water seeds already planted, knowing that they hold future promise."

Today, I am proud to share some of the finer details of the broader portrait I painted last week, a picture of a future of Delaware where our schools, our health, our environment, our economy and our government are better than they are now and better than they've ever been and I'm eager to get started.

### **Education**

So let me begin where the future of our state begins: in our schools. The state of our schools is one of emerging excellence, with more and more students meeting our high standards year after year.

This month, Education Week gave Delaware an A-minus for its standards and accountability efforts, among the best in the country. Our rating recognizes the work that governors, legislators, educators and parents have done to put high standards in place for what we want our children to know and fair measures for assuring that they have met those standards.

As I said last week, we must complete the process of education reform. It was begun more than a decade ago. Now that schools and students are being held accountable for their performance, it is time for teachers to be held accountable as well.

I will work with the educators of our state and finally design a system that is fair, but we cannot delay any longer. I plan to have an educator accountability system in place in time for the start of the 2005-2006 school year.

But as we expect more of our educators, we also will do more for them. The Teacher Corps I proposed and that the General Assembly funded on a pilot basis has brought 10 teachers, bright young people committed to teach in our Delaware public schools in exchange for their tuition. With us today is one of those future teachers, Robyn Rubolin, a student at the University of Delaware who hopes to teach special education. Thank you and welcome to the Delaware General Assembly.

In the budget I will propose this week, I will ask that we expand the Delaware Teacher Corps from the current 10 teachers to 50 students in our colleges.

Part of Delaware's accountability system is under scrutiny, the three-tier diploma. Originally a legislative compromise under a previous administration, the three-tier diploma satisfies no one neither those who want an assurance that a diploma holder has mastered certain skills, nor those who worry that the tiers unfairly brand students who they believe work hard.

A panel of national experts assembled by the General Assembly, the educators and me will give us their view in February and I will not prejudge their decision, but I will say this: A Delaware diploma should signify that the person holding it has mastered

the knowledge and skills needed in college and in work. Any change we make should move us toward that goal.

Part of improving the knowledge and skills of Delaware students is providing extra help for the students when they need it. That was the idea behind placing reading resource teachers in every elementary school. Now thousands of Delaware students are getting the help they need in the most basic skill, and the positive effect is rippling up through the grades and across other subjects.

But, as you know, I am concerned about other areas as well. We all know that many of the skills most in demand in the 21<sup>st</sup> century economy are in the fields of science and technology. And we know that mathematics is the key to science. But our state test scores show this is an area where we need to continue to work, especially in the middle grades our students are making the transition from math to algebra. They need help.

Therefore, I propose that we begin placing math specialists in middle schools in the upcoming school year. These teachers will provide the extra time and extra attention that some students need to master math skills. I will propose funding 22 math specialists. As in the early stages of the reading resource teachers we will place those specialists in the 22 schools that scored the lowest on our math scores in our state tests.

I have proposed that we implement full-day kindergarten across our state by 2008, and the budget I present will include significant steps toward that goal.

I have come to the conclusion that full-day Kindergarten should be voluntary when implemented, but I am confident that the vast majority of the state's parents and students will take this expanded opportunity to prepare for a lifetime of learning.

I always believed that both adults and children are most inspired when they have a goal for which they reach. More and more young people each year obtain the goal of going to college, but not all of them do. The knowledge and skills that higher education offer not only produce better people, they produce a better state and nation. It is time for Delaware to help more children achieve that goal.

Building on the concepts that Senator Harris McDowell and Representative Nancy Wagner have advocated as they have in this Hall for a long time, and will propose the creation of a program to guarantee a college education for those who want it and work for it is there. Our promise to our children should be: if you do well in school, we will pay for you to obtain a college degree.

Modeled after programs like Georgia's HOPE Scholarship, I propose to work with our education community and the General Assembly to create the Delaware "Student Excellence Equals Degree" Scholarship.

The Delaware SEED Scholarship will be based on two principles. First, that the level of achievement necessary to access this scholarship will be tied to attaining our standards. And second, that the scholarship be geared toward achieving an associate's degree from our state's most affordable and accessible higher education institution: Delaware Technical and Community College.

I look forward to forging the Delaware SEED Scholarship to provide focus for our children's middle and high school years and a solid step toward their futures.

My belief in the potential for a child's education is a result of my having to obtain my own the hard way. An inspiring education system is the most important seed we can sow for our state's future. Please join with me as we make these efforts move forward.

### **Health**

I spoke last week of making Delawareans healthier, and we are doing that.

Our fight against Delaware's high cancer rates will be one of my legacies to the state. Doctors tell me that they see fewer and fewer cases of cancer, lung disease, asthma and heart conditions related to secondhand smoke, thanks to the Clean Indoor Air Act. The unprecedented program we started last year has provided cancer treatment to 23 individuals who otherwise couldn't have afforded it. One of those is here today: Emma Fulton.

A Screening for Life test in September determined that Emma had colon cancer. She underwent surgery in December, paid for through our new state program. Emma today shows no signs of cancer. She credits our new program and the screening nurse, Karen Savin, who Emma says saved her life. Karen is also here today. Thank you Karen and congratulations to Emma, keep up the good health.

For Emma and thousands of others, we must continue to follow the blueprint for reducing cancer drawn by the Delaware Advisory Council on Cancer Incidence and Mortality. My proposed budget will include full funding for the Year Three recommendation of the council's report.

As we work to improve our state's cancer rates, we face another area of health care where we struggle to understand what is occurring: that is in the area of infant mortality.

Last June, I created a task force on infant mortality to investigate why, at a time when prenatal care in our state is going up, the death rate of infant mortality has gone up as well. I recently received the task force's interim report, indicating that the problems and the solutions to this challenge are multifaceted.

After receiving input from more than 3,000 Delawareans, the task force, in much the same way the cancer council did, has identified 121 priorities for reducing infant mortality is important in Delaware. Over the next two months, the task force members will provide specific action steps and costs to implement these priorities. I look forward to sharing and implementing them with you.

The cost of health insurance saves every Delaware family and it affects them. Some Delaware families must simply go without. Others can pay for it, but at a great stress to the family's budget. Many businesses are being forced to cut back on hiring because of double-digit increases in healthcare. The cost of health insurance is rapidly becoming a crisis in our state.

There are many ideas on how to deal with this issue. I believe that the best approach we can take is to increase the purchasing power of Delaware health insurance consumers by creating a statewide purchasing pool. That will give individuals and small businesses in Delaware the same bargaining power and risk-spreading that big companies now have. My hope is that this will result in more affordable health insurance premiums across the board for Delawareans.

This is an issue that transcends party lines. A bipartisan group of elected officials, my office and a number of other interested stakeholders is discussing legislation that would create such a statewide purchasing pool. I look forward to seeing this legislation, and I will do everything I can to see that it becomes law this year.

In order to make good decisions in life, it's important to have good information. It applies to health care too. When someone in Delaware must decide what course of medical treatment to take and where to take it, when businesses and government must make decisions about health care policy in light of spiraling costs, they need good information. But right now, that information isn't available.

I will propose legislation requiring that hospitals and similar institutions to maintain and disclose valuable data on treatment and costs. This initiative will ensure that the state and its citizens are better informed consumers, and allow us to find more ways to improve delivery of health care and benefit of all Delawareans.

By fighting cancer and infant mortality, by working to control the cost of healthcare allowing more informed choices to be made about that care, we will move toward the goal I have set for a healthier Delaware.

### **Environment/Livable Delaware**

Benjamin Franklin said there were only two things certain in life: death and taxes. I'd like to add another certainty: trash. And while some in this room might want to discuss reducing taxes, I want to talk about reducing trash.

It is well known now that Delaware lags behind the rest of our region in the amount of material that we recycle. Our low recycling rate is not a meaningless statistic; it directly relates to our quality of life because the more trash we send to landfills, the larger and less manageable our landfills will be.

The recent issues at Cherry Island landfill near Wilmington bring the problem to the forefront: do we continue at a pace that will require a current nuisance to grow bigger and bigger, or do we make a choice that will reduce the impact and extend the life of what we currently have? I believe the wise answer is very clear.

A few days ago, the Recycling Public Advisory Council, after years of study and debate, endorsed a plan for increasing Delaware's residential recycling rate from a meager 4 percent to 30 percent. I wholeheartedly endorse the 30 percent goal.



The council has presented the General Assembly and me with draft legislation to implement their recommendation. Their recommendations provide a strong and thorough starting point. Over the next six weeks, my staff will meet with interested parties with the intention of preparing the legislation for introduction soon after the General Assembly returns from their break in March.

Increasing recycling in Delaware is an idea whose time has come and, if put it off it may not come again. It is the right and it is the responsible thing to do and I ask those with an open mind to help me propose the most responsible way to do it.

In this address four years ago, I announced a new strategy to control growth and sprawl called Livable Delaware. Today, the principle behind Livable Delaware – that we should collectively plan where grow and grow only where we plan – has been widely embraced.

This year I will propose strengthening and expanding Livable Delaware to aggressively protect our water quality and other natural resources that are endangered by sprawling development. We must enforce the states investment strategies we developed those strategies for the counties and municipalities to manage how and where we grow. I will ask you to join me to support legislation that recognizes the safeguards the natural qualities that make Delaware truly unique before those beautiful places are gone forever.

As we all know, the issue of flooding and the damage and potential danger that it causes is one that is especially pressing. I believe that decades of development decisions created the situation that we now face now and we must act quickly to reduce the potential for disastrous flooding and to take steps to prevent residents and governments from facing that in the future.

I have created a Surface Water Management Task Force to recommend changes to any state or local laws and policies that are worsening rather than reducing our flooding issues. It may also propose new policies to comply with state and federal water quality requirements and study the costs of potential sources of funding for a statewide plan to minimize flooding and drainage problems.

This group met for the first time last Friday, but they will report back to me by April 1<sup>st</sup> so the General Assembly and I can address the flooding issues facing our state by June 30th.

The pressing situations of recycling, growth and flooding are ones that have gone unaddressed for too long, but I intend to deal with them so there is less of a concern for future generations. They are part of my plan to sow the seeds of a better future for Delaware and Delaware's environment and people.

### Economy

As I stand before you today, Delaware continues to have one of the strongest economies in the country, with one of the lowest unemployment rates among the 50 states, nearly a point-and-a-half below the national rate.

Last February, I announced my New Economy Initiative, a plan to put \$46 million dollars of state, federal and private money into boosting our state's economy. By the time the General Assembly approved the initiative in June, Citizens Bank had added another \$14 million dollars in matching low-interest loans to the package.

New Economy Initiative investments have recently begun, with grants that are expected to add \$13 million dollars to the gross state product.

But there is more we can do to keep Delaware's economy strong the strongest in the nation is my vision. In order to do that, we must help our business owners control their costs as well.

I want 2005 to be the year that Delaware finally addresses the difficult issue of controlling the cost of workmen's compensation insurance. Lower workmen's compensation rates will reduce the cost of doing business here, and lead to more and higher-paying jobs.

To help increase confidence in our Industrial Accident Board, which makes worker compensation decisions, I will be issuing an executive order creating an Industrial Accident Board Screening Committee.

This committee, modeled on our nationally known Judicial Nominating Commission, will screen the names of applicants to the IAB and send me only a small number of qualified names to consider for nomination. It is my hope that this

Committee, over time, will do the same thing for the IAB that it has done for our courts: make the Delaware IAB one of the nation's most respected.

This must also be a year when we deal with the issue of high medical costs in workmen's compensation cases. There are many people who have a stake in this issue: employers, organized labor, all workers, physicians, attorneys, and man more. To get it resolved will require some serious discussions, but I want the discussions to end and to produce legislation that can be passed this legislative session.

I will propose legislation designed to deal with the issue of medical costs in workers compensation in the coming weeks but I have no pride of ownership; the General Assembly can pass my legislation, or come up with a better solution. But the issue must be addressed, and it must be addressed now.

Getting the most bang for our buck in government is one of the keys to my philosophy of governing. While I have changed many areas of state government for the better, it seems there is always more we can do. This year, I want to focus on the many incentives that we provide to employers in our state.

From the Blue Collar tax credit program right on down, many of our employment and training incentives are fractured, confusing, in amounts too small to make a difference and, as a result, are unused. I will propose this year that many of our employment and training incentives be combined and streamlined to make them more useful for our corporate citizens and more of a boost to our state's economy.

Continued wise investment in our private sector by state government and wiser investment of our employment incentives will sow the seeds for a brighter economic future for Delaware.

### **Legislative and Budget Preview**

In addition to the agenda I have laid out for schools, health, the environment and the economy, there are other issues I wish to touch on today. Some of these will be part of my budget proposal. Others will be part of my legislative agenda, which I will unveil, as I have each year, when the General Assembly returns in March.

The safety of our citizens and the emergency responders who serve them continues to be one of my highest priorities. In my first term, we worked together to fix the 800-megahertz radio system, making it one of the most comprehensive in the nation. But our commitment to the firefighters, law enforcement officers and emergency medical workers was that we would not stop there. The bond bill I will present Thursday includes \$19 million dollars for what we have termed the "next generation" of 800-megahertz, a multi-year effort to expand in-street and in-building coverage and to upgrade the now decade old 800-megahertz system that we have.

Once again, I call upon the General Assembly to pass legislation banning discrimination based on sexual orientation. I ask that the measure be given the chance for a debate and a vote, and that the debate be based on the content and purpose of the bill itself, not on rumors or theories about what might come next.

I will present to the legislature bills aimed at reducing the anonymous political attacks that we now see in every election, attacks funded by special interest hiding behind innocuous sounding names. I ask that you help reform our campaign finance system by requiring that any organization running advertisements that are substantially funded by just one or two special interest groups list those groups in its ads.

Once again, I will ask the legislature to ban open containers of alcohol from the passenger compartments of vehicles. In addition to making our roads safer, this measure will prevent the loss of nearly \$3 million dollars for highway construction.

We, of course, owe a continuing debt to those serving our nation overseas and two Delaware National Guard members are with us today. Master Sergeant Robert Stone of the 166<sup>th</sup> Airlift Wing is a Chaplain's Assistant. Stationed in Iraq for more than a year, he provided moral support for our troops in a combat zone, many times under fire.

First Sergeant Larry Pelkey was the Detachment Sergeant for the Delaware Army National Guard's 249<sup>th</sup> Engineer Detachment and also served in Baghdad for a year. Larry a state employee with the Division of Facilities Management helped to build infrastructure and to restore water and power to numerous homes, schools and businesses. For their efforts and actions, Master Sergeant Stone and First Sergeant Pelkey each were awarded the Bronze Star for meritorious service. Please join me in saluting and thanking them. My legislative agenda this year will include items that will continue to ensure that

those who serve our National Guard and as citizen-soldiers overseas and their families do not have to worry about losing their livelihoods or anything else.

Last week, I proposed to you a reorganization of state government, centralizing many of the administrative and support functions in one agency. It's an effort to both save money and make government more efficient. I ask that the General Assembly pass legislation making this change on an interim basis as soon as possible and that the members support the permanent change as part of the budget that we will be passed in June.

Finally, my proposed budget will contain the next steps in our continuing effort to address the issue of staffing in our state's correctional system. It will include funding to increase security and to increase pay for correctional officers. I know these issues will be carefully considered.

### **Conclusion**

Last week in my inaugural address, I spoke of sowing seeds for Delaware's future. The items I have discussed today are progress toward the vision I presented to the people of Delaware.

I ask you to consider each of these initiatives on their merits and, hopefully, favorably. But some of the goals I have will take all four years of my term to fulfill. I intend to work on them right up until January 20, 2009.

The inaugural prayer service last week included a story from the Jewish Talmud about a man planting carob trees. A passerby asked the man why he would plant such trees, since they take 70 years to bear fruit. The man said, "When I was born into this world, I found many carob trees planted by my father and grandfather. Just as they planted trees for me, I am planting trees for my children and grandchildren so they will be able to eat the fruit of these trees."

My goal this year and for the next four years is to sow seeds that will bear fruit long after all of us are gone. I believe the initiatives I have announced today further that goal, and I look forward to working with each one of you as we move them forward.

Thank you.

\* \* \*

Lt. Governor Carney thanked Governor Minner for her speech and requested that the escort party that arrived with the Governor escort the Governor back to her executive office.

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

The Secretary of the Senate announced that he and the Chief Clerk of the House compared their journals and found that they agreed.

Lt. Governor Carney recognized Senator McDowell.

Senator McDowell moved the Joint Session be adjourned. No objections.

The Senate reconvened at 05:21 PM with Lt. Governor Carney presiding.

The following committee reports were announced:

From Labor & Industrial Relations: **SJR 2** – 2 Favorable, 1 Merit.

Senator McDowell announced Senator McBride was being honored by the Delaware Bar Association.

Senator McBride marked present.

**SJR 2** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of Senator Bunting.

**SJR 2** - REJECTING THE REPORT OF THE DELAWARE COMPENSATION COMMISSION.

Several Senators commented.

Senators Bonini & Connor requested to be added as co-sponsors.

Senator Copeland requested to be added as co-sponsors.

Roll call vote on **SJR 2** was taken and revealed:

YES: 16

NO: Senator(s) Adams, DeLuca, Henry, Vaughn - 4.

NOT VOTING: Senator(s) McDowell - 1.

Senators Cook and Marshall marked present during the above roll call.

**SJR 2** was declared passed the Senate and sent to the House for Consideration.

**SB 4** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 4** - AN ACT TO AMEND CHAPTER 128, VOLUME 33, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF MIDDLETOWN, TO CLARIFY CERTAIN PROVISIONS REGARDING INDEBTEDNESS AND DEBT LIMITS BY THE TOWN.

Senators McDowell, Vaughn, Still & Amick commented.

Roll call vote on **SB 4** was taken and revealed:

YES: 15

NO: Senator(s) Bonini, Cloutier, McDowell, - 3.

NOT VOTING: Senator(s) Amick, Still, - 2.

ABSENT: Senator(s) Copeland - 1.

**SB 4** was declared passed the Senate and sent to the House for Consideration.

**SB 5** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 5** - AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED ENTITLED AN ACT TO REINCORPORATE THE TOWN OF MILTON, THE CHARTER OF THE TOWN OF MILTON, RELATING TO A TOWN MANAGER AND TO ANNEXATION AGREEMENTS AND AMOUNT OF INDEBTEDNESS.

Senator Adams requested personal privilege of the floor for Tim Willard, Senate Attorney. After addressing the Senate the witness was excused.

Roll call vote on **SB 5** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SB 5** was declared passed the Senate and sent to the House for Consideration.

**SB 6** was brought before the Senate for consideration on the motion of Senator Simpson.

**SB 6** - AN ACT TO AMEND CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", TO AMEND SECTION 29, "ENUMERATION OF POWERS", SUBSECTION 30, TO INCREASE THE MAXIMUM AMOUNT TO BE RAISED FROM TAXES ON REAL ESTATE AND IMPROVEMENTS FROM ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.) TO THREE MILLION DOLLARS (\$3,000,000).

Senator Bonini questioned the sponsor.

Roll call vote on **SB 6** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, McDowell - 2.

**SB 6** was declared passed the Senate and sent to the House for Consideration.

**SB 9** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 9** - AN ACT TO AMEND THE FISCAL YEAR 2005 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE RECORDS.

Senator Venables yields to Senator Peterson.

Senator McBride requested a letter be placed in the file for this legislative day.

Senator Venables requested personal privilege of the floor for Mike Morton, representing the Controller General's Office. After addressing the Senate the witness was excused.

Roll call vote on **SB 9** was taken and revealed:

YES: 20

NO: Senator(s) Vaughn - 1.

**SB 9** was declared passed the Senate and sent to the House for Consideration.

**SCR 3** was introduced and brought before the Senate for consideration on the motion of Senator Sorenson.

**SCR 3** - HONORING THE MEMORY AND CELEBRATING THE LIFE OF GENEVIEVE WALTON GORE. Sponsor: Sen. Sorenson & On behalf of all Senators; Rep. Miro & On behalf of all Representatives.

Roll call vote on **SCR 3** was taken and revealed:

YES: 21.

**SCR 3** was declared Adopted by the Senate and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
1/15/05**

**SB 12** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsor: Sen. McBride; Sen. Bonini, & Rep. Thornburg, & Rep. Williams; **Judiciary**.

**SB 13** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EXEMPTION OF MOTOR VEHICLES OWNED BY EDUCATIONAL FOUNDATIONS FROM REGISTRATION FEES AND FROM REQUIREMENTS APPLICABLE TO MOTOR VEHICLE DEALERS. Sponsor : Sen. Marshall; Rep. Lofink; **Public Safety**.

**SB 14** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Sen. McBride; Sen. Vaughn, & Sen. Cook, & Rep. Spence, & Rep. Miro, & Rep. Wagner, & Rep. Ewing, Sens. Blevins, Bonini, Bunting, Cloutier, Connor, Henry, Marshall, Sokola, Still, Venables, Reps. Buckworth, Carey, Cathcart, DiPinto, Ennis, Fallon, Gilligan, Hudson, Keeley, Lee, Lofink, Mulrooney, Oberle, Roy, Ulbrich, Van Sant, Viola, Williams; **Finance**.

\* \* \*

The following nomination(s) assigned to the **Executive** Committee.

The Honorable Frederick W. Dewey, Jr.  
620 Carriage Lane  
Dover, DE 19901

To be reappointed Justice of the Peace in and for Kent County for a term to expire 6 years from the date of swearing in.

The Honorable John R. Hudson  
415 Hazard Street  
Milton, DE 19968

To be reappointed Justice of the Peace in and for Sussex County for a term to expire 6 years from the date of swearing in.

The Honorable Marilyn Letts  
2133 Wrexham Road  
Wilmington, DE 19810

To be reappointed Justice of the Peace in and for New Castle County for a term to expire 6 years from the date of swearing in.

The Honorable Marcealeate S. Ruffin  
411 Mallard Lakes  
Selbyville, DE 19975

To be reappointed Justice of the Peace in and for Sussex County for a term to expire 6 years from the date of swearing in.

\* \* \*

The Secretary announced the agenda for January 26, 2005.

On motion of Senator McDowell, the Senate recessed at 06:30 PM until January 26, 2005 at 3 PM.

The Senate reconvened at 03:29 PM on January 26, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community/County Affairs: **HB 21** – 3 Merits.

From Executive: **Robert W. Allen** – 6 Favorable, **Richard S. Cordrey** – 4 Favorable, 2 Merits, **Frederick W. Dewey** – 6 Favorable, **Verna A. Hensley** – 6 Favorable, **John R. Hudson** – 6 Favorable, **Thomas M. Kenney** – 6 Favorable, **Jan M. King** – 6 Favorable, **Marilyn Letts** – 6 Favorable, **Stanley J. Petraschuk** – 6 Favorable, **Michael E. Riska** – 6 Favorable, **Marcealeate S. Ruffin** – 6 Favorable, **Thomas B. Sharp** – 4 Favorable, 2 Unfavorable.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
READ TO THE SENATE RECORD  
JANUARY 26, 2005**

**January 25, 2005**

**HB 11 w/HA 1** - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES. Sponsor: Rep. Roy; Sen. Adams, & Sen. DeLuca, Reps. Cathcart, Hudson, Lavelle, Lofink, Miro, Stone, Wagner; Sens. Still, McBride; **LOT List**.

**HB 28** - AN ACT PERMITTING THE COLONIAL SCHOOL DISTRICT TO CONVEY TO THE CITY OF WILMINGTON THE BUILDING AT 3000 NORTH CLAYMONT STREET, WILMINGTON, DELAWARE. Sponsor: Rep. Spence; Sen. Henry, Reps. Smith, Cathcart, DiPinto, Lofink, Oberle, George, Johnson, Longhurst, Mulrooney, Plant, Williams, Sens. McBride, Peterson, Vaughn, Amick, Connor; **LOT List**.

**SB 15** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO SAME SEX RELATIONSHIPS. Sponsor: Sen. Still; Venables, Sens. Bonini, Bunting; Reps. Ewing, Fallon, Hocker, Lee, Thornburg; **Judiciary**.

**SB 16** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO APPOINTMENT OF JUDGES. Sponsor: Sen. Still; Sen. Vaughn, & Rep. Hudson, Sens. Bonini, Copeland; Reps. Hocker, Smith, Wagner; **Judiciary**.

**SB 17** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO PAYMENT OF WORKERS' COMPENSATION BENEFITS. Sponsor: Sen. Marshall; Reps. Lofink, & Oberle; **Labor & Industrial Relations**.

**SB 18** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE PRESCRIPTION DRUG PAYMENT PROGRAM. Sponsor: Sens. McBride; Blevins, Reps. DiPinto & Maier, Reps. Hudson, & Hall-Long; **Health & Social Services**.

**HB 13** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT AND REEMPLOYMENT RIGHTS AND CERTAIN OTHER RIGHTS FOR MEMBERS OF THE UNIFORMED MILITARY SERVICES. Sponsor: Rep. Stone; Rep. Cathcart, & Sen. Bunting, & Sen. Still, Reps. Atkins, Buckworth, Caulk, DiPinto, Ewing, George, Hall-Long, Keeley, Lofink, Maier, Miro, Plant, Valihura, Wagner, Williams; Sens. Henry, Sokola; **Veterans Affairs**.

**HB 14** - AN ACT TO AMEND CHAPTER 171, VOLUME 58, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF CHESWOLD, TO PROVIDE FOR THE ELIMINATION OF THE ONE YEAR WAITING PERIOD FOR A FORMER COUNCIL MEMBER TO BE EMPLOYED BY THE TOWN OF CHESWOLD. Sponsor: Rep. Thornburg; Sen. Cook; **Community/County Affairs**.

**HB 21** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE", TO PROVIDE FOR MUNICIPAL TAX INCREMENT FINANCING AND TO PROVIDE FOR MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS. Sponsor: Rep. Ewing; Sen. Adams, & Sen. DeLuca; **Community/County Affairs**.

January 26, 2005

**SB 3** - AN ACT TO AMEND TITLES 16 AND 21 OF THE DELAWARE CODE RELATING TO THE PERSONAL MOBILITY AND VEHICULAR TRANSPORTATION ACCESS ACT. Sponsor: Sen. McDowell; Sens. Bunting, Connor, Henry, Marshall, Sorenson, Venables; Reps. George, Keeley, Lofink, Longhurst, Maier, McWilliams, Valihura; **Energy & Transit.**

**HB 31** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE CASE OF WARD T. EVANS V. STATE OF DELAWARE, 2004 WL 2743546 (DEL. SUPR.) AND GENERALLY THE INTERPRETATION AND CONSTRUCTION OF DELAWARE LAWS BY DELAWARE JUDICIAL OFFICERS. Sponsor: Rep. Smith; Sen. Vaughn, & Sen. Adams, & Rep. Spence, & Rep. Lee, & Sen. Still, & Rep. Gilligan, & Sen. Cook, & Sen. DeLuca, & Rep. Van Sant, Reps. Atkins, Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Outten, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Williams; Sens. Bonini, Bunting, Marshall, Simpson, Venables; **LOT List.**

**HB 29** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY EXECUTIVE AND COUNTY DEPARTMENTS. Sponsor: Rep. Smith; Rep. Gilligan, & Sen. DeLuca, & Sen. Still, Reps. Cathcart, DiPinto, Hudson, Lavelle, Lofink, Maier, Miro, Spence, Ulbrich, Valihura; Sens. McDowell, Blevins, Henry, Sokola; **LOT List.**

**HJR 2** - REJECTING IN ITS ENTIRETY THE REPORT OF THE DELAWARE COMPENSATION COMMISSION. Sponsor: Rep. Lavelle & Rep. Caulk, & Rep. Atkins, & Rep. Booth, & Rep. Buckworth, & Rep. Carey, & Rep. Cathcart, & Rep. DiPinto, & Rep. Ennis, & Rep. Fallon, & Rep. Hocker, & Rep. Hudson, & Rep. Lee, & Rep. Maier, & Rep. Miro, & Rep. Outten, & Rep. Roy, & Rep. Spence, & Rep. Stone, & Rep. Thornburg, & Rep. Ulbrich, & Rep. Wagner, & Sen. Bonini, & Sen. Cloutier, & Sen. Connor, & Sen. Copeland, & Sen. Peterson, & Sen. Simpson, & Sen. Sokola; **Labor & Industrial Relations.**

\* \* \*

At 03:34PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Seventh Legislative Day.

**7<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 26, 2005**

The Senate convened at 3:34 PM with Lt Governor Carney presiding.  
A prayer was offered by Senator Bonini followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:  
**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

On motion of Senator Adams, under suspension of the necessary rules the following nominations by the Governor were considered.

**Stanley Petraschuk, Thomas Kenney, John Hudson, Frederick Dewey, Marilyn Letts, Marcealeate Ruffin:** 21 Senator(s) voting YES; therefore, the appointments were declared CONFIRMED.

On motion of Senator Adams, under the suspension of the necessary rules the following nomination by the Governor was considered.

**Jan King, Robert Allen:** 21 Senator(s) voting YES; therefore, the appointment was declared CONFIRMED.

On motion of Senator Adams, the following nominations by the Governor were considered.

**Verna Hensley:** 21 Senator(s) voting YES; therefore, the appointment was declared CONFIRMED.

**Michael Riska:** 21 Senator(s) voting YES; therefore, the appointment was declared CONFIRMED.

**Richard Cordrey:** 20 Senator(s) voting YES and 1 Senator(s) (Bonini) voting NO; therefore, the appointment was declared CONFIRMED.

**Thomas Sharp:** 12 Senator(s) voting YES and 9 Senator(s) voting NO (Amick, Bonini, Cloutier, Connor, Copeland, Peterson, Simpson, Sorenson, Still) therefore, the appointment was declared CONFIRMED.

**HB 11 w/HA 1** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator DeLuca.

**HB 11 w/HA 1** - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES.

Roll call vote on **HB 11 w/HA 1** was taken and revealed:

YES: 21.

**HB 11 w/HA 1** was declared passed the Senate and returned to the House.

**HB 28** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Henry.

**HB 28** - AN ACT PERMITTING THE COLONIAL SCHOOL DISTRICT TO CONVEY TO THE CITY OF WILMINGTON THE BUILDING AT 3000 NORTH CLAYMONT STREET, WILMINGTON, DELAWARE.

Roll call vote on **HB 28** was taken and revealed:

YES: 21.

**HB 28** was declared passed the Senate and returned to the House.

**HCR 4** was introduced and brought before the Senate for consideration on motion of the floor manager, Senator Henry.

**HCR 4** EXTENDING THE REPORTING DATE OF THE JUVENILE JUSTICE REVIEW TASK FORCE. Sponsors: Rep. Valihura & Sen. Henry.

Roll call vote on **HCR 4** was taken and revealed:

YES: 21.

**HCR 4** was declared Adopted by the Senate and returned to the House.

**SB 22** was introduced and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of Senator Bunting.

**SB 22** - AN ACT PERMITTING THE INDIAN RIVER SCHOOL DISTRICT TO TRANSFER CERTAIN MAJOR CAPITAL SCHOOL CONSTRUCTION FUNDS. Sponsor: Sens. Bunting & Venables; Reps. Booth, Atkins & Hocker

Senator Still questioned the sponsor.

Senator Bunting commented.

**SB 22** Majority vote requirement (3/4) ruling of the Chair.

Roll call vote on **SB 22** was taken and revealed:

YES: 20

ABSENT: Senator(s) Peterson - 1.

**SB 22** was declared passed the Senate and sent to the House for Consideration.

**HB 31** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on motion of the floor manager, Senator Vaughn.

Senator Still questioned the floor manager.

Senator Vaughn requested personal privilege of the floor for Lorenzo Bert Whaley, representing his family and himself.

Senator Still questioned the witness, after which the witness was excused.

Roll call vote on **HB 31** was taken and revealed:

YES: 21.

**HB 31** was declared passed the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Reading Clerk announced a message from the House informing the Senate that it had passed **HCR 3; HCR 5; HCR 6; SB 9; SCR 3; HB 21; HB 28; HB 14; HB 13; HB 32; HB 29; HB 31; HJR 2; HB11 w/HA 1; HCR 4.**

The Secretary announced the agenda for January 27, 2005.

On motion of Senator McDowell, the Senate recessed at 04:40 PM until January 27, 2005 at 02:00 PM.



The Senate convened at 3:46 PM on January 27, 2005 with Senator DeLuca presiding.

The following committee reports were announced:

From Energy & Transit: **SB 3** – 5 Merits.

From Health & Social Services: **SB 18** – 5 Merits.

From Executive: **Lawrence Sullivan** – 6 Favorable

A communication from Senator Connor was read requesting she and Senators Cloutier and Sorenson be added as co-sponsors of **HB 26**.

At 03:51 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the Eighth Legislative Day.

**8<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 27, 2005**

The Senate convened at 3:51 PM with Senator DeLuca presiding.

A prayer was offered by Senator Simpson followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SENATE CITATION ANNOUNCEMENT #1**, containing S143-001 – 0047 inclusive was announced for the record, partially read and copies made available to the members upon request.

On motion of Senator Adams, the following nomination by the Governor was considered.

**Lawrence Sullivan:** 20 Senator(s) voting YES, 1 Absent (Marshall); therefore, the appointment was declared CONFIRMED.

Senator McDowell yields to Senator Sokola.

**SCR 4** was brought before the Senate for consideration on the motion of Senator Sokola.

**SCR 4** - COMMENDING ALL THOSE INVOLVED WITH THE "MIRACLE WORKERZ" ORGANIZATION FOR THEIR OUTSTANDING EFFORTS AND RECOGNIZING MARCH 6, 2005 AS "MIRACLE WORKERZ DAY" IN THE STATE OF DELAWARE.

Roll call vote on **SCR 4** was taken and revealed:

YES: 21

**SCR 4** was declared Adopted by the Senate and sent to the House for Consideration.

Senator Marshall marked present during the above roll call.

**HB 29** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

**HB 29** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY EXECUTIVE AND COUNTY DEPARTMENTS.

Senator Sokola requested personal privilege of the floor for Chris Coons, New Castle County Executive.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on **HB 29** was taken and revealed:

YES: 20

NOT VOTING: Senator(s) Peterson - 1.

**HB 29** was declared passed the Senate and returned to the House.

**HB 21** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 21** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE", TO PROVIDE FOR MUNICIPAL TAX INCREMENT

FINANCING AND TO PROVIDE FOR MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS.

Roll call vote on **HB 21** was taken and revealed:

YES: 21.

**HB 21** was declared passed the Senate and returned to the House.

**HB 14** was brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator Sokola.

**HB 14 - AN ACT TO AMEND CHAPTER 171, VOLUME 58, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF CHESWOLD, TO PROVIDE FOR THE ELIMINATION OF THE ONE YEAR WAITING PERIOD FOR A FORMER COUNCIL MEMBER TO BE EMPLOYED BY THE TOWN OF CHESWOLD.**

Roll call vote on **HB 14** was taken and revealed:

YES: 21.

**HB 14** was declared passed the Senate and returned to the House.

**SENATE CONSENT CALENDAR #2** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following

Resolutions:

**HCR 3 - EXTENDING THE REPORTING DATE FOR THE CONSUMER AND COMMERCIAL HOME INSPECTOR TASK FORCE.** Sponsor: Rep. Booth.

**HCR 5 - EXTENDING THE REPORTING DATE OF THE TRUANCY TASK FORCE.** Sponsor: Rep. Maier.

**HCR 7 - CREATING THE WEEK OF JANUARY 23-29, 2005 CERTIFIED/NURSE ANESTHETIST APPRECIATION WEEK.** Sponsor: Rep. Hall-Long.

**HCR 8 - PROVIDING FOR A SPECIAL DISPOSITION PROCESS TO BE FOLLOWED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION REGARDING THE TRANSFER OF THE HISTORICAL PROPERTY KNOWN AS THE WELDIN HOUSE.** Sponsor: Rep. McWilliams.

**SR 7 - URGING THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES TO REVIEW DART TRAINING PROCEDURES TO ENSURE DRIVERS HAVE SKILLS TO ADDRESS MEDICAL EMERGENCIES WHICH COULD OCCUR WITH DIVISION CLIENTS.** Sponsor: Sen. Blevins

**HCR 9 - ESTABLISHING THE MONTH OF FEBRUARY 2005 AS NATIONAL PARENT LEADERSHIP MONTH IN DELAWARE.** Sponsor: Rep. Maier.

**SR 8 - EXTENDING CONGRATULATIONS AND BEST WISHES TO THE SAINT JOHN THE BELOVED ROMAN CATHOLIC CHURCH FAMILY ON THE FIFTIETH ANNIVERSARY OF ITS ESTABLISHMENT AS A PARISH.** Sponsor: Sen. Sokola.

A roll call vote on the **SENATE CONSENT CALENDAR #2** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for Consideration and the House Concurrent Resolutions were returned to the House.

At 04:35 PM, Senator McDowell moved to recess for Party Caucus.

The Senate reconvened at 05:45 PM with Lt. Governor Carney presiding.

Senator McDowell yields to Senator Cook.

**SB 24** was Lifted from the Table and brought before the Senate, under suspension of rules on the motion of Senator Cook.

**SB 24 - AN ACT TO PROVIDE FOR THE INTERIM MANAGEMENT OF CERTAIN STATE AGENCIES PENDING FURTHER ADMINISTRATIVE REORGANIZATION.**

Senator Cook requested personal privilege of the floor for Jennifer Davis.

Several Senators questioned the witness, after which the witness was excused.

Senators Still & Bonini commented.

Roll call vote on **SB 24** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Copeland - 2.

NOT VOTING: Senator(s) Still - 1.

**SB 24** was declared passed the Senate and sent to the House for Consideration.

On motion of Senator Adams, the President Pro Tempore's List of Prefiled Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/27/2005**

**January 26, 2005**

**SB 19** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CONSTRUCTION. Sponsor: Sen. Vaughn; Rep. Ennis; **Finance.**

**SB 20** - AN ACT TO AMEND TITLES 18 AND 21 OF THE DELAWARE CODE TO INCREASE ENFORCEMENT OF DELAWARE'S UNINSURED MOTORIST LAWS. Sponsor: Sen. Sokola; Rep. Stone, Sens. Blevins, DeLuca, Amick, & Rep. Lavelle; **Public Safety.**

**SB 21** - AN ACT SUPERSEDING PORTIONS OF CHAPTER 307, VOLUME 74, LAWS OF DELAWARE AND AMENDING CHAPTER 7, TITLE 29 OF THE DELAWARE CODE RELATING TO ADJUSTMENTS OF SALARIES FOR CERTAIN OFFICIALS AND LEGISLATIVE STIPENDS AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE SUCH ADJUSTMENTS. Sponsor: Sen. Still; Sen. Amick; **Finance.**

**SB 23** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SEX OFFENDERS. Sponsor: Sen. Amick; Rep. Buckworth, Sens. Bunting, Connor, Copeland, Henry; Reps. Carey, DiPinto, Ewing, Gilligan, Hall-Long, Hocker, Hudson, Keeley, Maier, Miro, Schooley, Spence, Ulbrich; **Judiciary.**

**January 27, 2005**

**SB 24** - AN ACT TO PROVIDE FOR THE INTERIM MANAGEMENT OF CERTAIN STATE AGENCIES PENDING FURTHER ADMINISTRATIVE REORGANIZATION. Sponsor: Sen. Cook; Rep. DiPinto, Sens. Adams, McDowell, DeLuca, Bunting, Henry, McBride, Peterson, Sokola, Vaughn, Sorenson, Cloutier, Reps. Smith, Gilligan, Van Sant; **LOT List.**

**SB 10** - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2006; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. Sponsor: Sen. Adams; Rep. Gilligan, Sens. McDowell, DeLuca, Venables, Rep. Van Sant; **Bond Bill.**

**SB 11** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO ESTABLISH A LIVABLE DELAWARE INFRASTRUCTURE FUND. Sponsor: Sen. Adams; Rep. Gilligan, Sens. McDowell, DeLuca, Cook; Rep. Van Sant; **Finance.**

**SB 25** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS. Sponsor: Sen. Cook; Rep. Hudson, Sens. Adams, Simpson, Reps. Smith, DiPinto, Gilligan; **Finance.**

**SB 26** - AN ACT TO AMEND TITLES 14 AND 19 OF THE DELAWARE CODE RELATING TO THE RIGHT TO WORK. Sponsor: Sen. Bonini; Sens. Copeland, Simpson; **Labor & Industrial Relations.**

\* \* \*

On motion of Senator McDowell, the Senate recessed at 06:01 PM until March 15, 2005 at 02:00 PM.

The Senate reconvened at 02:56PM on March 15, 2005 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **SB 1 w/SA 1 & HA 1; SB 22; SB 4; SCR 4; SJR 2w/HA 1; HB 43; SB 5; SB 6; HCR 7; HCR 8; HCR 9.**

At 02:58 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 9<sup>th</sup> Legislative Day.

**9<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 15, 2005**

The Senate convened at 2:58 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Simpson followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell welcomed Secretary Sharp and Secretary Cordrey to the Senate.

A communication from Senator McBride was read requesting Senator Henry, Representatives Schwartzkopf and Thornburgh be added as co-sponsors of **SB 14**.

Communications from Thurman Adams, Jr., President Pro Tempore were read in the record relating to committee changes: Senator George H. Bunting, Jr. removed from the Senate Finance Committee at his request; Senator David B. McBride is appointed to serve as a member of the Senate Finance Committee; and Senator Robert I. Marshall to serve as Chair of the Sunset Committee.

Communications of the Revised Senate Committees was partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #1**, from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #1**, dated February 14, 2005, the Governor signed the following legislation on the dates indicated:

**HJR #1** (1/20/05) – IN REFERENCE TO OFFICERS. (Sponsors: Rep. Smith & Rep. Lee)

**HB #31** (2/1/05) – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE CASE OF WARD T. EVANS V. STATE OF DELAWARE, 2004 WL 2743546 (DEL. SUPR.) AND GENERALLY THE INTERPRETATION AND CONSTRUCTION OF DELAWARE LAWS BY DELAWARE JUDICIAL OFFICERS. (Sponsors: Rep. Smith & Sen. Vaughn & Sen. Adams & Rep. Spence & Rep. Lee & Sen. Still & Rep. Gilligan & Sen. Cook & Sen. DeLuca & Rep. Van Sant; Reps. Atkins, Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Outten, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Williams; Sens. Bonini, Bunting, Marshall, Simpson, Venables) (Volume 75, Chapter 1, Laws of Delaware.)

**SB #5** (2/7/05) – AN ACT TO AMEND AN ACT BEING CHAPTER 326, VOLUME 71, LAWS OF DELAWARE, AS AMENDED ENTITLED AN ACT TO REINCORPORATE THE TOWN OF MILTON, THE CHARTER OF THE TOWN OF MILTON, RELATING TO A TOWN MANAGER AND TO ANNEXATION AGREEMENTS AND AMOUNT OF INDEBTEDNESS. (Sponsors: Sen. Adams & Rep. Carey) (Volume 75, Chapter 2, Laws of Delaware.)

**SB #6** (2/7/05) – AN ACT TO AMEND CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE CITY OF LEWES”, TO AMEND SECTION 29, “ENUMERATION OF POWERS”, SUBSECTION 30, TO INCREASE THE MAXIMUM AMOUNT TO BE RAISED FROM TAXES ON REAL ESTATE AND IMPROVEMENTS FROM ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.) TO THREE MILLION DOLLARS (\$3,000,000). (Sponsors: Sen. Simpson & Rep. Booth) (Volume 75, Chapter 3, Laws of Delaware.)

**SB #9** (2/7/05) – AN ACT TO AMEND THE FISCAL YEAR 2005 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE RECORDS. (Sponsors: Sen. Venables & Rep. Roy; Sens. Blevins, Cook, DeLuca, Connor, Simpson; Reps. Carey, Lofink, Oberle, Ennis, Keeley, Cathcart, Lavelle, Miro, Stone, Mulrooney) (Volume 75, Chapter 4, Laws of Delaware.)

**HB #11** aab HA 1 (2/7/05) – AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES. (Sponsors: Rep. Roy; Reps. Cathcart, Hudson, Lavelle, Lofink, Miro, Stone, Wagner; Sens. Still, McBride) (Volume 75, Chapter 5, Laws of Delaware.)

**HB #28** (2/7/05) – AN ACT PERMITTING THE COLONIAL SCHOOL DISTRICT TO CONVEY TO THE CITY OF WILMINGTON THE BUILDING AT 3000 NORTH CLAYMONT STREET, WILMINGTON, DELAWARE. (Sponsors: Rep. Spence & Sen. Henry; Reps. Smith, Cathcart, DiPinto, Lofink, Oberle, George, Johnson, Longhurst, Mulrooney, Plant, Williams; Sens. McBride, Peterson, Vaughn, Amick, Connor) (Volume 75, Chapter 6, Laws of Delaware.)

**HB #14** (2/9/05) – AN ACT TO AMEND CHAPTER 171, VOLUME 58, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF CHESWOLD, TO PROVIDE FOR THE ELIMINATION OF THE ONE YEAR WAITING PERIOD FOR A FORMER COUNCIL MEMBER TO BE EMPLOYED BY THE TOWN OF CHESWOLD. (Sponsors: Rep. Thornburg & Sen. Cook) (Volume 75, Chapter 7, Laws of Delaware.)

**HB #21** (2/9/05) – AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE”, TO PROVIDE FOR MUNICIPAL TAX INCREMENT FINANCING AND TO PROVIDE FOR MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS. (Sponsors: Rep. Ewing & Sen. Adams & Sen. DeLuca) (Volume 75, Chapter 8, Laws of Delaware.)

**HB #29** (2/9/05) – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY EXECUTIVE AND COUNTY DEPARTMENTS. (Sponsors: Rep. Smith & Rep. Gilligan & Sen. DeLuca & Sen. Still; Reps. Cathcart, DiPinto, Hudson, Lavelle, Lofink, Maier, Miro, Spence, Ulbrich, Valihura; Sens. McDowell, Blevins, Henry, Sokola) (Volume 75, Chapter 9, Laws of Delaware.)

**SB #4** (2/9/05) – AN ACT TO AMEND CHAPTER 128, VOLUME 33, LAWS OF DELAWARE AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN, TO CLARIFY CERTAIN PROVISIONS REGARDING INDEBTEDNESS AND DEBT LIMITS BY THE TOWN. (Sponsors: Sen. Vaughn & Rep. Hall-Long) (Volume 75, Chapter 10, Laws of Delaware.)

**SB #22** (2/9/05) – AN ACT PERMITTING THE INDIAN RIVER SCHOOL DISTRICT TO TRANSFER CERTAIN MAJOR CAPITAL SCHOOL CONSTRUCTION FUNDS. (Sponsors: Sen. Bunting & Rep. Booth; Sen. Venables; Reps. Atkins, Hocker) (Volume 75, Chapter 11, Laws of Delaware.)

\* \* \*

**SB 1 w/SA 1 & HA 1** which was returned from the House with an amendment was brought before the Senate for reconsideration on the motion of Senator Vaughn.

**SA 2 to SB 1** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested personal privilege of the floor for Tom McPherson, Director Unemployment Insurance.

Sensors Vaughn, Peterson and Still questioned the witness, after which the witness was excused.

Senator Vaughn requested **SA 2 to SB 1** be Laid on the Table. No objections.

Senator McDowell moved to recess for Party Caucus at 03:32 PM.

The Senate reconvened at 04:43 PM with Senator DeLuca presiding.

**SB 1 w/SA 1 & HA 1** was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested that **SA 2 to SB 1** be stricken. No objection.

**SA 3 to SB 1** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested personal privilege of the floor for Jeff Clark, Senate Attorney.

After addressing the Senate the witness was excused.

Lt. Governor Carney presiding at 04:47 PM.

Senators Peterson and Vaughn commented.

Roll call vote on SA 3 to SB 1 was taken and revealed:

YES: 11

NO: Senator(s) Amick, Blevins, Bonini, Cloutier, Connor, Copeland, Peterson, Simpson, Sokola, Sorenson - 10.

SA 3 to SB 1 was declared part of the bill.

Senators Amick, Bunting, Cloutier, Connor marked present during the above roll call.

SB 1 w/SA 1, HA 1 & SA 3 was now before the Senate.

Roll call vote on SB 1 w/SA 1, HA 1 & SA 3 was taken and revealed:

YES: 12

NO: Senator(s) Amick, Blevins, Bonini, Cloutier, Connor, Copeland, Peterson, Sokola, Sorenson, 9.

SB 1 w/SA 1, HA 1 & SA 3 was declared passed the Senate as amended and sent to the House for Reconsideration.

SB 18 was brought before the Senate for consideration on the motion of Senator McBride.

SB 18 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE PRESCRIPTION DRUG PAYMENT PROGRAM.

Senators Still & McDowell were added as co-sponsors of SB 18.

SA 1 to SB 18 was brought before the Senate for consideration on the motion of Senator McBride.

Roll call vote on SA 1 to SB 18 was taken and revealed:

YES: 21.

SA 1 to SB 18 was declared part of the bill.

SB 18 w/SA 1 was now before the Senate

Senator McBride requested personal privilege of the floor for Harry Hill, Director of Medicaid.

Senators Henry and McDowell questioned the witness, after which the witness was excused.

SB 18 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.

Senator DeLuca on behalf of his colleagues expressed best wishes to Senator McDowell upon his birthday.

Senator McDowell commented.

Senator Marshall requested personal privilege of the floor to congratulate Delaware State University Basketball Team as participating in the NCAA Tournament.

Senator McDowell expressed best wishes to on behalf of his colleagues to Senators Copeland, Blevins & DeLuca all of whom had recently celebrated birthdays.

On motion of Senator Adams the President Pro Tempore's List of Prefiled Legislation was introduced for the permanent record, partially read and copies made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/15/2005**

**January 27, 2005**

HB 32 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE. Sponsor: Rep. Oberle; Rep. Spence, Rep. DiPinto, Williams, Sens. DeLuca, Vaughn; Rep. Lofink; Executive.

**March 15, 2005**

**SA 1 to SB 14** - Sponsor: Sen. McBride; Placed with the Bill

**SB 28** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO FUNERAL SERVICES. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 29** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ACCOUNTANCY. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 31** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL LAND SURVEYORS. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 32** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LICENSING OF PODIATRIST IN RESIDENCY PROGRAMS. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 34** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF COSMETOLOGY AND BARBERING. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 35** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MASSAGE AND BODYWORK. Sponsor: Sen. McBride; Sen. Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 37** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE SUNSET ACT. Sponsor: Sen. McBride; Sens. Bonini, Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 38** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DELAWARE HARNESS AND THOROUGHBRED RACING COMMISSIONS. Sponsor: Sen. McBride; Sens. Bonini, Copeland, Peterson, Sokola; Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 39** - AN ACT TO AMEND TITLE 29, CHAPTER 48 OF THE DELAWARE CODE RELATING TO THE DELAWARE LOTTERY. Sponsor: Sen. McBride; Sens. Bonini, Copeland, Peterson, Sokola; Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 40** - AN ACT TO AMEND TITLE 29, CHAPTER 48 OF THE DELAWARE CODE RELATING TO THE DELAWARE LOTTERY. Sponsor: Sen. McBride; Rep. Oberle, Sens. Bonini, Copeland, Peterson, Sokola; Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 41** - AN ACT TO AMEND TITLES 29, 31, AND 6 OF THE DELAWARE CODE RENAMING THE OFFICE OF HUMAN RELATIONS, AND RELATING TO THE STATE HUMAN RELATIONS COMMISSION, EQUAL ACCOMMODATIONS, AND FAIR HOUSING. Sponsor: Sen. McBride; Sens. Bonini, Copeland, Peterson, Sokola; Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**SB 42** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACY. Sponsor: Sen. McBride; Sens. Bonini, Copeland, Peterson, Sokola; Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset.**

**HB 43** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PERSONS. Sponsor: Rep. Smith; Rep. Spence, & Sen. Vaughn, & Sen. Bonini; **Judiciary.**

\* \* \*

The following nomination(s) assigned to the **Executive** Committee:

Jeffrey M. Bross  
11 Bromley Court  
Wilmington, DE 19810

To be reappointed a member of the Wastewater Facilities Advisory Council to serve a term to expire 3 years from the date of Senate confirmation.

Josef A. Burger  
722 Green Giant Road  
Townsend, DE 19734

To be reappointed a member of the Wastewater Facilities Advisory Council to serve a term to expire 3 years from the date of Senate confirmation.

Donald W. Callender, Jr.  
943 Centre Road  
Wilmington, DE 19807

To be appointed Justice of the Peace in and for New Castle County to serve a term to expire 4 years from the Date of swearing in.

Bernice M. Edwards  
518 Mulberry Street  
Milton, DE 19968

To be appointed a member of the Merit Employee Relations Board to serve a term to expire 3 years from the date of Senate confirmation.

Scott A. Green  
308 Pentland Drive  
Wilmington, DE 19807

To be appointed a Trustee of the University of Delaware Board of Trustees to serve a term to expire 6 years from the date of Senate confirmation.

Christine M. Waisanen  
1609 Mt. Salem Lane  
Wilmington, DE 19806

To be reappointed Chair of the State Coastal Zone Industrial Control Board to serve at the pleasure of the Governor.

Lowell L. Groundland  
217 Dakota Avenue  
Wilmington, DE 19803

To be reappointed a member of the Industrial Accident Board to serve a term to expire 6 years from the date of Senate confirmation.

Dallas Winslow  
4629 Talley Hill Lane  
Wilmington, DE 19803

To be appointed a member of the Public Service Commission for a term of 5 years from May 1, 2005.

\* \* \*

The Senate recessed at 05:14 PM until March 16, 2005 at 03:00 PM.  
The Senate reconvened at 03:38 PM on March 16, 2005 with Lt. Governor Carney presiding.

The Senate announced a message from the House informing the Senate that it had passed **HB 15 w/HA 1; HS1 to HB 12; HB 16; HB 17; HB 18.**

The following committee reports were announced:

From Executive: **Jeffrey, Bross** – 1 Favorable, 4 Merits; **Josef Burger** – 1 Favorable, 4 Merits; **Donald Callender** - 2 Favorable, 3 Merits; **Bernice Edwards** – 5 Merits; **Scott Green** – 5 Merits; **Lowell Groundland** – 1 Favorable, 4 Merits; **Christine Waisanen** – 5 Merits.

At 03:41 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 10<sup>th</sup> Legislative Day.



**10<sup>TH</sup> LEGISLATIVE DAY**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MARCH 16, 2005**

The Senate convened at 03:41 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

On motion of Senator Adams and without objection, the following nominations from the Governor were considered.

**Donald Callender:** 18 Senator(s) voting YES, 3 (Bonini, Bunting, Marshall) Absent. Appointment was declared CONFIRMED.

Senators Blevins & Cloutier marked present during the above roll call.

**Scott Green:** 19 Senator(s) voting YES, 2 (Bonini, Marshall) Absent. Appointment was declared CONFIRMED.

**Bernice Edwards:** 20 Senator(s) voting YES, 1 (Bonini) Absent. Appointment was declared CONFIRMED.

Senator Marshall marked present during the above roll call.

**Lowell Groundland:** 20 Senator(s) voting YES, 1 (Bonini) Absent. Appointment was declared CONFIRMED.

**Josef Burger:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Bonini marked present during the above roll call.

**Jeffrey Bross:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Christine Waisanen:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

On motion of Senator Adams and under the suspension of the necessary rules, the following nomination from the Governor was considered.

**Dallas Winslow:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senators Simpson, DeLuca and McDowell commented.

**SCR 5** was introduced and brought before the Senate for consideration on the motion of Senator Still.

**SCR 5 - CONGRATULATING THE DELAWARE STATE UNIVERSITY HORNETS MEN'S BASKETBALL TEAM ON WINNING THE MID-EASTERN ATHLETIC CONFERENCE CHAMPIONSHIP AND EARNING ITS FIRST EVER BERTH IN THE NCAA TOURNAMENT.** Sponsor: Senator Still; Rep. Wagner; Sens. Bonini, Henry, Simpson, Cook, Vaughn & On behalf of all Senators; Reps. Ennis, Thornburg, Caulk, Stone, Buckworth, Outten & On behalf of all Representatives.

Senator Copeland commented.

Roll call vote on **SCR 5** was taken and revealed:

YES: 21.

**SCR 5** was declared Adopted by the Senate and sent to the House for Consideration.

Senator Connor requested personal privilege of the floor to introduce her guests, the Gordon family, visiting from West Virginia.

Senator Sokola commented.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for March 17, 2005.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/16/2005**

**SA 1 to SB 23** - Sponsor: Sen. Amick; Placed with the Bill

**SB 44** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GREEN ENERGY FUND. Sponsor: Sen. McDowell; Rep. DiPinto, Sens. Adams, Bunting, Connor, Cook, McBride, Simpson, Sokola, Still, Venables; Reps. Booth, Carey, Caulk, Ennis, Hall-Long, Hocker, McWilliams, Thornburg; **Energy & Transit.**

**SB 45** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENT PHYSICAL ACTIVITY REQUIREMENTS. Sponsor: Sen. Bunting; Rep. Ulbrich, & Rep. Maier, Sen. Sorenson; Reps. Ennis, Hocker, Keeley, Miro; **Education.**

**HB 15** w/HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER SAFETY. Sponsor: Rep. Atkins; Rep. Ewing, & Sen. Adams; **Executive.**

**HB 16** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR GRADUATES OF THE FBI NATIONAL ACADEMY. Sponsor: Rep. Ewing; Sen. Vaughn, Reps. Buckworth, Ennis, Schwartzkopf, Williams; **Public Safety.**

**HB 17** - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVE REGULATIONS FOR EXEMPT POSITIONS. Sponsor: Rep. Ennis; Rep. Wagner, & Sen. Vaughn, Reps. Ewing, Lee, Schwartzkopf, Van Sant, Williams; **Judiciary.**

**HB 18** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO AMBULANCE ATTENDANTS. Sponsor: Rep. Ennis; Sen. Vaughn, & Sen. Simpson, & Sen. Blevins, & Rep. Lee, & Rep. Outten; **Public Safety.**

**HS 1 for HB 12** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO VACANCIES ON NEW CASTLE COUNTY COUNCIL. Sponsor: Rep. Lavelle; Rep. Smith, & Rep. Valihura, & Sen. Blevins, & Sen. Sokola, Reps. Cathcart, DiPinto, Gilligan, Hudson, Roy, Ulbrich; Sens. Amick, Copeland, Sorenson; **Judiciary.**

\* \* \*

Senator McDowell yields to Senator Still.

Senator Still requested personal privilege of the floor to introduced Dr. Alan Sessoms of Delaware State University. The witness was excused after addressing the Senate.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator McDowell, the Senate recessed at 04:19 PM until March 17, 2005 at 02:00 PM.

The Senate reconvened at 02:54 PM on March 17, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Public Safety: **SB 13** – 2 Favorable, 3 Merits; **SB 20** – 2 Favorable, 3 Merits.

At 02:55 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 11<sup>th</sup> Legislative Day.

**11<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
SECOND SESSION  
MARCH 17, 2005**

The Senate convened at 02:55 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Bunting followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:  
**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator Amick was marked present.

Senator McDowell requested personal privilege of the floor to introduce Christian Conaty and Matthew Vasco, cousins. Christian read a letter to the record referencing his and Matthew's efforts to raise funds for the family of Officer O'Shea, killed in the line of duty.

**HB 32** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 32** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE.

**SA 1 to HB 32** was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to HB 32** was taken and revealed:

YES: 15

NO: Senator(s) Henry, Marshall, McDowell, Simpson, Sokola, Venables, - 6.

**SA 1 to HB 32** was declared part of the bill.

Senator Blevins marked present during the above roll call.

At the request of Senator McDowell a letter from Loren Grober was read to the record.

Senator McDowell requested a packet of New Journal articles related to the issue be distributed to the members of the Senate.

**SA 2 to HB 32** was brought before the Senate for consideration on the motion of Senator McDowell.

At the request of Senator DeLuca a communication from Wilmington Mayor, James M. Baker was read to the record.

Several Senators commented.

Roll call vote on **SA 2 to HB 32** was taken and revealed:

YES: 12

NO: Senator(s) Adams, Amick, Cloutier, Connor, Cook, DeLuca, McBride, Sorenson, Vaughn - 9.

**SA 2 to HB 32** was declared part of the bill.

**HB 32 w/SA 1, SA 2** was now before the Senate.

Roll call vote on **HB 32 w/SA 1, SA 2** was taken and revealed:

YES: 12

NO: Senator(s) Adams, Amick, Cloutier, Connor, Cook, DeLuca, McBride, Sorenson, Vaughn - 9.

**HB 32 w/SA 1, SA 2** was declared passed the Senate and returned to the House for Reconsideration.

**HB 15 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 15 w/HA 1** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER SAFETY.

Senator Adams requested personal privilege of the floor for Rob Book, representing Delaware Electric Co-op. The witness was excused after addressing the Senate.

Senator McDowell commented.

Roll call vote on **HB 15 w/HA 1** was taken and revealed:

YES: 21.

**HB 15 w/HA 1** was declared passed the Senate and returned to the House.

**SB 13** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 13** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EXEMPTION OF MOTOR VEHICLES OWNED BY EDUCATIONAL FOUNDATIONS FROM REGISTRATION FEES AND FROM REQUIREMENTS APPLICABLE TO MOTOR VEHICLE DEALERS.

Roll call vote on **SB 13** was taken and revealed:

YES: 21.

**SB 13** was declared passed the Senate and sent to the House for Consideration. Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for March 22, 2005.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
03/17/2005**

**SB 27** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ACCOUNTANCY. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset**.

**SB 33** - AN ACTO TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT TO PERMIT MEMBERS OF PUBLIC BODIES TO PARTICIPATE IN MEETINGS BY ELECTRONIC MEANS IN CERTAIN CIRCUMSTANCES. Sponsor: Sen. McBride; Sens. Copeland, Sokola, Reps. Hudson, Mulrooney, Valihura, Viola; **Sunset**.

**SB 36** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE ACODE RELATING TO HEALTH CARE INSURANCE. Sponsor: Sen. Venables; Sens. Bunting, Connor, Simpson, Reps. Hocker, George, Keeley: **Education**.

**SB 43** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE BALLOTS. Sponsor: Sen. Blevins; Rep. Gilligan, Sens. Sokola, Henry, Peterson, Marshall, Reps. Keeley, Ennis, Outten, Buckworth; **Insurance & Elections**.

**SB 46** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING. Sponsor: Sen. Venables; Reps. Ennis, Lee, & Thornburg: **Small Business**.

\* \* \*

On motion of Senator McDowell, the Senate recessed at 003:51PM until March 22, 2005 at 02:30 PM.

The Senate reconvened at 03:09 PM on March 22, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From: Insurance & Elections: **SB 2** - 5 Merits; 1 Unfavorable.

From Finance: **SB 19** - 1 Favorable, 4 Merits; **SB 25** - 5 Merits.

A communication from the Office of Senator Marshall was read requesting Representative Helen E. Keeley be added as a co-sponsor of **SB 17**.

A communication from the Office of Senator Catherine L. Cloutier was read requesting she be added as a co-sponsor of **HB 12**.

At 03:12 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 12<sup>th</sup> Legislative Day.

**12<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 22, 2005**

The Senate convened at 03:12 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Simpson followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell expressed best wishes on behalf of his colleagues to Senator Peterson who had recently celebrated her birthday.

**SCR 6** was brought before the Senate for consideration on the motion of Senator Simpson.

**SCR 6** - RECOGNIZING AND COMMENDING THE ESTABLISHMENT OF APRIL 11, 2005 AS "RAINBOW BLUE DAY" IN DELAWARE.

Senator Simpson requested personal privilege of the floor to introduce Kevin & Ron Fry, George & Brenda Teague whom were in the Senate chamber.

Senator Cook requested to be added as a co-sponsor.

Roll call vote on **SCR 6** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting - 1.

**SCR 6** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 03:19 PM.

The Senate reconvened at 04:56 PM with Lt. Governor Carney presiding.

**SB 20** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 20** - AN ACT TO AMEND TITLES 18 AND 21 OF THE DELAWARE CODE TO INCREASE ENFORCEMENT OF DELAWARE'S UNINSURED MOTORIST LAWS.

**SA 1 to SB 20** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to SB 20** was taken and revealed:

YES: 19

ABSENT: Senator(s) Amick, Henry - 2.

**SA 1 to SB 20** was declared part of the bill.

Senator Bunting marked present during the above roll call.

**SB 20 w/SA 1** was now before the Senate.

Senator Sokola requested personal privilege of the floor for Matt Denn, Insurance Commissioner.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on **SB 20 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SB 20 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/22/2005**

**SA 1 to HB 63** - Sponsor: Sen. Amick; Senate Public Safety; Placed with the Bill.

**HB 34** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES. Sponsor: Rep. Buckworth; Sen. McBride, Reps. Spence, Ewing, Hall-Long, Schwartzkopf; Sen. Still; **Public Safety.**

**HB 63-(SA 1)** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LEARNER'S PERMITS. Sponsor: Rep. Miro; Sen. Sokola, Reps. DiPinto, Ewing, Gilligan, Hudson, Lavelle, Lee, Lofink, Smith, Spence, Valihura, Wagner; Sen. Simpson; **Public Safety.**

**HB 68** - AN ACT TO AMEND TITLE 3, CHAPTER 101 OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING. Sponsor: Rep. Hudson; Sen. Copeland, Rep. Valihura, Sen. Simpson; **Finance.**

**SB 47** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MUNICIPAL REVENUES AND TO THE DISPOSITION OF CERTAIN FINES. Sponsor: Sen. Bonini; Sen. Sokola; Rep. Outten; **Finance**.

**SB 48** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRESCRIPTIONS. Sponsor: Sen. Sorenson; Rep. Maier, Sens. Blevins, Cloutier, Connor, McDowell, Peterson; Reps. Buckworth, Carey, Ennis, Ewing, Fallon, Hudson, Miro, Plant, Valihura; **Health & Social Services**.

**SB 49** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO RIGHT-OF-WAY DEDICATIONS. Sponsor: Sen. Adams; Rep. Ewing, Sens. Vaughn, Venables, & Simpson; Rep. Atkins; **Judiciary**.

**SB 50** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF INSTRUMENTS OF CERTAIN CRIMES. Sponsor: Sen. Vaughn; Rep. Valihura; **Judiciary**.

PLEASE NOTE: **SS 1 FOR SB 25** - ADOPTED IN LIEU OF THE ORIGINAL

**SB 51** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO TRANSFER CRIMINAL CASES TO THE COURT OF COMMON PLEAS. Sponsor: Sen. Vaughn; Rep. Wagner; **Judiciary**.

**SB 52** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EXPUNGEMENT OF TRUANCY RECORDS. Sponsor: Sen. Sokola; Rep. Maier; **Judiciary**.

\* \* \*

The following nominations assigned to the **Executive** Committee:

Jeffrey E. Hawtof, M.D.  
80 Gainsborough Drive  
Lewes, DE 19958

To be reappointed a member of the Delaware Interscholastic Athletic Association to serve a term to expire 3 years from the date of Senate confirmation.

The Honorable Thomas M. Jarrett  
17 Higgins Road  
Newark, DE 19711

To be reappointed a member of the Enhanced 911 Emergency Reporting System Service Board to serve a Term to expire 3 years from the date of Senate confirmation.

Garrett B. Lyons, Jr., D.D.S.  
1000 Westover Road  
Greenville, DE 19807

To be reappointed a member of the Delaware Interscholastic Athletic Association to serve a term to expire 3 years from the date of Senate confirmation.

Peter S. Martin  
3 Kawan Drive  
Georgetown, DE 19947

To be reappointed a member of the Delaware Natural Areas Advisory Council to serve a term to expire 4 years from the date of Senate confirmation.

Tonda L. Parks  
740 Bicentennial Drive  
Dover, DE 19904

To be reappointed a Director of the Delaware Solid Waste Authority to serve a term to expire 3 years from the date of Senate confirmation.

Theodore W. Ryan  
128 Lake Valley Drive  
Townsend, DE 19734

To be reappointed a Director of the Delaware Solid Waste Authority to serve a term to expire 3 years from the date of Senate confirmation.

Timothy Porter Sheldon  
7 ½ Rose Circle  
Newark, DE 19711

To be reappointed a Director of the  
Delaware Solid Waste Authority  
to serve a term to expire 3 years from  
the date of Senate confirmation.

James E. Turner, III  
2120 Smyrna Leipsic Road  
Smyrna, DE 19977

To be reappointed a member of the  
Enhanced 911 Emergency Reporting  
System Service Board to serve a  
term to expire 3 years from the date  
of Senate confirmation.

\* \* \*

The Secretary announced the agenda for March 23, 2005.

On motion of Senator McDowell, the Senate recessed at 05:37 PM until March 23, 2005 at 03:30 PM.

The Senate reconvened at 04:11 PM on March 23, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **Jeffrey Hawtof** – 5 Favorable; **Thomas Jarrett** – 5 Merits; **Garrett Lyons** – 5 Favorable; **Peter Martin** – 5 Merits; **Tonda Parks** – 5 Merits; **Theodore Ryan** – 5 Merits; **Timothy Sheldon** – 5 Merits; **James Turner** – 5 Favorable.

From Judiciary: **SB 49** – 1 Favorable, 4 Merits.

From Public Safety: **HB 63** – 4 Merits.

From Labor: **SB 17** – 2 Favorable, 2 Merits.

From Education: **SJR 1** – 5 Favorable.

The Secretary announced a message from the House informing the Senate that it had passed **HB 42 w/HA 1 & HA 2; HB 22; HB 93; HB 32 w/SA 1, SA 2 & HA 1; HB 94; HB 32 w/SA 1 & SA 2; HB 32 w/SA 1 & SA 2; HB 68; HB 63; HB 34; HS1 FOR HB 2; HCR 10, HCR 11, HCR 12; SCR 12.**

At 04:15 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 13<sup>th</sup> Legislative Day.

**13<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 23, 2005**

The Senate convened at 4:15 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Bonini followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Connor.

Senator Connor commented on the March of the Arts and requested a copy of their schedule be distributed to all Senate members.

**SJR 1** was brought before the Senate for consideration on the motion of Senator Venables.

**SJR 1** - DIRECTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO UPDATE AND REVISE EXISTING SCHOOL SAFETY EMERGENCY PROCEDURES IN LIGHT OF THE INCREASED THREAT OF TERRORIST ATTACKS IN DELAWARE.

Senator McBride commented.

Roll call vote on **SJR 1** was taken and revealed:

YES: 21

**SJR 1** was declared passed by the Senate and sent to the House for Consideration.

Senator Marshall marked present during the above roll call.

**SR 9** was introduced and brought before the Senate for consideration on the motion of Senator Simpson.

**SR 9** - COMMENDING THE TWENTY-FIFTH ANNIVERSARY OF THE CREATION OF JOBS FOR DELAWARE GRADUATES, INC. Sponsor: Sens. Simpson and Sokola

Roll call vote on **SR 9** was taken and revealed:

YES: 21.

**SR 9** was declared Adopted.

Senator Simpson and Senator McBride commented.

Senator Simpson requested personal privilege of the floor for Dr. Sue Lee, representing Jobs for Delaware Graduates.

At 04:30 PM Senator McDowell presiding.

Dr. Sue Lee requested Senator Simpson and Lt. Governor Carney join her at the podium and thanked them for their support to the Jobs for Delaware Graduates.

At 04:32 PM Lt. Governor Carney presiding.

Senator Simpson requested personal privilege of the floor for additional guests. Candie Quick, Kevin Mullen, Diana Rivera, Janet Kelleher. They introduced themselves, after which all witnesses were excused.

**SS 1 for SB 25** was brought before the Senate for consideration on the motion of Senator Cook.

**SS 1 for SB 25** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS.

**SA 1 to SS 1 for SB 25** was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SS 1 for SB 25** was taken and revealed:

YES: 21.

**SA 1 to SS 1 for SB 25** was declared part of the bill.

**SS 1 for SB 25 w/SA 1** was now before the Senate.

Roll call vote on **SS 1 for SB 25 w/SA 1** was taken and revealed:

YES: 21.

**SS 1 for SB 25 w/SA 1** was declared passed the Senate and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for March 24, 2005.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/23/2005**

**HB 32 w/SA 1, SA 2 & HA 1** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE. Sponsor: Rep. Oberle; Rep. Spence, Rep. DiPinto, Williams, Sens. DeLuca, Vaughn; Rep. Lofink; **LOT List**.

**SA 1 to SB 43** - Sponsor: Sen. Blevins; **Placed with the Bill**.

**SB 54** - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO PERSONAL INCOME TAXES AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FINANCE. Sponsor: Sen. Copeland; Sen. Bonini, & Rep. Thornburg, & Rep. Booth, & Rep. Hocker, & Rep. Lavelle, Sen. Simpson; Reps. Atkins, Ewing, Fallon; **Finance**.

**HB 22** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROCEDURES FOR TERMINATION OF SERVICES OF PROFESSIONALS. Sponsor: Rep. Schwartzkopf; Sen. Bunting; **Education**.

**HB 42 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 4, DELAWARE CODE, PERTAINING TO POSSESSION AND CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS. Sponsor: Rep. Oberle; Rep. Ulbrich, Reps. Buckworth, Carey, DiPinto, Ewing, Hocker, Hudson, Maier, Miro, Wagner, Van Sant, Ennis, Hall-Long, Keeley, Schwartzkopf, Viola, Sens. Blevins, Amick; **Judiciary**.



**HB 94** - AN ACT TO AMEND CHAPTER 13, VOLUME 74, LAWS OF DELAWARE BY REVISING THE SUNSET PROVISION RELATING TO THE PROFESSIONAL STANDARDS BOARD. Sponsor: Rep. Wagner; Sen. Sokola;  
**Sunset.**

\* \* \*

On motion of Senator McDowell, the Senate recessed at 04:43 PM until March 24, 2005 at 02:30 PM.

The Senate reconvened at 03:19 PM on March 24, 2005 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 13; HJR 6**.

The following committee reports were announced:

From Energy: **SB 44** – 6 Merits

From Insurance & Elections: **SB 43** – 4 Merits.

At 03:21 PM on motion of Senator McDowell, the Senate adjourned and immediately convened the 14<sup>th</sup> Legislative Day.

**14<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 24, 2005**

The Senate convened at 3:21 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Venables followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

On motion of Senator Adams and without objection, the following nominations by the Governor were considered, under the suspension of the necessary rules.

**Thomas Jarrett**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**James Turner**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Tonda Parks**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Theodore Ryan**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Timothy Sheldon**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Jeffrey Hawtof**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Garrett Lyons**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**Peter Martin**, 21 Senator(s) voting YES. Reappointment was declared CONFIRMED.

**HJR 6** was brought before the Senate for consideration under the suspension of the necessary rules, on motion of the floor manager, Senator McDowell.

**HJR 6** - RECOGNIZING THE SELFLESS DEDICATION OF THE AMERICAN RED CROSS IN DELAWARE OVER THE LAST CENTURY. Sponsor: Reps. Spence, Smith, Gilligan, Lee, Van Sant; Sens. Adams, McDowell, DeLuca, Still & Sorenson.

Senator McDowell requested personal privilege of the floor for Jim Purcell and Margie Prueitt, representing American Red Cross of Delaware Peninsula. The witnesses were excused after addressing the Senate.

Roll call vote on **HJR 6** was taken and revealed:

YES: 21.

**HJR 6** was declared Adopted by the Senate and returned to the House.

**HCR 13** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 13**- DESIGNATING MARCH, 2005 AS THE BRAIN INJURY AWARENESS MONTH. Sponsor: Rep. Booth & Sen. Blevins

Senator Blevins requested personal privilege of the floor for Ms. Eve Tolley, representing the Brain Injury Association of Delaware. The witness was excused after addressing the Senate.

Senator Simpson commented.

Roll call vote on **HCR 13** was taken and revealed:

YES: 21.

**HCR 13** was duly Adopted by the Senate and returned to the House.

**HB 63** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 63** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LEARNER'S PERMITS.

**SA 1 to HB 63** was brought before the Senate for consideration on the motion of Senator Amick.

Senator McDowell questioned the floor manager.

Roll call vote on **SA 1 to HB 63** was taken and revealed:

YES: 21.

**SA 1 to HB 63** was declared part of the bill.

**HB 63 w. SA 1** was now before the Senate.

Senator Venables questioned the floor manager.

Roll call vote on **HB 63 w/SA 1** was taken and revealed:

YES: 21.

**HB 63 w/SA 1** was declared passed the Senate and returned to the House for Reconsideration.

Senator McDowell moved to recess for Party Caucus at 03:58 PM.

The Senate reconvened at 06:13 PM with Lt. Governor Carney presiding.

The following committee report(s) were announced:

From Finance: **HB 68** - 4M.

**HB 68** was brought before the Senate for consideration under suspension of the necessary rules, on the motion of the floor manager, Senator Cook.

**HB 68** - AN ACT TO AMEND TITLE 3, CHAPTER 101 OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING.

Roll call vote on **HB 68** was taken and revealed:

YES: 18

ABSENT: Senator(s) Blevins, Peterson, Still - 3.

**HB 68** was declared passed the Senate and returned to the House.

Senators McDowell, DeLuca, Blevins and Sokola requested to be added as co-sponsors of **HB 68**.

Senator Marshall yields to Senator Sokola.

**HB 94** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Marshall.

**HB 94** - AN ACT TO AMEND CHAPTER 13, VOLUME 74, LAWS OF DELAWARE BY REVISING THE SUNSET PROVISION RELATING TO THE PROFESSIONAL STANDARDS BOARD.

Roll call vote on **HB 94** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Still - 2.

**HB 94** was declared passed the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

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HCR 6 assigned to Education 3/22/05.  
Reassigned SB 60 to Health & Social Services Committee 3/24/05.  
Reassigned SB 52 to Judiciary Committee 3/24/05.

**March 24, 2005**

**SB 55** - AN ACT TO AMEND TITLE 18 DELAWARE CODE TO PROVIDE FOR LIFE INSURANCE PREMIUM REIMBURSEMENT FOR ACTIVATED NATIONAL GUARD MEMBERS. Sponsor: Sen. Still; **Finance**.

**SB 56** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO". Sponsor: Sen. Bunting; Rep. Atkins; **Community/County Affairs**.

**SB 53** - AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE RELATING TO THE PUBLIC EMPLOYMENT RELATIONS ACT AND THE MERIT SYSTEM. Sponsor : Sen. Marshall; Rep. Oberle, Reps. Schooley, McWilliams, Longhurst, & Hall-Long, Keeley, Lofink, Plant, Spence, Van Sant, Viola, Williams, Sens. Blevins, Connor, DeLuca, Henry, McBride, McDowell; **Labor & Industrial Relations**.

**SB 57** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DAGSBORO" RELATING TO VACANCIES AND FORFEITURE OF OFFICE. Sponsor: Sen. Bunting; Rep. Atkins; **Community/County Affairs**.

**SB 58** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD HELMET REQUIREMENTS. Sponsor: Sen. Henry; Rep. Buckworth; **Public Safety**.

**SB 59** - AN ACT MAKING A ONE-TIME SUPPLEMENTAL GENERAL FUND APPROPRIATION OF \$10.0 MILLION TO THE DEPARTMENT OF EDUCATION FOR THE CREATION OF A SCHOOL MARKET PRESSURE FUND. Sponsor: Sen. Cook; Rep. Roy, Sens. DeLuca, Vaughn, Venables, Simpson, Still, Reps. Lofink, Oberle, Stone, Ennis, Gilligan, Keeley; **Finance**.

**SB 61** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 TO INCLUDE THE FAMILY COURT AND COURT OF COMMON PLEAS AS COURTS ESTABLISHED BY THE CONSTITUTION OF THE STATE OF DELAWARE AND ARTICLES III AND IV OF THE DELAWARE CONSTITUTION OF THE STATE OF DELAWARE TO DELETE REFERENCES TO THE ORPHAN'S COURT. Sponsor: Sen. Vaughn; Rep. Valihura, Sens. McDowell, DeLuca, Adams, Simpson, Reps. Wagner, Lavelle, Stone, George, Keeley, Hudson; **Judiciary**.

**SB 62** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE. Sponsor: Sen. Marshall; Sen. Peterson, & Rep. Viola, Sens. DeLuca, Henry, McBride, McDowell, Blevins; Reps. Oberle, Ennis, George, Gilligan, Hall-Long, Keeley, Mulrooney, Plant, Van Sant, Williams; **Labor & Industrial Relations**.

**SB 63** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CIVIL PENALTIES. Sponsor: Sen. Adams; Rep. Wagner, Sens. DeLuca; Vaughn; Rep. Ewing; **Judiciary**.

**SB 60** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO ESTABLISH A STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM TO PREVENT AIDS AND OTHER DISEASES. Sponsor: Sen. Henry; Rep. Keeley, Sen. Marshall, & Reps. George, Hall-Long, Plant; **Health & Social Services**.

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**SB 30** - AN ACT ESTABLISHING THE SEED SCHOLARSHIP PROGRAM AT DELAWARE TECHNICAL AND COMMUNITY COLLEGE. Sponsor: Sen. McDowell; Rep. Wagner, Sens. Adams, Blevins, Bunting, Cook, DeLuca, Henry, Marshall, McBride, Peterson, Sokola, Vaughn, Venables, Reps. Ennis, George, Gilligan, Johnson, Longhurst, McWilliams, Mulrooney, Schooley, Schwartzkopf; **Children; Youth & Families.**

**SB 64** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO ENGINE COMPRESSION BRAKE DEVICES. Sponsor: Sen. Amick; Rep. Cathcart, & Rep. Roy, Reps. Buckworth, DiPinto, Hudson, Smith; **Public Safety.**

**SB 65** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO TRASH COLLECTION. Sponsor: Sen. Amick; Reps. DiPinto, Hudson, Smith; **Community/County Affairs.**

**SB 66** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CERTAIN LICENSE AND PERMIT FEES. Sponsor: Sen. Still; Rep. Stone, Sens. Bunting, Cloutier, Connor, Copeland; Reps. Buckworth, Carey, DiPinto, Ennis, George, Hocker, Hudson, Ulbrich, Van Sant; **Natural Resources & Environmental Control.**

**SB 67** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE PARENTAL NOTICE OF ABORTION ACT. Sponsor: Sen. Bonini; Sens. Simpson, Still, Venables; Reps. Atkins, Ewing, Hocker, Lavelle; **Health & Social Services.**

**SB 68** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO GROUND LEVELS OF ARSENIC. Sponsor: Sen. Sokola; Sen. Blevins & Rep. Hudson, & Rep. Gilligan, & Rep. Roy; **Health & Social Services.**

**SB 69** - AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND, MAKING A SUPPLEMENTAL APPROPRIATION FOR SUCH PURPOSES AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. Sponsor: Sen. Cook; Rep. DiPinto, Henry, McBride, Vaughn, Amick, Cloutier, Buckworth, Fallon, Ulbrich, Schwartzkopf, Williams; **Finance.**

\* \* \*

The Secretary announced the agenda for April 12, 2005.

On motion of Senator McDowell, the Senate recessed at 06:25 PM until April 12, 2005 at 02:30 PM.

The Senate reconvened at 02:52 PM on April 12, 2005 with Lt. Governor Carney presiding.

At 02:52 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 15<sup>th</sup> Legislative Day.

**15<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 12, 2005**

The Senate convened at 2:52 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Simpson followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell commented on the March for the Arts for Education Program. He requested personal privilege of the floor for Dr. Voni Perrine, Director of the Middletown High School Select Choir and forty-five members of the choir. Michelle Bard, Susan Gordon, Jacqui Fose, Christina LaPointe, Callis Michael, Ashley Reynolds, Elise Sumner, Suzanne Williams, Marisa Dale, Safiya Davis, Holly Frink, Valerie Lanzendorfer, Tracy Scott, Terrell Brown, Jaime Dickerson, Jonai Hollis, Tuseef Hussain, Chasten Rich, Dallas Warren, Josh Wilson, Brooke Hairston Bekah Kramer, Cassandra Kretzer, Devon McHugh, Natalie Peters, Alison Tejada, Sherri Martinez,

Samantha McFadden, Katreesh Smith, Amanda Tejada, Lisa Vukich, Janell Wedge, Jeremy Divirgilio, Hoo Kyung Lee, Travis Livingston, Josh Marcus, Caleb Rich, Tony Starner, Justin Vascelleno. They performed for the Senate.

Senators McDowell, Still, Amick and Connor commented. The witnesses were excused.

**SB 17** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 17**- AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO PAYMENT OF WORKERS' COMPENSATION BENEFITS.

Senator Bunting questioned the sponsor.

Senator Marshall requested personal privilege of the floor for Joe Weik, representing the Delaware Trial Lawyers Association.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on **SB 17** was taken and revealed:

YES: 19

ABSENT: Senator(s) Adams, Venables, - 2.

**SB 17** was declared passed the Senate and sent to the House for Consideration.

Senators Amick and Bonini marked present during the above roll call.

**SENATE CONSENT CALENDAR # 2** was introduced and considered for adoption on motion of Senator McBride. The calendar includes the following Resolutions:

**SR 10** - URGING THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO DO EVERYTHING IN THEIR POWER TO PRESERVE AND ENHANCE FEDERAL SUPPORT FOR THE OPERATIONS OF AMTRAK'S NORTHEAST CORRIDOR PASSENGER RAIL SERVICE. Sponsor(s) McDowell, Blevins, DeLuca, Henry, Marshall, Sokola, Venables.

**SCR 7** -CREATING A TASK FORCE TO EXPLORE THE FEASIBILITY OF ESTABLISHING A FAMILY JUSTICE CENTER TO SERVE DOMESTIC VIOLENCE VICTIMS AND THEIR CHILDREN IN A MORE EFFICIENT AND EFFECTIVE MANNER. Sponsor(s) Sen. Sorenson; Rep. Hudson.

**HCR 10** - CELEBRATING AND HONORING THE 200TH ANNIVERSARY OF CAMDEN FRIENDS MEETING IN KENT COUNTY, DELAWARE. Sponsor(s): Rep. Buckworth; Sen. Still.

**HCR 11** - ENDORSING THE "AKC CANINE GOOD CITIZEN PROGRAM" AND SUPPORTING ITS EFFORT TO PROMOTE RESPONSIBLE DOG OWNERSHIP IN THE STATE OF DELAWARE. Sponsor(s): Rep. Smith; Sen. Peterson.

**HCR 12** - A RESOLUTION RECOGNIZING THE RESOURCEFUL USE OF TECHNOLOGY IN DELAWARE'S K-5 CLASSROOMS. Sponsor(s): Rep. Miro; Sen. Sorenson; Reps. Spence, Smith; Sen. Sokola.

**SR 10** was removed from the **Senate Consent Calendar** at the request of Senator Bonini.

A roll call vote was taken on **SENATE CONSENT CALENDAR #2** and revealed 19 Senators voting YES, 2 (Adams, Venables) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The Senate Concurrent Resolution was sent to the House for Consideration and the House Concurrent Resolutions were returned to the House:

**SR 10** was introduced and brought before the Senate for consideration on the motion of Senator McDowell.

**SR 10** - URGING THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO DO EVERYTHING IN THEIR POWER TO PRESERVE AND ENHANCE FEDERAL SUPPORT FOR THE OPERATIONS OF AMTRAK'S NORTHEAST CORRIDOR PASSENGER RAIL SERVICE. Sponsor: Sen. McDowell, Blevins, DeLuca, Henry, Marshall, Sokola, Venables.

Roll call vote on **SR 10** was taken and revealed:

YES: 18

NO: Senator(s) Bonini - 1.

ABSENT: Senator(s) Adams, Venables - 2.

**SR 10** was declared Adopted.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for April 13, 2005.

On motion of Senator McDowell, the Senate recessed at 03:50 PM until April 13, 2005 at 03:30 PM.

The Senate reconvened at 04:03 PM on April 13, 2005 with Lt. Governor Carney presiding.

Senators Adams and Venables were marked present.

The following committee reports were announced:

From Children Youth & Their Families: **SB 30** - 6 Favorable.

From Education: **HB 22** - 5 Merits; **HCR 6** - 5 Merits.

From Energy & Transit: **SB 73** - 6 Merits; **SB 74** - 6 Merits.

From Judiciary: **SB 50** - 4 Merits; **SB 52** - 5 Merits; **SB 61** - 4 Merits; **SB 63** - 5 Merits; **HB 17** - 5 Merits.

From Finance: **SB 59** - 6 Merits; **SB 69** - 3 Favorable, 3 Merits.

From Community/County Affairs: **SB 56** - 4 Merits.

**LEGISLATIVE ADVISORY #2**, dated March 31, 2005, the Governor signed the following legislation on the date indicated:

**HB #15 aab HA 1** (3/23/05) - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR CARRIER SAFETY. (Sponsors: Rep. Spence & Rep. Ewing & Senator Adams) (Volume 75, Chapter 12, Laws of Delaware.)

**HJR #6** (3/28/05) - RECOGNIZING THE SELFLESS DEDICATION OF THE AMERICAN RED CROSS IN DELAWARE OVER THE LAST CENTURY. (Sponsors: Rep. Spence & Rep. Smith & Rep. Lee & Rep. Gilligan & Rep. Van Sant & Sen. Adams & Sen. McDowell & Sen. DeLuca & Sen. Still & Sen. Sorenson)

**HB #68** (3/30/05) - AN ACT TO AMEND TITLE 3, CHAPTER 101 OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING. (Sponsors: Rep. Hudson & Sen. Copeland & Rep. Valihura & Sen. Simpson & Senator Cook & Senator DeLuca & Senator Sokola & Senator Henry) (Volume 75, Chapter 13, Laws of Delaware.)

**HB #94** (3/30/05) - AN ACT TO AMEND CHAPTER 13, VOLUME 74, LAWS OF DELAWARE BY REVISING THE SUNSET PROVISION RELATING TO THE PROFESSIONAL STANDARDS BOARD. (Sponsors: Rep. Wagner & Sen. Sokola) (Volume 75, Chapter 14, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the House informing the Senate that it had passed **HS1 for HB 36 w/HA 1, HA 2, HA 3, HA2 for HA 9, HA 9, HA 10, HA 11 & HA 12; HB 46; HB 76, HB 65, HB 71 w/HA 1.**

A communication from Senator Bunting was read requesting Senator Sokola be added as a co-sponsor to **SB 45**.

A communication from the Chief Clerk of the House was read advising the Senate that Representative Terry R. Spence signed **SJR 1** as an additional sponsor.

A communication from Senator Still was read requesting Senators Blevins, Bunting, Cloutier, Copeland, Sorenson; Reps. DiPinto, Ewing, Smith, Van Sant and Wagner be added as co-sponsors of **SB 55**.

**Senate Citation Announcement #3**, containing S143-116 – 132 inclusive was announced for the record, partially read and copies made available to the members upon request.

At 04:09 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 16<sup>th</sup> Legislative Day.

**16<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 13, 2005**

The Senate convened at 4:09 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SB 49** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 49** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO RIGHT-OF-WAY DEDICATIONS.

Roll call vote on **SB 49** was taken and revealed:

YES: 21

**SB 49** was declared passed the Senate and sent to the House for Consideration.

Senator Amick marked present during the above roll call.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

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**SA 1 to SB 33** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 1 to SB 64** - Sponsor: Sen. Amick; Placed with the Bill.

**SA 1 to SB 30** - Sponsor: Sen. Amick; Placed with the Bill.

**SB 70** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC SIGNS, SIGNALS, AND MARKINGS. Sponsor: Sen. Henry; Rep. Valihura, Sen. Cloutier, Reps. Hudson, Maier; **Public Safety**.

**SB 71** - AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PROVIDE FOR STAGGERED TERMS FOR COMMISSIONERS, TO REQUIRE A MINIMUM OF FOUR COMMISSIONERS AND THE MAYOR BE RESIDENTS AND TO ESTABLISH STANDARDS AND PROCEDURES FOR FORFEITURE OF OFFICE. Sponsor: Sen. Bunting; Rep. Schwartzkopf; **Community/County Affairs**.

**SB 72** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA. Sponsor: Sen. Sokola; Rep. Maier, & Rep. Miro, & Rep. Wagner, & Sen. DeLuca; **Education**.

**SB 73** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY PERFORMANCE CONTRACTING ACT. Sponsor: Sen. McDowell; Sens. Blevins, Cloutier, Copeland, Henry, Marshall, Peterson; Reps. Ennis, George, Keeley, Lavelle, McWilliams, Mulrooney, Roy, Van Sant, Viola; **Energy & Transit**.

**SB 74** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO RENEWABLE ENERGY PORTFOLIO STANDARDS. Sponsor: Sen. McDowell; Rep. DiPinto, Sens. Blevins, Cloutier, Copeland, Henry, Sokola, Still; Reps. Buckworth, Ennis, Keeley, McWilliams, Mulrooney, Roy, Valihura, Williams; **Energy & Transit**.

**SB 75** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO INCREASING THE LIMITS FOR AUTHORIZING GENERAL OBLIGATION BONDS, CERTIFICATES OF INDEBTEDNESS OR OTHER OBLIGATIONS BY THE TOWN COUNCIL WITHOUT THE REQUIREMENT OF A PUBLIC HEARING AND SPECIAL ELECTION, AS WELL AS INCREASING THE CEILING FOR BONDED INDEBTEDNESS FROM 25% TO 50% OF THE ASSESSED VALUE OF REAL PROPERTY WITHIN THE LIMITS OF THE TOWN OF LAUREL. Sponsor: Sen. Venables; Rep. Lee; **Community/County Affairs**.

**HB 46** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING. Sponsor: Rep. Miro; Sen. DeLuca, Rep. Ewing; **Judiciary**.

**HB 65** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SEWERS. Sponsor: Rep. Wagner; Rep. Buckworth, Stone, Ennis; Sens. Vaughn, Cook; **Community/County Affairs.**

**HB 71 w/HA 1** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE ADVISORY COUNCIL ON CAREER EDUCATION. Sponsor: Rep. Oberle; Rep. Ulbrich, & Sen. McBride, Reps. Hudson, Mulrooney, Valihura, Viola; Sens. Bonini, Copeland, Peterson, Sokola; **Education.**

**HB 76** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON TAXING POWER. Sponsor: Rep. Stone; Sen. Cook, Reps. Buckworth, Ennis, Outten, Thornburg, Wagner; Sens. Bonini, Still; **Finance.**

**HB 93** - AN ACT TO AMEND TITLE 31, DELAWARE CODE RELATING TO THE STATE PUBLIC ASSISTANCE CODE. Sponsor: Rep. Spence; Rep. Maier, & Sen. McBride, & Sen. Blevins, Reps. Smith, Lee, Atkins, Booth, Buckworth, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Miro, Oberle, Outten, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Ennis, George, Hall-Long, Johnson, Keeley, Longhurst, McWilliams, Mulrooney, Plant, Schooley, Viola, Williams, Carey, Sens. McDowell, Peterson, Still, Sorenson, Amick, Bonini, Cloutier, Connor, Copeland; **Health & Social Services.**

**HS 1 for HB 36 w/HA 1, HA 3, HA 9, HA 2 to HA 9, HA 10, HA 11, HA 12** - AN ACT TO AMEND TITLES 6, 9, 18, 19, 25 AND 29 OF THE DELAWARE CODE RELATING TO DISCRIMINATION EMPLOYMENT, PUBLIC WORKS CONTRACTING, HOUSING, EQUAL ACCOMMODATIONS AND THE INSURANCE BUSINESS. Sponsor: Rep. Oberle; Rep. Ulbrich, & Rep. Schwartzkopf, & Sen. Henry, Reps. DiPinto, Hudson, George, Gilligan, Keeley, McWilliams, Schooley, Viola, Williams; Sens. Bunting, McDowell, Sokola; **Judiciary.**

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**SB 76** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SPECIAL SCHOOLS AND SPECIAL PROGRAMS. Sponsor: Sen. Amick; Rep. Schooley, Sens. Connor, Marshall, Sokola, Sorenson; Reps. DiPinto, George, Keeley, Lofink, Maier, Miro, Oberle, Plant, Spence, Ulbrich, Viola; **Education.**

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Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for April 14, 2005.

On motion of Senator McDowell, the Senate recessed at 04:19 PM until April 14, 2005 at 02:00 PM.

The Senate reconvened at 02:17 PM on April 14, 2005 with Lt. Governor Carney presiding.

At 2:17 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 17<sup>th</sup> Legislative Day.

**17<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 14, 2005**

The Senate convened at 2:17 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Adams followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.



The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell introduced and requested personal privilege of the floor for Velvet Siegel of William Henry Middle School and the Capital Strings 5<sup>th</sup> & 6<sup>th</sup> grades who performed for the Senate, after which they were excused. The guests included Joshua Stough, Kerry Anthony Walker, Sarah May Clark, Douglas Emmanuel Jones, Olivia Weber, Mary Beth Hutchins, Daniel Fox, Faith McCoy, Crystal Emerson, Blair Bailey, Shannon Williams, Marissa Arnell, Valeria Provolorva, Pratyusha Gupta, Erin Anderson- Carey Manisha Yarlagadda, Taylor Pleasanton & Darlene Ryder.

On motion of Senator McDowell a short standing recess was taken while the guest gathered their instruments and departed the chamber.

The Senate reconvened at 02:39 PM with Lt. Governor Carney presiding.

Senator McDowell on behalf of his colleagues extends birthday greetings to Senator Bonini.

Several Senators commented.

Senator Bonini commented and requested to be marked present.

Senators Blevins and Copeland marked present.

**SB 61** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 61**- AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 TO INCLUDE THE FAMILY COURT AND COURT OF COMMON PLEAS AS COURTS ESTABLISHED BY THE CONSTITUTION OF THE STATE OF DELAWARE AND ARTICLES III AND IV OF THE DELAWARE CONSTITUTION OF THE STATE OF DELAWARE TO DELETE REFERENCES TO THE ORPHAN'S COURT.

Roll call vote on **SB 61** was taken and revealed:

YES: 20

ABSENT: Senator(s) Connor - 1.

**SB 61** was declared passed the Senate and sent to the House for Consideration.

Senators McBride and Sorenson marked present during the above roll call.

**HB 17** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 17** - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVE REGULATIONS FOR EXEMPT POSITIONS.

Senator Still questioned the floor manager.

Senator McBride requested personal privilege of the floor for Timothy Willard, Senate Attorney. After addressing the Senate the witness was excused.

Roll call vote on **HB 17** was taken and revealed:

YES: 20

ABSENT: Senator(s) Connor - 1.

**HB 17** was declared passed the Senate and returned to the House.

**HB 22** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 22** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROCEDURES FOR TERMINATION OF SERVICES OF PROFESSIONALS.

Roll call vote on **HB 22** was taken and revealed:

YES: 20

ABSENT: Senator(s) Connor - 1.

**HB 22** was declared passed the Senate and returned to the House.

Senator Bonini requested the personal privilege of the floor to introduce Dr. Michael Bradley and welcomed him to the Senate.

Senator McDowell moved to recess for Party Caucus at 02:57 PM.

The Senate reconvened at 04:29 PM with Lt. Governor Carney presiding.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for April 19, 2005.

On motion of Senator Adams, the President Pro Tempore's List of Pre-filed Legislation was introduced for the permanent record, partially read and copies were made available.

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FIRST SESSION  
4/14/2005**

**HB 48** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION. Sponsor: Rep. Valihura; Sen. Cloutier, Reps. Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Fallon, Hocker, Hudson, Lavelle, Lee, Maier, Miro, Outten, Smith, Spence, Stone, Ulbrich, Wagner; Sens. Bonini, Connor, Copeland, Peterson, Simpson, Sokola, Sorenson; **Judiciary**.

**HB 58** - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO GRIEVANCES. Sponsor: Rep. Wagner; Rep. Ennis, & Rep. Keeley, & Sen. Peterson, Reps. Lee, Ewing, Hocker, Miro, Oberle, Outten, Stone, Johnson, McWilliams; **Labor & Industrial Relations**.

**HB 79 w/HA 1** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE TO PROVIDE FOR REAL PROPERTY ELECTRONIC RECORDING. Sponsor: Rep. Roy; Sen. McBride; **Executive**.

**HJR 4** - ESTABLISHING A TASK FORCE TO REVIEW THE BEST PRACTICES OF EDUCATIONAL ASSESSMENTS. Sponsor: Rep. Wagner; Sen. Sokola; **Education**.

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On motion of Senator McDowell, the Senate recessed at 04:33 PM until April 19, 2005 at 02:00 PM.

The Senate reconvened at 02:08 PM on April 19, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Public Safety: **SB 58** - 4 Merits; **SB 70** - 4 Merits.

Senator Connor marked present.

At 2:09 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 18<sup>th</sup> Legislative Day.

**18<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 19, 2005**

The Senate convened at 2:09 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

Senator Adams requested personal privilege of the floor for Carolyn F. Whitt and the Phillis Wheatley Middle School Band whose names were Brian Laycock, Amanda Slater, Joshua Mason, Sarah Conn, Kelli Warner, Danielle Griffin, Geovany Ortiz, Kebey Retzlaff, Amanda Knight, Jennifer Bailey, Jere' Hutson, Mali Clark, Brittany Hamblin, Kaasey Thompson, Kristin Drummond, Matthew J., Melissa Rosado, Dougie Coppock, Jordan Maddox, Morgan Weaver, Patricia Marin, Katie Tomeski, Damian Billman, Gary Pepper, Michelle Nichols, Alex Martinez, John Tomeski, Mike, Dominick Larrel, Natalie Regusme, Jennifer Valle, Katie Shaver, Sheri Hastings, Courtney Vazquez, Samantha Smith, Evonda Rooks, Jenul Fortt Allih Bell. They performed for the Senate, after which they were excused.

Senator McDowell yields to Senator Still.

Senator Still requested personal privilege of the floor to introduce Col John Pry, Commander of Dover Air Force Base and his wife. The Commander addressed the

Senate and was given a Certificate from the Senate along with the Delaware Flag. His wife was presented with a dozen roses, after which they were excused.

Senator McDowell commented.

**SB 44** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 44** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GREEN ENERGY FUND.

Roll call vote on **SB 44** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**SB 44** was declared passed the Senate and sent to the House for Consideration.

Senators Amick, Cloutier, Marshall, McBride were marked present during the above roll call.

**SB 50** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 50** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF INSTRUMENTS OF CERTAIN CRIMES.

Senator Vaughn moved to Lay **SB 50** on the Table. No objections.

**SB 56** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 56** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO, CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO".

Senator Bonini marked present.

Several Senators commented.

Senator Simpson requested personal privilege of the floor for Timothy Willard, Senate Attorney. After addressing the Senate the witness was excused.

Senator McBride commented.

Roll call vote on **SB 56** was taken and revealed:

YES: 21.

**SB 56** was declared passed the Senate and sent to the House for Consideration.

**SB 69** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 69** - AN ACT CAREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND, MAKING A SUPPLEMENTAL APPROPRIATION FOR SUCH PURPOSES AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS.

Senator Cook moved to Lay **SB 69** on the Table. No objections.

Senator McDowell yields to Senator Blevins.

**SCR 9** was brought before the Senate for consideration on the motion of Senator Blevins.

**SCR 9** - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE.

Roll call vote on **SCR 9** was taken and revealed:

YES: 21.

**SCR 9** was declared Adopted by the Senate and sent to the House for Consideration.

**SCR 11** was introduced and brought before the Senate for consideration on the motion of Senator Marshall.

**SCR 11** - HONORING THE EXEMPLARY LIFE AND MOURNING THE PASSING OF HIS HOLINESS, POPE JOHN PAUL II. Sponsor: Sen. Marshall, On behalf of all Senators; Rep. Keeley, On behalf of Representatives.

Senator Bonini commented.

Roll call vote on **SCR 11** was taken and revealed:

YES: 21.

**SCR 11** was declared Adopted by the Senate and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 03:03 PM.

The Senate reconvened at 04:22 PM with Lt. Governor Carney presiding.

**SB 50** was Lifted from the Table and brought before the Senate for Consideration on motion of Senator Vaughn.

**SB 50** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE  
RELATING TO POSSESSION OF INSTRUMENTS OF CERTAIN CRIMES.

**SA 1 to SB 50** was brought before the Senate for consideration on motion of Senator Vaughn.

Senator Vaughn moved that **SA 1 to SB 50** be Stricken. No objection.

**SA 2 to SB 50** was brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested personal privilege of the floor for Steve Wood, representing the Attorney General's Office

After addressing the Senate, the witness was excused.

Roll call vote on **SA 2 to SB 50** was taken and revealed:

YES: 19

ABSENT: Senator(s) Cook, Marshall - 2.

**SA 2 to SB 50** was declared part of the bill.

**SB 50 w/SA 2** was now before the Senate.

Roll call vote on **SB 50 w/SA 2** was taken and revealed:

YES: 21.

**SB 50 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for April 20, 2005.

On motion of Senator McDowell, the Senate recessed at 04:32 PM until April 20, 2005 at 03:30 PM.

The Senate reconvened at 03:51 PM on April 20, 2005 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Education: **SB 72** - 5 Merits; **HS1 for HB 2** - 5 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 89; SB 18 w/SA 1; SS1 for SB 25 w/SA 1; HB 48; HB 79 w/HA 1; HJR 4; HB 58; HCR 14; HCR 15; SCR 7; HCR 16; SCR 5; SCR 9; SCR 11; HB 77.**

A withdrawal of sponsorship request was read from Representative Keeley requesting her name be removed from **SB 76**.

A withdrawal of sponsorship request was read from Representative Van Sant requesting his name be removed from **SB 53**.

A communication from Senator Bunting was read requesting Senators DeLuca, Henry, Sokola and Representative Gilligan be added as co-sponsors of **SB 81**.

A communication from Governor Minner to Lt. Governor Carney was read to the record and a copy was placed in the file for this Legislative Day.

At 03:58 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 19<sup>th</sup> Legislative Day.

**19<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 20, 2005**

The Senate convened at 3:58 PM. with Lt. Governor Carney presiding.

A prayer was offered by Senator Bunting followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SB 70** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 70** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE  
RELATING TO TRAFFIC SIGNS, SIGNALS, AND MARKINGS.

Senator Henry moved to Lay **SB 70** on the Table.

**SS 1 for SB 69** was introduced and Adopted in Lieu of the Original and brought before the Senate, under the suspension of the necessary rules on the motion of Senator Cook.

**SS1 for SB 69**- AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND, MAKING A SUPPLEMENTAL APPROPRIATION FOR SUCH PURPOSES AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. Sponsor: Sen. Cook; Rep. DiPinto; Sens. McBride, Amick, Henry, Vaughn, Cloutier; Reps. Buckworth, Fallon, Ulbrich, Schwartzkopf & Williams

Several Senators questioned the sponsor.

Roll call vote on **SS 1 for SB 69** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini - 1.

**SS 1 for SB 69** was declared passed the Senate and was sent to the House for Consideration.

Senator McBride marked present during the above roll call.

**SB 58** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 58** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD HELMET REQUIREMENTS.

**SA 1 to SB 58** was brought before the Senate for consideration on the motion of Senator Henry.

Several Senators questioned the sponsor.

Senator McBride requested personal privilege of the floor for Timothy Willard, Senate Attorney.

Several Senators questioned the witness, after which the witness was excused.

Senator Venables commented.

Senator Henry requested that **SA 1 to SB 58** be stricken. No objection.

Roll call vote on **SB 58** was taken and revealed:

YES: 15

NO: Senator(s) Adams, Bonini, Copeland, Simpson, Vaughn, Venables- 6.

**SB 58** was declared passed the Senate and sent to the House for Consideration.

Senator Bonini marked present during the above roll call.

**SENATE CONSENT CALENDAR #3** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 14** - ESTABLISHING THE DELAWARE NATIONAL GUARD AND RESERVIST HEALTH INSURANCE SUPPORT GROUP. Sponsor(s): Rep. Smith & Sen. Bunting; Reps. Spence, Buckworth, Cathcart, DiPinto, Ewing, Hocker, Hudson, Lavelle, Maier, Miro, Oberle, Roy, Wagner, Ennis, Hall-Long; Sens. Marshall, Sokola, Venables, Still, Connor, Copeland, Simpson.

**HCR 15** - ESTABLISHING THE MONTH OF MAY 2005 AS AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH. Sponsor(s): Rep. Maier & Sen. Blevins; Reps. Buckworth, Schooley, Spence, Wagner, Ennis, Hudson, Viola, Keeley, Gilligan & Sen. Henry.

**SCR 8** - PROCLAIMING THE WEEK OF APRIL 24 THROUGH APRIL 30, 2005, AS ADMINISTRATIVE PROFESSIONALS WEEK. Sponsor(s): Sen. Connor & Rep. Spence On behalf of all Senators, On behalf of all Representatives.

**SCR 10** - COMMENDING DELAWARE STATE DENTAL SOCIETY ON THE ACHIEVEMENTS OF ITS SECOND ANNUAL GIVE KIDS A SMILE PROGRAM. Sponsor(s): Sen. McBride & Rep. Spence.

**HCR 16** - COMMEMORATING THE 120TH ANNIVERSARY OF ADAS KODESCH SHEL EMETH, THE OLDEST SYNAGOGUE IN DELAWARE.

Sponsor(s): Rep. Williams & Sen. McDowell; Rep. Valihura; Sen. Copeland.

A roll call vote on the **SENATE CONSENT CALENDAR #3** was taken and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was Adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for Consideration. The House Concurrent Resolutions were returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for April 21, 2005.

On motion of Senator McDowell, the Senate recessed at 04:52 PM until April 21, 2005 at 02:30 PM.

The Senate reconvened at 02:41 PM on April 21, 2005 with Lt. Governor Carney presiding.

The Secretary announced a message from the House inform the Senate that it had passed **HCR 18**.

The following committee reports were announced:

From Health & Social Services: **SB 60** – 5 Merits.

From Public Safety: **HB 18** – 5 Merits.

From Education: **HJR 4** – 4 Merits.

At 02:43 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 20<sup>th</sup> Legislative Day.

**20<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 21, 2005**

The Senate convened at 02:43 PM with Lt Governor Carney presiding.

A prayer was offered by Senator DeLuca followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SB 63** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 63** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CIVIL PENALTIES.

**SA 1 to SB 63** was brought before the Senate for consideration on the motion of Senator Adams.

Senator Adams requested personal privilege of the floor for Ed Davis, Justice of the Peace, Sussex County.

Senator Still questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 63** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, Henry - 2.

**SA 1 to SB 63** was declared part of the bill.

**SA 2 to SB 63** was brought before the Senate for consideration on the motion of Senator Venables.

Senator Simpson questioned the sponsor.

Senator Venables requested personal privilege of the floor for Ed Davis, Justice of the Peace, Sussex County.

Senator Bunting questioned the witness, after which the witness was excused.

Roll call vote on **SA 2 to SB 63** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SA 2 to SB 63** was declared part of the bill.

Senator Bonini marked present during the above roll call.

**SB 63 w/SA 1, SA 2** was now before the Senate.

Senator Adams requested personal privilege of the floor for Ed Davis, Justice of the Peace, Sussex County.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on **SB 63 w/SA 1, SA 2** was taken and revealed:

YES: 19

NO: Senator(s) Bonini - 1.

ABSENT: Senator(s) Henry - 1.

**SB 63 w/SA 1, SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 03:14 PM.

The Senate convened at 04:34 PM with Lt. Governor Carney presiding.  
**SB 72** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 72** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA.

**SA 1 to SB 72** was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Still questioned the sponsor.

Roll call vote on **SA 1 to SB 72** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SA 1 to SB 72** was declared part of the bill.

**SB 72 w/SA 1** was before the Senate.

Several Senators questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Robin Taylor, representing Department of Education.

Senators Copeland and Amick questioned the witness.

Senator Sokola raised a point of order.

Senators Amick and Still questioned the witness.

Senator Sokola again raised a point of order.

Senators Still Marshall and Still questioned the witness.

Senator Sokola requested the witness be excused.

Senators Sokola, Copeland & Bonini commented.

Roll call vote on **SB 72 w/SA 1** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Copeland, McBride - 3.

ABSENT: Senator(s) Henry - 1.

**SB 72 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HS 1 for HB 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HS 1 for HB 2** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS.

**SA 1 to HS 1 for HB 2** was brought before the Senate for consideration on motion of Senator Sokola.

Senator Sokola moved to Lay **SA 1 to HS 1 for HB 2** on the Table. No objections.

**SA 2 to HS 1 for HB 2** was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Sokola commented.

Senators Still and Amick questioned the sponsor.

Senator Amick requested personal privilege of the floor for Senate Attorney, Richard Dillard.

Senator Sokola moved to Lay **SA 2 to HS 1 for HB 2** on the Table.

Senator Sokola moved to Lay **HS 1 for HB 2** on the Table.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List or Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/21/2005**

**April 20, 2005**

**SA 1 to HS 1 for HB 2** - Sponsor: Sen. Sokola; Senate Ready List; Senate Education; Placed with the Bill

**SA 1 to SB 70** - Sponsor: Sen. Henry; Placed with the Bill

**SA 1 to SB 72** - Sponsor: Sen. Sokola; Senate Ready List; Senate Education;  
Placed with the Bill

**SB 78** - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE QUALITY. Sponsor: Sen. Blevins; Sen. Henry, & Sen. Sorenson; Rep. Maier, & Rep. George; Sens. Amick, Connor, Copeland, Peterson, Sokola; Reps. Buckworth, Hall-Long, Hudson, Johnson, Keeley, Lavelle, McWilliams, Plant, Roy, Schooley, Spence, Viola; **Health & Social Services**.

**SB 79** - AN ACT TO AMEND SECTION 904 OF TITLE 4 OF THE DELAWARE CODE RELATING TO OFFENSES BY PERSONS UNDER THE AGE OF 21. Sponsor: Sen. McDowell; Sens. Marshall, Henry, Venables & Rep. Schwartzkopf; **Children; Youth & Families**.

**SB 82** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CONCERNING THE SEQUESTRATION OF ALTERNATE JURORS IN CAPITAL PUNISHMENT CASES. Sponsor: Sen. Vaughn; Rep. Atkins; Sens. Adams, DeLuca, & Simpson; **Judiciary**.

**SB 83** - AN ACT TO AMEND TITLES 13 AND 21 OF THE DELAWARE CODE RELATING TO CONDITIONAL OR OCCUPATIONAL LICENSES AND SUPPORT ORDERS. Sponsor: Sen. Henry; Reps. Schwartzkopf, Ulbrich; **Judiciary**.

**SB 84** - AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE TO BRING PERIODS OF PROBATION FOR FIRST OFFENDERS INTO CONFORMITY WITH SENATE BILL 50. Sponsor: Sen. Vaughn; Rep. Atkins, & Sens. DeLuca, Adams, & Simpson; **Judiciary**.

**SB 85** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS. Sponsor: Sen. Vaughn; Reps. Valihura, & Wagner; **Judiciary**.

**HB 77** - AN ACT AMENDING TITLE 29, DELAWARE CODE RELATING TO DESIGNATING THE STONEFLY (ORDER PLECOPTERA) AS THE STATE MACROINVERTEBRATE. Sponsor: Rep. Hudson; Rep. Cathcart, & Sen. McBride, Reps. Smith, Booth, Fallon, Lavelle, Miro, Van Sant, Ennis, Plant, Sens. Henry, Copeland; **Executive**.

**HB 89** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF MOTOR VEHICLES. Sponsor: Rep. Fallon; Sen. Amick; **Public Safety**.

**April 21, 2005**

**SA 1 to HCR 6** - Sponsor: Sen. Sokola; Placed with the Bill

**SA 1 to HJR 4** - Sponsor: Sen. Sokola; Placed with the Bill

**SB 81** - AN ACT TO AMEND TITLE 9 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF RELEASE OR DISCHARGE FROM ACTIVE MILITARY SERVICE (DD FORM 214). Sponsor: Sen. Bunting; Rep. Cathcart, Sens. McBride, McDowell, Peterson, Venables, Sorenson; Reps. Spence, Buckworth, Hocker, Hudson, Lavelle, Miro, Wagner, George, Hall-Long, Keeley, Schwartzkopf; **Veterans Affairs**.

**SB 86** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES. Sponsor: Sen. Vaughn; Reps. Valihura, & Wagner; **Judiciary**.

**SB 77** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CREATION OF A PRESCRIPTION DRUG REPOSITORY PROGRAM. Sponsor: Sen. Blevins; Rep. Maier, Sens. Amick, Bonini, Cloutier, Connor, McBride, Peterson, Sokola, Sorenson, Venables, Bunting, Cook, Copeland, DeLuca, Henry, McDowell, Still, Vaughn; Reps. Booth, Buckworth, Cathcart, Fallon, George, Gilligan, Hall-Long, Hudson, Keeley, Lavelle, McWilliams, Miro, Outten, Smith, Spence, Ulbrich, Valihura, Viola, Wagner, Atkins, Carey, DiPinto, Ewing, Hocker, Johnson, Lee, Lofink, Longhurst, Mulrooney, Oberle, Plant, Roy, Schooley, Schwartzkopf, Stone, Thornburg, Williams; **Health & Social Services**.



**SB 88** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE. Sponsor: Sen. DeLuca; Rep. Oberle; Sen. Vaughn; Reps. Spence, DiPinto, Lofink, Gilligan; **Judiciary**.

**SB 89** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE CIVIL AND ADMINISTRATIVE PENALTIES FOR VIOLATING CHAPTER 60. Sponsor: Sen. McBride; Sens. Simpson, Venables, Bunting, Reps. Booth, Hocker, & McWilliams; **Judiciary**.

**SB 90** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE PENALTIES FOR VIOLATING CHAPTER 60. Sponsor: Sen. McBride; Sens. Venables, Simpson, Bunting, Connor; Reps. Booth, Hocker, & McWilliams; **Judiciary**.

\* \* \*

The Secretary announced the agenda for April 26, 2005.

On motion of Senator McDowell, the Senate recessed at 05:57 PM until April 26, 2005 at 02:30 PM.

The Senate reconvened at 03:25 PM on April 26, 2005 with Lt. Governor Carney presiding.

Senator McDowell yields to Senator Henry.

Senator Henry marked present.

The following committee report was announced:

From Community/County Affairs: **SB 57** – 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 115; HB 99 w/HA 1 w/FN; HB 70; HB 91 w/HA 1; HB 85; SS1 for SB 69**.

At 03:26 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 21<sup>st</sup> Legislative Day.

**21<sup>ST</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 26, 2005**

The Senate convened at 03:26 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sorenson, Still, Vaughn, Venables - 20.

**ABSENT:** Senator(s) Sokola - 1.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Connor.

Senator Connor requested personal privilege of the floor to introduce Matt Sundeen of NCSL.

Senator Amick requested the personal privilege of the floor to introduce the members of the Newark Morning Rotary Club.

**SB 73** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 73** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY PERFORMANCE CONTRACTING ACT.

Senators Vaughn, Bonini, Bunting questioned the sponsor.

Roll call vote on **SB 73** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola - 1.

**SB 73** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 03:44 PM.

The Senate reconvened at 04:44 PM with Lt. Governor Carney presiding.

On motion of Senator Adams, the President Pro Tempore's List or Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/26/2005**

**April 21, 2005**

**SB 91** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL ASSAULTS. Sponsor: Sen. Vaughn; Rep. Valihura; **Judiciary.**

**SB 92** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BURGLARY OFFENSES. Sponsor: Sen. Vaughn; Rep. Atkins; **Judiciary.**

**April 26, 2005**

**SA 1 to SA 1 to HS 1 for HB 2** - Sponsor: Sen. Amick; Sens. Bonini, Cloutier, Connor, Copeland, Simpson, Sorenson, Still; Placed with the Bill.

**SA 1 to SB 79** - Sponsor: Sen. McDowell; Placed with the Bill.

**SB 93** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATED TO BANKING. Sponsor: Sen. DeLuca; Rep. Stone, Sens. Sorenson, Sokola, Bunting; Reps. Viola, Keeley, Fallon, Atkins, Carey, Thornburg, Valihura, Hocker; **Banking.**

**SA 1 to SB 31** - Sponsor: Sen. McBride; Placed with the Bill.

**SA 1 to SA 2 to HS 1 for HB 2** - Sponsor: Sen. Amick; Sens. Bonini, Cloutier, Connor, Copeland, Simpson, Sorenson, Still; Placed with the Bill.

**SA 2 to SA 1 to HS 1 for HB 2** - Sponsor: Sen. Amick; Sens. Bonini, Cloutier, Connor, Copeland, Simpson, Sorenson, Still; Placed with the Bill.

**HB 70** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE PLATES. Sponsor: Rep. Lavelle; Sen. Copeland; **Public Safety.**

**HB 85** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY BOARD OF ASSESSMENT. Sponsor: Rep. Wagner; Sen. Cook, & Sen. Vaughn, Reps. Buckworth, Stone, Thornburg, Ennis, Carey; **Community/County Affairs.**

**HB 91 w/HA 1** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE CAPE HENLOPEN SCHOOL DISTRICT TO CAREY COMMUNITIES, INC., AND THE TOWN OF MILTON, AND THE TRANSFER OF CERTAIN REAL PROPERTY FROM CAREY COMMUNITIES, INC. TO THE CAPE HENLOPEN SCHOOL DISTRICT. Sponsor: Rep. Carey; Sen. Simpson; **Executive.**

**HB 115** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO OFFICIAL RECORDS OF ELECTIONS IN REORGANIZED SCHOOL DISTRICTS. Sponsor: Rep. Lavelle; Rep. Valihura, & Sen. Sokola, Reps. Cathcart, Hudson, Maier, Smith, Ulbrich; Sens. Copeland, Henry, Sorenson; **Insurance & Elections.**

**SA 2 to SB 30** - Sponsor: Sen. McDowell; Placed with the Bill.

\* \* \*

The following nomination(s) assigned to the **Executive** Committee:

Dr. Patricia A. DeLeon  
28 Kimmie Court  
Bear, DE 19701

To be reappointed a Trustee of  
the University of Delaware Board  
of Trustees to serve a term to expire  
6 years from the date of Senate  
confirmation.

Anthony N. Forcina, Jr.  
3054 Acacia Street  
Wilmington, DE 19804

To be appointed Alderman for the  
City of Newark to serve a term  
commencing June 24, 2005, and  
continuing as provided by the  
Charter of the City of Newark.

Larry D. Sullivan  
9 Ricci Lane  
Newark, DE 19702

To be appointed Deputy Alderman  
for the City of Newark to serve a  
term commencing June 24, 2005,  
and continuing as provided by the  
Charter of the City of Newark.

\* \* \*

Additions to the agenda, committee and other legislative meetings were  
announced.

**HJR 7** was introduced and brought before the Senate for consideration on the  
motion of the floor manager, Senator McDowell.

**HJR 7** EXTENDING THE REPORTING DATE OF THE PHILADELPHIA  
INTERNATIONAL AIRPORT AIR TRAFFIC AND QUALITY OF LIFE ISSUES  
ACTION GROUP. Sponsors: Rep. Smith & Rep. Valihura & Sen. McDowell

Senator McDowell moved to Lay **HJR 7** on the Table. No objections

The Secretary announced the agenda for April 27, 2005.

On motion of Senator McDowell, the Senate recessed at 05:20 PM until April 27,  
2005 at 03:00 PM.

The Senate reconvened at 04:12 PM on April 27, 2005 with Lt. Governor John  
Carney presiding.

The following committee reports were announced:

From Judiciary: **SB 16** - 6 Merits; **SB 51** - 5 Merits; **SB 82** - 6 Merits; **SB 84** - 6  
Merits; **SB 85** - 6 Merits; **SB 86** - 6 Merits; **SB 88** - 1 Favorable, 4 Merits; **SB 89** - 6  
Merits; **SB 90** - 6 Merits; **SB 91** - 6 Merits; **SB 92** - 6 Merits.

From Banking: **SB 93** - 1 Favorable, 3 Merits.

From Finance: **HB 76** - 6 Merits.

From Labor & Industrial Relations: **SB 53** - 1 Favorable, 2 Merits; **SB 62** - 2  
Favorable, 1 Merit.

From Children, Youth & Families: **SB 79** - 3 Favorable, 3 Merits.

A communication from the Office of Senator Vaughn was read requesting  
Representative George be added as a co-sponsor of **SB 85** and **SB 86**.

A communication from the Office of Senator Bunting was read requesting  
Senator Connor and Representative Maier be added as co-sponsors of **SB 81**.

A communication from the Office of Senator Cloutier was read requesting she be  
added as a co-sponsor of **SCR 12**.

The Secretary announced a message from the House informing the Senate that it  
had passed **HCR 17; HCR 21; SCR 8; SCR 10; HB 104; HB 109; HJR 7; SB 13; SB  
61; SJR 1**.

**LEGISLATIVE ADVISORY #3**, from the Office of Counsel to the Governor  
were announced for the record, partially read and copies made available to the members  
upon request.

**LEGISLATIVE ADVISORY #3**, dated April 26, 2005, the Governor signed the  
following legislation on the date indicated:

**HB # 63 aab SA 1** (4/14/2005) - AN ACT TO AMEND TITLE 21 OF THE  
DELAWARE CODE RELATING TO LEARNER'S PERMITS. (Sponsors: Rep. Miro &  
Sen. Sokola; Reps. DiPinto, Ewing, Hudson, Lavelle, Lee, Lofink, Smith, Valihura,  
Wagner; Sen. Simpson) (Volume 75, Chapter 15, Laws of Delaware.)

**SS #1 for SB #69** (4/21/05) - AN ACT CREATING A PUBLIC EDUCATION  
CLASSROOM INSTRUCTION FUND, MAKING A SUPPLEMENTAL  
APPROPRIATION FOR SUCH PURPOSES AND SPECIFYING CERTAIN  
PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF  
SUCH FUNDS. (Sponsors: Sen. Cook & Rep. DiPinto; Sen. Henry, McBride, Vaughn,  
Amick, Cloutier, Adams, McDowell, DeLuca, Still, Sorenson, Blevins, Bunting, Connor,  
Copeland, Marshall, Peterson, Simpson, Sokola, Venables; Reps. Buckworth, Fallon,  
Ulbrich, Schwartzkopf, Williams, Spence, Smith, Lee, Gilligan, Van Sant, Atkins, Booth,  
Carey, Cathcart, Caulk, Ennis, Ewing, George, Hall-Long, Hocker, Hudson, Johnson,

Kelley, Lavelle, Lofink, Longhurst, Maier, McWilliams, Miro, Mulrooney, Oberle, Outten, Plant, Roy, Schooley, Stone, Thornburg, Valihura, Viola, Wagner) (Volume 75, Chapter 16, Laws of Delaware.)

\* \* \*

At 04:18 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 22<sup>nd</sup> Legislative Day.

**22<sup>ND</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 27, 2005**

The Senate convened at 04:18 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Venables followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SB 19** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 19 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE  
RELATING TO SCHOOL CONSTRUCTION.**

Senators Still and Simpson questioned the sponsor.

Senator Vaughn requested personal privilege of the floor for Tony Marchio, representing Appoquinimink School District.

Several Senators questioned the witness, after which the witness was excused.

**SA 1 to SB 19** was brought before the Senate for consideration on the motion of Senator Vaughn.

Several Senators questioned the sponsor.

Senator Peterson requested personal privilege of the floor for Jeff Clark, Senate Attorney.

Several Senators questioned the witness, after which the witness was excused.

Senator McBride commented

Senator Vaughn requested that **SA 1 to SB 19** be stricken. No objection.

Senator Bunting commented.

Senator Peterson requested personal privilege of the floor for Bob Maxwell, representing Sussex County Association Town and Delaware Association of Counties.

Several Senators questioned the witness, after which the witness was excused.

Senators McBride, Sorenson and Still commented.

Roll call vote on **SB 19** was taken and revealed:

YES: 13

NO: Senator(s) Blevins, Henry, Marshall, McBride, McDowell, Peterson, Still - 7.

ABSENT: Senator(s) Sokola - 1.

**SB 19** was declared passed the Senate and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List or Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/27/2005**

April 26, 2005

**SB 94** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Sen. Peterson; **Judiciary**.

**SJR 6** - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE REGULATION 24, SECTION 46, CONTROL OF VOC EMISSIONS AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION. Sponsor: Sen. McBride; Rep. Booth, Sens. Vaughn, Venables, Simpson, Reps. Hocker, Atkins, Carey, Caulk, Miro, Outten, Thornburg, Hall-Long, Longhurst, McWilliams, Mulrooney; **Natural Resources & Environmental Control**.

April 27, 2005

**SA 1 to SB 85** - Sponsor: Sen. Vaughn; Senate Ready List; Senate Judiciary; Placed with the Bill.

**SB 95** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO MILITARY PENSIONS AND PERSONAL INCOME TAXES. Sponsor: Sen. Bunting; Rep. Oberle, & Rep. Cathcart, Reps. Wagner, Maier, Sens. McBride, Peterson, Sokola, Connor, Copeland, Reps. Hocker, Hudson, Ennis, Lofink, George, Miro, Hall-Long; **Veterans Affairs**.

**HB 104** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FILING OF FINANCIAL DISCLOSURE REPORTS AND CERTAIN OTHER DOCUMENTS. Sponsor: Rep. Smith; Sen. Adams; **Executive**.

**HB 109** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO TRUANCY. Sponsor: Rep. Maier; Sen. Sokola, Reps. Spence, Buckworth, DiPinto, Hudson, Lavelle, Miro, Wagner, Gilligan, Schooley, Sens. Henry, Sorenson; **Judiciary**.

**SB 96** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES. Sponsor: Sen. Henry; Rep. Williams, Sen. McDowell; Reps. Plant, Keeley, Johnson; **Health & Social Services**.

**SB 97** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsor: Sen. Peterson; **Sunset**.

\* \* \*

The Secretary announced the agenda for April 28, 2005.

On motion of Senator McDowell, the Senate recessed at 05:42 PM until April 28, 2005 at 02:00 PM.

The Senate reconvened at 02:35 PM on April 28, 2005 with Senator DeLuca presiding.

Senator McDowell yields to Senator Sokola.

The following committee reports were announced:

From Executive: **HB 77** – 5 Merits; **HB 104** – 5 Merits.

From Small Business: **SB 46** – 4 Merits.

Senator DeLuca, while presiding, introduced Thomas Cloutier, son of Senator Catherine L. Cloutier, who was visiting the Chamber and seated at his side on the podium.

Senator McDowell requested the personal privilege of the floor to introduce Adam Shaffer and Leon Billings, representing the National Caucus of Environmental Legislators.

Senator McDowell requested personal privilege of the floor for Leon Billings.

The witness was excused after addressing the Senate.

**HJR 7** was Lifted from the Table and brought before the Senate for consideration, under the suspension of the necessary rules on the motion of the floor manager, Senator McDowell.

**HJR 7** EXTENDING THE REPORTING DATE OF THE PHILADELPHIA INTERNATIONAL AIRPORT AIR TRAFFIC AND QUALITY OF LIFE ISSUES ACTION GROUP.

Roll call vote on **HJR 7** was taken and revealed:

YES: 20

ABSENT: Senator(s) McBride - 1.

**HJR 7** was declared passed the Senate and returned to the House.

**HB 76** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 76** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON TAXING POWER.

Senators Still and Simpson questioned the sponsor.

Senator Cook requested personal privilege of the floor for Timothy Willard, Senate Attorney.

After addressing the Senate the witness was excused.

Senator Amick questioned the sponsor.

At 02:51 PM, Lt. Governor Carney presiding.

Senator Cook moved to Lay **HB 76** on the Table. No objections.

**SB 30** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 30** - AN ACT ESTABLISHING THE SEED SCHOLARSHIP PROGRAM AT DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

**SA 1 to SB 30** was brought before the Senate for consideration on the motion of Senator Amick.

Roll call vote on **SA 1 to SB 30** was taken and revealed:

YES: 21.

**SA 1 to SB 30** was declared part of the bill.

**SA 2 to SB 30** was brought before the Senate for consideration on the motion of Senator McDowell.

Senator Simpson questioned the sponsor.

Roll call vote on **SA 2 to SB 30** was taken and revealed:

YES: 21.

**SA 2 to SB 30** was declared part of the bill.

**SB 30 w/SA 1 & SA 2** was now before the Senate.

Senator Simpson questioned the sponsor.

Senators Henry and Simpson commented.

Senator Simpson requested personal privilege of the floor for Mike Morton, representing the Office of the Controller General.

Several Senators questioned the witness, after which the witness was excused.

Senator McDowell moved to Lay **SB 30 w/SA 1 & SA 2** on the Table. No objections.

**SB 74** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 74** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO RENEWABLE ENERGY PORTFOLIO STANDARDS.

Several Senators questioned the sponsor.

Senator McDowell requested personal privilege of the floor for Frank Murphy, Senate Attorney.

After addressing the Senate the witness was excused.

Senator McBride commented.

Senator McDowell commented.

**SA 1 to SB 74** was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 1 to SB 74** was taken and revealed:

YES: 21.

**SA 1 to SB 74** was declared part of the bill.

**SA 2 to SB 74** was brought before the Senate for consideration on the motion of Senator McDowell.

Senator Simpson questioned the sponsor.

Senator McDowell requested personal privilege of the floor for Ted Segletes, Division of Research Attorney.

Roll call vote on **SA 2 to SB 74** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, McBride, Simpson - 3.

ABSENT: Senator(s) Peterson - 1.

**SA 2 to SB 74** was declared part of the bill.

**SA 3 to SB 74** was brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 3 to SB 74** was taken and revealed:

YES: 20

ABSENT: Senator(s) Peterson - 1.

**SA 3 to SB 74** was declared part of the bill.

**SB 74 w/SA 1, SA 2 & SA 3** was now before the Senate.

Senators Simpson, McDowell, McBride and Venables commented.

Roll call vote on **SB 74 w/SA 1, SA 2 & SA 3** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, McBride, Vaughn - 3.

**SB 74 w/SA 1, SA 2, SA 3** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 76** was Lifted from Table and brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 76** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON TAXING POWER.

Senator Amick commented.

Roll call vote on **HB 76** was taken and revealed:

YES: 21.

**HB 76** was declared passed the Senate and returned to the House.

**HCR 21** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 21** - RECOGNIZING MAY 2005 AS MENTAL HEALTH AWARENESS MONTH. Sponsors: Rep. Valihura & Sens. Blevins & McDowell; Reps. Spence, Smith, Cathcart, Hocker, Hudson, Miro, Ulbrich, Wagner, Van Sant, Ennis, Hall-Long, Keeley, Schooley; Sens. Sokola, Still, Amick & Connor.

Roll call vote on **HCR 21** was taken and revealed:

YES: 21.

**HCR 21** was declared Adopted by the Senate and was returned to the House.

At 04:19 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 23<sup>rd</sup> Legislative Day.

**23<sup>RD</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 28, 2005**

The Senate convened at 4:19 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Bonini followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections

**HS 1 for HB 2** was Lifted from the Table and brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HS 1 for HB 2** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS.

**SA 3 to HS 1 for HB 2** was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Still questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Timothy Willard, Senate Attorney.

Senators Still, Copeland and Bonini questioned the witness, after which the witness was excused.

Senator Sokola requested personal privilege of the floor for Valerie Woodruff, Department of Education.

Several Senators questioned the witness, after which the witness was excused.

**SA 1 to SA 3** was brought before the Senate for consideration on the motion of Senator Amick.

Senator Amick requested that **SA 1 to SA 3** be stricken. No objection.

**SA 2 to SA 3** was brought before the Senate for consideration on the motion of Senator Amick.

Senator Amick moved to Lay **SA 2 to SA 3** on the Table. No objections.

**SA 2 to SA 3** was Lifted from the Table and brought before the Senate for Consideration on motion of Senator Amick.

Senator Amick requested personal privilege of the floor for Rich Dillard, Senate Attorney.

After addressing the Senate the witness was excused.

Several Senators commented.

Roll call vote on **SA 2 to SA 3 to HS 1 for HB 2** was taken and revealed:

YES: 10

NO: Senator(s) Adams, Blevins, Cook, DeLuca, Henry, Marshall, Peterson, Sokola, Vaughn - 9.

NOT VOTING: Senator(s) McDowell - 1.

ABSENT: Senator(s) Bunting - 1.

**SA 2 to SA 3 to HS 1 for HB 2** was declared Defeated.

Roll call vote on **SA 3 to HS 1 for HB 2** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Copeland - 2.

NOT VOTING: Senator(s) Bunting, Simpson, Still - 3.

**SA 3 to HS 1 for HB 2** was declared part of the bill.

**HS 1 for HB 2 w/SA 3** was now before the Senate.

Roll call vote on **HS 1 for HB 2 w/SA 3** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Copeland - 2.

**HS 1 for HB 2 w/SA 3** was declared passed the Senate as amended and returned to the House for Consideration.

**HCR 49** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 49** - MOURNING THE DEATH OF ONE OF DELAWARE'S MOST SUCCESSFUL ENTREPRENEURS AND ORIGINAL DEVELOPER OF DOVER INTERNATIONAL SPEEDWAY, MELVIN JOSEPH. Sponsors: Rep. Atkins & Sen. Adams; On behalf of all Representatives, On behalf of all Senators.

Roll call vote on **HCR 49** was taken and revealed:

YES: 21.

**HCR 49** was duly Adopted by the Senate and returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for May 3, 2005.

On motion of Senator McDowell, the Senate recessed at 05:24 PM until May 3, 2005 at 02:00 PM.

The Senate reconvened at 02:36 PM on May 3, 2005 with Senator DeLuca presiding.

A communication from the Office of Senator Bunting was read to the record requesting Senator Thurman Adams, Jr., be added as a co-sponsor of **SB 95**.

A communication from the Office of Senator Karen Peterson was read to the record requesting Senators David P. Sokola and Charles L. Copeland be added as co-sponsors of **SB 94**.

A communication from the Office of Senator James T. Vaughn was read to the record requesting Senator Gary F. Simpson be added as a co-sponsor of **SB 19**.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 49; HS 1 for 47 w/HA 2 & HA 3; HBE 99 w/HA 1 & HA 2; HB 56; HB 88 w/HA 2 & HA 3**.

A withdrawn of sponsorship request was read to the record from Representative Maier requesting her name be removed from **SB 30**.

At 02:39 PM Lt. Governor Carney is presiding.



At 02:39 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 24<sup>th</sup> Legislative Day.

**24<sup>TH</sup> LEGISLATIVE DAY**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MAY 03, 2005**

The Senate convened at 02:39 PM with Lt. Governor Carney presiding.  
A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables – 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

**HB 77** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 77** - AN ACT TO AMEND TITLE 29, DELAWARE CODE RELATING TO DESIGNATION THE STONEFLY (ORDER PLECOPTERA) AS THE STATE MACROINVERTEBRATE.

Senator Adams yields to Senator McBride.

Senator McBride commented.

Senator McBride requested personal privilege of the floor to introduce Eileen M. Butler, representing Delaware Nature Society and 15 students from the Independence School: Jake Kearns, Taylor Kolle, Ellen McGirr, Austin Couse, Lindsey Washall, Tanner Gore, Madeline Buckley, Nadia Kiamilev, Robyn Crisp, Anders VanWinkle, Christopher McCord, Mackenzie Lewis, Sara Morris, Michael Whetzel, Eric Staats, Elaine Maggiol and Beth Hommes

Sen. Adams presented pens to the group of students, after which the witnesses were excused.

Roll call vote on **HB 77** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola, - 1.

**HB 77** was declared passed the Senate and returned to the House.

Senators Connor and Simpson marked present during the above roll call.

Senator McDowell moved to recess for Party Caucus at 03:08 PM.

The Senate reconvened at 05:32 PM with Senator DeLuca presiding.

Lt Governor Carney presiding at 05:34 PM.

**SENATE CONSENT CALENDAR #4** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 13** - RECOGNIZING JUNE 10, 2005 AS NATIONAL NURSING ASSISTANTS' DAY AND RECOGNIZING THE VITAL ROLE THAT CERTIFIED NURSING ASSISTANTS PLAY IN PROVIDING HEALTH CARE SERVICES.

Sponsor(s): Sen. Marshall & Rep. Maier, On behalf of all Senators & on behalf of all Representatives.

**SCR 14** - COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2005. Sponsor(s) Sen. Adams & Sen. Sokola, On behalf of all Senators: Reps. Spence, & Wagner, On behalf of all Representatives.

**HCR 17** - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2005 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsor(s) Rep. Spence on behalf of all Representatives; Senator Adams, on behalf of all Senators.

**HCR 18** - CELEBRATING THE MARYLAND DEPARTMENT OF THE SONS OF UNION VETERANS OF THE CIVIL WAR'S 118TH DEPARTMENT ENCAMPMENT, BEING HELD ON APRIL 23RD, 2005, IN CLAYMONT, DELAWARE. Sponsor(s): Rep. Smith & Rep. McWilliams & Sen. Copeland.

**HCR 24** - COMMEMORATING MAY 1-7, 2005 AS NATIONAL CHARTER SCHOOLS WEEK. Sponsor(s): Rep. Roy & Sen. Sokola.

A roll call vote was taken on **SENATE CONSENT CALENDAR #4** and revealed 17 Senators voting YES; 4 ABSENT: Senator(s) Blevins, Peterson, Sokola, Venables; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for Consideration and the House Resolutions were returned to the House.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for May 4, 2005.

A communication from the Division of Research, Deborah Porter was read in the record and a copy is in the file for this Legislative Day.

On motion of Senator McDowell, the Senate recessed at 05:41 PM until May 4, 2005 at 03:00 PM.

The Senate reconvened at 03:39 PM on May 4, 2005 with Lt. Governor Carney presiding.

Senator Sokola was marked present.

The following committee reports were announced:

From Agriculture: **SB 102** - 2F, 2M.

From Executive: **HB 79 w/HA 1** – 6 Merits; **HB 91 w/HA 1** – 6 Merits; **SB 104** – 5 Favorable, 1 Merit; **Anthony N. Forcina** – 1 Favorable, 5 Merits; **Larry D. Sullivan** – 1 Favorable, 5 Merits; **John V. Flynn** – 1 Favorable, 5 Merits; **Patricia A. DeLeon** – 1 Favorable, 5 Merits; **Barbara B. Rutt** – 6 Merits; **Cathleen M. Hutchison** – 2 Favorable, 4 Merits.

From Veterans Affairs: **SB 81** – 3 Favorable, 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 100 w/HA 1 & HA 2; HB 142; HB 123 w/HA 1; HCR 24; HSI for HB 2 w/SA 3.**

At 03:43PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 25<sup>th</sup> Legislative Day.

**25<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 04, 2005**

The Senate convened at 03:43 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Venables followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

On motion of Senator Adams and without objection, the following nominations from the Governor were considered.

**Cathleen Hutchison:** 20 Senator(s) voting YES, 1 (Amick) ABSENT. Appointment was declared CONFIRMED.

Senators Blevins, Cloutier, Connor and Copeland were marked present during the above roll call.

**Barbara Rutt:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Amick marked present during the above roll call.

**HB 32 w/SA 1, SA 2 & HA 1** was Lifted from the Table and brought before the Senate for Consideration on motion of the floor manager, Senator Adams.

**HB 32 w/SA 1, SA 2 & HA1** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE.

**SA 3 to HB 32** was brought before the Senate for consideration on the motion of Senator Venables.

Several Senators commented and questioned the floor manager.

Senator DeLuca raised a point of order.

Roll call vote on **SA 3 to HB 32** was taken and revealed:

YES: 8  
 NO: Senator(s) Adams, Amick, Bonini, Connor, Cook, Copeland, DeLuca, Marshall, McBride, Peterson, Sokola, Still, Vaughn - 13.  
SA 3 to HB 32 was declared Defeated.  
HB 32 w/SA 1, SA 2 & HA 1 was now before the Senate.  
 Roll call vote on HB 32 w/SA 1, SA 2 & HA 1 was taken and revealed:  
 YES: 17  
 NO: Senator(s) Henry, Marshall, McDowell, Simpson - 4.  
HB 32 w/SA 1, SA 2 & HA 1 was declared passed the Senate and returned to the House.  
SB 88 was brought before the Senate for consideration on the motion of Senator DeLuca.  
SB 88 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE.  
 Senator DeLuca requested that SB 88 be stricken. No objection.  
SB 93 was brought before the Senate for consideration on the motion of Senator DeLuca.  
SB 93 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATED TO BANKING.  
 Senator McBride questioned the sponsor.  
 Roll call vote on SB 93 was taken and revealed:  
 YES: 21.  
SB 93 was declared passed the Senate and sent to the House for Consideration.  
SB 46 was brought before the Senate for consideration on the motion of Senator Venables.  
SB 46 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING.  
 Senator Venables requested personal privilege of the floor to have a letter from Brandywine Hundred Rod & Gun Club read to the record. A copy is in the file for this Legislative Day.  
 Senators Sokola and Sorenson questioned the sponsor.  
SA 1 to SB 46 was brought before the Senate for consideration on the motion of Senator Venables.  
 Roll call vote on SA 1 to SB 46 was taken and revealed:  
 YES: 16  
 NO: Senator(s) Henry, Peterson, Sokola - 3.  
 NOT VOTING: Senator(s) McDowell, Sorenson - 2.  
SA 1 to SB 46 was declared part of the bill.  
SB 46 w/SA 1 was now before the Senate.  
 Roll call vote on SB 46 w/SA 1 was taken and revealed:  
 YES: 16  
 NO: Senator(s) Henry, McDowell, Peterson, Sokola, Sorenson - 5.  
SB 46 w/SA 1 was declared passed the Senate as amended and sent to the House for Consideration.  
SB 57 was brought before the Senate for consideration on the motion of Senator Bunting.  
SB 57 - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DAGSBORO" RELATING TO VACANCIES AND FORFEITURE OF OFFICE.  
 Senator Peterson questioned the sponsor.  
 Senator Bunting requested personal privilege of the floor for Timothy Willard, Senate Attorney.  
 After addressing the Senate the witness was excused.  
 Senator Bunting moved to Lay SB 57 on the Table. No objections.  
SB 82 was brought before the Senate for consideration on the motion of Senator Vaughn.  
SB 82 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE CONCERNING THE SEQUESTRATION OF ALTERNATE JURORS IN CAPITAL PUNISHMENT CASES.  
 Roll call vote on SB 82 was taken and revealed:  
 YES: 21.

**SB 82** was declared passed the Senate and sent to the House for Consideration.  
**SB 84** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 84** - AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE TO BRING PERIODS OF PROBATION FOR FIRST OFFENDERS INTO CONFORMITY WITH SENATE BILL 50.

**SA 1 to SB 84** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 84** was taken and revealed:

YES: 21.

**SA 1 to SB 84** was declared part of the bill.

**SA 2 to SB 84** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 2 to SB 84** was taken and revealed:

YES: 21.

**SA 2 to SB 84** was declared part of the bill.

**SB 84 w/SA 1 & SA 2** was now before the Senate.

Roll call vote on **SB 84 w/SA 1 & SA 2** was taken and revealed:

YES: 21.

**SB 84 w/SA 1 & SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 85** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 85** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY PARTNERSHIPS.

**SA 1 to SB 85** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 85** was taken and revealed:

YES: 21.

**SA 1 to SB 85** was declared part of the bill.

**SB 85 w/SA 1** was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Frank Murphy, Senate Attorney.

Senators Bunting and Sokola questioned the witness, after which the witness was excused.

Roll call vote on **SB 85 w/SA 1** was taken and revealed:

YES: 21.

**SB 85 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 86** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 86** - AN ACT TO AMEND CHAPTER 18, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED LIABILITY COMPANIES AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED LIABILITY COMPANIES.

Senator Vaughn requested personal privilege of the floor for Frank Murphy, Senate Attorney.

After addressing the Senate the witness was excused.

Roll call vote on **SB 86** was taken and revealed:

YES: 21.

**SB 86** was declared passed the Senate and sent to the House for Consideration.

**SB 60** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 60** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO ESTABLISH A STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM TO PREVENT AIDS AND OTHER DISEASES.

Roll call vote on **SB 60** was taken and revealed:

YES: 16

NO: Senator(s) Adams, Bonini, Bunting, Vaughn - 4.

NOT VOTING: Senator(s) Simpson - 1.

**SB 60** was declared passed the Senate and sent to the House for Consideration. Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for May 5, 2005

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/4/2005**

**April 28, 2005**

**SA 1 to SB 62** - Sponsor: Sen. Peterson; Placed with the Bill

**SA 1 to SB 46** - Sponsor: Sen. Venables; Sen. Still; Placed with the Bill

**SA 1 to SB 84** - Sponsor: Sen. Vaughn; Placed with the Bill

**SA 3 to SB 30** - Sponsor: Sen. McDowell; Placed with the Bill

**April 29, 2005**

**SB 87** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO GRAFFITI AND GRAFFITI IMPLEMENTS. Sponsor: Sen. Blevins; Rep. Hudson, Sens. Connor, Marshall, Peterson, Sokola, Henry; Reps. Gilligan, Lavelle, Maier, Miro, Valihura; **Judiciary.**

**SB 98** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT AND LEGAL NOTICES. Sponsor: Sen. Cook; Rep. Roy, Sen. McBride; **Finance.**

**SB 99** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL BACKGROUND CHECKS FOR PUBLIC AND PRIVATE SCHOOL EMPLOYEES. Sponsor: Sen. Blevins; Rep. Wagner; **Judiciary.**

**SB 100** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY COUNCILMANIC DISTRICTS. Sponsor: Sen. Simpson; Sens. Blevins, Bonini, Bunting, Connor, Peterson; Reps. Booth, Carey, DiPinto, Fallon, Hocker, Schwartzkopf, Spence; **Executive.**

**SB 101** - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY FACILITY RELOCATIONS THAT ARE NON-REVENUE PRODUCING. Sponsor: Sen. DeLuca; Rep. Smith; **Highways & Transportation.**

**May 3, 2005**

**SA 4 to SB 30** - Sponsor: Sen. McDowell; Placed with the Bill

**SB 102** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE NANTICOKE INDIAN ASSOCIATION. Sponsor: Sen. Bunting; Rep. Atkins; **Agriculture.**

**SB 103** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES. Sponsor: Sen. Connor; Rep. Lavelle; Sens. Henry, Peterson, Sokola, Sorenson; Reps. Carey, Ennis, Hall-Long, Hocker, Hudson, Keeley, Van Sant; **Finance.**

**SB 104** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE MUTUAL ASSISTANCE ACT. Sponsor: Sen. Adams; Rep. Ewing; Sens. Blevins, Bunting, Connor, Henry, McDowell, Peterson, Simpson, Still; Reps. Booth, Buckworth, Carey, Ennis, Gilligan, Oberle, Schwartzkopf, Spence, Williams; **Executive.**

**SB 105** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsor: Sen. Henry; Rep. Keeley; Sens. Marshall, McDowell, & Connor; Reps. Plant, Viola, & Schooley; **Finance.**

**HB 56** - AN ACT TO AMEND CHAPTER 23, VOLUME 72, LAWS OF DELAWARE, AND TITLE 30 OF THE DELAWARE CODE RELATING TO CREDIT FOR RESEARCH AND DEVELOPMENT EXPENSES. Sponsor: Rep. Hudson; Sen. DeLuca; Reps. Spence, Smith, DiPinto, Lavelle, Miro, Oberle, Roy, Valihura, Keeley, Johnson, Hall-Long, Ennis, Williams, Van Sant, McWilliams, Viola, Schwartzkopf, Schooley, Mulrooney, Gilligan, Longhurst; Sens. Adams, Copeland; **Finance**.

**HB 88 w/HA 2, HA 3** - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO STATE POLICE. Sponsor: Rep. Buckworth; Rep. Wagner, & Sen. Vaughn, Rep. Schwartzkopf, Sens. Still, Bonini, Rep. Thornburg; **Judiciary**.

**HB 99 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO LINE OF DUTY DEATH BENEFITS. Sponsor: Rep. Hudson; Sen. Cook, Reps. Atkins, Booth, Buckworth, Carey, Cathcart, DiPinto, Ennis, Ewing, Fallon, George, Gilligan, Hall-Long, Hocker, Johnson, Keeley, Lavelle, Lee, Lofink, Longhurst, Maier, McWilliams, Miro, Mulrooney, Oberle, Outten, Plant, Roy, Schooley, Schwartzkopf, Smith, Spence, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, Williams; Sens. Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables; **Finance**.

**HS 1 for HB 47 w/HA 2, HA 3** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CURRICULUM STANDARDS AND THE POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION. Sponsor: Rep. Ulbrich; Sen. Sokola; **Education**.

**May 4, 2005**

**SA 2 to SB 84** - Sponsor: Sen. Vaughn; Placed with the Bill

**SB 106** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL ELECTIONS. Sponsor: Sen. Blevins; Rep. Smith; **Insurance & Elections**.

**HB 100 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE CONCERNING CAMERA ENFORCEMENT OF TRAFFIC LIGHT SIGNALS. Sponsor: Rep. Keeley; Rep. Wagner, Sen. Henry; **Public Safety**.

**HB 123 w/HA 1** - AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE; FINES, COSTS, PENALTIES AND FORFEITURES AND THE RELEASE OF PERSONS ACCUSED OF CRIMES IN JUSTICE OF THE PEACE, COURT OF COMMON PLEAS AND THE SUPERIOR COURT. Sponsor: Rep. Wagner; Sen. Henry, Reps. Buckworth, DiPinto, Hudson, Ennis, Keeley; **Judiciary**.

**HB 142** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL DISTRICT ENROLLMENT CHOICE PROGRAM. Sponsor: Rep. Ulbrich; Sen. Sokola; **Education**.

**SA 1 to SB 48** - Sponsor: Sen. Sorenson; Placed with the Bill

**SA 1 to SB 52** - Sponsor: Sen. Sokola; Placed with the Bill

**SB 107** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE PARTIES CHARGED WITH VIOLATIONS OF THE LIQUOR CONTROL ACT. Sponsor: Sen. DeLuca; Rep. Oberle; **Judiciary**.

\* \* \*

On motion of Senator McDowell, the Senate recessed at 05:05 PM until May 5, 2005 at 02:30 PM.

The Senate reconvened at 03:15 PM on May 5, 2005 with Lt. Governor Carney presiding.

**LEGISLATIVE ADVISORIES #4**, from the Office of Counsel to the Governor were announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #4**, dated May 5, 2005, the Governor signed the following legislation on the date indicated:

**SB #18 aab SA 1** (4/26/05) - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DELAWARE PRESCRIPTION DRUG

PAYMENT PROGRAM. (Sponsors: Sen. McBride & Sen. Blevins; Rep. DiPinto & Rep. Maier; Reps. Hudson, Hall-Long) (Volume 75, Chapter 17, Laws of Delaware.)

**HB #22** (4/26/05) - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROCEDURES FOR TERMINATION OF SERVICES OF PROFESSIONALS. (Sponsors: Rep. Schwartzkopf & Sen. Bunting) (Volume 75, Chapter 18, Laws of Delaware.)

**SS #1 for SB 25 aab SA 1** (4/27/05) - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS. (Sponsors: Sen. Cook & Rep. Hudson; Sens. Adams & Simpson; Reps. Smith, DiPinto, Gilligan) (Volume 75, Chapter 19, Laws of Delaware.)

**HB #17** (5/4/05) - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVE REGULATIONS FOR EXEMPT POSITIONS. (Sponsors: Rep. Ennis & Rep. Wager & Sen. Vaughn; Reps. Ewing, Lee, Schwartzkopf, Vansant, Williams) (Volume 75, Chapter 20, Laws of Delaware.)

**HB #76** (5/4/05) - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON TAXING POWER. (Sponsors: Rep. Stone & Sen. Cook; Reps. Buckworth, Ennis, Outten, Thornburg, Wagner; Sens. Bonini, Still) (Volume 75, Chapter 21, Laws of Delaware.)

**HJR #7** (5/4/05)- EXTENDING THE REPORTING DATE OF THE PHILADELPHIA INTERNATIONAL AIRPORT AIR TRAFFIC AND QUALITY OF LIFE ISSUES ACTION GROUP. (Sponsors: Rep. Smith & Rep. Valihura & Sen. McDowell)

\* \* \*

The following committee reports were announced:

From Sunset: **SB 40** -3 Merits.

From Community/County Affairs: **SB 75** - 3 Merits; **HB 65** - 3 Merits; **HB 85** - 3 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 23; SCR 13; SCR 14**.

At 03:16 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 26<sup>th</sup> Legislative Day.

**26<sup>TH</sup> LEGISLATIVE DAY**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MAY 05, 2005**

The Senate convened at 3:16 PM with Lt Governor Carney presiding.  
A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

On motion of Senator Adams and without objection, the following nominations from the Governor were considered.

**John Flynn:** 19 Senator(s) voting YES, (Connor, Henry) 2 ABSENT.

Appointment was declared CONFIRMED.

Senators Blevins and McBride marked present during the above roll call.

**Patricia DeLeon:** 20 Senator(s) voting YES, (Henry) ABSENT. Appointment was declared CONFIRMED.

Senator Connor marked present during the above roll call.

**Anthony Forcina:** 20 Senator(s) voting YES, (Henry) ABSENT. Appointment was declared CONFIRMED.

**Larry Sullivan:** 20 Senator(s) voting YES, (Henry) ABSENT. Appointment was declared CONFIRMED.

Senator McDowell yields to Senator Marshall.

Senator Marshall requested the personal privilege of the floor to explain the Gore Award.

Senator Marshall requested personal privilege of the floor for Patrick Carter, Richard Cordrey, Tom Cook and others from the Division of Finance to come forward and accept a tribute from the Senate on winning the Gore Award.

Lt. Governor Carney commented.

Mr. Carter and Mr. Cordrey commented, after which the witnesses were excused.

**SB 102** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 102** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE NANTICOKE INDIAN ASSOCIATION.

Senator Bunting requested the hand out be read in its entirety. A copy is in the file for this Legislative Day.

Senator McDowell requested personal privilege of the floor regarding Timothy Willard, Senate Attorney.

Senators McDowell and Bunting questioned the witness, after which the witness was excused.

Senators Simpson and DeLuca commented.

Roll call vote on **SB 102** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SB 102** was declared passed the Senate and sent to the House for Consideration.

**SB 81** was brought before the Senate for consideration on the motion of Senator Bunting.

**SB 81** - AN ACT TO AMEND TITLE 9 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF RELEASE OR DISCHARGE FROM ACTIVE MILITARY SERVICE (DD FORM 214).

**SA 1 to SB 81** was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to SB 81** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SA 1 to SB 81** was declared part of the bill.

**SB 81 w/SA 1** was now before the Senate.

Senators McDowell and Simpson commented.

Roll call vote on **SB 81 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

**SB 81 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 91** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 91** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL ASSAULTS.

Senator Vaughn requested personal privilege of the floor Paul Wallace, Deputy Attorney General. The witness was excused after addressing the Senate.

Senator McDowell requested personal privilege of the floor for Paul Wallace, Deputy Attorney General. After addressing the Senate the witness was excused.

Roll call vote on **SB 91** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Peterson - 2.

**SB 91** was declared passed the Senate and sent to the House for Consideration.

**SB 92** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 92** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BURGLARY OFFENSES.

**SA 1 to SB 92** was brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 1 to SB 92** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Marshall - 2.



SA 1 to SB 92 was declared part of the bill.

SB 92 w/SA 1 was now before the Senate.

Senator Vaughn requested personal privilege of the floor for Paul Wallace,  
Deputy Attorney General.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on SB 92 w/SA 1 was taken and revealed:

YES: 9

NO: Senator(s) Blevins, Bonini, Cloutier, Connor, Copeland, McBride,

McDowell, Peterson, Simpson, Sokola, Venables - 11.

ABSENT: Senator(s) Henry - 1.

SB 92 w/SA 1 was declared Defeated.

SB 89 was brought before the Senate for consideration on the motion of Senator  
McBride.

SB 89 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE  
RELATING TO THE CIVIL AND ADMINISTRATIVE PENALTIES FOR  
VIOLATING CHAPTER 60.

SA 1 to SB 89 was brought before the Senate for consideration on the motion of  
Senator McBride.

Roll call vote on SA 1 to SB 89 was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SA 1 to SB 89 was declared part of the bill.

SB 89 w/SA 1 was now before the Senate.

Senator Venables questions the sponsor.

Senator McBride requested personal privilege of the floor for David Small,  
Natural Resources & Environmental Control.

Several Senators questioned the witness.

Senator Connor requested to be added as a co-sponsor.

The witness was excused.

Senator Cloutier request be added as a co-sponsor.

Roll call vote on SB 89 w/SA 1 was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 89 w/SA 1 was declared passed the Senate as amended and sent to the House  
for Consideration.

SB 90 was brought before the Senate for consideration on the motion of Senator  
McBride.

SB 90 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE  
RELATING TO THE PENALTIES FOR VIOLATING CHAPTER 60.

Senator McBride requested personal privilege of the floor David Small,  
representing Natural Resources & Environmental Control.

Senators Peterson and Copeland questioned the witness, after which the witness  
was excused.

Senator Still requested to be added as a co-sponsor.

Roll call vote on SB 90 was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry - 1.

SB 90 was declared passed the Senate and sent to the House for Consideration.

SCR 12 was introduced and brought before the Senate for consideration on the  
motion of Senator Venables.

SCR 12 - ESTABLISHING A TASK FORCE TO EXAMINE HOW TO  
IMPLEMENT A "SHORT-FORM" ADVANCED HEALTH CARE DIRECTIVE TO BE  
ASSOCIATED WITH A NOTATION ON DELAWARE DRIVER LICENSES AND  
NON-DRIVER IDENTIFICATION CARDS. Sponsor: Sen. Venables & Rep. Ewing;  
Sens. Sokola, Sorenson; Reps. Buckworth, DiPinto, Maier and Keeley

Senator Amick commented.

Roll call vote on SCR 12 was taken and revealed:

YES: 18

NOT VOTING: Senator(s) Still - 1.

ABSENT: Senator(s) Bonini, Henry - 2.

SCR 12 was declared Adopted by the Senate and sent to the House for  
Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/5/2005**

**May 4, 2005**

**SB 108** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO CERTAIN BUSINESS LICENSE FEES. Sponsor: Sen. Cook; Rep. Hudson; **Finance**.

**May 5, 2005**

**SA 1 to SB 97** - Sponsor: Sen. Peterson; Placed with the Bill

**SB 109** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE CLEAN CREDIT AND IDENTITY THEFT PROTECTION ACT. Sponsor: Sen. Venables; **Small Business**.

**SB 110** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsor: Sen. DeLuca; Rep. Schwartzkopf; **Judiciary**.

**SB 111** - AN ACT TO AMEND CHAPTER 28, TITLE 24 OF THE DELAWARE CODE RELATING TO THE POWERS OF THE COUNCIL OF THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS. Sponsor: Sen. McBride; Sens. DeLuca, Simpson; Reps. Oberle, Viola, Wagner, Booth; **Sunset**.

**SB 112** - AN ACT TO AMEND CHAPTER 79, TITLE 7, OF THE DELAWARE CODE, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AS IT ADOPTS THE UNIFORM ENVIRONMENTAL COVENANTS ACT. THIS ACT WILL MAKE THESE COVENANTS ENFORCEABLE OVER THE LONG TERM AND BE ENFORCEABLE AGAINST SUCCESSIVE OWNERS OF THE PROPERTY AND AGAINST PARTIES LIABLE FOR MAINTAINING INSTITUTIONAL CONTROL OF THE PROPERTY. Sponsor: Sen. McBride; Reps. Valihura, & Wagner, Sen. Sokola; Reps. Longhurst, McWilliams, Mulrooney, & Hall-Long; **Natural Resources & Environmental Control**.

**SB 113** - AN ACT TO AMEND TITLE 7, CHAPTER 60 OF THE DELAWARE CODE RELATING TO THE CLEAN AIR ACT TITLE V OPERATING PERMIT PROGRAM. Sponsor: Sen. McBride; Rep. Booth, Sens. Venables, & Simpson; Reps. Carey, McWilliams, Hall-Long; **Natural Resources & Environmental Control**.

**SB 114** - AN ACT MAKING A ONE TIME SUPPLEMENTAL GENERAL FUND APPROPRIATION OF TEN MILLION DOLLARS TO THE OFFICE OF THE BUDGET FOR THE CREATION OF A FEDERAL CONTINGENCY FUND. Sponsor: Sen. Cook; Rep. DiPinto, Sens. Adams, McDowell, DeLuca, Still, Sorenson, Reps. Spence, Smith, Lee, Gilligan, Van Sant; **Finance**.

**SB 115** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATED TO STATE TAXES ON NONRESIDENTS. Sponsor: Sen. DeLuca; Rep. Oberle; **Revenue & Taxation**.

\* \* \*

The Secretary announced the agenda for May 10, 2005.

On motion of Senator McDowell, the Senate recessed at 05:47 PM until May 10, 2005 at 02:30 PM.

The Senate reconvened at 02:44 PM on May 10, 2005 with Lt. Governor Carney presiding.

Senator Henry marked present.

The following committee reports were announced:

From Health & Social Services: **SB 96** – 4 Merits; **SB 78** – 4 Merits.

A communication from the Office of Senator Cloutier was read to the record requesting she be added as a co-sponsor of **SB 105**.

A communication from the Office of Senator Bonini was read to the record requesting he be added as a co-sponsor of **SB 105**.

A communication from the Office of Senator Copeland was read to the record requesting he be added as a co-sponsor of **SB 105**.

At 02:46 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 27<sup>th</sup> Legislative Day.

**27<sup>TH</sup> LEGISLATIVE DAY  
143RD GENERAL ASSEMBLY  
FIRST SESSION  
MAY 10, 2005**

The Senate convened at 2:46 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator DeLuca followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Adams.

**SB 104** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 104 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE MUTUAL ASSISTANCE ACT.**

Senator Adams requested personal privilege of the floor for Chief Kevin McDerby, representing Delaware Public Chiefs Council.

Senators Still and Simpson questioned the witness, after which the witness was excused.

Roll call vote on **SB 104** was taken and revealed:

YES: 21.

**SB 104** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator Cook.

Senator Cook requested personal privilege of the floor to introduce Richard L. Carter, representing PolyTech High School. A Senate tribute was read in its entirety and presented to Mr. Carter. A copy of the tribute is in the file for this Legislative Day. Mr. Carter addressed the Senate, after which he was excused.

Senator McDowell yields to Senator Adams.

Senator Adams requested personal privilege of the floor for Dr. Dale Derrickson, Jennifer Crouse, Delaware BPA President, Aaron Kinnari, Delaware DECA President, John Reynolds, Delaware FCCLA Parliamentarian, Christina Gallant, Delaware FFA State President, Lauren Comegys, Delaware Skills USA Treasurer and Jennifer Chan, Delaware TSA President. They each addressed the Senate and presented the Senators with geraniums.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 26; HCR 20**.

**HCR 20** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 20- EXTENDING SINCERE THANKS TO THE CAREER AND TECHNICAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE PRESENTATION OF THE BEAUTIFUL GERANIUMS AND EXTENDING BEST WISHES FOR MUCH SUCCESS TO EACH OF THESE EXEMPLARY STUDENTS.**  
Sponsors: Rep. Spence & Rep. Smith & Rep. Lee & Rep. Gilligan & Rep. Van Sant, On behalf of all Representatives; Sen. Adams; Sen. McDowell & Sen. DeLuca & Sen. Still & Sen. Sorenson, On behalf of all Senators.

Roll call vote on **HCR 20** was taken and revealed:

YES: 21.

**HCR 20** was declared Adopted by the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 03:16 PM.

The Senate reconvened at 04:51 PM with Senator DeLuca presiding.

**HB 79 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 79 w/HA 1** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE TO PROVIDE FOR REAL PROPERTY ELECTRONIC RECORDING.

Roll call vote on **HB 79 w/HA 1** was taken and revealed:

YES: 21.

**HB 79 w/HA 1** was declared passed the Senate and returned to the House.

At 04:54 PM Lt. Governor Carney presiding.

**HB 91 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HB 91 w/HA 1** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE CAPE HENLOPEN SCHOOL DISTRICT TO CAREY COMMUNITIES, INC., AND THE TOWN OF MILTON, AND THE TRANSFER OF CERTAIN REAL PROPERTY FROM CAREY COMMUNITIES, INC. TO THE CAPE HENLOPEN SCHOOL DISTRICT.

**HB 91** Majority vote requirement (3/4) ruling of the Chair.

Roll call vote on **HB 91 w/HA 1** was taken and revealed:

YES: 21.

**HB 91 w/HA 1** was declared passed the Senate and returned to the House.

Senator McDowell yields to Senator Sokola.

Senator Sokola requested the personal privilege of the floor to introduce his parents who were seated in the chamber.

**SS 1 for SB 30** was introduced and adopted in lieu of Original, under the suspension of the necessary rules and brought before the Senate for consideration on the motion of Senator McDowell.

**SS 1 for SB 30** - AN ACT ESTABLISHING THE SEED SCHOLARSHIP PROGRAM AT DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

Several Senators questioned the sponsor.

Senator Simpson requested personal privilege of the floor for Michael Morton, representing Controller General's Office.

Senators Simpson and Bonini questioned the witness, after which the witness was excused.

Several Senators questioned the sponsor.

**SA 1 to SS 1 for SB 30** was brought before the Senator for Consideration.

Roll call vote on **SA 1 to SS 1 for SB 30** was taken and revealed:

YES: 19

NO: Senator(s) McBride, Vaughn - 2.

**SA 1 to SS 1 for SB 30** was declared part of the bill.

**SS 1 for SB 30 w/SA 1** was now before the Senate.

Roll call vote on **SS 1 for SB 30 w/SA 1** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Copeland - 2.

**SS 1 for SB 30 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Additions to the agenda, committee and other legislative meetings were announced.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/10/2005**

**May 05, 2005**

**SB 116** - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DELAWARE HARNESS RACING COMMISSION AND THE

DELAWARE THOROUGHBRED RACING COMMISSION. Sponsor: Sen. Marshall; Reps. Hudson, & Gilligan; **Executive**.

**SB 117** - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES. Sponsor: Sen. Sokola; Reps. Smith, & Valihura; **Public Safety**.

**SS 1 for SB 110** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsor: Sen. DeLuca; Rep. Miro, & Rep. Schwartzkopf, & Rep. Spence; Adopted in Lieu of the Original. **Judiciary**.

**SB 118** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PERSONS DIAGNOSED WITH MENTAL RETARDATION AND OTHER SPECIFIC DEVELOPMENTAL DISABILITIES. Sponsor: Sen. Blevins; Rep. Maier; **Health & Social Services**.

**SB 119** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsor: Sen. Blevins; Rep. Maier; **Children Youth & Families**.

**SA 1 to SB 77** - Sponsor: Sen. Blevins; Placed with the Bill

**SA 1 to SB 96** - Sponsor: Sen. Henry; Senate Ready List; Senate Health & Social Services; Placed with the Bill

**SB 120** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF STATE SERVICE CENTERS. Sponsor: Sen. Blevins; Rep. Ulbrich; **Health & Social Services**.

**SB 121** - AN ACT TO ESTABLISH A FORESTLAND PRESERVATION PROGRAM. Sponsor: Sen. Bunting; Rep. Thornburg; Sens. Blevins, Sokola, Cook, Adams, DeLuca, Simpson; Rep. Ennis, Valihura, Fallon, Hall-Long, Schwartzkopf, Schooley, Booth; **Agriculture**.

**SB 122** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED. Sponsor: Sen. Bunting; Rep. Hocker; **Community/County Affairs**.

**HB 96** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTORCYCLES. Sponsor: Rep. Ennis; Sen. Adams, & Sen. Venables, Reps. Atkins, Carey, Ewing, Fallon, Hall-Long, Hocker, Keeley, Longhurst, Mulrooney, Outten, Spence, Van Sant, Wagner, Williams; **Public Safety**.

**HB 138** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES. Sponsor: Rep. Viola; Sen. DeLuca; **Banking**.

**HB 150** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. Sponsor: Rep. Valihura; Sen. Vaughn, & Rep. Wagner; **Judiciary**.

**HB 151** - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. Sponsor: Rep. Valihura; Sen. Vaughn, & Rep. Wagner; **Judiciary**.

**HB 152** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DISHONORED CHECKS, DRAFTS OR ORDERS. Sponsor: Rep. Miro; Sen. DeLuca, Reps. Buckworth, Carey, Hocker, Lavelle, Roy, Stone, Valihura, Mulrooney, Viola; Sen. Peterson; **Judiciary**.

\* \* \*

The following nomination(s) assigned to the **Executive** Committee:

The Honorable Robert A. Armstrong  
6 Granbury Drive  
New Castle, DE 19720

To be reappointed Justice of  
of the Peace in and for New  
Castle County to serve a term  
to expire 6 years from the  
date of swearing in.

The Honorable Rosalind Toulson  
420 North Spruce Street  
Wilmington, DE 19801

Vernon D. Giuttari  
2776 Bowers Beach Road  
Frederica, DE 19946

Lee J. Beetschen  
73 Pleasanton Drive  
Dover, DE 19901

Manubhai C. Karia  
54 Merion Road  
Dover, De 19904

John F. Schmutz  
107 Rockwood Road  
Wilmington, DE 19809

Brenda C. Phillips  
308 N. West Street  
Wilmington, DE 19801

Paul R. Houck  
116 Berry Drive  
Crossan Pointe  
Wilmington, DE 19808

To be reappointed Justice of the Peace in and for New Castle County to serve a term to expire 6 years from the date of swearing.

To be appointed a member of the Advisory Council on Tidal Finfisheries to serve a term to expire 5 years from the date of Senate confirmation.

To be reappointed a member of the Wastewater Facilities Advisory Council to serve a term to expire 3 years from the date of Senate confirmation.

To be reappointed a member of the Wastewater Facilities Advisory Council to serve a term to expire 3 years from the date of Senate confirmation.

To be reappointed a member of the Merit Employee Relations board to serve a term to expire 3 years from the date of Senate confirmation.

To be reappointed Chair of the Merit Employee Relations Board to serve a term to expire 3 years from the date of Senate confirmation.

To be reappointed a member of the Merit Employee Relations Board to serve a term to expire 3 years from the date of Senate confirmation.

\* \* \*

The Secretary announced the agenda for May 11, 2005.

On motion of Senator McDowell, the Senate recessed at 06:06 PM until May 11, 2005 at 03:30 PM.

The Senate reconvened at 03:53 PM, on May 11, 2005 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 137; HB 148; HS 2 for HB 2; HB 24 w/HA 2; SB 72 w/SA 1; HB 139; HB 140; HB 157; HB 144; HB 92; SB 56.**

The following committee reports were announced:

From Banking: **HB 138** - 5 Merits.

From Finance: **SB 108** - 4 Merits; **SB 114** - 4 Merits; **HB 56** - 4 Merits; **HB 99 w/HA 1 & HA 2** - 4 Merits.

From Judiciary: **SB 87** – 4 Merits; **SB 107** – 5 Merits; **HB 150** – 5 Merits; **HB 151** – 5 Merits; **SS1 for SB 110** – 5 Merits.

From Natural Resources & Environmental Control: **SB 112** – 3 Merits; **SB 113** – 3 Merits; **SJR 6** – 3 Merits.

From Community/County Affairs: **SB 122** – 3 Merits; **HB 157** – 3 Merits.

A communication from the Office of Senator Blevins was read requesting Representative Terry R. Spence be added as a co-sponsor of **SB 87**.

A communication from the Office of Senator Sokola was read requesting he be added as a co-sponsor of **SB 109**.

A withdrawn of sponsorship request was read from Representative Ulbrich requesting her name be removed from **SB 30**.

At 03:58 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 28<sup>th</sup> Legislative Day.

**28<sup>TH</sup> LEGISLATIVE DAY**  
**143<sup>RD</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MAY 11, 2005**

The Senate convened at 03:58 PM with Lt Governor Carney presiding.  
A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator Adams requested personal privilege of the floor for Alan Sokolow, representing Council of State Governments Eastern Regional Conference. The witness addressed the Senate after which Mr. Sokolow was excused.

Senator McDowell on behalf of his colleagues expressed best wishes to Senator Cook upon her birthday.

**SB 75** was brought before the Senate for consideration on the motion of Senator Venables.

**SB 75- AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO INCREASING THE LIMITS FOR AUTHORIZING GENERAL OBLIGATION BONDS, CERTIFICATES OF INDEBTEDNESS OR OTHER OBLIGATIONS BY THE TOWN COUNCIL WITHOUT THE REQUIREMENT OF A PUBLIC HEARING AND SPECIAL ELECTION, AS WELL AS INCREASING THE CEILING FOR BONDED INDEBTEDNESS FROM 25% TO 50% OF THE ASSESSED VALUE OF REAL PROPERTY WITHIN THE LIMITS OF THE TOWN OF LAUREL.**

Senator Simpson and Still questioned the sponsor.

Senator Venables moved to Lay **SB 75** on the Table. No objections.

**HB 65** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 65 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SEWERS.**

Senator Sokola requested personal privilege of the floor for Robert S. McLeod, Kent County Administrator.

Mr. McLeod addressed the Senate, after which he was questioned by several Senators.

The witness was excused.

Roll call vote on **HB 65** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Venables - 2.

**HB 65** was declared passed the Senate and returned to the House.

Senator McBride marked present during the above roll call.

Senator McDowell yields to Senator Sorenson for introductions of friends that were seated in the Chamber.

**HB 85** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 85** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY BOARD OF ASSESSMENT.

Roll call vote on **HB 85** was taken and revealed:

YES: 21.

**HB 85** was declared passed the Senate and returned to the House.

**SB 57** was Lifted from the Table and brought before the Senate for Consideration on motion of Senator Bunting.

**SB 57** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DAGSBORO" RELATING TO VACANCIES AND FORFEITURE OF OFFICE.

**SA 1 to SB 57** was brought before the Senate for consideration on the motion of Senator Bunting.

Roll call vote on **SA 1 to SB 57** was taken and revealed:

YES: 21.

**SA 1 to SB 57** was declared part of the bill.

**SB 57 w/SA 1** was now before the Senate.

Roll call vote on **SB 57 w/SA 1** was taken and revealed:

YES: 21.

**SB 57 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 138** was brought before the Senate for consideration on the motion of the floor manager, Senator DeLuca.

**HB 138** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES.

Roll call vote on **HB 138** was taken and revealed:

YES: 21.

**HB 138** was declared passed the Senate and returned to the House.

**SB 40** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 40** - AN ACT TO AMEND TITLE 29, CHAPTER 48 OF THE DELAWARE CODE RELATING TO THE DELAWARE LOTTERY.

Roll call vote on **SB 40** was taken and revealed:

YES: 20

NO: Senator(s) Amick - 1.

**SB 40** was declared passed the Senate and sent to the House for Consideration.

Senator McDowell yields to Senator McBride.

**SENATE CONSENT CALENDAR #5** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SR 11** - COMMENDING TAIWAN ON ITS FULL-FLEDGE DEMOCRACY, ITS CONTRIBUTIONS TO PROMOTE WORLD PEACE, FREEDOM, AND HUMAN RIGHTS, AND SUPPORTING ITS EFFORTS TO JOIN THE UNITED NATIONS, WORLD HEALTH ORGANIZATION (WHO), AND OTHER INTERNATIONAL ORGANIZATIONS. Sponsor(s): Sen. Bunting & Sen. McBride Sens. Sokola, Venables, Copeland, Simpson & Sorenson.

**SCR 15** - RECOGNIZING MAY 2005 AS AMERICAN STROKE MONTH. Sponsor(s): Sen. Henry & Sen. Blevins, On behalf of all Senators; Reps. Maier & Miro, On behalf of all Representatives.

**HCR 23** - PROCLAIMING THE MONTH OF MAY 2005 AS "MOTORCYCLE AWARENESS MONTH" AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME. Sponsor(s): Rep. Ennis & Sen. Vaughn Reps. Hall-Long, Keeley, Outten, Spence, Van Sant; Sen. Peterson.

**HCR 26** - COMMEMORATING MAY 19TH, 2005 AS ALVAN "DOBBIE" DOBSON DAY. Sponsor(s): Rep. Smith & Sen. Cloutier; Reps. Lavelle, Valihura, McWilliams; Sens. McDowell, Copeland.

**SR 11** was removed from the Consent Calendar.

A roll call vote was taken on **SENATE CONSENT CALENDAR 5** and revealed 21 Senators voting YES; therefore, the **Senate Consent Calendar** was declared Adopted



by the Senate. The Senate Concurrent Resolutions were sent to the House for Consideration and the House Concurrent Resolutions were returned to the House.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 25; SCR 15.**

**HCR 25** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 25** - PROCLAIMING MAY 11, 2005, "EARLY CHILD CARE AND EDUCATION PROFESSIONALS APPRECIATION DAY". Sponsor: Rep. Maier & Sen. Blevins; On behalf of all Representatives, On behalf of all Senators.

Senator McDowell commented.

Roll call vote on **HCR 25** was taken and revealed:

YES: 21.

**HCR 25** was declared Adopted by the Senate and returned to the House.

Senator Bunting commented on the 'Spirit of the Liberty Bell' ceremony which was held that morning and thanked Sen. Connor for all her work on the program.

Senator Connor commented.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/11/2005**

**SA 1 to SB 57** - Sponsor: Sen. Bunting; Placed with the Bill

**SA 1 to SB 119** - Sponsor: Sen. Blevins; Placed with the Bill

**SB 123** - AN ACT TO AMEND CHAPTER 1, TITLE 16 AND CHAPTER 68, TITLE 18 OF THE DELAWARE CODE RELATING TO THE CREATION OF A SPECIAL FUND FOR MEDICAL NEGLIGENCE INSURANCE PREMIUM RELIEF. Sponsor: Sen. Blevins; Rep. Oberle, Sens. Simpson, Connor, Cloutier, Sorenson, Bonini, DeLuca, Henry, McBride, McDowell, Peterson, Sokola, Venables, Reps. Gilligan, Maier, Schooley, Viola, Schwartzkopf, Carey; **Insurance & Elections.**

**HB 24 w/HA 2** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. Sponsor: Rep. Roy; Reps. Hudson, Miro, Gilligan, Van Sant, Ennis; Sens. Blevins, Sokola, Bonini; **Judiciary.**

**HB 92** - AN ACT TO AMEND CHAPTER 23, TITLE 11 OF THE DELAWARE CODE RELATING TO SEIZURES AND FORFEITURES IN CRIMINAL CASES. Sponsor: Rep. Valihura; Sen. Sokola; **Judiciary.**

**HB 137** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURISDICTION OVER CERTAIN CRIMINAL MATTERS. Sponsor: Rep. Valihura; Sen. Blevins; **Judiciary.**

**HB 139** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, TO PROVIDE FOR FIXED SALARIES FOR THE MAYOR OF THE TOWN OF LAUREL AND THE MEMBERS OF THE TOWN COUNCIL, RATHER THAN THE PER MEETING STIPEND CURRENTLY PAID. Sponsor: Rep. Lee; Sen. Venables; **Community/County Affairs.**

**HB 140** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, WITH REGARD TO THE DISCOUNT TO BE AVAILABLE IF REAL ESTATE TAXES ARE PAID ON OR BEFORE SEPTEMBER 30TH OF EACH YEAR, THE PENALTIES THAT BEGIN TO ACCRUE IF REAL ESTATE TAXES ARE NOT PAID BY OCTOBER 31ST, AND THE COLLECTION CHARGES THE TOWN OF LAUREL MAY IMPOSE IN EFFECTING THE RECOVERY OF DELINQUENT TAXES, AND THE MANNER IN WHICH THE TOWN OF LAUREL MAY MODIFY ITS DISCOUNTS AND PENALTIES FOR FUTURE FISCAL TAX YEARS. Sponsor: Rep. Lee; Sen. Venables; **Community/County Affairs.**

**HB 144** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LEARNER'S PERMITS. Sponsor: Rep. Hudson; Rep. Smith, & Rep. Valihura, & Sen. Sokola; **Public Safety**.

**HB 148** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS AND AMMUNITION BY PERSONS PROHIBITED. Sponsor : Rep. Wagner; Sen. Vaughn, Reps. Spence, Lee, Atkins, Buckworth, Carey, Cathcart, Caulk, Ewing, Fallon, Hocker, Lavelle, Outten, Valihura, Ennis, Plant, Schwartzkopf; **Judiciary**.

**HS 2 for HB 2** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS. Sponsor: Rep. Maier; Rep. Oberle, & Rep. Wagner, & Rep. Smith, & Rep. Hudson, & Rep. Miro, & Rep. Ulbrich, & Sen. Sokola, & Sen. Simpson, Reps. Atkins, Buckworth, Carey, Cathcart, DiPinto, Ewing, Fallon, Hall-Long, Hocker, Lee, Lofink, McWilliams, Outten, Roy, Schooley, Spence, Stone, Thornburg, Valihura; Sens. Amick, Blevins, Bonini, Cloutier, Connor, Copeland, Peterson, Sorenson, Still; **Education**.

\* \* \*

On motion of Senator McDowell, the Senate recessed at 05:08 PM until May 12, 2005 at 02:00 PM.

The Senate reconvened at 02:38 PM May 12, 2005 with Lt. Governor Carney presiding.

**SB 128** was introduced and Laid on the Table on motion of Senator McDowell.

**SB 128** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO INCREASING THE LIMITS FOR AUTHORIZING GENERAL OBLIGATION BONDS, CERTIFICATES OF INDEBTEDNESS OR OTHER OBLIGATIONS BY THE TOWN COUNCIL AS WELL AS INCREASING THE CEILING FOR BONDED INDEBTEDNESS FROM 25% TO 50% OF THE ASSESSED VALUE OF REAL PROPERTY WITHIN THE LIMITS OF THE TOWN OF LAUREL. Sponsor: Sen. Venables and Rep. Lee

The following committee reports were announced:

From Executive: **Manubhai C. Karia** – 4 Merits; **Paul R. Houck** – 4 Merits; **Vernon D. Giuttari** – 4 Merits; **Lee J. Beetschen** – 4 Merits; **Robert A. Armstrong** – 4 Merits.

From Health & Social Services: **SB 68** – 4 Merits; **SB 118** – 5 Merits; **SB 120** – 5 Merits.

From Insurance & Elections: **SB 106** – 4 Merits.

From Public Safety: **SB 117** – 4 Merits; **HB 100 w/HA 1, HA 2** – 4 Merits.

A communication from the Office of Senator Connor was read requesting she be added as a co-sponsor of **SB 112** and **SB 113**.

A communication from the Office of Senator Peterson was read requesting Senator Bonini be added as a co-sponsor of **SB 94**.

The Secretary announced a message from the House informing the Senate that it had passed **HB 150; HB 151; HB 152; HB 138; HB 96; SB 17, SB 49 w/HA 2**.

At 03:44 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 29<sup>th</sup> Legislative Day.

**29<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 12, 2005**

The Senate convened at 3:44 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Venables followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

Senator McDowell yields to Senator Venables.

**SB 75** was Lifted from the Table and brought before the Senate for Consideration on the motion of Senator Venables.

**SB 75** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO INCREASING THE LIMITS FOR AUTHORIZING GENERAL OBLIGATION BONDS, CERTIFICATES OF INDEBTEDNESS OR OTHER OBLIGATIONS BY THE TOWN COUNCIL WITHOUT THE REQUIREMENT OF A PUBLIC HEARING AND SPECIAL ELECTION, AS WELL AS INCREASING THE CEILING FOR BONDED INDEBTEDNESS FROM 25% TO 50% OF THE ASSESSED VALUE OF REAL PROPERTY WITHIN THE LIMITS OF THE TOWN OF LAUREL.

**SA 1 to SB 75** was brought before the Senate for consideration on the motion of Senator Venables.

Roll call vote on **SA 1 to SB 75** was taken and revealed:

YES: 20

ABSENT: Senator(s) Blevins - 1.

**SA 1 to SB 75** was declared part of the bill.

Senator Connor marked present during the above roll call.

Senator Venables moved to Lay **SB 75 w/SA 1** on the Table. No objections.

**HB 157** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 157** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE", TO PROVIDE FOR AN EXCEPTION TO COMPETITIVE BIDDING FOR CERTAIN CONTRACTS IN CONNECTION WITH MUNICIPAL TAX INCREMENT FINANCING AND MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS.

Senator Sokola requested personal privilege of the floor for Dennis Schrader, Esq., representing the Town of Bridgeville.

Senators Simpson, McDowell and Sokola questioned the witness, after which the witness was excused.

Roll call vote on **HB 157** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**HB 157** was declared passed the Senate and returned to the House.

**SB 49 w/HA 2** which was returned from the House with an amendment, was brought before the Senate for reconsideration on the motion of Senator Adams.

**SB 49 w/HA 2** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO RIGHT-OF-WAY DEDICATIONS.

Senator McBride questioned the sponsor.

Roll call vote on **SB 49 w/HA 2** was taken and revealed:

YES: 21.

**SB 49 w/HA 2** was declared passed the Senate as amended and sent to the Governor.

**HB 99 w/HA 1, HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 99 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO LINE OF DUTY DEATH BENEFITS.

Senators McBride and McDowell questioned the sponsor.

Roll call vote on **HB 99 w/HA 1, HA 2** was taken and revealed:

YES: 21.

**HB 99 w/HA 1, HA 2** was declared passed the Senate and returned to the House.

**SS 1 for SB 114** was introduced and brought before the Senate for Consideration, under the suspension of the necessary rules on the motion of Senator Cook.

**SS 1 for SB 114** - AN ACT MAKING A ONE TIME SUPPLEMENTAL GENERAL FUND APPROPRIATION OF TEN MILLION DOLLARS TO THE OFFICE OF THE BUDGET FOR THE CREATION OF A FEDERAL CONTINGENCY FUND. Sponsor: Sen. Cook & Rep. DiPinto; Sens. Adams, McDowell, DeLuca, Still, Sorenson; Reps. Spence, Smith, Lee, Gilligan & Van Sant.

Senators McBride, Cook and Bunting commented.

Roll call vote on **SS 1 for SB 114** was taken and revealed:

YES: 20

NO: Senator(s) Bonini - 1.

**SS 1 for SB 114** was declared passed the Senate and sent to the House for Consideration.

Senator Cloutier requested the personal privilege of the floor to introduce a member of the Diamond State Life Member Club and the Telephone Pioneers of Delaware that was seated in the Chamber.

**SB 52** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 52** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EXPUNGEMENT OF TRUANCY RECORDS.

Senator Sokola requested that **SA 1 to SB 52** be stricken.

**SA 2 to SB 52** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 2 to SB 52** was taken and revealed:

YES: 21.

**SA 2 to SB 52** was declared part of the bill.

**SB 52 w/SA 2** was now before the Senate.

Senator Sokola requested personal privilege of the floor for Judge Edward Davis, Justice of the Peace for Sussex County.

Senators Simpson, Still and Sokola questioned the witness, after which the witness was excused.

Roll call vote on **SB 52 w/SA 2** was taken and revealed:

YES: 21.

**SB 52 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SS 1 for SB 110** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SS1 for SB 110** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

**SA 1 to SS 1 for SB 110** was brought before the Senate for consideration on the motion of Senator DeLuca.

Roll call vote on **SA 1 to SS 1 for SB 110** was taken and revealed:

YES: 21.

**SA 1 to SS 1 for SB 110** was declared part of the bill.

**SS 1 for SB 110 w/SA 1** was now before the Senate.

Senator Bonini questioned the sponsor.

Senator DeLuca requested personal privilege of the floor for John E. Murphy, representing Happy Harry's.

Several Senators questioned the witness, after which the witness was excused.

Senator Amick questioned the sponsor.

**SS 1 for SB 110 w/SA 1** Majority vote requirement (2/3) ruling of the Chair.

Roll call vote on **SS 1 for SB 110 w/SA 1** was taken and revealed:

YES: 21.

**SS 1 for SB 110 w/SA 1** was declared passed the Senate and sent to the House for Consideration.

**SB 112** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 112** - AN ACT TO AMEND CHAPTER 79, TITLE 7, OF THE DELAWARE CODE, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AS IT ADOPTS THE UNIFORM ENVIRONMENTAL COVENANTS ACT. THIS ACT WILL MAKE THESE COVENANTS ENFORCEABLE OVER THE LONG TERM AND BE ENFORCEABLE AGAINST SUCCESSIVE OWNERS OF THE PROPERTY AND AGAINST PARTIES LIABLE FOR MAINTAINING INSTITUTIONAL CONTROL OF THE PROPERTY.

Senator McDowell commented and requested to be added as a co-sponsor.

Senator Connor requests to be added as co-sponsor.

Senator Bonini questioned the sponsor.

Senator McBride request personal privilege of the floor Jim Wesner, Director of DNREC.

Senator Bonini questioned the witness, after which the witness was excused.

Senator Still commented.

Senator Amick commented.

Roll call vote on **SB 112** was taken and revealed:

YES: 21.

**SB 112** was declared passed the Senate and sent to the House for Consideration.

**HB 150** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 150** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW.

Senator Vaughn requested personal privilege of the floor for Mr. David McBride, representing the Corporate Counsel for Corporation Law.

Senators Still and Vaughn questioned the witness, after which the witness was excused.

Roll call vote on **HB 150** was taken and revealed:

YES: 21.

**HB 150** was declared passed the Senate and returned to the House.

**HB 151** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 151** - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

Senator Vaughn requested personal privilege of the floor for Mr. David McBride, representing the Corporate Counsel for Corporation Law.

Senator Adams questioned the witness, after which the witness was excused.

Roll call vote on **HB 151** was taken and revealed:

YES: 21.

**HB 151** was declared passed the Senate and returned to the House.

**SB 108** was brought before the Senate for consideration on the motion of Senator Cook.

**SB 108** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO CERTAIN BUSINESS LICENSE FEES.

**SA 1 to SB 108** was brought before the Senate for consideration on the motion of Senator Cook.

Roll call vote on **SA 1 to SB 108** was taken and revealed:

YES: 21.

**SA 1 to SB 108** was declared part of the bill.

**SB 108 w/SA 1** was now before the Senate.

Senators Sorenson request to be added as a co-sponsor.

Senator McDowell questioned the sponsor.

Roll call vote on **SB 108 w/SA 1** was taken and revealed:

YES: 21.

**SB 108 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

On motion of Senator Adams and without objection, the following nomination from the Governor was consider.

**Vernon Giuttari**: 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**SB 106** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 106** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL ELECTIONS.

Roll call vote on **SB 106** was taken and revealed:

YES: 21.

**SB 106** was declared passed the Senate and sent to the House for Consideration.

**SB 118** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 118** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PERSONS DIAGNOSED WITH MENTAL RETARDATION AND OTHER SPECIFIC DEVELOPMENTAL DISABILITIES.

Roll call vote on **SB 118** was taken and revealed:

YES: 21.

**SB 118** was declared passed the Senate and sent to the House for Consideration.

**SB 120** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 120** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF STATE SERVICE CENTERS.

Senator Peterson questioned the sponsor.

Senator Blevins request personal privilege of the floor for Jeffrey Clark, Senate Attorney.

Senator Peterson questioned the witness, after which the witness was excused.

Senator Blevins moved to Lay **SB 120** on the Table. No objections.

**SB 113** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 113** - AN ACT TO AMEND TITLE 7, CHAPTER 60 OF THE DELAWARE CODE RELATING TO THE CLEAN AIR ACT TITLE V OPERATING PERMIT PROGRAM.

Senators Bonini and Sokola questioned the sponsor.

Senator McBride requested personal privilege of the floor for David Small, DNREC.

Senator McDowell questioned the witness, after which he was excused.

Senator Connor requested to be added as a co-sponsor.

Senator Simpson requested personal privilege of the floor for Alan Muller, representing Green Delaware. Mr. Muller addressed the Senate, after which he was excused.

Roll call vote on **SB 113** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Bunting, Still - 3.

**SB 113** was declared passed the Senate and sent to the House for Consideration.

The Secretary announced a message from the House informing the Senate that it had passed **HB 179; HB 69; HB 3**.

**HB 3** was introduced and brought before the Senate for Consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HB 3** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS.  
Sponsor: Rep. Maier & Sen. Sokola; Reps. Oberle, Wagner, Smith, Hudson, Miro, Ulbrich; Sens. Simpson; Reps. Atkins, Buckworth, Carey, Cathcart, DiPinto, Ewing, Fallon, Hall-Long, Hocker, Lee, Lofink, McWilliams, Outten, Roy, Schooley, Spence, Stone, Thornburg, Valihura; Sens. Amick, Blevins, Bonini, Cloutier, Connor, Copeland, Peterson, Sorenson & Still.

Roll call vote on **HB 3** was taken and revealed:

YES: 21.

**HB 3** was declared passed the Senate and returned to the House.

A communication from the Office of Senator Connor was read requesting she be added as a co-sponsor of **SJR 6**.

**SJR 6** was brought before the Senate for consideration on the motion of Senator McBride.

**SJR 6** - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE REGULATION 24, SECTION 46, CONTROL OF VOC EMISSIONS AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION.

Roll call vote on **SJR 6** was taken and revealed:

YES: 20

ABSENT: Senator(s) Simpson - 1.

**SJR 6** was declared passed the Senate and sent to the House for consideration.

**HB 100 w/HA 1, HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 100 w/HA 1, HA 2** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE CONCERNING CAMERA ENFORCEMENT OF TRAFFIC LIGHT SIGNALS.

**SA 1 to HB 100 w/HA 1, HA 2** was brought before the Senate for consideration on motion of Senator Henry.

Senator Henry request personal privilege of the floor for Mr. Edward Davis, Justice of the Peace, Sussex County.

Senator Sorenson questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to HB 100** was taken and revealed:

YES: 20

ABSENT: Senator(s) Amick - 1.

**SA 1 to HB 100** was declared part of the bill.

**HB 100 w/HA 1, HA 2 & SA 1** was now before the Senate.

Senator Connor questioned the floor manager.

Senator Henry requested personal privilege of the floor for Mr. Edward Davis, Justice of the Peace, Sussex County.

Senator Connor questioned the witness, after which the witness was excused.

Senator Henry requested personal privilege of the floor once again for Mr.

Edward Davis, Justice of the Peace, Sussex County.

Several Senators questioned the witness, after which the witness was excused.

Roll call vote on **HB 100 w/HA 1, HA 2 & SA 1** was taken and revealed:

YES: 19

ABSENT: Senator(s) Amick, Still - 2.

**HB 100 w/HA 1, HA 2 & SA 1** was declared passed the Senate and returned to the House for Reconsideration.

**SB 117** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 117** - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

Senator Connor questioned the sponsor.

Senator Sokola requested personal privilege of the floor for Trish Roberts, representing Department of Transportation.

Several Senators questioned the witness, after which the witness was excused.

Senator Cloutier requested to be added as a co-sponsor.

Roll call vote on **SB 117** was taken and revealed:

YES: 19

ABSENT: Senator(s) Amick, Still - 2.

**SB 117** was declared passed the Senate and sent to the House for Consideration.

**SB 120** was Lifted from the Table and brought before the Senate for

Consideration on motion of Senator Blevins.

**SB 120**- AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF STATE SERVICE CENTERS.

**SA 1 to SB 120** was brought before the Senate for Consideration on motion of Senator Blevins.

Roll call vote on **SA 1 to SB 120** was taken and revealed:

YES: 19

ABSENT: Senator(s) Amick, Still - 2.

**SA 1 to SB 120** was declared part of the bill.

**SB 120 w/ SA 1** was now before the Senate.

Roll call vote on **SB 120 w/SA 1** was taken and revealed:

YES: 19

ABSENT: Senator(s) Amick, Still - 2.

**SB 120 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 46 w/SA 1 & HA 1**, which was returned from the House with an amendment, was introduced under the suspension of the necessary rules and brought before the Senate for reconsideration on the motion of Senator Venables.

**SB 46 w/SA 1 & HA 1**- AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING.

Roll call vote on **SB 46 w/SA 1 & HA 1** was taken and revealed:

YES: 15

NO: Senator(s) Marshall, McDowell, Peterson, Sokola - 4.

ABSENT: Senator(s) Amick, Still - 2.

**SB 46 w/SA 1 & HA 1** was declared passed the Senate and sent to the Governor.

**SB 128** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 128** was Laid on the Table on motion of Senator McDowell.

Additions to the agenda, committee and other legislative meetings were announced.

The Secretary announced the agenda for May 31, 2005.

On motion of Senator McDowell, the Senate recessed at 05:41 PM until May 31, 2005 at 02:00 PM.

The Senate reconvened at 03:21 PM, on May 31, 2005 with Lt. Governor Carney presiding.

At 03:21 PM on motion of Senator McDowell, the Senate adjourned to immediately convene for the 30<sup>th</sup> Legislative Day.

**30<sup>TH</sup> LEGISLATIVE DAY  
143<sup>RD</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 31, 2005**

The Senate convened at 3:21 PM with Lt Governor Carney presiding.

A prayer was offered by Senator Still followed by the Pledge of Allegiance to the Flag.

Call of the roll for the Legislative Day revealed the following attendance:

**PRESENT:** Senator(s) Adams, Amick, Blevins, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables - 21.

The journal of the previous day was approved as read on motion of Senator McDowell. No objections.

**SENATE CITATION NO. #4** – S143-158 – 236 inclusive was introduced and a copy made available to each Senator.

Senator McDowell requested personal privilege of the floor for Dr. Lydia Tucker, Executive Director of Tech Prep Delaware. Dr. Tucker addressed the Senate and introduced Vincent Chelli a teacher from PolyTech and students Bethany Little, Brian Bullock, Andre Spady.

Senator McBride requested personal privilege of the floor to thank the members and staff of the Senate for their many expressions of sympathy.

Senator McDowell requested the memoriam for Marjorie Roberts McBride be read in its entirety.

Senator McDowell also announced the death of a staff member Wilma Roberts. The Senate had a moment of silence. Senator McDowell requests the memoriam for Wilma Roberts be read in its entirety.

**SB 128** was lifted from the Table under the suspension of the necessary rules and brought before the Senate for consideration on, motion of Senator Venables.

**SB128** - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF LAUREL, AS AMENDED, WITH REGARD TO INCREASING THE LIMITS FOR AUTHORIZING GENERAL OBLIGATION BONDS, CERTIFICATES OF INDEBTEDNESS OR OTHER OBLIGATIONS BY THE TOWN COUNCIL AS WELL AS INCREASING THE CEILING FOR BONDED INDEBTEDNESS FROM 25% TO 50% OF THE ASSESSED VALUE OF REAL PROPERTY WITHIN THE LIMITS OF THE TOWN OF LAUREL.

**SA 1 to SB 128** was brought before the Senate for consideration on motion of Senator Venables.

Roll call vote on **SA 1 to SB 128** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall - 1.

**SA 1 to SB 128** was declared part of the bill.

**SB 128 w/SA 1** was now before the Senate.

Roll call vote on **SB 128 w/SA 1** was taken and revealed:

YES: 21.

**SB 128 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 56** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.



**HB 56** - AN ACT TO AMEND CHAPTER 23, VOLUME 72, LAWS OF DELAWARE, AND TITLE 30 OF THE DELAWARE CODE RELATING TO CREDIT FOR RESEARCH AND DEVELOPMENT EXPENSES.

Senator McDowell questioned the sponsor.

Senator Cook moved to Lay **HB 56** on the Table.

Senator McDowell moved to recess for Party Caucus at 03:49 PM.

The Senate reconvened at 05:01 PM with Lt. Governor Carney presiding.

Senator McDowell yields to Senator Bunting.

Senator Bunting moved for the reconsider of **SB 57 w/SA 1**.

**SB 57** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAGSBORO, CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DAGSBORO" RELATING TO VACANCIES AND FORFEITURE OF OFFICE.

Senator Bunting moved to rescind the roll call of **SB 57 and SA 1**. No objections.

Senator Bunting requested that **SA 1** be stricken.

**SA 2 to SB 57** was brought before the Senate for consideration on motion of Senator Bunting.

Roll call vote on **SA 2 to SB 57** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola - 1.

**SA 2 to SB 57** was declared part of the bill.

Roll call vote on **SB 57 w/SA 2** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sokola - 1.

**SB 57 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

On motion of Senator Adams, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/31/2005**

**May 11, 2005**

**SA 1 to SB 75** - Sponsor: Sen. Venables; Placed with the Bill

**May 12, 2005**

**SB 124** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO A COMPUTER SPYWARE PROTECTION ACT. Sponsor: Sen. McBride; Rep. Roy; **Judiciary**.

**SB 125** - AN ACT TO AMEND CHAPTER 11, TITLE 9 OF THE DELAWARE CODE RELATING TO THE NEW CASTLE COUNTY GOVERNMENT, COUNTY COUNCIL, AND COUNTY COUNCIL VACANCIES. Sponsor: Sen. DeLuca; Rep. Lavelle, Sens. Blevins, Henry, McDowell, Sokola; Reps. DiPinto, Ennis, Hall-Long, Keeley, Longhurst, Valihura, Van Sant, Viola; **Community/County Affairs**.

**SB 126** - AN ACT TO REINCORPORATE THE CITY OF DOVER. Sponsor: Sen. Still; Rep. Stone, & Rep. Wagner; **Community/County Affairs**.

**SB 127** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO OUTDOOR LIGHTING. Sponsor: Sen. Copeland; Sen. McDowell, & Rep. Hudson; **Energy & Transit**.

**SB 129** - AN ACT PERMITTING THE COLONIAL SCHOOL DISTRICT TO CONVEY TO THE NEW CASTLE SENIOR CENTER THE BUILDING AT 4TH AND SOUTH STREETS, NEW CASTLE, DELAWARE. Sponsor: Sen. Connor & Rep. Mulrooney, & Sen. McBride, Sens. Vaughn, Amick, Henry, & Peterson, & Reps. Spence, Cathcart, George, Johnson, Lofink, Longhurst, & Plant; **Community/County Affairs**.

**SB 130** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Sponsor: Sen. Marshall; Rep. Oberle, Sen. Venables, & Rep. Viola; **Labor & Industrial Relations.**

**SB 131** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO NOTICES OF OPEN MEETINGS. Sponsor: Sen. Cook; Rep. Roy; **Judiciary.**

**SB 132** - AN ACT TO AMEND TITLES 6, 7, 16, 29, AND 30 OF THE DELAWARE CODE RELATING TO DIESEL AND BIODIESEL FUEL Sponsor: Sen. McDowell; Rep. DiPinto; Sens. Blevins, Cloutier, Cook, Copeland, DeLuca, Sokola, Vaughn, Venables, Reps. Atkins, Carey, Caulk, Ennis, Hall-Long, Hocker, Keeley, Lavelle, Mulrooney, Oberle, Roy, Viola; **Energy & Transit.**

**HB 69** - AN ACT TO AMEND TITLE 20 DELAWARE CODE TO CREATE THE SERVICE MEMBERS' LIFE INSURANCE REIMBURSEMENT FUND. Sponsor: Rep. Schwartzkopf; Rep. Williams, & Sen. Adams, Reps. Booth, Buckworth, DiPinto, Ennis, George, Gilligan, Hall-Long, Johnson, Keeley, Longhurst, McWilliams, Mulrooney, Plant, Schooley, Ulbrich, Van Sant, Viola; Sens. Blevins, Bunting, Henry, McBride, Vaughn; **Finance.**

**HB 179** - AN ACT AMENDING TITLE 27 OF THE DELAWARE CODE RELATING TO THE ELECTION OF TRUSTEES OF RELIGIOUS SOCIETIES AND CORPORATIONS. Sponsor: Rep. Smith; Sen. Bunting; **Judiciary.**

**May 31, 2005**

**SB 133** - AN ACT TO AMEND CHAPTER 466, VOLUME 72, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEIPSIC", RELATING TO ANNEXATION. Sponsor: Sen. Vaughn; Rep. Ennis; **Community/County Affairs.**

**HB 120 w/HA 1** - AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE ESTABLISHMENT AND DUTIES OF THE DELAWARE REVOLUTIONARY WAR MONUMENT COMMISSION. Sponsor: Rep. Smith; Sen. Cook; **Finance.**

**HB 143** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT AND ADMINISTRATION. Sponsor: Rep. Hocker; Sen. Bunting, & Sen. Simpson, Reps. Atkins, Booth, Carey, Fallon, Hudson, Outten, Gilligan, Schwartzkopf; **Executive.**

**HB 156** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOL MODIFICATIONS. Sponsor: Rep. Ulbrich; Sen. Sokola; **Executive.**

**HB 167** - AN ACT TO AMEND CHAPTER 85, TITLE 11 OF THE DELAWARE CODE RELATING TO ADULT ABUSE REGISTRY CHECKS. Sponsor: Rep. Maier & Sen. Blevins, Reps. Buckworth, Carey, DiPinto, Hudson, Miro, George, Hall-Long, Keeley, & Sens. Peterson, Sokola, Sorenson, Connor; **Judiciary.**

**SB 134** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BENEFITS IN THE STATE EMPLOYEES' PENSION PLAN. Sponsor: Sen. Bonini; Rep. Stone, Sen. Sokola; **Finance.**

**SB 135** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PERMIT WAGERING ON SPORTING EVENTS. Sponsor: Sen. Bunting; Rep. Keeley, Sen. DeLuca; **Finance.**

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The following nomination(s) assigned to the **Executive** Committee:

Alan G. Davis  
207 Carey Street  
Milton, DE 19968

to be appointed Chief  
Magistrate of the Justice of  
the Peace Court for a term to  
expire 4 years from the date  
of swearing in.

Christopher A. Bradley  
38 Madison Ave.  
Fenwick, DE 19944

to be appointed Justice of the  
Peace in and for Sussex  
County to serve a term to  
expire 4 years from the date  
of swearing in.