

STATE OF DELAWARE



Journal of the State Senate

142nd General Assembly

Convened
Tuesday, January 14, 2003
Dover, Delaware

~~~~~

2003-2004



## TABLE OF CONTENTS

|                                                                |                  |
|----------------------------------------------------------------|------------------|
| <b>Membership</b>                                              | <b>ii</b>        |
| <b>Committee Membership</b>                                    | <b>iii - iv</b>  |
| <b>Rules of the Senate</b>                                     | <b>v - xi</b>    |
| <b>Senate Staff</b>                                            | <b>xii -xiii</b> |
| <b>Legislative Days</b>                                        |                  |
| <b>First Session</b>                                           | <b>xiv</b>       |
| <b>Second Session</b>                                          | <b>xv</b>        |
| <b>Daily Senate Action</b>                                     | <b>1 - 338</b>   |
| <b>Index</b>                                                   |                  |
| <b>Senate Bills</b>                                            | <b>339 - 358</b> |
| <b>Senate Resolutions</b>                                      | <b>359 - 360</b> |
| <b>Senate Concurrent Resolutions</b>                           | <b>361 - 363</b> |
| <b>Senate Joint Resolutions</b>                                | <b>364</b>       |
| <b>Senate Citations</b>                                        | <b>365 - 399</b> |
| <b>House Bills</b>                                             | <b>400 - 418</b> |
| <b>House Concurrent Resolutions</b>                            | <b>419 - 423</b> |
| <b>House Joint Resolutions</b>                                 | <b>424 - 425</b> |
| <b>Governor's Nominations for Appointment</b>                  | <b>426 - 430</b> |
| <b>Index of Senate Legislation by Subject</b>                  | <b>431 - 441</b> |
| <b>Topics and Issues (Not related to Specific Legislation)</b> | <b>442</b>       |





## **MEMBERSHIP**



## MEMBERS - DELAWARE STATE SENATE

### 142<sup>nd</sup> GENERAL ASSEMBLY

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

| <u>DISTRICT</u> | <u>SENATOR</u> |
|-----------------|----------------|
|-----------------|----------------|

|                  |                                                                                        |
|------------------|----------------------------------------------------------------------------------------|
| 1 <sup>st</sup>  | Harris B. McDowell, III - 2311 Baynard Boulevard, Wilmington, 19802                    |
| 2 <sup>nd</sup>  | Margaret Rose Henry - Elliott Run, 110 West 21 <sup>st</sup> Street, Wilmington, 19802 |
| 3 <sup>rd</sup>  | Robert I. Marshall - 601 South duPont Street, Wilmington, 19805                        |
| 4 <sup>th</sup>  | Charles L. Copeland - , Wilmington, 19803                                              |
| 5 <sup>th</sup>  | Catherine L. Cloutier - 2404 Heather Road East, Wilmington, 19803                      |
| 6 <sup>th</sup>  | Liane McD. Sorenson - 417 Snuff Mill Hill, Hockessin, 19707                            |
| 7 <sup>th</sup>  | Patricia M. Blevins - 209 Linden Avenue, Elsmere, Wilmington, 19805                    |
| 8 <sup>th</sup>  | David P. Sokola - 24 Beech Hill Drive, Newark, 19711                                   |
| 9 <sup>th</sup>  | Karen Peterson - , Wilmington, 19808                                                   |
| 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, 19720-3760                              |
| 14 <sup>th</sup> | James T. Vaughn - 201 Washington Avenue, Clayton, 19938                                |
| 15 <sup>th</sup> | Nancy W. Cook - Post Office 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 - Post Office Box 311, Dover, 19903-0311                            |
| 18 <sup>th</sup> | F. Gary Simpson - 6 W. Clarke Avenue, Milford, 19963                                   |
| 19 <sup>th</sup> | Thurman Adams, Jr. - Post Office Box 367, Bridgeville, 19933                           |
| 20 <sup>th</sup> | George H. Bunting, Jr. - Post Office 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 McD. Sorenson



## **COMMITTEE MEMBERSHIP**



**SENATE COMMITTEES**  
**142<sup>nd</sup> GENERAL ASSEMBLY**

**ADMINISTRATIVE SERVICES:** Karen E. Peterson, Chair, David P. Sokola, Robert I. Marshall, Charles L. Copeland, F. Gary Simpson

**ADULT & JUVENILE CORRECTIONS:** James T. Vaughn, Chair, Nancy W. Cook, David B. McBride, Colin R. J. Bonini, Steven H. Amick

**AGRICULTURE:** George H. Bunting, Jr., Chair, Robert L. Venables, Sr., Nancy W. Cook, Thurman Adams, Jr., F. Gary Simpson, Colin R. J. Bonini

**BANKING:** Anthony J. DeLuca, Chair, George H. Bunting, Jr., David P. Sokola, Liane M. Sorenson, John C. Still, III

**BOND BILL:** Robert L. Venables, Sr., Chair, Patricia M. Blevins, Nancy W. Cook, Anthony J. DeLuca, Dorinda A. Connor, F. Gary Simpson

**CHILDREN, YOUTH & FAMILIES:** Harris B. McDowell, III, Chair, Patricia M. Blevins, Robert I. Marshall, Nancy W. Cook, Catherine L. Cloutier, Dorinda A. Connor

**COMBAT DRUG ABUSE:** Karen E. Peterson, Chair, Robert I. Marshall, Patricia M. Blevins, Steven H. Amick, Catherine L. Cloutier

**COMMUNITY/COUNTY AFFAIRS:** David P. Sokola, Chair, Robert L. Venables, Sr., Margaret Rose Henry, Colin R. J. Bonini, Dorinda A. Connor

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

**ENERGY & TRANSIT:** Harris B. McDowell, III, Chair, Robert L. Venables, Sr., Robert I. Marshall, Karen E. Peterson, Charles L. Copeland, Catherine L. Cloutier

**ETHICS:** Thurman Adams, Jr., Chair, Harris B. McDowell, III, Anthony J. DeLuca, John C. Still, III, Liane M. Sorenson

**EXECUTIVE:** Thurman Adams, Jr., Chair, Anthony J. DeLuca, James T. Vaughn, Harris B. McDowell, III, John C. Still, III, Liane M. Sorenson

**FINANCE:** Nancy W. Cook, Chair, James T. Vaughn, Margaret Rose Henry, George H. Bunting, Jr., Catherine L. Cloutier, Steven H. Amick

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

**HIGHWAYS & TRANSPORTATION:** Nancy W. Cook, Chair, Anthony J. DeLuca, David B. McBride, Colin R. J. Bonini, Catherine L. Cloutier

**INSURANCE & ELECTIONS:** Patricia M. Blevins, Chair, David P. Sokola, Nancy W. Cook, Harris B. McDowell, III, Charles L. Copeland, John C. Still, III

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

**LABOR & INDUSTRIAL RELATIONS:** Robert I. Marshall, Chair,  
Anthony J. DeLuca, David B. McBride, Dorinda A. Connor, Steven H. Amick

**LEGISLATIVE COUNCIL:** Thurman Adams, Jr., Chair, Harris B.  
McDowell, III, Anthony J. DeLuca, Liane M. Sorenson, John C. Still, III

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

**PERMANENT RULES:** Anthony J. DeLuca, Chair, James T. Vaughn,  
Harris B. McDowell, III, Steven H. Amick, F. Gary Simpson

**PUBLIC SAFETY:** Margaret Rose Henry, Chair, Thurman Adams, Jr.,  
David B. McBride, Catherine L. Cloutier, Charles L. Copeland

**REVENUE & TAXATION:** Robert I. Marshall, Chair, Nancy W. Cook,  
James T. Vaughn, Steven H. Amick, Colin R. J. Bonini

**SMALL BUSINESS:** Robert L. Venables, Sr., Chair, George H. Bunting,  
Jr., David P. Sokola, John C. Still, III, Charles L. Copeland

**SUNSET:** David B. McBride, Chair, Karen E. Peterson, David P. Sokola,  
Colin R. J. Bonini, Charles L. Copeland

**VETERANS AFFAIRS:** George H. Bunting, Jr., Chair, James T. Vaughn,  
Karen E. Peterson, F. Gary Simpson, Liane M. Sorenson, Harris B.  
McDowell, III, Dorinda A. Connor

**Revised: 1/16/03**



## **RULES OF THE SENATE**



## SENATE RESOLUTION NO. 2

### IN REFERENCE RULES OF THE DELAWARE STATE SENATE

BE IT RESOLVED by the Senate of the 142nd 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**

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

### 142<sup>nd</sup> GENERAL ASSEMBLY

Bernard J. Brady - Secretary of the Senate  
Donna Kay Sandstrom - Assistant Secretary of the Senate – 1<sup>st</sup> Session  
Joy C. Bower – Assistant Secretary of the Senate – 2<sup>nd</sup> Session  
Joy C. Bower - Journal/Calendar Clerk – 1<sup>st</sup> Session  
Kay Stubbs – Journal/Calendar Clerk – 2<sup>nd</sup> Session

|                        |                           |
|------------------------|---------------------------|
| Issac W. Allen         | Maryanne McGonegal        |
| Louise C. Allen        | Margaret Moore            |
| Scotty Wallace Amerine | Patricia C. Moore         |
| Kay Anderson           | Raymond L. Moore          |
| Teresa Ann Anderson    | Sandra Moser              |
| Raphaella M. Angelini  | Allison Murphy            |
| Nancy Bastidas         | James E. Murray           |
| Mary Lou Berry         | Shannan Oldham            |
| John Blevins           | Jesus M. Prado            |
| Tara C. Bower          | Andrea S. Price           |
| Walter Brady, Jr.      | Andrew Ramage             |
| Helen F. Carnell       | Wilma J. Roberts          |
| Alexis Carter          | Karen Samuels             |
| Albert C. Clark        | Clarence A. Schwatka, Jr. |
| Theresa Marie Collier  | Albert Shields            |
| Mark J. Cutrona        | Glenn Shipley, Jr.        |
| Jessica Davis          | Charlotte L. Shirey       |
| Kimberly Joy Doughty   | Andrea M. Simpson         |
| Robert Draine          | Andrew Slater             |
| Evan Grabowski         | Megan Sokola              |
| Mary Lousie Guyer      | Doris Lee Spicer          |
| Charity Hallman        | Summer Spicer             |
| James Hamilton         | Calvin P. Stidham         |
| Leigh Ann Harrison     | Brian P. Strong           |
| Thomas E. Hazewski     | Lauren E. Strong          |
| Mary Ann Hearne        | Joshua M. Templet         |
| Nancy J. Hickman       | Jonathan C. Tracy         |
| Harold Hilyard         | Julie Tulloch             |
| Sylvia A. Holloway     | Harry D. Walker           |
| Lydia Howard           | Stephanie J. Walls        |
| Winifred H. Hulme      | Ernest C. Watson          |
| Rose Ann Jones         | John E. Williams, Jr.     |
| Janet Laws             | Carina Yasiejko           |
| William R. Lindewirth  | Robert J. Zigler, Jr.     |
| Floyd Macklin, Jr.     |                           |
| Anna Mae Massey        |                           |
| Joan Maxwell           |                           |
| Chase McAllister       |                           |
| Harris McDowell, IV    |                           |
| Kendall McDowell       |                           |
| Kenneth McDowell       |                           |

Administrative Assistants

Christopher A Bradley  
Richard B. Carter  
Danielle L. Catarelli  
Jean Ann Diener  
Emily Falcon  
Lawrence Haas  
John Douglas Greig  
Gregory Lavine  
Valerie Newman McCartan  
Stephen P. Tanzer  
David E. Wilkins

Attorneys

Jeffrey Clark, Esq.  
Richard T. Dillard, Esq.  
Edward F. Kafader, Esq.  
Francis J. Murphy, Esq.  
Timothy G. Willard, Esq.

## **LEGISLATIVE DAYS**





**LEGISLATIVE DAYS**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**

| <b><u>LEGISLATIVE DAY</u></b>     | <b><u>DATE</u></b> | <b><u>PAGE</u></b> |
|-----------------------------------|--------------------|--------------------|
| 1 <sup>st</sup>                   | January 14, 2003   | 1                  |
| 2 <sup>nd</sup>                   | January 15, 2003   | 4                  |
| 3 <sup>rd</sup>                   | January 16, 2003   | 5                  |
| 4 <sup>th</sup>                   | January 21, 2003   | 8                  |
| 5 <sup>th</sup>                   | January 22, 2003   | 10                 |
| 6 <sup>th</sup> Joint Session     | January 23, 2003   | 12                 |
| 7 <sup>th</sup>                   | January 28, 2003   | 21                 |
| 8 <sup>th</sup>                   | January 29, 2003   | 23                 |
| 9 <sup>th</sup> Budget Address    | January 30, 2003   | 24                 |
| 10 <sup>th</sup>                  | March, 18, 2003    | 35                 |
| 11 <sup>th</sup>                  | March, 19, 2003    | 39                 |
| 12 <sup>th</sup>                  | March, 20, 2003    | 40                 |
| 13 <sup>th</sup>                  | March, 25, 2003    | 41                 |
| 14 <sup>th</sup>                  | March, 26, 2003    | 43                 |
| 15 <sup>th</sup>                  | March, 27, 2003    | 45                 |
| 16 <sup>th</sup>                  | April 01, 2003     | 48                 |
| 17 <sup>th</sup>                  | April 02, 2003     | 50                 |
| 18 <sup>th</sup>                  | April 03, 2003     | 52                 |
| 19 <sup>th</sup>                  | April 08, 2003     | 54                 |
| 20 <sup>th</sup>                  | April 09, 2003     | 57                 |
| 21 <sup>st</sup>                  | April 10, 2003     | 59                 |
| 22 <sup>nd</sup>                  | April 15, 2003     | 62                 |
| 23 <sup>rd</sup>                  | April 16, 2003     | 65                 |
| 24 <sup>th</sup>                  | April 17, 2003     | 67                 |
| 25 <sup>th</sup>                  | May 06, 2003       | 70                 |
| 26 <sup>th</sup>                  | May 07, 2003       | 77                 |
| 27 <sup>th</sup>                  | May 08, 2003       | 79                 |
| 28 <sup>th</sup>                  | May 13, 2003       | 84                 |
| 29 <sup>th</sup>                  | May 14, 2003       | 86                 |
| 30 <sup>th</sup>                  | May 15, 2003       | 88                 |
| 31 <sup>st</sup>                  | June 03, 2003      | 92                 |
| 32 <sup>nd</sup>                  | June 04, 2003      | 96                 |
| 33 <sup>rd</sup>                  | June 05, 2003      | 99                 |
| 34 <sup>th</sup>                  | June 10, 2003      | 103                |
| 35 <sup>th</sup>                  | June 11, 2003      | 108                |
| 36 <sup>th</sup>                  | June 12, 2003      | 111                |
| 37 <sup>th</sup>                  | June 17, 2003      | 116                |
| 38 <sup>th</sup>                  | June 18, 2003      | 122                |
| 39 <sup>th</sup>                  | June 19, 2003      | 127                |
| 40 <sup>th</sup>                  | June 24, 2003      | 131                |
| 41 <sup>st</sup>                  | June 25, 2003      | 135                |
| 42 <sup>nd</sup>                  | June 26, 2003      | 145                |
| 43 <sup>rd</sup>                  | June 30, 2003      | 154                |
| First Special Session             | July 01, 2003      | 163                |
| 1 <sup>st</sup> Executive Session | September 24, 2003 | 165                |

**LEGISLATIVE DAYS**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**SECOND SESSION**

| <b><u>LEGISLATIVE DAY</u></b>     | <b><u>DATE</u></b> | <b><u>PAGE</u></b> |
|-----------------------------------|--------------------|--------------------|
| 1 <sup>st</sup>                   | January 13, 2004   | 170                |
| 2 <sup>nd</sup>                   | January 14, 2004   | 174                |
| 3 <sup>rd</sup>                   | January 15, 2004   | 176                |
| 4 <sup>th</sup>                   | January 20, 2004   | 187                |
| 5 <sup>th</sup>                   | January 21, 2004   | 189                |
| 6 <sup>th</sup> Joint Session     | January 22, 2004   | 190                |
| 7 <sup>th</sup>                   | January 28, 2004   | 200                |
| 8 <sup>th</sup>                   | January 29, 2004   | 203                |
| 9 <sup>th</sup>                   | March 16, 2004     | 206                |
| 10 <sup>th</sup>                  | March 17, 2004     | 208                |
| 11 <sup>th</sup>                  | March 18, 2004     | 212                |
| 12 <sup>th</sup>                  | March 23, 2004     | 215                |
| 13 <sup>th</sup>                  | March 24, 2004     | 216                |
| 14 <sup>th</sup>                  | March 25, 2004     | 217                |
| 15 <sup>th</sup>                  | March 30, 2004     | 219                |
| 16 <sup>th</sup>                  | March 31, 2004     | 222                |
| 17 <sup>th</sup>                  | April 01, 2004     | 224                |
| 18 <sup>th</sup>                  | April 06, 2004     | 226                |
| 19 <sup>th</sup>                  | April 07, 2004     | 230                |
| 20 <sup>th</sup>                  | April 08, 2004     | 234                |
| 21 <sup>st</sup>                  | April 27, 2004     | 236                |
| 22 <sup>nd</sup>                  | April 28, 2004     | 237                |
| 23 <sup>rd</sup>                  | April 29, 2004     | 239                |
| 24 <sup>th</sup>                  | May 04, 2004       | 244                |
| 25 <sup>th</sup>                  | May 05, 2004       | 246                |
| 26 <sup>th</sup>                  | May 06, 2004       | 248                |
| 27 <sup>th</sup>                  | May 11, 2004       | 250                |
| 28 <sup>th</sup>                  | May 12, 2004       | 255                |
| 29 <sup>th</sup>                  | May 13, 2004       | 257                |
| 30 <sup>th</sup>                  | June 01, 2004      | 260                |
| 31 <sup>st</sup>                  | June 02, 2004      | 264                |
| 32 <sup>nd</sup>                  | June 03, 2004      | 266                |
| 33 <sup>rd</sup>                  | June 08, 2004      | 271                |
| 34 <sup>th</sup>                  | June 09, 2004      | 275                |
| 35 <sup>th</sup>                  | June 10, 2004      | 279                |
| 36 <sup>th</sup>                  | June 15, 2004      | 284                |
| 37 <sup>th</sup>                  | June 16, 2004      | 288                |
| 38 <sup>th</sup>                  | June 17, 2004      | 294                |
| 39 <sup>th</sup>                  | June 22, 2004      | 300                |
| 40 <sup>th</sup>                  | June 23, 2004      | 306                |
| 41 <sup>st</sup>                  | June 24, 2004      | 312                |
| 42 <sup>nd</sup>                  | June 29, 2004      | 316                |
| 43 <sup>rd</sup>                  | June 30, 2004      | 325                |
| Second Special Session            | July 01, 2004      | 332                |
| 2 <sup>nd</sup> Executive Session | September 21, 2004 | 336                |

## **SENATE ACTION**



**1<sup>ST</sup> LEGISLATIVE DAY  
142<sup>ND</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 14, 2003**

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 02:15 PM on January 14, 2001 with Lt. Governor Carney presiding.

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

Lt. Governor Carney recognized Senator Adams.

Senator Adams move that Bernard J. Brady be appointed Temporary Secretary of the Senate and Patricia Moore be appointed Temporary Reading Clerk. No objections.

Senator Adams moved that Lt. Governor Carney appoint two members to examine Certificates of Election.

The Lt. Governor appointed Senators Cook and Amick to examine the Certificates of Election of the newly elected Senators.

The Lt. Governor called for a short recess at 02:18 PM for the Certificates to be examined.

The Senate reconvened at 02:19 PM and Senator Cook reported that the Certificates of Election were examined and found to be in order.

Senator Adams moved that the reading of one Certificate of Election be considered the reading of all the Certificates. No objection.

Pursuant to the above motion, the Certificate of Election of Senator Adams was read:

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 of our Lord Two Thousand Two for Sussex County, according to the Constitution and Laws of the State of Delaware, Thurman Adams, Jr., was duly elected Senator -- 19<sup>th</sup> District, 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 7th day of November, A.D. 2002.

(Signed)

T. Henley Graves, Resident Associate Judge

(Signed)

E. Scott Bradley, Associate Judge

\* \* \*

Senator Adams moves that the Oath of Office be administered to the newly elected Senators.

The Lt. Governor announced that the Senators-Elect to come forward as their respective names are called. Oaths will be administered by district number.

The Senators-elect were then sworn in the following order:

District 1: Harris B. McDowell, III by Judge Robert B. Coonin

District 2: Margaret Rose Henry by Chancellor William B. Chandler, III

District 3: Robert I. Marshall by Lt. Governor John C. Carney, Jr.

District 4: Charles L. Copeland by George C. Hering, III, Esquire

District 5: Catherine L. Cloutier by Judge Peggy L. Ableman

District 6: Liane M. Sorenson by Judge Susan C. Del Pesco

District 7: Patricia M. Blevins by Chief Judge Vincent J. Poppiti

District 8: David P. Sokola by Vice Chancellor Leo E. Strine, Jr.

District 9: Karen E. Peterson by Judge Barbara D. Crowell

District 10: Steven H. Amick by Resident Judge Richard R. Cooch

District 11: Anthony J. DeLuca by Resident Judge James T. Vaughn, Jr.

District 12: Dorinda A. Connor by Pres. Judge Henry duPont Ridgely

District 13: David B. McBride by Bartholomew J. Dalton, Esquire

District 14: James T. Vaughn by Resident Judge James T. Vaughn, Jr.

District 15: Nancy W. Cook by Justice Maurice A. Hartnett, III  
District 16: Colin R. J. Bonini by Vice Chancellor Leo E. Strine, Jr.  
District 17: John C. Still, III by Pres. Judge Henry duPont Ridgely  
District 18: F. Gary Simpson by Resident Judge William Swain Lee  
District 19: Thurman Adams, Jr. by Justice Randy J. Holland  
District 20: George H. Bunting, Jr. by Chancellor William B. Chandler, III  
District 21: Robert L. Venables, Sr., by Resident Judge T. Henley Graves

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

"I, (Name of Senator), 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 call of the roll of 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.

**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. Sponsors: Sen. Senator Adams & Sen. McDowell & Sens. DeLuca, Still, Sorenson.

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

YES: 21

**SR 1** was declared Adopted.

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

**SR 2** - IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE. Sponsor: Sen. DeLuca; Sens. McDowell, Vaughn, Amick, Simpson  
Senator Bonini questioned the sponsor.

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

YES: 21

**SR 2** was declared Adopted.

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

**SR 3** - IN REFERENCE TO THE ELECTION OF THE PRESIDENT PRO TEMPORE.  
Sponsor: Sen. McDowell & Sen. DeLuca

Senator Venables commented.

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

YES: 21

**SR 3** was declared Adopted.

Lt. Governor Carney congratulates Senator Adams and asks that he come forward to be administered the Oath of Office of President Pro Tempore, which was administered by Justice Randy J. Holland:

#### OATH OF OFFICE MEMBER 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 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.

Sworn (or affirmed) and subscribed before me this 14<sup>th</sup> day of January A. D. 2003

(Signed) The Honorable Randy J. Holland, Justice, Delaware Supreme Court

\* \* \*

Senator Adams made brief comments upon his swearing in as President Pro Tempore.

**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: Sen. Adams & Sen. McDowell & Sen. DeLuca

All Senators were added as sponsors to the resolution.

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

YES: 21

**SR 4** was declared Adopted.

Lt. Governor Carney sworn in the Secretary of the Senate, Bernard J. Brady.

#### 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 14<sup>th</sup> day of January, 2003, A. D.

(Signed) John C. Carney, Jr.

Lt. Governor

\* \* \*

Senator Adams announced the Majority Caucus leadership. Senator Harris B. McDowell, III, as Majority Leader and Senator Anthony J. DeLuca as Majority Whip for the First Session of the 142<sup>nd</sup> General Assembly.

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

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

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

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

YES: 21

**SR 5** was declared Adopted.

Pursuant to the above resolution, Senators McBride and Connor were appointed by the Lt. Governor to notify the Governor that the Senate is now organized.

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

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

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

YES: 21

**SR 6** was declared Adopted.

Pursuant to the above resolution, Senators Blevins and Bonini were appointed by the Lt. Governor to notify the House of Representatives that the Senate is now organized and ready for business.

At 04:08 PM on motion of Senator McDowell, the Senate recessed until 03:00 PM on January 15, 2003.

The Senate reconvened at 3:50 PM on January 15, 2003 with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HJR 1**.

The Temporary Reading Clerk was requested to read the new committee memberships for the 142<sup>nd</sup> General Assembly. Copies were available to the Senators.

A copy of this communication is on file for this legislative day. (See Table of Content – Committee Membership)

A communication from Senator Thurman Adams, Jr., President Pro Tempore, to Bernard J. Brady, Secretary of the Senate, was read into the record informing the Senate his appointments for the Interstate Cooperative Commission: The members are Senators James T. Vaughn, Thurman Adams, Jr. and Liane McD. Sorenson.

At 03:54 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 2<sup>nd</sup> Legislative Day.

**2<sup>ND</sup> LEGISLATIVE DAY  
142<sup>ND</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 15, 2003**

The Senate convened at 03:54 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.

**HJR 1** was brought before the Senate for consideration under the suspension of the necessary rules on the 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) - 1.

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

Senator McDowell requested the privilege of the floor for Janice Pendleton, representing OASIS (Organization of Adult Alumni & Students in Service).

The witness was excused after addressing the Senate.

Senator McBride requested the personal privilege of the floor to report that he and Senate Connor informed the Governor that the Senate is organized and ready for business.

Senator Henry requested the privilege of the floor to introduce Kathy Wilker, a constituent that was present in the chamber.

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

The Senate reconvened at 04:47 PM with Lt. Governor Carney presiding.

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

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

**1/15/03**

**SB 1** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS. Sponsor: Sen. Adams; Stone, Sen. DeLuca; **LOT**.

**SB 2** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC. Sponsor: Sen. Vaughn; Roy, Sens. Adams, Cook, Henry, Marshall, McDowell, Sokola, Amick, Bonini, Cloutier, Connor, Reps. Buckworth, Carey, Cathcart, Ewing, Fallon, Lee, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Wagner, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Van Sant, Williams; **LOT**.



**SB 3** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES. Sponsor: Sen. Marshall; Hudson; **LOT**.

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

|                                                                 |                                                                                              |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Mr. Joe F. Garcia<br>P.O. Box 1024<br>Wilmington, DE 19899-1024 | To be appointed a member of<br>the Board of Parole to serve a<br>term to expire May 17, 2003 |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------|

|                                                                       |                                                                                                                      |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Rev. Howard Milton Cole<br>2306 Baynard Blvd.<br>Wilmington, DE 19802 | To be appointed a member of<br>the Board of Parole to serve a<br>term to expire 4 years from<br>Senate confirmation. |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|

|                                                                  |                                                                                                                                                              |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr. Timothy E. Targett<br>64 Spinnaker Circle<br>Lewes, DE 19958 | To be reappointed<br>Commissioner of the Atlantic<br>States Marine Fisheries<br>Commission to serve a term to<br>expire 3 years from Senate<br>confirmation. |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                |                                                                                                                                          |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Mr. Clifton H. Hubbard<br>24 Bellrive Court<br>Dover, DE 19901 | To be reappointed<br>Commissioner of the Public<br>Integrity Commission to serve<br>a term to expire 7 years from<br>State confirmation. |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

\* \* \*

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

The Secretary announced the agenda for January 16, 2003.

On motion of Senator McDowell, the Senate recessed at 04:49 PM until January 16, 2003 at 02:00 PM.

The reconvened at 03:10 PM on January 16, 2003 with Lt. Governor Carney presiding.

At 03:11 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 3<sup>rd</sup> Legislative Day.

**3rd LEGISLATIVE DAY  
142nd GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 16, 2003**

The Senate convened at 03:11 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 rose to wish a belated birthday to Senator Connor.

On motion of Senator Adams and without objection, the following nominations were considered under the suspension of the necessary rules.

**Garcia, Joe:** 20 Senator(s) voting YES, 1 (Cloutier) ABSENT. Appointment was declared CONFIRMED.

**Cole, Howard:** 20 Senator(s) voting YES, 1 (Cloutier) ABSENT. Appointment was declared CONFIRMED.

**Targett, Timothy:** 20 Senator(s) voting YES, 1 (Cloutier) ABSENT. Appointment was declared CONFIRMED.

**Hubbard, Clifton:** 20 Senator(s) voting YES, 1 (Cloutier) ABSENT. Appointment was declared CONFIRMED.

**SB 1** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Adams.

**SB 1** – AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS.

Senator Sokola commented.

Senator Adams requested the privilege of the floor for Robert Glenn, Bank Commissioner.

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

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

YES: 20

ABSENT: Senator(s) Cloutier – 1.

**SB 1** was declared passed the Senate and sent to the House for Consideration.

**SB 3** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules, on the motion of Senator Marshall.

**SB 3** – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES.

Several Senators commented.

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

YES: 20

ABSENT: Senator(s) Cloutier – 1.

**SB 3** was declared passed the Senate and sent to the House for Consideration.

**SR 7** was introduced and brought before the Senate for consideration on the motion of Senator DeLuca.

**SR 7** – HONORING THE MEMORY AND CELEBRATING THE LIFE OF DOROTHY O. NEAL, WHO PASSED AWAY ON MONDAY, THE THIRTEENTH DAY OF JANUARY, 2003, AT THE AGE OF 67 YEARS. Sponsor: Sens. DeLuca, Blevins, McBride, Henry & Sokola.

Senators Marshall and Connor requested to be added as co-sponsors.

Senators Connor and McBride commented.

Roll call vote on **SR 7** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cloutier – 1.

**SR 7** was declared Adopted.

Senator McBride rose as Chair of the Sunset Committee to clarify the enabling legislation establishing said committee.

A communication from the President Pro Tempore, Thurman Adams, Jr., to the Secretary of the Senate, Bernard J. Brady was read into the record to note that Harris B. McDowell, III, and Dorinda A. Connor will be added as members to the Veterans Affairs Committee.

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

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

**1/16/03**

**SA 1 to SB 2** – Sponsor: Sen. Vaughn; Placed with the Bill.

**SB 4** – AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING AND BEACHES. Sponsor: Sen. Venables; **Natural Resources & Environmental Control**.

**SB 5** – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsor: Sen. Amick; Ulbrich, Rep. Miro; **Sunset**.

**SB 6** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO OYSTER HARVESTING. Sponsor: Sen. Simpson; Quillen; **Natural Resources & Environmental Control**.

**SB 7** – AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I, SECTION 5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED,

RELATING TO FREEDOM OF SPEECH. Sponsor: Sen. Blevins; Oberle, Sens. Peterson, Sokola, Sorenson, Reps. Miro, Buckworth, B. Ennis, Wagner, Reynolds, Hudson, Quillen, Maier, Keeley, Lavelle, Hall-Long; **Executive**.

**SB 8** – AN ACT TO AMEND CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO ELECTIONS. Sponsor: Sen. Still; **Community/County Affairs**.

\* \* \*

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

The Secretary announced the agenda for January 21, 2003.

On motion of Senator McDowell, the Senate recessed at 03:55 PM until January 21, 2003 at 02:00 PM.

The Senate reconvened at 03:00 PM on January 21, 2003 with Lt. Governor Carney presiding.

Senator Cloutier was marked present.

The Secretary announced a message from the House informing the Senate that it had passed **HB 7 w/HA 1; HB 6; HCR 1**.

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

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

**1/21/03**

**January 16, 2003**

**SB 9** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CHILD SUPPORT ENFORCEMENT AND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING, TRAPPING AND FISHING LICENSES. Sponsor: Sen. Blevins; Maier; **LOT**.

**January 21, 2003**

**SB 10** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES AND LICENSE PLATES. Sponsor: Sen. Henry; Keeley, Sens. Marshall & McDowell; Reps. Plant & Williams; **Public Safety**.

**SB 11** – AN ACT TO AMEND TITLES 11 AND 29 OF THE DELAWARE CODE RELATING TO CREDIT AND DEBIT CARD RECEIPTS. Sponsor: Sen. Connor; Valihura, Sens. Cloutier, Copeland, Simpson, Sokola, Sorenson, Still; Reps. B. Ennis, Houghton, Keeley, Miro; **Banking**.

**HB 6** – AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO AMEND SECTION 8. ORGANIZATION AND ANNUAL MEETING OF COUNCIL, BY ADDING A NEW SUBSECTION PROVIDING FOR AUTHORITY TO SET COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL. Sponsor: Rep. Booth; Simpson; **Community/County Affairs**.

**HB 7 w/HA 1** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO 911 – ENHANCED EMERGENCY NUMBER SERVICE. Sponsor: Rep. Lee; Fallon & Sen. Adams; **LOT**.

**SA 2 to SB 2** – Sponsor: Sen. Vaughn; Placed with the Bill.

\* \* \*

At 03:03 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 4<sup>th</sup> Legislative Day.

**4<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**JANUARY 21, 2003**

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

A prayer was offered by Senator Henry 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.

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

**SCR 1 – COMMENDING SHARON CROSSEN FOR BEING SELECTED DELAWARE’S STATE TEACHER OF THE YEAR FOR 2003 AND COMMENDING EACH SCHOOL DISTRICT’S TEACHER OF THE YEAR.** Sponsor: Sen. Sokola & Rep. Reynolds; On behalf of all Senators & On behalf of all Representatives

Senator Sokola requested the privilege of the floor for Delaware’s Teacher of the Year, Sharon Crossen and the Honorees from various school districts. After each teacher was introduced and school district announced, Ms. Crossen delivered her remarks.

Senator Connor commented.

The witnesses were then excused.

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

YES: 21

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

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

**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

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

YES: 21

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

Senator Vaughn requested that **SB 2** be Lifted from the Table and brought before the Senate for Consideration, under the suspension of the necessary rules.

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

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

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

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

YES: 21

**SA 2 to SB 2** was declared part of the bill.

**SA 3 to SB 2** was introduced and brought before the Senate for consideration on the motion of Senator Vaughn.

Roll call vote on **SA 3 to SB 2** was taken and revealed:

YES: 21

**SA 3 to SB 2** was declared part of the bill.

**SB 2 w/SA 2 & 3** was now before the Senate.

Roll call vote on **SB 2 w/SA 2 & 3** was taken and revealed:

YES: 21

**SB 2 w/SA 2 & 3** was declared passed the Senate as amended and sent to the House for Consideration.

Senator Blevins requested that **SB 9** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the rules.

**SA 1 to SB 9** was introduced and brought before the Senate for consideration on the motion of Senator Blevins.

Roll call vote on **SA 1 to SB 9** was taken and revealed:

YES: 21

**SA 1 to SB 9** was declared part of the bill.

**SB 9 w/SA 1** was now before the Senate.

Senator Connor questioned the sponsor, after which Senator Blevins requested the privilege of the floor for Charles Hayward, Director, Child Support Enforcement.

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

Senator(s) Bonini and Marshall commented.

Senator Marshall requested once again for Charles Hayward, Director, Child Support Enforcement.

Senator(s) Simpson and Amick questioned the witness, after which the witness was excused.

Roll call vote on **SB 9 w/SA 1** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, Copeland, Simpson, Vaughn, Venables – 5

**SB 9 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 7 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 Venables.

Senator Venables requested the privilege of the floor for Mayor Daniel Short, Mayor of Seaford.

The witness was excused after addressing the Senate.

Roll call vote on **HB 7 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting – 1.

**HB 7 w/HA 1** was declared passed the Senate and returned to the House.

**HCR 1** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 1** – EXTENDING THE FALSE SECURITY ALARM TASK FORCE REPORTING DATE. Sponsor: Rep. Gilligan & Rep. Boulden; Rep. Thornburg  
Senator Connor commented.

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

YES: 20

ABSENT: Senator(s) Bunting – 1.

**HCR 1** was declared Adopted by the Senate and was returned to the House.

Senator McDowell rose to wish a Happy Birthday to Senator Venables.

A communication from Governor, Ruth Ann Minner to Lt. Governor, John C. Carney as President of the Senate, dated January 16, referencing the nomination of Calvin L. Scott, Jr., Esquire, Associate Judge of the Superior Court was read in the record.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION ■ PART 2  
FIRST SESSION  
READ TO THE SENATE RECORD**

1/21/03

**SR 8** – A RESOLUTION TO AMEND SENATE RESOLUTION NO. 2 REGARDING THE RULES OF THE SENATE. Sponsor: Sen. McBride; Sens. Blevins, Bunting, Peterson, Sokola; **Permanent Rules**.

**SB 12** – AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING. Sponsor: Sen. Venables; Fallon; **LOT**.

**SJR 1** – 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; Quillen, Sens. Vaughn, Venables, Simpson; Reps. D. Ennis, Mulrooney, Carey; LOT.

\* \* \*

Additions to the agenda, committee and other legislative meetings were announced. The Secretary announced the agenda for January 22, 2003.

On motion of Senator McDowell, the Senate recessed at 04:40 PM until January 22, 2003 at 03:00 PM.

The Senate reconvened at 03:39 PM on January 22, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 2; SCR 1 & 2**.

The following committee report was announced:

From Public Safety: **SB 10** – 4 Merits.

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

**HCR 2** – PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING A BUDGET MESSAGE FROM THE HONORABLE RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE. Sponsor: Rep. Smith & Reps. Spence, Lee; Sens. Adams, McDowell, DeLuca

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

YES: 20

ABSENT: Senator(s) McBride – 1.

**HCR 2** was declared Adopted by the Senate and was returned to the House.

At 03:45 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 5<sup>th</sup> Legislative Day.

**5<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 22, 2003**

The Senate convened at 03:45 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, McBride, Marshall, 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 moved to recess for Party Caucus at 03:47 PM.

The Senate reconvened at 04:52 PM with Lt. Governor Carney presiding.

Senator McBride was marked present.

**SB 10** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 10** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES AND LICENSE PLATES. Senator Bonini commented.

Senator Bunting was marked present.

**SA 1 to SB 10** was introduced and brought before the Senate for consideration on motion of Senator Henry.

Senator Amick questioned the sponsor, after which Senator Henry requested the privilege of the floor for Francis Murphy, Senate Attorney.

Senator(s) Amick, Bonini and Connor questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 10** was taken and revealed:

YES: 21

**SA 1 to SB 10** was declared part of the bill.

**SB 10 w/SA 1** was now before the Senate.

Roll call vote on **SB 10 w/SA 1** was taken and revealed:

YES: 20

NO: Senator(s) Bonini – 1.

**SB 10 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.

A communication from Senator Steven H. Amick to Bernard J. Brady, Secretary of the Senate was read into the record informing the Senate that Representative Bethany Hall-Long was added as a cosponsor of **SB 5**.

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

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

1/22/03

**SB 13** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE SHERIFFS OF THE SEVERAL COUNTIES. Sponsor: Sen. Bunting; Hudson; **Judiciary**.

**SB 14** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROSECUTION OF SEXUAL CRIMES AGAINST CHILDREN. Sponsor: Sen. Blevins; Maier, Sens. Henry, Sokola, Sorenson; Reps. Buckworth, B. Ennis, Hall-Long, Hudson, Keeley, Lavelle, Reynolds, Spence, Valihura, Wagner; **Children; Youth & Families**.

The following nomination(s) were assigned **Executive** Committee:

|                                                                       |                                                                                                                                                |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Dolores A. Washam<br>1315 North Walnut Street<br>Wilmington, DE 19801 | To be reappointed a member<br>of the Delaware Natural Areas<br>Advisory Council to serve a term<br>to expire 4 years from Senate confirmation. |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                |                                                                                                                                              |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Carl Solberg<br>295 Tappahannak Trail<br>P.O. Box 1908<br>Dover, DE 19903-1908 | To be appointed a member of the<br>Delaware Natural Areas Advisory Council<br>to serve a term to expire 4 years from Senate<br>confirmation. |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

|                                                           |                                                                                                                                                              |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Craig S. Harrington<br>4 Exeter Place<br>Newark, DE 19801 | To be reappointed a member of the Enhanced 911<br>Emergency Reporting System Service Board to<br>serve a term to expire 3 years from Senate<br>confirmation. |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                   |                                                                                                                            |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| The Honorable Lester H. Blades, Jr.<br>1597 Peach Basket Road<br>Felton, DE 19943 | To be reappointed Commissioner<br>of Family Court to serve a 4 year term<br>from the date of Senate confirmation.<br>* * * |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|

The Secretary announced the agenda for January 23, 2003.

On motion of Senator McDowell, the Senate recessed at 05:15 PM until January 23, 2003 at 01:45 PM.

The Senate reconvened at 01:56 PM on January 23, 2003 with Lt. Governor Carney presiding.

At 01:58 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 6<sup>th</sup> Legislative Day.

**6<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 23, 2003**

The Senate convened at 01:58 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 moved the Senate recess at 02:00 PM in order to convene for a Joint Session pursuant to **SCR 2**.

At 2:03 PM the Sergeant-of-Arms announced the members of the House of Representatives were ready to enter the Chamber. They were admitted and welcomed to the Senate Chamber.

Lt. Governor Carney invited Representative Spence, Speaker of the House and Senator Adams, President Pro Tempore, to join him on the rostrum.

The Sergeant-of-Arms announced the members of the Judiciary were ready to enter the Chamber. They were admitted and welcomed.

The Sergeant-of-Arms announced the statewide elected officials along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College, were ready to enter the Chamber for the Joint Session. They were admitted and welcomed to the Senate Chamber.

The Sergeant-of-Arms announced the members of the Governor's cabinet officials are ready to enter the Chamber for the Joint Session. They were admitted and welcomed to the Senate Chamber.

**JOINT SESSION || SENATE CHAMBER  
State of the State Message  
January 23, 2003**

At 2:13 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, Lt. Governor Carney presided over the Joint Session. No objection.

On motion of Senator Adams, 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 Hudson, and Representative Gilligan 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.

Lt. Governor Carney recognized the Mayor of the City of Dover, Mayor Hutchinson and also welcomed his father-in-law former Judge Bill Quillen and thanked all the people for coming today.

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:

To the Lieutenant Governor, the President Pro Tem, Senator Adams, Speaker Spence, members of the 142<sup>nd</sup> General Assembly, members of the Delaware judiciary, the members of my Cabinet, the Presidents of the Colleges and Universities, to the other state wide elected officials, to distinguished guests, to my son and my fellow Delawareans.

As I stand before you today, I can report to you that the State of the State of Delaware is



strong. We are a leader in educating our children and protecting health. We are in the forefront in cracking down on polluters and in preparing for bioterrorism.

We are recognized for our plans to curtail sprawl and to make our state more livable. And while we confront a national economic recession with challenges that still lie ahead, we have shown that's Delaware's financial remains strong.

As my 49 colleagues give their State of the State addresses to your colleagues, you and I are nearly the only ones who can say we have not raised taxes, we have not slashed services, we have not laid off our state workers or raided our emergency reserve funds in the last two years. In fact, while other states have opted for one-time and short-term fixes, we have taken the responsible and the prudent course of seeking long-term solutions of our fiscal situation.

The reason for Delaware's success – over the last two years, over the last twenty years – has been our willingness, our ability and our will to focus on the future of our state, even when it means making unenviable decisions in the present.

As in the past, we have worked together – legislative and executive, Democrats and Republicans, senators and representatives, and done what's best for Delaware. It's what we mean when we say "the Delaware way."

There are times when we must rise above the political turmoil of today and focus on tomorrow. This is one of those times, and the opportunity we have is for the future Delawareans to look back and see that we focused on their good, perhaps ahead of our own.

So let me start talking about those opportunities.

#### Industrial responsibility

In the last two years, we have strengthened Delaware's environment. Laws are better today and we protect and inform the public. In 2001, the Environmental Right-To-Know Act met the expectation of citizens that we inform them more quickly of the environmental incidents in their community.

Last year, the Jeffrey Davis Aboveground Storage Tank Act gave the state, authority to regulate chemical and other tanks that have the potential to cause harm to our workers, our residents and our environment.

We put those facilities that repeatedly foul our air and water on notice that they are branded "chronic offenders" and subject to harsh penalties.

We must continue our efforts to focus on those industries and facilities that endanger Delaware and, for the first time, hold individuals in charge of those facilities accountable.

I proposed legislation, with Sen. McBride and Representative Smith and Representative Valihura, to focus on those who manage industrial facilities and their responsibilities to the community and the state.

This industrial accountability legislation will create a felony punishment for industrial officials who are knowingly violate environmental standards and cause serious injury when they do.

It will expand criminal penalties for falsely reporting adherence and environmental rules that require the top Delaware operating official of a facility to attest to compliance with safety rules. It will subject chronic violators to independent safety audits and require industrial facilities to give us notice of environmental problems they have in other states.

Finally, this industrial accountability proposal will clarify the state's ability to close down dangerous industrial facilities. It's a bold initiative, but it is a necessary next

step in our ongoing effort to protect our natural resources.

Today, I am also announcing a task force to review the events that led to the closure of the Metachem, a facility near Delaware City.

The abrupt shutdown of that plant and the bankruptcy of that company have saddled the people of Delaware with up to 40 million tons of chemicals to clean up and up to \$75 million in costs.

The goal of the task force will be to determine what environmental, operational, business and financial factors played a role in the closure and identify any steps we as a state could take to prevent this situation from occurring again. The task force will work to identify any other industrial site in our state that may be at risk of becoming the next Metachem.

I will name a man who is well respected for both, his love of our state and his ability, honed as one of our state's most respected jurists, to seek the truth. I am pleased to have with us today the task force chair, former Supreme Court justice, Chancellor and Superior Court judge, William Quillen.

In the coming months, I will announce additional initiatives designed to encourage and require industrial facilities about the environmental protection in Delaware. I look forward to sharing and working with you in the weeks ahead.

#### Livable Delaware/water supply/energy

The Minner-Carney administration's Livable Delaware plan for curbing sprawl and managing growth has changed the way the state and local governments approach development.

Because state taxpayers pay for the roads, the schools and the other services demanded by development, we have asked our counties and towns to plan where they build and build only where they plan.

About two-thirds of the state's municipalities and all three counties are in the process of reconsidering or adopting a growth plan. The results, over time, will be more responsible and thoughtful growth.

Often, when plans for development are proceeding through the local process, our state government finds elements of those plans problematic, from the local roads to the things that happen with environmental impacts. Often these issues arrive very late in the process, inconveniencing local officials, concerned citizens and the developers.

This year, I will propose legislation, legislative change to the Land Use Planning Act to create a pre-application step to protect those projects and to do it to projects of a certain size. This proposal would bring together the developer, local governments, state agencies before the project is submitted for approval. It would eliminate many of the last-minute objections and changes that take place now and, with the consultation of state agencies earlier, may result in projects that are more suitable for the affected community.

The issues of development in northern New Castle County cannot be addressed without talking about the issue of water supply.

During the 2002 drought, Delaware was the last state in the region to impose mandatory restrictions and the first state to lift those restrictions.

That is not because we were inattentive, its but because of the interconnections among water providers that allow the sharing of supplies, the suppliers' ability to manage the flow and yes, DNREC's oversight. I commend the public-private partnership that went into the management of this year's drought, the most serious water shortage in our state in a century.

But the growth of the state's population means significant action is necessary to ensure that water is available to every Delaware citizen and business, even during a drought. I propose today that we embark on an effort to make certain that northern Delaware achieves water self-sufficiency by the year 2010.

We have already begun the progress toward that goal.

The Public Service Commission is reviewing last year's drought to identify future solutions. And the state, municipal water suppliers and private water companies are working together to identify the steps that will provide adequate water for everyone.

Whether we are at the end of a period of strange and turbulent weather or whether it will continue, I cannot predict. In Delaware, of course, weather is the responsibility of our Lieutenant Governor.

But in the past year, we've seen a mild winter, a dry spring, a summer drought, a fall too wet for some and a restoration of needed water supplies for others. We are now experiencing a normal winter but one that strains household budgets for heat and for transportation.

That's why next year, I hope to have before you the first-ever comprehensive energy plan: one that will make us more self-sufficient in a world that sees uncertainty, one that will nurture new Delaware companies that are part of the fast-growing and moving technology, changes yes many, and one that will provide incentives to homeowners and businesses to take part in the energy transition to renewable products.

As we strive to keep the challenges of the present from becoming the crises of the future, energy in our state is one we must address. And we must work together to address it.

#### Homeland security

At this time last year, I told you that much of my legislative agenda for 2002 would focus on protecting our state from the threat of terrorism. Working together, you and I have accomplished most of that agenda.

We passed several pieces of legislation, the most important being the Delaware Emergency Health Powers Act.

Now our food processors, pharmacists, veterinarians and medical community are all part of a massive early-alert network that will allow us to detect bioterrorism in the critical early hours. Now we have a set of rules and procedures that will help us react swiftly and effectively if a bioterrorist act does occur.

We have some of the most sweeping medical privacy rules in the country, so Delawareans can be assured that their medical privacy will not be compromised in the event of a bioterrorism or chemical attack.

Taken together, we have the most comprehensive and effective anti-bioterrorism system in the country, and I thank the General Assembly for its help in dealing with this complicated but important issue.

My work on homeland security will continue this year. I will work with my homeland security adviser Phil Cabaud to secure from the federal government the necessary resources to improve our public health alert and first responder systems.

I cannot talk about homeland security without recognizing the 245 men and women of Delaware's National Guard currently deployed on active duty, many as our country's war on terrorism. Another 137 are expected to go by the end of the month. We also, have reservists who are activated and serving. I know you join me in offering

sincere appreciation for their courageous service, as well as our prayers and best wishes for their safe return.

#### Health and safety/cancer

One of our government's most sacred duties is to protect the health and safety of its citizens. And we are doing that in Delaware.

In the area of public safety, we have supported our emergency responders by fixing the troubled 800-megahertz system it's the backbone of the communication for firefighters, for police officers, for EMS workers.

Lt. Gov. Carney has distributed 20,000 free cable gun locks, hoping they will keep those guns from becoming a part of the tragic accident we hear about and shudder.

Last year, you joined me in strengthening the penalties for individuals who repeatedly drink and drive. But there is more to be done. I ask, once again, that the General Assembly consider the legal blood alcohol level while driving to .08 and to ban open containers of alcohol from passenger compartments of cars and trucks.

We know these measures will save life, prevent injury, prevent the loss of about \$1.6 million of federal highway funding.

I have spoken to you and the people of Delaware often about my desire and commitment to reduce the high rate of cancer and mortality of the State of Delaware.

Last year, the Delaware Advisory Council on Cancer Incidence and Mortality produced what I consider a landmark report on cancer in our state. It contains specific recommendations that doctors, cancer survivors and family members of cancer victims tell us will lower Delaware's cancer rates, a personal priority of mine.

My budget proposal will include a plan to spend \$5 million of the tobacco settlement money to fund the first-year recommendations of the cancer council. These funds will be used to begin early screening for colorectal cancer, to pay for cancer treatment for those without insurance and to begin to investigate environmental causes of cancer and to reduce tobacco use in Delaware.

I'd like to recognize and have all of us thank the Delawarean who led the council and provided a road map for our efforts to fight cancer. His commitment to his son, who was diagnosed with leukemia but is now in remission, has turned into a commitment to every Delawareans with cancer. Please welcome Mr. Bill Bowser.

I brought along with me today and I want to read to you a letter about the Clean Indoor Air Act, because that was one of their recommendations, let me read a part of this letter to you. A letter from a 10-year old, Kimberly Eagle: "I appreciate it, because she is very honest in what she says, let me tell you what she said, I appreciate it very much because when I was 6 years old I was diagnosed with cancer. And I am very happy that you put the smoking ban up because when I went into a restaurant I had to walk past a bar to go to my table and it hurt my lungs very much." Kimberly is with us today, welcome to the Delaware State Senate.

Ladies and Gentlemen, the message from Kimberly and from I: Be proud of what you did for the people of Delaware and for the generations yet to come.

Yes, there are detractors, there's also the quiet majority grateful for clean air and the opportunity to now dine or socialize where they choose.

For the same reason that we should not borrow from future generations to solve this year's budget problem, we should not sacrifice the health of those who work or who will be born here to the crisis of last year's bold steps. Delaware is one of the first states to

care so deeply for its citizens instead of being one of the last and that's to our credit, and I want to keep it that way.

#### Character education

In our schools, we are seeing the results of the standards and accountability program that our state committed to almost a decade ago. In the last two years, we have seen improvement in reading and math scores in all the key grades in our accountability system.

This, to me, shows the wisdom of setting high standards, of deciding together how to help our children meet those standards, and in remaining committed to the means that will lead us to our desired end – a truly world-class school system and we will remain true to this commitment.

As we develop our children's ability and intellect, we should also seek to develop in them virtues that are good for them and for society.

To do this, I have directed the Secretary of Education to research and identify character education programs that could be added to the school districts at little or no cost to them. This curriculum addition would be completely voluntary, but I believe those schools who adopt it will be producing better students and better citizens.

#### Campaign finance reform

For the elected officials here, each of us arrived through the democratic process, a system of representation that began in our state over 200 years ago. And I believe we have the responsibility to maintain or improve that process.

In keeping with that responsibility, I believe it's time that we address the issue of campaign finance reform in particular the newest kind of attack paid for by "independent expenditures."

I am talking about the vicious campaign attacks on—Democrats and Republicans—by organizations with mysterious sounding names that no ones ever heard of until campaign season.

These independent expenditures allow such groups to evade our campaign contribution laws and limits, buy the outcome of elections, and worst yet, the negative ads they pay for sours our citizens on the system.

We can't stop these ads—the First Amendment protects them. But I believe we can do two important things. First, we can strengthen our laws to make sure these ads are really independent, and not simply efforts by a political candidate to circumvent our campaign finance laws.

Second, we can make a better effort to require the people who pay for these ads to reveal who they really are, rather than letting them hide behind fictitious names and bogus groups.

So, in the coming months, I will submit for your consideration campaign finance reform to address these problems and I ask you to consider it carefully. Did you know Delaware has struggled over the last few years as the economy has softened, but there have been a few bright spots.

Two weeks ago Palmetto Management and Engineering announced it would bring 350 high-wage jobs to Wilmington. Last week, Bank One agreed to locate two state of the art data centers in Delaware one in Bear the other in Wilmington – and create another 100 jobs. That means a total of 2,600 jobs have been created in Delaware since January 01.

Also last week, I was proud to announce that M&T Bank will keep the Allfirst facility in

Millsboro open, a facility many thought sure to close when Allfirst's announced their merger with M&T. In fact, M&T may expand in Millsboro in the future, bringing even more employment opportunities to our state.

These announcements show that Delaware continues to be a desirable place to do business.

Last year, the Strategic Economic Council, led by DuPont senior vice president Stacey Mobley, recommended a number of steps for making Delaware's economy even stronger. Among the recommendations was one that Delaware create special procedures in its already well-respected Chancery Court to hear disputes in the area of technology-related commerce.

According to the Council, "in the coming decades, we cannot maintain expertise in law – whether in intellectual property, privacy, patent and trademark, or the UCC – without expertise in the increasingly complex technologies developments involved."

To maintain Delaware's preeminence in the area of business law and preserve the sizeable economic impact that business law has on our state, I will submit legislation creating new "technology court" procedures for your consideration.

I will also reconvene the Council throughout the year to continue to identify opportunities and policies that will keep Delaware first in job retention and creation.

Budget preview

Finally, you have agreed to allow me to return next week and detail my proposal for the Fiscal Year 2004 budget. So I will not dwell much on it today.

What I will say is this: The task be for you and I, it will be daunting. In enacting a balanced budget it will be daunting. When I began work on the budget proposal, the gap between projected revenues and expenditures for FY04 stood at about \$300 million – more than 10 percent of our budget.

The gap existed because the current projected revenues will be less than state government's level of spending this year. Add to that a largely unavoidable increase in the budget from the mandated costs we see them every year: increases in Medicaid, increases in health care and prescription costs, increases in costs of schools because we have more a growing student population, and increases in costs of our growing prisons system.

Further complicating the budget picture is the fact that revenues for FY05 are currently also forecasted to be lower than this year's budget and economists are not forecasting a quick recovery – in fact many are forecasting a "double-dip" recession instead.

In short, there is a structural problem in our state budget: the fact that revenue forecasts for the next two years are well below the current level of spending.

The only responsible ways to align revenues and expenditures are to cut the budget in ways that are sustainable or raise sustainable revenue. Temporary or one-time revenue sources will not solve the fundamental and structural budget problem our state.

As you know, my philosophy during these past two years has been to avoid quick fixes that sacrifice long-term fiscal health.

Since I took office, we have saved almost \$200 million with budget cuts. In fact, these budget cuts began on my second day in office. The 2004 budget I will propose next week will include even more budgets.

One such cut has already been announced – the closing of the Gov. Bacon Health Center in Delaware City. The state has been operating three nursing homes when it really only needs two, creating a opportunity to save \$2.5 million without diminishing services to the

patients or to the employees who work there. The level of care these patients receive will not change, as they and the employees who have served them so well in the past will be moved to one of our two other health care facilities.

When I release my budget proposal and as we discuss it between now and June 30, I urge those of you who have been here before and those of you who weren't to look back at the way our state has faced the challenges in the past.

I know how difficult the next few months will be. Many of us in this chamber today were here in the 70s and in the early 90s, the last two times our state faced a fiscal crisis especially a crisis of this size.

We know that the only way to solve the problem is together – legislative and executive, Democrats and Republicans, senators and representatives – the Delaware way.

#### Conclusion

As I said when I began, this is a time of challenge but a time of opportunity. This is a time to focus on the future. This is a time to face the realities of our situation and to work together to find responsible solutions.

Newsman Edward R. Murrow once said, "Difficulty is the excuse history never accepts." We face difficult decisions over the next several months. Let us work together to prove ourselves and our mettle to history.

Thank you very much.

\* \* \*

Lt. Governor Carney thanked Governor Minner for her address and for her leadership of our great state during these challenging times and he told her he would go to work on the weather, after which he 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 respected journals to see if they agree.

Lt. Governor Carney recognized the Secretary of the Senate.

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 that the Joint Session adjourn and the two Houses separate.

Lt. Governor Carney recognized Senator McDowell.

Senator McDowell moved the Senate recess for Party Caucus.

The Senate reconvened at 3:58 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/23/03**

**January 22, 2003**

**SA 1 to SJR 1** – Sponsor: Sen. McBride; Placed with the Bill.

**January 23, 2003**

**SB 15** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT. Sponsor: Sen. Sokola; Maier, Sens. Blevins, Henry, McDowell, Peterson & Sorenson; Reps. Hudson, Miro, & Keeley; **Education**.

**SB 16** – AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES. Sponsor: Sen. Copeland; Lavelle; **LOT**.

**SB 17** – AN ACT AMENDING THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT AND AMENDING THE LAWS OF DELAWARE. Sponsor: Sen. Venables; Roy, Sen. Blevins, Cook, DeLuca, Connor, Simpson, Rep. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner, Mulrooney; **Bond Bill**.

**SB 21** – AN ACT TO AMEND TITLE 29 DELAWARE CODE RELATING TO SERVICE IN THE STATE JUDICIARY PENSION PLAN. Sponsor: Sen. Cook, Rep. DiPinto; Sen. Sorenson. **LOT**

A communication from Senator Cloutier to the Secretary of the Senate, Bernard J. Brady was read into the record informing the Senate that her name was added as a co-sponsor of **SB 14**.

**SB 12** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Venables.

**SB 12** – AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING.

Senator McBride commented.

Roll call vote on **SB 12** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1.

**SB 12** was declared passed the Senate and sent to the House for Consideration.

Senator(s) Bonini and Cloutier marked present during the above roll call.

Senator Venables requested that **SB 4** be Stricken. No objection.

**SJR 1** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator McBride.

**SJR 1** – 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.

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

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

YES: 20

ABSENT: Senator(s) Sorenson – 1.

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

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

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

YES: 20

ABSENT: Senator(s) Sorenson – 1.

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

**SB 16** was Lifted from the Table and brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Copeland.

**SB 16** – AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF CERTAIN MARRIAGES.

Several Senators commented.

Roll call vote on **SB 16** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1.

**SB 16** 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 January 28, 2003.

On motion of Senator McDowell, the Senate recessed at 04:28 PM until January 28, 2003 at 02:00 PM.

The reconvened at 02:27 PM on January 28, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 16; SB 9 w/SA 1**.



Senator Sorenson marked present.

The following committee reports were announced:

From Community/County Affairs: **HB 6** – 3 Merits.

From Bond: **SB 17** – 6 Merits.

At 02:30 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 7<sup>th</sup> Legislative Day.

**7<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 28, 2003**

The Senate convened at 02:30 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 Cook requested that **SB 21** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary.

Senator Cook requested the privilege of the floor for David Craik, representing the State Pension office.

Senator(s) Still and Simpson questioned the witness, after which the witness was excused.

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

YES: 21

**SB 21** was declared passed the Senate and sent to the House for Consideration.

Senator McBride marked present during the above roll call.

**HB 6** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 6** – AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE CITY OF LEWES” TO AMEND SECTION 8. ORGANIZATION AND ANNUAL MEETING OF COUNCIL, BY ADDING A NEW SUBSECTION PROVIDING FOR AUTHORITY TO SET COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL.

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

YES: 21

**HB 6** was declared passed the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 02:43 PM.

The Senate reconvened at 04:24 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE’S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/28/03**

**1/23/03**

**HB 16** – AN ACT TO AMEND TITLES 8 & 9 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW AND TO RECORDERS.  
Sponsor: Rep. Wagner; Vaughn; **LOT**.

**1/28/03**

**SB 23** – AN ACT TO AMEND TITLES 6 AND 26 OF THE DELAWARE CODE RELATING TO TELEMARKETING REGISTRATION AND FRAUD PREVENTION.

Sponsor: Sen. Marshall; Valihura, Sens. Blevins, Henry, McBride, McDowell, Peterson, Sokola, Simpson, Still; Reps. B. Ennis, Gilligan, Hall-Long, Schwartzkopf, Viola;

**Judiciary.**

**SB 24** – 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; Valihura, Sen. Sokola; **Executive.**

**SB 25** – 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; Valihura; **Executive.**

**SB 26** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CRIMINAL OFFENSES. Sponsor: Sen. Vaughn; Ewing; **Judiciary.**

**SB 27** – AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, BY CLARIFYING VOTING QUALIFICATIONS, PROHIBITING MEMBERS OF COUNCIL FROM BEING EMPLOYED BY THE TOWN, CLARIFYING THE POWERS OF THE MAYOR, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH CODE OF CONDUCT, CONTRACT, AND COMPETITIVE BIDDING PROVISIONS BY ORDINANCE, CLARIFYING FORFEITURE OF OFFICE PROVISIONS, AUTHORIZING REMOTE ELECTRONIC ACCESS MEETING PARTICIPATION BY COUNCIL MEMBERS, EXPANDING THE TOWN'S ABILITY TO CREATE LIENS AND TO COLLECT COSTS AND ATTORNEY'S FEES, EXPANDING THE JURISDICTION OF THE TOWN POLICE AND ALDERMAN, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATION, IMPOSE IMPACT FEES AND TO COLLECT A "VOLUNTARY ASSESSMENT" FROM VIOLATORS IN LIEU OF REQUIRING A COURT APPEARANCE. Sponsor: Sen. Bunting; Hocker;

**Community/County Affairs.**

**SB 28** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL CONDITIONS. Sponsor: Sen. Blevins; Wagner; **Judiciary.**

**SB 29** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PROHIBITING THE CARRYING OF DOGS IN ANY UNENCLOSED AREA OF A TRUCK. Sponsor: Sen. Amick; Sens. Bonini, Connor, Peterson, Sorenson; Reps. Boulden, DiPinto, Maier; **Agriculture.**

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

Calvin L. Scott, Jr.  
57 Springbrook Lane  
Newark, DE 19711

To be appointed Associate Judge  
of the Superior Court  
of the State of Delaware to  
serve a twelve year term  
from the date of swearing in.

Robert A. Glen  
8 Hobson Drive  
Hockessin, DE 19707

To be reappointed State  
Banking Commissioner of the  
State of Delaware to  
serve a term to expire four years  
from Senate confirmation.

Debra J. Sharp  
14 Glencoe Drive  
Newark, DE 19702

To be reappointed a member  
of the Enhanced 911 Emergency  
Reporting System Service Board to  
serve a term of 3 years from  
Senate confirmation.

Lynn W. Williams  
202 Brecks Lane  
Wilmington, DE 19807

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

H. Hickman Rowland, Jr.  
120 The Strand  
New Castle, DE 19720

To be reappointed a member  
of the Board of Directors of  
the Diamond State Port  
Corporation for a term of 3 years  
from Senate confirmation.

\* \* \*

**HB 16** 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 Vaughn.

Senator Vaughn requested the privilege of the floor for Richard J. Geisenberger, Assistant Secretary of State.

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

Roll call vote on **HB 16** was taken and revealed:

YES: 21

**HB 16** was declared passed the Senate and returned to the House.

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

The Secretary announced the agenda for January 29, 2003.

On motion of Senator McDowell, the Senate recessed at 04:39 PM until January 29, 2003 at 03:30 PM.

The reconvened at 03:42 PM on January 29, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 3; HJR 2**.

The following committee reports were announced:

From Executive: **Honorable Lester Blades, Jr.** – 6 Merits; **Robert A. Glen** – 6 Merits; **Craig Harrington** – 6 Merits; **H. Hickman Rowland** – 6 Merits; **Calvin Scott** – 6 Merits; **Debra Sharp** – 6 Merits; **Carl Solberg** – 6 Merits; **Dolores Washam** – 5 Merits; **Lynn Williams** – 6 Merits.

At 03:47 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 8<sup>th</sup> Legislative Day.

**8<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**JANUARY 29, 2003**

The Senate convened at 03:47 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.

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

**Glen, Robert:** 20 Senator(s) voting YES, 1 (Amick) ABSENT. Appointment was declared CONFIRMED.

**Scott, Calvin:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED. Senator Amick marked present during the above roll call.

**Solberg, Carl:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**SB 17** was brought before the Senate for consideration on motion of Senator Venables.

**SB 17** – AN ACT AMENDING THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT AND AMENDING THE LAWS OF DELAWARE.

Senator McBride commented.

Roll call vote on **SB 17** was taken and revealed:

YES: 21

**SB 17** was declared passed the Senate and sent to the House for Consideration.

**SB 5** was brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Amick.

**SB 5 – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.**

Senator(s) Peterson, DeLuca and Henry commented.

Senator Amick requested the privilege of the floor for Valerie Watson, representing the Division of Professional Regulation.

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

Senator Amick requested the bill be returned to the Sunset committee.

Senator Sokola requested to be added as a co-sponsor of **SB 5**. No objection.

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

**SCR 3 – URGING THE ATTORNEY GENERAL TO JOIN A RECENT LAWSUIT FILED BY THE STATES OF CONNECTICUT, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, RHODE ISLAND, AND VERMONT AGAINST THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.** Sponsor: Sen. Sokola & Sen. Connor; Sens. Marshall, McBride, Peterson, Simpson, Sorenson; Reps. Cathcart, George, Gilligan, Hall-Long, Houghton, Keeley, Maier, Miro, Mulrooney, Reynolds, Schwartzkopf, Viola, Williams.

Senator Sokola moved to Lay **SCR 3** on the Table. No objection.

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

The Secretary announced the agenda for January 30, 2003.

On motion of Senator McDowell, the Senate recessed at 04:34 PM until January 30, 2003 at 01:45 PM.

The reconvened at 01:48 PM on January 30, 2003 with Lt. Governor Carney presiding.

The following committee report was announced:

From Education: **SB 15** – 2 Favorable, 3 Merits.

At 01:50 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  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
JANUARY 30, 2003**

The Senate convened at 01:50 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, McBride, Marshall, 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 McDowell the Senate recessed at 01:52 PM to convene in the House for the Governor's Budget Address.

The Sergeant-of-Arms announced the members of the Senate were ready to enter the Chamber. They were admitted and welcomed to the House Chamber.

The Acting Speaker invited Lt. Governor Carney and President Pro Tem Adams, to join him on the rostrum.

Representative Smith recognized Mayor Baker and Mayor Hutchinson. The Acting Speaker welcomed them to the Chamber.

The Sergeant-of-Arms announced the members of the Judiciary were ready to enter the Chamber. They were admitted and welcomed.

The Sergeant-of-Arms announced the statewide elected officials along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical and Community College, were ready to enter the Chamber for the Joint Session. They were admitted and welcomed to the House Chamber.

The Sergeant-of-Arms announced the members of the Governor's cabinet officials are ready to enter the Chamber for the Joint Session. They were admitted and welcomed to the House Chamber.

Representative Smith moved the House of Representatives and Senate meet in Joint Session for the purpose of hearing the budget address from the Honorable Ruth Ann Minner, Governor of the State of Delaware. No objection.

Representative Smith moved the Acting Speaker presided over the Joint Session. No objection.

Representative Smith moved the Chief Clerk of the House and Secretary of the Senate act as Secretaries to the Joint Session. No objection.

Representative Smith moved that the Acting Speaker appointed a committee of four to form the committee to escort the Governor to the Joint Session.

The Acting Speaker appointed Representative Carey, spokesperson, Representative Plant, Senator Connor and Senator Blevins to escort the Governor to the House Chamber.

The Acting Speaker announced that Representative Hocker's daughter, Beth Ann Hocker was here today and is going to entertain the members by singing God Bless the USA

The Acting Speaker thanked Beth Ann and expressed how appropriate it was with the way things are today and overseas.

The Acting Speaker requested the Sergeant-of-Arms admit the escort party with the Governor.

Representative Carey introduced the Governor to the Joint Session.

The Governor was welcomed by the Acting Speaker and invited her to the rostrum.

The Governor addressed the assembly as follows:

**State of Delaware  
Office of the Governor  
Budget Address of Governor Ruth Ann Minner  
January 30, 2003**

Good afternoon everyone. What a pleasure to be here. I always enjoy coming back to the House and the Senate, so I thank you for the invitation to be with you today. Lieutenant Governor Carney, President Pro Tem Adams, Acting Speaker Oberle, to the members of the 142<sup>nd</sup> General Assembly, other elected officials, and the college Presidents, the University President, members of the Delaware judiciary, members of my Cabinet, distinguished guests, my son and my fellow Delawareans...

We gather today in uncertain times, gripped in a national economic recession and with the threat of war looming. The outlook for our country's economy and thus for our state's finances is unclear. But we are charged, you and I, with the stewardship of our state, and so I am here to present my long-term plan to steer Delaware through the uncertainty, toward a fiscal stability and economic prosperity.

A national economy has slumped and Delaware is weathering the storm much better than most states. As I said last week, Delaware is one of the only states that has survived the last two years without raising taxes, drastically slashing services, laying off employees or raiding the emergency reserve funds. We have not had to do what over states have had to do because we chosen the sensible path and I thank you for that.

The effects of the national economic slowdown took hold on my second day in office, and I was told that I had a \$35 million shortfall, I immediately ordered a series of cuts to bring our budget into balance. When revenue projections continued to drop and costs continued to rise, we continued to cut and to save – four more rounds of budget cuts, a total of almost \$200 million.

In the most recent round of cuts, our plan to fill a \$95 million hole included a freeze on state hiring, a three percent across-the-board cut to all agencies, reengineering and retooling existing programs, and a review of the state purchases.

These aggressive steps early in the fiscal year along with one-time funds from the state's largest ever property settlement have closed the gap for Fiscal Year 03, assuming that is, revenues don't go down again. Now, the challenge is to construct a balanced budget for Fiscal Year 2004.

And it is no small challenge. The gap between projected revenues and expenditures on

the Fiscal Year 2004 budget I am proposing to you today was \$300 million when I started to work on it. Let me explain first the factors that have contributed to a structural problem in our state budget.

The revenues projected by DEFAC for the next two years – 2004 and 2005 – are considerably lower than what we are spending today, in Fiscal 2003. In fact, according to DEFAC's estimates, it will be Fiscal 2006 before our revenues again match our current year spending.

On top of the drop in revenue, there are the constantly increasing taxes Medicaid, health care, state pensions, state prisons, debt service, schools and then continue.

It is time to solve the structural problem that exists in our budget and put Delaware on a firm financial footing. Without significant change, this problem will exist for years to come.

We won't meet the challenge with one-time measures and financial gimmicks. In the last few years, other states have relied on one-time expenses, one-time ways of balance their budgets, like appropriating the 98 percent or raiding their emergency funds.

Other states were betting the economy would bounce right back, and as we all know, it didn't. As a result, we read in the paper what those states are now being forced to do: release prison inmates; close schools one day a week; eliminate state police officers; layoff large numbers of state employees; close parks; close museums; close Division of Motor Vehicles lanes; or use one time tobacco money for ongoing non-health care costs.

None of us can predict the future, each and every one of us is responsible to prepare for it. If we were to raid our rainy day fund or appropriate all of our revenue, what would we do if, we did have a further turn down or as most forecasters say, we would have a real second economy dip?

What if we have a hurricane strike, or terrorist attack, or some other unanticipated emergency? Who among us wants to resort to what the other states did because they failed their citizens in making the tough choices?

No, our goal should be to fix the structural problem that exists in the state's budget and fix it for the long-term. That means putting our revenues and expenditures back into alignment.

We will do what every Delaware family would do if faced with the same problem. Suppose the family had an income paycheck \$1,700 with their bills, their payments, their expenses were \$2,000.

They could raid their savings account trying the difference for one month. But what if they have an emergency, like fixing their family car or some home repair, or someone got sick or needed a root canal? And what about the next month and month after that?

No, responsible Delawareans would say cut back on spending, or find a way to make more money. Or both.

And my proposal will be to do both. While I believe that we have cut costs and made Government more efficient, I also believe that there are certain obligations government has and certain services the state provides that should not be eliminated. We cannot solve a \$300 million problem through tax cuts without affecting children, the elderly, the poor, public safety and our state's competitiveness.

Therefore I propose today a Fiscal Year 2004 budget of \$2.432 billion, an increase of only 1.69 percent over Fiscal 03 while meeting mandated increases. This proposal includes a balanced approach. Of the \$300 million gap between revenues and

expenditures for Fiscal 04, I propose that more than half be made up by cutting costs and a little less than half from raising revenue.

Delaware has a strong tradition of working together to solve the state's problems. And I am deeply grateful for the positive working relationship between my administration and the 62 members of the General Assembly.

We've worked together to solve Delaware's problems and I stand before you today, renewing my commitment to solve the challenge that will have implications for many years to come.

I propose to make up about \$155 million of the \$300 million gap by eliminating and reducing sustainable cuts made in Fiscal 03 budget and carry them over into 2004, for a savings of \$15 million. While some of these cuts have been painful, they must be done. All agencies and branches of government have been affected—including department of education, health and social services, the judiciary, higher education, the legislature and the executive department.

But solving our problem, we need to make even more cuts to our base budget. Including my budget proposal is difficult but fiscally responsible to help close the problem. And I propose to close the Governor Bacon Health Center.

The fact is that the state is currently running three long-term health care facilities. Residents will fit into two, we still have room for expansion. We can operate two hospitals much more efficiently than three, and save almost \$2.5 million while maintaining the same quality service for the clients at those two facilities.

Because so much of state government spending is tied to personnel at the state level, I believe more must be done to reduce the size of state government. It is important not just to freeze jobs or freeze the growth of state government, but to take a hard look at what we are doing and eliminate positions where we can.

As a result, I am recommending that we reduce the number of state positions between now and June 30<sup>th</sup> by more than 3 percent. That means 400 positions and more than \$6 million in savings.

I am not proposing layoffs. Layoffs are not effective because a laid-off employee and their family would only need more support from the state whether through unemployment benefits, some cases Medicaid, food stamps, welfare or other services. We also lose that productive member of our workforce and the resulting taxes that they would pay.

My proposal is to reduce the size of state government by analyzing each position that currently vacant ones, and finding the ones that we can live without and eliminating them permanently. This reduces the size of state government and saves taxpayer funds without laying off existing workers or eliminating essential services.

Finally in reducing the base budget, I am forced to ask school districts to take about a 1 percent cut in the amount of funding that they receive from the state. I will again urge them to find ways to cut without affecting our children and their classrooms, but focusing instead on administrative costs and discretionary funds that are in every district and every schools

Despite the fact that funding to schools makes up one third of our operating budget, we have not to this point had to cut in this area. But at this point, it is necessary and I thank all the schools districts, the administrators of the schools for helping us with this.

Reengineer Existing Programs

Just as important as reducing costs is ensuring that essential programs run efficiently and as efficiently as possible. Reengineering government and improving the way we do business is one of the most important things in this administration.

Many of these ideas come from our state employees and I must thank them again for their diligence and dedication to serving Delaware. Change is difficult, but government must change in order to meet the challenge that we face.

To make sure Delaware is prepared for any threat conflict, natural or man-made, I have re-tooled existing resources and today propose the creation of the Department of Safety and Homeland Security.

This new department would consolidate the Delaware State Police, the Delaware Emergency Management Agency, Capitol Police, Office of Highway Safety, the EMS Office and emergency communications staff and allow them to concentrate on preventing and responding to any possible threat.

With all of the key emergency and security personnel in the state under the direction of Secretary Ford, homeland security operations will be seamless. Statewide strategies and planning will continue to be developed by Secretary Ford in conjunction with Homeland Security Officer Phil Cabaud and the Adjutant General Frank Vavala, bringing together all the best expertise in our state for these critical programs and preparations.

To allow the Department of Safety and Homeland Security to focus on its core mission, I propose integrating the Division of Motor Vehicles into the Department of Transportation.

This reorganization will align the various departments in state government responsible for collecting the revenue for the transportation trust fund in one agency and will ensure that all clean air initiatives, particularly for vehicle emissions, operate smoothly in the years ahead.

Protecting over \$100 million in federal funds that comes into Delaware is an ongoing struggle under the clean air requirements and this change will assist in those efforts. This move will also produce a cost savings to the General Fund of \$9.7 million.

I am proposing today that the state replace the decrepit Sussex County Motor Vehicle lanes and that building. This long overdue project is the only new capital project that I'll propose in this budget.

Other changes included in the budget proposal and additional ideas for streamlining government, including and moving the Insurance Coverage Office to State Budget, Natural Resources and Environmental Control, to the Boiler Safety unit, to the Natural Resources and Environmental Control and there are some others.

With each of these changes, we gain efficiencies in both operations and in costs while maintaining the same quality services to the people we serve.

#### Driving Down Mandated Costs

As we look to the cost of doing business in Fiscal Year 2004, items such as health care, Pension, debt service loom large. Nationally, we have seen double digit increases in the area of health care with no end in sight. Other states have chosen the path of across-the-board elimination of benefits. My approach is different – one that preserves essential health care services for the most needy Delawareans at the lowest possible cost.

Over the past two years, the state has worked to harness its health care purchasing power with tremendous success. We have bid all our health care plans together, negotiated lower pharmacies rates, eliminated unnecessary reserves and joined a multi-state coalition to purchase our prescription drugs at cheaper rates.



For Fiscal 04, my proposal recommends we continue to drive down health care costs through consolidation, purchasing savvy and tough negotiations. I propose that we do everything we can to squeeze profits before we begin to eliminate people from our health care system.

#### New Initiatives

In addition to the construction of a new DMV facility in Sussex County and new funding for fighting cancer which I discussed last week, I would like to highlight just a few other initiatives in the budget proposal.

We have worked very hard and very successfully over the last decade to preserve farmland. This ensures not only that we maintain some of the look and feel of Delaware, but that we maintain our agriculture industry, which has been the cornerstone of our local economy, for so long.

But farmland isn't any good if we don't have farmers to work it. And the last few years haven't been kind to farmers, with many of them on the brink of going out of business.

As recommended in last year's Strategic Economic Council Report, I have proposed an initiative, costing \$600,000, to help Delaware farmers pay the cost of crop insurance. Preserving farmers and farmland.

Even in the toughest of times, I want to maintain our commitment to protecting children, especially those who are trapped in the dark and lonely shadows of abuse. That's why I am proposing a \$390,000 increase in the rates for foster care, an increase that will allow 100 families to care for the most distressed and difficult foster children in our state.

By reallocating cost in Health and Social Services, we will be able to place 54 more disabled citizens into community settings including 24 from our Stockley Center.

I have included these new initiatives because, while they are relatively small sums of money, they make a huge difference in the lives of some of our Delawareans.

#### Raising revenue

The areas of expense reduction I've mentioned – eliminating programs and positions, reengineering government, driving down mandated costs. Make up just more than half of my to our \$300 million structural problem.

I do not believe we can make further substantial cuts now without affecting the core services of state government: public safety, education, health and welfare services. We can't go there. I also believe it would be irresponsible to use one-time quick fixes to balance the Fiscal 2004 budget.

I believe at this time that the responsible response to the remainder of the challenge is a increase in our state's revenue base.

During the flush times, we responded by returning excess funds to Delawareans in the form of aggressive tax cuts. The personal income tax, for example, has been cut nine times since 1980, an appropriate response by state government we returned the unneeded revenues to the taxpayers.

What we sometimes forget though that we also seen increase in revenues periodically as well, usually when we faced a weak national economy. Tax increases were enacted in 1977, 1984, 1991 and they are needed again now.

What I propose to the General Assembly is a revenue package that will increase revenue by \$145 million in Fiscal 2004, slightly less than the \$300 million structural problem of the package I am proposing is a balanced one.

I have studied our options and I'm submitting moderate increases in the areas that

will cause the least pain to our citizens and our businesses.

No one especially this Governor, wants to stand before you and call for tax increases. But leadership sometimes demand that we take on the tough issue now to prevent more severe problems in the future.

Let me describe the major elements of the revenue package.

#### Corporate taxes and fees

I propose today an increase of \$89 million in the taxes and fees paid by corporations and other entities for the privilege of making Delaware their corporate home.

Historically, Delaware has enacted increases in corporation revenues about once a decade, reflecting inflation and the increasing cost of doing business. In 1984, Governor du Pont signed legislation with a 31 percent increase. In 1991, Governor Castle approved an increase of 43 percent. The increase I seek today is about 17 percent.

550,000 corporations and other entities make Delaware their legal home, and for good reason. We provide a sound legal structure, a superb court dedicated primarily to their needs, and excellent service through the Division of Corporation and a quick responses from the members of the General Assembly and the Executive Branch.

We've consulted with some key leaders of the business community and are comfortable that these proposed increases are equitable and will not deter firms from continuing to make Delaware their corporate home. In the weeks ahead, we'll consult with the Corporation Law Council and the Delaware State Bar Association, which carefully reviews any proposed changes to our incorporation laws.

As I said, firms make Delaware their corporate home because of the many advantages that Delaware offers them. At a time when we're asking them to pay more to incorporate here, it's especially important that we review the services we offer and make sure we're doing everything we can to retain their business. I pledge to do that.

#### Cigarette tax

The next revenue I propose is an increase in the cigarette tax.

Since 1991, Delaware's tax has been 24 cents a pack. This tax rate is far below our neighboring states, all of which collect \$1 some of them more. I am proposing an increase of 26 cents, which will make our new tax rate 50 cents per pack. This increase will bring \$23.5 million in Fiscal 2004, but will still leave our tax rate much, much lower than our neighboring states.

Besides bringing in more revenue, an increase of this size should also bring about some reduction in smoking, especially among our young people. I sincerely hope that it will.

#### Decoupling

The third major component of my package is to partially cut our ties to the federal tax system, also known as "decoupling." This proposal will return \$14 million of revenue in Fiscal 2004, and could prevent the loss of even more in the future.

Because of the way we piggyback our state tax system on the federal tax system, a tax cut by the federal government often results in a drop in our state revenues. The two major tax bills already passed during the Bush administration will result in an estimated \$36 million reduction in our revenues for 2004. The dividend tax exemption proposed earlier this month by the President could cost us millions on top of that.

The federal government can run a deficit, our state constitution wisely dictates that we can't. Like most governors, I had hoped that the President would include some relief for the states in his stimulus package, but he didn't.

We cannot afford to remain so tightly linked with a federal tax system that causes our state such huge losses of revenue, all without a vote of the General Assembly.

Decoupling from the federal elimination of the estate tax will bring \$14 million in additional revenue in fiscal 2004. The estate tax is paid by a very small number of Delawareans, about 300 a year. Only estates of \$1 million or more pay any estate tax at all, and that amount will grow to \$2 million in 2006. I propose setting Delaware's estate tax at the level before the 2001 federal change, making Delaware one of the states that would not be tied to the federal estate tax.

If the President's dividend exemption is passed, I plan to submit legislation to decouple Delaware from that change as well, preventing another unbearable revenue loss.  
Video lottery

The final major piece of my revenue package is additional revenue from the video lottery industry.

I am proposing that we increase the state's take by \$16 million, or about 8 percent. Even with the effects of the Clean Indoor Air Act, the casinos remain a large and vibrant industry that can contribute more to the general fund during these difficult times for our state.

I believe that there are opportunities to increase revenue by strengthening the video lottery business, better preparing the industry to face the inevitable competition from Maryland and Pennsylvania.

I propose that we expand the hours when the tracks may operate and allow them additional video lottery machines to handle times of peak business. I propose the state take a larger share of the increased revenues that will result.  
I also plan to submit legislation in March to permit a number of new marketing tools that will help the tracks become more competitive. I do not favor adding more casinos in our state, but I do feel that it's appropriate to take steps that will strengthen our existing industry.

So the main elements of my revenue plan are: an increase in taxes and fees from the corporations; an increase in the cigarette tax; a partial decoupling from the federal tax system; and increased revenue from the video lottery industry. All together, this plan will bring Delaware an additional \$145 million above the current revenue estimate for Fiscal 2004. It is balanced, it is responsible, and it prepares us for the future.

## Conclusion

As has happened the past two years, there is the possibility the revenue forecast for the next fiscal year might improve between now and June 30. If it does improve, we must first look at what kind of revenue it is.

If we see one-time revenues increase, we must not use those short-term improvements to avoid consideration of these long-term revenue solutions. Instead we should look to use any one-time revenue increases for one-time capital projects, such as the Sussex County DMV facility or a biotechnology center in Dover.

The proposal I have presented today for eliminating the \$300 million structural problem in the Fiscal Year 2004 budget is a balanced one, with a little more than half of the problem solved through cuts and a little less than half solved with new revenue.

The revenue package is balanced, with no one group of taxpayers shouldering the brunt of the increase.

The proposal I have presented today seeks to make government more efficient and effective while preserving the essential services of state government.

The proposal I have presented is responsible, because it does not use one-time quick

fixes to balance the budget today in a way that could cause a serious, serious crisis tomorrow.

The proposal I present to you today is in keeping with our state's tradition over the last 25 years of making responsible decisions that are focused on the future, even if they may be unpopular with some in the present.

As I said last week, many of us here have experienced these times of challenge before. We know we must set aside partisanship and work together. We must continue the tone of cooperation and mutual respect that has led this state from fiscal crisis to financial stability over the past quarter-century. We must continue to solve this challenge in the Delaware way.

In addressing our structural budget problem, we have a choice between the sustainable and the temporary, between the responsible and the shortsighted. I look forward to working with you to choose the right course for the people of Delaware.

Thank you.

\* \* \*

The Senate reconvened at 03:47 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
1/30/03**

1/29/03

**HJR 2** – DIRECTING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DEDICATE THE DELAWARE NATURAL RESOURCES VESSEL "FIRST STATE" IN HONOR OF CAPTAIN MAURICE "BUDDY" SIPPLE, JR. FOR HIS YEARS OF DEDICATED SERVICE TO THIS STATE AND HIS COMMUNITY. Sponsor: Rep. B. Ennis; Vaughn, Reps. Buckworth, Caulk, Ewing, Hall-Long, Quillen, Spence, Stone, Thornburg, Wagner; Sens. Cook, Still; **Natural Resources & Environmental Control**.

**SB 30** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY AND QUALITY IN HIRING OF EMPLOYEES AND OTHERS WHO PROVIDE SERVICES IN HOSPITALS. Sponsor: Sen. Marshall; Oberle; **Judiciary**.

**SB 31** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIABILITY AND SENTENCING IN CERTAIN CASES. Sponsor: Sen. Marshall; Cathcart; **Judiciary**.

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

|                                                                    |                                                                                                                                   |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Helen Foster Parson<br>101 Carriage Wood Court<br>Newark, DE 19702 | To be appointed a member<br>of the Board of Pension<br>Trustees to serve a term to<br>expire 4 years from Senate<br>confirmation. |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|

1/30/2003

**SB 32** – AN ACT TO AMEND CHAPTER 320 OF VOLUME 72 OF THE LAWS OF DELAWARE RELATING TO POST CONVICTION REMEDIES. Sponsor: Sen. Henry; Wagner; **Adult & Juvenile Corrections**.

**SB 33** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CREATING OR MAINTAINING A COMMUNITY NUISANCE.

Sponsor: Sen. McDowell; Keeley & Rep. Valihura; Sen. Henry; Reps. DiPinto, Houghton, Plant, Williams; **Community/County Affairs**.

**SB 34** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JUSTICES OF THE PEACE AND THE SENTENCES FOR MISDEMEANORS. Sponsor: Sen. McDowell; Keeley & Rep. Valihura; Sen. Henry; Reps. DiPinto, Houghton, Plant, Williams; **Judiciary**.

**SB 35** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL WINDOW TINTING. Sponsor: Sen. Simpson; Quillen, Sens. Amick, Cloutier, Henry, Still; Reps. Booth, Buckworth, Carey, DiPinto, B. Ennis, Ewing, Hall-Long, Hocker, Houghton, Lavelle, Lee, Lofink, Miro, Schwartzkopf; **Public Safety**.

\* \* \*

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

**Blades, Lester:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator(s) Bonini, Cloutier and McBride were marked present during the above roll call.

**Harrington, Craig:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Rowland, H. Hickman:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Sharp, Debra:** 21 Senator(s) voting YES the appointment was declared CONFIRMED.

**Washam, Dolores:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Williams, Lynn:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**SB 15** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 15** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT.

**SA 1 to SB 15** was brought before the Senate for consideration on the motion of Senator Venables.

Several Senators commented.

Senator Bonini requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

Senator(s) Still and Venables questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 15** was taken and revealed:

YES: 11

NO: Senator(s) Amick, Blevins, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Sorenson – 9

NOT VOTING: Senator(s) DeLuca – 1

**SA 1 to SB 15** was declared part of the bill.

**SA 2 to SB 15** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 2 to SB 15** was taken and revealed:

YES: 21

**SA 2 to SB 15** was declared part of the bill.

**SB 15 w/SA 1 & 2** now is before the Senate.

Several Senators commented.

Senator Sokola requested the privilege of the floor for George Bauder, representing Delaware State Education Association.

The witness was excused after addressing the Senate.

Senator(s) Amick and Copeland commented.

Roll call vote on **SB 15 w/SA 1 & 2** was taken and revealed:

YES: 14

NO: Senator(s) Adams, Bonini, Cook, Marshall, Simpson, Vaughn, Venables – 7

**SB 15 w/SA 1 & 2** was declared passed the Senate as amended and sent to the House for Consideration.

A communication from Senator Sokola to Bernard J. Brady, Secretary of the Senate was read in for the purpose of the Senate Record, informing the Senate that Senators McDowell and Henry were added as co-sponsors of **SCR 3**.

**SCR 3** was Lifted from the Table and brought before the Senate for consideration on the motion of Senator Sokola.

**SCR 3 – URGING THE ATTORNEY GENERAL TO JOIN A RECENT LAWSUIT FILED BY THE STATES OF CONNECTICUT, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, RHODE ISLAND, AND VERMONT AGAINST THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

At 05:09 PM Senator McDowell presiding.

Senator Still commented.

Senator Simpson was removed as co-sponsor of **SCR 3**.

Several Senators questioned the sponsor, after which Senator Sokola requested the privilege of the floor for David Small, representing Natural Resources and Environmental Control.

Senators McBride and Bonini questioned the witness, after which the witness was excused.

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

YES: 13

NO: Senator(s) Bonini, Copeland, Venables – 3

NOT VOTING: Senator(s) Amick, Cloutier, Simpson, Sorenson, Still – 5

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

**HCR 3** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Cloutier.

**HCR 3 – DESIGNATING SATURDAY, FEBRUARY 8, 2003, AS FRENCH ALLIANCE DAY IN DELAWARE, TO COMMEMORATE THE SIGNING OF BOTH THE TREATY OF AMITY AND COMMERCE AND THE TREATY OF (MILITARY) ALLIANCE BY THE UNITED STATES WITH FRANCE IN PARIS ON FEBRUARY 6, 1778. Sponsor: Rep. Smith & Sen. Cloutier**

Senator McBride commented.

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

YES: 21

**HCR 3** was declared Adopted by the Senate and was returned to the House.

**HCR 5** was introduced and brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 5 – ESTABLISHING THE MONTH OF JANUARY AS DELAWARE MENTORING MONTH. Sponsor: Rep. DiPinto & Sen. Sokola; On behalf of all Representatives & On behalf of all Senators**

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

YES: 21

**HCR 5** was declared Adopted by the Senate and was returned to the House.

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

**HCR 4 – ENCOURAGING THE GOVERNOR OF THIS STATE AND THE DELAWARE CONGRESSIONAL DELEGATION TO MOVE FORWARD WITH THE IMPLEMENTATION OF THE MARCH 2001 CONSENT DECREE WITH MOTIVA IN REGARDS TO ITS DELAWARE CITY REFINERY. Sponsor: Rep. Cathcart & Rep. Lavelle; Reps. Spence, Buckworth, Ewing, Hudson, Maier, Reynolds Ulbrich, Valihura, B. Ennis, Mulrooney; Sens. McBride, Peterson, Vaughn, Cloutier, Connor, Simpson**

Senator Connor commented.

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

YES: 19

NO: Senator(s) Bonini – 1

NOT VOTING: Senator(s) McDowell – 1

**HCR 4** was declared Adopted by the Senate and was 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 ready and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD PART 2  
1/30/03**

**SB 20** – A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2004; APPROPRIATING GENERAL FUNDS OF THE STATE; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS FROM THE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; AND AMENDING THE LAWS OF DELAWARE. Sponsor: Sen. Adams; Gilligan, McDowell, DeLuca, Vaughn, Van Sant; **Bond Bill**.

**SB 36** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL FOR CERTAIN CRIMES. Sponsor: Sen. Henry; Keeley, Reps. Plant & Williams; **Judiciary**.

**SB 37** – AN ACT REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REVIEW ANY INTENDED DREDGING OF THE ASSAWOMAN CANAL AND TO REQUIRE THE SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT PRIOR TO THE UNDERTAKING OF ANY DREDGING ACTIVITIES. Sponsor: Sen. McBride; **Executive**.

\* \* \*

At 06:01 PM on motion of Senator Adams, the Senate recessed until March 18, 2003 at 02:00 PM or to the Call of the President Pro Tempore.

The Senate reconvened at 02:22 PM on March 18, 2003 with Lt. Governor Carney presiding.

At 02:25 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  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 18, 2003**

The Senate convened at 02:25 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 Sokola marked present.

Senator Henry requested personal privilege of the floor to introduce Saleem Khan, MD, representing Rockford Centre and Delaware Guidance Services.

Senator Cloutier also requested the privilege of the floor for the same witness.

Dr. Khan addressed the Senate, read his poem regarding the Columbia Space Shuttle, NASA tragedy, after which he was excused.

Senator McDowell moved to recess for Party Caucus at 02:32 PM.

The Senate reconvened at 04:34 PM with Lt. Governor Carney presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/18/03**

**SA 1 to SB 29** – Sponsor: Sen. Amick; Placed with the Bill.

**SB 38** – AN ACT TO AMEND CHAPTER 320 OF VOLUME 72 OF THE LAWS OF DELAWARE RELATING TO POST CONVICTION REMEDIES. Sponsor: Sen. Henry; **Judiciary**.

**SB 39** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL FOR CERTAIN CRIMES. Sponsor: Sen. Henry; Williams, Sens. Marshall, McDowell; Reps. Keeley, Plant; **Judiciary**.

**HB 11** – 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 THAT NO ELECTION SHALL BE HELD IF THERE IS NO CONTEST, CLARIFYING ELECTION NOTICE POSTING REQUIREMENTS AND INCREASING THE PENALTY FOR UNPAID TAXES. Sponsor: Rep. Schwartzkopf; Bunting; **Community/County Affairs**.

**HB 14** – AN ACT TO AMEND CHAPTER 202, VOLUME 73, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW” RELATING TO ANNEXATION. Sponsor: Rep. Hocker; Bunting; **Community/County Affairs**.

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

Ted C. Williams  
8 Cardew Court  
Wilmington, DE 19808

To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 1 year from Senate confirmation.

Darold M. Adkins  
Route 1, Box 103A  
Dagsboro, DE 19939

To be appointed a member of the Delaware Nutrient Management Commission for a term to expire March 15, 2006.

Richard W. Sterling  
1575 Van Dyke-Green Spring Road  
Smyrna, DE 19977

To be reappointed a member of the Delaware Nutrient Management Commission for a term to expire March 15, 2006.

J. Brian Murphy  
1014 North Rodney Street  
Wilmington, DE 19806

To be reappointed a member of the Board of Directors of the Diamond State Port Corporation for a term to expire 3 years from Senate confirmation.

Dr. Garrett B. Lyons, Jr.  
102 Brookmeadow Road  
Wilmington, DE 19807

To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 2 years from Senate confirmation.

Zane Q. Robinson  
2059 Millington Road  
Clayton, DE 19938

To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 1 year from



Senate confirmation.

Robert D. Reed  
104 Burning Tree Road  
Dover, DE 19904

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
Term to expire 3 years from  
Senate confirmation.

Walter E. Kee  
18890 Johnson Avenue  
Lincoln, DE 19960

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
Term to expire 3 years from  
Senate confirmation.

Dr. Jeffrey E. Hawtoff  
80 Gainsborough Drive  
Lewes, DE 19958

To be appointed a member  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 2 years from  
Senate confirmation.

Mark Holodick  
4 Eric Avenue  
Ocean View, DE 19970

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 2 years from  
Senate confirmation.

Gerald W. Kobasa  
906 West Lane  
Milford, DE 19963

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 2 years from  
Senate confirmation.

\* \* \*

**LEGISLATIVE ADVISORY NO. #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 NO. #1**, dated March 10, 2003, the Governor signed the following legislation on the dates indicated:

**HJR #1** (1/28/03) – IN REFERENCE TO OFFICERS. (Sponsors: Rep. Smith & Rep. Lee)

**HB #7 aab HA 1** (1/28/03) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO 911 – ENHANCED EMERGENCY NUMBER SERVICE. (Sponsors: Rep. Lee & Rep. Fallon & Sen. Adams) (Volume 74, Chapter 1, Laws of Delaware.)

**HB #6** (1/31/03) – AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED “AN ACT TO REINCORPORATE THE CITY OF LEWES” TO AMEND SECTION 8. ORGANIZATION AND ANNUAL MEETING OF COUNCIL, BY ADDING A NEW SUBSECTION PROVIDING FOR AUTHORITY TO SET COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL. (Sponsors: Rep. Booth & Sen. Simpson) (Volume 74, Chapter 2, Laws of Delaware.)

**SB #3** (1/31/03) – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAXES. (Sponsors: Sen. Marshall & Rep. Hudson) (Volume 74, Chapter 3, Laws of Delaware.)

**SJR #1 aab SA 1** (2/21/03) – 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 AUTHORITY OVERSIGHT COMMISSION. (Sponsors: Sen. McBride & Rep. Quillen; Sens. Vaughn, Venables, Simpson; Reps. D. Ennis, Mulrooney, Carey)

**SB #1** (2/21/03) – AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS. (Sponsors: Sen. Adams & Rep. Stone; Sen. DeLuca) (Volume 74, Chapter 4, Laws of Delaware.)

**SB #2 aab SA 2 & SA 3** (2/21/03) – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC. (Sponsors: Sen. Vaughn & Rep. Roy; Sens. Adams, Cook, Henry, Marshall, McDowell, Sokola, Amick, Bonini, Cloutier, Connor; Reps. Buckworth, Carey, Cathcart, Ewing, Fallon, Lee, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Wagner, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Van Sant, Williams) (Volume 74, Chapter 5, Laws of Delaware.)

**SB #9 aab SA 1** (2/21/03) – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DIVISION OF CHILD SUPPORT ENFORCEMENT AND TITLE 7 OF THE DELAWARE CODE RELATING TO HUNTING, TRAPPING AND FISHING LICENSES. (Sponsors: Sen. Blevins & Rep. Maier) (Volume 74, Chapter 6, Laws of Delaware.)

**SB #17** (2/21/03) – AN ACT AMENDING THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT AND AMENDING THE LAWS OF DELAWARE. (Sponsors: Sen. Venables & Rep. Roy; Sens. Blevins, Cook, DeLuca, Connor, Simpson; Reps. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner, Mulrooney) (Volume 74, Chapter 7, Laws of Delaware.)

**SB #21** (2/21/03) – AN ACT TO AMEND TITLE 29 DELAWARE CODE RELATING TO SERVICE IN THE STATE JUDICIARY PENSION PLAN. (Sponsors: Sen. Cook & Rep DiPinto; Sen. Sorenson) (Volume 74, Chapter 8, Laws of Delaware.)

**HB #16** (2/21/03) – AN ACT TO AMEND TITLES 8 & 9 OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW AND TO RECORDERS. (Sponsors: Rep. Wagner & Sen. Vaughn) (Volume 74, Chapter 9, Laws of Delaware.)

\* \* \*

Senator(s) Amick and Bonini were marked present.

Communications from Senator Margaret Rose Henry to the Secretary of the Senate, Bernard J. Brady, were read to the record informing the Senate that Representative Keeley was added as a co-sponsor of **SB 38** and that **SB 36** be Stricken.

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

**SCR 4** – EXPRESSING THE FULL SUPPORT OF THE DELAWARE GENERAL ASSEMBLY FOR OUR SERVICE MEN AND WOMEN NOW SERVING IN AND AROUND THE MIDDLE EAST AND EXTENDING THE HEARTFELT HOPES OF ALL DELAWAREANS FOR THEIR SAFE RETURN. Sponsor: Sen. Bunting & Rep. Ewing; Sens. Adams, Venables, Vaughn & Simpson, Reps. Atkins, Booth, Carey, DiPinto, Fallon, Hocker, Lee, Smith, George, Gilligan & Schwartzkopf

Senator Bunting read a moving poem written by the mother of Korean War Veteran. Copy on file for legislative day.

Senator DeLuca requested his name added as co-sponsor of **SCR 4**.

All Senators were then added as co-sponsors to the Resolution.

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

On motion of Senator McDowell, the Senate recessed at 04:45 PM until March 19, 2003 at 03:00 PM.

The Senate reconvened at 03:35 PM on March 19, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **SCR 4; HB 4; HB 29; HB 15 w/HA 2, HA 1 AAB HA 2; HA 16 & HA 1 AAB HA 16; SB 12; SB 16; SB 21; HB 11; HB 14; SB 1; SB 2 w/SA 2 & 3; SB 3.**

Senator McDowell rose to announce and wish Senator Peterson a happy birthday.

At 03:40 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 11<sup>th</sup> Legislative Day.

**11<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 19, 2003**

The Senate convened at 03:40 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 moved to recess for Party Caucus at 03:42 PM.

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

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/19/03**

**March 18, 2003**

**SB 40** – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO GUARDIANSHIPS. Sponsor: Sen. McDowell; Booth, Sens. Henry, Peterson; Reps. B. Ennis, D. Ennis, Maier, Oberle; **Children; Youth & Families.**

**March 19, 2003**

**HB 4** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL. Sponsor: Rep. Roy; McBride; **Finance.**

**HB 29** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. Sponsor: Rep. Wagner; Henry, Reps. Buckworth, Carey, Caulk, Ewing, Lavelle, Reynolds, Ulbrich, Houghton, B. Ennis; **Judiciary.**

**HB 15 w/HA 2, HA 1 to HA 2, HA 16, HA 1 to HA 16** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT. Sponsor: Rep. Thornburg; Quillen & Sen. Vaughn; Reps. Buckworth, Carey, Caulk, Ewing, Fallon, Van Sant, B. Ennis, Houghton, Sens. Venables, Still, Bonini; **Small Business.**

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

Kevin E. Carson  
204 Market Street  
Bridgeville, DE 19933

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 2 years from  
Senate confirmation.

Robert J. Andrzejewski  
540 Dennis Lane  
Hockessin, DE 19707

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 3 years from  
Senate confirmation.

William C. Passwaters  
18450 South Main Street

To be appointed a member of  
the Delaware Interscholastic

Bridgeville, DE 19933

Athletic Association for a  
term to expire 3 years from  
Senate confirmation.

Gerald L. Allen  
201 Stewards Court  
Bear, DE 19701

To be appointed a member of  
the Delaware Interscholastic  
Athletic Association for a  
term to expire 3 years from  
Senate confirmation.

R.R.M. Carpenter, III  
501 Montchanin Road  
Wilmington, DE 19807

To be appointed a member  
of the Board of Trustees of  
the University of Delaware  
for a term to expire  
December 12, 2008.

\* \* \*

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

**SCR 5** – HONORING THE MEMORY AND CELEBRATING THE LIFE OF ED “MURPH” MURPHY, WHO PASSED AWAY ON FRIDAY, MARCH 14, 2003, AT THE AGE OF 46. Sponsor: Sen. Still.

Senator Cook requested her name be added as a co-sponsor of **SCR 5**.

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

YES: 20

ABSENT: Senator(s) Amick – 1

**SCR 5** 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 McDowell, the Senate recessed at 04:55 PM until March 20, 2003 at 04:00 PM.

The Senate reconvened at 04:25 PM on March 20, 2003 with Lt. Governor Carney presiding.

At 04:25 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 12<sup>th</sup> Legislative Day.

**12<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MARCH 20, 2003**

The Senate convened at 04:25 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Henry 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 **SCR 5; HB 25; HB 12 w/HA 1; SB 10 w/SA 1**.

A communication from Senator John Still to the Secretary of the Senate, Bernard J. Brady, was read to the record informing the Senate that Representative Stone was added as an additional co-sponsor of **SCR 5**.

A communication from JoAnn M. Hedrick, Chief Clerk of the House to the Secretary of the Senate, Bernard J. Brady was read to the record informing the Senate that Representatives Spence, Buckworth, Caulk, Keeley and Wagner were added as additional co-sponsors of **SCR 4**.

Senator Sokola was marked present.

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

The Secretary announced the agenda for March 25, 2003.

On motion of Senator McDowell, the Senate recessed at 04:33 PM until March 25, 2003 at 02:00 PM.

The Senate reconvened at 02:56 PM on March 25, 2003 with Lt. Governor Carney presiding.

Senator(s) Adams, McBride, Connor, Cloutier and Vaughn were marked present.

The following committee report was announced:

From Children, Youth and their Families: **SB 40** – 4 Merits.

Senator Still requested the personal privilege of the floor to acknowledge the members of the organization House of Pride visiting the chamber.

Senator Peterson rose to request her name be added as a co-sponsor of **SB 14**.

At 02:58 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 13<sup>th</sup> Legislative Day.

**13<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 25, 2003**

The Senate convened at 02:58 PM with Lt. Governor Carney presiding.

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

**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 requested a moment of silence in honor of all past Medal of Honor Winners.

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

The Senate reconvened at 04:30 PM with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community/County Affairs: **HB 11** – 4 Merits; **HB 14** – 4 Merits.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
3/25/03**

**March 20, 2003**

**SA 1 to SB 31** – Sponsor: Sen. Marshall; Placed with the Bill.

**March 25, 2003**

**SA 1 to HB 15** – Sponsor: Sen. Bunting; Placed with the Bill.

**SB 41** – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. Sponsor: Sen. Sokola; Roy, Sens. Blevins, McBride & Bonini; Reps. Boulden, Houghton, Hudson, Miro, Quillen, Plant, Viola & Williams; **Small Business**.

**SB 42** – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND CERTAIN PENALTIES IMPOSED AGAINST LICENSEES. Sponsor: Sen. Sokola; **Administrative Services**.

**SB 43** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE, RELATING TO APPLICATIONS FOR RE-ZONING, VARIANCES, AND SUBDIVISION APPROVAL. Sponsor: Sen. DeLuca; Cathcart, Sens. Adams, Connor, Henry, Sokola; Reps. B. Ennis, Reynolds, Roy, Spence; **Community/County Affairs**.

**SB 44** – AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO SHERIFFS.  
Sponsor: Sen. Still; Rep. Hudson; **Executive**.

**SB 45** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DOMESTIC VIOLENCE COORDINATING COUNCIL.  
Sponsor: Sen. Blevins; Hudson; **Health & Social Services**.

**SB 46** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE PLATES. Sponsor: Sen. Venables; Sen. Still; Reps. D. Ennis, Quillen; **Public Safety**.

**HB 12 w/HA 1** – AN ACT TO AMEND CHAPTER 88, TITLE 11, DELAWARE CODE RELATING TO CREDITED SERVICE FOR THE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN. Sponsor: Rep. Quillen; B. Ennis & Sen. Bonini; **Finance**.

**HB 25** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS' TRAINING SCHOOL LICENSING AND DRIVERS' LICENSING. Sponsor: Rep. Wagner; Sokola; **Public Safety**.

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

|                                                                      |                                                                                                                                    |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| James W. Harvey<br>407 Eagle Nest Drive<br>Camden, DE 19934          | To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 1 year from Senate confirmation |
| Susan S. Heiss<br>1503 North Harrison Avenue<br>Wilmington, DE 19809 | To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 1 year from Senate confirmation |
| Phyllis R. Kohel<br>10 Victoria Drive<br>Milford, DE 19963           | To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 3 year from Senate confirmation |
| Kathleen H. Wilbur<br>11 Garden Lane<br>New Castle, DE 19720         | To be appointed a member of the Delaware Interscholastic Athletic Association for a term to expire 2 year from Senate confirmation |

\* \* \*

Additions to the agenda, committee and other legislative meetings were announced. The Secretary announced the agenda for March 26, 2003.

On motion of Senator McDowell, the Senate recessed at 04:34 PM until March 26, 2003 at 04:00 PM.

The Senate reconvened at 04:15 PM on March 26, 2003 with Lt. Governor Carney presiding.

Senator Henry was marked present.

The Secretary announced a message from the House informing the Senate that it had passed **HB 57; HB 68; HB 24; HB 26; HB 28; HB 33 w/HA 2**.

The following committee reports were announced:

From Finance: **HB 4** – 5 Merits.

From Small Business: **HB 15** – 3 Merits, 2 Unfavorable.

From Education: **HB 68** – 5 Merits.

From Executive: **Darold M. Adkins** – 5 Merits; **Gerald Allen** – 5 Merits;

**Robert J. Andrzejewski** – 5 Merits; **R.R.M. Carpenter, III** – 5 Merits; **Kevin Carson** – 5 Merits; **James Harvey** – 5 Merits; **Dr. Jeffrey Hawtoff** – 5 Merits; **Susan Heiss** – 5 Merits; **Walter Kee** – 5 Merits; **Gerald W. Kobasa** – 5 Merits; **Phyllis R. Kohel** – 5 Merits; **Dr. Garrett Lyons** – 5 Merits; **Helen Parson** – 5 Merits; **William Passwaters** – 5 Merits; **Robert Reed** – 5 Merits; **Zane Robinson** – 5 Merits; **Richard Sterling** – 5 Merits; **Kathleen Wilbur** – 5 Merits; **Ted C. Williams** – 5 Merits.

At 04:25 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 14<sup>th</sup> Legislative Day.

**14<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MARCH 26, 2003**

The Senate convened at 04:25 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 Adams.  
No objections.

**HCR 9** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HCR 9** – DECLARING MARCH 2003 AMERICAN RED CROSS MONTH AND COMMENDING THE EFFORTS OF THE RED CROSS IN DELAWARE. Sponsor: Rep. George & Rep. Gilligan & Rep. Van Sant & Rep. Spence & Rep. Smith & Rep. Lee & Sen. Adams & Sen. McDowell & Sen. DeLuca & Sen. Still & Sen. Sorenson; Reps. Booth, Boulden, Buckworth, Carey, Caulk, B. Ennis, Ewing, Fallon, Hall-Long, Hocker, Houghton, Keeley, Miro, Stone, Ulbrich, Viola, Wagner, Williams.

Senator McDowell requested the privilege of the floor for Margi Prueitt, representing the American Red Cross of the Delmarva Peninsula.

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

YES: 21

**HCR 9** was declared Adopted by the Senate and was returned to the House.

**HB 11** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 11** – 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 THAT NO ELECTION SHALL BE HELD IF THERE IS NO CONTEST, CLARIFYING ELECTION NOTICE POSTING REQUIREMENTS AND INCREASING THE PENALTY FOR UNPAID TAXES.

**SA 1 to HB 11** was introduced and brought before the Senate for consideration on the motion of Senator Bunting.

Senator Bunting requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

The witness was excused after addressing the Senate.

Roll call vote on **SA 1 to HB 11** was taken and revealed:

YES: 21

**SA 1 to HB 11** was declared part of the bill.

**HB 11 w/SA 1** was now before the Senate.

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

YES: 21

**HB 11 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**HB 4** was brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HB 4**- AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL.

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

YES: 21

**HB 4** was declared passed the Senate and returned to the House.

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

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

3/26/03

**March 25, 2003**

**SA 1 to SB 40** – Sponsor: Sen. McDowell; Placed with the Bill.

**SB 47** – AN ACT TO AMEND SECTION 2702 OF TITLE 11 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT. Sponsor: Sen. Adams; Ewing; **Judiciary**.

**March 26, 2003**

**HB 68** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION. Sponsor: Rep. Wagner; Sokola, Rep. Ulbrich; Reps. Spence, Buckworth, Cathcart, B. Ennis, Hall-Long, Hudson, Keeley, Miro, Quillen, Reynolds, Stone; Sens. Henry, Simpson, Sorenson; **Education**.

**SB 48** – AN ACT TO AMEND CHAPTER 10 OF TITLE 26 OF THE DELAWARE CODE RELATING TO ELECTRIC UTILITY RESTRUCTURING AND ADDING PROVISIONS CONFIRMING THE DUTY OF STANDARD OFFER SUPPLIERS, ELECTRIC SUPPLIERS AND ELECTRIC DISTRIBUTION COMPANIES TO MAINTAIN SAFE, EFFICIENT, ADEQUATE, AND RELIABLE SERVICES, AND ALSO ADDING A NEW SECTION AUTHORIZING THE PUBLIC SERVICE COMMISSION TO ASSESS CIVIL PENALTIES, TO SUSPEND AND REVOKE AUTHORIZATIONS, AND TO ENTER PRELIMINARY AND FINAL REMEDIAL ORDERS. Sponsor: Sen. DeLuca; Smith, Sens. Blevins, Bunting, Marshall, McBride, McDowell, Peterson, Sokola, Vaughn, Venables, Amick, Cloutier, Connor, Simpson, Sorenson, Still; Reps. Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Lee, Oberle, Quillen, Wagner, B. Ennis, Hall-Long, Plant, Van Sant, Williams; **Executive**.

**HB 24** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES. Sponsor: Rep. Wagner; Cook; **Judiciary**.

**HB 26** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF FINES AND COSTS. Sponsor: Rep. Wagner; Henry, Reps. Cathcart, DiPinto; **Public Safety**.

**HB 28** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO DUTIES OF AN OFFICER HAVING A CHILD IN CUSTODY. Sponsor: Rep. Wagner; Bunting, Reps. Lee, Carey, Cathcart, Ewing, B. Ennis; **Judiciary**.

**HB 33 w/HA 2** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS. Sponsor: Rep. B. Ennis; Ewing, Sen. Vaughn; Reps. D. Ennis, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Spence, Thornburg, Van Sant, Williams; **Judiciary**.

**HB 57** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE ALARM SIGNALING SYSTEMS AND FALSE FIRE ALARMS. Sponsor: Rep. Lee; Bunting, Reps. Spence, Atkins, Booth, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Thornburg, Wagner, B. Ennis, George, Houghton, Keeley; **Public Safety**.

**HCR 10** – ENCOURAGING THE U.S. CONGRESS TO ENACT A MEDICARE PRESCRIPTION DRUG BENEFIT. Sponsor : Rep. Maier; Spence, Sen. Blevins, & Sen. Adams; Reps. Boulden, DiPinto, D. Ennis, Fallon, Oberle, Stone, Ulbrich, Van Sant, Keeley, Mulrooney, Williams; Sens. DeLuca, Peterson, Sokola, Connor, Simpson; **Health & Social Services**.

\* \* \*

Additions to the agenda, committee and other legislative meetings were announced. The Secretary announced the agenda for March 27, 2003.



On motion of Senator McDowell, the Senate recessed at 04:53 PM until March 27, 2003 at 02:00 PM.

The Senate reconvened at 03:15 PM on March 27, 2003 with Lt. Governor Carney presiding.

The following committee report was announced:

From Health and Social Services: **HCR 10** – 4 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 8; HCR 9; HCR 10; HCR 11**.

At 03:15 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 15<sup>th</sup> Legislative Day.

**15<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MARCH 27, 2003**

The Senate convened at 03:15 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Connor 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 Cook requested the privilege of the floor for the Girl Scouts for the presentation of colors. The Chesapeake Bay Council Scouts, members and staff said the Pledge of Allegiance to the flag.

**HCR 8** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Cook.

**HCR 8** – DESIGNATING THURSDAY, MARCH 27, 2003 AS GIRL SCOUT LEGISLATIVE DAY. Sponsor: Rep. Smith & Sen. Cook.

Senator Cook requested the privilege of the floor for Gloria Zook Diodato, representing Girl Scouts of the Chesapeake Bay.

The witness was excused after addressing the Senate.

Senator(s) Connor and Simpson commented.

Roll call vote on **HCR 8** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting – 1

**HCR 8** was declared Adopted by the Senate and returned to the House.

Senator(s) Blevins and McBride marked present during the above roll call.

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

**Parson, Helen:** 20 Senator(s) voting YES, 1 (Bunting) ABSENT. Appointment was declared CONFIRMED.

**Adkins, Darold:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

Senator Bunting marked present during the above roll call.

**Sterling, Richard:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Carpenter, R.R.M.:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

On motion of Senator Adams and without objection, the following nominations were considered under the suspension of the necessary rules.

**Lyons, Garrett; Williams, Ted; Robinson, Zane; Reed, Robert; Kee, Walter; Hawtof, Jeffrey; Kobasa, Gerald; Carson, Kevin; Andrzejewski, Robert; Passwaters, William; Allen, Gerald; Harvey, James; Kohel, Phyllis; Wilbur, Kathleen; Heiss, Susan:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**SB 40** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 40** – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO GUARDIANSHIPS.

Senator McDowell requested that **SA 1 to SB 40** be Stricken. No objection.

Senator McDowell requested that **SA 2 to SB 40** be Stricken. No objection.

**SA 3 to SB 40** was introduced and brought before the Senate for consideration on the motion of Senator McDowell.

Roll call vote on **SA 3 to SB 40** was taken and revealed:

YES: 21

**SA 3 to SB 40** was declared part of the bill.

**SB 40 w/SA 3** was now before the Senate.

Roll call vote on **SB 40 w/SA 3** was taken and revealed:

YES: 21

**SB 40 w/SA 3** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 68** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 68** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION.

Senator(s) Still and Amick commented.

Senator Sokola requested the privilege of the floor for Dr. Jacquelyn O. Wilson, representing Department of Education.

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

Senator Venables requested his name be added as a co-sponsor of the bill.

Roll call vote on **HB 68** was taken and revealed:

YES: 21

**HB 68** was declared passed the Senate and returned to the House.

**HCR 10** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HCR 10** – ENCOURAGING THE U.S. CONGRESS TO ENACT A MEDICARE PRESCRIPTION DRUG BENEFIT.

Roll call vote on **HCR 10** was taken and revealed:

YES: 21

**HCR 10** was declared Adopted by the Senate and returned to the House.

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

**HB 14** – AN ACT TO AMEND CHAPTER 202, VOLUME 73, ENTITLED “AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW” RELATING TO ANNEXATION.

**SA 2 to HB 14** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 2 to HB 14** was taken and revealed:

YES: 20

ABSENT: Senator(s) McDowell – 1

**SA 2 to HB 14** was declared part of the bill.

**SA 1 to HB 14** was brought before the Senate for consideration on the motion of Senator Sokola.

Several Senators commented.

Senator Sokola requested the privilege of the floor for Timothy Willard, Senate Attorney.

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

Senator DeLuca commented.

Senator Sokola moved to lay **SA 1 to HB 14** on the Table. No objection.

Senator Sokola moved to lay **HB 14 w/SA 2** on the Table. No objection.

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

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

**SCR 6** – URGING THE DIVISION OF SOCIAL SERVICES TO PROVIDE FOR A CAP OR WAIVER OF THEIR NON-EMERGENCY TRANSPORTATION CO-PAY POLICY FOR HARDSHIP CASES. Sponsor: Sen. Amick; Sens. Henry, Simpson, Sokola; Reps. B. Ennis, Miro, Stone.

**SCR 7** – AUTHORIZING THE SOLICITATION OF THE STAFF OF THE GENERAL ASSEMBLY FOR CONTRIBUTIONS TO THE STATE EMPLOYEES CHARITABLE CAMPAIGN (SECC). Sponsor: Sen. Henry & Rep. Oberle.

**HCR 11** – URGING THE DEPARTMENT OF EDUCATION TO PROMOTE WITHIN THE SEVERAL SCHOOLS AND SCHOOL DISTRICTS IN THE STATE A VOLUNTARY PROGRAM THROUGH WHICH STAFF AND STUDENTS CAN SHOW THEIR SUPPORT FOR MEMBERS OF THE UNITED STATES MILITARY SERVING OVERSEAS AND EXPRESSING GRATITUDE, COMMENDATIONS, PRAISE, AND CONDOLENCES TO VARIOUS PERSONS. Sponsor: Rep. Smith & Sen. Bunting on behalf of: Reps. Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lavelle, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Quillen, Reynolds, Roy, Schwartzkopf, Spence, Stone, Thornburg, Ulbrich, Valihura, Van Sant, Viola, Wagner, Williams; Sens. Adams, Amick, Blevins, Bonini, Cloutier, Connor, Cook, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables.

A roll call vote was taken on **SENATE CONSENT CALENDAR #1** and revealed 18 Senators voting YES, 3 (McDowell, Peterson, Vaughn) NOT VOTING; 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 Resolution was returned to the House.

Senator McDowell moved to recess for Party Caucus at 04:42 PM.

The Senate reconvened at 05:03 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 88 w/HA 1 & HA 3**.

**HB 88 w/HA 1 & HA 3** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Sokola.

**HB 88 w/HA 1 & HA 3** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROFESSIONAL STANDARDS BOARD, ITS COMPOSITION AND GOVERNANCE, AND EDUCATOR EVALUATIONS. Sponsor: Rep. Reynolds & Sen. Sokola.

Senator Sokola requested the privilege of the floor for Jennifer Davis, Budget Director.

Senator(s) Still and Amick questioned the witness, after which the witness was excused.

Roll call vote on **HB 88 w/HA 1 & HA 3** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Bunting – 2.

**HB 88 w/HA 1 & HA 3** was declared passed the Senate and returned to the House.

Senator Still commented on **HB 88**.

Senator(s) DeLuca, McDowell and Sokola commented.

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

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

**3/27/03**

**March 26, 2003**

**SA 1 to SB 30** – Sen. Marshall – Placed with the Bill.

**March 27, 2003**

**SB 49** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE REGISTRATION PLATES FOR CERTAIN OFFICERS OF THE STATE OF DELAWARE. Sponsor: Sen. Adams; Booth; **Judiciary**.

**SB 50** – AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO PROBATION AND RESTITUTION IN CRIMINAL CASES. Sponsor: Sen. Vaughn; Lee, Sen. Blevins; Reps. Booth, Buckworth, DiPinto, B. Ennis, D. Ennis, George, Hudson, Lavelle, Reynolds & Wagner; **Judiciary**.

\* \* \*

The Secretary announced the agenda for April 1, 2003.

On motion of Senator McDowell, the Senate recessed at 05:22 PM until April 2, 2003 at 02:00 PM.

The Senate reconvened at 02:57 PM on April 2, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 67; HB 51 w/HA 1; HB 74; HB 58; HB 65 w/HA 1; HB 64; HB 53 w/HA 1; SB 15 w/SA 1, 2 & HA 1; HCR 7.**

At 03:00 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 16<sup>th</sup> Legislative Day.

**16<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 01, 2003**

The Senate convened at 03:00 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.

**HB 14 w/SA 2** was Lifted from the Table and brought before the Senate for Consideration on motion of the floor manager, Senator Sokola.

Senator Sokola requested that **SA 1 to HB 14** be Stricken. No objection.

Roll call vote on **HB 14 w/SA 2** was taken and revealed:

YES: 21

**HB 14 w/SA 2** was declared passed the Senate and sent to the House for Reconsideration.

Senator McBride marked present during the above roll call.

**SB 15 w/SA 1, 2 & HA 1**, which was returned from the House with an amendment was brought before the Senate for reconsideration on the motion of Senator Sokola.

**SB 15 w/SA 1, 2 & HA 1** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT.

Senator Simpson commented.

Senator Sokola requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Roll call vote on **SB 15 w/SA 1, 2 & HA 1** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Cook, Vaughn, Venables – 4

**SB 15 w/SA 1, 2 & HA 1** was declared passed the Senate as amended and sent to the Governor.

Senator McDowell moved to recess for Party Caucus at 03:15 PM.

The Senate reconvened at 04:47 PM with Lt. Governor Carney presiding.

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 ready and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/1/03**

**SB 52** – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE. Sponsor: Sen. Peterson; Keeley, Sens. Marshall & McDowell; **Labor & Industrial Relations**.

**SB 55** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO A CLONING PROHIBITION AND RESEARCH PROTECTION ACT. Sponsor: Sen. Venables; Sen. Bunting; Reps. Ulbrich, Atkins, Ewing; **Health & Social Services**.

**SB 56** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES. Sponsor: Sen. Henry; Hudson, Sens. Blevins, Marshall, Peterson, Amick, Bonini, Cloutier & Sorenson; Reps. Keeley; **Judiciary**.

**HB 51 w/HA 1** – AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF FLASHING LIGHTS ON MOTOR VEHICLES. Sponsor: Rep. B. Ennis; Vaughn, Rep. Lee & Sen. Simpson; Reps. Atkins, Booth, Carey, Gilligan, Hall-Long, Houghton, Keeley, Lavelle, Schwartzkopf, Spence, Van Sant, Viola; **Public Safety**.

**HB 53 w/HA 1** – AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE AMERICAN LEGION POST 25 OF MIDDLETOWN. Sponsor: Rep. Cathcart; Vaughn, Reps. Spence, Lofink, Oberle, Quillen, Reynolds, B. Ennis, Hall-Long; Sens. DeLuca, Bunting, McBride, Amick; **Community/County Affairs**.

**HB 58** – AN ACT TO STRIKE A DEED RESTRICTION ON LANDS CONVEYED TO THE HOCKESSIN FIRE COMPANY BY THE STATE OF DELAWARE. Sponsor: Rep. Roy; Sens. Blevins, Sorenson; **Community/County Affairs**.

**HB 64** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SIGNAGE ON PARKING SPACES OR ZONES DESIGNATED FOR USE BY PERSONS WITH DISABILITIES. Sponsor: Rep. Hudson; Cook; **Public Safety**.

**HB 65 w/HA 1** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO VICTIMS AND WITNESSES WITH COGNITIVE DISABILITIES. Sponsor: Rep. Maier; Blevins, Reps. Cathcart, Miro, Ulbrich; Sens. Sorenson, Vaughn; **Judiciary**.

**HB 67** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO MATERNAL MORTALITY. Sponsor: Rep. Maier; Blevins, Reps. Miro, Ulbrich, Hall-Long; Sen. Sorenson; **Health & Social Services**.

**HB 74** – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES. Sponsor: Rep. Oberle; Lofink, Rep. Spence & Sen. Bunting; Reps. Cathcart, B. Ennis, D. Ennis, Fallon, Keeley, Lavelle, Miro, Roy; Sens. Henry, Sokola; **Insurance & Elections**.

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

Sister Ann Michele Zwosta  
1401 West 10<sup>th</sup> Street  
Wilmington, DE 19806

To be appointed a member of the  
Delaware Interscholastic Athletic Association  
for a term to expire 1 year from Senate  
confirmation.  
\* \* \*

The Secretary announced the agenda for April 2, 2003.

On motion of Senator McDowell the Senate recessed at 04:52 PM until April 2, 2003 at 04:00 PM.

The Senate reconvened at 04:19 PM on April 2, 2003 with Lt. Governor Carney presiding.

Senator Adams requested the privilege of the floor for Alan Sokolow, Director of Council of State Governments, Eastern Regional Conference.

The witness was excused after addressing the Senate.

The Secretary announced a message from the House informing the Senate that it had passed **HB 34; HB 23; HB 79; HB 80; HB 82**.

**SENATE CITATION ANNOUNCEMENT #1**, S142-001 – 033 inclusive was introduced and a copy made available to each Senator.

The following committee reports were announced:

From Executive: **Mark Holodick** – 6 Merits; **Sister Ann Michele Zwosta** – 6 Merits; **SB 7** – 6 Merits; **SB 48** – 5 Merits; **SB 54** – 6 Merits.

From Judiciary: **SB 26** – 5 Merits; **SB 28** – 5 Merits; **SB 34** – 5 Merits; **SB 38** – 5 Merits; **SB 47** – 5 Merits; **SB 49** – 5 Merits; **SB 50** – 1 Favorable, 4 Merits; **HB 24** – 5 Merits; **HB 33** – 5 Merits.

From Small Business: **SB 41** – 3 Merits, 1 Unfavorable.

From Administrative Services: **SB 42** – 3 Merits.

From Education: **SB 57** – 3 Merits.

At 04:30 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 17<sup>th</sup> Legislative Day.

**17<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**APRIL 02, 2003**

The Senate convened at 04:30 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Henry 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 were considered under the suspension of the necessary rules.

**Holodick, Mark:** 20 Senator(s) voting YES, 1 (Bunting) ABSENT. Appointment was declared CONFIRMED.

Senator Amick marked present during the above roll call.

**Zwosta, Sister Ann Michele:** 20 Senator(s) voting YES, 1 (Bunting) ABSENT. Appointment was declared CONFIRMED.

**HCR 7** was brought before the Senate for consideration on the motion of the floor manager, Senator Cloutier.

**HCR 7** – DESIGNATING JUNE 22, 2003 AS FELIX DARLEY DAY IN DELAWARE. Sponsor: Rep. Smith & Sen. Cloutier & Sen. McDowell; Reps. D.Ennis, Lavelle, Valihura.

Roll call vote on **HCR 7** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bunting – 1

**HCR 7** was declared Adopted by the Senate and returned to the House.

**SB 57** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**SB 57** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISCLOSURE OF, AND ACCESS TO, EDUCATION RECORDS.

Senator Sokola requested the privilege of the floor for Valerie Woodruff, representing the Department of Education.

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

Roll call vote on **SB 57** was taken and revealed:

YES: 18

NO: Senator(s) Bonini, Copeland – 2

ABSENT: Senator(s) Bunting – 1

**SB 57** 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 of Pre-Filed Legislation was introduced for the permanent record, partially ready and copies were made available.

**DELAWARE STATE SENATE**  
**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**FIRST SESSION**  
**READ TO THE SENATE RECORD**  
**4/2/03**

April 1, 2003

**SB 51** – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO DRAM SHOP LIABILITY. Sponsor: Sen. Peterson & Rep. Keeley; Sens. Henry & Sokola; **Administrative Services**.

**SB 54** – AN ACT TO AMEND TITLE 15 RELATING TO PRESIDENTIAL PRIMARY ELECTIONS. Sponsor: Sen. Marshall; Smith, Sens. Blevins, Cook, DeLuca, Henry, McBride, McDowell, Peterson, Sokola, Cloutier, Still, Reps. Buckworth, Hall-Long, Keeley, Mulrooney, Viola; **Executive**.

**SB 57** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISCLOSURE OF, AND ACCESS TO, EDUCATION RECORDS. Sponsor: Sen. Sokola; Reynolds; **Education**.

**SB 58** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE COURT OF CHANCERY. Sponsor: Sen. Adams; Smith, Sen. Vaughn & Rep. Wagner; **Judiciary**.

**SB 59** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCES. Sponsor: Sen. Henry; Keeley, Sen. Marshall & Hudson; **Judiciary**.

April 2, 2003

**HB 23** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO ADOPTION. Sponsor: Rep. Wagner; Reps. Lee, Buckworth, Cathcart, DiPinto, Ewing, Maier, Miro, Quillen, Ulbrich, Valihura, B. Ennis, Plant; **Children; Youth & Families**.

**HB 34** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THREATS AGAINST PUBLIC OFFICIALS OR PUBLIC SERVANTS. Sponsor: Rep. Thornburg; Cook; **Judiciary**.

**HB 79** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO DIVORCE AND ANNULMENT. Sponsor: Rep. Wagner; Buckworth & Sen. Henry & Sen. Bonini & Rep. Hudson & Rep. Keeley; Reps. Boulden, Cathcart, DiPinto, D. Ennis, Ewing, Reynolds, Quillen, Van Sant, B. Ennis, Houghton, Mulrooney, Williams; Sen. Vaughn; **Judiciary**.

**HB 80** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsor: Rep. Wagner; Henry, Reps. Spence, Smith, Lee, Booth, Boulden, Buckworth, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Quillen, Reynolds, B. Ennis, Houghton, Mulrooney, Plant; **Judiciary**.

**HB 82** – AN ACT TO AMEND TITLE 10 & 11 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE; FINES, COSTS, PENALTIES AND FORFEITURES AND THE RELEASE OF PERSONS ACCUSED OF CRIMES IN JUSTICE OF THE PEACE, COURT OF COMMON PLEAS AND THE SUPERIOR COURT. Sponsor: Rep. Wagner; Cook, Reps. Buckworth, Cathcart, D. Ennis, Ewing, Hudson, Lofink, Maier, Quillen, Reynolds, B. Ennis, Ulbrich, Hocker; **Judiciary**.

**SB 60** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS. Sponsor: Sen. McBride; Smith, Sens. DeLuca, McDowell, Sokola & Simpson, Reps. Valihura, Mulrooney, Quillen, Reynolds, & Viola; **Natural Resources & Environmental Control**.

**SB 61** – AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO TRASH COLLECTION IN RESIDENTIAL AREAS. Sponsor: Sen. Amick; Oberle; **Community/County Affairs**.

**SJR 2** – DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO HALT IMPLEMENTATION OF REGULATIONS FURTHER RESTRICTING HORSESHOE CRAB HARVEST. Sponsor: Sen. Henry; Lee; **Natural Resources & Environmental Control**.

\* \* \*

Senator Henry requested that **SB 32** be Stricken. No objection.  
The Secretary announced the agenda for April 3, 2003.

On motion of Senator McDowell, the Senate recessed at 04:52 PM until April 3, 2003 at 02:00 PM.

The Senate reconvened at 02:52 PM on April 3, 2003 with Lt. Governor presiding.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD PART 1  
4/3/03**

**April 2, 2003**

**SA 1 to SB 48** – Sponsor: Sen. DeLuca; Placed with the Bill.

**SA 2 to HB 15** – Sponsor: Sen. Cook; Placed with the Bill.

**SB 53** – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY GOVERNMENT. Sponsor: Sen. Peterson; Houghton, Sens. Henry & Sokola; **Community/County Affairs**.

**SB 63** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LONG TERM CARE SERVICES. Sponsor: Sen. Marshall; Blevins, Rep. Maier; **Health & Social Services**.

\* \* \*

The Secretary announced a message from the House informing the Senate that it passed **HCR 13**.

At 02:55 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 18<sup>th</sup> Legislative Day.

**18<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 03, 2003**

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 – 20.

**ABSENT:** Senator(s) Venables – 1.

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

**SB 58** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 58** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE COURT OF CHANCERY.

Senator Adams requested the privilege of the floor for Joseph Shoell, representing the Office of the Governor.

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

Roll call vote on **SB 58** was taken and revealed:

YES: 20

ABSENT: Senator(s) Venables – 1.

**SB 58** was declared passed the Senate and sent to the House for Consideration.

Senator(s) Marshall and McBride marked present during the above roll call.

**HCR 13** was brought before the Senate for consideration on the motion of the floor manager, Senator Cloutier.

**HCR 13** – RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE. Sponsor: Rep. Maier, On behalf of all Representatives; Sen. Blevins, On behalf of all Senators.



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

YES: 20

ABSENT: Senator(s) Venables – 1.

**HCR 13** was declared Adopted by the Senate and returned to the House.

Senator Vaughn rose to request a moment of silence for Sgt. Brian McGinnis, native of Delaware whom was killed in Iraq.

Senator McDowell commented.

**SB 54** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 54 – AN ACT TO AMEND TITLE 15 RELATING TO PRESIDENTIAL PRIMARY ELECTIONS.**

Several Senators commented.

Roll call vote on **SB 54** was taken and revealed:

YES: 19

NO: Senator(s) Bonini – 1.

ABSENT: Senator(s) Venables – 1.

**SB 54** was declared passed the Senate and sent to the House for Consideration.

**SB 42** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 42 – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS AND CERTAIN PENALTIES IMPOSED AGAINST LICENSEES.**

Senator(s) Still and McDowell commented.

Senator Sokola requested the privilege of the floor for Jack Cordrey, the Alcoholic Beverage Control Commissioner.

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

Senator Sokola moved to Lay **SB 42** on the Table. No objection.

Senator Still requested the personal privilege of the floor to comment and read an essay written by Kristen Winston of Milford, National Winner, entitled “What it means to be an American.”

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 ready and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE’S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION**

**READ TO THE SENATE RECORD PART 2**

**4/3/03**

**SB 62 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PARDONS.** Sponsor: Sen. Simpson; Venables, Sens. Amick, Copeland; Reps. Buckworth, Carey, B. Ennis, Ewing, Keeley, Lee, Lofink, Quillen, Schwartzkopf, Valihura, Van Sant, Wagner; **Judiciary.**

\* \* \*

The Secretary announced the agenda for April 8, 2003.

On motion of Senator McDowell the Senate recessed at 04:18 PM until April 8, 2003 at 02:00 PM.

The Senate reconvened at 02:04 PM on April 8, 2003 with Lt. Governor Carney presiding.

Senator Venables marked present.

The following committee reports were announced:

From Public Safety: **SB 35** – 5 Merits; **HB 64** – 5 Merits; **HB 25** – 5 Merits; **HB 26** – 5 Merits; **HB 51** – 5 Merits; **HB 57** – 5 Merits.

The Secretary announced a message from the House informing the Senate that it had passed **HB 75; HB 86; HB 31 w/HA 1; HB 69; HB 71; HB 47 w/HA 1; HJR 6.**

At 02:05 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 19<sup>th</sup> Legislative Day.

**19<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 08, 2003**

The Senate convened at 02:05 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(s) Bonini marked present.

Senator McDowell rose to congratulate Christopher and Melody Bradley on the birth of their son, Harrison Alan Bradley.

**HB 15 w/HA 2 aab HA 1, HA 16 aab HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 15 w/HA 2 aab HA 1, HA 16 aab HA 1** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CLEAN INDOOR AIR ACT.

Senator Venables requested the privilege of the floor for Elizabeth Moorhead, representing Just Mugs Saloon.

Senator(s) Still and Sokola questioned the witness, after which the witness was excused.

Senator(s) Connor, Cook, Henry, Simpson and Sokola marked present.

Senator Venables requested the privilege of the floor for Miss Shannon Wilds, representing Just Mugs Saloon.

Senator(s) Cloutier and Still questioned the witness, after which the witness was excused.

Senator McBride commented.

Senator McBride requested the privilege of the floor for Craig Rayfield and his father, Gordon Rayfield, representing Senator McBride.

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

Senator Still requested the privilege of the floor for Denis McGlynn, representing Dover Downs.

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

Senator Venables requested the privilege of the floor for Frank Infante, representing Bull Dozers Saloon and DEUSA.

The witness was excused after addressing the Senate.

Senator Bunting requested that **SA 1 to HB 15** be Stricken. No objection.

**SA 2 to HB 15** was brought before the Senate for consideration on the motion of Senator Cook.

Senator Cook requested the privilege of the floor for Gregory Corey, representing Froggy's Bar & Grille.

Senator(s) Still and Peterson questioned the witness, after which the witness was excused.

Several Senator commented.

Senator Cook requested the privilege of the floor for John H. Cordrey, Alcoholic Beverage Control Commissioner.

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

Roll call vote on **SA 2 to HB 15** was taken and revealed:

YES: 13

NO: Senator(s) Amick, Connor, DeLuca, Henry, McBride, McDowell, Sokola, Sorenson – 8.

**SA 2 to HB 15** was declared part of the bill.

Senator Marshall marked present during the above roll call.

**HB 15 w/HA 2 aab HA 1, HA 16 aab HA 1 & SA 2** was now before the Senate.

Senator Blevins requested the privilege of the floor for Linda Lucas, representing the public.

Senator Venables questioned the witness.

Senator Sokola raised a point of order.

The witness was excused.

Several Senators commented.

Roll call vote on HB 15 w/HA 2 aab HA 1, HA 16 aab HA 1 & SA 2 was taken and revealed:

YES: 7

NO: Senator(s) Amick, Blevins, Bunting, Cloutier, Connor, Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Simpson, Sokola, Sorenson – 14.

HB 15 w/HA 2 aab HA 1, HA 16 aab HA 1 & SA 2 was declared Defeated by 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 ready and copies were made available.

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

**4/8/03**

**April 3, 2003**

SA 1 to SB 50 – Sponsor: Sen. Vaughn; Placed with the Bill.

SB 64 – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LONG TERM CARE SERVICES. Sponsor: Sen. Marshall; Blevins, Rep. Maier; Health & Social Services.

SB 65 – AN ACT TO AMEND TITLES 9 AND 29 OF THE DELAWARE CODE RELATING TO LAND USE PLANNING. Sponsor: Sen. Adams; Cathcart, Sens. Bunting, DeLuca, Henry, Sokola, Venables, Cloutier, Copeland, Simpson & Sorenson; Reps. Carey, Lofink, Roy, Smith, Stone, B. Ennis, Hall-Long & Schwartzkopf; Community/County Affairs.

**April 8, 2003**

SB 66 – AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT. Sponsor: Sen. Venables; Marshall, Rep. Roy; Sens. Bunting, Henry, McDowell, Peterson, Amick & Sorenson; Reps. Atkins, DiPinto, Valihura, Wagner, Keeley, Plant & Williams; Finance.

HB 31 w/HA 1 – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO TRUSTS. Sponsor: Rep. Wagner; Henry, Reps. Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen, Reynolds; Judiciary.

HB 47 w/HA 1 – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS. Sponsor: Rep. Valihura; Smith & Rep. Lavelle, & Sen. Cloutier & Sen. Copeland; Insurance & Elections.

HB 69 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DEER HUNTING. Sponsor: Rep. Wagner; Cook; Natural Resources & Environmental Control.

HB 71 – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN IN THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsor: Rep. Wagner; Blevins; Judiciary.

HB 75 – AN ACT TO AMEND TITLE 21, CHAPTER 28 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS. Sponsor: Rep. Ewing; Rep. Quillen; Sen. Simpson; Public Safety.

HB 86 – AN ACT TO AMEND TITLE 9, TITLE 10 AND TITLE 12 OF THE DELAWARE CODE RELATING TO KENT COUNTY GOVERNMENT; AND PROVIDING FOR THE COMPENSATION OF CERTAIN DEPUTIES. Sponsor: Rep. Wagner; Vaughn, Reps. Buckworth, D. Ennis, Quillen, Stone, Thornburg; Finance.

HJR 6 – RECOMMENDING THE MULTI-PURPOSE CRIMINAL JUSTICE FACILITY HENCEFORTH BE KNOWN AS THE HOWARD R. YOUNG

CORRECTIONAL INSTITUTION. Sponsor: Rep. Plant; Henry; **Adult & Juvenile Corrections.**

\* \* \*

The Secretary announced the agenda for April 9, 2003.

On motion of Senator McDowell the Senate recessed at 04:47 PM until April 9, 2003 at 04:00 PM.

The Senate reconvened at 04:10 PM on April 9, 2003 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community/County Affairs: **SB 43** – 3 Merits; **SB 53** – 1 Favorable, 2 Merits; **HB 53** – 3 Merits; **HB 58** – 3 Merits.

From Natural Resources: **HJR 2** – 3 Merits.

The Assistant Secretary announced a message from the House informing the Senate that it had passed **HB 27 w/HA 1**; **HB 44**; **HCR 14**; **HJR 7**; **SCR 7**; **HB 78 w/HA 1**; **HB 83 w/HA 1 & 2**; **HB 66 w/HA 1 & 2**.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/9/03**

**April 8, 2003**

**SA 1 to HB 58** – Sponsor: Sen. Blevins; Placed with the Bill.

**April 9, 2003**

**HB 27 w/HA 1** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE REGARDING SPECIFIC OFFENSES. Sponsor: Rep. Wagner; Henry, Reps. Boulden, Buckworth, Carey, D. Ennis, Ewing, Quillen, Ulbrich; **Judiciary.**

**HB 44** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES. Sponsor: Rep. Oberle; McBride; **Public Safety.**

**HB 66 w/HA 1 & HA 2** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TIME LIMITATIONS. Sponsor: Rep. Maier; Blevins, Reps. Cathcart, Miro, Ulbrich; Sens. Sorenson, Vaughn; **Judiciary.**

**HB 78 w/HA 1** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO PROCEEDINGS IN THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsor: Rep. Wagner; Henry, Reps. Spence, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Lofink, Quillen, Ulbrich, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola; **Judiciary.**

**HB 83 w/HA 1 & HA 2** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, COSTS, PENALTIES AND FORFEITURES

**HCR 14** – CREATING A TASK FORCE TO LOOK FOR WAYS TO IMPROVE TEACHER RECRUITMENT AND RETENTION IN DELAWARE. Sponsor: Rep. Smith; Sokola; **Education.**

**HJR 7** – PROHIBITING STATE EMPLOYEES, STATE ELECTED OFFICIALS, MEMBERS OF THE JUDICIAL BRANCH, AND PUBLIC SCHOOL EMPLOYEES FROM USING STATE MONEY FOR TRAVEL TO CANADA FOR THE DURATION OF OPERATION IRAQI FREEDOM. Sponsor: Rep. Roy; Adams, Reps. Spence, Smith, Lee, Gilligan, Van Sant; **Judiciary.**

\* \* \*

At 04:10 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 20<sup>th</sup> Legislative Day.

**20<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**APRIL 09, 2003**

The Senate convened at 04:10 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.

**SB 26** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 26 – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING FOR CRIMINAL OFFENSES.**

Senator Vaughn requested the privilege of the floor for Paul R. Wallace, representing the Attorney General's office.

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

Senator(s) McDowell and Vaughn commented.

Roll call vote on **SB 26** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, McDowell, Simpson, Venables – 4

ABSENT: Senator(s) Henry – 1

**SB 26** was declared passed the Senate and sent to the House for Consideration.

**HJR 7** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Vaughn.

**HJR 7 – PROHIBITING STATE EMPLOYEES, STATE ELECTED OFFICIALS, MEMBERS OF THE JUDICIAL BRANCH, AND PUBLIC SCHOOL EMPLOYEES FROM USING STATE MONEY FOR TRAVEL TO CANADA FOR THE DURATION OF OPERATION IRAQI FREEDOM.** Sponsor: Rep. Roy & Sen. Adams; Reps. Spence, Smith, Lee, Gilligan, Van Sant.

Senator Bonini commented.

Senator Vaughn moved to lay **HJR 7** on the Table. No objection.

**SB 50** was brought before the Senate for consideration on the motion of Senator Vaughn.

**SB 50 – AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO PROBATION AND RESTITUTION IN CRIMINAL CASES.**

Senator Vaughn requested that **SA 1 to SB 50** be Stricken. No objection.

Senator Vaughn requested that **SA 2 to SB 50** be Stricken. No objection.

**SA 3 to SB 50** was introduced and brought before the Senate for consideration on the motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for Steven Wood, representing Attorney General's office.

Senator(s) Vaughn and Amick questioned the witness, after which the witness was excused.

Roll call vote on **SA 3 to SB 50** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall – 1

**SA 3 to SB 50** was declared part of the bill.

Senator Henry was marked present during the above roll call.

**SB 50 w/SA 3** was now before the Senate.

Senator Vaughn requested the privilege of the floor for Steven Wood, representing Attorney General's office.

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

Senator(s) Sorenson, McDowell, Venables and Cook requested their names be added as additional co-sponsors.

Roll call vote on **SB 50 w/SA 3** was taken and revealed:

YES: 21

**SB 50 w/SA 3** was declared passed the Senate as amended and sent to the House for Consideration.

**HB 58** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 58** – AN ACT TO STRIKE A DEED RESTRICTION ON LANDS CONVEYED TO THE HOCKESSIN FIRE COMPANY BY THE STATE OF DELAWARE.

**SA 1 to HB 58** was brought before the Senate for consideration on the motion of Senator Blevis.

Roll call vote on **SA 1 to HB 58** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall – 1

**SA 1 to HB 58** was declared part of the bill.

**HB 58 w/SA 1** was now before the Senate.

Roll call vote on **HB 58 w/SA 1** was taken and revealed:

YES: 21

**HB 58 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**SB 38** was brought before the Senate for consideration on the motion of Senator Henry.

**SB 38** – AN ACT TO AMEND CHAPTER 320 OF VOLUME 72 OF THE LAWS OF DELAWARE RELATING TO POST CONVICTION REMEDIES.

Roll call vote on **SB 38** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall – 1

**SB 38** was declared passed the Senate and sent to the House for Consideration.

**HB 26** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 26** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF FINES AND COSTS.

Senator Vaughn questioned the floor manager.

Senator Henry moved to Lay **HB 26** on the Table. No objection.

**HB 25** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 25** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS' TRAINING SCHOOL LICENSING AND DRIVERS' LICENSING.

Senator Henry moved to Lay **HB 25** on the Table. No objection.

**HB 64** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 64** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SIGNAGE ON PARKING SPACES OR ZONES DESIGNATED FOR USE BY PERSONS WITH DISABILITIES.

Senator Connor questioned the floor manager, after which Senator Henry requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Senator Henry moved to Lay **HB 64** on the Table. No objection.

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

Senator Bonini rose to express that today was a historic day in the War in Iraq and our armed services in the freeing of the Iraqi people.

The Assistant Secretary announced the agenda for April 10, 2003.

On motion of Senator McDowell, the Senate recessed at 06:05 PM until April 10, 2003 at 02:00 PM.

The Senate reconvened at 02:34 PM on April 10, 2003 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Judiciary: **SB 31** – 5 Merits; **HB 34** – 5 Merits.

From Health and Social Services: **SB 45** – 4 Merits.

From Labor: **SB 52** – 2 Favorable, 2 Merits.

From Natural Resources: **HJR 2** – 3 Merits.

The Secretary announced a message from the House informing that it had passed

**HCR 12.**

A communication from Senator Charles Copeland to Bernard J. Brady, Secretary of the Senate requesting his name be added as co-sponsor of **HB 58**.

A withdraw of sponsorship from Representative DiPinto was read into the record requesting his name be removed as co-sponsor of **SB 66**.

A withdraw of sponsorship from Representative Ewing was read into the record requesting his name be removed as co-sponsor of **SB 62**.

**SR 9** was introduced and brought before the Senate for consideration on motion of Senator Still.

**SR 9** – WISHING WILLIAM M. REMINGTON, DIRECTOR OF THE DIVISION OF REVENUE, ALL THE BEST ON HIS RETIREMENT AND THANKING HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE BY NAMING APRIL 30<sup>TH</sup>, 2003 BILL REMINGTON DAY. Sponsor: Sen. Still & Sen. Adams; On behalf of all Senators.

Senator(s) Adams and McDowell commented.

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

YES: 18

ABSENT: Senator(s) Bunting, Henry, Marshall – 3

**SR 9** was declared Adopted by the Senate.

**HCR 12** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCR 12** – ENCOURAGING THE BUSH ADMINISTRATION TO SUPPORT A FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF CHINA ON TAIWAN AND THE UNITED STATES. Sponsor: Rep. Spence

Roll call vote on **HCR 12** was taken and revealed:

YES: 12

NO: Senator(s) Bonini – 1

NOT VOTING: Senator(s) Amick, Blevins, Bunting, DeLuca, Henry, McDowell, Peterson, Sokola – 8

**HCR 12** was declared Adopted by the Senate and was returned to the House.

**SCR 8** was brought before the Senate for consideration on the motion of Senator Connor.

**SCR 8** – PROCLAIMING THE WEEK OF APRIL 20 THROUGH APRIL 26, 2003, AS ADMINISTRATIVE PROFESSIONALS WEEK. Sponsor: Sen. Connor & Rep. Spence; On behalf of all Senators; On behalf of all Representatives.

Roll call vote on **SCR 8** was taken and revealed:

YES: 20

ABSENT: Senator(s) Marshall – 1

**SCR 8** was declared Adopted by the Senate and sent to the House for Consideration.

At 02:57 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 21<sup>st</sup> Legislative Day.

**21<sup>st</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 10, 2003**

The Senate convened at 02:57 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, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially ready and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/10/03**

**April 9, 2003**

**SA 1 to SB 42** – Sponsor: Sen. Sokola; Placed with the Bill.

**April 10, 2003**

**SB 67** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REFLEX SYMPATHETIC DYSTROPHY SYNDROME (RSDS), ALSO KNOWN AS COMPLEX REGIONAL PAIN SYNDROME. Sponsor: Sen. Amick; Lofink; **Health & Social Services**.

**SB 68** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PROFESSIONAL INCENTIVE PROGRAMS. Sponsor: Sen. Bonini; Miro, Sens. Amick, Cloutier, Connor, Copeland, Simpson, Sokola, Sorenson; Reps. Carey, Caulk, D. Ennis, Fallon, Hocker, Reynolds, Stone, Valihura; **Education**.

**SB 69** – AN ACT TO AMEND TITLE 21 DELAWARE CODE RELATING TO LICENSE PLATES. Sponsor: Sen. Adams; Ewing, Sen. Simpson & Rep. Hudson, Rep. Ulbrich; **Public Safety**.

**SB 70** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO CRIMES AND THE DEATH PENALTY. Sponsor: Sen. Henry; Keeley, Sens. McDowell, Peterson, Sokola, Simpson & Sorenson; Reps. D. Ennis, Plant & Viola; **Adult & Juvenile Corrections**.

**SJR 3** – CREATING APRIL 2003 AS AUTISM AWARENESS MONTH. Sponsor: Sen. Sokola; On behalf of all Senators & Rep. Reynolds, On behalf of all Representatives; **Education**.

\* \* \*

**HB 51 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 51 w/HA 1** – AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF FLASHING LIGHTS ON MOTOR VEHICLES.

Several Senators commented.

Roll call vote on **HB 51 w/HA 1** was taken and revealed:

YES: 21

**HB 51 w/HA 1** was declared passed the Senate and returned to the House.

**HB 57** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 57** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE ALARM SIGNALING SYSTEMS AND FALSE FIRE ALARMS.

Senator Henry requested the privilege of the floor for Willard Preston, State Fire Marshal.

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

Roll call vote on **HB 57** was taken and revealed:

YES: 20

ABSENT: Senator(s) Cook – 1

**HB 57** was declared passed the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 03:30 PM.

The Senate reconvened at 04:49 PM with Lt. Governor Carney presiding.

Senator Henry requested that **SJR 2** be Stricken. No objection.

**SB 35** was brought before the Senate for consideration on the motion of Senator Simpson.

**SB 35** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL WINDOW TINTING.

Several Senators commented.

Senator Simpson requested the privilege of the floor for Major David L. Baylor, representing Delaware State Police.

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

Roll call vote on **SB 35** was taken and revealed:

YES: 21

**SB 35** was declared passed the Senate and sent to the House for Consideration.



**HB 33 w/HA 2** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 33 w/HA 2** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS.

Roll call vote on **HB 33 w/HA 2** was taken and revealed:

YES: 21

**HB 33 w/HA 2** was declared passed the Senate and returned to the House.

Senator Sokola requested that **SB 42** be Lifted from the Table and brought before the Senate for Consideration.

**SA 1 to SB 42** was brought before the Senate for consideration on the motion of Senator Sokola.

Senator Sokola requested the privilege of the floor for John Cordrey, Alcoholic Beverage Control Commissioner.

Senator(s) McDowell and Adams questioned the witness, after which the witness was excused.

Roll call vote on **SA 1 to SB 42** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Copeland, McDowell – 3.

ABSENT: Senator(s) McBride – 1.

**SA 1 to SB 42** was declared part of the bill.

**SB 42 w/SA 1** was now before the Senate.

Senator(s) McDowell and Bonini commented.

Roll call vote on **SB 42 w/SA 1** was taken and revealed:

YES: 13

NO: Senator(s) Amick, Bonini, Cloutier, Connor, Copeland, McDowell, Sorenson –

7.

NOT VOTING: Senator(s) Still – 1

**SB 42 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SJR 3** was brought before the Senate for consideration under the suspension of the necessary rules on the motion of Senator Sokola.

**SJR 3** – CREATING APRIL 2003 AS AUTISM AWARENESS MONTH.

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

YES: 21

**SJR 3** was declared passed the Senate and sent to the House for Consideration.

**SCR 9** was brought before the Senate for consideration on the motion of Senator Sokola.

**SCR 9** – EXTENDING THE VETERANS HOME ADVISORY COMMITTEE REPORTING DATE. Sponsor: Sen. Sokola & Rep. Cathcart

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.

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

The Assistant Secretary announced the agenda for April 15, 2003.

On motion of Senator McDowell, the Senate recessed at 05:36 PM until April 15, 2003 at 02:00 PM.

The Senate reconvened at 02:05 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HB 100; HB 112; HB 48 w/HA 1; HB 50; HCR 18; HCR 20**.

The following committee report was announced:

From Insurance and Elections: **HB 74** – 4 Merits.

**LEGISLATIVE ADVISORY NO. #2**, 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 NO. #2**, dated April 15, 2003, the Governor signed the following legislation on the dates indicated:

**SB #12** (3/26/03) – AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATED TO DREDGING. (Sponsors: Sen. Venables & Rep. Fallon) (Volume 74, Chapter 10, Laws of Delaware.)

**SB #16** (3/26/03) – AN ACT TO WAIVE THE STATUTORY PROVISIONS OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF

CERTAIN MARRIAGES. (Sponsors: Sen. Copeland & Rep. Lavelle) (Volume 74, Chapter 11, Laws of Delaware.)

**HB #4** (4/01/03) – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE TECHNOLOGY INVESTMENT COUNCIL. (Sponsors: Rep. Roy & Sen. McBride) (Volume 74, Chapter 12, Laws of Delaware.)

**HB #88 aab HA 1 & HA 3** (4/01/03) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PROFESSIONAL STANDARDS BOARD, ITS COMPOSITION AND GOVERNANCE, AND EDUCATOR EVALUATIONS. (Sponsors: Rep. Reynolds & Sen. Sokola) (Volume 74, Chapter 13, Laws of Delaware.)

**HB #68** (4/03/03) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION. (Sponsors: Rep. Wagner & Sen. Sokola & Rep. Ulbrich; Reps. Spence, Buckworth, Cathcart, B. Ennis, Hall-Long, Hudson, Keeley, Miro, Quillen, Reynolds, Stone; Sens. Henry, Simpson) (Volume 74, Chapter 14, Laws of Delaware.)

**SB #10 aab SA 1** (4/4/03) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES AND LICENSE PLATES. (Sponsors: Sen. Henry & Rep. Keeley; Sens. Marshall & McDowell; Reps. Plant & Williams) (Volume 74, Chapter 15, Laws of Delaware.)

\* \* \*

At 02:05 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 22<sup>nd</sup> Legislative Day.

**22<sup>nd</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 15, 2003**

The Senate convened at 02:05 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.

Senator(s) Blevins, Cloutier and Marshall were marked present.

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

**HCR 18** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Sorenson.

**HCR 18** – RECOGNIZING WILBERT L. “BILL” GORE AND GENEVIEVE “VIEVE” GORE UPON BEING NAMED NATIONAL BUSINESS HALL OF FAME LAUREATES BY JUNIOR ACHIEVEMENT. Sponsor: Rep. Miro; On behalf of all Representatives & Sen. Sorenson, On behalf of all Senators.

Roll call on **HCR 18** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini – 1

**HCR 18** was declared Adopted by the Senate and was returned to the House.

Senator(s) Amick and McBride were marked present during the above roll call.

**HCR 20** was introduced and brought before the Senate for consideration on the motion of the floor manager, Senator Marshall.

**HCR 20** – HONORING IMMIGRANTS IN SERVICE TO THE U.S. MILITARY AND URGING THE PRESIDENT AND CONGRESS TO BESTOW CITIZENSHIP UPON ALL IMMIGRANTS HONORABLY DISCHARGED FROM THE MILITARY. Sponsor: Rep. Keeley & Sen. Marshall; Reps. Caulk, B. Ennis, George, hall-Long, Houghton, Maier, Mulrooney, Spence, Ulbrich, Van Sant, Williams; Sens. Blevins, Bunting, Henry, McDowell, Peterson.

Roll call on **HCR 20** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, Cook – 2

**HCR 20** was declared Adopted by the Senate and was returned to the House.

Senator Venables requested that **SB 73** be Lifted from the Table and brought before the Senate for Consideration under the suspension of the necessary rules.

Several Senators commented.

Roll call vote on **SB 73** was taken and revealed:

YES: 21

**SB 73** was declared passed the Senate and sent to the House for Consideration.

Senator Bonini marked present.

**SB 41** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 41** – AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

**SA 1 to SB 41** was brought before the Senate for consideration on the motion of Senator Marshall.

Several Senators commented.

Senator Marshall requested the privilege of the floor for John Cordrey, Alcoholic Beverage Control Commissioner.

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

Senator(s) McBride and Henry commented.

Roll call vote on **SA 1 to SB 41** was taken and revealed:

YES: 10

NO: Senator(s) Adams, Amick, Blevins, Bunting, Connor, Copeland, McBride, McDowell, Peterson, Sokola, Vaughn – 11

**SA 1 to SB 41** was declared Defeated.

**SA 2 to SB 41** was brought before the Senate for consideration on the motion of Senator Still.

Roll call vote on **SA 2 to SB 41** was taken and revealed:

YES: 15

NO: Senator(s) Adams, Amick, Connor, DeLuca, McDowell, Vaughn – 6

**SA 2 to SB 41** was declared part of the bill.

**SB 41 w/SA 2** was now before the Senate.

Senator Sokola requested the privilege of the floor for William Latham, representing the University of Delaware.

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

Senator Venables requested the privilege of the floor for Prathmesh Patel, representing Delaware Asian American Business Association.

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

Several Senators questioned the witness.

Senator Bonini raised a point of order.

Senator Sorenson questioned the witness.

Senator Bonini again raised a point of order.

The witness was excused.

Senator Venables requested the privilege of the floor for Chirag B. Patel, representing Delaware Asian American Business Association.

Senator Simpson and Sokola questioned the witness, after which the witness was excused.

Several Senators commented.

Roll call vote on **SB 41 w/SA 2** was taken and revealed:

YES: 12

NO: Senator(s) Adams, Amick, Bunting, Connor, Cook, Marshall, McDowell, Sorenson, Venables – 9

**SB 41 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.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/15/03**

**April 10, 2003**

**SA 1 to SB 41** – Sponsor: Sen. Marshall; Placed with the Bill.

**SA 2 to SB 41** – Sponsor: Sen. Still; Simpson; Placed with the Bill.

**SA 2 to SB 48** – Sponsor: Sen. DeLuca; Placed with the Bill.

**April 14, 2003**

**SB 73** – AN ACT AMENDING VOLUME 73, DELAWARE LAWS, CHAPTER 350 (THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENT ACT).

Sponsor: Sen. Venables; Roy, Sens. Blevins, Cook, DeLuca, Connor, Simpson, Reps. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner, Mulrooney; **LOT**.

**April 15, 2003**

**SA 1 to HB 53** – Sponsor: Sen. Vaughn; Placed with the Bill.

**SB 71** – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE AND BENEFITS. Sponsor: Sen. Blevins; Maier; **Health & Social Services**.

**SB 72** – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS. Sponsor: Sen. Cook; Smith, Sen. Blevins; **Insurance & Elections**.

**SB 74** – AN ACT TO AMEND TITLES 14 AND 16 OF THE DELAWARE CODE RELATING TO CHILDHOOD LEAD POISONING. Sponsor: Sen. Blevins; Maier, Rep. Ulbrich; **Education**.

**SB 75** – AN ACT TO AMEND TITLE 15, CHAPTER 33 RELATING TO NOMINATIONS OF CANDIDATES. Sponsor: Sen. Marshall; Smith, Sens. Adams, Cook & Still; Rep. Spence; **Insurance & Elections**.

**SB 76** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION PROFILE REPORTS, AND SCHOOL, DISTRICT, AND STATE ACCOUNTABILITY. Sponsor: Sen. Sokola; Reynolds; **Education**.

**SB 77** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO CREATE A DELAWARE CANCER CONSORTIUM. Sponsor: Sen. McBride; Hall-Long, Sen. Sorenson & Rep. Ulbrich; **Health & Social Services**.

**HB 48 w/HA 1** – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO VOID AND VOIDABLE MARRIAGES. Sponsor: Rep. Buckworth; Viola, Sens. Venables, Still; **Judiciary**.

**HB 50** – AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE CREATION OF A DELAWARE AVIATION ADVISORY COUNCIL. Sponsor: Rep. Oberle; Adams; **Highways & Transportation**.

**HB 100** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY RELEASE NOTIFICATIONS. Sponsor: Rep. B. Ennis; D. Ennis, Rep. DiPinto & Sen. Vaughn; Reps. Ewing, Houghton, Keeley, Mulrooney, Plant, Van Sant, Viola, Williams; **Public Safety**.

**HB 112** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE PREVENTION. Sponsor: Rep. Lee; George, Sen. Henry; Reps. Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, Ewing, Hudson, Lavelle, Lofink, Reynolds, Ulbrich, Van Sant, B. Ennis, Hall-Long, Keeley, Houghton, Viola; Sens. Still, Sorenson, Amick, Bunting, Cloutier, Connor, Simpson; **Public Safety**.

\* \* \*

Senator Bonini rose to ask the Lt. Governor the guidelines regarding witness testimony. Lt. Governor refers to Senate Rule 17 C.

Senator McDowell and McBride commented.

The Secretary announced the agenda for April 16, 2003.

On motion of Senator McDowell, the Senate recessed at 04:17 PM until April 16, 2003 at 04:00 PM.

The Senate reconvened at 04:21 PM on April 16, 2003 with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had passed **HCR 15, HCR 16; HCR 17; HCR 19; SCR 8; SCR 9; HB 96 w/HA 1; HB 76 w/HA 1; HB 109; SB 73.**

The following committee reports were announced:

From Children, Youth and their Families: **SB 14** – 4 Merits.

From Natural Resources: **SB 60** – 3 Merits, 1 Unfavorable.

From Education: **SB 76** – 4 Merits, **HCR 14** – 4 Merits.

A withdraw of sponsorship from Senator Steven Amick was read to the record request that his name be removed as co-sponsor of **SB 66**.

A communication from the Chief Clerk, JoAnn M. Hedrick to the Secretary of the Senate, Bernard J. Brady was read to the record requesting that Speaker Spence and Representative Reynolds would like to be co-sponsors of **SB 70**.

At 04:25 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 23<sup>rd</sup> Legislative Day.

**23<sup>rd</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 16, 2003**

The Senate convened at 04:25 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 Vaughn requested the privilege of the floor for Clarence and Beulah Schwatka and their daughter, Joyce to the podium so the Reading Clerk could read a tribute for their 65<sup>th</sup> Wedding Anniversary. The witnesses were excused.

**HB 74** was brought before the Senate for consideration on the motion of the floor manager, Senator Blevins.

**HB 74** – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES.

Senator McDowell commented.

Roll call vote on **HB 74** was taken and revealed:

YES: 21.

**HB 74** was declared passed the Senate and returned to the House.

Senator Henry, the floor manager, requested that **HB 26** be Lifted from the Table and brought before the Senate for Consideration.

Roll call vote on **HB 26** was taken and revealed:

YES: 19

NO: Senator(s) Bonini, Vaughn – 2

**HB 26** was declared passed the Senate and returned to the House.

Senator Henry, the floor manager, requested that **HB 25** be Lifted from the Table and brought before the Senate for Consideration.

Senator Henry moved to Lay **HB 25** on the Table. No objection.

**SB 52** was brought before the Senate for consideration on the motion of Senator Peterson.

**SB 52** – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE.

**SA 1 to SB 52** was brought before the Senate for consideration on the motion of Senator Still.

Senator(s) DeLuca, Marshall and Sokola commented.

Roll call vote on **SA 1 to SB 52** was taken and revealed:

YES: 21

**SA 1 to SB 52** was declared part of the bill.

**SB 52 w/SA 1** was now before the Senate.

Several Senators commented.

Roll call vote on **SB 52 w/SA 1** was taken and revealed:

YES: 15

NO: Senator(s) Bonini, Bunting, Cloutier, Copeland, Simpson, Still – 6

**SB 52 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 76** was brought before the Senate for consideration on the motion of Senator Sokola.

**SB 76** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION PROFILE REPORTS, AND SCHOOL, DISTRICT, AND STATE ACCOUNTABILITY.

Senator Sokola requested the privilege of the floor for Valerie Woodruff, Secretary of Education.

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

Roll call vote on **SB 76** was taken and revealed:

YES: 20

NO: Senator(s) Bonini – 1

**SB 76** was declared passed the Senate and sent to the House for Consideration.

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

Senator Marshall requested his name be added as a co-sponsor of **HB 109**.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/16/03**

**April 15, 2003**

**SB 78** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON THE BLIND. Sponsor: Sen. Henry; Valihura; **Executive**.

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

|                     |                             |
|---------------------|-----------------------------|
| Leah W. Betts       | To be reappointed a member  |
| 113 Magnolia Street | of the Violent Crimes       |
| Milton, DE 19958    | Compensation Board for a    |
|                     | term to expire 3 years from |
|                     | Senate confirmation.        |

**April 16, 2003**

**SA 1 to SB 52** – Sponsor: Sen. Still; Placed with the Bill.

**SA 1 to HB 66** – Sponsor: Sen. Blevins; Placed with the Bill.

**SB 79** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AUTHORIZING THE DIVISION OF STATE SERVICE CENTERS TO ENGAGE IN FUNDRAISING ACTIVITIES. Sponsor: Sen. Blevins; Maier, Sens. Connor, Henry, Peterson; **Health & Social Services**.

**SB 80** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PROTECTING THE RIGHTS OF RECREATIONAL ANGLERS IN THE TIDAL WATERS OF THIS STATE. Sponsor: Sen. Simpson; Booth, Sens. Bunting, Sokola; Reps. Atkins, Buckworth, Carey, DiPinto, B. Ennis, Ewing, Hocker, Hudson, Keeley, Miro, Oberle, Quillen, Reynolds, Schwartzkopf, Smith, Ulbrich; **Natural Resources & Environmental Control**.

**SB 81** – AN ACT TO AMEND TITLE 26, RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR WATER UTILITIES FOR MUNICIPALITIES ANNEXING TERRITORY. Sponsor: Sen. Adams; Ewing; **Executive**.

**SB 82** – AN ACT TO AMEND AN ACT ENTITLED “AN ACT TO RE-INCORPORATE THE TOWN OF WYOMING” BEING 43 LAWS OF DELAWARE,

CHAPTER 189, AS AMENDED. Sponsor: Sen. Still; Buckworth; Community/County Affairs.

**SB 83** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LEGAL NOTICES. Sponsor: Sen. Cook; Roy; Finance.

**HB 76 w/HA 1** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SENTENCING AND THE UNIFORM LAW FOR OUT-OF-STATE PAROLEE'S SUPERVISION. Sponsor: Rep. Wagner; Lee & Sen. Vaughn; Judiciary.

**HB 96 w/HA 1** – AN ACT TO AMEND VOLUME 73 OF THE LAWS OF DELAWARE, CHAPTER 408, TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS' LICENSES. Sponsor: Rep. DiPinto; Keeley, Sen. Vaughn; Judiciary.

**HB 109** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS. Sponsor: Rep. Smith; Valihura, Sen. McBride; Reps. D. Ennis, George, Lavelle, Mulrooney, Quillen, Reynolds, Spence, Viola; Sens. DeLuca, McDowell, Simpson, Sokola; Natural Resources & Environmental Control.

\* \* \*

The Secretary announced the agenda for April 17, 2003.

On motion of Senator McDowell, the Senate recessed at 06:03 PM until 02:00 PM on April 17, 2003.

The Senate reconvened at 02:21 PM on April 17, 2003 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Executive: **Leah W. Betts** – 5 Favorable, 1 Merit; **SB 81** – 6 Merits.

From Insurance and Elections: **SB 75** – 5 Merits; **SB 72** – 5 Merits.

From Health and Social Services: **SB 63** – 4 Merits; **SB 64** – 4 Merits.

**SCR 10** was brought before the Senate for consideration on the motion of Senator Henry.

**SCR 10** – PROCLAIMING THE WEEK OF APRIL 13 THROUGH APRIL 19, 2003, AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK. Sponsor: Sen. Henry & Rep. Ewing; On behalf of all Senators, On behalf of all Representatives.

Roll call vote on **SCR 10** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, McBride – 2

**SCR 10** was declared Adopted by the Senate and sent to the House for Consideration.

**SCR 11** was brought before the Senate for consideration on the motion of Senator Sokola.

**SCR 11** – ESTABLISHING THE MONTH OF APRIL, 2003, AS AUTISM AWARENESS MONTH. Sponsor: Sen. Sokola & Rep. Reynolds; On behalf of all Senators, On behalf of all Representatives.

Roll call vote on **SCR 11** was taken and revealed:

YES: 19

ABSENT: Senator(s) Bonini, Cook – 2

**SCR 11** was declared Adopted by the Senate and sent to the House for Consideration.

The following committee reports were announced:

From Community/County Affairs: **SB 61** – 3 Merits, **SB 27** – 3 Merits.

At 02:29 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 24<sup>th</sup> Legislative Day.

**24<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
APRIL 17, 2003**

The Senate convened at 02:29 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.

On motion of Senator Adams and without objection, the following nominations were considered under the suspension of the necessary rules.

**Betts, Leah:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED. Senator Bonini was marked present during the above roll call.

Senator Henry, the floor manager, requested that **HB 25** be Lifted from the Table and brought before the Senate for Consideration.

Roll call vote on **HB 25** was taken and revealed:

YES: 20

NO: Senator(s) Bonini – 1

**HB 25** was declared passed the Senate and returned to the House.

Senator McDowell moved to recess for Party Caucus at 02:39 PM.

The Senate reconvened at 04:25 PM with Lt. Governor Carney presiding.

**HJR 8** was brought before the Senate for consideration under the suspension of the necessary rules, on the motion of the floor manager, Senator Blevins.

**HJR 8** – IMPROVING THE HEALTH OF BABIES IN DELAWARE BY SUPPORTING THE MARCH OF DIMES' PREMATURITY CAMPAIGN TO REDUCE THE NUMBER OF PREMATURE BIRTHS. Sponsor: Rep. Maier; On behalf of all Representatives & Sen. Blevins, On behalf of all Senators

Senator Blevins requested the privilege of the floor for Cathy Kanefsky, representing the March of Dimes.

The witness was excused after addressing the Senate.

Roll call vote on **HJR 8** was taken and revealed:

YES: 21.

**HJR 8** was declared passed the Senate and was returned to the House.

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

**HCR 21** – DECLARING THURSDAY, APRIL 17, 2003 AS "SAFE RETURN DAY" FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE IN THE STATE OF DELAWARE. Sponsor: Rep. Spence; On behalf of all Representatives & Sen. Adams, On behalf of all Senators

Senator Blevins requested the privilege of the floor for Carol Shell, representing Delaware Valley Alzheimer's Association.

Senator(s) McBride and McDowell questioned the witness, after which the witness was excused.

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

YES: 21

**HCR 21** was declared Adopted by the Senate and returned to the House.

**HCR 14** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HCR 14** – CREATING A TASK FORCE TO LOOK FOR WAYS TO IMPROVE TEACHER RECRUITMENT AND RETENTION IN DELAWARE.

**SA 1 to HCR 14** was brought before the Senate for consideration on the motion of Senator Sokola.

Roll call vote on **SA 1 to HCR 14** was taken and revealed:

YES: 21

**SA 1 to HCR 14** was declared part of the bill.

**HCR 14 w/SA 1** was now before the Senate.

Roll call vote on **HCR 14 w/SA 1** was taken and revealed:

YES: 21

**HCR 14 w/SA 1** was declared Adopted by the Senate as amended and was returned to the House for Reconsideration.

**SB 31** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 31** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIABILITY AND SENTENCING IN CERTAIN CASES.

Senator Marshall requested that **SA 1 to SB 31** be Stricken. No objection.



**SA 2 to SB 31** was brought before the Senate for consideration on the motion of Senator Marshall.

Senator Marshall requested the privilege of the floor for Steven Wood, representing the Attorney General's office.

Senator(s) Venables, McBride and Sokola questioned the witness.

Senator McDowell raised a point of order.

Several Senators continued questioning the witness, after which the witness was excused.

Roll call vote on **SA 2 to SB 31** was taken and revealed:

YES: 17

NO: Senator(s) Bonini, Simpson, Venables – 3

ABSENT: Senator(s) Blevins – 1

**SA 2 to SB 31** was declared part of the bill.

**SB 31 w/SA 2** was now before the Senate.

Roll call vote on **SB 31 w/SA 2** was taken and revealed:

YES: 14

NO: Senator(s) Adams, Bonini, Copeland, Henry, Simpson, Venables – 6

ABSENT: Senator(s) Blevins – 1

**SB 31 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

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

**HCR 15** – DECLARING APRIL ORGAN AND TISSUE DONOR AWARENESS MONTH. Sponsor: Rep. Buckworth & Sen. McBride.

**HCR 16** – PROCLAIMING THE MONTH OF MAY 2003 AS “MOTORCYCLE AWARENESS MONTH” AND REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION DECLARING SAME. Sponsor: Rep. B. Ennis & Sen. Vaughn; Reps. Booth, Buckworth, D. Ennis, Hall-Long, Houghton, Keeley, Spence, Van Sant.

**HCR 17** – COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2003 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsor: Rep. Spence; On behalf of all Representatives & Sen. Adams, On behalf of all Senators.

**HCR 19** – REQUESTING THE SECRETARY OF AGRICULTURE, IN THE RULE MAKING PROCESS, TO HONOR THE REGIONAL EQUITY IN FEDERAL SUPPORT TO NORTHEASTERN AGRICULTURE PROMISED IN THE NORTHEASTERN 2002 FARM BILL. Sponsor: Rep. Carey & Rep. Caulk & Sen. Bunting; Reps. Atkins, Booth, Hocker, Thornburg, Quillen, Hall-Long, Mulrooney, Plant; Sen. Adams, Simpson.

A roll call vote was taken on **SENATE CONSENT CALENDAR #2** and revealed 20 Senators voting YES, 1 (Blevins) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolutions were returned to the House.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
4/17/03**

**SB 84** – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAX RETURNS AND NOTIFICATION OF RETURN REQUIREMENTS OF S CORPORATIONS. Sponsor: Sen. Marshall; Hudson;  
**Revenue & Taxation.**

**SB 85** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PUBLIC DRINKING WATER SUPPLIERS. Sponsor: Sen. Blevins; Maier, Sens. Connor, Henry, Peterson; **Health & Social Services.**

**SB 87** – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES AND ENFORCEMENT. Sponsor: Sen. Marshall; Hudson; **Revenue & Taxation.**

**SB 88** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE  
RELATING TO FAILURE TO COMPLY WITH TRAFFIC LIGHTS. Sponsor: Sen.  
Amick; **Public Safety**.

\* \* \*

The Secretary announced the agenda for May 06, 2003.  
On motion of Senator McDowell, the Senate recessed at 06:10 PM until May 06,  
2003 at 02:00 PM.

The Senate reconvened at 02:10 PM on May 06, 2003 with Lt. Governor Carney  
presiding.

The following committee report was announced:

From Health & Social Services: **SB 67** – 4 Merits.

At 02:10 PM on motion of Senator McDowell, the Senate adjourned to immediately  
convene the 25<sup>th</sup> Legislative Day.

**25<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 06, 2003**

The Senate convened at 02:10 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, Bunting, Cloutier, Connor, Cook,  
Copeland, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Simpson, Sokola,  
Sorenson, Still, Vaughn, Venables – 20.

**ABSENT:** Senator(s) Bonini, - 1

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

Senator(s) Henry and Sokola marked present.

Senator Still requested the privilege of the floor for Col. Scott Wuesthoff, USAF,  
representing 436<sup>th</sup> Airlift Wing.

The Colonel commented after which he showed a slide presentation regarding Dover  
Air Force Base.

Senator(s) Still and Adams presented gifts and commendations to the Colonel and  
Mrs. Weusthoff on behalf of the Senate and the Lt. Governor, after which the witnesses  
were excused.

**SCR 13** was introduced and brought before the Senate for consideration on the  
motion of Senator Still.

**SCR 13** – COMMENDING AIR FORCE COLONEL SCOTT E. WUESTHOFF  
FOR HIS OUTSTANDING SERVICE AS COMMANDER OF THE 436<sup>TH</sup> AIRLIFT  
WING AT DOVER AIR FORCE BASE. Sponsor: Sen. Still; On behalf of all Senators;  
Rep. Stone, On behalf of all Representatives.

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

YES: 20

ABSENT: Senator(s) Bonini – 1

**SCR 13** was declared Adopted by the Senate and sent to the House for Consideration.

Senator(s) Blevins, Connor, Marshall marked present during the above roll call.

The Secretary announced a message from the House informing the Senate that it had  
passed **HB 115; HB 98 w/HA 1; SB 50 w/SA 3; SB 76; SCR 10; SCR 11; HCR 21;  
HJR 8; HB 111 w/HA 1; HB 9; HB 138 w/HA 1; HB 61.**

A communication from Senator Catherine L. Cloutier to Bernard J. Brady, Secretary  
of the Senate was read in for the purpose of the Senate record that her name be added as a  
co-sponsor of **HB 2**.

**SENATE CITATION ANNOUNCEMENT #2**, S142-034 – 168 inclusive was  
introduced and a copy made available to each Senator.

Senator Connor requested personal privilege of the floor and detailed her recent  
experience with a News Journal letter to the editor of April 22, 2003, signed in her name  
fraudulently.

Senator(s) McDowell and DeLuca commented.

Senator Sokola requested the privilege of the floor for Susanna Lee, Jerry Finch and Genice Hughes, representing Jobs for Delaware Graduates.

The witnesses were excused after addressing the Senate.

**SB 48** was brought before the Senate for consideration on the motion of Senator DeLuca.

**SB 48** – AN ACT TO AMEND CHAPTER 10 OF TITLE 26 OF THE DELAWARE CODE RELATING TO ELECTRIC UTILITY RESTRUCTURING AND ADDING PROVISIONS CONFIRMING THE DUTY OF STANDARD OFFER SUPPLIERS, ELECTRIC SUPPLIERS AND ELECTRIC DISTRIBUTION COMPANIES TO MAINTAIN SAFE, EFFICIENT, ADEQUATE, AND RELIABLE SERVICES, AND ALSO ADDING A NEW SECTION AUTHORIZING THE PUBLIC SERVICE COMMISSION TO ASSESS CIVIL PENALTIES, TO SUSPEND AND REVOKE AUTHORIZATIONS, AND TO ENTER PRELIMINARY AND FINAL REMEDIAL ORDERS.

Senator DeLuca requested that **SA 1 to SB 48** be Stricken. No objection.

**SA 2 to SB 48** was brought before the Senate for consideration on the motion of Senator DeLuca.

Senator McDowell commented.

Roll call vote on **SA 2 to SB 48** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini – 1.

**SA 2 to SB 48** was declared part of the bill.

**SB 48 w/SA 2** was now before the Senate.

Senator DeLuca requested the privilege of the floor for Bruce Burcat, representing Delaware Public Service Commission.

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

Senator(s) McBride and Bunting commented.

Roll call vote on **SB 48 w/SA 2** was taken and revealed:

YES: 19

NO: Senator(s) McDowell – 1

ABSENT: Senator(s) Bonini – 1

**SB 48 w/SA 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 60** was brought before the Senate for consideration on the motion of Senator McBride.

**SB 60** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

**SA 1 to SB 60** was brought before the Senate for consideration on the motion of Senator McBride.

Senator Still commented.

Senator McBride requested the privilege of the floor for Matt Denn, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on **SA 1 to SB 60** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini – 1

**SA 1 to SB 60** was declared part of the bill.

**SB 60 w/SA 1** was now before the Senate.

Senator(s) Venables and Copeland commented.

Senator McBride requested the privilege of the floor for Matt Denn, representing the Governor's office.

The witness was excused after addressing the Senate.

Senator McBride again requested the privilege of the floor for Matt Denn, representing the Governor's office.

Senator(s) Still and Amick questioned the witness, after which the witness was excused.

Senator Venables commented.

Senator McBride requested the privilege of the floor for Matt Denn, representing the Governor's office.

Senator McBride once again requested the privilege of the floor for Matt Denn, representing the Governor's office.

The witness was excused after addressing the Senate.

Roll call vote on **SB 60 w/SA 1** was taken and revealed:

YES: 15

NO: Senator(s) Cloutier, Copeland, Sorenson, Still, Venables – 5

ABSENT: Senator(s) Bonini – 1

**SB 60 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SCR 12** was introduced and brought before the Senate for consideration on the motion of Senator Sokola.

**SCR 12** – COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2003. Sponsor: Sen. Sokola & Rep. Reynolds; On behalf of all Senators & On behalf of all Representatives

Roll call vote on **SCR 12** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini – 1

**SCR 12** was declared Adopted by the Senate and sent to the House for Consideration.

**SB 67** was brought before the Senate for consideration on the motion of Senator Amick.

**SB 67** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO REFLEX SYMPATHETIC DYSTROPHY SYNDROME (RSDS), ALSO KNOWN AS COMPLEX REGIONAL PAIN SYNDROME.

Senator Amick requested the privilege of the floor for Idamarie S. Duffy, representing Reflex Sympathetic Dystrophy Syndrome Association.

The witness was excused after addressing the Senate.

Senator McDowell commented.

Roll call vote on **SB 67** was taken and revealed:

YES: 20

ABSENT: Senator(s) Bonini – 1

**SB 67** was declared passed the Senate and sent to the House for Consideration.

**HJR 2** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HJR 2** – DIRECTING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DEDICATE THE DELAWARE NATURAL RESOURCES VESSEL "FIRST STATE" IN HONOR OF CAPTAIN MAURICE "BUDDY" SIPPLE, JR. FOR HIS YEARS OF DEDICATED SERVICE TO THIS STATE AND HIS COMMUNITY.

Senator Vaughn commented.

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

YES: 20

ABSENT: Senator(s) Bonini – 1

**HJR 2** was declared passed the Senate and was returned to the House.

**HB 24** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 24** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES.

Senator McDowell commented.

Senator Vaughn requested the privilege of the floor for Paul Wallace, representing Attorney General's office.

Senator(s) Simpson and DeLuca questioned the witness, after which the witness was excused.

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

YES: 8

NO: Senator(s) Copeland, Henry, McBride, McDowell, Simpson, Sorenson, Still, Venables – 8

NOT VOTING: Senator(s) Amick, Blevins, Cloutier, DeLuca – 4

ABSENT: Senator(s) Bonini – 1

**HB 24** was declared Defeated and was returned to the House.

**HB 34** was brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 34** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THREATS AGAINST PUBLIC OFFICIALS OR PUBLIC SERVANTS.

Several Senators commented.

Senator Vaughn requested the privilege of the floor for Paul Wallace, representing Attorney General's office.

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

Roll call vote on **HB 34** was taken and revealed:

YES: 14

NO: Senator(s) Copeland, Marshall, McBride, McDowell, Simpson, Venables – 6

ABSENT: Senator(s) Bonini – 1

**HB 34** was declared passed the Senate and returned to the House.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/6/03**

**April 17, 2003**

**SA 1 to HB 67** – Sponsor: Sen. Peterson; Placed with the Bill.

**SA 1 to SB 77** – Sponsor: Sen. Simpson; Placed with the Bill.

**SB 86** – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS. Sponsor: Sen. Blevins; Sorenson, Rep. Maier; Sens. Henry, Peterson; Reps. Oberle, Spence, Hudson, Keeley; **Sunset**.

**SB 89** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsor: Sen. Peterson; **Executive**.

**May 6, 2003**

**HB 9** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PUBLIC PROCUREMENT OF GOODS, MATERIALS AND SERVICES AND THE DEPARTMENT OF ADMINISTRATIVE SERVICES. Sponsor: Rep. Cathcart; Venables, Rep. Smith, Lee, Carey, Ewing, Hocker, Quillen; Sens. Sorenson, Bonini, Copeland; **Executive**.

**HB 61** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PROTECTION OF WITNESSES. Sponsor: Rep. Williams; Henry, Sen. Marshall; Reps. Keeley, B. Ennis, Spence; **Finance**.

**HB 98 w/HA 1** – AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES. Sponsor: Rep. Schwartzkopf; Bunting, Reps. Atkins, Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, Ewing, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lee, Mulrooney, Plant, Spence, Van Sant, Viola, Williams; Sen. Simpson; **Public Safety**.

**HB 111 w/HA 1** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES AND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE. Sponsor: Rep. Oberle; Ulbrich, Reps. Spence, Boulden, Buckworth, Carey, Cathcart, DiPinto, Hudson, Lofink, Miro, Stone, Valihura, Houghton, Keeley, Mulrooney, Schwartzkopf, Viola; Sen. Simpson; **Judiciary**.

**HB 115** – AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING THREAT OF WEAPONS. Sponsor: Rep. Atkins; Cook, Sen. Bunting; **Judiciary**.

**HB 138 w/HA 1** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR FARMLAND PRESERVATION. Sponsor: Rep. Hall-Long; Vaughn, Reps. Atkins, Buckworth, Carey, Caulk, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hocker, Houghton, Hudson, Keeley, Lee, Lofink, Miro, Mulrooney, Schwartzkopf, Spence, Stone, Valihura, Viola, Williams; Sens. Blevins, Bonini; **Public Safety**.

**SB 90** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES’ PENSION PLAN. Sponsor: Sen. McBride; Spence, Sen. Vaughn & Sen. Cook & Rep. Miro & Rep. Wagner & Rep. Ewing; Sens. Blevins, Bonini, Bunting, Cloutier, Connor, DeLuca, Henry, Marshall, McDowell, Sokola, Still, Venables, Reps. Boulden, Buckworth, Carey, Cathcart, DiPinto, B. Ennis, D. Ennis, Fallon, Gilligan, Houghton, Hudson, Keeley, Lee, Lofink, Mulrooney, Oberle, Quillen, Reynolds, Roy, Ulbrich, Van Sant, Viola, Williams;

**Finance.**

**SB 91** – AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO WATER UTILITIES AND METERS. Sponsor: Sen. McBride; **Community/County Affairs.**

**SB 92** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CRITICAL NEED SCHOLARSHIPS. Sponsor: Sen. Copeland; Sokola, Rep. Lavelle; **Education.**

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

|                                                                                               |                                                                                                                          |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| The Honorable Carolee M. Grillo<br>2010 Delaware Avenue<br>Wilmington, DE 19806               | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable John R. Carrow<br>2100 Chelmsford Circle<br>Newark, DE 19713                    | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable M. DeSales Haley<br>11 Carolina Court<br>Wilmington, DE 19808                   | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Mary Ann Herlihy<br>2301 West 11 <sup>th</sup> Street<br>Wilmington, DE 19805   | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Pamela D. Holloway<br>219 Hering Road<br>Milford, DE 19963                      | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Frederic H. Kenney<br>9 Belmont Drive<br>Wilmington, DE 19808                   | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Martha F. Sackovich<br>32 Waterloo Court<br>Hockessin, DE 19707                 | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Patricia T. Stewart<br>804 West 21 <sup>st</sup> Street<br>Wilmington, DE 19802 | To be reappointed<br>Commissioner of Family<br>Court to serve a 4 year term<br>from the date of swearing in.             |
| The Honorable Arlene M. Coppadge<br>4501 Channing Road<br>Wilmington, DE 19802                | To be reappointed<br>Commissioner of the Court of<br>Common Pleas for a term of<br>4 years from the date of swearing in. |

The Honorable Joseph W. Maybee  
10 South Bradford Street  
Dover, DE 19904

To be reappointed  
Commissioner of the Court of  
Common Pleas for a term of  
4 years from the date of swearing in.

The Honorable Andrea Marie Freud  
[REDACTED]

To be reappointed  
Commissioner of the Superior  
Court for a term of 4 years  
from the date of swearing in.

The Honorable Alicia B. Howard  
48 Mallard Point  
Lewes, DE 19958

To be reappointed  
Commissioner of the Superior  
Court for a term of 4 years  
from the date of swearing in.

The Honorable Michael P. Reynolds  
7 Rockford Road, C-1  
Wilmington, DE 19806

To be reappointed  
Commissioner of the Superior  
Court for a term of 4 years  
from the date of swearing in.

Dr. H. Wesley Towers, Jr.  
3899 Paradise Alley Road  
Harrington, DE 19952

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

Susan E. Cline  
1576 Pole Bridge Road  
Middletown, DE 19709

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

\* \* \*

The Secretary announced the agenda for May 7, 2003.

On motion of Senator McDowell, the Senate recessed at 05:10 PM until May 7, 2003 at 03:45 PM.

The Senate reconvened at 04:10 PM on May 7, 2003 with Lt. Governor Carney presiding.

The following committee reports were announced:

From Community/County Affairs – **SB 33** – 1 Merit, 2 Unfavorable; **SB 65** – 3 Merits; **SB 82** – 3 Merits.

From Judiciary – **SB 62** – 4 Merits; **HB 48** – 4 Merits; **HB 65** – 4 Merits; **HB 66** – 4 Merits; **HB 76** – 4 Merits; **HB 83** – 4 Merits; **HB 96** – 4 Merits.

From Corrections: **HJR 6** – 3 Merits.

Senator Bonini was marked present.

**LEGISLATIVE ADVISORY NO. #3**, 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 NO. #3**, dated May 6, 2003, the Governor signed the following legislation on the dates indicated:

**HB #11 aab SA 1** (4/08/03) – 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 THAT NO ELECTION SHALL BE HELD IF THERE IS NO CONTEST, CLARIFYING ELECTION POSTING REQUIREMENTS AND INCREASING THE PENALTY FOR UNPAID TAXES. (Sponsors: Rep. Schwartzkopf and Sen. Bunting) (Volume 74, Chapter 16, Laws of Delaware.)

**SB #15 aab SA 1, SA 2 & HA 1** (4/15/03) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT. (Sponsors: Sen. Sokola & Rep. Maier; Sens. Blevins, Henry, McDowell, Peterson & Sorenson; Reps. Hudson, Miro & Keeley) (Volume 74, Chapter 17, Laws of Delaware.)

**HB #25** (4/23/03) – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVERS’ TRAINING SCHOOL LICENSING AND

DRIVERS' LICENSING. (Sponsors: Rep. Wagner & Sen. Sokola) (Volume 74, Chapter 18, Laws of Delaware.)

**HB #26** (4/23/03) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF FINES AND COSTS. (Sponsors: Rep. Wagner & Sen. Henry; Reps. Cathcart & DiPinto) (Volume 74, Chapter 19, Laws of Delaware.)

**HB #51 aab HA 1** (4/23/03) – AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF FLASHING LIGHTS ON MOTOR VEHICLES. (Sponsors: Rep. B. Ennis & Sen. Vaughn & Rep. Lee & Sen. Simpson; Reps. Atkins, Booth, Carey, Gilligan, Hall-Long, Houghton, Keeley, Lavelle, Schwartzkopf, Spence, Van Sant & Viola) (Volume 74, Chapter 20, Laws of Delaware.)

**HB #57** (4/23/03) – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE ALARM SIGNALING SYSTEMS AND FALSE FIRE ALARMS. (Sponsors: Rep. Lee & Sen. Bunting; Reps. Spence, Atkins, Booth, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Fallon, Thornburg, Wagner, B. Ennis, George, Houghton & Keeley) (Volume 74, Chapter 21, Laws of Delaware.)

**HB #58 aab SA 1** (4/23/03) – AN ACT TO STRIKE A DEED RESTRICTION ON LANDS CONVEYED TO THE HOCKESSIN FIRE COMPANY BY THE STATE OF DELAWARE. (Sponsors: Rep. Roy; Sens. Blevins & Sorenson) (Volume 74, Chapter 22, Laws of Delaware.)

**HB #74** (4/23/03) – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES. (Sponsors: Rep. Oberle & Rep. Lofink & Rep. Spence & Sen. Bunting; Reps. Cathcart, B. Ennis, D. Ennis, Fallon, Keeley, Lavelle, Miro, Roy; Sens. Henry & Sokola) (Volume 74, Chapter 23, Laws of Delaware.)

**SB #73** (4/23/03) – AN ACT AMENDING VOLUME 73, DELAWARE LAWS, CHAPTER 350 (THE FISCAL YEAR 2003 BOND AND CAPITAL IMPROVEMENTS ACT). (Sponsors: Sen. Venables & Rep. Roy; Sens. Blevins, Cook, DeLuca, Connor & Simpson; Reps. Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner & Mulrooney) (Volume 74, Chapter 24, Laws of Delaware.)

**HB #14 aab SA 2** (4/25/03) – AN ACT TO AMEND CHAPTER 202, VOLUME 73, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW" RELATING TO ANNEXATION. (Sponsors: Rep. Hocker & Sen. Bunting) (Volume 74, Chapter 25, Laws of Delaware.)

**HB #33 aab HA 2** (4/25/03) – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF SEX OFFENDERS. (Sponsors: Rep. B. Ennis & Rep. Ewing & Sen. Vaughn; Reps. D. Ennis, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Spence, Thornburg, Van Sant and Williams) (Volume 74, Chapter 26, Laws of Delaware.)

**HJR #8** (4/28/03) – IMPROVING THE HEATH OF BABIES IN DELAWARE BY SUPPORTING THE MARCH OF DIMES' PREMATURITY CAMPAIGN TO REDUCE THE NUMBER OF PREMATURE BIRTHS. (Sponsors: Rep. Maier, On behalf of all Representatives; Sen. Blevins, On behalf of all Senators)

**SB #50 aab SA 3** (5/1/03) – AN ACT TO AMEND TITLE 10 AND 11 OF THE DELAWARE CODE RELATING TO PROBATION AND RESTITUTION IN CRIMINAL CASES. (Sponsors: Sen. Vaughn & Rep. Lee; Sens. Blevins, Cook, McDowell, Sorenson & Venables; Reps. Booth, Buckworth, DiPinto, B. Ennis, D. Ennis, George, Hudson, Lavelle, Reynolds & Wagner) (Volume 74, Chapter 27, Laws of Delaware.)

**SB #76** (5/1/03) – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION PROFILE REPORTS, AND SCHOOL, DISTRICT, AND STATE ACCOUNTABILITY. (Sponsors: Sen. Sokola & Rep. Reynolds) (Volume 74, Chapter 28, Laws of Delaware.)

\* \* \*

The Secretary announced a message from the House informing the Senate that it had passed **HCR 26; HB 43; HB 36; HB 87; HB 110; HB 131; SCR 13.**

At 04:15 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 26<sup>th</sup> Legislative Day.



**26<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 07, 2003**

The Senate convened at 04:15 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.

**HCR 26** was brought before the Senate for consideration on the motion of the floor manager, Senator McDowell.

**HCR 26** – RECOGNIZING MAY 2003 AS MENTAL HEALTH AWARENESS MONTH. Sponsor: Rep. Maier & Rep. Valihura & Sen. McDowell & Sen. Blevins

Senator McDowell moved to Lay **HCR 26** on the Table. No objection.

Senator McDowell requested the privilege of the floor for Rita Marocco, representing National Alliance for the Mentally Ill in DE.

The witness was excused after addressing the Senate.

**HCR 26** be Lifted from the Table and brought before the Senate for Consideration on motion of the floor manager, Senator McDowell.

Roll call vote on **HCR 26** was taken and revealed:

YES: 18

ABSENT: Senator(s) Bunting, Connor, Venables - 3.

**HCR 26** was declared Adopted by the Senate and returned to the House.

Senator(s) Cook and McBride were marked present during the above roll call.

Senator McDowell moved to recess for Party Caucus at 04:28 PM.

The Senate reconvened at 05:16 PM with Lt. Governor Carney presiding.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/7/03**

**May 6, 2003**

**SA 1 to SB 33** – Sponsor: Sen. McDowell; Placed with the Bill.

**SB 93** – AN ACT TO AMEND TITLES 26 AND 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT, THE STATE ENERGY OFFICE, AND ELECTRIC UTILITY PUBLIC PURPOSE AND CONSUMER EDUCATION PROGRAMS. Sponsor: Sen. McDowell; Henry, Rep. Williams; Reps. Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Fallon, George, Hocker, Hudson, Lofink, Oberle, Plant, Reynolds, Roy, Spence, Stone, Ulbrich, Valihura, Wagner; **Energy & Transit.**

**May 7, 2003**

**SA 1 to SB 82** – Sponsor: Sen. Still; Placed with the Bill.

**SB 94** – AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS. Sponsor: Sen. Blevins; Smith; **Insurance & Elections.**

**SB 95** – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATED TO INSURANCE. Sponsor: Sen. Henry; Williams, Sens. Cook, McDowell & Marshall, Rep. Houghton & Keeley; **Insurance & Elections.**

**HB 36** – AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION DEFINITION OF TERMS. Sponsor: Rep. Wagner; Boulden & Sen. Peterson & Sen. Henry, Reps. Spence, Lee, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle,

Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Stone, Ulbrich, Valihura, Gilligan, Van Sant, B. Ennis, Houghton, Keeley, Mulrooney, Plant, Williams; **Labor & Industrial Relations**.

**HB 43** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT. Sponsor: Rep. Oberle; Reps. D. Ennis, Fallon, Lofink, Reynolds, Roy, Sens. Henry, Sokola; **Public Safety**.

**HB 87** – AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO THE PAYMENT OF DISABILITY BENEFITS FOR POLICE OFFICERS COVERED IN THE STATE EMPLOYEES PENSION PLAN. Sponsor: Rep. Buckworth; DeLuca, Reps. Lee, Quillen, B. Ennis; Sen. Bonini; **Finance**.

**HB 110** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE'S PENSION PLAN; AND PROVIDING A CREDITED SERVICE OPTION FOR TEACHERS FORMERLY EMPLOYED IN THE "JOBS FOR DELAWARE GRADUATES" PROGRAM. Sponsor: Rep. Miro; Still, Reps. Spence, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Lofink, Oberle, Reynolds, Thornburg, Ulbrich, Valihura, Keeley, Plant, Williams; Sen. Sokola; **Finance**.

**HB 131** – AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO SPECIAL REGISTRATION PLATES FOR LIFETIME MEMBERS OF THE VETERANS OF FOREIGN WARS. Sponsor: Rep. Spence; **Public Safety**.

\* \* \*

**HB 53 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Sokola.

**HB 53 w/HA 1** – AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE AMERICAN LEGION POST 25 OF MIDDLETOWN.

Senator Vaughn requested that **SA 1 to HB 53** be Stricken. No objection.

Senator(s) Still and Vaughn commented.

Roll call vote on **HB 53 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Henry – 1

**HB 53 w/HA 1** was declared passed the Senate and was returned to the House.

Senator Amick commented.

Senator(s) Bunting, Connor and Venables were marked present during the above roll call.

**SB 28** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 28** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO BAIL CONDITIONS.

Senator Blevins requested the privilege of the floor for Paul Wallace, representing the Attorney General's office.

Senator(s) Bonini and McDowell questioned the witness, after which the witness was excused.

Senator Bunting commented.

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

YES: 17

NO: Senator(s) Bonini – 1

NOT VOTING: Senator(s) McDowell, Simpson – 2

ABSENT: Senator(s) Henry – 1

**SB 28** 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 8, 2003.

On motion of Senator McDowell, the Senate recessed at 05:43 PM until May 8, 2003 at 02:00 PM.

The Senate reconvened at 02:59 PM on May 8, 2003 at with Lt. Governor Carney presiding.

The following committee reports were announced:

From Energy & Transit: **SB 93** – 5 Merits.

From Health & Social Services: **SB 71** – 4 Merits; **SB 77** – 4 Merits; **SB 85** – 4 Merits.

From Natural Resources: **HB 109** – 2 Merits, 1 Unfavorable.

From Public Safety: **SB 69** – 4 Merits, **HB 98** – 4 Merits; **HB 100** – 4 Merits; **HB 112** – 4 Merits.

A communication from the Secretary of the Senate, Bernard J. Brady to the Chief Clerk, JoAnn Hedrick was read in the record requesting Senators Connor, Cloutier and Sorenson be added as co-sponsors of **HB 36**.

A communication from Senator Sorenson to Bernard J. Brady, Secretary of the Senate was read into the record requesting her name be added as a co-sponsor of **SB 96**.

A communication from Senator Sokola to Representative William Oberle and Bernard J. Brady, Secretary of the Senate was read into the record requesting his name be added as a co-sponsor of **HB 111**.

At 03:02 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 27<sup>th</sup> Legislative Day.

**27<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MAY 08, 2003**

The Senate convened at 03:02 PM with Lt. Governor Carney presiding.

A prayer was offered by Senator Henry 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, Still, Vaughn, Venables – 20

**ABSENT:** Senator(s) Sorenson – 1

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

Senator Blevins was marked present.

**SB 45** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 45 – AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO THE DOMESTIC VIOLENCE COORDINATING COUNCIL.**

Roll call vote on **SB 45** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**SB 45** was declared passed the Senate and sent to the House for Consideration.

Senator Still marked present during the above roll call.

**SB 7** was brought before the Senate for consideration on the motion of Senator Blevins.

**SB 7 – AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I, SECTION 5 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO FREEDOM OF SPEECH.**

Senator Amick commented.

Senator Blevins requested the privilege of the floor for Jeffrey Clark, Senate Attorney.

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

Roll call vote on **SB 7** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**SB 7** was declared passed the Senate and sent to the House for Consideration.

**HB 98 w/HA 1** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 98 w/HA 1 – AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.**

Senator Still commented.

Roll call vote on **HB 98 w/HA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**HB 98 w/HA 1** was declared passed the Senate and returned to the House.

**HB 100** was brought before the Senate for consideration on the motion of the floor manager, Senator Henry.

**HB 100** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EMERGENCY RELEASE NOTIFICATIONS.

Senator Connor requested her name be added as a co-sponsor.

Senator McDowell commented.

Senator Henry requested the privilege of the floor for Jamie Turner, representing State Emergency Response Commission – DE Emergency Management Agency.

The witness was excused after addressing the Senate.

Roll call vote on **HB 100** was taken and revealed:

YES: 19

ABSENT: Senator(s) Connor, Sorenson – 2

**HB 100** was declared passed the Senate and returned to the House.

**HB 112** was brought before the Senate for consideration on the motion of Senator Henry.

**HB 112** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE PREVENTION.

Senator Henry requested the privilege of the floor for Grover Ingle, representing Office State Fire Marshal.

Senator(s) Sokola and Bonini questioned the witness, after which the witness was excused.

**SA 1 to HB 112** was introduced and brought before the Senate for consideration on the motion of Senator Henry.

Roll call vote on **SA 1 to HB 112** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**SA 1 to HB 112** was declared part of the bill.

**HB 112 w/SA 1** was now before the Senate.

Roll call vote on **HB 112 w/SA 1** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**HB 112 w/SA 1** was declared passed the Senate and sent to the House for Reconsideration.

**SB 69** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 69** – AN ACT TO AMEND TITLE 21 DELAWARE CODE RELATING TO LICENSE PLATES.

Roll call vote on **SB 69** was taken and revealed:

YES: 20

ABSENT: Senator(s) Sorenson – 1

**SB 69** was declared passed the Senate and sent to the House for Consideration.

On motion of Senator Adams and without objection, the following nominations were considered under the suspension of the necessary rules.

**Coppadge, Arlene:** 20 Senator(s) voting YES, 1 Absent (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Towers, H.:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Freud, Andrea:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Howard, Alicia:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Maybee, Joseph:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Reynolds, Michael:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Carrow, John:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Grillo, Carolee:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Haley, M.:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Herlihy, Mary:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Holloway, Pamela:** 20 Senator(s) voting YES, 1(Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Kenney, Frederic:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Sackovich, Martha:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**Stewart, Patricia:** 20 Senator(s) voting YES, 1 (Sorenson) ABSENT. Appointment was declared CONFIRMED.

**SB 62** was brought before the Senate for consideration on the motion of Senator Simpson.

**SB 62** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PARDONS.

**SA 1 to SB 62** was brought before the Senate for consideration on the motion of Senator Simpson.

Roll call vote on **SA 1 to SB 62** was taken and revealed:

YES: 18

ABSENT: Senator(s) Henry, Marshall, Sorenson – 3

**SA 1 to SB 62** was declared part of the bill.

**SB 62 w/SA 1** was now before the Senate.

Senator(s) McBride and Peterson commented.

Senator Simpson requested the privilege of the floor for Paul Wallace, representing the Attorney General's office.

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

Roll call vote on **SB 62 w/SA 1** was taken and revealed:

YES: 19

ABSENT: Senator(s) Henry, Sorenson – 2

**SB 62 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 34** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 34** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE JUSTICES OF THE PEACE AND THE SENTENCES FOR MISDEMEANORS.

**SA 1 to SB 34** was brought before the Senate for consideration on the motion of Senator McDowell.

Senator Bonini commented.

Roll call vote on **SA 1 to SB 34** was taken and revealed:

YES: 19

ABSENT: Senator(s) Simpson, Sorenson – 2

**SA 1 to SB 34** was declared part of the bill.

**SA 2 to SB 34** was brought before the Senate for consideration on the motion of Senator McDowell.

Several Senators commented.

Senator McDowell requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Senator Sokola commented.

Senator McDowell once again requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Roll call vote on **SA 2 to SB 34** was taken and revealed:

YES: 14

NO: Senator(s) Bonini, Copeland, McBride, Sokola – 4

NOT VOTING: Senator(s) Simpson – 1

ABSENT: Senator(s) Bunting, Sorenson – 2

**SA 2 to SB 34** was declared part of the bill.

**SB 34 w/SA 1 & 2** was now before the Senate.

Roll call vote on **SB 34 w/SA 1 & 2** was taken and revealed:

YES: 16

NO: Senator(s) Bonini, McBride, Simpson, Sokola – 4

ABSENT: Senator(s) Sorenson – 1

**SB 34 w/SA 1 & 2** was declared passed the Senate as amended and sent to the House for Consideration.

**SENATE CONSENT CALENDAR #3** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 22** – COMMEMORATING DR. WILLIAM B. DELAUDER FOR HIS VISIONARY LEADERSHIP, ADMINISTRATIVE INGENUITY, AND COMMITMENT TO EXCELLENCE THAT HAVE PROPELLED DELAWARE STATE UNIVERSITY INTO THE QUALITY INSTITUTION THAT IT IS TODAY. Sponsor: Rep. Wagner & Rep. Stone & Rep. Cathcart, on behalf of all Representatives & Sen. Still, on behalf of all Senators

**HCR 23** – EXPRESSING THE FULL SUPPORT OF THE DELAWARE GENERAL ASSEMBLY FOR THE REPUBLIC OF CHINA ON TAIWAN TO BE PERMITTED APPROPRIATE AND MEANINGFUL PARTICIPATION IN ACTIVITIES OF THE WORLD HEALTH ORGANIZATION. Sponsor: Rep. Spence; Reps. Smith, Lee, Atkins, Booth, Boulden, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Oberle, Quillen, Roy, Stone, Valihura, Wagner, Gilligan, Van Sant, B. Ennis, Houghton, Keeley, Mulrooney, Viola

**HCR 25** – RESPECTING AND HONORING ALL DELAWARE MOTHERS ON MAY 11, 2003, MOTHER'S DAY. Sponsor: Rep. Spence & Rep. Smith & Rep. Lee & Rep. Gilligan & Rep. Van Sant, On behalf of all Representatives & Sen. Adams & Sen. McDowell & Sen. Still & Sen. Sorenson, On behalf of all Senators

A roll call vote was taken on **SENATE CONSENT CALENDAR #3** and revealed 20 Senators voting YES, 1 (Sorenson) ABSENT; therefore, the **Senate Consent Calendar** was declared Adopted by the Senate. The House Concurrent Resolutions were returned to the House.

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

Senator Marshall requested that **SB 30 w/SA 1** be Stricken. No objection.

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

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/8/03**

**May 7, 2003**

**SA 1 to SB 83** – Sponsor: Sen. Cook; Placed with the Bill.

**SB 96** – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE ADJUDICATION; DISPOSITION FOLLOWING ADJUDICATION; COMMITMENT TO CUSTODY OF DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES; EFFECT. Sponsor: Sen. Henry; Keeley, Sens. Blevins, & Sokola; Reps. D. Ennis, B. Ennis, George, Gilligan, Mulrooney, Plant & Viola; **Children; Youth & Families**.

**SB 97** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PRIVACY PROTECTION FOR STATE INTERNET USERS. Sponsor: Sen. DeLuca; Roy; **Executive**.

**May 8, 2003**

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

F. Michael Parkowski  
53 South Nace Lane  
Dover, DE 19901

To be appointed a member of  
the Delaware River and Bay  
Authority to serve a term to  
expire July 1, 2006.

Thomas J. Cooper  
17 North Shore Drive

To be appointed a member of  
the Delaware River and Bay

Seaford, DE 19973

Authority to serve a term to  
expire July 1, 2007

William E. Lowe, III  
7 Drake Knoll  
Lewes, DE 19958

To be appointed a member of  
the Delaware River and Bay  
Authority to serve a term to  
expire July 1, 2007

\* \* \*

**SB 98** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE WITH  
RESPECT TO PARTICIPATION IN VIOLENT GANGS. Sponsor: Sen. Henry; Ewing;  
**Public Safety.**

**SB 100** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE  
RELATING TO ESCAPE. Sponsor: Sen. Vaughn; Ewing; **Judiciary.**

**SB 101** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE  
RELATING TO UNIFORM HEALTH DATA. Sponsor: Sen. Peterson; DiPinto, Rep.  
Maier; **Health & Social Services.**

**SB 102** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO  
CREATE A DELAWARE CANCER CONSORTIUM. Sponsor: Sen. McBride; Hall-  
Long, Sen. Sorenson, & Rep. Ulbrich, & Sen. Simpson, ; Sens. Adams, Blevins,  
Bunting, Cook, DeLuca, Henry, Marshall, McDowell, Peterson, Sokola, Vaughn,  
Venables, Amick, Bonini, Cloutier, Connor, Copeland & Still; Reps. Atkins, Booth,  
Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker,  
Hudson, Lavelle, Lee, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Smith,  
Spence, Stone, Thornburg, Valihura, Wagner, B. Ennis, George, Gilligan, Houghton,  
Keeley, Mulrooney, Plant, Schwartzkopf, Van Sant, Viola & Williams; **Health & Social  
Services.**

**SB 103** – AN ACT TO AMEND TITLE 14 OF DELAWARE CODE RELATING  
TO COMPULSORY SCHOOL ATTENDANCE AND HOMESCHOOLS, AND NON-  
PUBLIC SCHOOL ATTENDANCE AND ENROLLMENT REPORTING  
REQUIREMENTS. Sponsor: Sen. Sokola; Maier; **Education.**

**SB 104** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE WITH  
RESPECT TO STALKING. Sponsor: Sen. Blevins; Oberle; **Judiciary.**

**SJR 4** – CREATING A TASK FORCE TO INVESTIGATE AND REPORT ON  
THE STATE OF HEALTH INSURANCE BENEFITS FOR THOSE WORKING IN  
THE CHILDCARE INDUSTRY IN DELAWARE AND THE STEPS OTHER STATES  
HAVE TAKEN TO ADDRESS THE PROVISION OF THOSE BENEFITS. Sponsor:  
Sen. Henry; Williams; **Insurance & Elections.**

**HB 113 w/HA 1** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE  
RELATING TO NURSING FACILITIES. Sponsor: Rep. Spence; Oberle, Sen. Adams,  
& Sen. McBride; **Health & Social Services.**

\* \* \*

The Secretary read the agenda for May 13, 2003.

On motion of Senator McDowell, the Senate recessed at 05:35 PM until May 13,  
2003 at 02:30 PM.

The Senate reconvened at 03:16 PM with Lt. Governor Carney presiding.

The Secretary announced a message from the House informing the Senate that it had  
passed **HCR 24; HB 2 w/HA 1, 2 & 4; SB 41 w/SA 2; HB 113 w/HA 1; HCR 25; HCR  
23; HCR 22; SCR 12.**

The following committee reports were announced:

From Health and Social Services: **SB 55** – 4 Merits.

From Energy & Transit: **SB 93** – 6 Merits.

From Small Business: **HB 2** – 1 Favorable, 2 Merits, 1 Unfavorable.

A communication from Bernard J. Brady, Secretary of the Senate to JoAnn M.  
Hedrick, Chief Clerk of the House was read into the record informing the House that  
Senator Connor requested her name be added as a co-sponsor of **HB 100.**

At 03:20 PM on motion of Senator McDowell, the Senate adjourned to immediately  
convene the 28<sup>th</sup> Legislative Day.

**28<sup>th</sup> LEGISLATIVE DAY**  
**142<sup>nd</sup> GENERAL ASSEMBLY**  
**FIRST SESSION**  
**MAY 13, 2003**

The Senate convened at 03:18 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 Amick marked present.

Senator Adams requested the personal privilege of the floor for students representing Career & Technical Organizations. The following addressed the Senate members: Rachel Chillas, Roy Willey, IV, Hunter Emory, Kellie Wise, Cody Lloyd, Lindsey Shipley, after which geraniums were presented to the members.

**HCRC 24** was brought before the Senate for consideration on the motion of the floor manager, Senator Adams.

**HCRC 24** – 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.

Sponsor: Rep. Wagner & Rep. Stone & Sen. Still

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

YES: 20

ABSENT: Senator(s) Bunting – 1

**SB 93** was brought before the Senate for consideration on the motion of Senator McDowell.

**SB 93** – AN ACT TO AMEND TITLES 26 AND 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT, THE STATE ENERGY OFFICE, AND ELECTRIC UTILITY PUBLIC PURPOSE AND CONSUMER EDUCATION PROGRAMS.

Senator Still commented.

**SA 1 to SB 93** was brought before the Senate for consideration on the motion of Senator McDowell.

Senator(s) Simpson and Connor commented.

Roll call vote on **SA 1 to SB 93** was taken and revealed:

YES: 14

NO: Senator(s) Bonini, Cloutier, Connor, Copeland, McBride, Simpson – 6

ABSENT: Senator(s) Bunting – 1

**SA 1 to SB 93** was declared part of the bill.

**SB 93 w/SA 1** was now before the Senate.

Senator(s) Henry and Marshall commented.

Senator McBride requested the privilege of the floor for Francis Murphy, Senate Attorney.

The witness was excused after addressing the Senate.

Senator(s) Bunting and Amick commented.

Senator McDowell requested the privilege of the floor for Andrea Kreiner, representing the Governor's office.

Senator(s) Sokola and Copeland questioned the witness, after which the witness was excused.

Roll call vote on **SB 93 w/SA 1** was taken and revealed:

YES: 13

NO: Senator(s) Bonini, Copeland, Simpson, Still – 4

NOT VOTING: Senator(s) Amick, Cloutier, Connor, Sorenson – 4

**SB 93 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

Senator McDowell moved to recess for Party Caucus at 04:43 PM.

The Senate reconvened at 05:53 PM with Lt. Governor Carney presiding.



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

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

**5/12/03**

PLEASE NOTE: **SB 93** – RETURNED TO **ENERGY & TRANSIT**. 5/8/2003

**5/12/2003**

**HB 2 w/HA 1, HA 2, HA 4** – AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOMES, MANUFACTURED HOME OWNERS, MANUFACTURED HOME COMMUNITIES, MANUFACTURED HOME COMMUNITY OWNERS, AND MANUFACTURED HOME COMMUNITY CONVERSIONS. Sponsor: Rep. Stone; Valihura, Sen. Bunting & Sen. Venables; Reps. DiPinto, Reynolds, Schwartzkopf, Smith, Spence, Van Sant, Atkins, Hocker, Buckworth, Caulk; Sens. Amick, Connor, Simpson; Small Business.

**5/13/2003**

**SA 1 to SB 65** – Sponsor: Sen. Amick; Sen. Sorenson; Placed with the Bill.

**SB 105** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO STUDENTS WITH TRAUMATIC BRAIN INJURY. Sponsor: Sen. Blevins; Valihura; **Education**.

**SB 106** – AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE. Sponsor: Sen. DeLuca; Roy, Sens. Henry, Sokola & Cloutier; Reps. Miro & Viola; **Insurance & Elections**.

**SB 107** – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL ELECTIONS. Sponsor: Sen. Blevins; Smith; **Insurance & Elections**.

**SS 1 to SB 66** – AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE ENABLING COUNTIES AND MUNICIPALITIES TO UTILIZE TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS TO FUND COSTS RELATED TO THE IMPACTS OF DEVELOPMENT. Sponsor: Sen. Venables; Marshall, Reps. DiPinto & Roy; Sens. Bunting, Henry, McDowell, Peterson, Amick & Sorenson; Reps. Valihura, Atkins, Wagner, Keeley, Plant & Williams; Adopted in Lieu of the Original; **Finance**.

\* \* \*

On motion of Senator Adams and without objection, the following nominations were considered under the suspension of the necessary rules.

**Cline, Susan:** 20 Senator(s) voting YES, 1 (Copeland) ABSENT. Appointment was declared CONFIRMED.

**Lowe, William:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Parkowski, F. Michael:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

**Cooper, Thomas:** 21 Senator(s) voting YES. Appointment was declared CONFIRMED.

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

The Secretary read the agenda for May 14, 2003.

On motion of Senator McDowell, the Senate recessed at 06:08 PM until May 14, 2003 at 02:00 PM.

The Senate reconvened at 02:30 PM on May 14, 2003 with Lt. Governor Carney presiding.

A withdraw of sponsorship from Senator Cloutier was read into the record requesting her name be removed as co-sponsor of **SB 93**.

The Secretary announced a message from the House informing the Senate that it had passed **HB 101 w/HA 1; HB 154; HB 129; HB 133 w/HA 1; HB 135 w/HA 1; HB 130; SCR 6.**

At 02:30 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 29<sup>th</sup> Legislative Day.

**29<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 14, 2003**

The Senate convened at 02:30 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, Bonini, Bunting, Cloutier, Connor, Cook, Copeland, DeLuca, Marshall, McBride, McDowell, Peterson, Simpson, Sokola, Sorenson, Still, Vaughn, Venables – 19

**ABSENT:** Senator(s) Blevins, Henry – 2

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

**HB 2 w/HA 1, HA 2, HA 4** was brought before the Senate for consideration on the motion of the floor manager, Senator Venables.

**HB 2 w/HA 1, HA 2, HA 4** – AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOMES, MANUFACTURED HOME OWNERS, MANUFACTURED HOME COMMUNITIES, MANUFACTURED HOME COMMUNITY OWNERS, AND MANUFACTURED HOME COMMUNITY CONVERSIONS.

Senator Venables yields to Senator Bunting.

Senator(s) Connor, Marshall marked present.

Senator Marshall commented.

Senator Bunting requested the privilege of the floor for Jerome Heisler and Edwin Speraw, representing Delaware Manufactured Home Owners Association.

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

Roll call vote on **HB 2 w/HA 1, HA 2, HA 4** was taken and revealed:

YES: 18

ABSENT: Senator(s) Blevins, Henry, McBride – 3

**HB 2 w/HA 1, HA 2, HA 4** was declared passed the Senate and returned to the House.

Senator Cook marked present during the above roll call.

**SB 75** was brought before the Senate for consideration on the motion of Senator Marshall.

**SB 75** – AN ACT TO AMEND TITLE 15, CHAPTER 33 RELATING TO NOMINATIONS OF CANDIDATES.

Roll call vote on **SB 75** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Henry – 2

**SB 75** was declared passed the Senate and sent to the House for Consideration.

Senator McBride marked present during the above roll call.

**HB 109** was brought before the Senate for consideration on the motion of the floor manager, Senator McBride.

**HB 109** – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE WITH RESPECT TO ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

Senator(s) Connor, Cloutier and Sorenson requested to be added as additional co-sponsors.

Senator Venables commented.

Roll call vote on **HB 109** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Henry – 2

**HB 109** was declared passed the Senate and returned to the House.

**SB 47** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 47** – AN ACT TO AMEND SECTION 2702 OF TITLE 11 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE JUSTICE OF THE PEACE COURT.

**SA 1 to SB 47** was brought before the Senate for consideration on the motion of Senator Adams.

Roll call vote on **SA 1 to SB 47** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Henry – 2

**SA 1 to SB 47** was declared part of the bill.

**SB 47 w/SA 1** was now before the Senate.

Senator Adams requested the privilege of the floor for Edward Davis, representing the Justice of the Peace Courts.

The witness was excused after addressing the Senate.

Roll call vote on **SB 47 w/SA 1** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Henry – 2

**SB 47 w/SA 1** was declared passed the Senate as amended and sent to the House for Consideration.

**SB 49** was brought before the Senate for consideration on the motion of Senator Adams.

**SB 49** – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE REGISTRATION PLATES FOR CERTAIN OFFICERS OF THE STATE OF DELAWARE.

Senator Marshall commented.

Roll call vote on **SB 49** was taken and revealed:

YES: 16

NO: Senator(s) Simpson – 1

ABSENT: Senator(s) Blevins, Henry, Marshall, McBride – 4

**SB 49** was declared passed the Senate and sent to the House for Consideration.

**HB 83 w/HA 1, HA 2** brought before the Senate for consideration on the motion of the floor manager, Senator Vaughn.

**HB 83 w/HA 1, HA 2** – AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, COSTS, PENALTIES AND FORFEITURES.

Senator Vaughn moved to Lay **HB 83 w/HA 1, HA 2** on the Table. No objection.

**SR 10** was introduced and brought before the Senate for consideration on the motion of Senator McDowell

**SR 10** – DECLARING THE HISTORY AND CULTURE OF MACEDONIA TO HAVE BEEN HELLENIC FOR THE PAST THREE THOUSAND YEARS AND TO REMAIN SO TODAY. Sponsor: Sen. McDowell

Roll call vote on **SR 10** was taken and revealed:

YES: 19

ABSENT: Senator(s) Blevins, Henry – 2.

**SR 10** was declared Adopted.

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 ready and copies were made available.

**DELAWARE STATE SENATE  
PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION  
FIRST SESSION  
READ TO THE SENATE RECORD  
5/14/03**

**May 13, 2003**

**SA 1 to SB 47** – Sponsor: Sen. Adams; Placed with the Bill.

**SB 108** – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS TAX CREDITS AND LICENSE FEE REDUCTION. Sponsor: Sen. Marshall; Lofink; **Revenue & Taxation**.

**SB 110** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN, AND PROVIDING 'CREDITED SERVICE' FOR UNUSED SICK LEAVE. Sponsor: Sen. Cook; Oberle, Sens. DeLuca & Vaughn; Reps. Ulbrich, DiPinto & B. Ennis; **Finance**.

**SB 111** – AN ACT TO AMEND CHAPTER 2, VOLUME 73, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE TOWN OF SELBYVILLE TO PROVIDE FOR ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF CIVIL ORDINANCES. Sponsor: Sen. Bunting; Hocker; **Community/County Affairs**.

**HB 101 w/HA 1** – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE GENERAL POWERS OF THE GOVERNMENT OF KENT COUNTY. Sponsor: Rep. B. Ennis; Vaughn, Reps. Atkins, Buckworth, Caulk, Ewing, Hall-Long, Houghton, Lee, Quillen, Spence, Stone, Thornburg, Wagner; **Community/County Affairs**.

**HB 129** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE TOBACCO SETTLEMENT ACT. Sponsor: Rep. Hudson; Wagner, Sen. Blevins & Sen. Vaughn; **Finance**.

**HB 130** – AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE TOBACCO SETTLEMENT ACT. Sponsor: Rep. Hudson; Blevins, Rep. Wagner & Sen. Vaughn; **Finance**.

**HB 133 w/HA 1** – AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE ACCOUNTING AND DISTRIBUTION OF A DECEDENT'S PROPERTY WITHOUT GRANT OF LETTERS. Sponsor: Rep. Wagner; Vaughn, Sen. Henry; **Judiciary**.

**HB 135 w/HA 1** – AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DESIGNER DRUGS OR OTHER CONTROLLED SUBSTANCES. Sponsor: Rep. Wagner; Blevins; **Judiciary**.

**HB 154** – AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO PERSONS WITH DISABILITIES. Sponsor: Rep. Valihura; Henry, Reps. Buckworth, Carey, Caulk, DiPinto, Ewing, Fallon, Hall-Long, Hudson, Lavelle, Maier, Mulrooney, Quillen, Viola; Sens. Blevins, Simpson, Sorenson; **Community/County Affairs**.

\* \* \*

The Secretary read the agenda for May 15, 2003.

On motion of Senator McDowell, the Senate recessed at 04:08 PM until May 15, 2003 at 03:00 PM.

The Senate reconvened at 03:11 PM on May 15, 2003 with Lt. Governor Carney presiding.

The Secretary of the Senate announced a message from the House informing the Senate that it had passed **HCR 28; HS 1 to HB 19 w/HA 1; HB 63 w/HA 1; HB 148; HB 141 w/HA 1; SB 35 w/HA 1; SB 58; SB 93 w/SA 1**.

The following committee reports were announced:

From Revenue and Taxation: **SB 84** – 3 Merits; **SB 87** – 3 Merits; **SB 108** – 3 Merits.

From Education: **SB 68** – 3 Merits; **SB 74** – 3 Merits; **SB 92** – 3 Merits; **SB 105** – 3 Merits.

From Judiciary: **SB 100** – 5 Merits; **SB 104** – 5 Merits.

From Community/County Affairs: **SB 111** – 3 Merits.

A communication from the Secretary of the Senate, Bernard J. Brady to the Chief Clerk of the House, JoAnn Hedrick was read into the record informing her that Senators Marshall, Connor, Cloutier and Sorenson signed requested their names be added as co-sponsors of **HB 109**.

A communication from the Senator David P. Sokola to the Secretary of the Senate, Bernard J. Brady was read into the record requesting his name be added as a co-sponsor of **SB 89**.

At 03:16 PM on motion of Senator McDowell, the Senate adjourned to immediately convene the 30<sup>th</sup> Legislative Day.

30<sup>th</sup> LEGISLATIVE DAY  
142<sup>nd</sup> GENERAL ASSEMBLY  
FIRST SESSION  
MAY 15, 2003